



AGENDA
Wytheville Planning Commission
November 14, 2019
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

- A. **CALL TO ORDER** — Chairman Brad M. Litton
- B. **ESTABLISHMENT OF QUORUM** — Chairman Brad M. Litton
- C. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of October 10, 2019
- D. **PUBLIC HEARING**
 - 1. Consider the request of Marathon Realty Corporation to rezone property located at 805 West Monroe Street, 810 West Main Street and 830 West Main Street, which is located southeast of Monroe Street and northwest of Main Street between South 14th Street and South 16th Street, from B-1 Business and R-3 Residential to B-2 DT General Business District – Downtown
- E. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider the request of Marathon Realty Corporation to rezone property located at 805 West Monroe, 810 West Main Street and 830 West Main Street, which is located southeast of Monroe Street and northwest of Main Street between South 14th Street and South 16th Street, from B-1 Business and R-3 Residential to B-2 DT General Business District - Downtown
- F. **CITIZENS' PERIOD**
- G. **SPECIAL EXCEPTION PERMIT REQUEST**
 - 1. Set a public hearing 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.
- H. **OTHER BUSINESS**
 - 1. Continued discussion regarding the zoning of certain properties, which are located between West Lee Highway and West Spiller Street, and bounded by

the west side of North 24th Street and the east side of North 26th Street, in a B-2 Business District

2. Further discussion regarding inoperative vehicles and Auto Body, Auto Repair and Towing Service businesses
3. Dispensing with the December meeting due to the Christmas holidays

I. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, OCTOBER 10, 2019, AT 6:00 P.M.**

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

Members absent: Cathy D. Pattison

Others present: Town Manager C. Wayne Sutherland, Jr., Deputy Clerk Brandi N. Jones, Town Attorney Christopher R. Menerick, John Park

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 September 12, 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 Vice-Chairman Ervin and seconded by Mr. Jones to approve the minutes of the regular meeting of September 12, 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, 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 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: REZONING REQUEST

Chairman Litton advised that the next agenda item is to set a public hearing to consider the request of Marathon Realty Corporation to rezone property located at 810 and 830 West Main Street and at 805 West Monroe Street, which is located southeast of Monroe Street and northwest of Main Street between South 14th Street and South 16th Street, from R-3 Residential and B-1 Business to B-2 DT General Business District - Downtown. Chairman Litton inquired of Town Attorney Menerick if he had any information regarding this rezoning request. Town Attorney Menerick stated that Marathon Realty Corporation is a holding company for another prospective business that is coming in to the area. He noted that the Commissioners may have heard rumors about this business, however, the business has asked that their name remain anonymous until they are ready to go public. Town Attorney Menerick commented that if the Planning Commission would like more detailed information regarding the prospective business, the meeting could go into a Closed Session. He continued to explain to the Planning Commission the location where the business has purchased property and would like to rezone. Town Attorney Menerick stated that the business is working against a deadline, therefore, they would like to get the public hearing set for the November Planning Commission meeting. A motion was made by Dr. Suarez and seconded by Mr. Jones to set a public hearing for the November 14, 2019, Planning Commission meeting at 6:00 p.m., in the Council Chambers, to consider the request of Marathon Realty Corporation to rezone property located at 810 and 830 West Main Street and at 805 West Monroe Street, which is located southeast of Monroe Street and northwest of Main Street between South 14th Street and South 16th Street, from R-3 Residential and B-1 Business to B-2 DT General Business District - Downtown. 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, Kevin L. Varney, John W. Jones, Jr. Against: None.

Mr. Jones inquired if the Town would be closing the street. Town Attorney Menerick stated that both the rezoning and the vacating of the street would need to go before the Town Council, therefore, this is the reason the business would like to get the rezoning public hearing on the Planning Commission agenda in November, so that the vacating of the street could go before the Council around the same time. Discussion ensued regarding the timing of the vacating of the street and the rezoning of the property, which Town staff hopes to present to the Town Council by the end of January 2020. Chairman Litton inquired of Town Attorney Menerick if the owners would be at the next Planning Commission meeting to answer questions, etc. Town Attorney Menerick stated that they plan to attend the November 14, 2019, public hearing.

RE: ZONING OF CERTAIN PROPERTIES

Chairman Litton advised that the next agenda item is the discussion regarding the zoning of certain properties, which are located between West Lee Highway and West Spiller Street, and bounded by the west side of North 24 Street and the east side of North 26th Street, in a B-2 Business District. Town Manager Sutherland stated that the Staff Report is clear in regard to there not being a consensus among property owners or anyone as to what they would like this property to be zoned. He noted that Assistant Town Manager Moore has recommended that the Planning Commission may want to consider a Work Session to invite the property owners to convey their opinions, or the Commissioners may not want to do anything because there is not a consensus among everyone regarding the rezoning. Mr. Jones remarked that he thinks that scheduling a Work Session is the best idea. Discussion ensued regarding the rezoning and there being no consensus among the property owners. Chairman Litton inquired of the Commission as to what their thoughts were regarding a Work Session. Mr. Tate advised that he is against a Work Session because there are already two property owners against the rezoning. It was the consensus of the Planning Commission for Town staff to contact Mr. Cornett and the owner of the Teams' properties to get their input regarding the proposed rezoning before scheduling a Work Session, and then present the information at the next meeting. There being no further discussion regarding the rezoning, Chairman Litton proceeded with the agenda.

RE: INOPERATIVE VEHICLES

Chairman Litton advised that he had received a letter from Mr. Bill Smith regarding the inoperative vehicle, junk yard and towing lot issue discussed at previous Planning Commission meetings. Discussion was briefly held regarding the letter, which noted Mr. Smith's disagreement with some of Assistant Town Manager Moore's comments in the last Planning Commission meeting. Town Manager Sutherland advised that the Town Council made it clear that they are not interested in a Town impound lot. Town Attorney Menerick noted that he prepared a draft Abandoned Vehicle Ordinance to present to the Planning Commission at the last meeting, and it was also presented to the Council during a Work Session. He commented that when he created the draft, which he found in use at another locality, he thought that the ordinance would take care of all the problems of getting rid of the nuisance vehicles, etc. Town Attorney Menerick explained that the more Town staff reviewed the draft ordinance, the more they realized that there would have to be a central location to put the vehicles. He noted that it is hard to make sense of this without an impound lot, which is not something that the Council is interested in developing in the town. Chairman Litton commented that he feels like this needs to be a joint effort between the Town and the County. He noted that a centralized lot is still not going to solve the big problem, which is the disarray of the auto repair and towing lots. Mr. Varney suggested reaching out to the County to see if there are any options for a central impound lot. Town Attorney Menerick stated that it would not be hard for Town staff to reach out to the County, however, he is not sure if the County has as much of a problem with this issue because the County has no zoning regulations, unlike the Town. He noted that the County does not enforce this issue, therefore, he is not sure the County will be motivated to join forces with the Town regarding an impound lot. Chairman Litton commented that he thinks the motivation is going to come from the operators of the businesses and if they want an impound lot or not. He remarked that if they do, the operators would come up with a plan faster than the Commission because they know where the lot needs to be, etc. He noted that if the operators are not in favor of this, then the Town will never get anywhere without their help. Chairman Litton commented that cleaning up the lots to the public view is what the Planning Commission was asked to do by the Town Council. Vice-Chairman Ervin commented that he was concerned during the Work Session with the auto businesses because all he heard from the majority of them was that they cannot do this. He remarked that he questions if the businesses are expending the resources to get at least the abandoned junk vehicles removed from their lots. Town Attorney Menerick advised that it is the responsibility of the business owners to get their lots in order. Discussion continued regarding how the Planning Commission could help the businesses with the organizing of their lots. Mr. Varney stated that sometimes even though a person owns a business, it does not mean that they understand the full extent of running a business. He noted that they may say they cannot do something, when in reality, they do not understand how to do what needs to be done. Mr. Varney continued to express his thoughts regarding the inoperative vehicles and the auto businesses organizing their lots. Mr. Tate inquired of Town staff if the invitation to the previous Work Session was sent to only the auto businesses that were in violation of the ordinance, or did the letter go out to all of the auto businesses in town. Mr. Jones stated that the letter was sent to all auto businesses located in town. Mr. Tate suggested identifying only the businesses in violation of the ordinance. He noted that he spoke with Mr. Troy Maxwell of Collins' Auto Shop, and Mr. Maxwell stated that he would be willing to move some of his vehicles and clean up his lot, if he had to, and if the Town enforced the ordinance. Mr. Tate expressed that Mr. Maxwell's big issue was that his business has been operating the same for years and the Town has never had an issue with his lot until now. He commented that he feels like that is why a lot of the business owners are saying that they cannot clean their lots, and until the Town enforces the ordinance, there is nothing that can be said to the businesses.

Mr. Tate continued to express his thoughts regarding what the Planning Commission could do to help the businesses with their lot disarray. Chairman Litton inquired of Town Attorney Menerick if towing businesses are permitted in B-1 and/or B-2 Business Zoning Districts. Town Attorney Menerick stated that he was not sure, but he would review the Zoning Ordinance and report back to the Planning Commission at the next meeting. Vice-Chairman Ervin stated that the businesses will not follow the ordinance, unless there is some type of penalty issued. He noted that if the Town would place a \$50 per week or month fine on the auto businesses for inoperable vehicles on their lots, he guaranteed that they would find a way to move the vehicles instead of saying that they cannot move them. Town Attorney Menerick advised that there are penalties stated in the Zoning Ordinance that will accrue to a large amount for inoperable vehicles on a lot. Mr. Varney expressed that the Town has not been enforcing this ordinance, therefore, if this has not been enforced regularly, and then suddenly the Town starts enforcing the ordinance, he thinks, to some degree, the Town owes the auto businesses a window of time to clean up their lots. Discussion ensued regarding the timeline of enforcement regarding the inoperative vehicles. The Commission continued to discuss a solution for the auto businesses with small lots such as Collins' Auto Shop. It was the consensus of the Planning Commission for Town staff to create a short list of the top auto shop offenders for the appearance of their lots, inoperative vehicles, etc. and to create a uniform list of issues that need to be addressed with the business owners, and then have a small committee of one or two members from the Planning Commission visit those businesses to help address the Zoning Ordinance problem. It was, also, the consensus of the Planning Commission for Town staff to draft a warning letter to the auto businesses that will include a timeline of when the enforcement will begin by the Town, for example, in six months, the Town would begin issuing fines for noncompliance with the ordinance. Mr. Jones stated that the Planning Commission will need to come up with a solution because the small committee will receive suggestions from the businesses, and as Vice-Chairman Ervin expressed, there will be businesses who state that they cannot comply, they do not like the idea, the ordinance has never been enforced, etc., but that does not mean that the Town cannot enforce the ordinance. Discussion continued regarding the enforcement of the ordinance and the timeline in which it should go into effect. Chairman Litton advised that Town staff will place this item on the agenda to review at the next meeting.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:39 p.m.).

Bradford M. Litton, Chairman

Brandi N. Jones, Deputy Clerk