



AGENDA
Wytheville Planning Commission
Thursday, June 9, 2022
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

1. **CALL TO ORDER** — Chairman George F. Wittwer
2. **ESTABLISHMENT OF QUORUM** — Chairman George F. Wittwer
3. **CONSENT AGENDA**
 - A. Minutes of the regular meeting of May 12, 2022
4. **PUBLIC HEARING**
 - A. To consider renewing a Special Exception Permit for Mr. Larry Sharitz to operate an auto repair shop and to add the use to operate an auto welding shop at 140 Hillcrest Road, which is located on the north side of Hillcrest Road between Cove Road and the Town Corporate Limits, in a B-1 Business District
5. **RECOMMENDATION TO TOWN COUNCIL**
 - A. To consider renewing a Special Exception Permit for Mr. Larry Sharitz to operate an auto repair shop and to add the use to operate an auto welding shop at 140 Hillcrest Road, which is located on the north side of Hillcrest Road between Cove Road and the Town Corporate Limits, in a B-1 Business District
6. **CITIZENS' PERIOD**
7. **OTHER BUSINESS**
 - A. Future Direction – Unified Development Ordinance
 - B. Floodplain Overlay Zoning District (FO) – Update for Compliance
 - C. Discussion of the Town Land Use Table
8. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, MAY 12, 2022, AT 6:00 P.M.**

Members present: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt

Members absent: None

Others present: Assistant Town Manager Elaine R. Holeyton, Town Clerk Sharon G. Corvin, Chief Deputy Clerk Brandi N. Jones, Planning Director John Woods, Fred Riley, Jesse Ashburn, Sharon Hackler, Dennis Hackler, Del Crigger

RE: CALL TO ORDER, QUORUM

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

RE: CONSENT AGENDA

Chairman Wittwer presented the consent agenda consisting of the minutes of the regular meeting of April 14, 2022. 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 Ms. Anderson to approve the minutes of the regular meeting of April 14, 2022, as presented. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

RE: PUBLIC HEARING – SPECIAL EXEMPTION PERMIT – RILEY CONSTRUCTION, INC.

Chairman Wittwer advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Riley Construction Company, Incorporated for a Special Exception Permit to construct approximately 17,000 to 20,000 square feet of additional storage units located at 555 Peppers Ferry Road in a B-1 Business District. Planning Director Woods presented an overview of the area that is subject to construction and the changes that will need to be made to the area. He commented that one of the conditions regarding the existing Special Exception Permit is that there is no outdoor storage. Director Woods noted that metal drums, old tires and inoperable vehicles are on the site, which is a violation of the existing permit. Director Woods advised that the Commission has received a copy of the concerns from Mr. Bill Smith regarding the request for the permit. A discussion was held regarding an overview of the area subject to construction. Mr. Fred Riley addressed the Commission stating that his request does not violate the ordinance that Mr. Smith presented and follows the ordinance guidelines. Mr. Del Crigger with Riley Construction addressed the Commission and noted they have already removed the items that were violating the existing permit and he presented a letter of support from the Wytheville Redevelopment and Housing Authority. Further discussion was held, and Chairman Wittwer inquired if there were any other questions or comments. There being no others to address the Planning Commission on this matter, Chairman Wittwer declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL – SPECIAL EXCEPTION PERMIT

Chairman Witter advised that the next agenda item is the recommendation to Town Council to consider the request of Riley Construction Company, Incorporated for a Special Exception Permit to construct 17,000 to 20,000 square feet of additional storage units on their property located at 555 Peppers Ferry Road, in a B-1 Business District. Chairman Witter inquired if there was any discussion. Director Woods advised that a recommendation should be made to the Town Council that existing trees on the backside of the property should not be cut and new trees should be planted between their property and Freedom Lane to comply with the regulations of the existing permit. A discussion was held regarding the Special Exception Permit request and screening options in regard to the expiring permit. A motion was made by Mr. Jones and seconded by Ms. Anderson to recommend to the Town Council to approve the request of Riley Construction Company, Incorporated for a Special Exception Permit to construct additional storage units, and that the existing trees on the backside of the property should not be cut down and new trees need to be planted between Freedom Lane and the Wytheville Redevelopment and Housing Authority property. Chairman Wittwer inquired if there was any discussion on the motion. There being none, the motion was approved with the following results, by roll call vote: For: George F. Wittwer, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: M. Bradley Tate.

RE: PUBLIC HEARING – AMENDMENT OF THE ZONING ORDINANCE- SOLAR ENERGY FACILITIES

Chairman Wittwer advised that the meeting constituted a public hearing (due notice having been given) to consider amending the Zoning Ordinance to include regulations regarding Solar Energy Facilities. Director Woods stated that there have been several inquiries from solar facility operators regarding the requirements within town. He advised that the current ordinance does not specifically address Solar Energy Facilities. Director Woods noted that the ordinance does allow for certain public utility structures that could pertain to this matter. He commented that amending the ordinance will directly address the use of these facilities. Chairman Wittwer inquired if anyone would like to address the Commission during this public hearing. There being none, Chairman Wittwer declared the public hearing closed.

RE: RECOMMENDATION TO TOWN COUNCIL – SOLAR ENERGY FACILITIES

Chairman Wittwer advised that the next item on the agenda is the recommendation to Town Council to consider amending the Zoning Ordinance to include regulations regarding Solar Energy Facilities. Chairman Wittwer if there was any discussion regarding Solar Energy Facilities. Mr. Schmidt inquired what the regulations would be for the Solar Energy Facilities. Director Woods advised that the regulations would include what kind of facility is allowed within different Zoning Districts. Mr. Litton inquired if the Town has received any feedback from any landowners or solar facility operators. Director Woods advised that Town staff has been approached by one company that is interested in the landfill site for a Solar Energy Facility, however, the environmental close out has not been completed. A motion was made by Ms. Anderson and seconded by Mr. Jones to recommend to the Town Council to amend the Zoning Ordinance to include regulations regarding Solar Energy Facilities. Chairman Wittwer 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, by roll call vote: For: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

RE: PUBLIC HEARING – AMENDMENT OF THE ZONING ORDINANCE – SIGN ORDINANCE

Chairman Wittwer advised that the meeting constituted a public hearing (due notice having been given) to consider amending the Zoning Ordinance to repeal and replace the current Sign Ordinance. Director Woods advised that Virginia State Code has changed the guidelines prohibiting content based regulations for signage. He stated the current Sign Ordinance will need to be repealed and replaced to meet the new State guidelines. Director Woods noted that Mr. Bill Smith expressed concerns about the elimination of new billboards and expressed that a study has not been conducted regarding billboards. He stated that there are 44 billboards within town limits, and construction permits have been given to construct two new billboards on East Main Street. Director Woods advised that, currently, 16 percent of the existing billboards in town are vacant. A brief discussion was held regarding the amendment of the Zoning Ordinance to repeal and replace the Sign Ordinance. Chairman Wittwer inquired if anyone would like to address the Commission during this public hearing. There being none, Chairman Wittwer declared the public hearing closed.

RE: RECOMMENDATION TO TOWN COUNCIL – SIGN ORDINANCE

Chairman Wittwer advised that the next item on the agenda is the recommendation to Town Council to consider amending the Zoning Ordinance to repeal and replace the current Sign Ordinance. A motion was made by Mr. Jones and seconded by Ms. Anderson to recommend to Town Council to amend the Zoning Ordinance to repeal and replace the current Sign Ordinance. Chairman Wittwer 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, by roll call vote: For: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

RE: OTHER BUSINESS

- A. Annual Review of Special Exemption Permits: Chairman Wittwer stated that the next agenda item is the annual review of several Special Exemption Permits.
 1. Thomas and Tina Cline: Chairman Wittwer stated that the Clines sold their property in October of 2021 and specified that the Special Exception Permit was not transferrable. He noted that at the time of inspection, livestock is still grazing on the property. Director Woods advised that the new property owner showed a willingness to apply for a new permit. Ms. Sharon Hackler addressed the Commission stating that she recently bought property near this location and she does not have an issue with the new owner receiving the permit. She noted that the property is now for sale and inquired if the new owners are aware of the permit and if it is transferrable. Ms. Hackler advised that the property is listed as A-1 Agricultural and that is not correct. Further discussion was held on this matter, and Director Woods noted that the new owners would need to apply for a Special Exception Permit.
 2. Commonwealth of Virginia, Department of General Services, Surplus: Chairman Wittwer stated that the permit for the Department of General Surplus is presumed to be vacated due to the closing and relocation of the store. A motion was made by Mr. Jones and seconded by Mr. Litton to discontinue the Special Exemption Permit for the Commonwealth of Virginia, Department of General Services, Surplus. Chairman Wittwer 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,

by roll call vote: For: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

3. Brad Litton: Chairman Wittwer advised that there have been no complaints about the facility since the last annual review. He noted that there has been no change to the size of the structures or use patterns on the site since the last inspection. A motion was made by Mr. Jones and seconded by Mr. Tate to continue the Special Exemption Permit for Mr. Brad Litton. Chairman Wittwer inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results: For: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Lisa K. Anderson, David E. Schmidt. Against: None. Abstentions: Bradford M. Litton.
4. Wytheville (Wytheville) WMC, LLC – Petco: Chairman Wittwer stated that there have been no complaints regarding the Petco facility, and the store was clean upon inspection. He advised that Petco indicated that they had a contract for veterinary services, and plans are now in place to provide limited veterinary services per the conditions of the Special Exception Permit, two days per month. A motion was made by Mr. Jones and seconded by Ms. Anderson to continue the Special Exemption Permit for Wytheville (Wytheville) WMC, LLC (Petco). Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.
5. Chris Umberger: Chairman Wittwer stated that Chris Umberger makes cast concrete agricultural products, and there have been no complaints since the last annual review, however, maintenance and mowing at the site seem to be in violation of the Town's Mowing Ordinance. A brief discussion was held regarding the violation of the Mowing Ordinance. Director Woods stated he will refer this matter to the Director of Public Works Chris Peoples. A motion was made by Mr. Litton and seconded by Mr. Jones to continue the Special Exception Permit for Chris Umberger, and to ask Town staff to enforce the mowing requirements. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.
6. Loretto Historic Mansion: Chairman Wittwer stated that this property conducts indoor activities, although, COVID-19 has limited the number of functions at this venue, but the property has been in compliance with the conditions of the Special Exception Permit. A motion was made by Mr. Jones and seconded by Mr. Schmidt to continue the Special Exception Permit for the Loretto Historic Mansion. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.
7. US Cellular: Chairman Wittwer stated that US Cellular operates a cell phone tower and flagpole and appears to be in compliance with the conditions of the Special Exception Permit. A motion was made by Vice-Chairman Tate and seconded by Mr.

Jones to continue the Special Exception Permit for US Cellular. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

8. Suzanne Richert: Chairman Wittwer stated that Suzanne Richert raised ponies, miniature horses and goats. He advised that the property has been sold, and the new owners do not own any of these animals. Chairman Wittwer noted that the new owners wish to keep the Special Exception Permit in place for potential future use. He stated that typically a new application would be required. A motion was made by Mr. Jones and seconded by Vice-Chairman Tate for the new property owners to apply for a new Special Exception Permit. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

- B. Set a Public Hearing Date to Consider the Special Exception Permit for Mr. Larry Sharitz: Chairman Wittwer stated that he Planning Commission needs to set a date to hold a public hearing to consider renewing a Special Exception Permit for Mr. Larry Sharitz to operate an automotive repair shop and to add the use to operate an automotive welding shop at 140 Hillcrest Road in a B-1 Business District. A brief discussion was held regarding the compliance of the Special Exception Permit. A motion was made by Mr. Jones and seconded by Ms. Anderson to hold a public hearing for Mr. Larry Sharitz on Thursday, June 9, 2022. Chairman Wittwer 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: George F. Wittwer, M. Bradley Tate, Cathy D. Pattison, John W. Jones, Jr., Bradford M. Litton, Lisa K. Anderson, David E. Schmidt. Against: None.

RE: CITIZENS' PERIOD

Chairman Wittwer advised that the next agenda item is Citizens' Period. He inquired if anyone wished to address the Commission during Citizens' Period. Ms. Sharon Hackler noted that she would like clarification for the Clines' property regarding the timetable as to when the new owners will be required to submit the new application for a Special Exception Permit. Director Woods advised that he will contact the new property owners regarding the matter, and if no response is given, they will receive a notice of violation. A brief discussion was held regarding this property.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:31 p.m.).

George F. Wittwer, Chairman

Sharon G. Corvin, Town Clerk, CMC