



AGENDA
Wytheville Planning Commission
Thursday, February 13, 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 January 9, 2020
- D. **CITIZENS' PERIOD**
- E. **OTHER BUSINESS**
 - 1. Continued discussion regarding inoperative vehicles at Auto Body, Auto Repair and Towing Service businesses
 - 2. Review of proposed revision to the Buffer Yard Regulations
 - 3. Further review of proposed amendments to the Zoning Ordinance regarding side yard requirements in Residential Zoning Districts
- F. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, JANUARY 9, 2020, 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, 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., Dawn Taylor, Zachary Taylor, Charlie White, Peggy White, Betsy Trevillian, Raymond Mabry, George Wittwer, Maureen Baxter, Mike Forrest, Jamie Rosenbaum, Eric Collins, Linda Dix, Michael Dix, John Matthews, Larry Anderson, Robert Gordon, Brenda Wittwer, Mike Huff

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 November 14, 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 Dr. Suarez and seconded by Mr. Jones to approve the minutes of the regular meeting of November 14, 2019, as presented. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, M. Bradley Tate, Terrance E. Suarez, Cathy D. Pattison, Kevin W. Varney, John W. Jones, Jr. Against: None.

RE: ELECTION OF OFFICERS

Chairman Litton advised that the next agenda item is the election of a new Chairperson and Vice-Chairperson for the year 2020. He noted that, at this time, nominations will be taken. Chairman Litton stated that, customarily, the Vice-Chairperson is elected as the Chairperson. He remarked that if the Planning Commission continues this practice, it will be Mr. Kenny Ervin's turn to serve as the Chairperson. A motion was made by Mr. Jones and seconded by Dr. Suarez to close the nominations and elect Mr. Kenny W. Ervin as the new Wytheville Planning Commission Chairperson. 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, Terrance E. Suarez, Cathy D. Pattison, Kevin W. Varney, John W. Jones, Jr. Against: None.

Chairman Ervin remarked that nominations could be taken for Vice-Chairperson, or, by custom, it will be Mr. John Jones's turn to serve as Vice-Chairperson. A motion was made by Dr. Suarez and seconded by Mr. Varney to close the nominations and elect Mr. John W. Jones, Jr. as the 2020 Vice-Chairperson of the Wytheville Planning Commission. 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, John W. Jones, Jr., Bradford M. Litton, M. Bradley Tate, Terrance E. Suarez, Cathy D. Pattison, Kevin W. Varney. Against: None.

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

Chairman Ervin advised that the meeting constituted a public hearing (due notice having been given) 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 explained to the Commission that the Town Staff Report, which was enclosed in their packets, outlines the request of Loretto Historic Mansion, LLC. He commented that the Morins are attending the meeting, and they are prepared to make a presentation to the Planning Commission about their proposal. Assistant Town Manager Moore advised that Town Staff has received two letters of opposition regarding this request from Mr. Robert Gordon and Ms. Bonnie Wright. He noted that copies of both letters are enclosed in the Commissioner's packets, as well.

Chairman Ervin noted that there are several citizens listed on the sign in sheet who wished to address the Commission during the public hearing, therefore, he would ask that when he calls their name to please come forward to the podium so that the minutes could be properly recorded.

Ms. Jennifer Morin was recognized and stated that she represents Loretto Historic Mansion, LLC. She explained that Loretto Historic Mansion, LLC was granted a Special Exception Permit (SEP) on June 11, 2018, for the purpose of conducting small meetings and conferences and educational seminars, and, also, it was open to indoor music recitals. Ms. Morin commented that the original SEP allowed them to operate indoors only during the weekdays from 8:00 a.m. to 5:00 p.m. with a maximum of 50 guests. She remarked that they were required to install a buffer zone. Ms. Morin commented that they have operated for a year and a half now, and due to some of those restrictions of the original SEP, the majority of the local requested uses from prospective clients had to be declined last year. She explained that as they were looking at their financial statements, they saw that their resulting loss in revenue opportunities really is pointing to showing Loretto as a commercial enterprise. She noted that it is really not structured as a viable entity. Ms. Morin stated that it is common knowledge that a business needs approximately three years to determine whether it is viable or not, therefore, they are at the halfway point, which is why they are requesting that some of the time, days and capacity restrictions set out in the original SEP be amended for allowing a broader use. She remarked that there are three different areas that they would like for the Planning Commission to consider amending in their Special Exception Permit, which include extending their hours of operation to the weekends until 5:00 p.m.; using the front porch area and the concrete terrace area on the northeast side of the property that connects to an exterior door that goes into the conference area; and, maximizing their guest capacity to 75. Ms. Morin explained to the Commission the meetings and events that she had to decline due to the current stipulations that are included in the Special Exception Permit. She depicted on the map the B-1 Business unimproved property that abuts the R-1 Residential property. Ms. Morin inquired of the Planning Commission what the Town's Comprehensive Plan is for that entire property. Ms. Morin noted that she and Dr. Morin own the 12 acres abutting the R-1 Residential property. She commented that this inquiry would be for another meeting, but this is some of the zoning confusion that she personally has with the property. Ms. Morin thanked the Planning Commission for allowing her to speak. She noted that she will remain at the meeting, if anyone has any questions for her now or later. Councilwoman Pattison inquired of Ms. Morin, if at anytime while possessing the current Special Exception Permit, if she overstepped any of the stipulations. Ms. Morin advised that she has not. Chairman Ervin inquired if there were any further questions for Ms. Morin. Mr. Tate stated that it sounds like Ms. Morin's main objective is weekend hours. He inquired if this would be a good assumption. Ms. Morin commented that it is about half weekend events and half after hours events from 5:00 p.m. until 8:00 p.m. Mr. Tate inquired of Ms. Morin how the business has been doing and what is prompting her request for extended hours, etc. Ms. Morin advised that it is an unprofitable business. She noted that there is no profit at all, which cannot continue. Ms. Morin commented that they purchased the property in 1994 from Wytheville Community College, and over the course of that time, they have invested approximately \$800,000 in the home. She explained that they do not expect to recover that kind of investment. Ms. Morin advised that it costs about \$40,000 to \$50,000 to maintain the property each year, therefore, they are hoping to break even with the annual expenses only. She stated that she and Dr. Morin plan to move back to Loretto and utilize part of the square footage of the Mansion as their primary residence pending its viability as a venue. Ms. Morin remarked that if they cannot operate the Mansion as a breakeven enterprise, then they will not be able to stay there. She commented that they have been advised by their accountant at Anderson and Reed in Roanoke that they should sell the B-1 Business zoned property located at the front of the Mansion. She explained that they have not had the heart to do so, and that they would like to keep the property intact. Ms. Morin stated that with these old homes, they have to find some multiuse or they die, therefore, this is where Loretto stands. She commented that she hopes the Planning Commission will take this under consideration. Dr. Suarez inquired of Ms. Morin that when they purchased Loretto in 1994, if he recalls, the home was considered derelict. She noted that the home was in terrible condition when they moved there, and she is very proud of what it looks like right now compared to 27 years ago. Chairman Ervin inquired of Ms. Morin if they are not able to make Loretto a viable operation, if their intent is to sell the Mansion. Ms. Morin stated that it is her understanding from appraisers and real estate agents, that in Wytheville and Roanoke, there is not much of a market for single family homes, particularly an older single family home that is over 3,000 square feet. She commented that the reality is that they would have to start by selling off parcels of the property. Ms. Morin continued to explain to the Planning Commission what would happen if they would sell Loretto. Mr. Tate inquired of Ms. Morin if she chooses to use the terrace and the front porch, if this area will be covered by the buffer zone that has been installed. Ms. Morin stated that is correct. She noted that the buffer zone is along the terrace area, which borders Loretto Drive on the northeast side. Mr. Tate inquired of Ms. Morin that if a wedding would be held on a Saturday, is she proposing to have the wedding close to the Mansion. Ms. Morin stated that is correct. Discussion ensued regarding the area of the property Ms. Morin has requested to use in the new request. Chairman Ervin

inquired if there were any other questions or comments for Ms. Morin. There being none, he thanked Ms. Morin for her comments, and he requested the next speaker to come to the podium.

Ms. Dawn Taylor was recognized and stated that she resides at 250 Loretto Drive in Wytheville. She commented that she lives directly across from the Loretto Mansion. Ms. Taylor explained that it is very difficult for her to come speak as a neighbor and be opposed to something that the Morins are so passionate about. She remarked that she and her sons moved to Wytheville in October 2009, after the unfortunate passing of their father. Ms. Taylor commented that they moved into 250 Loretto Drive as a place for her children to be able to grow up after the tragedy that happened with their father. She stated that regarding the R-1 Residential issue, she reviewed the Planning Commission minutes where Dr. Watson had requested a Special Exception Permit to operate a bed and breakfast at Nуска Lodge on Withers Road. She noted that 10 people were in opposition of the request, and there were some very good reasons as to why the request should have been denied. Ms. Taylor commented that when reading those minutes, one particular part that stood out to her was Mr. Richard Formato stating "let's not trade our neighborhood for profit." She stated that a home is an investment, and they require maintenance. Ms. Taylor explained that she is worried about investing the large amount of money that needs to be invested in her home for repairs because she is unsure if she would be able to get everything she has invested out of her home if she were to have to sell it. She commented that she hopes to live in Wytheville at least 10 more years because she is working, and she loves Wytheville, but, at some point, she will leave and will need to sell her home. Ms. Taylor stated that she hopes the Planning Commission will take the same action with the Loretto Historic Mansion, LLC Special Exception Permit (SEP) request as they did for the SEP request on Withers Road. She noted that it must be balanced somehow, so that any new citizen relocating to a residential area will have the same guidelines all over town. Ms. Taylor continued to express her thoughts regarding the residential zoning districts being uniform and how the Town needs to make sure this is happening. Ms. Taylor thanked the Planning Commission for allowing her to speak, and she inquired if they had any questions for her. Mr. Tate inquired of Ms. Taylor if she has heard any noise coming from the Mansion or has seen any activity at the Mansion that has bothered her. Ms. Taylor commented that, again, she says this with a heavy heart because Dr. Morin and Ms. Morin were nice enough to invite her and her son over to Loretto to tour the property, which is beautiful, but she hopes that the Town can buffer this so that it does not happen to anyone else because it has truly been upsetting. She remarked that wedding photos have been taken on a Sunday afternoon around 6:08 p.m. Ms. Taylor stated that the photos being taken did not bother her. She noted that it was a young lady wanting her photos taken on the property, which is what makes all of this so difficult. Ms. Taylor commented that as far as noise, there really has not been any noise. She remarked that she cannot say that the Mansion's operating hours of Monday through Friday, 8:00 a.m. to 5:00 p.m. have been a problem. Ms. Taylor remarked that she feels like adding weekend hours of operation is not acceptable because at some point, everyone must decide as a community if they are living in a residential area or not. She noted that it would not be fair to approve this request after denying the request across town. Ms. Taylor stated that she hopes she has answered Mr. Tate's questions. Mr. Tate advised that Ms. Taylor did answer his questions. Chairman Ervin inquired if there were any further questions for Ms. Taylor. There being none, he thanked Ms. Taylor for her comments, and he requested the next speaker to come to the podium.

Mr. Charlie White was recognized and stated that he resides at 395 Loretto Drive in Wytheville. He noted that his house is the next house to the left of the Loretto Mansion. Mr. White remarked that he and his wife moved into their home in 2006, and they have been there since that time. He commented that the location of his home has been a good location. Mr. White noted that since 2006, he has watched the Morins make improvements to the property, and, each year, it looks better. He explained that he has never had any problems from the Mansion. Mr. White advised that he recommends that the Planning Commission approve the Loretto Historic Mansion, LLC's request for a Special Exception Permit. He inquired of the Planning Commission if there were any questions for him. Mr. White thanked the Commission for allowing him to speak. Chairman Ervin thanked Mr. White for his comments, and he requested the next speaker to come to the podium.

Mr. George Wittwer was recognized and stated that he resides at 580 Loretto Drive in Wytheville. He advised that he and his wife are in support of the Morins and this issue. Mr. Wittwer commented that it concerns him as to what the alternatives are for the property, if the Morins do not receive a Special Exception Permit for their current request. He noted that if the Morins choose to sell the portion of property zoned B-1 Business, which is the acreage located in the front of their property, it concerns him. He commented that he reviewed the Town's Zoning Ordinance and the uses for the B-1 Business Zoning District. Mr. Wittwer expressed that the neighborhood runs the risk of having mobile homes, manufactured homes, rest homes, grocery stores, etc. located on that piece of property should the Morins decide to sell that parcel of land. He commented that the community needs to ask itself what it would rather have, an unobtrusive house where events take place and do not disturb anyone or the risk of having a

business located on the front of the property that the community would not want to see driving into the subdivision. Mr. Wittwer advised that he hopes the Planning Commission will consider approving the Morins' request. He inquired of the Commission if anyone had any questions for him. Mr. Wittwer thanked the Planning Commission for allowing him to speak. Chairman Ervin thanked Mr. Wittwer for his comments.

Ms. Morin stated that she would like to clarify that the wedding photoshoots that have taken place on their property during the current nonbusiness operating hours were approved in advance by the Town Attorney. She noted that she contacted the Town, in advance, and she was told that this would not be a problem and it was not considered an event for photos to be taken of a bride on their property. Ms. Morin advised, therefore, the bridal portraits occurred two or three times, but she did ask for permission before allowing the portraits to be taken on the property.

Mr. Robert Gordon was recognized and stated that he resides at 780 Loretto Drive in Wytheville. He inquired of Town Clerk Corvin if she had received an email or telephone call from Mr. Joel who is a resident of the Loretto Subdivision. Town Clerk Corvin advised that she had not received an email or a telephone call from Mr. Joel. Mr. Gordon commented that Mr. Joel had told him that he was going to contact Town Clerk Corvin earlier in the day, and he wanted to clarify if Mr. Joel had been in touch with Ms. Corvin. He explained that he had not planned to be able to attend the meeting, therefore, that is why he had emailed an opposition letter to Town staff. Mr. Gordon commented that he would not rehash everything that he stated in his letter because it was very detailed. He explained that when he purchased his property in July 2016, the R-1 Residential Zoning was in place. Mr. Gordon commented that he has also invested thousands of dollars in his property, as well. He remarked that his issue is that R-1 Residential Zoning, basically, states that it is there to prohibit all activities of a commercial nature. Mr. Gordon noted that as Ms. Morin spoke earlier in the meeting, she talked about her commercial enterprise, therefore, he would like to remind the Planning Commission that R-1 Residential Zoning does try to prohibit all activities of a commercial nature. He stated that the Virginia Code also states that R-1 Residential Zoning is for family life zoning, etc. Mr. Gordon remarked that he was aware that the Commission had received a letter from Ms. Bonnie Wright who lives on the northwest side of the Loretto Mansion and is buffered by woods to the Mansion property. He noted that he would request that the Commission review the plantings that were installed for the buffer zone because, in his opinion, the plantings would not block any noise coming from the Mansion at an event. Mr. Gordon expressed that property values are one of his big concerns regarding this request. He continued to note his concerns regarding the impact this request would have on the property values in the subdivision. Mr. Gordon stated that an applicant cannot create their own hardship and then say that if the Town does not approve their request for a Special Exception Permit that the Town is creating a hardship. He remarked that in the past, there was a request that went before the Planning Commission and the Town Council from another applicant for a Special Exception Permit for a bed and breakfast and, also, a conference center for 12 participants, Monday through Friday, between the hours of 8:00 a.m. to 4:00 p.m. Mr. Gordon commented that he understands why the bed and breakfast was not approved, but he does not understand why the request for a conference center for 12 participants was not considered. He requested that the Planning Commission be consistent when approving Special Exception Permits. Mr. Gordon advised that he would not have purchased and invested tens of thousands of dollars in his property had he known a commercial type property would have been located near his home. He thanked the Planning Commission for allowing him to speak and inquired if anyone had any questions for him. Chairman Ervin thanked Mr. Gordon for his comments, and he requested the next speaker to come to the podium.

Mr. Raymond Mabry was recognized and stated that he resides at 30 Jackson Circle in Wytheville. He noted that his home is one of the first three houses to be built in the Loretto Subdivision. Mr. Mabry commented that he has lived in the Loretto Subdivision for 25 years, and it is a great neighborhood. He expressed that what the community passes when they drive by the Loretto Mansion and the Morin property is a treasure. Mr. Mabry remarked that the Mansion and property is available to the community, and it would be a shame to have this go another way when they have someone who is offering a property that everyone can use. He expressed that it should make people happy to see wedding events and wedding photoshoots happening on the property and not sad. Mr. Mabry stated that as far as property values are concerned, he is almost certain that housing went down in property value approximately eight to ten years ago, and it certainly was not because of anything taking place at the Loretto Mansion. He advised that he wholly recommends that the Planning Commission approve the Morins' request for a Special Exception Permit and keep this treasure in the neighborhood. Mr. Mabry thanked the Commission for allowing him to speak. Chairman Ervin thanked Mr. Mabry for his comments, and he requested the next speaker to come to the podium.

Mr. Larry Anderson was recognized and stated that he resides at 40 Lee Circle in Wytheville. He noted that the Morins have a beautiful home that is good for the community, and it does not

devalue his home whatsoever. Mr. Anderson commented that, if anything, it makes it more valuable. He remarked that his concern is if the Morins do not receive their Special Exception Permit, then what will locate on the property if they do decide to sell it because they are well within their rights of doing so. Mr. Anderson expressed that he is in favor of the Morins' request 100 percent, and he hopes the Planning Commission will consider their request. He thanked the Commission for allowing him to speak. Chairman Ervin thanked Mr. Anderson for his comments.

Chairman Ervin stated that most of the concern from the citizens seems to be regarding their property value, and the houses located in the Loretto Subdivision cannot be purchased by just anyone because of the prices of the homes. He commented about a friend who has had his house on the market for several months and has only shown the home a few times with only one laughable offer on the home. Chairman Ervin explained that the Withers Road request for a Special Exception Permit and the request that was submitted by the Morins were two different requests to take into consideration. He continued to express his thoughts regarding the difference between the requests.

Mr. Varney stated that he has built two houses in the Loretto Subdivision. He noted that when he built his homes in the subdivision, it was because he felt it was a beautiful neighborhood and because it would be a good investment because of value. Mr. Varney explained that he made a good profit on the first house he sold in the subdivision during the time that things were booming in Wytheville. He commented that the second house he built in the subdivision, he sold right before what he would call the housing crash. Mr. Varney stated that with that being said, he understands both sides that are being discussed at the meeting. He noted that he appreciates everything that the Morins have done to their property and their presence in the community. Mr. Varney remarked that he also knows the concerns of the citizens who have addressed the Planning Commission at this meeting because they have purchased a home in the subdivision as an investment. He advised that if he were still living in the subdivision, he would not be opposed to the Morins' request, however, he does not live there anymore. Mr. Varney commented that during the meeting, he has been tallying the citizens who are opposed to the request and the citizens who are not in favor of the request, and so far, he has three people who are opposed to the Morins' request and four who are in favor of their request. He explained that he would like to request the citizens who are attending the meeting and who have not addressed the Planning Commission in regard to this public hearing to do so at this time to express their feelings.

Ms. Brenda Wittwer was recognized and stated that she resides at 580 Loretto Drive in Wytheville. She advised that she is attending the meeting simply because she feels that the majority of the Loretto neighborhood is appreciative of what the Morins have done. Ms. Wittwer noted that she has, actually, had the opportunity to participate or to attend a few of the events that have taken place at the Mansion, and there has never been an issue with parking, etc. She stated that one of the remarks made by a neighbor that referred to hearing sound and noise coming from the Mansion is shocking because she and her husband can sit on their back deck and hear other voices that you think might be coming from one property, but come to find out, the voices are actually coming from their next door neighbor. Ms. Wittwer explained that this is just the way that sound travels sometimes, which is not a reflection of an event that is going on at the Mansion. She expressed that she thinks the Morins have done a remarkable job, and she thinks the Mansion is a great asset to the neighborhood. Ms. Wittwer commented that she understands the confusion of a B-1 Business Zoning and R-1 Residential Zoning, but she thinks the community needs to grasp what they have and try to hang on to it. She advised that she would request that the Planning Commission consider the Morins' requests because she does not feel like they are asking for anything above and beyond with what they would hope the Commission agrees on. Ms. Wittwer thanked the Commission for allowing her to speak.

Mr. Varney commented that he does not think a decision should be based on money. He noted that what he means is that for the current home he lives in on Withers Road, he has invested at least \$800,000, of which he will never get all that he has invested back if he sells the home. Mr. Varney explained that people do what they do because they want to and not because they are trying to make money, therefore, money cannot be a driving force, in his opinion, in a decision that has been made. He remarked, however, it is the decision of the people who live in the subdivision and who drive by the Mansion and see events taking place on the property to decide whether or not they feel it is or is not a nuisance.

Ms. Peggy White was recognized and stated that she resides at 395 Loretto Drive in Wytheville. She noted that she addressed the Town Council at a previous public hearing regarding the Loretto Mansion, and she is fully in favor of the Morins' request. Ms. White advised that she feels that it is an enhancement to the community and to the Loretto Subdivision. She commented that the Morins are requesting a special use, which will benefit the town and the neighborhood. Ms. White thanked the Planning Commission for allowing her to speak. Chairman Ervin thanked Ms. White for her comments.

Mr. Mike Huff was recognized and stated that he resides at 820 Loretto Drive in Wytheville. He advised that he is totally in favor of the Morins' request. Mr. Huff commented that it is a benefit to the community and neighborhood. He expressed that there are worse things the property could be if it fell in disrepair or if the Morins sold the property and the neighborhood ended up with a laundromat, gas station, etc. at the entrance to the subdivision. Mr. Huff thanked the Commission for allowing him to speak. Chairman Ervin thanked Mr. Huff for his comments.

Chairman Ervin 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 - LORETTO HISTORIC MANSION, LLC SPECIAL EXCEPTION PERMIT REQUEST

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 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.

Dr. Suarez stated that he feels the Morins' request is more of a zoning issue. He inquired of Assistant Town Manager Moore what the current zoning is around the Morin property. Assistant Town Manager Moore depicted the zoning on a map of the Morin property, which was a part of the Planning Commission package. He continued to review the zoning of the surrounding properties with the Planning Commission. Discussion ensued regarding the zoning of the property in and surrounding the Loretto Subdivision. Assistant Town Manager Moore stated that the zoning of the area can be studied, but he feels like the preference would be to review the R-2 Residential property that is across the street for a rezoning, which was the initial request by the Loretto Group who developed the property. He noted that the developers requested that the property remain R-2 Residential because they had envisioned high-end apartments and condominiums in that area. Assistant Town Manager Moore commented that, obviously, the area did not develop this way, therefore, it should be reviewed by the Commission for a possible rezoning, which Town staff will lead the Commission to do. Chairman Ervin inquired if there were any other comments regarding the Loretto Historic Mansion, LLC request.

Mr. Varney commented that before the Planning Commission makes their recommendation to the Town Council, the Planning Commission should consider their recommendation that was made regarding the Withers Road request a while back, the present Loretto request and the similarities between the two requests. He noted that, currently, there are three citizens who are not in favor of the Loretto request, and there are seven citizens who are in favor of the Loretto request. Mr. Varney remarked that all seven of those citizens are Loretto Subdivision homeowners. Chairman Ervin stated that in his opinion, the property on Withers Road and the Loretto property are the same type of situations, but the Commission is discussing different properties and different situations. Mr. Varney expressed that he does not think the recommendation of the Loretto request should be made based on revenue.

Vice-Chairman Jones stated that one difference between the property on Withers Road is the zoning of the property. He noted that the property on Withers Road is located in an R-1M Residential Zoning District, which is considered the historical district and has strict guidelines. Vice-Chairman Jones remarked, however, the majority of the Loretto property is zoned R-1 Residential. He commented, for instance, if the Loretto Mansion were to burn down, the owner would be permitted to rebuild almost whatever they would like to rebuild because of the zoning district, but that is not the case on Withers Road. He explained that if a home were to burn down in an R-1M Residential Zoning District, the home must be rebuilt in the same pattern, etc., and it cannot vary in any way. Vice-Chairman Jones advised that he was not aware that the property located adjacent to the Loretto Mansion was zoned R-2 Residential. He stated that R-2 Residential Zoning Districts allow home occupations, and R-1 Residential Zoning Districts do not allow home occupations as permitted uses, if the home is occupied. Mr. Varney expressed that Vice-Chairman Jones has made a very valid point. Discussion continued regarding the recommendation for the Loretto Historic Mansion, LLC request. Mr. Varney inquired of Ms. Morin what the long-term plan is for the Loretto property. Ms. Morin stated that she is glad that Mr. Varney asked that question because she has a very clear vision of Loretto and what she would like to do in the future and what needs to be done. She advised that their intent is to operate and have a revenue stream to keep up the maintenance of the property. Ms. Morin noted that she had intended to have more of an event venue operation at Loretto, but with the current Special Exception Permit as restrictive as it was a year and a half ago, the other option was to have business conferences, which she has had. She noted that with the time restraints she was given, she redirected her energies to the log house building, which is behind the Mansion. Ms. Morin explained that it is approximately 1,000 square feet, and it was built in the

1700's of hand hewn logs. She stated that she invested her energies into renovating that small space into a guest cottage, and her idea was to rent it out as an Airbnb. Ms. Morin remarked that little did she know what was happening which was that the first Homestay Ordinance for the Town was concurrently being drafted. She noted that in June 2019, when the cottage was complete, she learned about the Homestay Ordinance, which prohibits all Homestays in R-1 Residential Zoning Districts. Ms. Morin commented that, again, she was restricted for a reasonable revenue stream for the expenses. She advised that she did not include the cottage use in her request for the Special Exception Permit because she is not sure where the Mansion stands with the Planning Commission. Ms. Morin stated that they have invested approximately \$150,000 into the renovation of the log cottage. She explained that her ultimate plan is that she and Dr. Morin would move back in part of the Mansion as their primary residence and operate the business meetings, etc. Mr. Varney inquired of Ms. Morin when they planned to move back to the Mansion. Ms. Morin stated that they would move back as soon as they know it is a viable operation. Mr. Varney inquired of Ms. Morin if they invested all the money into the property that they did in hopes that they could convert it into a business. Ms. Morin stated that is not correct. Mr. Varney inquired of Ms. Morin the reason why they invested and put life back in the Mansion. Ms. Morin remarked that, initially, they rented the property and planned to build a house where they now have an office building. She commented that she thinks that they decided to invest when the decision was being made by the College that the Mansion was going to be demolished, and they decided that they could not let that happen. Ms. Morin continued to discuss the emotional decision she and Dr. Morin made to invest in the Loretto property. Mr. Varney inquired of Ms. Morin what they will do if the request is approved but they still do not generate enough revenue to continue to maintain the property. Ms. Morin advised that they will have to quit because she and Dr. Morin are both 65 years old, and she thinks it is unreasonable to be operating a primary residence at a cost of \$50,000 a year, which is only the cost of mowing the property, etc. She remarked that, essentially, the Mansion is not marketable as a single family dwelling in Wythe County, which is why old historic homes of this size need to be carefully moved into some other multiuse. Mr. Varney thanked Ms. Morin for addressing his inquiries.

Mr. Litton stated that when he listens to the comments, and he noted that he has had other citizens contact him leading up to this public hearing, it is hard for him not to revisit all of the uses that are allowed in B-1 Business Zoning Districts, as Mr. Wittwer discussed earlier in the meeting. He commented that what the Morins are requesting in the Special Exception Permit is the same thing that they are allowed to do now, however, not in the exact location. Mr. Litton commented that if the Morins were to put their property up for sale tomorrow, and Advance Auto purchased the piece of land in the front zoned B-1 Business, then everyone is aware that it would not be a stately building like Summit Bank, the dentist office or Brown Edwards. He noted that it would be a basic building, such as the Goodwill building. Mr. Litton stated that he certainly appreciates the comments heard during the public hearing.

Dr. Suarez stated that he keeps revisiting the following issues which are why was the Loretto property zoned R-1 Residential and what were the intentions of the people who zoned the property. Mr. Litton inquired of Dr. Suarez what his thoughts were regarding how the property should be zoned. Dr. Suarez advised that he thinks the Planning Commission should review the entire Loretto Subdivision and the zoning of the entire area surrounding it. He commented that he feels like R-2 Residential zoning would be a better fit at this particular stage, but this would be a question for a later study and not at this meeting. Discussion continued regarding the zoning of the Loretto area.

Mr. Varney stated that the Loretto Mansion is different than any of the homes in the neighborhood because it is a mansion. He remarked that what he heard Ms. Morin state is that they are only wanting to generate enough income to help offset the cost of maintaining the property.

Dr. Paul Morin was recognized and stated that there are several things that the Planning Commission is unaware of, therefore, he will give them a brief history. He noted that they drove into Wytheville and saw the house and thought it was amazing. Dr. Morin explained that they rented the Glenwood house, which is located behind the accountant's office. He remarked that when Mrs. Campbell moved out of the Mansion, the College asked them to move into the Mansion because of insurance reasons. Dr. Morin noted that Ms. Morin did not want to relocate to the Mansion, and they started building a house where his office was located on West Ridge Road. He explained that they did move into the Mansion and were amazed with the house. Dr. Morin stated that they began to hear rumors that the Mansion was for sale, but the College could not get it sold because it was too much in disrepair. He commented that the College discussed demolishing the house and subdividing the property into lots while the subdivision was being built. Dr. Morin stated that Ms. Morin told him that they could not allow the College to destroy the historic home. He noted that they discussed that because they did not own the property, and they did not have a say so in the matter. Dr. Morin commented that they discussed that if they purchased the property, then they could at least hold out on destroying the

house until someone who wanted to restore it could purchase it and restore it. He stated that the very first thing he had to do after they purchased the home was put a new roof on it because it was leaking and the ceilings were falling in. Dr. Morin noted that he received quotes for a new roof from three contractors, and each contractor's quote was for \$120,000. He commented that Mr. Varney inquired as to why they invested money in the Mansion. Dr. Morin explained that because they were living in the house, they had to repair the roof because it was leaking, which led to repairing the ceilings, and then the bathrooms were completely in need of repair, which led to new bathrooms. He noted that is what started the investment in the home, along with the love of the house that was developed, which is why they kept investing. Dr. Morin stated that they had no intentions of ever owning a business in the Mansion. He noted that the reason he did purchase the other properties surrounding the Mansion was like everyone else, a person only wants to own the property next door. Dr. Morin explained that he spends \$3,000 per year just to maintain the detention pond because it has duck weed, algae, etc. He noted that if he did not treat the pond, it would be filled with algae, and then when people drove by, they would say the place was a dump. Dr. Morin expressed that he and Ms. Morin love Loretto, but they cannot keep paying the amount they are paying for the upkeep. He noted that he thinks the zoning discussion is a great idea. Dr. Morin explained that if he cannot maintain the property, then he is going to sell the B-1 Business property located in the front of the Mansion, and whoever buys the property then that is what will be located on the property. He commented that he would divide up the rest of the lots and sell them, and the same with those lots. He remarked that whatever goes there will go there. Dr. Morin expressed that he and Ms. Morin would live in the Loretto Mansion until he dies, which is what he has always planned to do. He commented that a local treasure is being discussed that they can offer to everyone attending the meeting, and, in turn, be able to maintain the property exactly like it is now. Dr. Morin stated that he agrees with those opposing the request. He noted that if he could live in the Loretto neighborhood and have it so nice all of the time and be able to enjoy the reputation that it has and the property would stay like it is, then he would not want someone to have a business there either. Dr. Morin commented, however, it is not going to happen this way. He explained that the reality is that if they cannot generate some type of revenue from the property, then there will be consequences. Dr. Morin stated that it will not be to the support of the values of the properties located in the neighborhood, whereas, if they have a place that they can maintain like it is exactly now, and beautify it even more, then he thinks the Town has an asset there, and they are offering something unique to the community. He advised that he had no intention of speaking at the meeting because Ms. Morin is on point with what she is trying to express, but this is the reality for him. Dr. Morin commented that maybe this is the time to begin discussions about rezoning the area, which may just be the answer and would no longer require Special Exception Permits. He stated that he is not sure what the right answer is, but he is sure that it will not continue the way it is going. Dr. Morin thanked the Commission for allowing him to speak.

Assistant Town Manager Moore stated that he thinks maybe what has gotten lost in all of this are the provisions of a Special Exception Permit. He noted that a Special Exception Permit is granted a special exception to a zoning district. Assistant Town Manager Moore explained that should the holder of a Special Exception Permit fail to comply with the provisions of that Special Exception Permit and include those safeguards that have been described, then that Special Exception Permit can be revoked by the Town Council. He advised that this is the one safeguard that is above and beyond a rezoning or whatever else the Commission might consider. Chairman Ervin inquired if there was any further discussion or comments regarding the Loretto Historic Mansion, LLC request for a Special Exception Permit. Chairman Ervin inquired if there is a motion for the Planning Commission to recommend to the Town Council that the Special Exception Permit request be approved or denied. A motion was made by Mr. Tate and seconded by Vice-Chairman Jones to recommend to the Town Council to approve 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, with the following stipulations: 1.) Extend the Monday through Friday hours an additional three hours until 8:00 p.m.; 2.) Extend the days to include Saturday and Sunday from 8:00 a.m. to 5:00 p.m.; 3.) Allow the use of the front porch and terrace for exterior activities; and, 4.) Increase the maximum number of guests from 50 to 75. Chairman Ervin inquired if there was any discussion on the motion. Discussion ensued regarding the possible rezoning of the property. Further discussion ensued regarding suggestions that Town staff recommended that the Planning Commission review as possible inclusions in the Special Exception Permit, if there was any concern regarding parking, etc. Chairman Ervin inquired if there was any further 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, John W. Jones, Jr., Bradford M. Litton, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney. Against: None.

Vice-Chairman Jones inquired of Town Clerk Corvin when the public hearing would be held for the Loretto Historic Mansion, LLC at the Town Council meeting. Town Clerk Corvin advised that the public hearing would be held at the Monday, February 10, 2020, Town Council meeting.

Chairman Ervin stated that the Town Council will have the final decision on this matter, and this is only the Planning Commission's recommendation to the Town Council.

RE: PUBLIC HEARING - REZONING OF CERTAIN PROPERTIES

Chairman Ervin advised that the meeting constituted a public hearing (due notice having been given) 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. Assistant Town Manager Moore explained that the Town Staff Report explains this proposed rezoning, which includes a map of the area that is proposed to be rezoned to R-3 Residential from B-2 Business. He noted that he would try to answer any questions that the Planning Commission or citizens have that are relative to this public hearing. Chairman Ervin inquired of Assistant Town Manager Moore if Town staff has received any feedback from the property owners. Assistant Town Manager Moore advised that, to date, he has not received any comments. Vice-Chairman Jones stated that he discussed this possible rezoning with a citizen who would be affected by the rezoning, and this person is in favor of the rezoning.

Chairman Ervin noted that there are citizens listed on the sign in sheet who wished to address the Commission during the public hearing, therefore, he would ask that when he calls their name to please come forward to the podium so that the minutes could be properly recorded.

Mr. Michael Dix was recognized and stated that he resides at 610 North 24th Street in Wytheville. He inquired of the Planning Commission if he understands correctly by stating that the Town is wanting to change the zoning of his property, as well, or only the zoning of the property located in front of him. Vice-Chairman Jones advised that the rezoning will not affect Mr. Dix. Mr. Dix stated that he is not opposed to the rezoning, since it will not affect his property. Assistant Town Manager Moore advised that the Town is required by law to notify abutting and adjacent property owners of the proposed rezoning.

Chairman Ervin 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 OF CERTAIN PROPERTIES

Chairman Ervin advised that the next agenda item is for the Planning Commission to make a recommendation to the Town Council 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 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 Dr. Suarez and seconded by Vice-Chairman Jones to recommend to the Town Council to approve the 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 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, John W. Jones, Jr., Bradford M. Litton, M. Bradley Tate, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney. 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 that they wished to address the Planning Commission during Citizens' Period, therefore, he would proceed with the agenda.

RE: DISCLOSURE OF REAL ESTATE HOLDINGS

Assistant Town Manager Moore reminded the Planning Commission that their Disclosure of Real Estate Holdings is due to Town Clerk Corvin no later than February 3, 2020.

RE: PROVISION TO ZONING ORDINANCE REGARDING SETBACKS IN RESIDENTIAL ZONING DISTRICTS

Assistant Town Manager Moore advised that in the current Zoning Ordinance, there is language regarding the setback provision in the side yard of Residential Zoning Districts that seem to be somewhat outdated, and that does not serve an appropriate purpose. He continued to discuss the provision with the Planning Commission. Assistant Town Manager Moore commented that Town Staff suggested that, if the Planning Commission is agreeable, Town Staff will draft a revision to the setback provision of the Zoning Ordinance for their review. He noted that,

basically, Town Staff is suggesting that the language be removed from the Zoning Ordinance to simplify it and make it to where all Residential Zoning Districts would have the same setback regardless of their lot width. Mr. Litton stated that he thinks this is a great idea because of the shape of the lot.

RE: PROVISION TO ZONING ORDINANCE REGARDING BUFFER YARDS

Assistant Town Manger Moore advised that there is a provision in the Buffer Yard Regulations that addresses buffer yards where there is a business or other higher intensity development across the street. He noted that Town Staff will review this at the next meeting with the Commission, as well. He remarked that Town Staff would like to see this somewhat amended, also.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:38 p.m.).

Kenny W. Ervin, Chairman

Sharon G. Corvin, CMC, Town Clerk