



AGENDA
Wytheville Planning Commission
Thursday, January 9, 2020
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 November 14, 2019
- D. **ELECTION OF OFFICERS**
 - 1. Chairperson
 - 2. Vice-Chairperson
- E. **PUBLIC HEARING**
 - 1. Consider the request of Loretto Historic Mansion, LLC for a Special Exception Permit to extend the venue hours and visitor capacity and to use the terrace and front porch areas of the mansion for their operations located at 205 Loretto Drive, which is located on the west side of Loretto Drive between Peppers Ferry Road and Mountain View Drive, in an R-1 Residential District
- F. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider the request of Loretto Historic Mansion, LLC for a Special Exception Permit to extend the venue hours and visitor capacity and to use the terrace and front porch areas of the mansion for their operations located at 205 Loretto Drive, which is located on the west side of Loretto Drive between Peppers Ferry Road and Mountain View Drive, in an R-1 Residential District
- G. **PUBLIC HEARING**
 - 1. Consider rezoning the block of properties bounded by West Pine Street, West Reservoir Street, North 24th Street and North 26th Street from B-2 Business to R-3 Residential

H. **RECOMMENDATION TO TOWN COUNCIL**

1. Consider rezoning the block of properties bounded by West Pine Street, West Reservoir Street, North 24th Street and North 26th Street from B-2 Business to R-3 Residential

I. **CITIZENS' PERIOD**

J. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, NOVEMBER 14, 2019, AT 6:00 P.M.**

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

Others present: Mayor Beth A. Taylor, Vice-Mayor Jacqueline K. King, Councilman Mark J. Bloomfield, Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Community Development Brian Freeman, Jennifer Morin, Paul Morin, M.D., Keith Blankenship, Stephen Spangler, John Park, Darren Umberger, Others

RE: CALL TO ORDER, QUORUM

Chairman Litton called the meeting to order and established that a quorum was present. He advised that Mr. Varney stated that he would be a few minutes late to the meeting, however, he would be attending the meeting.

RE: CONSENT AGENDA

Chairman Litton presented the consent agenda consisting of the minutes of the regular meeting of October 10, 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 Vice-Chairman Ervin and seconded by Mr. Jones to approve the minutes of the regular meeting of October 10, 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 results: For: Bradford M. Litton, Kenny W. Ervin, M. Bradley Tate, Terrance E. Suarez, John W. Jones, Jr. Against: None. Abstentions: Cathy D. Pattison. Councilwoman Pattison advised that she abstained from voting to approve the minutes due to her absence from the October 10, 2019, Planning Commission meeting. Mr. Varney was absent during the voting on the Consent Agenda.

RE: REZONING REQUEST – MARATHON REALTY CORPORATION

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Marathon Realty Corporation to rezone property located at 805 West Monroe Street, 810 West Main Street and 830 West Main Street, which is located southeast of Monroe Street and northwest of Main Street, between North 14th and North 16th Streets, from B-1 Business and R-3 Residential to B-2 DT General Business District - Downtown. Chairman Litton noted that there is no one listed on the sign in sheet who wished to address the Commission during the public hearing, however, if anyone wishes to speak regarding this public hearing, now is the time to do so. Assistant Town Manager Moore suggested that Mr. Stephen Spangler of Marathon Realty Corporation make a small presentation of what their proposed plans are before holding further discussion.

Mr. Stephen Spangler was recognized and stated that he is President of Marathon Realty Corporation and Vice President of Real Estate for K-VA-T Food Stores, Incorporated, which is Food City. He noted that Marathon Realty Corporation is a subsidiary so that is the relationship between the two corporations. Mr. Spangler commented that he has put together a presentation for the Planning Commission that shows the plans for the future Food City Project. He continued to depict the presentation to the Planning Commission, which included the site plan. Mr. Spangler stated that he would be willing to answer any questions regarding this request. Chairman Litton inquired of Mr. Spangler if his intention regarding a buffer yard is to have landscape trees all the way from Monroe to Main Streets. Mr. Spangler stated that is correct. Chairman Litton inquired if there were any further questions for Mr. Spangler. Vice-Chairman Ervin noted that there were some concerns about the traffic pattern. Assistant Town Manager Moore commented that in the Staff report, it is mentioned that there are two access points at 4th Street, and if the Commission looks at the preliminary drawing now, they have moved it northward near the gas station, and there are no other access points along this street. He noted that what happens is traffic backs up at the traffic light and there is no access point. Chairman Litton inquired if there were any further comments.

Mr. Keith Blankenship was recognized and stated that he resides at 840 West Main Street in Wytheville, which is immediately adjacent to the proposed rezoning area. He noted that he does not really have any objection to the rezoning, but he does have a question for Mr. Spangler regarding the buffer zone of shrubbery and trees, and inquired if Mr. Spangler could elaborate on what that includes. Mr. Spangler explained that it would include whatever the Town staff determines to be the best method and material for the buffer yard. Mr. Blankenship commented that he does not have an objection to the rezoning or to the Food City Project, as long as there

is a fairly substantial buffer zone. Mr. Blankenship thanked the Planning Commission for allowing him to speak. Chairman Litton thanked Mr. Blankenship for his comments.

Chairman Litton stated that he believes that the buffer yard would be required, and that the Planning Commission would not have to specifically add it to the regulations. Assistant Town Manager Moore explained that there is a requirement for a buffer zone where property abuts R-3 Residential Zoning Districts, and it would not be required where it abuts the B-2 Business Zoning District, however, he thinks that Mr. Spangler has indicated that they are willing to provide a buffer yard. Mr. Spangler commented that in both locations, Food City was planning on installing a buffer yard.

Mr. Darren Umberger was recognized and stated that he resides at 810 West Monroe Street in Wytheville. He noted that he lives in the R-3 Residential Zone. Mr. Umberger commented that having a buffer zone with shrubbery is going to allow for a lot of foot traffic because he sees the foot traffic by his house every day. He inquired of the Planning Commission if there is any way that a high fence could be built so that people could not get around it. Mr. Umberger explained that there are a lot of questionable people around that area already, therefore, if people are allowed to go behind the new store, it will make things worse for the residents in the neighborhood. He continued to express his thoughts regarding shrubbery being used for a buffer zone for the Food City Project. Mr. Umberger thanked the Planning Commission for allowing him to speak. Chairman Litton thanked Mr. Umberger for his comments.

Assistant Town Manager Moore explained that a fence may be an alternative or additive to the landscaping that might keep some of the undesirable activity from the back of the store. Mr. Spangler noted that Marathon Realty Corporation is willing to do whatever needs to be done to eliminate issues from arising, if that would be a combination buffer zone. Chairman Litton inquired if there were any other citizens attending the meeting who wished to address the Planning Commission during this public hearing. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL — REZONING REQUEST – MARATHON REALTY CORPORATION

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 Marathon Realty Corporation to rezone property located at 805 West Monroe Street, 810 West Main Street and 830 West Main Street, which is located southeast of Monroe Street and northwest of Main Street, between North 14th and North 16th Streets, from B-1 Business and R-3 Residential to B-2 DT General Business District - Downtown. Chairman Litton stated that questions were answered with the overview provided by Mr. Spangler, but he is not sure if there is any further discussion. Mr. Jones remarked that he thinks the buffer yard needs to be added as a stipulation since it is not a requirement in the B-2 Business Zone, but Marathon is willing to do it and that it be worked out between Marathon, the Town and the citizens who are affected. He noted that the business may not want a fence, but they could install trees or bushes and have a chain link fence on the other side of the fence that would cut down on the foot traffic. Chairman Litton inquired of Mr. Spangler if the rear of the building would consist of mainly grass. Mr. Spangler stated that is correct. He noted that it would mainly be an access for maintenance. Chairman Litton inquired if there would be any asphalt in the rear of the building. Mr. Spangler stated that there would not be any asphalt in the rear of the building. Discussion continued regarding the plans for the rear of the property. Mr. Varney stated that he has some property located near this location, and he can testify to the foot traffic and how people cross in the area. He commented that he thinks the only thing that would work would be a fence. Mr. Varney explained that a fence parallel to Main Street with some landscaping would help with the foot traffic. He continued to express his concerns regarding the foot traffic near his property and the problems such as the trash, etc., which they leave behind and how a fence and landscaping would help with the issue near the Food City Project.

Mr. Darren Umberger was recognized and commented that he would recommend for the fence to be installed on the Monroe and Main Streets side of the Food City Project to catch the border of Mr. Leonard's property.

Chairman Litton inquired of Mr. Spangler if he could see any issues in regard to installing a fence behind the proposed Food City building. Mr. Spangler advised that Marathon Realty Corporation has no problem installing a fence, and it is something that they anticipated due to the concern of the neighbors. Mr. Tate commented regarding the lighting of the property. He inquired of Assistant Town Manager Moore if the Town has requirements regarding the number of lights a lot is required to have in the front and back of the building because this could be a deterrent to citizens of the neighborhood, etc. Assistant Town Manager Moore explained that the Town does have lighting requirements for parking lots. Discussion ensued regarding the lighting of the area of this project. Assistant Town Manager Moore explained that these are all

conditions that the Planning Commission may want to note in their motion, which is that they would expect those things to happen and to proffer those to the Council when the request is presented to the Council. He commented that there is not a lot of negotiation room on the rezoning, except at this stage, therefore, the Commission may want to mention this to the Council in their motion. Mr. Tate commented that if Mr. Moore is referring to fencing not having a lot of negotiation, then would Mr. Moore suggest that the Planning Commission recommend that Marathon Realty Corporation install a particular type of fence. Chairman Litton remarked that Mr. Tate made a good point because a chain link fence is not exactly aesthetically pleasing compared to something like a decorative aluminum black fence that will blend in and is six to eight feet high. He noted that this is what the Commission should be more particular about because it will be visible from Main and Monroe Streets, therefore, it needs to look good from each angle of the building. Mr. Tate commented that he envisioned a big block stone wall. He inquired of Mr. Moore if site plans for projects of this nature had regulations regarding fencing. Assistant Town Manager Moore advised that the Town does not have this type of regulation. He explained the Zoning Ordinance requirements to the Planning Commission. Assistant Town Manager Moore stated that the Planning Commission needs to be very clear in their recommendation to the Council in that they would like a fence that will be decorative and keeps out unwanted pedestrian activity. He noted that the complication is that the developer needs to proffer that to the Council prior to the meeting, therefore, the developer needs to know clearly what they are expected to proffer in that meeting. Assistant Town Manager Moore remarked that the Planning Commission may want to include in their recommendation to the Council that the landscaping is part of the buffer yard requirement and they may want to continue that next to the Blankenship property because they have requested that buffer, as well. He noted that it is not required, but it is something that the developer has said that they would be willing to do. Chairman Litton remarked that before a motion is made, the Commission needs to decide what type of fence they all agree on. Mr. Tate stated that he does not want a chain link fence, and if it is a chain link fence, it should have some type of placard or decorative exterior. He noted that someone such as Mr. Varney or Mr. Litton, who installs fences, may have some ideas. Mr. Tate commented that he wanted to make sure that he understands correctly that in the B-1 Business Zoning Districts, fences are required, but fences are not required in R-3 Residential Districts. Assistant Town Manager Moore advised that the developer is required to have a buffer yard between the proposed B-2 DT Business District and the Residential Zoning District, however, they are not required by the Town's regulations, to provide a buffer yard between the B-2 Business District and the proposed B-2 DT Business District. He explained that the developer has indicated that they are glad to provide this, which is a proffer that Mr. Spangler is offering as a condition of the rezoning. Discussion ensued regarding the buffer yard requirements in the Business Zoning Districts. Chairman Litton remarked that the Planning Commission could recommend to simply state "a continuous buffer yard from West Monroe Street to West Main Street" and to state "continuous fence from West Monroe Street to West Main Street, as well as off the back corner of the building." Assistant Town Manager Moore commented that he would like to note that the plan depicts "South 14th and South 16th Streets," however, those are North 14th and North 16th Streets. Mr. Freeman explained that the street names are correct on the map. Dr. Suarez inquired if the Planning Commission is requesting the developer to install a fence that parallels Main and Monroe Streets and goes all the way to Main and Monroe Streets. He noted that the fence could very well end at the building. Dr. Suarez inquired of Assistant Town Manager Moore if he is correct. He remarked that the buffer would extend the entire distance, but a fence does not necessarily have to extend the entire distance. Assistant Town Manager Moore commented that his understanding is that the Planning Commission is requesting the developer to fence off the entire area so that there is no unwanted traffic flowing in the area. Dr. Suarez explained that if the area behind the building is blocked off, there will be no unwanted traffic. He expressed that the Planning Commission cannot expect the developer to install a fence around the entire property. Assistant Town Manager Moore advised that the fence would be from the rear of the building along the new boundary and back to the building. He noted that Food City would have a locked gate where they would enter the area in the back of the building and where employees would gain entrance to the building. Mr. Spangler commented that from a fire and safety position, his interpretation was that the fence would be a straight line and would not necessarily connect to Food City. He explained that whether it would have to be a gate to enter and exit, he cannot answer this from a fire and safety perspective. Mr. Spangler remarked that his thought, in this discussion, is just a linear fence from Monroe Street to Main Street. He stated that he is unsure if a fence surrounding the property would be a fire and safety issue, and he cannot answer this and wanted to be clear the he could not answer these questions. Assistant Town Manager Moore remarked that the main concern from the citizens and Planning Commission is that people will start camping behind the store and fence. He noted that it was his understanding that the back of the building needs to be sealed off from the unwanted traffic somehow. Chairman Litton inquired of Assistant Town Manager Moore if a fire lane is required. Assistant Town Manager Moore explained that the fire lane is going to be predicated on a number of factors, which he is not sure about, but he would suspect that since this is a sprinklered building, a fire lane would not be a requirement. Discussion continued regarding the plans for the fencing, fire safety, etc. of the proposed Food City Project. Mr. Moore stated that all of the inquiries presented to Mr. Spangler at this meeting will have to be

addressed in the final design, and, whatever the recommendation is that ultimately gets approved, Town staff will see that it happens. Mr. Varney inquired of Mr. Spangler if he, normally, knows what type of fencing is going to be constructed when developing a project like this or what issues may arise with the drawings. Mr. Spangler commented that the base chain link fence could obviously be installed, but, again, where the property is located, it is not located in a business zone, but, rather, adjacent to residential property. He explained, therefore, his company is aware that they probably have to go above and beyond what is required in the zoning district in order to satisfy or appease some of the concerns of the adjacent property owners. Mr. Spangler noted that this is why Marathon Realty Corporation distributed letters to the adjacent property owners prior to the public hearing, which was to see if any of them wanted to discuss the rezoning before the public hearing was held. He noted that, obviously, the public hearing is a forum for the citizens to discuss their concerns, but Marathon Realty Corporation fully anticipated that one of the main issues would be the fencing of the property. He commented that he is not the architect or designer of the project, so he cannot give the Planning Commission a specification regarding the fence, but he can assure the Commission that Marathon Realty Corporation will install a fence that everyone is comfortable with and that is aesthetically pleasing with a secure aspect to it. Mr. Varney remarked that Mr. Moore may need to help him, but he does not think that the Planning Commission has to determine what type of fence needs to be installed. He noted that he thinks there are certain elements that the Commission is looking for in the fence. Mr. Varney explained that those elements would be for the fence to be secure, which means tall enough where people cannot get over it, durable and aesthetically pleasing. He remarked that if the Planning Commission presents Marathon Realty Corporation with their recommendations, could Mr. Spangler respond with a yes or no answer that the recommended fence is possible. Mr. Spangler commented that he absolutely could do this, which is all part of the process. He continued to discuss the planning process of these types of projects with the Planning Commission. Chairman Litton stated that he feels like the Planning Commission is looking for the fence to be something along the aluminum line that is commercial grade but does not cost that much more than the standard fence. Mr. Spangler remarked that following this meeting, if anyone has any ideas that they would like to share with Marathon Realty Corporation, he will be happy to share the ideas with the appropriate parties internally so that they understand what the Commission and community are thinking so that the ideas can be incorporated into their plans. Mr. Tate advised that he had a comment regarding the fence because his thought was for it to run perpendicular from Monroe and Main Streets and parallel along Monroe and Main Streets to get to the front of the building. He inquired of Mr. Spangler how will a linear fence, such as the fence depicted on the plans, keep people from walking around the side of the fence and going to the back of the building. Mr. Tate commented that if they want to keep their fire lane, they could install a fence along the property line. Mr. Tate remarked that he does not see a rear fence serving much of a purpose. Discussion continued regarding the fencing of the property. Mr. Tate advised that he suggests installing the fence one foot off the property line and taking it along West Monroe Street. He noted that Chairman Litton had sketched a drawing of exactly what he envisioned. Chairman Litton inquired of Assistant Town Manager Moore if it would be acceptable for Mr. Umberger to review the sketched drawing. Assistant Town Manager Moore recommended for the Planning Commission to state in the motion "security fence that keeps unwanted foot traffic out of the area." Mr. Varney agreed with Assistant Town Manager Moore. He commented that the Planning Commission needs to make a recommendation based on what they would like for the fence to provide. He noted that, ultimately, Mr. Spangler stated that they are willing to do what they need to do that is within reason. Mr. Spangler stated that is correct, and that they would work in good faith to satisfy everyone, but he needs somewhat of a caveat that, ultimately, it is up to permitting and things along those lines such as architectural work, codes, etc. He reiterated that he could not speak specifically at this meeting. Chairman Litton advised that the main two topics of discussion were the fence and buffer yard. Discussion ensued regarding the fence and/or buffer yard being aesthetically pleasing, not being intrusive on the neighbors, etc. Chairman Litton inquired if there is a motion for the Planning Commission to recommend to the Town Council that the rezoning request be approved or denied. A motion was made by Dr. Suarez and seconded by Vice-Chairman Ervin to recommend to the Town Council to approve the request of Marathon Realty Corporation to rezone property located at 805 West Monroe Street, 810 West Main Street and 830 West Main Street, which is located southeast of Monroe Street and northwest of Main Street, between North 14th and North 16th Streets, from B-1 Business and R-3 Residential to B-2 DT General Business District - Downtown, with the following stipulations: 1.) Install a fence that is functional, durable and sight appealing; 2.) Install a buffer zone; and, 3.) Address appropriate lighting at the back of the building. 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 no one listed on the sign in sheet marked that they wished to address the Planning Commission during Citizens' Period, therefore, he would proceed with the agenda.

RE: SPECIAL EXCEPTION PERMIT REQUEST – LORETTO HISTORIC MANSION, LLC

Chairman Litton advised that the next agenda item is to set a public hearing to consider the request of Loretto Historic Mansion, LLC for a Special Exception Permit to extend the venue hours and visitor capacity and to use the terrace and front porch areas of the mansion for their operations located at 205 Loretto Drive, which is located on the west side of Loretto Drive between Peppers Ferry Road and Mountain View Drive, in an R-1 Residential District. Assistant Town Manager Moore stated that the agenda description that Chairman Litton read summarizes the request, however, the Staff Report reflects four items. He commented that the Morins are present, and they would be glad to answer any questions that the Commissioners may have before setting the public hearing. A motion was made by Dr. Suarez and seconded by Vice-Chairman Ervin to set a public hearing for the January 9, 2020, Planning Commission meeting at 6:00 p.m., in the Council Chambers, to consider the request of Loretto Historic Mansion, LLC for a Special Exception Permit to extend the venue hours and visitor capacity and to use the terrace and front porch areas of the mansion for their operations located at 205 Loretto Drive, which is located on the west side of Loretto Drive between Peppers Ferry Road and Mountain View Drive, in an R-1 Residential District. Chairman Litton inquired if there was any discussion on the motion. Chairman Litton inquired of Ms. Morin if she had any comments or would like to make any additional concerns regarding her request. Ms. Jennifer Morin was recognized and stated that the chart she has created is fairly clear regarding her requests for an amended Special Exception Permit. She commented that she would like to state that she noticed in the Staff Report some suggestions about a buffer yard fence. She explained that they have installed an extensive buffer yard of approximately 15 Evergreen trees along Loretto Drive. Ms. Morin commented that she has not heard any requests or objections from property owners asking for additional fencing there. She remarked that she has received compliments in regard to the new landscaping that has been placed there. Ms. Morin advised, therefore, the idea of a buffer yard fence is not, and would not be, her idea. Vice-Chairman Ervin inquired of Ms. Morin if she has reached out to Ms. Taylor who resides across the street from the Loretto Mansion regarding the new proposal. Ms. Morin stated that she has discussed the request with Ms. Taylor, and, in fact, she invited Ms. Taylor and her son over to Loretto to tour the facility. She noted that she and Ms. Taylor held a cordial conversation about some of the renovations taking place in some of the buildings and that she would be requesting extended hours due to the fact that they have had to decline so many prospective clients. Ms. Morin noted that she explained to Ms. Taylor that she would not do anything without letting her know first, therefore, she gave Ms. Taylor the papers that were submitted for her Special Exception Permit request. She commented that she did not hear from Ms. Taylor for approximately one month, but noted that she received a voicemail from Ms. Dawn Taylor stating that she was still objecting to the activities for the LLC. Ms. Morin explained that Ms. Taylor's objection was due to her "fear that her residence property value would decrease." She commented that there was no talk about noise, parking or anything of that nature. Ms. Morin stated that Ms. Taylor still seems to be objecting based on a perception that her property value will decrease. She noted that she expects there to be more objections of this type at the public hearing. Councilwoman Pattison stated that she would like to commend Ms. Morin on her business plan. She commented that it is well written, and she is glad to see this. Discussion ensued regarding the Planning Commission members who have visited the Loretto Mansion. Chairman Litton inquired if there were any further questions or comments for Ms. Morin. There being none, he thanked Ms. Morin for her comments. Assistant Town Manager Moore stated that he would like to address Ms. Morin's comments regarding the fence in the Staff Report. He noted that sometimes there are conditions placed on a property based on what people have said they would like. Mr. Moore remarked that in the Staff Report, that is merely all that is being stated, which is if there are objections to the request, there is a way to alleviate the concern. He explained that it would be contingent upon there being a problem, then a fence could be erected. Mr. Moore advised that he is not necessarily recommending that a fence be required, however, he is simply trying to make suggestions to alleviate the problem should objections arise at the public hearing. Chairman Litton inquired of Mr. Moore if the Planning Commission could request something to be done that would override the Zoning Ordinance in a Special Exception Permit. Assistant Town Manager Moore commented that he thought that would be permitted. Chairman Litton inquired if there was any further discussion on the motion to set the public hearing for January 9, 2020. 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: ZONING OF CERTAIN PROPERTIES

Chairman Litton advised that the next agenda item is the continued 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. Assistant Town Manager Moore stated that this was addressed in the Staff Report, however, a letter was sent to all property owners, and Town staff has only received two responses out of 16. He noted that one of the responses came from Mr. Barry Catron stating that he owns the lots adjacent to the housing that he is developing, and requesting if he could receive sewer to those lots easily and noting that for the time being, he would prefer that it remain business property. Assistant Town Manager Moore stated that the other property owner that Town Staff heard from was Mr. Eric Collins who stated that he owns a storage building and is not sure that he is comfortable with changing the zoning to residential use. He depicted Mr. W. L. Cornett's property on the map, which used to be owned by Mr. Larry Sharitz. He noted that Mr. Sharitz lived in the house on the property and housed his Home and Commercial Cleaning business in the commercial building beside the residence. Mr. Moore explained that he spoke with Mr. Cornett several months ago, and Mr. Cornett was undecided about what he wanted to do with the property. He noted, subsequently, he tried to call Mr. Cornett and was unable to reach him. Assistant Town Manager Moore remarked that he would suspect Mr. Cornett to be in opposition of a rezoning. He advised, therefore, there are three property owners opposing the rezoning. Assistant Town Manager Moore explained that the other response that Town Staff received, initially, was from the Wytheville Redevelopment and Housing Authority's Executive Director, Mr. Randy Martin, who stated that he felt the rezoning is appropriate, if the Town wishes to rezone the block that encompasses the Housing Authority's property. He explained to the Planning Commission that there seems to be mixed feelings from the property owners, therefore, if they wish to rezone, then the Housing Authority property would be appropriate, but some other areas in the proposed rezoning may not be accepted by the property owners. Assistant Town Manager Moore commented that Town Staff is looking for guidance from the Planning Commission as to how they wish to proceed. Chairman Litton inquired of Assistant Town Manager Moore if the Town could rezone the block where the Housing Authority property is located. Assistant Town Manager Moore explained that the primary concern is coming from the upper block where Mr. Barry Catron has a new residential development along Ridge Street. He noted that the original proposal for the rezoning may not be happening, but, hopefully, another proposed area will be rezoned. Chairman Litton inquired if any of the other Planning Commissioners had any comments regarding this proposed rezoning. Discussion ensued regarding the intent of the rezoning, etc. Assistant Town Manager Moore commented that it may not be unreasonable to rezone the tracts on the map with houses on them also as R-3 Residential because they connect to R-3 Residential. Discussion continued regarding the proposed rezoning. Chairman Litton inquired of Assistant Town Manager Moore if the next step would be to set a public hearing for the proposed rezoning. Assistant Town Manager Moore remarked that there is no rush on the rezoning, if the Commission would like to think about the rezoning further. Chairman Litton inquired if there is a motion to set a public hearing for the proposed rezoning. A motion was made by Vice-Chairman Ervin and seconded by Mr. Varney to set a public hearing for the for the January 9, 2020, Planning Commission meeting at 6:00 p.m., in the Council Chambers, to consider rezoning the block of properties bounded by West Pine Street, West Reservoir Street, North 24th Street and North 26th Street from B-2 Business to R-3 Residential. Chairman Litton inquired if there was any discussion on the motion to set the public hearing for January 9, 2020. 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: INOPERATIVE VEHICLES AT AUTO BODY, AUTO REPAIR AND TOWING SERVICE BUSINESSES

Chairman Litton advised that the next agenda item is further discussion regarding inoperative vehicles and auto body, auto repair and towing service businesses. Assistant Town Manager Moore explained that the Staff Report is merely Town Staff trying to go back and reevaluate discussions regarding inoperative vehicles and auto body, auto repair and towing service businesses in town. He remarked that he would like to state that Mr. Bill Smith's email comments, which have been made part of the minutes from the October 10, 2019, meeting, regarding the timeframe of vehicles positioned next to his property on Industry Road, were indeed correct. Assistant Town Manager Moore noted that Mr. Smith stated that the vehicles were on the property for approximately two and a half years versus one year, which is accurate. He apologized to the Planning Commission for shortening the timeframe because it is a concern to Mr. Smith and his properties. Mr. Moore commented that the Planning Commission's initial attempt with the inoperative vehicle discussion was to examine how to incorporate towing services into the Zoning Ordinance since they were not listed as a permitted use, and, also, to establish a number of inoperative vehicles that a particular repair shop could have in place on the property and not be in violation of the ordinance. Assistant Town Manager Moore remarked that, hopefully, by doing this, it will give the businesses some leeway and help get rid of some of the inoperative vehicles being seen collecting throughout town. He commented that during the inoperative vehicle work session, there were some allegations that were not necessarily true. Assistant Town Manager Moore explained that there were some allegations made that the Town

does not enforce its present ordinance and he would have to disagree. He expressed that the Town has Police Officers who are dealing with inoperative vehicles on a daily basis. Mr. Moore remarked that these are primarily complaint based. Assistant Town Manager Moore commented that it takes a tremendous amount of time for an Officer to work on the inoperative vehicle complaints, to which Police Chief Rick Arnold can attest. He explained to the Planning Commission that the question is how aggressively the Town should pursue these issues. Assistant Town Manager Moore commented that his point would be that until the ordinances are in place and crafted the way the Planning Commission would like to see them, he does not see the reason to enforce them. He stated that the Planning Commission would make the recommendation of how they would like the inoperative vehicle ordinances to be written, and then have Town Council adopt the ordinances. Assistant Town Manager Moore explained that in the Staff Report, he tried to outline very clearly what automobile related uses are permitted and in which districts. He continued to discuss the Staff Report with the Commissioners and explain some suggestions Town Staff has regarding inoperative vehicles beginning on page four. Assistant Town Manager Moore noted a PowerPoint presentation with pictures of towing properties with inoperative vehicles and a list of the worst offenders that will be the hardest to clean up. He noted that they are also very busy, legitimate businesses that do a lot of work and should not be punished for that, however, the Town would simply like to try to get the inoperative vehicles out of the way. Discussion ensued regarding the businesses listed on the worst offenders list and how the Planning Commission should proceed regarding the inoperative vehicles. Assistant Town Manager Moore stated that the Planning Commission needs to establish what is going to be regulated and how it will be regulated. He noted that if towing service businesses are not going to be allowed, then a definition will need to be placed in the ordinance defining a towing service business and where they are a permitted use. Discussion ensued regarding the towing service businesses and why they have inoperative vehicles on their lots. Chairman Litton inquired of the Commission what their thoughts were regarding the towing service businesses. Discussion continued regarding the towing service businesses. Assistant Town Manager Moore stated he is not opposed to towing service businesses being a permitted use as any other auto repair or auto body service. He expressed his concerns regarding the towing service businesses becoming an auto graveyard, if they accumulate more than five vehicles on their lots, which is not permitted by the ordinance nor by State Code. Chairman Litton inquired of Assistant Town Manager Moore if Town Staff's suggestion would be to allow the towing service businesses to operate in the B-1 Business and B-2 Business Zoning Districts. Assistant Town Manager Moore advised that Town Staff would not suggest the towing service businesses be permitted to operate in B-1 Business Zoning Districts, but, certainly, in B-2 Business and all Industrial Zoning Districts. Chairman Litton inquired of Assistant Town Manager Moore if there are currently any towing service businesses located in any B-1 Business Zoning District. Assistant Town Manager Moore advised that B-1 Business Zoning Districts only allow auto display and sales businesses as a permitted use. He noted that there should not be any auto repair or auto body business located in any of the B-1 Business Zoning Districts. Chairman Litton inquired if the Planning Commission would like to move forward with the ordinance. Assistant Town Manager Moore suggested that by the February 2020, meeting, Town Staff draft would draft an outline of what staff thinks needs to happen. He commented that the Planning Commission can review the draft at the February meeting and, if they feel it is appropriate, they can schedule another work session to discuss the proposed ordinance. It was the consensus of the Planning Commission for Town Staff to draft an outline regarding the inoperative vehicles and auto body, auto repair and towing service businesses and present it to the Planning Commission for review at the February 2020, meeting. Mr. Tate inquired of Chairman Litton where the auto businesses are hauling the inoperative vehicles. Chairman Litton stated that the businesses he spoke with haul them to Atkins, Virginia, to a gentleman who strips them for parts and then hauls them somewhere else to be crushed. He noted that he thinks 103 Towing, R & C Towing and several other towing services haul them to Atkins, Virginia, because this gentleman pays the most for the vehicles. Discussion continued regarding the inoperative vehicles and where they can be hauled to for destruction. Assistant Town Manager Moore commented that Virginia Recycling will take inoperative vehicles, and they pay the rate for steel, which is presently \$3.00 per 100 pounds. Chairman Litton inquired if there was any further discussion regarding the inoperative vehicles. There being none, he proceeded with the agenda.

DISPENSING WITH DECEMBER MEETING

Chairman Litton advised that the next agenda item is to consider dispensing with the December meeting, due to the Christmas holidays. A motion was made by Mr. Jones and seconded by Mr. Tate to dispense with the December 12, 2019, Planning Commission meeting, due to the Christmas holidays. 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: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:27 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk