



AGENDA
Wytheville Planning Commission
Work Session
Thursday, August 8, 2019
5:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

A. WORK SESSION

1. Discussion regarding inoperative vehicles and Auto Body, Auto Repair and Towing Service businesses

B. ADJOURNMENT



AGENDA
Wytheville Planning Commission
August 8, 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 July 11, 2019
- D. **CITIZENS' PERIOD**
- E. **SPECIAL EXCEPTION PERMIT REQUEST**
 - 1. Set a public hearing to consider the request of Mr. Kevin Varney for a Special Exception Permit to conduct warehouse/retail storage on property located at 2190 West Ridge Road (former A-1 Flea Market property), which is located on the north side of West Ridge Road between the Town Corporate Limit Line and Knollwood Lane, in a B-1 Business Zoning District
- F. **OTHER BUSINESS**
 - 1. Review of Work Session information regarding inoperative vehicles and Auto Body, Auto Repair and Towing Service businesses
 - 2. Review of proposed amendments to the Zoning Ordinance regarding Temporary Family Health Care Structures
 - 3. 2019 Virginia Planning Commissioner Seminar
- G. **ADJOURNMENT**

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

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

Members absent: Terrance E. Suarez, M. Bradley Tate

Others present: Mayor Beth A. Taylor, Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman

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 regular meeting of June 13, 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 regular meeting of June 13, 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, Cathy D. Pattison, 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: INOPERATIVE VEHICLES STORED AT AUTO BODY AND REPAIR SHOPS

Chairman Litton advised that the next agenda item is the continued discussion regarding proposed requirements regarding the number of inoperative vehicles permitted to be stored for Auto Body, Auto Repair and Towing Service businesses. Assistant Town Manager Moore stated that he would be brief. He noted that there is one item that is mentioned in the Staff Report under a bullet point in the discussion, which is incorrect. He advised that the State Code and the Town Code's definition of inoperable vehicles are parallel, therefore, the Planning Commission does not have to worry about the definition. Assistant Town Manager Moore remarked that it appears that regulations need to be established including that towing services are indeed a permitted use in B-2 Business, M-1 Industrial and M-2 Industrial Zoning Districts because all other automotive services are available in those zoning districts. He explained that it appears that in the M-1 and M-2 Industrial Zoning Districts, any services provided in those districts have to be screened. He noted that if the Planning Commission establishes regulations in the B-2 Business Zoning District, there probably needs to be a provision stating that once a certain number of vehicles is reached, the screening needs to take place. Assistant Town Manager Moore commented that he thinks this number needs to be discussed by the Commission. Discussion ensued regarding the screening of vehicles and the number of vehicles that should be screened by any business in town. Mr. Varney inquired of Assistant Town Manager Moore as to what the definition of an inoperable vehicle is considered. Assistant Town Manager Moore explained that inoperable means that a vehicle cannot be driven because it is lacking some essential parts as defined by State Code, such as no State inspection decal or a license. He noted that in order for the vehicle to be inoperable, it has to have an expired inspection sticker and expired tags. Assistant Town Manager Moore commented that an exception might need to be made in a sentence of the regulations stating, "auto dealers may have operable vehicles on the lot if those vehicles are not necessarily individual licensed or tagged." Chairman Litton remarked that the provision could state that if a business is operating an auto dealership, then a percentage of the lot must be new or used so that a junkyard cannot state that they are an auto dealership with three vehicles. Discussion ensued regarding inoperable vehicles located at businesses throughout town and how they should be screened. Chairman Litton stated that if a business is on the State Police rotation list, then fencing is required regardless. He noted that the fence is not required to have a shade cloth or slats, but it must have security. Mr. Varney inquired of Assistant Town Manager Moore as to who would police this. He noted that he thinks the rotation list is a good idea. Chairman Litton stated that it is a good idea, if the list is kept updated. He remarked that he thinks that it would be good if the Police could be involved in this, if they are not wanting to check on these vehicles every week or month. Assistant Town Manager Moore explained to the Planning Commission that most of the time inoperable vehicles

are complaint based, which can end up in the court system. He noted that he would suggest that this process be the same because the Police Department has been trying to gather the inoperable vehicles for a long time, which is an approximate 60 day process. He explained that if the Commission will set the limit on the number of inoperable vehicles allowed to five (5) or three (3), then it will start to receive complaints rather fast because citizens will begin to report the businesses who have inoperable vehicles on their lots. Vice-Chairman Ervin inquired of Assistant Town Manager Moore if it would be easier for the Commission to establish the draft ordinance with the stipulations for the inoperable vehicles before the Work Session is held. Mr. Jones stated that he agreed with Vice-Chairman Ervin and that some type of letter and the guidelines need to be written and sent to the auto body shops, etc. before the Work Session so that they can review it prior to the meeting. Assistant Town Manager Moore stated that in regard to regulations for the Planning Commission, number one parallels State Code, therefore, it can be deleted, and, number two needs to have "automotive incidental" added to existing automotive uses or a separate use added to "independent use," so if a business is a towing service, it is a permitted use. Discussion ensued regarding the number of inoperative vehicles permitted for the different types of auto businesses. Assistant Town Manager Moore remarked that the Commission could begin with an outline and go from there. He inquired if the Commission is willing to allow towing services in with automotives. It was the consensus of the Planning Commission that auto services would be permitted along with towing services in the B-2 Business, M-1 Industrial and M-2 Industrial Zoning Districts. He continued to list the permitted uses in the M-1 Industrial and M-2 Industrial Zoning Districts. Assistant Town Manager Moore stated that towing services would be added to the Zoning Ordinance in the B-2 Business, M-1 Industrial and M-2 Industrial Zoning Districts, which are incidental to auto body repair shops and auto sales for inoperable vehicles. He advised that screening is already required in the M-1 and M-2 Industrial Zoning Districts, therefore, the Commission needs to establish some requirements for screening in the B-2 Business Zoning District. Assistant Town Manager Moore commented that the Commission could state that anything more than a certain number of vehicles must be screened. He advised that Town staff will create a definition for screening fence in front yards, and he commented that M-1 Industrial fence or hedge has to be six (6) feet and maintained. Discussion continued regarding the screening requirements in town. The Commission discussed the businesses located in town that obviously need screening but may not be aware that citizens are complaining about the appearance of their business. Mr. Varney remarked that one of the businesses, mainly being discussed, may not be aware that anyone has complained about their business. He noted that the Commission knows that people are people and that they will gripe to others, but he wonders if they have bothered to contact the business and complain to them about how awful they feel the outside of their building looks. Mr. Varney remarked that the odds are that someone probably has complained, however, if someone has not, and if the Commission invites the business to a Work Session, they may understand that the Commission is not against them but instead working with them to help them better their business. He commented that the Work Session would allow the business owners to voice their suggestions, and it would also allow them to see the problem that the citizens and the Town sees so that a solution to the problem is resolved. Chairman Litton inquired if Town Staff could include a stipulation regarding how long a vehicle is allowed to be on the lot of an auto business. Assistant Town Manager Moore suggested placing a sixty (60) day limitation in the regulations. Chairman Litton noted that the Planning Commission would discuss the regulations further with the auto businesses and towing services at the Work Session to hear their input. Assistant Town Manager Moore advised that, at the Work Session, the Commission will discuss the proposed requirements regarding the inoperative vehicles with the auto body and auto repair shops and towing service businesses. He inquired of the Commission if they would like for Town Staff to send notification to all of the businesses on the list in their packet. It was the consensus of the Planning Commission to notify all 26 business owners of the Work Session to be held on Thursday, August 8, 2019, at 5:00 p.m., in the Council Chambers, to discuss the proposed requirements. Assistant Town Manager Moore advised that Town Staff would compose a letter stating what the Planning Commission is contemplating. Chairman Litton inquired if there was any further discussion concerning the inoperative vehicles. There being none, he proceeded with the agenda.

RE: TEMPORARY FAMILY HEALTH CARE STRUCTURES

Chairman Litton advised that the next agenda item is further discussion regarding the proposed amendments to the Zoning Ordinance regarding Temporary Family Health Care Structures. Assistant Town Manager Moore stated that the Planning Commission requested pictures of these structures, in which a portfolio is included in the Commissioner's packets. He noted that he would caution the Commissioner's that not all of these examples will meet the State Code definition. Assistant Town Manager Moore continued to review the portfolio with the Commission. He stated that he and Town Attorney Menerick discussed the Planning Commission making a recommendation to the Town Council to adopt an ordinance parallel to the State Code in the Zoning Ordinance, which would make it simple. Assistant Town Manager Moore explained that there would be opportunities to make modifications, which includes the amount of fees that the Town could charge for a permit. He noted that a locality is allowed to

charge up to \$100 for a permit. He advised that in his opinion, the State Code is a good place to start when adopting an ordinance for these structures because it is very restrictive. Chairman Litton commented that the only problem he sees is that when a structure moves into a neighborhood, the neighbors are not going to be happy because of their appearance. Assistant Town Manager Moore commented that they do resemble a tiny house, and he could imagine some citizens being upset because of the wheels being exposed, etc. He noted that the Town cannot stop these structures from coming into a neighborhood because State Code states that the Town of Wytheville must allow them. Assistant Town Manager Moore advised that the only advantage to adopting this ordinance is that the Town can establish how much it will charge for a permit. Chairman Litton inquired of Assistant Town Manager Moore if the Planning Commission could require that the structure be more than 300 square feet to make it a nicer structure. Assistant Town Manager Moore commented that he thinks that the Commission could, but he is not sure this is something that the Commission should do. Mr. Varney remarked that the square footage is one item, but the aesthetics is another item. He noted that he does not know if it really matters if it is over 300 square feet or if it is under 300 square feet, as long as it is presentable, and it looks good. Assistant Town Manager Moore advised that State Code requires that the structures be no more than 300 square feet, therefore, the Town will not permit them unless they meet State Code. Discussion ensued regarding the aesthetics of the structures and the State Code requirements. Mr. Varney inquired of Town Staff if they could research State Code language that would permit the Town to place stipulations in the ordinance regarding the aesthetics. He noted that if the State Code does not allow any changes, then the Commission will accept it as it is and move on. Assistant Town Manager Moore remarked that the only leeway that he sees that the State Code gives a locality is the ability to charge a fee. He remarked that the only other item is the connection of utilities, which states "may require to connect to the primary residence." He noted that he is not sure that this would be a requirement. Chairman Litton advised that, to him, it sounds like the Commission is in consensus with leaving the proposed amendments as they are written. Councilwoman Pattison stated that she agrees, and that it should be left simple. It was the consensus of the Planning Commission to draft the Temporary Family Health Care Structure Ordinance to include a permit fee of \$100 and present it to the Planning Commission at the August meeting. Chairman Litton inquired if there was any further discussion concerning the Temporary Family Health Care Structures. There being none, he proceeded with the agenda.

RE: DOG PARKS

Chairman Litton advised that the next agenda item is the continued review of the definition for a dog park and its permitted use in M-1 and M-2 Industrial Zoning Districts. Assistant Town Manager Moore stated that at the last meeting, the Planning Commission inquired if Town Staff could add some requirements to maintenance, which the Commission will see in the Staff Report under the revised Dog Park definition. Chairman Litton inquired if it would be necessary to schedule a public hearing to add the definition of a Dog Park in M-1 and M-2 Industrial Zoning Districts in the Zoning Ordinance. Assistant Town Manager Moore stated that is correct. A motion was made by Mr. Jones and seconded by Vice-Chairman Ervin to schedule a public hearing for the Thursday, September 12, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider amendments to the Zoning Ordinance, Article III - Definitions, to add Section 3-25A Dog Park; and to amend Article XII – Industrial District M-1 and Article XIII – Industrial District M-2 to add the use of dog park. 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, Cathy D. Pattison, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: CHURCH/CIVIC GROUP SIGNS

Chairman Litton advised that the next agenda item is discussion regarding the inventory of signs on the Town rights of way and if these signs should continue to be permitted. Assistant Town Manager Moore explained that he does not think that any signs are permitted on the Town's rights of way without the permission of the Town. Mr. Jones stated that is correct. Assistant Town Manager Moore explained that the Sign Ordinance makes provision on the third page of the amendments for churches and civic organizations, which is included in the Commissioners' packets. He noted that the provision, basically, means that an organization is permitted to have an off premise sign, if the organization has permission of the property owner, which in this case, most of the signs that are included in the packets for review were granted permission by the Town to be on the rights of way. Assistant Town Manager Moore explained to the Commission that the Supreme Court ruled that signs cannot be regulated based on their content, which is a Freedom of Speech issue. He noted that the Sign Ordinance is in the process of being rewritten. Assistant Town Manager Moore explained that it is difficult to revise the ordinance if the Commission does not parallel closely to what the Town already has. He continued to review the pictures of the signs that the Commission have in their packets. Mr. Varney inquired of Town Staff how much it would cost a church or organization to put their name on a directional sign located in a certain area of town. Assistant Town Manager Moore stated that the Council's

concern is that they have invested a lot in the Wayfinding Sign Project directing people around town, and there are too many unmatching signs scattered around town among those signs. Discussion continued regarding the number of signs on the Town's rights of way. Mr. Freeman stated that when making any decisions regarding the signs, they should keep in mind the future of the Sign Ordinance and how the Supreme Court ruling will affect the ordinance. He noted that the Commission can craft the perfect offsite church Sign Ordinance within several meetings, and it will still be an illegal ordinance because the Town is not allowed to regulate the sign based on it being a church sign. Mr. Freeman stated that the Commission needs to decide if they want to allow any off premise signs and then continue from there. He remarked that if they do, it will be hard to regulate because of the wide open variety that it opens this up to. Mr. Freeman stated that it cannot be regulated solely based on it being a church sign versus a towing facility. Assistant Town Manager Moore stated to be fair, the Planning Commission could make a recommendation to the Town Council that all church signs located on the rights of way be eliminated. He noted that this may solve the problem. Mr. Jones remarked that he would suggest that all signs located on the Town rights of way be eliminated and not just church signs. Assistant Town Manager Moore explained that when the Planning Commission reviews the Sign Ordinance, it can try to regulate this and keep it out of the ordinance. Discussion ensued regarding citizens using GPS to locate churches, etc. instead of the directional signs. It was the consensus of the Planning Commission to continue the Sign Ordinance discussion at the August Planning Commission meeting. Mr. Jones stated that he would like to bring one thing to staff's attention which is that the banners located at the Fourth Street Market need to be removed. Chairman Litton inquired if there was any further discussion regarding the Sign Ordinance. There being none, he proceeded with the agenda.

RE: DANGEROUS INTERSECTIONS

The Planning Commission members discussed locations in town that need to have trees and/or bushes trimmed due to limbs making it difficult to see from a vehicle. It was noted that the dumpster at the Mattress Firm in front of Starbuck's makes it almost impossible to see around. The Commission members inquired of Town Staff how the dumpster was allowed to be placed in the front parking lot. Chairman Litton commented that if there is ever a slow meeting, aesthetic items like this need to be discussed because he thinks all dumpsters should be contained. He noted that it is also a safety issue. Chairman Litton inquired if there was any further discussion regarding the dangerous intersections, etc. There being none, he proceeded with the agenda.

RE: PLANNING COMMISSIONER SEMINAR

Assistant Town Manager Moore advised that the Planning Commission Seminar is scheduled for October 29-30, 2019, on the campus of the Virginia Commonwealth University in Richmond. He noted that if anyone is available to attend, Mr. Mike Chandler is acting as the Administrator of the event, and it would be a great event to attend. Mr. Jones stated that he would be attending the Board of Zoning Appeals training. Assistant Town Manager Moore stated that if anyone else would like to attend, please advise Town Clerk Corvin so that she can make proper arrangements. Chairman Litton inquired if there was any further discussion regarding the seminar.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:26 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk