

**MINUTES OF THE TOWN OF VINTON PLANNING COMMISSION'S
PUBLIC HEARING HELD ON THURSDAY, OCTOBER 30, 2003, AT 7 P.M.,
IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING**

MEMBERS PRESENT: **Bruce Mayer, Chairman**
 Joan Drewery
 Dave Jones
 Dawn Michelsen
 Bob Patterson

STAFF PRESENT: **Anita McMillan, Planning Director**
 Lisa Cooper, Associate Planner

OTHERS PRESENT: **Steve Azar, 316 Chestnut Mountain Drive, Vinton**
 Shelby Cundiff, 316 Chestnut Mountain Drive, Vinton
 J. Douglas Carper, 228 S. Pollard Street, Vinton
 Debbie Budlong, 228 S. Pollard Street, Vinton
 Tammi Wood, 235 Cedar Avenue, Vinton

PUBLIC HEARING AGENDA

- I. Call to Order**
- II. Approval of Minutes—Public Hearing, September 11, 2003**
- III. Public Hearing:**
 - Receive comments from citizens on the Planning Commission's recommendation that the Town Council amend certain provisions of Appendix B, Zoning Ordinance of the Town of Vinton:**
 - (1) Article IV. District Regulations, Division 7. CB Central Business District, Sec. 4-37. Requirements for areas devoted to vehicle parking or circulation.**
 - (2) Article IV. District Regulations, Division 6. GB General Business District, Sec. 4-29. Permitted uses and structures.**
 - (a) Uses and structures permitted by right.**
 - (b) Special uses.**
 - (3) Article X. Definitions, Section 10-2. Words and terms defined.**
 - (c) Certain words and terms defined.**
- IV. Other Business**
- V. Adjournment**

The Town of Vinton Planning Commission met for a Public Hearing on October 30, 2003. The meeting was called to order by Chairman Mayer at 7 p.m. Roll was called, and all members were present.

The first item of business discussed was the approval of minutes from a public hearing held on September 11, 2003. Chairman Mayer asked if anyone had any additions or corrections for the minutes. Ms. Michelsen mentioned that there was one mistake which needed to be corrected on page 3 in the 5th line from the bottom of the page. She stated that the word "felts" needed to be

**TOWN OF VINTON PLANNING COMMISSION
PUBLIC HEARING MINUTES
OCTOBER 30, 2003
PAGE 2**

changed to “feels” or “felt”. Chairman Mayer asked if there were any other corrections, changes, or additions to be made. Mr. Jones made a motion to accept the minutes with the correction from Ms. Michelsen. Mr. Patterson seconded Mr. Jones’ motion. Roll was called and all members voted in favor of Mr. Jones’ motion.

The next item on the agenda was to receive comments from citizens on the Planning Commission’s recommendation that the Town Council amend certain provisions of Appendix B of the Zoning Ordinance. The first recommendation to be heard was a change in Article IV. District Regulations, Division 7. of the CB Central Business District, Sec. 4-37. Requirements for areas devoted to vehicle parking or circulation. Chairman Mayer asked Ms. McMillan to read the staff report into the record for this issue. Ms. McMillan stated that this section of the zoning ordinance related to the parking lots, driveways, and circulation for vehicles in the CB Central Business District. She explained to the Commissioners approximately where the CB Central Business District was located within the Town. She mentioned that, under the current ordinance, a driveway/entrance off a main street was not allowed. Also, she said parking areas must not front the main street. A secondary road or alley must be used for the entrance instead. She stated that some property owners who own large parcels of land in the CB Central Business District have recently complained that it was unfair not to allow larger parcels to have entrances off the main street or parking in front of the property. Ms. McMillan stated that the reason for having this type of regulation was so that buildings could be built very near to the street. She also stated that this creates more pedestrian traffic. She stated that the main street was the most heavily traveled street that a building was located on. Council looked at the properties in the CB Central Business District and felt that this regulation might be too strict. They asked that an amendment be added to the current regulations to say that a variance from the provisions of this section, not allowing driveways from or parking fronting the main street, may be permitted by the zoning administrator when strict adherence to such provision would result in substantial injustice or hardship. Additionally, an appeal of the zoning administrator’s decision may be taken to the Board of Zoning Appeals according to the ordinance. If this amendment was approved, a property owner may ask that the zoning administrator allow an entrance and/or parking along the main street. The zoning administrator could review the site plan and other materials submitted by the property owner and decide whether or not to allow it. Some factors the zoning administrator could look at would be if an alley was not sufficient to handle traffic from the building, or if it would be unsafe to use an entrance from another street. If the property owner does not agree with the zoning administrator’s decision, the property owner may appeal the decision to the Board of Zoning Appeals. Chairman Mayer asked if the current ordinance prohibited a lot with more than one street frontage from having an entrance on the most heavily traveled street. Ms. McMillan said that Chairman Mayer’s statement was correct. He asked if any variances given would be on a lot-by-lot basis. She stated that was also correct. She mentioned that the regulation was in place to ensure that the character of the downtown area remains. She said the character of the area would change if all the lots were allowed to have driveways from main streets. Chairman Mayer asked if there were any comments or questions from Commissioners or from members of the public. No one had any comments or questions. Chairman Mayer asked if they should vote on all three amendments at one time or if they should be done separately. Ms. McMillan said it was at the Chairman’s discretion. He decided to close

**TOWN OF VINTON PLANNING COMMISSION
PUBLIC HEARING MINUTES
OCTOBER 30, 2003
PAGE 3**

the public hearing on this issue and asked for a motion. Mr. Patterson made a motion that they recommend that Town Council approve the amendment. Ms. Drewery seconded the motion. A roll call vote was taken and all members voted in favor of the motion.

The second item for public hearing was an amendment to the uses by right in the GB General Business District. Chairman Mayer asked Ms. McMillan to describe the changes that were proposed. Ms. McMillan stated that staff was directed by the zoning administrator to look at the uses that were allowed in the GB General Business District. She said that there were some uses that were not handled by the ordinance. She stated that the first amendment would be under the uses by right section. She mentioned that one of the changes would be to list the uses by right in alphabetical order. The proposed amendment, if approved, would include commercial indoor sports/recreational uses consisting of bingo halls, bowling alleys, ice/roller skating rinks, off-track betting centers, racquetball, swimming and/or tennis facilities in a completely enclosed buildings. Those uses would be allowed by right in the GB General Business District. She mentioned that there were also some proposed changes to the Special Uses for the GB General Business District. She said one of the existing special uses had an amendment proposed, and there was another use that was proposed to be added. She said the special uses have to go to public hearings before the Planning Commission and Town Council to obtain approval. She said the first one was commercial indoor amusement uses including game room, billiard and pool hall, and video arcade. She said this use would be defined as establishments that provide multiple coin operated amusements or entertainment devices or machines including pinball machines, video games, or other games of skill or score. She mentioned that the definition included pool/billiard tables whether or not they were coin operated. She said the other addition for special uses was counseling services, halfway house, outpatient mental health centers and outpatient substance abuse centers. She said those changes were for amendment 2. She asked the Chairman if he wished to do 2 and 3 together. He stated that he would like to do them together. She said for amendment 3 they were adding to the definitions for the new special uses. She stated that counseling service would be a use providing counseling or guidance for persons requiring rehabilitation from mental illness, alcoholism, detention, or similar conditions for only a part of a 24-hour day. She stated that a halfway house would be an establishment providing accommodation, counseling, rehabilitation, and supervision to persons suffering from alcohol or drug addiction or to persons reentering society after being released from a correctional facility or similar facility. She said that outpatient mental health center would be an establishment with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders. This outpatient mental health center may also provide counseling or refer patients to more extensive treatment programs if necessary. She said that an outpatient substance abuse center would be an establishment with medical staff providing outpatient services for the diagnosis and treatment of alcohol, drug, or other substance abuses. This establishment may provide counseling or refer patients to more extensive treatment programs if necessary. Chairman Mayer asked if any of the Commissioners had any questions about the proposed 2 amendments. No one on the Commission had any questions. Chairman Mayer then asked if any citizens had any questions or comments about the proposed amendments. Ms. Wood, from 235 Cedar Avenue, asked if the off-track betting center was included just because it was being voted on during the elections. Chairman Mayer stated that the current ordinance does not address that

**TOWN OF VINTON PLANNING COMMISSION
PUBLIC HEARING MINUTES
OCTOBER 30, 2003
PAGE 4**

type of use. He stated that the ordinance needed to be revised to include newer uses that were not originally included when the ordinance was written. Ms. Wood asked if a pool hall/coin operated facility was pretty much the same type of use as an off-track betting parlor. Chairman Mayer explained that an off-track betting parlor was a place where you pay an admission fee to enter and once inside there were no coin-operated games to play. He said people just sit and watch TV monitors and read racing forms, then bet on whatever races they would like. He mentioned that it was different than a casino where the play was continuous. He stated that the coin operated, casino-type use would be a more intensive use. Mr. Carper, representing Colonial Downs in the Vinton Referendum, wished to expand on Chairman Mayer's explanation of off-track betting. He stated that there was no proposal for the off-track betting facility in Vinton to have coin-operated machines. He also said that none of their existing off-track betting facilities have coin-operated machines in them. He stated that Chairman Mayer was correct when he said an admission fee would be charged. He said once inside there would be tellers who would take patrons' bets, or they may utilize an automated machine to place bets on the horse races instead. He said that there would be no coin operated video games or pool tables in their facility. He commended the Town Administration, Staff, and especially the Town Manager for having the foresightedness to be so proactive to help facilitate the construction of the off-track betting facility. He mentioned that it all would depend upon the outcome of the referendum in November. Chairman Mayer stated that the current ordinance doesn't really specify where facilities such as the one being proposed should be located. He said that, if the use was not added to the ordinance, then it would have to go through the "use not provided for" process. He added that, if the use was to be allowed by right in GB General Business District, it would also be allowed in the M-1 Limited Industrial and the M-2 General Industrial Districts. Chairman Mayer stated that there was not a large portion of properties in Town which were zoned GB General Business District. He stated that, by selecting a zoning district for the use, it would narrow down the areas that it could locate in. He said that would protect the neighborhoods in Vinton from having this type of use nearby. Ms. McMillan stated that staff had contacted three other localities who have off-track betting parlors. She stated that those other localities categorize them as a type of sports bar. She mentioned that the off-track betting parlors were uses by right in those localities because of being classified in the restaurant/sports bar/indoor recreation facility. Their reasoning behind this was because the off-track betting parlors have restaurants and big screen televisions, as sports bars have. The localities who were contacted were City of Hampton, City of Richmond, and City of Chesapeake. She stated that the Town Attorney was also contacted about this issue, and he agreed that it could be classified as a use by right. Chairman Mayer compared the off-track betting parlor use to the Bingo Hall on Washington Avenue. He also described some of the businesses that were currently located in the GB General Business District, including the bowling alley, Winn Dixie Grocery Store, and the Lancerlot Fitness Center. He again mentioned that this portion of the ordinance was being revised to add some uses that had not previously been included in the ordinance. He asked if there were any further citizen comments or questions. Mr. Steve Azar, of 316 Chestnut Mountain Drive, had a question about Article X, Definitions Section 10-2. He asked if the revisions to that section of the ordinance were being made to protect the Town from getting into a situation like the County has with the proposed methadone clinic. Chairman Mayer stated that the County's situation was what had prompted the discussion of changing this portion of the

**TOWN OF VINTON PLANNING COMMISSION
PUBLIC HEARING MINUTES
OCTOBER 30, 2003
PAGE 5**

ordinance. He said he feels the Town did more than enough to address the issue including adding categories for not only substance abuse, but also for mental health. Chairman Mayer stated that the definition was rather broad before, and now with the proposed changes it would be more specific. He stated that a substance abuse clinic would require a special use permit to be granted by the Planning Commission and Town Council before locating in the GB General Business District. Ms. McMillan added that, under the current ordinance, there were only specifications for medical clinics/offices. She said methadone clinics and halfway houses were not allowed in any districts, as the ordinance was currently written. The Town Attorney advised that the Town make allowances for these uses, even if by special use permit. Chairman Mayer stated that doctors' or dentists' offices would still be uses by right. He asked if there were any other comments. Mr. Jones said that they tried to broaden the definition even more than was being asked, rather than just adding off-track betting parlor or methadone clinic. He mentioned that the Town was in the middle of updating its Comprehensive Plan. He said things like this fall right into the update of the Comprehensive Plan. Chairman Mayer asked if anyone had any additional comments or questions. Ms. Wood stated that she was concerned that, because the Town was going to make the off-track betting parlor a use by right instead of requiring a special use permit, the public would not have a chance to speak out about the location of the facility. Chairman Mayer said she was correct. He said the Commissioners felt if they were given a chance to speak about it, most of the discussions would be about the morality or negative religious aspects of off-track betting facilities. He stated that the Planning Commission's job was not to decide on those aspects, but on the physical aspects of the use such as traffic and site location. Chairman Mayer again asked if anyone had any further comments or questions. No one did. With there being nothing further, Chairman Mayer adjourned the public hearing. Chairman Mayer said he had one thing to add for the record. He stated that Mr. Dunman asked him to let the other Commissioners know the reason why he was not able to come and speak about the first amendment that was heard at tonight's hearing. Mr. Dunman told Chairman Mayer that he would be out-of-town and not able to attend and support the change. The Chairman mentioned that the amendment could affect some of Mr. Dunman's property. He then asked for a motion on the items that were just discussed. He mentioned that the Commission would be voting on a recommendation on this issue to Town Council, and he also mentioned that the Council would hold their hearing on these issues on November 4, 2003, at 7 p.m. Mr. Jones made a motion to recommend the changes as written to Article IV, Items 2 and 3 to Town Council to change the uses and definitions. Ms. Drewery seconded Mr. Jones' motion. A roll call vote was taken and all members voted in favor of the motion.

Chairman Mayer asked if there was any other business. He stated that the next Comprehensive Plan meeting with the consultants would tentatively be held on December 15, 2003, with an alternate date of January 12, 2004. Ms. McMillan mentioned that the Downtown Comprehensive Plan Committee would meet on November 8, 2003, at 9 a.m., at the Dragonfly Store on Lee Avenue. She also mentioned that there would be a public meeting on the proposed Habitat for Humanity Home could be built near the Roland E. Cook School. She said that meeting would be held at the Vinton War Memorial on November 3, 2003, at 7 p.m. A work session for the Planning Commission was set for November 20, 2003, at 5:30 p.m., to discuss accessory structure regulations.

**TOWN OF VINTON PLANNING COMMISSION
PUBLIC HEARING MINUTES
OCTOBER 30, 2003
PAGE 6**

With there being no further business, Chairman Mayer asked for a motion to adjourn. Mr. Patterson made a motion to adjourn the meeting at 7:32 p.m.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary