

**MINUTES OF THE WORK SESSION AND PUBLIC HEARING OF THE TOWN OF VINTON  
PLANNING COMMISSION HELD ON MONDAY, NOVEMBER 16, 2009, AT 6:30 P.M.  
AND 7 P.M. RESPECTIVELY, AT THE VINTON MUNICIPAL BUILDING,  
311 SOUTH POLLARD STREET.**

**WORK SESSION**

**MEMBERS PRESENT:** Dave Jones, Chairman  
C.W. Pace, Jr.  
Bob Patterson

**MEMBERS ABSENT:** Dawn Michelsen, Vice Chairperson

**STAFF PRESENT:** Anita McMillan, Planning and Zoning Director  
Karla Turman, Associate Planner/Code Enforcement Officer  
Julie S. Tucei, Planning and Zoning Coordinator

**AGENDA**

- I. Call to Order**
- II. Family Day-care**
- III. Fences on Corner Lots**
- IV. Upcoming meeting:**
  - A Joint Meeting of the Roanoke County and Vinton Planning Commission on the  
Vinton Area Corridors Plan  
Monday, December 7, 2009 – Vinton War Memorial  
5:30 p.m. Dinner/Work Session  
7:00 p.m. Public Hearing**
- V. Other Business**
- VI. Adjournment**

The work session of the Vinton Planning Commission was called to order at 6:30 p.m. by Chairman Jones. In addition to Chairman Jones, Mr. Pace and Mr. Patterson were present. Ms. Michelsen was absent. Vinton staff members including Anita McMillan, Karla Turman, and Julie Tucei were also present.

The first item on the work session agenda was the discussion about Family Day-care regulations. Members determined that they had nothing further to discuss on this item during the work session and moved onto the next item about fences on corner lots. Ms. Turman explained the various fencing issues on Cedar Avenue, Lee Avenue, Lauderdale Avenue, and 5th Street shown in the photos she provided, a copy of which will be made a part of the permanent record of this work session. Ms. Turman reminded them that they do not need to be concerned about fences in the right-of-way, since Town Council deals with those issues. Ms. McMillan explained that the property line does not always begin at the edge of the pavement. She said in most cases, the Town owns five to ten feet back from the edge of the pavement. Mr. Pace felt that the regulations for fencing should state that measurements must be taken from the road, not in the right-of-way or at a property line. Mr. Patterson agreed with Mr. Pace's suggestion. Another issue that was mentioned by Ms. Turman is the visibility triangle on corner lots and how that should factor

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into the regulations. She said the regulations need to be specific as far as the distance that fences should be placed from the edge of the pavement. Chairman Jones suggested they speak with fencing companies, such as Viking Fence, to see what their opinion is on the proposed new fencing regulations. Ms. McMillan asked for a list of questions they would like to be answered by fencing companies. Chairman Jones said staff should just ask for their input on the possible revisions to the fencing regulations, and also let them know that the Town wants the new regulations to address safety, aesthetics, and compliance. Mr. Pace agreed that getting outside input from fence companies is a good idea. Chairman Jones asked if a permit is required for fencing. Ms. McMillan stated that currently no permit is required, but Mr. Lawrence had suggested that it might be good idea to require one for fencing.

Ms. McMillan reminded the Commissioners of the upcoming joint hearing with Roanoke County's Planning Commission on December 7<sup>th</sup> at the Vinton War Memorial.

With there being no further business, the work session was adjourned at 6:55p.m.

**PUBLIC HEARING**

**MEMBERS PRESENT:** Dave Jones, Chairman  
C.W. Pace, Jr.  
Bob Patterson

**MEMBERS ABSENT:** Dawn Michelsen, Vice Chairperson

**STAFF PRESENT:** Anita McMillan, Planning and Zoning Director  
Karla Turman, Associate Planner/Code Enforcement Officer  
Julie S. Tucei, Planning and Zoning Coordinator

**OTHERS PRESENT:** Vincent and Evette Bennett, 303 Ashley Court, Vinton  
Jeanie Harper, 119 Franklin Avenue, Vinton

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes:** Public Hearing, July 9, 2009  
Work Session, August 11, 2009  
Joint Work Session, October 8, 2009

**III. Public Hearing:**

**The proposed amendments to the Town of Vinton Zoning Ordinance, Article IV, District Regulations, Division 1-5, and Article X, Definitions. The proposed amendments are related to the operation of Family Day Care Homes in residential districts.**

**IV. Other Business**

**V. Adjournment**

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The meeting of the Vinton Planning Commission was called to order at 7:02 p.m. by Chairman Jones. Roll call was taken and in addition to Chairman Jones, Mr. Pace and Mr. Patterson were present. Ms. Michelsen was absent.

The first item on the agenda was the approval of minutes from the public hearing on July 9, 2009, the work session on August 11, 2009, and the joint work session on October 8, 2009. Mr. Patterson made a motion to approve all three sets of minutes as submitted. Mr. Pace seconded the motion.

The public hearing for the proposed amendments to the Town of Vinton Zoning Ordinance, Article IV, District Regulations, Division 1-5, and Article X, Definitions was next. The proposed amendments relate to the operation of Family Day Care Homes in residential districts. Ms. Turman read the proposed amendments and gave a staff report on the issue to the Commissioners. A copy of the staff report given by Ms. Turman will be made a part of the permanent record of this meeting. Mr. Jones asked if there were any comments from those in attendance on the proposed regulations. Mr. Vince Bennett, 303 Ashley Court, inquired as to why they want to make an amendment to the regulations. Ms. Turman stated that, the way the family day home regulations are now, no one is allowed to keep more than five children at their home. She said the proposed changes to the regulations will allow people to keep six to nine children if a Special Use Permit is obtained. Mr. Bennett asked if the Town was doing the changes to help the daycares currently located in Vinton. Ms. Turman stated that they are trying to increase the amount of children that may be allowed to be kept in a home. Mr. Bennett read from the State of Virginia regulations which said that six to twelve children may be kept by license from the state. He added that, according to state regulations, "child day care centers" are not allowed in the residences of providers. Mr. Bennett stated that the Town Manager told him that the Town follows Roanoke County's ordinance for childcare. Ms. McMillan apologized for any misinformation he may have received by mistake. She stated that that the Town has its own ordinance and that the Town does not follow Roanoke County's regulations for childcare in the home. Ms. McMillan said that the Town attorney was consulted about the Town's ordinance being more restrictive than state regulations. The Town attorney informed her that the Town may be more restrictive in its regulations than the state. Mr. Bennett asked why the Town will not go by the state's regulations. Ms. Turman said that the Town must govern its own area in the best interest of its citizens. Mr. Bennett asked Ms. Turman for her opinion on the issue. Ms. Turman stated that it was not up to her—it was up to the Planning Commission and Town Council. Mr. Bennett said his wife has been keeping children in their home for seventeen years, and Ms. Harper who was also in attendance has been keeping children in her home for approximately eleven years. Mr. Patterson told Mr. Bennett that the Town was attempting to help them by allowing more than five children, making a limit of six to nine children with a special use permit. Mr. Bennett asked that the Town leave the regulations the same as the state mandates and as Mr. Lawrence had explained to him. Ms. Harper spoke next and stated that she had obtained a zoning permit as required by the Town and that she also has the required state license. She said she has not had any problems with any of it. She mentioned that she would be fine if the regulation is changed to allow six to nine children; however, she said it would be nice to be able to have up to twelve children. Ms. Harper stated that the state inspects each child care operation, and they can be fined if violations are found during the inspections. She mentioned that the state also keeps records of the daycare operations online. Ms. Turman said that anyone applying for special use permit under proposed regulations would be required to show that they have applied with the state for a license. She asked Ms.

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Harper when she obtained the zoning permit for her daycare. Ms. Harper stated that it was sometime in 2000. Mr. Jones asked where Ms. Bennett's daycare is located. Mr. Bennett stated that they are at 303 Ashley Court. Mr. Jones stated that the Town is trying to do what is right for citizens and for the safety of children. He mentioned that the Planning Commission makes recommendations to Town Council, and they have the final approval over the regulations. Mr. Jones said the Town always has public hearings and always welcomes public comments on issues. He mentioned that Ms. Turman had researched this issue with other localities of the same size as Vinton over the better part of the past three months. Mr. Jones stated that the Town does not want to create problems in neighborhoods. From everything they looked at and studied, they feel strongly about regulations which allow five children to be kept by right and six to nine to be kept by special use permit. He said, in order to obtain a special use permit, petitioners would be required to come before the Planning Commission and Town Council to make their request. He said they want to make sure they have the right types of businesses in the right places. Ms. McMillan pointed out that Mr. Bennett's lot is unusual for Vinton. His lot is larger than most lots in Vinton. Mr. Jones pointed out that the traffic created by daycares in certain neighborhoods could cause a problem. That is the reason they want to allow six to nine children by special use permit so each request can be heard on a case-by-case basis. Mr. Bennett asked that they consider allowing up to twelve children under the special use permit. He also apologized for his confusion over the proposed regulations. Ms. Bennett stated that she had been providing daycare for about 10 years in Vinton. She said she has nothing on her state record and invited them to check into her records online. She wanted to know where the proposed limit of nine children came from and also why the limit would not be twelve children as the state allows. Mr. Jones mentioned that they get their direction from the Town Manager and the Town Council. Ms. Turman mentioned the fact that Ms. Bennett had agreed to keep five or less children when she applied for her zoning permit, and for that reason no business license had been required. Ms. Turman stated that keeping six or more children requires a business license and state/social services licensing. At this time, a zoning permit cannot be issued for six or more children—the current limit is five children. Ms. Turman said that she received a complaint that Ms. Bennett was keeping more than five children in her home, and that is what got this review of the regulations started and then brought to the Planning Commission. Ms. Bennett stated that she was still confused about the zoning permit and business license requirements. Mr. Jones explained that the planning department issues the zoning permits and the finance department issues the business licenses. Mr. Bennett asked the Commissioners to consider that they provide daycare at a reasonable cost and with compassion. He asked that they consider allowing up to twelve children. Ms. Bennett asked if the Town had received any complaints from their neighbors or those of Ms. Harper. No complaints from neighbors had been received to date. Mr. Bennett explained that the complaint had come from a disgruntled customer. Ms. Bennett said they could get a petition signed by their neighbors asking that they consider allowing twelve children by special use permit. Mr. Jones stated that the Bennetts have a large lot, but other residents in Vinton have much smaller lots. Ms. Bennett mentioned they are regulated by the state, and the state mandates the maximum number of children they can keep. Mr. Bennett said the state also regulates the distance between daycares on streets. Ms. Bennett mentioned that she also wants what is best for the community. Ms. McMillan restated that five or less children will require a zoning permit, and the proposal is to allow six to nine children by special use permit. Mr. Jones asked if there was anything further from the Commissioners, staff, or those present. There was nothing further, and he closed the public hearing. Mr. Patterson said the Bennetts made some good points about the state regulations; therefore, he made a motion to recommend that Town Council allow six to twelve children to be kept in a

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home with a Special Use Permit (SUP). Mr. Pace seconded the motion. A roll call vote was taken and all members voted in favor of the motion. Ms. McMillan stated that there would be a brief work session at the Town Council meeting following the public hearing tomorrow night, just after 7 pm. She said the Council public hearing on this matter would be held on the third Tuesday in December. Ms. Harper asked to be notified of the outcome of the hearing. Ms. McMillan stated that the Town would notify her and also the Bennetts of the final decision.

In other business, Ms. McMillan mentioned they would get in touch with Mr. Pedigo of Viking Fence for recommendation on fencing regulations as discussed in the work session earlier in the evening. She also reminded the Commissioners of the upcoming dinner and joint public hearing with the Roanoke County Planning Commission for the corridors plan.

Mr. Patterson made a motion to adjourn the meeting, and Mr. Pace seconded it at 7:56 p.m.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary