



AGENDA
Wytheville Planning Commission
Thursday, July 11, 2019
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

- A. **CALL TO ORDER** — Chairman Brad M. Litton
- B. **ESTABLISHMENT OF QUORUM** — Chairman Brad M. Litton
- C. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of June 13, 2019
- D. **CITIZENS' PERIOD**
- E. **OTHER BUSINESS**
 - 1. Continued discussion regarding proposed requirements regarding the number of inoperative vehicles permitted to be stored for Auto Body, Auto Repair and Towing Service businesses
 - 2. Further discussion regarding the proposed amendments to the Zoning Ordinance regarding Temporary Family Health Care Structures
 - 3. Continued review of the definition for a dog park and its permitted use in M-1 and M-2 Industrial Zoning Districts
 - 4. Discussion regarding the inventory of signs on the Town rights of way and if these signs should continue to be permitted
 - 5. 2019 Virginia Planning Commissioner Seminar
- F. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, JUNE 13, 2019, AT 6:00 P.M.**

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

Others present: Mayor Beth A. Taylor, Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman, Garnett Miller, Jr.

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 May 9, 2019. He inquired of the Commission if there were any additions or corrections to the consent agenda or if there was a motion to approve the consent agenda, as presented. A motion was made by Mr. Jones and seconded by Dr. Suarez to approve the minutes of the regular meeting of May 9, 2019, as presented. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: PUBLIC HEARING – BUFFER YARD SPECIFICATIONS

Chairman Litton advised that the meeting constituted a public hearing (due notice having been given) to consider an amendment to the Zoning Ordinance, Article XVI – General Provisions, Section 16-16.5, Buffer Yard Specifications, regarding the types and required numbers of trees/shrubs to be planted in a buffer yard. Chairman Litton noted that there was no one listed on the sign in sheet who stated that they wished to address the Commission during the public hearing. He inquired if the Commissioners had any questions for Town staff. Chairman Litton inquired of Assistant Town Manager Moore what the wording of the specifications means when it states "...screening that shall consist of at least two rows of specified trees spaced at least five (5) feet apart." He inquired if it means the minimum or maximum is five feet because he is not sure that five feet is relevant to what the Planning Commission is trying to accomplish. Assistant Town Manager Moore stated that there is a minimum height of five (5) feet for trees to create a screen, and this has not been amended. Chairman Litton inquired if this needs to be amended in the Zoning Ordinance because a person would not plant oak trees five feet apart. Assistant Town Manager Moore stated that in his opinion, he thinks that the ordinance should be amended to state "an appropriate spacing." He noted that he would leave the spacing at five (5) feet, and if the Commission feels like it should be relaxed more, then the Landscape Architect can reduce it. Mr. Varney inquired of Assistant Town Manager Moore who would make the decision if there are trees that need to be spaced 10 feet apart. Assistant Town Manager Moore advised that Landscape Architect John Woods would determine the perfect spacing. He noted that the intent is to create a screen of some type, and there is a limit to a number of deciduous trees that are allowed, therefore, he thinks the five feet spacing, for the most part, is not going to be removed from the ordinance, so that the screen effect is eventually seen. Discussion ensued regarding the Buffer Yard Specifications, Section 16-16.5 and the spacing of the trees. Chairman Litton commented that this was the intent of having Landscape Architect Woods determine each plan on an individual basis. Assistant Town Manager Moore remarked that if the Commission agrees, the language can be revised to state "five (5) feet apart, unless otherwise directed by the Landscape Architect." Mr. Varney noted he thinks, at some point, there needs to be some type of wording to state that the Landscape Architect would need to decide if the trees need to be spaced further because of the specie that has been planted. Chairman Litton stated that is correct. He continued to express his thoughts regarding how the spacing of the trees could be amended in the ordinance. Dr. Suarez commented that the problem is if the trees are spaced too far apart, the concept of buffering has been lost. Mr. Varney inquired of Assistant Town Manager Moore if everything would be reviewed by the Landscape Architect. Assistant Town Manager Moore stated that in the plan it will, but beyond that, there is nothing that addresses maintenance over the years in the ordinance. He noted that the Commission has addressed what will most likely happen, which is when the tree ages, it will be trimmed back so that there is still a complete screen. Assistant Town Manager Moore explained that the specifications were, originally, intended to state, "has to be at least five (5) feet apart." Discussion continued regarding the Buffer Yard Specifications and whether the spacing is allowed to go over five feet or not. Mr. Varney inquired if there is language in the ordinance that states the trees have to be maintained once they are planted. Assistant Town Manager Moore advised that the ordinance, currently, states that "the Zoning Administrator shall

determine the appropriate selection and may require revisions to the plans submitted for review prior to approval.” Mr. Varney remarked that this language covers the Commission members’ questions. He inquired of Assistant Town Manager Moore what does the ordinance state about maintenance. Assistant Town Manager Moore explained that the ordinance states, “The buffer yards shall be maintained in a natural condition free of structures, loading and storage areas...” Chairman Litton noted, therefore, the ordinance states that the property owner must maintain the trees. Councilwoman Pattison advised that she likes the way the ordinance has been amended. It was the consensus of the Planning Commission to leave the language as it is written and have the Zoning Administrator determine the appropriate selection and possibly require revisions to the plans submitted for review prior to approval and to leave the language for the spacing of the trees to state, “at least five (5) feet apart.” Chairman Litton inquired if there was any further discussion regarding the public hearing. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL — BUFFER YARD SPECIFICATIONS

Chairman Litton advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider an amendment to the Zoning Ordinance, Article XVI – General Provisions, Section 16-16.5, Buffer Yard Specifications, regarding the types and required numbers of trees/shrubs to be planted in a buffer yard. Chairman Litton inquired of the Commission if there is a motion concerning the Buffer Yard Specifications. A motion was made by Dr. Suarez and seconded by Mr. Jones to recommend to the Town Council to approve an amendment to the Zoning Ordinance, Article XVI – General Provisions, Section 16-16.5, Buffer Yard Specifications, regarding the types and required numbers of trees/shrubs to be planted in a buffer yard. Chairman Litton inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Bradford M. Litton, Kenny W. Ervin, Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: CITIZENS’ PERIOD

Chairman Litton advised that the next agenda item is Citizens’ Period. He noted that there are no citizens attending the meeting who requested to address the Commission during Citizens’ Period, therefore, he would proceed with the agenda.

RE: INOPERATIVE VEHICLES

Chairman Litton advised the next agenda item is the continued discussion regarding regulating the number of inoperative vehicles allowed to be stored at auto body and repair shops. Assistant Town Manager Moore stated that at the last meeting, discussion was held regarding the Town Code section addressing this issue, which has been included in the Commissioner’s packets, and describes the definition of an inoperable vehicle. He commented that this is rapidly coming down to establishing how many inoperable vehicles should be allowed at a business establishment that deals with auto body and auto repair shops and towing services in town. Assistant Town Manager Moore stated that when staff reviewed other localities’ definitions, the number five (5) seems to be a common denominator in almost all localities. He noted that the Planning Commission may need to establish that more than five (5) inoperable vehicles constitutes a junkyard and is not a permitted use in the zoning district where it is located. Assistant Town Manager Moore continued to discuss what the Town Code states about the approximate 90 day process to have inoperable vehicles removed from a property. He commented that if the Commission would set a limit of no more than five (5) vehicles to be allowed on a property, it could help with a junkyard appearance. Dr. Suarez inquired of Assistant Town Manager Moore if there is a time limit on file or would the number allowed simply be five. Assistant Town Manager Moore commented that at any given time, no more than five (5) inoperative vehicles would be allowed on a property. Town Attorney Menerick explained to the Planning Commission that the Town Code limits the time to 60 days for inoperative vehicles to be on a property. He noted that if a towing service brings in three additional vehicles from a vehicle accident and there are already five vehicles at the auto body shop, the three additional vehicles do not count toward the five allowed on the property until they have been on the lot for 60 days. Chairman Litton inquired of Assistant Town Manager Moore if he is asking the Planning Commission to approve the screening of property. Assistant Town Manager Moore stated that properties could be screened in certain zoning districts such as industrial zones, if it is part of the business’s operation. He noted that in a business zone, there are no provisions in the Zoning Ordinance to allow screening, which would mean the vehicles would have to be removed or placed inside the shop. Discussion ensued regarding the percentage of shops that have inoperative vehicles located in business zones as opposed to industrial zones and the screening of the shops. Assistant Town Manager Moore stated that the Planning Commission had requested him to speak with the Wytheville Police Department, and the Police Department noted that there are some shops that are skirting the issue and moving the vehicles around on the lot or inside their building so that the police do not find them in the same location when they

investigate a complaint. Councilwoman Pattison advised that there are two sentences in the staff report that state, "The Police Department did not feel it was fair to impose such a requirement on these establishments. They suggested asking these businesses to be involved in a solution, or at least get their input." She inquired of Assistant Town Manager Moore if the Planning Commission would prefer to hold a Work Session at the next meeting and bring in some of these businesses to hear their input. Assistant Town Manager Moore commented that he thinks that would be appropriate, if the Commission would like to do so. Discussion ensued regarding the Planning Commission having the standards prepared for what they feel is appropriate for inoperative vehicles before scheduling a Work Session. Mr. Varney suggested placing further discussion regarding the inoperative vehicles on the July regular meeting agenda so that the Planning Commission will be prepared for the Work Session so they have a list of shop owners to invite, etc. Discussion continued regarding having standards prepared before scheduling the Work Session, who should be invited to attend the Work Session, etc. Mr. Jones stated that each business owner should be invited to attend the Work Session because they are all going to be affected by the proposed amendment. Mr. Varney inquired of Assistant Town Manager Moore how many businesses would be invited to attend. Assistant Town Manager Moore advised that there are roughly 14 businesses. He noted that Town Staff would try to identify all of the affected businesses and have a list available for the Planning Commission to review at the July meeting, along with some suggested regulations. It was the consensus of the Planning Commission to schedule a Work Session at 5:00 p.m., prior to the Planning Commission meeting on Thursday, August 8, 2019, in the Council Chambers to discuss an amendment to the Town Code and Zoning Ordinance regarding the "keeping of inoperative vehicles" and for Town Staff to invite members of the Wytheville Police Department and the business owners of auto body shops, auto repair shops and towing services to attend the Work Session for input. Chairman Litton inquired if there was any further discussion concerning the inoperative vehicles. There being none, he proceeded with the agenda.

RE: TEMPORARY FAMILY HEALTH CARE STRUCTURES

Chairman Litton advised the next agenda item is the review of proposed amendments to the Zoning Ordinance regarding Temporary Family Health Care Structures. Assistant Town Manager Moore stated that the Planning Commission briefly discussed this item at the May meeting. He noted that the Staff Report includes a definition that includes the State Code section. He explained that these structures are permitted where there is a single family residence, which is somewhat broad. Councilwoman Pattison inquired of Assistant Town Manager Moore what the structures look like. Assistant Town Manager Moore stated that he has not seen what he thinks is the portable unit arriving, but he has seen a unit once it has been set up. He noted that Town Staff could bring pictures of the structures to the next meeting for the Planning Commission to review. Discussion ensued regarding the vision the Commissioners have of what the structures look like. Chairman Litton inquired of Assistant Town Manager Moore if the structures are proposed to become popular. Assistant Town Manager Moore stated that, apparently, there has been a request for a structure, which is why this has been brought before the Planning Commission for review. Town Attorney Menerick advised that there was a request, and the applicant who made the request was told that he could proceed forward with the structure as long as he is in compliance with the State Code. He remarked that he is unsure if the applicant plans to proceed with the structure or not. He commented that the Town will get the Zoning Ordinance amended so that there is something in place when another application comes into the office. Assistant Town Manager Moore explained that it is fairly popular, and there was a gentleman in North Carolina who started the idea and has an entire business plan for the structures. He noted that State Code states that the structures cannot be on a permanent foundation and have to be mobile, which makes him wonder if the structures have underpinning around the bottom, are they mobile homes, etc. Assistant Town Manager Moore advised that the Town is required to allow the structures. Discussion ensued regarding if the structures are intended to be temporary and not permanent. It was the consensus of the Planning Commission to review photos of the structures at the next meeting and to discuss the item further before scheduling a public hearing to amend the Zoning Ordinance. Chairman Litton inquired if there was any further discussion concerning the Temporary Family Health Care Structures. There being none, he proceeded with the agenda.

RE: DOG PARKS

Chairman Litton advised that the next agenda item is discussion regarding including dog parks as a permitted use in M-1 and M-2 Industrial Zoning Districts. Assistant Town Manager Moore explained that the Planning Commission has a Staff Report that reflects a definition of a dog park as a permitted use in the M-1 and M-2 Industrial Zoning Districts. He inquired of the Commission if they feel the language is appropriate. Discussion ensued regarding the language for dog parks. Dr. Suarez commented that he thinks it should be a requirement to have all of the features listed in the definition instead of it stating "varying features." Chairman Litton inquired of the Commission if they would like to move forward with setting a public hearing for the amendment to the Zoning Ordinance regarding dog parks or would they like for Town Staff to

make the revision to the definition first. Assistant Town Manager Moore stated that he would suggest making the revisions to the dog park definition and allow the Commission to review the revisions before setting the public hearing. He noted that Town Staff would add more requirements to the amendment and present it to the Planning Commission at the next meeting. Chairman Litton inquired if there was any further discussion concerning the dog parks. There being none, he proceeded with the agenda.

RE: SIGN ORDINANCE

Assistant Town Manager Moore advised that the next agenda item is discussion regarding a provision in the Sign Ordinance that regulates church signs, etc. He noted that the Council has requested the Planning Commission to review the Sign Ordinance and make a recommendation to them in regard to church signs, etc. Assistant Town Manager Moore explained that because of the new Wayfinding Program, the Council has noticed the amount of signs that are located in different areas of town. He commented that the Council would like for the Planning Commission to review the ordinance to see if the signs need to be removed, need to be more uniform, etc. Assistant Town Manager Moore continued to explain the request of the Council in regard to the Sign Ordinance. He requested that the Planning Commission look throughout town for the signs described and be ready to discuss their thoughts and suggestions at the next meeting. Discussion continued regarding the numerous signs located throughout town and the difference in sizes, wording, etc. Assistant Town Manager Moore stated that Town Staff would present pictures of the numerous signs located in town and ideas of what staff suggests that the Planning Commission do in regard to an amendment to the Sign Ordinance. Chairman Litton inquired if there was any further discussion regarding the Sign Ordinance. There being none, he proceeded with the agenda.

RE: HOMESTAY ORDINANCE

Councilwoman Pattison stated that at the last Council meeting, a petition was presented by the residents of Withers Road in regard to the Homestay Ordinance. She noted that if the Commission members remember, the recommendation from the Commission to the Council was to eliminate the R-1, R-1A and R-1M Residential Zoning Districts from the proposed ordinance. Councilwoman Pattison advised that there are three pages of citizens' signatures who would like to have the Planning Commission review the proposed ordinance again to include those zoning districts that were eliminated. She stated that the citizens who have signed the petition would like to see Homestays as a permitted use in those zoning districts. Councilwoman Pattison explained that she only wanted to inform the Commission that she does not think this is a closed issue. She noted that the homeowners in those three districts can apply for a Special Exception Permit, if they choose to do so. Discussion ensued regarding whether or not the citizens who signed the petition are aware of the guidelines that must be followed regarding the Homestay Ordinance. Mr. Jones inquired of Assistant Town Manager Moore what would be the difference in allowing a homeowner in the historic district to be allowed to have a Homestay and not a Bed and Breakfast. Assistant Town Manager Moore explained that they would be allowed to have a Homestay, and, if they chose to treat it as a Bed and Breakfast, they would be allowed to do so. Chairman Litton stated that at the last Planning Commission meeting, Mr. Mike Forrest inquired of the Commission as to how many citizens were against Homestays in the historic district. He commented that he was not able to answer Mr. Forrest, however, he thinks there were a handful of citizens who contacted the Commission members in opposition of the Homestay Ordinances. Assistant Town Manager Moore noted that he is sure there will be other petitions in regard to the Homestay Ordinance in the future. Chairman Litton inquired if there was any further discussion regarding the Homestay Ordinance. 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 (6:47 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk