



AGENDA
Wytheville Planning Commission
Thursday, March 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 February 13, 2020
- D. **PUBLIC HEARING**
 - 1. Consider revisions to Article XVI – General Provisions, Subsection 16-16 – Buffer Yard and Screening, Subsection 16-16.3 – Buffer Yard – When Required, of the Town of Wytheville Zoning Ordinance
- E. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider revisions to Article XVI – General Provisions, Subsection 16-16 – Buffer Yard and Screening, Subsection 16-16.3 – Buffer Yard – When Required, of the Town of Wytheville Zoning Ordinance
- F. **PUBLIC HEARING**
 - 1. Consider revisions to various sections in the Town of Wytheville Zoning Ordinance regarding Yard Regulations - Side Yard Regulations, for the following Residential Zoning Districts: R-1, R-1A, R-1M, R-2, R-2FH, R-3 and R-3MH
- G. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider revisions to various sections in the Town of Wytheville Zoning Ordinance regarding Yard Regulations - Side Yard Regulations, for the following Residential Zoning Districts: R-1, R-1A, R-1M, R-2, R-2FH, R-3 and R-3MH
- H. **CITIZENS' PERIOD**
- I. **OTHER BUSINESS**
 - 1. Adoption of a resolution commending Dr. Terrance E. Suarez for his service to the Wytheville Planning Commission

2. Review of proposed amendments to the Town of Wytheville Zoning Ordinance regarding Motor Vehicle Towing or Wrecker Services

J. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, FEBRUARY 13, 2020, AT 6:00 P.M.**

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

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 Community Development Brian Freeman, Jamie Rosenbaum

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 January 9, 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-Chairman Jones and seconded by Mr. Tate to approve the minutes of the regular meeting of January 9, 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, John W. Jones, Jr., Bradford M. Litton, M. Bradley Tate, Terrance E. Suarez, Cathy D. Pattison. 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: INOPERATIVE VEHICLES AT AUTO BODY, AUTO REPAIR AND TOWING SERVICE BUSINESSES

Chairman Ervin advised that the next agenda item is the continued discussion regarding inoperative vehicles at Auto Body, Auto Repair and Towing Service businesses. He inquired if Assistant Town Manager Moore would review the issue with the Planning Commission at this time. Assistant Town Manager Moore stated that he has tried to summarize the Staff Report more concisely for the Commission's review. He explained that the original goal during the inoperative vehicle discussion was to identify towing services as a permitted use because these businesses were not defined in the Zoning Ordinance, but there were several of these businesses located throughout town, and the Planning Commission felt like the Town needed to identify towing services as a permitted use somewhere in the Zoning Ordinance. Assistant Town Manager Moore commented that when the Planning Commission started discussing the towing service businesses, it broadened into a discussion regarding all of the inoperable vehicles; where they are located; how some felt that the vehicles were unregulated; and, the ordinances that exist are not being enforced. He noted, therefore, he tried to clarify in the Staff Report that inoperable vehicles are already required to be screened in Agricultural, Business and Residential Zoning Districts with the exception of auto dealers, salvage dealers or scrap processor dealers who are excluded from that provision in the Town Code. Assistant Town Manager Moore explained that the Zoning Ordinance allows those kinds of operations to store inoperable vehicles, but it requires that they be kept indoors or be screened with at least a six foot high fence. He remarked that, basically, inoperable vehicles should not be visible unless they are part of an auto dealer, salvage dealer or scrap processor dealer. Assistant Town Manager Moore stated that with this now being clear, which is that the inoperative vehicles are, in fact, regulated with the exception of the auto, salvage and scrap processor dealers that he just named, the Planning Commission still has not adopted an ordinance for a provision for towing services. He advised that he thought the next step for the Planning Commission might be to adopt a definition for towing services, which is included in their Staff Report. Assistant Town Manager Moore explained that the Planning Commission can make recommendations to the Town Council, if they think some of definitions need to be revised. He continued to discuss the inoperative vehicle issue and possible solutions with the Planning Commission. Chairman Ervin inquired of Assistant Town Manager Moore if the Zoning Ordinance had been adopted for longer than three years. Assistant Town Manager Moore advised that the Town of Wytheville Zoning Ordinance has been in effect since 1969. Chairman Ervin inquired if the section regarding inoperative vehicles has been in effect since 1969. Assistant Town Manager Moore explained that every provision related to automobiles has been in the Zoning Ordinance since it

was adopted. He noted that the first section regarding the screening of inoperable vehicles and the definition is located in the Town Code, which the Planning Commission does not manage. Chairman Ervin inquired if the Town Code is the same as the State Code. Assistant Town Manager Moore explained that the Town Code loosely mirrors the State Code, but it is not the same. Mr. Litton commented that what he is hearing from the discussion is that the Planning Commission does not really need to change anything in the ordinance, but what is in the ordinance will need to be enforced. He stated, for example, Hedrick's Automotive will need a screen. Assistant Town Manager Moore advised that Hedrick's will either need a screen or they will need to move vehicles from the lot. Discussion ensued regarding the screening of the vehicles, the number of vehicles allowed on the lot that are not screened, etc. The Commission briefly discussed how some of these businesses arrange and locate the inoperable vehicles on their lot. He noted that a majority of the automobile dealers own wreckers and they pick up automobiles for repair. Mr. Moore stated that there is one wrecker services in the M-1 Industrial Zone that has been in full compliance since they opened. He noted that there are some businesses that have a stockpile of inoperative vehicles, but they are not easily seen. Assistant Town Manager Moore commented that he is opening the topic for further discussion because, in his opinion, inoperable vehicles are tightly addressed in the Town Code and Zoning Ordinance, which he tried to outline in the Staff Report. Dr. Suarez inquired if adding the definition as shown in the staff report will change anything. Mr. Moore stated that if the definition is added into the Zoning Ordinance, it will legalize the wrecker services that exist at this time, and it will give them legitimacy in the Zoning Ordinance. He commented from there, the Planning Commission can then work on a recommendation to the Town Council that the Town hire additional staff, etc. to enforce the issue of inoperable vehicles. Mr. Moore stated that he thinks probably just a few visits to these operations would, ultimately, make them more cognizant of the problem. He stated that during the discussion with the businesses, the Planning Commission learned that there are people who just leave their vehicles at these businesses and desert them. He remarked that some of the businesses prefer not to ask the customers not to leave their vehicles on their property, and they would prefer to do auto repair and not auto enforcement. Chairman Ervin stated that he thinks if the Town had someone who went by the businesses and placed some emphasis on something needing to be done, he would suspect that something would be done. Mr. Moore stated that if the Town took possession of the inoperable vehicles, then the Town would need a place to store them until they could be scrapped or sold at public auction. He commented that this is yet another process and another bureaucracy in itself. Mr. Litton noted that businesses may not be happy when they realize the enforcement regarding inoperative vehicles is already in the Town Code. Mr. Moore noted that the Town informed the businesses of this, but the Town is trying to address how to solve the problem. Dr. Suarez advised that the Town has two issues and one is an enforcement issue and the other is making this adjustment by definition so these types of businesses will be included. Mr. Moore noted that the definition has excluded storage of the vehicles on their properties. He noted that the wrecker services can tow the vehicles but they cannot store the vehicles on their properties. Mr. Moore stated that it will be necessary to hold a public hearing on this matter, and adopt it just like they do any other provision of the Zoning Ordinance. Dr. Suarez noted that he thinks the Planning Commission should start the process of placing the definition into the Zoning Ordinance. Mr. Moore commented that the Planning Commission will also need to put where they want to place the uses, such as the B-2 Business Zone and place it as an incidental use to auto sales and service, etc. Mr. Moore remarked that Town staff will bring it back to the next meeting and show it in the appropriate sections of the Zoning Ordinance. Dr. Suarez stated that he thinks the Planning Commission should move ahead and set a public hearing. The Commission continued to discuss how to enforce the issue of inoperable vehicles. Mr. Moore stated that, thus far, it has been the responsibility of the Police Department to enforce this. Mr. Litton inquired regarding the definition and the proposed screening requirements. Mr. Moore advised that automobile dealers are excluded from the screening requirements. It was noted that some businesses have automobiles waiting to be repaired that are not inoperable. Chairman Ervin noted that it is obvious that some of the offending businesses have not taken this issue seriously because they should have been making some arrangements and planning. Mr. Moore noted that some have moved and rearranged some of the vehicles. The Commission then briefly discussed issues at the Roberts' property. Mr. Moore stated that Town staff will prepare the revisions the Zoning Ordinance that have been discussed and bring them back to the Planning Commission for their review. Chairman Ervin inquired if any revisions for penalties will be included. Mr. Moore stated that there are already fines and penalties for violations of the Zoning Ordinance, and most of them are at the limits State Code allows.

RE: BUFFER YARD REGULATIONS

Chairman Ervin stated the next agenda item is to review the proposed revision to the Buffer Yard Regulations. Assistant Town Manager Moore presented information to the Planning Commission and noted that this includes the present language in the Zoning Ordinance regarding Buffer Yards and their requirements when a higher intensity is across the street from the lesser intensity use. He stated, for example, if there is a business property across the street from a residential property, and if the business property is going to be developed and is located

on a collector or local street, there has to be a buffer yard on that business property. He noted that Town staff has proposed that if the right of way is less than 50 feet, then maybe a buffer yard should be installed, but if it is more than 50 feet, a buffer yard is not necessary. Mr. Moore explained that Town staff does not think a Buffer Yard should be based on the level of intensity of the use of the street, but it should be based on the width of the street. He remarked that this is what they are proposing that the Town revise here. Mr. Moore noted that the revisions listed in the Staff Report would replace the current language in the Zoning Ordinance. Mr. Moore advised that most of the Town streets are 50 feet in width, but there are some 40-foot streets, as well as some alleys. He remarked that the revision is if the streets are less than 50 feet, a buffer yard has to be installed, but if it is wider than 50 feet wide, a buffer yard is not necessary. He advised that Town staff would recommend that the Planning Commission set a public hearing and advertise it for the next Planning Commission meeting. Dr. Suarez noted that he would suggest that the revision be changed to state "50 feet or more" rather than just "50 feet." Mr. Moore noted that Town staff will make this revision. A motion was made Vice-Chairman Jones and seconded by Mr. Litton to set a public hearing for the March 12, 2020, Planning Commission meeting to consider the proposed revisions to the Buffer Yard Regulations. 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. Against: None.

RE: SIDE YARD REQUIREMENTS

Chairman Ervin stated the next agenda item is further review of proposed amendments to the Zoning Ordinance regarding side yard requirements in Residential Zoning Districts. He noted the Commission discussed this issue at their last meeting. Mr. Moore stated that these revisions are taking out the provision in residential districts for an increased side yard for lots that are larger than the prescribed width for that zoning district. He noted that if there is a residential lot that is wider than 90 feet, the extra width has to be calculated in the side yard setback, and 20 percent of the extra width is added to the side yard setback. Assistant Town Manager Moore remarked that it will not only simplify the administration of the ordinance and make it much easier for people to understand, but it will also help increase the density of neighborhoods. He stated that the Planning Commission can see the proposed revision in each of the residential zoning districts. Mr. Tate stated that he agrees with these revisions. Mr. Moore noted it simplifies the ordinance. A motion was made by Vice-Chairman Jones and seconded by Mr. Tate to set a public hearing for the March 12, 2020, Planning Commission meeting to consider proposed amendments to the Zoning Ordinance regarding side yard requirements in Residential Zoning Districts. 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. Against: None.

RE: LORETTO HISTORIC MANSION, LLC UPDATE

Councilwoman Pattison stated that the Town Council held a public hearing on Monday, February 10, 2020, for the Loretto Historic Mansion, LLC Special Exception Permit. She advised that the Council approved the request to include the extended venue hours, visitor capacity and the use of the terrace and front porch. Councilwoman Pattison noted that the vote was unanimous. Assistant Town Manager Moore commented that no one came to the public hearing to oppose the request.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:29 p.m.).

Kenny W. Ervin, Chairman

Sharon G. Corvin, CMC, Town Clerk