



AGENDA
Wytheville Planning Commission
October 10, 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 September 12, 2019
- D. **CITIZENS' PERIOD**
- E. **REZONING REQUEST**
 - 1. Set a public hearing to consider the request of Marathon Realty Corporation to rezone property located at 805 and 810 North 14th Street, which is located on the west side of North 14th Street between West Main Street and West Monroe Street, from B-1 Business and R-3 Residential to B-2 DT General Business District - Downtown
- F. **OTHER BUSINESS**
 - 1. Discussion regarding the zoning of certain properties, which are located between West Lee Highway and West Spiller Street, and bounded by the west side of North 24th Street and the east side of North 26th Street, in a B-2 Business District
- G. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, SEPTEMBER 12, 2019, AT 6:00 P.M.**

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

Others present: Mayor Beth A. Taylor, Assistant Town Manager Stephen A. Moore, Deputy Clerk Brandi N. Jones, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman, Margaret Ogle, Delena Scott, Alma Watson

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 regular meeting of August 8, 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 regular meeting of August 8, 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, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: PUBLIC HEARING – SPECIAL EXCEPTION PERMIT REQUEST – KEVIN VARNEY

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Mr. Kevin Varney for a Special Exception Permit to operate a Warehouse and Type 1 Warehouse 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. Chairman Litton noted that there is one individual listed on the sign in sheet who stated that she wished to address the Commission during the public hearing.

Ms. Margaret Ogle was recognized and stated that she lives at 2195 West Ridge Road in Wytheville. She advised that she lives directly across the road from the proposed storage units, and she is not in favor of having that kind of business in her front door. Ms. Ogle remarked that the property was not zoned for storage units, therefore, she does not think the Special Exception Permit should be approved. She explained to the Planning Commission that she has lived on West Ridge Road all of her life. Ms. Ogle commented that the neighborhood needs a business that will improve the area and not devalue it. She continued to express to the Commissioners her opposition to Mr. Varney's Special Exception Permit request. Ms. Ogle thanked the Planning Commission for allowing her to speak. Chairman Litton thanked Ms. Ogle for her comments. He inquired if there was anyone else attending the public hearing who wished to address the Planning Commission. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL — SPECIAL EXCEPTION PERMIT REQUEST – KEVIN VARNEY

Chairman Litton advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider the request of Mr. Kevin Varney for a Special Exception Permit to operate a Warehouse and Type 1 Warehouse 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. He inquired of Assistant Town Manager Moore if Town staff had any comments regarding the request. Assistant Town Manager Moore commented that he did not, and he noted that everything relevant to the request is located in the Staff Report. He inquired of Ms. Ogle if she understands what is being proposed through the Special Exception Permit request.

Ms. Ogle was recognized and stated that she is aware that the request is to allow Mr. Varney to place storage units on the property. Assistant Town Manager Moore advised that is correct. She stated that she is against the storage units.

Chairman Litton inquired if the Commission desired to discuss stipulations to be placed with the Special Exception Permit request. He noted that the Planning Commission needs to make a recommendation to approve or disapprove the request. Assistant Town Manager Moore noted that the request is for storage units to store items such as automobiles or motorhomes. Dr. Suarez stated that it was his understanding that the storage of items will be located inside only. Assistant Town Manager Moore stated that is correct. Vice-Chairman Ervin inquired of Ms. Ogle if the previous business that was located on the property was a disruption to her.

Ms. Ogle was recognized and stated that she felt the previous business was wonderful for the neighborhood. She noted that she worked at the business for 16 years. Ms. Ogle noted that the lower building was used for storage. She remarked that the previous owner ran the store well until he had a heart attack last year, which is why the business was sold. Ms. Ogle explained that she did not know anything about Mr. Varney. She continued to express her thoughts regarding Mr. Varney and why she opposed his request for a Special Exception Permit for storage units. Ms. Ogle stated that she did not think that she would be able to handle the construction noise, if the Special Exception Permit request is approved. She thanked the Planning Commission for allowing her to speak. Chairman Litton thanked Ms. Ogle for her comments.

Chairman Litton inquired if the Commissioners had any questions for Mr. Varney. He noted that Mr. Varney explained to the Commissioners at the last meeting what his intent is for the property. Chairman Litton explained that Mr. Varney may address the Planning Commissioners and the citizens at this time, if he wishes to clarify some of the concerns.

Mr. Kevin Varney was recognized and stated that he would like to read the following Conflict of Interest statement before proceeding: "I, Kevin Varney, have the potential to receive a reasonably foreseeable direct or indirect benefit from action that the Planning Commission may take on this Special Exception Permit application. Therefore, I will abstain from entering any discussion, except that I will answer any questions that the Planning Commission may have regarding the request and my intent for the use of the property. If there are no questions, I will leave the room so that open discussion may ensue. I will return when summoned, and I will abstain from voting on this matter." Mr. Varney expressed to Ms. Ogle that he was sorry that she objects to his request. He noted that if he is issued the Special Exception Permit, he can assure her that he will make the property a nice place for the neighborhood. Mr. Varney

continued to express his plans for the property to the Planning Commission. Mr. Varney noted that his goal is to have an office assistant at the location during business hours. He remarked that he is also going to encourage people to visit their storage units during the daytime hours, however, there may be times when that is not feasible for renters. Mr. Varney commented that his goal is to have renters go through the office assistant to gain access to their storage units. He remarked that the lower building is already zoned for office use, therefore, he is not required to get a Special Exception Permit to rent that building for office space. Mr. Varney stated that in the future, he may want to utilize that building for storage space, as well, which is why he is requesting the Special Exception Permit. He remarked that if the Commissioners would drive by the property, they will notice that the property is already looking better. Mr. Varney noted that he would like to clarify that he did not leave the previous property owners hanging, and that he, actually, helped them before the sale was final. He commented that sometimes closings take longer than anticipated. Mr. Varney expressed that he felt compassion for the previous property owners, and that is the reason why, before August, he started mowing and cleaning the property up. He continued to discuss his plans for the property with the Planning Commission. Chairman Litton inquired of Mr. Varney if he plans to expand on the property in the near future by adding more storage units. Mr. Varney remarked that at this time, he is not planning to expand, however, he cannot guarantee that he will never expand. He explained that the panels in the buildings are damaged, and will have to be fixed. Mr. Varney also noted that the roof needs repairing, and he plans to raise the roof when he repairs it. He commented that for the lower building, there may be an entry and something that he is required to do to create a better entry for people coming in the building, such as a lobby. Chairman Litton inquired of Mr. Varney what his plans are for the exterior of the building. Mr. Varney stated that he has estimates to have the buildings painted and/or possibly stoned or bricked. Discussion ensued regarding the restrictions that could be placed on the property regarding expansion, etc. Councilwoman Pattison inquired of Mr. Varney what his timeframe is on opening the storage units, etc., if the Special Exception Permit is approved. Mr. Varney stated that he would like to start on the renovations in November, work on the buildings through the winter months and be ready to open in early 2020. Chairman Litton inquired of Mr. Varney what operating hours he planned to establish. Mr. Varney stated that he would like for the Commission to consider not placing specific hours of operation on the storage units. He explained that people who have storage units come and go all hours of the day and night, and they do not want their personal items locked up to where they cannot get to them whenever they desire. Mr. Varney commented that regarding the lighting and fencing, he has no plans to install a fence, however, he is planning to install security lighting. He remarked that he does not think that noise will be a problem because most of the construction taking place will happen inside, and the buildings are insulated well. Mr. Varney noted that if construction does take place outside, it will be during the day because his men will be performing the work, and they do not work at night. He remarked that regarding the safety of the property, he is big on security, therefore, the property will have cameras, etc. Mr. Tate inquired if the upper unit will have a fence with a gate around it. Mr. Varney stated that there will not be fences around either building, but, rather, keycard entry locks on each storage unit. He continued to explain to the Commission his plans for the renovations of the property. Mr. Varney reiterated that the lower building would only be used for office space, unless the storage units in the upper building fill up and he needs to expand to the lower unit. He explained, again, that the construction will be performed from approximately 8:00 a.m. – 7:00 p.m. Chairman Litton inquired if there were any other questions for Mr. Varney. There being none, Mr. Varney excused himself from the meeting to allow the Planning Commission to discuss the recommendation for the Special Exception Permit request.

Assistant Town Manager Moore stated that he did have one point relative to some of the discussion that took place, which is in regard to the time of operation for an office facility. He

explained that the office is a permitted use without a Special Exception Permit. Assistant Town Manager Moore stated, therefore, the restriction of operating hours would be for the storage use, if the Commission chose to place a restriction on operating hours. Chairman Litton remarked that if he was renting a storage unit, he would want to have access to the unit at any time. He expressed that he would not want his personal items locked up for 13 hours without any access to the items. Discussion ensued regarding the operating hours for the proposed storage units. Mr. Tate stated that his suggestion would be to remove all safeguards except a requirement for the storage to be indoors. He continued to explain his thoughts regarding the safeguards of the proposed request. Assistant Town Manager Moore advised that the Planning Commission has the right to monitor expansion of the Special Exception Permit use. He noted that the Commission would not want the use to triple in size and suddenly become a very busy site. Assistant Town Manager Moore noted that he states this from past experience. Mr. Tate expressed that he sees the request as a big positive because it will be an upgrade to the buildings and the entire property. Assistant Town Manager Moore stated that he did not mean that Mr. Varney could not expand, however, he would recommend that any expansion to the property require Mr. Varney to reapproach the Planning Commission and Town Council regarding the expansion of a certain size. Chairman Litton commented regarding the photos of what the property looked like before Mr. Varney purchased it versus what the property looks like now. He noted that he feels like the way the property looks now, since Mr. Varney purchased it, is the way he thinks people want to see the property and not the way it previously looked. Chairman Litton stated that if the storage is located inside, he does not think this problem will happen again. He noted that anything to improve the property would be much better than having all the pallets, etc. stacked everywhere. Mr. Tate inquired of Assistant Director of Planning and Community Development Freeman if there is a picture of the overview of the property that would show the two buildings along with the vacant portion of property. Discussion ensued regarding the property and its room for expansion. Chairman Litton inquired of the Commission what their thoughts were regarding the Special Exception Permit request and stipulations on the permit. Assistant Town Manager Moore stated that if the Commission plans to recommend the approval of Mr. Varney's Special Exception Permit request to the Town Council, Town staff needs to have the safeguards very well refined. He noted that the safeguards located in the Staff Report are only suggestions that were put together based on past requests. Chairman Litton remarked that they are good suggestions, however, the Commission wants to make sure the stipulations are tweaked to the way they want it and so that it would be safe for the neighborhood, etc., but, also, address what Mr. Varney needs to make the business feasible. He noted that in all fairness, if it is not feasible, the property could go back to the way it was before Mr. Varney purchased it. Chairman Litton suggested limiting the expansion of the two existing buildings to occupy 30 percent of the current ground space. Dr. Suarez stated that he thought that 30 percent was too large of an expansion and suggested ten percent. Chairman Litton noted that his intent was whatever the square footage of the two existing buildings currently are, then Mr. Varney could expand to occupy ten percent more ground space than what is currently occupied for the accepted use. The Commissioners continued to review the suggested safeguards. Mr. Tate inquired if Town Staff had any input regarding parking requirements or ADA standards. Assistant Town Manager Moore explained to the Commissioners that there are specific parking requirements based on retail space, but since this property is not being proposed as retail space, it is not applicable. He noted that there is a lot of parking available at the property, which he does not feel will be an issue. Assistant Town Manager Moore commented that he would have to research the specifics of the property regarding Mr. Tate's inquiry because he is not sure at this time due to the property being annexed into the Town in the 1990's and being "grandfathered" property. Chairman Litton inquired of the Commission if there was a motion concerning Mr. Varney's Special Exception Permit request. A motion was made by Mr. Tate and seconded by Vice-Chairman Ervin to recommend to the Town Council to approve the request of

Mr. Kevin Varney for a Special Exception Permit to operate a Warehouse and Type 1 Warehouse 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, with the following stipulations: 1.) Major changes to the exterior, or changes of more than ten percent of the existing square footage, shall require approval of the Wytheville Planning Commission; 2.) Site lighting (if any) shall be directed at the buildings and not toward the neighborhood; 3.) During construction, operating hours for the facility shall be limited to 7:00 a.m. to 7:00 p.m., with no limitation on regular operating hours; 4.) All storage shall be required to be indoors; and, 5.) The facility shall be neatly maintained, grass mowed, shrubbery trimmed, etc. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results: For: Bradford M. Litton, Kenny W. Ervin, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, John W. Jones, Jr. Against: None. Abstentions: Kevin L. Varney.

Mr. Varney resumed his seat for the remainder of the meeting.

RE: PUBLIC HEARING – TEMPORARY FAMILY HEALTH CARE STRUCTURES

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) to consider amendments to the Zoning Ordinance, Article III - Definitions, to add Section 3-20A Caregiver, Section 3-57C Mentally or Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, to add the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A – Business District B-2 DT General Business District – Downtown; and, Article XII – Industrial District M-1. Assistant Town Manager Moore remarked that the Planning Commissioners have the Staff Report, which is relevant to this public hearing. He noted that if anyone attending the meeting had any questions relevant to the amendments, Town staff would be willing to answer anything relevant to the revisions at this time. Assistant Town Manager Moore advised that as the Planning Commission is aware, this is basically a State Code mandate to localities, and even if the Town does not adopt this ordinance, the Temporary Family Health Care Structures can be placed on single family residential properties as long as they meet the setbacks and meet the criteria of the Town including a maximum 300 square footage and no permanent affixing to the property. He noted that this means that the structures must be removed after 60 days of use. Assistant Town Manager Moore commented that really the only decision that the local government has in this is the fee charged for the permit to install the structure, and the Planning Commission has suggested \$100, which is what is being proposed in the ordinance. Dr. Suarez inquired of Assistant Town Manager Moore if State Code trumps any covenants that might be in an area located around town. Assistant Town Manager Moore stated that in his opinion, the neighborhoods that are partied to these covenants could challenge the State Code, but he does not know that they would win in court. He remarked that he feels that State Code would trump any neighborhood covenants, but he is not certain. He continued to explain the proposed revisions to the Commissioners. Chairman Litton noted that there is no one listed on the sign in sheet who stated that they wished to address the Commission during the public hearing, therefore, he would close the public hearing.

RE: RECOMMENDATION TO TOWN COUNCIL — TEMPORARY FAMILY HEALTH CARE STRUCTURES

Chairman Litton advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider amendments to the Zoning Ordinance, Article III - Definitions, to add Section 3-20A Caregiver, Section 3-57C Mentally or Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, to add the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A – Business District B-2 DT General Business District – Downtown; and, Article XII – Industrial District M-1. Chairman Litton inquired of the Commission if there is a motion regarding the Temporary Family Health Care Structures. A motion was made by Mr. Jones and seconded by Dr. Suarez to recommend to the Town Council to approve amending the Zoning Ordinance as follows: Article III - Definitions, to add Section 3-20A Caregiver, Section 3-57C Mentally or Physically Impaired Person and Section 3-81B Temporary Family Health Care Structure; and, to add the use of Temporary Family Health Care Structure to the following Zoning Districts: Article V – Agricultural District A-1; Article VI – Residential District R-1; Article VI-A – Residential District R-1A; Article VI-M – Residential District R-1M; Article VII – Residential District R-2; Article VII-A – Residential District R-2 FH; Article VIII – Residential District R-3; Article VIII-A – Residential District R-3 MH; Article X – Business District B-1; Article XI – Business District B-2 (General); Article XI-A – Business District B-2 DT General Business District – Downtown; and, Article XII – Industrial District M-1. 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, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: PUBLIC HEARING – DOG PARKS

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) 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. Assistant Town Manager Moore noted that the Staff Report is self-explanatory. He continued to explain the proposed revisions to the Planning Commission members. Assistant Town Manager Moore remarked that the Town has had an expressed interest in a dog park in an M-1 Industrial Zoning District, and the Commissioners' interpretation was that in an M-1 Industrial Zone, it is a permitted use, which is why this amendment is being formalized in the Zoning Ordinance. Chairman Litton noted that there is no one listed on the sign in sheet who stated that they wished to address the Commission during the public hearing, therefore, he would close the public hearing.

RE: RECOMMENDATION TO TOWN COUNCIL — DOG PARKS

Chairman Litton advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council 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. A motion was made by Mr. Jones and seconded by Mr. Tate to recommend to the Town Council to approve amending the Zoning Ordinance as follows: 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, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, 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: REVIEW OF 2018-19 ANNUAL REPORT

Chairman Litton advised that the next agenda item is the review of the 2018-19 Annual Report. Assistant Town Manager Moore stated that the report lists the monthly activities of the Commission from July 1, 2018, through June 30, 2019. He noted that there are some items listed that are continuations from last year, however, the Commission will see that there has been tremendous progress in most of the areas. Assistant Town Manager Moore remarked that he would be glad to answer any of the Commissioners' questions that they may have at this time. It was the consensus of the Planning Commission to recommend the 2018-19 Annual Report to the Wytheville Town Council for review, as presented by Councilwoman Pattison.

RE: INOPERATIVE VEHICLES AND AUTO BODY, AUTO REPAIR AND TOWING SERVICE BUSINESSES

Chairman Litton advised that the next agenda item is the continued review of inoperative vehicles and auto body, auto repair and towing service businesses. Assistant Town Manager Moore explained that Town Attorney Menerick researched the topic and found a provision in the State Code that would give the localities authority to act on these vehicles within 15 days, allowing them to be impounded and to either be auctioned or sold to a salvage wholesaler. He continued to review the report with the Planning Commissioners. Discussion ensued regarding inoperable vehicles. Assistant Town Manager Moore reported to the Planning Commission members the discussions he had with the Town of Abingdon, Blacksburg and Christiansburg about inoperative vehicles at the request of the Commission. It was the consensus of the Planning Commission to request the Town Council to review Town Attorney Menerick's proposed Abandoned Vehicle Ordinance and have Town staff report back to the Planning Commission once the Town Council discusses the issue.

RE: RESIDENTIAL HOUSING DEVELOPMENTS IN BUSINESS AND INDUSTRIAL ZONING DISTRICTS

Chairman Litton advised that the next agenda item is the review of residential housing developments in Business and Industrial Zoning Districts. Assistant Town Manager Moore explained that the Town Council has requested the Planning Commission to review residential housing developments in certain areas to consider if the residential use is compatible with the current zoning or if a rezoning of some neighborhoods should be considered. He continued to review this topic with the Planning Commission and depicted on the map the area proposed to be rezoned. Assistant Town Manager Moore noted that there is a new property owner where Mr. Larry Sharitz used to live and where his business previously was located. He explained that the new owner is not sure what he plans to do with the commercial building. Assistant Town Manager Moore stated that if the rezoning occurs, and the building is not being used as a business at the time, it would not be allowed to continue as a business following the rezoning. Discussion ensued regarding the possibilities for the zoning in this area in the future. Dr. Suarez

inquired of Town staff if a public hearing would have to be held prior to rezoning the area. Assistant Town Manager stated that is correct. It was the consensus of the Planning Commission for Town staff to contact some of the surrounding property owners, including the Wytheville Redevelopment and Housing Authority and Mr. Barry Catron who owns the developing property to the north, to see if they are in agreement to a rezoning before scheduling a public hearing.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:21 p.m.).

Bradford M. Litton, Chairman

Brandi N. Jones, Deputy Clerk

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