AGENDA
Wytheville Planning Commission
Thursday, November 12, 2020
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

A. CALL TO ORDER — Chairman Kenny W. Ervin

B. ESTABLISHMENT OF QUORUM — Chairman Kenny W. Ervin

C. CONSENT AGENDA

1. Minutes of the regular meeting of October 8, 2020

D. CITIZENS’ PERIOD

E. OTHER BUSINESS

1. Further review of fencing/wall regulations

2. Continued review of the proposed regulations regarding Motor Vehicle Towing or Wrecker Service

3. Review of proposed change to the final plat for the Deerfield Subdivision

4. Further discussion regarding dog parks

5. Review of the Housing Goal and Objectives of the Comprehensive Plan

6. Dispensing with December meeting due to Christmas holidays

F. ADJOURNMENT
MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, OCTOBER 8, 2020, AT 6:00 P.M.

Members present: Kenny W. Ervin, Cathy D. Pattison, Bradford M. Litton, M. Bradley Tate, Kevin L. Varney, George F. Wittwer

Members absent: John W. Jones, Jr.

Others present: Mayor Beth A. Taylor, Town Manager Stephen A. Moore, Assistant Town Manager T. Brian Freeman, Town Clerk Sharon G. Corvin, Landscaping Consultant John Woods, Mr. Donald W. “DJ” Cook, Jr.

RE: CALL TO ORDER, QUORUM

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

RE: CONSENT AGENDA

Chairman Ervin presented the consent agenda consisting of the minutes of the regular meeting of September 10, 2020. 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-Mayor Pattison and seconded by Mr. Tate to approve the minutes of the regular meeting of September 10, 2020, as presented. Chairman Ervin 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: Kenny W. Ervin, Cathy D. Pattison, Bradford M. Litton, M. Bradley Tate, George F. Wittwer. Against: None. Mr. Varney was absent during the voting of the consent agenda.

RE: PUBLIC HEARING - SPECIAL EXCEPTION PERMIT REQUEST – MCROBERTS AUTO, LLC/DONALD W. COOK, JR.

Chairman Ervin advised that the meeting constituted a public hearing (due notice having been given) to consider the request of McRoberts Auto, LLC and Donald W. Cook, Jr. for a Special Exception Permit to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. Town Manager Moore advised that as the Commission will see, the site characteristics are in the Staff Report. He commented that he would like to note that Town Staff received two emails opposing the request, which are included in the Commissioner's package. Town Manager Moore inquired if there were any questions for him, at this time. Mr. Litton inquired if there was a definitive design on the proposed fence that is to be installed. Town Manager Moore stated that Town Staff did not have any information regarding the fence, however, Mr. Cook is attending the meeting, and he may be able to provide this information for the Planning Commission. Town Manager Moore noted that he thinks the fence is required to be six feet tall.

Mr. Donald Cook, Jr. was recognized and stated that he resides at 347 Sheffey School Road in Wytheville. He explained that the fence would be a six foot high, chain link with green or black rolled mesh to comply with the Virginia State Police guidelines. Mr. Cook noted that if the Planning Commission preferred them to use slats in the fence, they would use slats because they would use whatever is asked of them, as long as it meets the guidelines of the State Police. Discussion ensued regarding the parameters by the Virginia State Police. Vice-Mayor Pattison inquired of Mr. Cook if the entrance to the lot would be located on Cassell Road. Mr. Cook stated that there are two possible points of entrance locations, which are both noted on the map. Vice-Mayor Pattison inquired of Mr. Cook what the hours of operation would be for the office, and if someone would be stationed in the building on the lot. Mr. Cook explained that there would be an office attendant on the lot from 8:00 a.m. to 5:00 p.m. He explained that his business is on call 24 hours a day, 7 days a week. Mr. Cook noted that there is the possibility for trucks to be in and out of the lot day and night and after 5:00 p.m. Vice-Mayor Pattison inquired of Mr. Cook as to who would monitor the vehicles and make sure that they leave the lot after their time limit. Mr. Cook continued to explain the process to the Planning Commissioners. Mr. Cook noted that, currently, his service area covers the east side of Wythe County. Chairman Ervin remarked that the Planning Commission had been told that the paperwork for these types of lots are impossible to file within the timeframe. Mr. Cook commented that he was told that the paperwork can also be filed online. He noted that he has made a call in regard to this, but has not received a call back. Mr. Ervin advised that the Town has received a couple of letters from citizens who are in opposition of this request because they feel like this is not the most appropriate business to go in this location because of the residents, traffic, etc. Vice-Mayor Pattison commented that there are approximately 200 residents who live along Longwood Drive and Cassell Road. Mr. Litton inquired of Mr. Cook if he chose a lot located in town so that his business could be listed on the Town’s wrecker service rotation list. Mr. Cook explained that he is simply looking to expand his business in other localities, and he had explored property in
Bland County, however, the property was not in his budget at the moment. He commented that there were other issues with this piece of property, as well. Discussion continued regarding the location of the proposed business, the Town’s wrecker service rotation list, the condition of the vehicles that would be located on the lot, the lighting of the lot, etc. Chairman Ervin inquired if there were any further questions or comments regarding this public hearing. Mr. Varney commented that, to him, there are some details that Mr. Cook needs to work on. He remarked that this type of lot has been a hot topic with several issues that will need to be addressed. Mr. Varney continued to express his thoughts and concerns regarding Mr. Cook’s request to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. Mr. Tate stated that it would be helpful if the Planning Commission for this request to have a concept plan with its application to help with the questions they may have in terms such as the lighting, fencing, etc. He explained that when moving forward, on any site Mr. Cook plans to work on, having everything in order would help him vote in favor of Mr. Cook’s request because, now, he feels the application lacks all the information. Mr. Litton advised that he agrees with Mr. Tate’s comments. He continued that he did not feel the Cassell Road location was an appropriate location for this type of business. Chairman Ervin inquired if there were any other comments. Chairman Ervin inquired if there is a motion for the Planning Commission to recommend to the Town Council that the Special Exception Permit be approved or denied. A motion was made by Mr. Tate and seconded by Mr. Varney to recommend to the Town Council to deny the request of McRoberts Auto, LLC and Donald W. Cook, Jr. for a Special Exception Permit to operate a Towing Service Storage Lot on property located on the northwest side of Cassell Road running parallel to Longview Drive, in a B-2 Business District. Chairman Ervin inquired if there was any discussion on the motion. There being none, he declared the public hearing closed and proceeded with the agenda.

Chairman Ervin explained to Mr. Cook that this is only the recommendation of the Planning Commission to the Wytheville Town Council. He noted that the Town Council will either approve or deny the request after conducting a public hearing. Mr. Varney stated that he agrees with Mr. Tate, as well, in regard to Mr. Cook presenting a plan.

RE: RECOMMENDATION TO TOWN COUNCIL - SPECIAL EXCEPTION PERMIT REQUEST – MCROBERTS AUTO, LLC/DONALD W. COOK, JR.

Chairman Ervin advised that the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider the request of McRoberts Auto, LLC and Donald W. Cook, Jr. for a Special Exception Permit to operate a Towing Service Storage Lot on property located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential. He inquired if there were any 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.

Chairman Ervin explained to Mr. Cook that this meeting constituted a public hearing (due notice having been given) to consider the rezoning of 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential. He inquired if there were any citizens attending the meeting who wished to address the Planning Commission during this public hearing. Town Manager Moore stated that as the Planning Commission is aware, Town Staff has been working to make sure that the zoning reflects the actual use of the properties, and these are properties that were subdivided and zoned M-1 Industrial. He commented that there is an apartment, a house and a group home that have all been built on the subdivided property. Town Manager Moore explained that Town Staff felt like this was a good opportunity to exercise some discretion and rezone the property to R-3 Residential use. He advised that Town Staff sent letters to all of the property owners, and Town Staff has heard from two of them. He noted that their comments are attached and made a part of the minutes. Chairman Ervin remarked that he thinks there is no question regarding the rezoning. Town Manager Moore commented that with there being no opposition, he feels like Chairman Ervin’s statement is a sound statement. Mr. Wittwer noted that he had one concern, which is if the property is rezoned to residential, would this mean that the businesses that abut these properties be required to install a buffer zone. Town Manager Moore explained that a buffer yard would be required by those businesses in the event they should expand further or develop the property adjacent. Chairman Ervin inquired if there were...
any other questions for Town Manager Moore. There being none, he declared the public hearing closed and proceeded with the agenda.

**RE: RECOMMENDATION TO TOWN COUNCIL - REZONING OF VARIOUS PROPERTIES ON FAIRVIEW ROAD**

Chairman Ervin advised that the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider the rezoning of 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential. Chairman Ervin inquired if there is a motion for the Planning Commission to recommend to the Town Council that the rezoning be approved or denied. A motion was made by Mr. Varney and seconded by Mr. Litton to recommend to the Town Council to approve the rezoning of 675, 705, 725, 745, 765 and 795 Fairview Road, which is located on the west side of Fairview Road between Ager Drive and North Fourth Street, from M-1 Industrial to R-3 Residential. Chairman Ervin 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: Kenny W. Ervin, Cathy D. Pattison, Bradford M. Litton, M. Bradley Tate, Kevin L. Varney, George F. Wittwer. Against: None.

**RE: CITIZENS' PERIOD**

Chairman Ervin advised that the next agenda item is Citizens’ Period. He noted that no one listed on the sign in sheet stated that they wished to address the Planning Commission during Citizens’ Period, therefore, he would proceed with the agenda.

**RE: REAR YARD FENCING REGULATIONS**

Chairman Ervin advised that the next agenda item is the continued review of the rear yard fencing regulations. Town Manager Moore continued to review the proposed Rear Yard Fencing Regulations that were included in the Commissioner’s packages with the Planning Commissioners. He expressed that the proposed regulations would meet approximately 90 percent of the issues that the Town encounters, which are with citizens who want to build a deck on the back of their house, etc. Mr. Litton inquired of Town Manager Moore regarding regulation number one. Assistant Town Manager Freeman explained that this regulation simply means that if a fence is four feet in height and 50 percent solid, then it would be unrestricted, and it would be allowed completely around the house. Mr. Varney clarified that the fence could be in the side, rear or front yard. Town Manager Moore advised that is correct. Discussion ensued regarding the fencing regulations. Mr. Litton noted that he still does not agree with the way number one is worded in the proposed regulations. He remarked that it states that a fence “no more than four (4) feet high and no more than 50 percent solid may be erected in any location on any lot.” Assistant Town Manager Freeman stated that is correct. Mr. Litton commented that to him this means that a person cannot build a fence over four feet high. Assistant Town Manager Freeman stated that this is an allowance, and, it states that the Town is allowing someone to construct fences four feet high and 50 percent solid anywhere a person would like. He remarked that the regulations can be rephrased, if the Commission so desires. Discussion continued regarding the wording of the regulations. Mr. Wittwer commented that he feels like number two is redundant with paragraph number three. Assistant Town Manager Freeman advised that number two is defining the rear yard and number three is defining the side yard. He noted that the intent of the regulations is to address very specific fence heights and yards in terms of front, side and rear yards and in terms of fence height. Mr. Varney noted that number three also addresses side yard privacy. He commented that number one addresses that the fence can be located anywhere on the lot as long as the fence is not over four feet tall and 50 percent solid. Town Manager Moore stated that he understands the confusion, and Town staff will reword the regulations and put together a draft ordinance for the Planning Commission’s review. Chairman Ervin inquired if the Commission what the order is regarding the ordinance. Town Manager Moore explained that the Planning Commission would approve the draft ordinance and then set a public hearing. He noted that at this meeting, the Commissioners need to tell Town staff what they do or do not like regarding the proposed regulations presented at this meeting so that staff will know what to correct for the draft ordinance. Mr. Varney commented that he likes the proposed regulations and how staff addressed the rear, side and front yard fencing regulations, etc. Chairman Ervin stated that he thinks everyone agrees that the proposed regulations look very nice. Town Manager Moore advised that Town staff will bring the rear yard fencing regulations back to the next meeting in ordinance form for the Planning Commission’s approval. Chairman Ervin inquired if there were any further questions regarding the proposed fencing regulations. There being none, he proceeded with the agenda.

**RE: MOTOR VEHICLE TOWING OR WRECKER SERVICE**

Chairman Ervin advised that the next agenda item is the continued review of the proposed regulations regarding Motor Vehicle Towing or Wrecker Service. Assistant Town Manager
Freeman stated that following the last Planning Commission meeting and prior to the September Town Council public hearing, Town Staff received numerous complaints about the proposed ordinance revisions from a citizen, which is included in the package. He explained the information included in the Planning Commissioner’s packages labeled “A” and “B” and what the revisions to the proposed Motor Vehicle Towing or Wrecker Service included. Assistant Town Manager Freeman noted that he would only go through each, if the Planning Commission wished him to do so. He commented that the citizen who complained about the proposed revisions suggested that the Commission consider changing the visual barriers to a minimum of 8’ because it is the modern standard and advised that the Town’s 6’ visual barrier is outdated. Assistant Town Manager Freeman stated that he would research this because he is unsure if this is modern standard or preferential. Mr. Litton inquired regarding the Special Exception Permit request the Commission denied earlier in the meeting. He inquired regarding the current regulations for the proposed Motor Vehicle Towing or Wrecker Service in the Zoning Ordinance. He inquired of the Planning Commission if they were in favor of the new definition that is being proposed, which states the following: “an establishment that provides for the removal of vehicles by towing, carrying, hauling or pushing inoperable vehicles with a motor vehicle specially designed for vehicle removal….” He commented that he is not sure that the definition even needs to state inoperative because the vehicles could be in good working order. Assistant Town Manager Freeman advised that in his opinion, he thinks that the definition even needs to state inoperative because the vehicles could be in good working order, and there being two angles. He explained that there is the existing requirement for the M-1 and M-2 Industrial Zoning District for screening of all operations, regardless if a business is a tow truck operator who does auto repair or if a business is a pallet recycler. Assistant Town Manager Freeman commented that the eight foot high fence requirement, should the Planning Commission want to implement something that Mr. Cook would not have been permitted to operate a Motor Vehicle Towing or Wrecker Service. Mr. Litton inquired if Mr. Cook simply advised that he planned to start repairing vehicles in the building, then he would be allowed to proceed as a Motor Vehicle Towing or Wrecker Service. Assistant Town Manager Freeman advised that is correct. Discussion ensued regarding the permitted uses of the Motor Vehicle Towing or Wrecker Service. Town Manager Moore stated that Mr. Bill Smith is advocating for the Council to adopt the ordinance with no Motor Vehicle Towing or Wrecker Service use allowed in M-2 Industrial Zoning Districts. Mr. Varney remarked that he agreed with several of Mr. Smith’s comments in his email to the Planning Commission regarding the proposed ordinance. He continued to express his thoughts regarding the proposed Motor Vehicle Towing or Wrecker Service Ordinance. Mr. Litton commented that he feels like these types of businesses will simply state they are working on vehicles in their garage, instead of having to go through the process of getting a Special Exception Permit, and they will continue to operate this type of business throughout town. Assistant Town Manager Freeman stated that all major repairs to conducted on the premises, if there are no work bays, etc. to conduct repair work. Mr. Litton noted that there is a building located on the property where Mr. Cook is proposing to open his business. Town Manager Moore stated that the point is that the primary use should be at least 75 percent of the business. Assistant Town Manager Freeman advised that maybe “incidental use” needed to be defined more. Town Manager Moore stated that he agreed. It was the consensus of the Planning Commission for Town Staff to revise the definition of “incidental use” in the proposed Motor Vehicle Towing or Wrecker Service use allowed in M-2 Industrial Zoning Districts. Mr. Varney remarked that because of an inquiry earlier in the meeting, it made him think regarding fences and these types operations, and there being two angles. He explained that there is the existing requirement for the M-1 and M-2 Industrial Zoning District for screening of all operations, regardless if a business is a tow truck operator who does auto repair or if a business is a pallet recycler. Assistant Town Manager Freeman commented that the eight foot high fence requirement, should the Planning Commission want to implement something that Mr. Cook could either be placed in all of the Industrial Zoning Districts where the requirement is currently six feet. He inquired if Mr. Varney is speaking specifically of attaching this as a caveat to specific types of operations. He remarked, for example, the fence has to occur behind an eight foot high fence in a B-2 Business Zoning District or behind an eight foot high fence in an M-1 Industrial Zoning District by virtue of being this type of operation. Discussion ensued regarding the height of the fencing regulations. Assistant Town Manager Freeman explained that he and Town and Town Manager Moore have discussed towing businesses allowed in a B-2 Business Zoning District and not have the screening requirement, but if the towing business is in an M-1 Industrial Zoning District where a person might expect to industrial uses that are not the newest and cleanest of operations, the business is actually required to screen their operation. He noted that there is some irony in allowing these businesses in the B-2 Business zones and allowing them to have less restrictions than what the M-1 and M-2 Industrial Zoning Districts require. Mr. Varney inquired of Assistant Town Manager Freeman if he feels like this answers the Commission to be done. Assistant Town Manager Freeman to be conducted, it is his opinion, if the Commission attaches the definition to the use versus the zone, it will give it balance. He noted that there may be another caveat in the ordinance in each zone stating that “when incidental to these listed uses,” but, also, include some other caveats on what a business must do to be compliant or to be legal to operate in those zoning districts. Assistant Town Manager Freeman stated that the Planning Commission could continue to review this ordinance, however, the Town Council will be conducting a public hearing regarding Mr. Cook’s Special Exception Permit request in the near future, which is to operate a business that is not currently even allowed because there is no definition for a Motor Vehicle Towing or Wrecker Service in the Zoning Ordinance. He inquired of the Planning Commission if they were in favor of the new definition that is being proposed, which states the following: “an establishment that provides for the removal of vehicles by towing, carrying, hauling or pushing inoperable vehicles with a motor vehicle specially designed for vehicle removal...” He commented that he is not sure that the definition even needs to state inoperative because the vehicles could be in good condition. Assistant Town Manager Freeman advised that in his opinion, he thinks that the Planning Commission can at least establish this portion of the definition at this meeting, if the
RE: SOLAR FACILITY SITING PLAN

Chairman Ervin advised that the next agenda item is to review the request for a Town Solar Facility Siting Plan. Town Manager Moore stated that the newspaper articles were in opposition to the solar farm in Ivanhoe, and the knowledge that Wytheville is going to have a farm in the vicinity of the Pepsi plant has prompted several people to focus on this from other areas, and they have sent the Town information regarding Solar Facility siting. He noted that the Commission members have an article from Prince George County, Virginia, on regulations regarding solar farms. He asked that the Planning Commission review the information and give him feedback. Town Manager Moore advised that the solar farm that will be located near the Pepsi plant is in compliance with the Town’s Zoning Ordinance, therefore, the Town has authorized the property owners to proceed. He continued to discuss the solar farms with the Commission.

RE: DOG PARKS

Chairman Ervin advised that the next agenda item is to continue the discussion regarding dog parks. Town Manager Moore stated that Landscaping Consultant John Woods has worked on this item quite a bit. He remarked that Council had reviewed this and suggested that the
Commission may want to consider the Town owned land behind the water tower located on Cove Road. Mr. Woods reviewed the potential sites with the Planning Commission. He remarked that out of all the sites presented, the sites that would be most suitable to him would be Ager Park, the Wytheville Meeting Center grounds and the quarry site, and he would choose them in this order. Town Manager Moore reiterated that the Town Council had reviewed the Town's water tower site, as well, and he noted that the Town already owns the site, which would not require the purchase of property. He noted that it was discussed to poll the neighborhood to see how they felt about the water tower as a potential site. Town Manager Moore inquired of the Planning Commission what their thoughts were regarding the polling of the neighborhood. It was the consensus of the Planning Commission to poll the immediate area around that site of Rolling Hills Drive and Mountain View Drive and present the information to the Commission at a future meeting. Mr. Litton suggested sending a proposed plan with the letter. It was the consensus of the Planning Commission to send a proposed plan with the letter to the property owners, as well. Mr. Tate inquired of Mr. Woods if the Town owns the Meeting Center grounds. Mr. Woods stated that is correct. Discussion ensued regarding the potential of the Meeting Center grounds. Chairman Ervin inquired if there was any further discussion regarding the dog parks. There being none, he proceeded with the agenda.

**RE: COMPREHENSIVE PLAN UPDATE**

Chairman Ervin advised that the next agenda item is the review of the Economic Goal and Objectives of the Comprehensive Plan. Assistant Town Manager Freeman explained that the Planning Commission had this information in their packets. Assistant Town Manager Freeman noted that the Economy and Employment section has also been revised. He continued to note some of the updates. He inquired of the Commission if they had any questions or comments. Mr. Tate commented that he would like to see passenger rail come to fruition. Discussion ensued regarding passenger rail. Chairman Ervin inquired if there were any other comments regarding the Comprehensive Plan. There being none, he proceeded with the agenda.

**RE: ADJOURNMENT**

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

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Kenny W. Ervin, Chairman

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Sharon G. Corvin, CMC, Town Clerk