



AGENDA
Wytheville Planning Commission
Thursday, March 14, 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 February 14, 2019
- D. **PUBLIC HEARINGS**
 - 1. Consider the request of US Cellular for a Special Exception Permit to construct a stealth monopole tower on the west side of Goodwin Lane, which is located between East Main Street and East End Cemetery, in a B-2 Business Zoning District
 - 2. Consider the request of Suzanne Richert for a Special Exception Permit to raise ponies and goats on a portion of her property located at 270 Echo Valley Road, which is located on the west side of Echo Valley Road and south of Echo Valley Circle, in an R-2 Residential Zoning District
 - 3. Consider amending the Town of Wytheville Zoning Ordinance, Article VIII – Residential District R-3, Section 8-8, Special Provisions for Residences, to decrease the minimum square footage for residences
 - 4. Consider amending the Town of Wytheville Zoning Ordinance, Article VI-M – Residential District R-1M, to delete Section 6-9.9M, a provision that permits one roomer to reside in the dwelling unit for compensation
- E. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider the request of US Cellular for a Special Exception Permit to construct a stealth monopole tower on the west side of Goodwin Lane, which is located between East Main Street and East End Cemetery, in a B-2 Business District
 - 2. Consider the request of Suzanne Richert for a Special Exception Permit to raise ponies and goats on a portion of her property located at 270 Echo Valley Road, which is located on the west side of Echo Valley Road and south of Echo Valley Circle, in an R-2 Residential Zoning District

3. Consider amending the Town of Wytheville Zoning Ordinance, Article VIII – Residential District R-3, Section 8-8, Special Provisions for Residences, to decrease the minimum square footage for residences
4. Consider amending the Town of Wytheville Zoning Ordinance, Article VI-M – Residential District R-1M, to delete Section 6-9.9M, a provision that permits one roomer to reside in the dwelling unit for compensation

F. CITIZENS' PERIOD

G. OTHER BUSINESS

1. Continued discussion regarding regulations for Homestays
2. Further review of the zoning of properties along Community Boulevard

H. ADJOURNMENT



AGENDA
Wytheville Planning Commission
Work Session
Thursday, March 14, 2019
5:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

A. WORK SESSION

1. Discussion regarding the Town of Wytheville Wireless Telecommunications Facilities Ordinance and regarding a request from US Cellular for issuance of a Special Exception Permit to locate a Telecommunications Tower on Goodwin Lane

B. ADJOURNMENT

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

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

Members absent: Kevin L. Varney

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

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 January 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 Mr. Jones and seconded by Mr. Tate to approve the minutes of the regular meeting of January 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 in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, John W. Jones, Jr. Against: None.

RE: PUBLIC HEARING – SMALL-LOT/SMALL-HOME OVERLAY ZONE

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) to consider amending the Town of Wytheville Zoning Ordinance, Article XVI - General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add it as eligible for placement in the following districts: Article V – Agricultural District A-1; Article VIII – Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2. Assistant Director of Planning and Community Development Brian Freeman stated that the Planning Commission has seen Town staff's presentation several times, and he would not present it again, unless the Commission so desires. He noted that there has only been one change since the last meeting. Mr. Freeman explained that there was a request by the Commission members that it be mandated for all utilities to be placed underground. He noted that on page two, item number eight, the last sentence states "All electric, phone, internet, etc. service lines shall be installed underground." Mr. Freeman commented that there was an awkward sentence on number four from a previous meeting that did not get corrected before the last meeting, under "Front Yard Setbacks." He remarked that the sentence has been removed because Town staff felt like the remainder of the ordinance already addresses this. Mr. Freeman explained that what this section means is if a person has a front porch that extends beyond the front wall, it cannot be closer than 15 feet to the front line. He inquired of the Planning Commission if there was anything specific that they would like to review further, otherwise, he feels the Commission is well versed on the proposed ordinance. Mr. Freeman stated that if there is no further discussion the Chairman would need to make a motion to close the public hearing. He noted that the Planning Commission would need to make a recommendation to the Town Council regarding amending the Zoning Ordinance to include the Overlay Zone so that it is eligible for placement. Chairman Litton inquired if there is any further discussion regarding the Small-Lot/Small-Home Overlay Zone public hearing. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL — SMALL-LOT/SMALL-HOME OVERLAY ZONE

Chairman Litton advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider amending the Town of Wytheville Zoning Ordinance, Article XVI - General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add it as eligible for placement in the following districts: Article V – Agricultural District A-1; Article VIII – Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2. A motion was made by Mr. Tate and seconded by Mr. Jones to recommend to the Town Council to approve amending the Town of Wytheville Zoning Ordinance, Article XVI - General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add it as eligible for placement in the following districts: Article V – Agricultural District A-1; Article VIII –

Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, 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, however, if Ms. Switzer with US Cellular wished to address the Commission at this time, the Commission would be glad to hear from her. Ms. Switzer stated that she did not wish to speak at this time. Chairman Litton advised that he would proceed with the agenda.

RE: SPECIAL EXCEPTION PERMIT – US CELLULAR

Chairman Litton advised the next agenda item is to set a public hearing to consider the request of US Cellular for a Special Exception Permit to construct a stealth monopole tower on the west side of Goodwin Lane, which is located between East Main Street and East End Cemetery, in a B-2 Business Zoning District. Councilwoman Pattison stated that she would like to conduct a Work Session prior to this public hearing. Assistant Town Manager Moore advised that a Work Session could be held at 5:00 p.m., prior to the 6:00 p.m. scheduled meeting and public hearing. He noted that the consultants could attend the Work Session and make a presentation to the Planning Commission. Assistant Town Manager Moore inquired of the Planning Commission if there were any questions regarding the proposed location, configuration, etc. of the tower. Discussion ensued regarding the proposed location pictures provided in the Planning Commissioner's packets. Chairman Litton inquired if the monopole would be lit. Ms. Switzer stated that it would not. Chairman Litton commented that he was referring to it being a pole with a flag. Ms. Switzer explained that US Cellular would be required to install a light illuminating the flag, but there will not be a light on top of the pole. Discussion ensued regarding the options for different types of poles. Councilwoman Pattison inquired of Ms. Switzer if US Cellular had other sites in mind besides the Goodwin Lane location. Ms. Switzer stated that the main objective was to stay clear of the historical district and residential areas, which are located further into town. She noted that placement of the tower was really hard, and this location was the best option. Discussion ensued regarding the diameter and the appearance of the steel pole. Ms. Switzer noted that the site plans have all of the detailed information included on them, and she can bring those to the Work Session. Councilwoman Pattison stated that the Commission looks forward to Ms. Switzer's presentation at the Work Session. Ms. Switzer remarked that if the Commission members need anything else to please contact her. Chairman Litton inquired if there is a motion to set the public hearing for the March 14, 2019, meeting. A motion was made by Mr. Jones and seconded by Mr. Tate to set a public hearing for the Thursday, March 14, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider the request of US Cellular for a Special Exception Permit to construct a stealth monopole tower on the west side of Goodwin Lane, which is located between East Main Street and East End Cemetery, in a B-2 Business Zoning District. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, John W. Jones, Jr. Against: None.

RE: SPECIAL EXCEPTION PERMIT – SUZANNE RICHERT

Chairman Litton advised the next agenda item is to set a public hearing to consider the request of Suzanne Richert for a Special Exception Permit to raise ponies and goats on a portion of her property located at 270 Echo Valley Road, which is located on the west side of Echo Valley Road and south of Echo Valley Circle, in an R-2 Residential Zoning District. Assistant Town Manager Moore inquired if the Planning Commission had any particular questions regarding this request. Councilwoman Pattison and Chairman Litton commented that, it looked like Ms. Richert has performed more research than any other applicant who has ever applied for a Special Exception Permit in the past. Assistant Town Manager Moore commented that Town staff would inquire with Ms. Richert's neighbors to make sure that she has indeed made contact with them and that they agree with Ms. Richert's request. He noted that the neighbor's will be receiving a certified notice. Discussion ensued regarding possible covenants and restrictions in the Echo Valley Road homeowners' deeds and that livestock and four wheelers may not be permitted as a part of those covenants. Discussion ensued regarding the property owners located near Ms. Richert. Chairman Litton inquired if there was any further discussion regarding Ms. Richert's request. Discussion ensued regarding the owners of the Edgemont Center. Chairman Litton inquired if there is a motion to set the public hearing for the March 14, 2019, meeting. A motion was made by Mr. Jones and seconded by Councilwoman Pattison to set a public hearing for the Thursday, March 14, 2019, Planning Commission meeting, at 6:00 p.m., in the Council

Chambers, to consider the request of Suzanne Richert for a Special Exception Permit to raise ponies and goats on a portion of her property located at 270 Echo Valley Road, which is located on the west side of Echo Valley Road and south of Echo Valley Circle, in an R-2 Residential Zoning District. Chairman Litton inquired if there was any discussion on the motion. Dr. Suarez inquired if it will make a difference if there are covenants in the deed. Assistant Town Manager Moore explained that if there are covenants, there would be no reason to proceed with the Special Exception Permit request hearing. He noted that, unfortunately, Ms. Richert may have already incurred some expenses with advertisements, therefore, Town Staff will try to get this worked out immediately. Chairman Litton inquired if there was any further discussion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, John W. Jones, Jr. Against: None.

RE: R-3 RESIDENTIAL DISTRICT AMENDMENT

Chairman Litton advised the next agenda item is to set a public hearing to consider amending the Town of Wytheville Zoning Ordinance, Article VIII – Residential District R-3, Section 8-8, Special Provisions for Residences, to decrease the minimum square footage for residences. A motion was made by Vice-Chairman Ervin and seconded by Mr. Jones to set a public hearing for the Thursday, March 14, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider amending the Town of Wytheville Zoning Ordinance, Article VIII – Residential District R-3, Section 8-8, Special Provisions for Residences, to decrease the minimum square footage for residences. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, John W. Jones, Jr. Against: None.

RE: HOMESTAYS

Chairman Litton advised the next agenda item is the continued discussion regarding regulations for Homestays. Assistant Town Manager Moore commented that at the last meeting, there were lots of questions regarding this topic. He noted that he has contacted Abingdon and Blacksburg about their ordinance. Assistant Town Manager Moore commented that one of questions at the last meeting was in regard to the 90 day restriction on a Homestay use. He noted that Christiansburg had since gone to a 365 day per year use. He stated that both Abingdon and Blacksburg felt like to do this, it tends to change the character of the neighborhood from a residential area to a commercial area. Assistant Town Manager continued to describe the feedback that he received from Abingdon and Blacksburg in regard to their Homestay Ordinances. He referred to page two of the staff report in the Commissioners' packets, and the decisions that need to be made. It was the consensus of the Planning Commission that Homestays will only be permitted in owner-occupied dwellings, which could include townhouses, duplexes and condominiums. It was the consensus of the Planning Commission that Homestays will be allowed to operate 365 days a year. It was the consensus of the Planning Commission that the number of people staying at a Homestay be limited to eight (8) adults and two (2) families. Assistant Town Manager Moore discussed the Building Code inspection requirements with the Planning Commission. Chairman Litton commented that in Virginia, all rental properties, which he would still consider a Homestay somewhat of a rental property, requires an annual inspection of a smoke detector per bedroom, etc. Discussion ensued regarding what would consist of the inspections outside of fire alarms, ingress/egress, fire extinguishers, etc. It was the consensus of the Planning Commission for Town staff to provide an inspection checklist to review at the next meeting. Chairman Litton inquired of the Planning Commission if there is a motion to set a public hearing or would Town staff prefer to wait until the revisions are made to the ordinance. Assistant Town Manager Moore stated that there are four public hearings scheduled for the March 14, 2019, meeting, and it would be best to make the revisions to the ordinance and review those at the next meeting. Dr. Suarez inquired of Town staff if there is a penalty for not having a Town Business License if a homeowner is not registered. Town Clerk Corvin advised that there is a penalty, and it is listed under number 18 in the draft ordinance. Discussion ensued regarding the fine for not getting a Business License through the Town and for not paying Town Lodging Taxes. Town Attorney Menerick discussed how Airbnb collects the taxes from the host and reimburses the localities. Mr. Tate inquired of the Commission if they would mind revisiting the previous discussion of the number of adults that would be limited to stay in the Homestay. Mr. Tate commented that he would prefer not to put a limit on the number of bedrooms in the Homestay Ordinance because it makes no sense to him. He continued to express his thoughts as to why he does not want to place a limit on the number of bedrooms in the Homestay Ordinance. He inquired of Mr. Jones why he wants to control the number of bedrooms in the ordinance. Mr. Jones stated that he feels there will be backlash from the motels. He commented that if the Town is going to allow Homestays, then there needs to be a way to show the motels that the Town has a way to govern the Homestays, and that the Homestays are not getting away with not having to pay Lodging Taxes, etc. Mr. Jones continued to express his thoughts in regard to why he wants to control the number of bedrooms in the

Homestay Ordinance. Discussion continued regarding the limit on the number of bedrooms and the limit on the number of people allowed to stay in the Homestay. It was the consensus of the Planning Commission to insert language into the proposed Homestay Ordinance stating “a bedroom” that qualifies relative to the Building Code, but to not place a set limit on the number of bedrooms but to change the number of adults to six (6) in the Homestay Ordinance. Chairman Litton inquired if there was any further discussion regarding the Homestay regulations. There being no further discussion, Chairman Litton proceeded with the agenda.

RE: COMMUNITY BOULEVARD

Chairman Litton advised the next agenda item is the further review of the zoning of properties along Community Boulevard. Assistant Town Manager Moore stated that he had the opportunity to speak with Mr. Charlie Testerman, last week, regarding the rezoning of Community Boulevard. He noted that, originally, Mr. Testerman had indicated that there was no interest on his part in a rezoning, however, when Assistant Town Manager Moore mentioned to Mr. Testerman that the Cassells were requesting a rezoning, Mr. Testerman stated that he may be interested. Assistant Town Manager Moore depicted a map of the proposed rezoning of Community Boulevard to the Planning Commission. He stated that staff would suggest that more information be obtained about the configuration and ownership of the residential properties and that this area be studied further before the Planning Commission continues with the proposed rezoning. Discussion ensued regarding the tracts of R-2 Residential property along Community Boulevard that appear to have road frontage and to possibly include those tracts as business property. Assistant Town Manager Moore continued to express staff's thoughts regarding the rezoning of Community Boulevard. Councilwoman Pattison inquired of Assistant Town Manager Moore as to what kind of development the Cassells are proposing by rezoning the property. Assistant Town Manager Moore explained to the Commissioners that he is under the impression that the Cassells are going to sell the land for business property. He noted that the Cassells did not speak to him about any specifics. Mr. Tate commented that the Cassells are trying to plan for the future, and the first step is to try to get some of their property, which is located along Community Boulevard, zoned as business use. He noted that the Cassells stated that they may want to split the property into four or five parcels along the frontage, and try to see if they can sell one or two parcels, etc. Councilwoman Pattison inquired of Mr. Tate if he had looked at Mr. Testerman's property. Mr. Tate stated that he has, and he explained that Mr. Testerman's property has a large ravine, a low spot, which is not great for developing. Chairman Litton inquired of Assistant Town Manager Moore if Town staff had ever researched if there was any property on the other side of Community Boulevard. Assistant Town Manager Moore stated that Town staff has not, however, Town staff thinks that most of it is probably right of way. He noted that it is mostly ravine and there is limited or no access to it. Discussion continued regarding the Cassell and Testerman properties and the possibility of a rezoning. It was the consensus of the Planning Commission to review the zoning of properties along Community Boulevard and to review the revised map so that it shows only the Cassell property for a rezoning at the next Planning Commission meeting. Chairman Litton inquired if there were any other comments or questions regarding the zoning of properties along Community Boulevard. There being none, he proceeded with the agenda.

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

Chairman Litton advised the next agenda item is discussion regarding possible placement of the Small-Lot/Small-Home Overlay Zone. Assistant Town Manager Moore stated that it will be necessary for the Planning Commission to set a public hearing for where the Commission may desire to place this Overlay Zone in the town. He noted that the public hearing could be scheduled for the April meeting, if the Commission is so inclined. Discussion ensued regarding the Small-Lot/Small-Home Overlay Zone. It was the consensus of the Planning Commission to set a public hearing for the Thursday, April 11, 2019, Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider placing the Small-Lot/Small-Home Overlay Zone on certain properties bounded by: (a) West Jefferson Street, Railroad Avenue and South 8th Street; (b) West Jefferson Street, South 14th Street, South 18th Street and West Washington Street; and, (c) West Jefferson Street, South 12th Street, South 10th Street and West Union Street, all in an R-3 Residential Zoning District.

RE: TUSKEENA WYTHEVILLE CENTER SUBDIVISION

Chairman Litton advised the next agenda item is the overview of an administrative subdivision request of Tuskeena Wytheville Center. Assistant Town Manager Moore stated that the Town has received a request from Tuskeena Wytheville Center for a subdivision of property on East Main Street at the Lee-Hy Shopping Plaza. He noted that this is a subdivision that can be approved administratively and does not require approval by the Planning Commission. Assistant Town Manager Moore explained that he is presenting this information to the Commission to let them know that the Town is trying to get some of the erosion sediment control and stormwater

retention area corrected and improved to the way that it should be. Discussion ensued regarding the subdivision.

RE: DR. TERRY SUAREZ

Dr. Suarez stated that he would like to express his appreciation to the Planning Commission and Town staff for their expression of condolences when his mother passed away a month ago.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:08 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk