



AGENDA
Wytheville Planning Commission
Thursday, May 9, 2019
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

- A. **CALL TO ORDER** — Chairman Brad M. Litton
- B. **ESTABLISHMENT OF QUORUM** — Chairman Brad M. Litton
- C. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of April 11, 2019
- D. **PUBLIC HEARINGS**
 - 1. Consider placing the Small-Lot/Small-Home Overlay Zone on certain properties bounded by: (a) West Jefferson Street, Railroad Avenue and South 8th Street; (b) West Jefferson Street, South 14th Street, South 18th Street and West Washington Street; and, (c) West Jefferson Street, South 12th Street, South 10th Street and West Union Street, all in R-3 Residential or M-1 Industrial Zoning Districts
 - 2. Consider rezoning the Cassell-Smith property, which is located on the west side of Community Boulevard, between Lithia Road and Cassell Road, from A-1 Agricultural and R-3 Residential to B-2 Business
 - 3. Consider amending the Town of Wytheville Zoning Ordinance to amend Article III–Definitions by adding Section 3-42.2 Homestay, and to add the use of Homestay to Article V–Agricultural District A-1; Article VII–Residential District R-2; Article VIII–Residential District R-3; Article VIII–A–Residential District R-3MH; Article X–Business District B-1; Article XI–Business District B-2 (General); and, Article XI–A–Business District B-2DT General Business District–Downtown
- E. **RECOMMENDATIONS TO TOWN COUNCIL**
 - 1. Consider placing the Small-Lot/Small-Home Overlay Zone on certain properties bounded by: (a) West Jefferson Street, Railroad Avenue and South 8th Street; (b) West Jefferson Street, South 14th Street, South 18th Street and West Washington Street; and, (c) West Jefferson Street, South 12th Street, South 10th Street and West Union Street, all in R-3 Residential or M-1 Industrial Zoning Districts
 - 2. Consider rezoning the Cassell-Smith property, which is located on the west side of Community Boulevard, between Lithia Road and Cassell Road, from A-1 Agricultural and R-3 Residential to B-2 Business

3. Consider amending the Town of Wytheville Zoning Ordinance to amend Article III–Definitions by adding Section 3-42.2 Homestay, and to add the use of Homestay to Article V–Agricultural District A-1; Article VII–Residential District R-2; Article VIII–Residential District R-3; Article VIII–A–Residential District R-3MH; Article X–Business District B-1; Article XI–Business District B-2 (General); and, Article XI-A–Business District B-2DT General Business District–Downtown

F. CITIZENS' PERIOD

G. OTHER BUSINESS

1. Continued discussion regarding the types of trees permitted under the Buffer Yard Regulations
2. Further discussion regarding regulating the number of inoperative vehicles allowed to be stored at auto body and repair shops
3. Review of zoning provisions for Temporary Family Health Structures
4. Discussion regarding a 2019 Land Use Education Program Legal Seminar

H. ADJOURNMENT

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, APRIL 11, 2019, AT 6:00 P.M.**

Members present: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr.

Others present: Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman, Jennifer Morin, Paul Morin, William Deal, Olivia Deal

RE: CALL TO ORDER, QUORUM

Chairman Litton called the meeting to order and established that a quorum was present.

RE: CONSENT AGENDA

Chairman Litton presented the consent agenda consisting of the minutes of the work session and the regular meeting of March 14, 2019. He inquired of the Commission if there were any additions or corrections to the consent agenda or if there was a motion to approve the consent agenda, as presented. A motion was made by Mr. Jones and seconded by Vice-Chairman Ervin to approve the minutes of the work session and the regular meeting of March 14, 2019, as presented. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: CITIZENS' PERIOD

Chairman Litton advised that the next agenda item is Citizens' Period. He noted that there are no citizens attending the meeting who requested to address the Commission during Citizens' Period, therefore, he would proceed with the agenda.

RE: PLACEMENT OF SMALL-LOT/SMALL-HOME OVERLAY ZONE

Chairman Litton advised the next agenda item is to set a public hearing to consider placing the Small-Lot/Small-Home Overlay Zone on certain properties bounded by: (a) West Jefferson Street, Railroad Avenue and South 8th Street; (b) West Jefferson Street, South 14th Street, South 18th Street and West Washington Street; and, (c) West Jefferson Street, South 12th Street, South 10th Street and West Union Street, all in R-3 Residential or M-1 Industrial Zoning Districts. Assistant Director of Planning and Development Brian Freeman stated that the Town Council adopted the Overlay Zone at the last Town Council meeting, therefore, it is now time for the placement of the zone to be adopted, as well, if the Planning Commission so desires. He commented that if there are no changes proposed by the Planning Commission, then the public hearing could be scheduled for the May 9, 2019, Planning Commission meeting. A discussion ensued regarding some lots being excluded from the proposed Overlay Zone. Chairman Litton inquired if there is a motion to set the public hearing for the May 9, 2019, meeting. A motion was made by Dr. Suarez and seconded by Mr. Jones to set a public hearing for the Thursday, May 9, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider placing the Small-Lot/Small-Home Overlay Zone on certain properties bounded by: (a) West Jefferson Street, Railroad Avenue and South 8th Street; (b) West Jefferson Street, South 14th Street, South 18th Street and West Washington Street; and, (c) West Jefferson Street, South 12th Street, South 10th Street and West Union Street, all in R-3 Residential or M-1 Industrial Zoning Districts. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: HOMESTAY REGULATIONS

Chairman Litton advised the next agenda item is further discussion regarding proposed Homestay regulations. Assistant Town Manager Moore reviewed the revisions that were made to the regulations after the March meeting, and he noted that the draft reflects the changes. He inquired if the Commission had any particular questions or comments regarding the Homestay regulations. Dr. Suarez inquired about the wording on number 18. He remarked that it is not much of a restriction. Assistant Town Manager Moore stated that number 18 could be revised to state "Rentals are permitted year round." Chairman Litton commented that he feels like everything that was discussed at the last meeting has been revised. Assistant Town Manager Moore noted that the Planning Commission packets include the correspondence from Blacksburg and Abingdon, which state what their Homestay regulations require. He inquired if

the Planning Commission desired to set a public hearing to consider this ordinance. A motion was made by Mr. Jones and seconded by Dr. Suarez to schedule a public hearing for the Thursday, May 9, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider amending the Town of Wytheville Zoning Ordinance to amend Article III–Definitions by adding Section 3-42.2 Homestay, and to add the use of Homestay to Article V–Agricultural District A-1; Article VII–Residential District R-2; Article VIII–Residential District R-3; Article VIII–A–Residential District R-3MH; Article X–Business District B-1; Article XI–Business District B-2 (General); and, Article XI-A–Business District B-2DT General Business District–Downtown. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: ANNUAL REVIEW OF SPECIAL EXCEPTION PERMITS

Chairman Litton advised the next agenda item is the annual review of Special Exception Permits for: 1) Thomas and Tina Cline; 2) Commonwealth of Virginia, Department of General Services, Surplus; 3) Brad Litton; 4) Wytheville (Wytheville) WMC, LLC (Petco); 5) Chris Umberger; and, (6) Loretto Historic Mansion, LLC. Assistant Town Manager Moore stated that the Planning Commission has received a staff report relative to those reviews, and Town staff did not find that any of the permit holders were in violation of their Special Exception Permit stipulations. He noted that, to his knowledge, Town staff has not received any complaints regarding any of the properties. Assistant Town Manager Moore advised that Town staff feels that the Special Exception Permit holders are in compliance and should be allowed to continue their uses. He noted that General Services has indicated that they are leaving their present location in the Wythe Shopping Plaza and will be pursuing a lease next to Rural King in that shopping center. Assistant Town Manager Moore remarked that, at this time, General Services is not sure if they will continue to request a Special Exception Permit for exterior storage because they may not have it anymore. He noted that in the next few months, Town staff will report to the Commission after hearing from General Services. Assistant Town Manager Moore inquired if the Planning Commission had any questions relative to the Special Exception Permits. Chairman Litton inquired if there was any further discussion concerning the Special Exception Permits. There being none, he proceeded with the agenda.

RE: BUFFER YARD REGULATIONS

Chairman Litton advised the next agenda item is to consider an amendment to the types of trees permitted under the Buffer Yard Regulations. Assistant Town Manager Moore explained that the Planning Commission could see in the staff report a listing of approved trees by the Tree Advisory Committee. He noted that Town staff has drafted an ordinance for the Commission to review. Assistant Town Manager Moore inquired if there were any questions regarding the draft ordinance. Dr. Suarez stated that the language in the draft ordinance does not match the agenda information regarding the percentage of evergreen trees required. Assistant Town Manager Moore stated that he is not a tree expert and took the word of the Tree Advisory Committee when updating the ordinance. Discussion ensued regarding the regulations. Chairman Litton stated that to him, the most common sense approach would be for an applicant to present their plan to the Tree Advisory Committee and have the Tree Advisory Committee review their plan. He inquired of Assistant Town Manager Moore if he felt that would be a good idea. Assistant Town Manager Moore remarked that he felt that it would be a good plan, however, it may take a little longer to get an approval. Discussion continued regarding the types of trees allowed in the Buffer Yard Regulations and how plans should be approved. Assistant Town Manager Moore stated that Town staff would make the revisions and present them to the Planning Commission at the next meeting. Chairman Litton inquired if there was any further discussion concerning the Buffer Yard Regulations. There being none, he proceeded with the agenda.

RE: INOPERATIVE VEHICLES

Chairman Litton advised the next agenda item is discussion regarding regulating the number of inoperative vehicles allowed to be stored at auto body and repair shops. Assistant Town Manager Moore explained to the Planning Commission that the staff report located in their packets relative to inoperative vehicles is a review of the Zoning Ordinance regarding businesses that store these vehicles, such as auto body and repair shops, which are permitted in B-1 Business, M-1 Industrial and M-2 Industrial Zoning Districts. He noted that these shops often add towing to their list of services to bring the vehicles to their lots. Assistant Town Manager Moore commented that what tends to happen is that when the vehicles are brought in, they start to add up because the shops have to wait on insurance claims, etc., and the vehicles are positioned around the shops. He noted that this has become somewhat of a problem relative to the neighbors who see what almost appears to be an automobile graveyard. Assistant Town Manager Moore remarked that the Town Council has requested that the

Planning Commission review the Zoning Ordinance regarding businesses that store inoperative vehicles to see if they can be regulated. He noted that Town staff would suggest limiting the number vehicles allowed to accumulate at the shop, whether it be 5, 10 or 25 vehicles. Assistant Town Manager Moore commented that 10 to 15 inoperative vehicles are enough to create an unattractive image. He noted that a shop located on West Lee Highway currently has approximately 40 vehicles surrounding the garage area. Mr. Varney inquired of Assistant Town Manager Moore if Town staff could create a list identifying the auto repair and body shops and their locations to present to the Commission at the next meeting for review. He also inquired if the Town were to regulate these shops, would it hurt their business. Mr. Varney inquired of Assistant Town Manager Moore if the Town could require a garage to install a fence with the strips that screened the vehicles from the neighborhood's view. Discussion ensued regarding the impact that screening would have on the auto shops and the neighborhoods where the shops are located. Assistant Town Manager Moore explained that there are ordinances that enforce screening, however, it is an enforcement issue. He noted that vehicles have to be licensed and tagged and able to be moved in order to not be considered inoperable. Dr. Suarez inquired if the tree buffer would be a solution instead of the fence. Assistant Town Manager Moore stated that it might definitely be a solution. Mr. Tate commented that he does not have a problem with seeing 20 vehicles in a parking lot for a business, if they are not damaged and make the area look bad. Assistant Town Manager Moore stated that Town staff would create a list identifying the auto repair and body shops and their locations and give a report at the next Planning Commission meeting. He noted that Town staff has contacted other communities regarding this issue, and he noted that other communities stated that they did not have any problems such as inoperable vehicles. Discussion continued regarding what is considered an inoperable vehicle, etc. Chairman Litton inquired if there was any further discussion concerning the inoperative vehicles. There being none, he proceeded with the agenda.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:35 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk