



AGENDA
Wytheville Planning Commission
Thursday, July 9, 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 March 12, 2020
- D. **CITIZENS' PERIOD**
- E. **OTHER BUSINESS**
 - 1. Reset a public hearing to consider the following amendments to the Town of Wytheville Zoning Ordinance regarding Motor Vehicle Towing or Wrecker Service: Article III, Definitions; Article XI – Business District B-2 (General); Section 11-1 Use Regulations; Article XII – Industrial District M-1, Section 12-1 Use Regulations; Article XII-M – Industrial District M-1M, Section 12-1M Use Regulations; Article XIII – Industrial District M-2, Section 13-1 Use Regulations
 - 2. Annual review of Special Exception Permits for: 1) Thomas and Tina Cline; 2) Commonwealth of Virginia, Department of General Services, Surplus; 3) Brad Litton; 4) Wytheville (Wytheville) WMC, LLC (Petco); 5) Chris Umberger; (6) Loretto Historic Mansion, LLC; (7) Suzanne Richert; and, (8) US Cellular
- F. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, MARCH 12, 2020, AT 6:00 P.M.**

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

Others present: Assistant Town Manager Stephen A. Moore, Deputy Clerk Brandi N. Jones, Town Attorney Christopher R. Menerick, Mayor Beth A. Taylor, Councilman Mark J. Bloomfield

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 February 13, 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 Councilwoman Pattison to approve the minutes of the regular meeting of February 13, 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, Cathy D. Pattison, Kevin L. Varney, George F. Wittwer. Against: None. Mr. Tate was absent during the voting of the Consent Agenda.

RE: WELCOME NEW MEMBER

Chairman Ervin advised that he would like to welcome the Wytheville Planning Commission's newest member, Mr. George Wittwer, to the meeting. He noted that Mr. Wittwer has been appointed to the Planning Commission to replace Dr. Terrance Suarez. Chairman Ervin commented that Dr. Suarez's term expired, and he was not eligible for reappointment.

RE: PUBLIC HEARING – BUFFER YARD REQUIREMENTS

Chairman Ervin advised that the meeting constituted a public hearing (due notice having been given) to 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. Assistant Town Manager Moore advised that the Planning Commission had an explanation of the revisions to the Buffer Yard Requirements in their Staff Report, which was discussed at the last meeting. He noted that two paragraphs are all that are proposed to be amended. Chairman Ervin inquired if there were any questions or comments regarding this public hearing. Mr. Litton stated that Mr. Bill Smith contacted him, approximately 30 minutes ago, and noted that he had planned to attend the meeting, but something had come up, and he would not be able to attend. He commented that Mr. Smith brought up a good point regarding the wording of the proposed revisions to the Buffer Yard Regulations. Mr. Litton advised that Mr. Smith suggested that subparagraphs (a) and (b) be revised. He noted that the way it is, currently, being presented, the terms could almost be used for either. Mr. Litton explained that the street could be 30 feet wide, while the right of way could be 50 feet wide. He commented that a person could almost argue the point that it would/would not be required on either (a) or (b), therefore, he thinks Mr. Smith's suggestion would provide a little clarity so that it refers only

to the right of way. Mr. Litton noted that he did not catch this until Mr. Smith brought it to his attention. Discussion ensued regarding the language for the subparagraphs. Assistant Town Manager Moore advised that the term "right of way for an alley, street or highway" could be inserted in subparagraphs (a) and (b) to clarify this. He inquired if this would be an acceptable revision to the requirements, and if everyone understands what is being proposed. The Planning Commission agreed that they understood what Assistant Town Manager Moore was proposing and what Mr. Litton was suggesting. Chairman Ervin inquired if there were any other questions or comments regarding this public hearing. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL – BUFFER YARD REQUIREMENTS

Chairman Ervin advised that the next agenda item is for the Planning Commission to make a recommendation to the Town Council to 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. A motion was made by Mr. Litton and seconded by Vice-Chairman Jones to recommend to the Town Council to approve Article XVI – General Provisions, Subsection 16-16 – Buffer Yard and Screening, Subsection 16-16.3 – Buffer Yard – When Required as revised, of the Town of Wytheville Zoning Ordinance. 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, Kevin L. Varney, George F. Wittwer. Against: None.

RE: PUBLIC HEARING – SIDE YARD REQUIREMENTS IN RESIDENTIAL ZONING DISTRICTS

Chairman Ervin advised that the meeting constituted a public hearing (due notice having been given) to 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. Assistant Town Manager Moore explained the proposed revisions to the Planning Commission. Chairman Ervin inquired if there were any questions or comments regarding this public hearing. There being none, he declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL – SIDE YARD REQUIREMENTS IN RESIDENTIAL ZONING DISTRICTS

Chairman Ervin advised that the next agenda item is for the Planning Commission to make a recommendation to the Town Council to 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. A motion was made by Vice-Chairman Jones and seconded by Mr. Litton to recommend to the Town Council to approve the 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. 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, Kevin L. Varney, George F. Wittwer. Against: None.

RE: CITIZENS' PERIOD

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

RE: RESOLUTION – DR. TERRANCE E. SUAREZ

Chairman Ervin advised that the next agenda item is the adoption of a resolution commending Dr. Terrance E. Suarez for his service to the Wytheville Planning Commission. He noted that if the Planning Commission desires to adopt the resolution, Dr. Suarez will be invited to attend the next Planning Commission meeting for the presentation of the resolution. A motion was made by Vice-Chairman Jones and seconded by Councilwoman Pattison to adopt a resolution commending Dr. Terrance E. Suarez for his service to 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, Cathy D. Pattison, Kevin L. Varney, George F. Wittwer. Against: None.

RE: MOTOR VEHICLE TOWING AND WRECKER SERVICES

Chairman Ervin advised that the next agenda item is to review the proposed amendments to the Town of Wytheville Zoning Ordinance regarding Motor Vehicle Towing and Wrecker Services. Assistant Town Manager Moore explained that at the last meeting of the Planning Commission, it was the decision of the Commission to add "Motor Vehicle Towing and Wrecker Service" under the following in the Zoning Ordinance: 1.) Definitions section; 2.) as an incidental to the use to Auto Garages, sales and service; and, Service stations (with major repair under cover); and, 3.) as a permitted use in M-1, M-1M and M-2 Industrial Zoning Districts. He noted that the proposed revisions are included in the Commissioner's packages. Discussion ensued regarding the proposed amendments to the Zoning Ordinance regarding Motor Vehicle Towing and Wrecker Services. Chairman Ervin inquired if there is a motion to schedule the public hearing regarding Motor Vehicle Towing and Wrecker Services. A motion was made by Vice-Chairman Jones and seconded by Mr. Tate to set a public hearing for the April 9, 2020, Planning Commission meeting to consider the proposed amendments to the Town of Wytheville Zoning Ordinance regarding Motor Vehicle Towing and Wrecker Services. 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, Kevin L. Varney, George F. Wittwer. Against: None.

RE: INOPERABLE VEHICLES UPDATE

Assistant Town Manager Moore stated that the Wytheville Police Department has advised Town Staff that they have divided the town into three sectors, and they will be enforcing the Inoperable Vehicle Ordinance. He noted that the three areas will have specific Police Officers assigned to them, and he hopes that this will help diminish the inoperable vehicles throughout town. Discussion continued regarding the inoperable vehicles.

RE: ECONOMIC GOALS AND OBJECTIVES

Assistant Town Manager Moore advised that Town Staff has been working on revisions to the Comprehensive Plan. He noted that one of the sections of the Comprehensive Plan includes Economic Goals and Objectives. Assistant Town Manager Moore explained that the Millwald Theatre is an eminent project within the Town of Wytheville, and the non-profit that is handling the project needs certain verbiage in a grant application to be able to support the renovation of the Millwald Theatre. He advised that the Planning Commission can see in the highlighted areas of the draft, the proposed revisions to the Economic Goals and Objectives. Assistant Town Manager Moore stated that Town Staff is requesting the Planning Commission to approve the draft objectives as a recommendation to be included in the Comprehensive Plan. He noted that this will give leverage to the grant for the Industrial Revitalization Funding (IRF) and other funding sources. Chairman Ervin inquired if there is a motion to make a recommendation to consider revisions to the Economic Goals and Objectives of the Comprehensive Plan. A motion was made by Vice-Chairman Jones and seconded by Councilwoman Pattison to recommend to approve the revisions to the Economic Goals and Objectives of the Comprehensive Plan, 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, Cathy D. Pattison, Kevin L. Varney, George F. Wittwer. Against: None.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:18 p.m.).

Kenny W. Ervin, Chairman

Brandi N. Jones, Deputy Clerk

JULY 9, 2020

AGENDA INFORMATION

OTHER BUSINESS

Item No. 1. Motor Vehicle Towing or Wrecker Service

Due to the coronavirus pandemic, the public hearing that was scheduled for the April meeting regarding the proposed changes in the Zoning Ordinance for a Motor Vehicle Towing or Wrecker Service had to be canceled. As the Planning Commission will recall, the Definitions section of the Zoning Ordinance is proposed to be amended to include the definition of a "Motor Vehicle Towing or Wrecker Service" and this use will be added in the B-2 Business, M-1 Industrial and M-1M Industrial and M-2 Industrial Districts. It will be necessary for the Planning Commission to reset the public hearing for the August 13, 2020, meeting.

(During the meeting, please request that all persons addressing the Planning Commission approach the podium so everyone can hear and the minutes can be properly recorded. Anyone addressing the Commission will not be recorded properly if they do not approach the microphone at the podium.)



TOWING SERVICES AT AUTO REPAIR, AUTO BODY SHOPS

Staff Report

Background

At the March meeting, the Planning Commission held further discussions regarding Auto Repair, Auto Body Shops and Towing Services, and a "draft" of the proposed changes to the Zoning Ordinance was presented to the Planning Commission. The intent of these changes was to incorporate "Towing and Wrecker Services" into the Zoning Ordinance by Definition, and then place that use as incidental to auto related services in the B-2 Business Zoning District, and include Towing and Wrecker Services in the M-1, M-1M and M-2 Industrial Zoning Districts.

A public hearing was set for the April meeting, but the COVID-19 restrictions caused the April meeting and the public hearing to be cancelled. Subsequently, the May and June meetings were also cancelled.

The same draft of the changes to the ordinance are included, and if the Commission desires, a public hearing can be rescheduled for the August 13, 2020, Planning Commission meeting.

For reference, the background information below is included:

The Town Code and the Zoning Ordinance address inoperative vehicles, but from slightly different perspectives.

The Town Code simply defines "Inoperative Vehicles" in Section 12-130, and Section 12-131 prohibits them from being kept exposed to view in residential, business and agricultural property. Section 12-132 makes an exception for keeping inoperative vehicles exposed to view for licensed businesses regularly engaged as an automobile dealer, salvage dealer or scrap processor. Other than Automobile Display and Sales permitted in B-1 Business Zones with no service or maintenance, and Automobile Sales permitted in B-2 Business Zones, these uses are not permitted in Residential, Business or Agricultural Zones.

The Zoning Ordinance addresses inoperative vehicles in Industrial Zones (M-1, M-1M and M-2) ***indirectly*** requiring that they be screened from view as follows: (Sections 12-2.2 and 12-2.5; Sections 12-2.2M and 12-2.5M; Sections 13-3.2 and 13-3-5):

Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board

fence or an evergreen hedge not less than six (6) feet in height, provided that a chain link fence with a minimum height of six (6) feet may be used, if the space viewed through the fence is not occupied by materials which are offensive in nature and would thus adversely affect the value of adjoining property.

The Zoning Ordinance also addresses junk yards in the M-1, M-1M and M-2 Industrial Zoning Districts:

Automobile graveyards and junk yards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen on any open side, the operation or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge with a minimum height of six (6) feet. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees and clients.

Discussion

At the February meeting, the Planning Commission decided to review the drafts of the changes to the Zoning Ordinance that would include:

- Adding the definition of "Motor Vehicle Towing Wrecker Service" in the Definitions Section of the Zoning Ordinance.
- Adding "Towing Services" as incidental to the uses "Auto Garages, Sales and Service, and service stations with major repair under cover.
- Adding "Towing Services" as permitted uses in M-1, M-1M and M-2 Industrial Zones, OR incidental to Auto Body complying with the requirements for screening in each of these zones.

These proposed revisions are attached.

- 3-57C MENTALLY OR PHYSICALLY IMPAIRED PERSON: A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.¹⁰⁰
- 3-58 MOBILE HOME: A transportable, single-family dwelling unit suitable for year round occupancy containing the same water supply, toilet facilities, waste disposal and electrical conveniences as an immobile home. It will have a body width of not less than eight (8) feet and a body length of not less than thirty-six (36) feet, and built prior to the effective date of the Federal Manufactured Housing Construction and Safety Standards Acts of 1974.
- 3-59 MOBILE HOME LOT: A parcel of land designed, constructed and equipped for the placement of a single mobile home, and for the exclusive use of its occupants.
- 3-60 MOBILE HOME PARK: An area or tract of land designed, constructed and equipped to accommodate five (5) or more mobile homes.
- 3-61 MOTOR HOME: A portable, temporary dwelling to be used for travel, recreation and vacation, and constructed as an integral part of a self-propelled vehicle.
- 3-61A *MOTOR VEHICLE TOWING OR WRECKER SERVICE: An establishment that provides for the removal of vehicles by towing, carrying, hauling or pushing inoperative vehicles with a motor vehicle specially designed for vehicle removal to a business or service which repairs motor vehicles but does not include disposal, permanent disassembly,***

salvage or accessory storage of such inoperable vehicles, except in M-1, M-1M, and M-2 Industrial District Zones complying with requirements for screening.

3-62 NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

3-63 NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

3-64 NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

3-65 OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way. Each off-street parking space shall be not less than nine (9) feet in width or one hundred eighty (180) square feet in area, exclusive of access drives and aisles.³⁸

3-65A ON-FRAME MODULAR: Modular structure or industrialized building designed and built with its steel frame to remain under the building to

- 11-1.18 Office buildings.
- 11-1.19 Motels and hotels.
- 11-1.20 Assembly halls.
- 11-1.21 Newsstands.
- 11-1.22 Commercial greenhouses.
- 11-1.23 Clubs and lodges.
- 11-1.24 Funeral homes.
- 11-1.25 Service stations (with major repair under cover); ***incidental motor vehicle towing or wrecker service.***
- 11-1.26 Auto garages, sales and service; ***incidental motor vehicle towing or wrecker service.***
- 11-1.27 Retail and wholesale lumber and building supply, with storage under cover.
Cover shall be construed to be a building with a roof and at least three sides.
No planing or other major machinery work may be performed.
- 11-1.28 Retail and wholesale plumbing and electrical supply, with storage under cover. Cover shall be construed to be a building with a roof and at least three sides. Major machinery work may not be performed.
- 11-1.29 Wholesale and retail tire sales to include tire recapping facilities, provided the operation and storage is enclosed and under cover.
- 11-1.30 Machinery sales and service.
- 11-1.31 Newspaper offices and printing plants; light manufacturing processing operations creating or likely to create neither smoke, noise, vibration, fumes,

- 12-1.59 Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.²⁴
- 12-1.60 Off-street parking as required by this Ordinance.
- 12-1.61 Telecommunications Towers as regulated by Article XXII.⁴⁹
- 12-1.62 Indoor archery range.⁷⁸
- 12-1.63 Indoor shooting range.⁷⁸
- 12-1.64 Brewery.⁷⁹
- 12-1.65 Brewery, Craft or Pub; Brewery, Micro.⁷⁹
- 12-1.66 Distillery; Distillery, Alcoholic Beverage.⁷⁹
- 12-1.67 Winery or Vineyard.⁷⁹
- 12-1.68 Self-service storage facility.⁸²
- 12-1.69 Small Wind Energy Systems.⁸⁵
- 12-1.70 Temporary Family Health Care Structure.¹⁰⁰
- 12-1.71 Dog Park.¹⁰¹

12-1.72 *Motor Vehicle Towing or Wrecker Service.*

12.2 REQUIREMENTS FOR PERMITTED USES

12-2.1 Before a building permit shall be issued or construction commenced on any permitted use in this district, or a use permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. Modifications of the plans may be required.

12-2.2 Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a

12-1.35M Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.

12-1.36M Shipping containers shall be permitted as defined in the Definitions section of this ordinance.

12-1.37M Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.

12-1.38M Off-street parking as required by this Ordinance.

12-1.39M Telecommunications Towers as regulated by Article XXII.

12-1.40M *Motor Vehicle Towing or Wrecker Service.*

12.2M REQUIREMENTS FOR PERMITTED USES

12-2.1M Before a building permit shall be issued or construction commenced on any permitted use in this district, or a use permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. Modifications of the plans may be required.

12-2.2M Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or an evergreen hedge not less than six (6) feet in height, provided that a chain link fence with a minimum height of six (6) feet may be used, if the space viewed through the fence is not occupied by materials which are offensive in nature and would thus adversely affect the value of adjoining property. Public utilities and signs require

- 13-1.39 Indoor archery range⁷⁸
- 13-1.40 Indoor shooting range⁷⁸
- 13-1.41 Brewery⁷⁹
- 13-1.42 Brewery, Craft or Pub; Brewery, Micro⁷⁹
- 13-1.43 Distillery; Distillery, Alcoholic Beverage⁷⁹
- 13-1.44 Winery or Vineyard⁷⁹
- 13-1.45 Self-service storage facility⁸²
- 13-1.46 Small Wind Energy Systems⁸⁵
- 13-1.47 Dog Park¹⁰¹

13-1.48 *Motor Vehicle Towing or Wrecker Service*

13-2 PROHIBITED USES

In the M-2 District, no lot, building or structure shall be used, erected, reconstructed or altered which is intended or designed to be used, in whole or in part, for any of the following specified purposes:

- 13-2.1 Starch, glucose, or dextrene manufacture, horn processing, shell processing, except from cleaned shells; the curing, tanning or dressing of raw or green salted hides or skins.
- 13-2.2 Fertilizer manufacture from organic material or the compounding of such fertilizers on a commercial scale; the preparation on other than an incidental scale of exterminators, disinfectants, cattle dips, insecticide or serums.
- 13-2.3 Bleaching powder, ammonia or chlorine manufacture.
- 13-2.4 Coal tar manufacture or tar distillation except as by-products or as incidental to the manufacture of gas for public distribution, the manufacture of gas for

AGENDA INFORMATION

OTHER BUSINESS

Item No. 2. Annual Review of Special Exception Permits

Please find enclosed the Special Exception Permits that require an annual review. The Commission normally makes these reviews in April, however, due to the cancellation of the last several meetings due to COVID-19, the Commission will review these Special Exception Permits at this meeting. This year, the list of Special Exception Permits to be reviewed include: 1) Thomas and Tina Cline; 2) Commonwealth of Virginia, Department of General Services, Surplus (No longer needed since there is no exterior storage of materials at their new location.); 3) Brad Litton; 4) Wytheville (Wytheville) WMC, LLC (Petco); 5) Chris Umberger; (6) Loretto Historic Mansion, LLC; (7) Suzanne Richert; and, (8) US Cellular. Town Manager Moore will give an overview of his findings when he visited the properties to ensure compliance with their Special Exception Permit stipulations.



SPECIAL EXCEPTION PERMITS ANNUAL REVIEWS 2020

Staff Report

Listed below are the reviews for several Special Exception Permits that are required to have an annual review:

1. **Thomas and Tina Cline**

This property was part of the original tract of the Fairfield Glade Subdivision zoned R-3 Residential, and was to be developed into subdivided lots as part of Phase V. The property was sold to the Clines, who formerly lived adjacent to the property on the east side of Tremough Drive. The Clines were granted a Special Exception Permit to graze and feed 12 cattle on the property.

The Clines have cleared and fenced the property to include fencing around the small stream on the property, which is in compliance with the Special Exception Permit. Approximately a half dozen cattle were observed grazing the property during the staff review. The Clines appear to be in compliance with their Special Exception Permit. Over the past year, Staff has received no complaints concerning this Special Exception Permit.

2. **Commonwealth of Virginia, Department of General Services, Surplus**

The Virginia Department of General Services (DGS) is no longer at the 800 East Main Street address where the Special Exception Permit was issued for outdoor storage of surplus materials, equipment and vehicles. DGS has moved to the Rural King Shopping Center and no longer has outdoor storage. **The Special Exception Permit is no longer valid.**

3. **Brad Litton**

This property was, originally, vacant land and was zoned R-2 Residential. The property is located on the east side of Cove Road between Dogwood Drive and Interstate 81.

In 2009, a Special Exception Permit was granted to Mr. Litton to conduct a landscaping business with a number of restrictions including the limitation of the building size, attached shed size and the sign size. A building was completed shortly after the Special Exception Permit was issued, and a row of evergreen trees was planted for screening. The site was graded so that much of the building was screened by an embankment surrounding it to the north. The tree screen has matured and little more than the rooftop of the building is visible from the adjacent neighborhood on Dogwood Drive.

Significant stockpiles of topsoil, mulch and other landscape materials were on the site, as well as landscaping equipment, backhoes, service trucks, employee vehicles, new planting material, etc. The sign at the entrance road meets the requirements of the Special Exception Permit. The site is very neatly maintained.

We have received no complaints about the facility since the last annual review. The site appears to be in compliance with the Special Exception Permit.

4. **Wytheville (Wytheville) WMC, LLC (Petco)**

This property is zoned B-2 Business and is located on the west side of North Fourth Street between Virginia Avenue and Interstate 81.

The Special Exception Permit was granted in 2011 for Petco to provide veterinary and kennel services at the retail store two times per month, which were *not* to include medical procedures other than vaccinations, question and answer sessions, tick and flea prevention, and, also, to provide kennel services with no overnight stays. The facility business hours are to be between 9:00 a.m. and 9:00 p.m. Petco must clean up outside pet waste within reasonable proximity to the front of the store. Dogs on the property must be on a leash at all times inside the Petco store.

Over the past year, we have received no complaints about the facility. A staff inspection of the store and parking area was performed, and both were found to be very clean. No dogs (other than those of customers) were observed on the premises during the inspection.

At the time of the request, Petco indicated that they had a contract for veterinary services, but it was not probable that the contractor would ever provide these services outside the northern Virginia area. It appears this continues to be the case, and Petco is meeting all stipulations of their Special Exception Permit.

5. **Chris Umberger**

In 2010, Chris Umberger was granted a Special Exception Permit for making cast concrete agricultural products on his property at 2065 West Lee Highway (on the south side of West Lee Highway between Deerfield Lane and Sherwood Forest Road). The operation incorporated the construction of a building and the installation of a silo for storing the cement. Staff has reviewed this property, annually, since the issuance of a permit.

While the operation is barely visible in the summer, due to the deciduous trees along the property line during the winter, it is more exposed to the Deerfield subdivision because of the deciduous tree barrier dividing these properties. This operation appears to have been very successful. Much of the lot is covered with precast inventory that is neatly arranged on the site and consists of cattle troughs, cattleguards, septic tanks and other concrete products. There are also several concrete trucks, employee vehicles, flatbed tractor trailers and box trucks on the site. Several piles of clay, earth and demolished paving scattered on the site appear to be for future grading work, and concrete forms and piles of old tires that are used as cushioning material between the concrete products when they are shipped. The tree screen on the southern property line has been planted and is growing. The storage of concrete products has expanded into the fenced area once operated as trailer sales, using the area as a product sales area displaying finished products to West Lee Highway. Mr. Umberger appears to be in compliance with the Special Exception Permit, and we have received no complaints since the last review. However, this operation could become a problem, if it continues to grow and noise and dust begin to impact the adjacent neighborhoods. It is good that there are significant natural buffer areas between the site and adjacent residential areas.

6. Loretto Historic Mansion, LLC

The Loretto property was granted a Special Exception Permit to conduct indoor activities including meetings, conferences, educational seminars, tours and recitals in the Loretto Mansion. All house tours are limited to 50 guests organized through the Convention and Visitor's Bureau. The property is to be maintained, the parking is limited to specific areas and screened from adjacent neighborhoods. Any added parking is to be paved. Hours are to be Monday through Friday, 8:00 a.m. to 5:00 p.m. The appearance and character of the property is to remain unchanged. There is a provision for annual renewal.

The Morins have held a number of events since the Special Exception Permit was granted and have indicated that parking has been accommodated on the existing paved drive without any problems. The landscaping screens have been installed as proposed.

In February 2020, the Morins were granted a second Special Exception Permit expanding the uses permitted originally. By March 2020, the COVID-19 pandemic hit the U.S., and the potential for the utilization of the expanded permit was significantly, if not completely, diminished. Since the expanded permit has not been in effect for more than several months, its compliance will not be reviewed until next year.

Over the past year, Staff observed several functions, which appeared to be in compliance. There have been no complaints about the functions from the neighborhood. Loretto Historic Mansion, LLC appears to be, generally, in compliance with the Special Exception Permit. The property is immaculately groomed and well kept.

7. Suzanne Richert

In April 2019, Suzanne Richert was granted a Special Exception Permit to raise ponies, miniature horses and goats on her property located at 270 Echo Valley Road.

There were a number of safeguards required for the Permit:

- That a farm fence be installed around the impoundment with sufficient distance from the neighbors, and that stockpiles of feed, water and shelters be central to the fencing so that minimal impact to the neighbors occurs.
- That there be no more than two (2) ponies/horses and no more than two (2) goats on the property.
- That humane conditions such as shelter, food and water are provided and maintained.

Ms. Richert proposed that the barn or accessory building to house the animals be in the side yard of her property and received a variance from the BZA.

Ms. Richert has constructed the perimeter fencing and an attractive "barn" to house the ponies/horses and goats. At the time of this inspection, there were two small goats on the property, and Ms. Richert indicated that the ponies/horses were not residing on the property at this time. She was still having some dividing fencing installed within the perimeter fencing so that the animals could be segregated. At the time of this inspection, the property appeared to be in compliance with the Special Exception Permit. To date, Staff has received no complaints about this permit.

8. US Cellular

In April 2019, US Cellular was granted a Special Exception Permit to place a stealth monopole tower on the north west side of Goodwin Lane between Walgreens and the East End Cemetery. There were a number of requirements for this Special Exception Permit. There was to be a black chain link fence constructed around the base of the tower, as well as a vegetative screen to cover any equipment. A United States flag was to be mounted to the monopole, lighted and flown continuously in conformance with United States flag protocol. This included spotlighting the flag at night.

US Cellular made the installation and complied with the requirement prescribed. However, the monopole is approximately 40" in diameter, and after several storms and wind events, there were some failures of the flag halyards and the rigging that supported it. It appeared that, unfortunately, the monopole was just too large in diameter to let the flag fly appropriately. Unless there was a very strong wind, the flag was shielded by the flagpole and would not unfurl. This resulted in a less than desirable appearance and some concerns that the installation was perceived as disrespectful to the flag. Ultimately, the Town Council asked that US Cellular remove the flag. Former Vice-Mayor King was concerned that the flag promised to the Historical Society during public hearings about a flag next to the historic East End Cemetery was being abandoned and asked that US Cellular place a flagpole in the same vicinity, according to similar stipulations as the flag on the monopole. US Cellular agreed to this installation, and that flagpole is presently under construction.

Other than the concerns noted in the previous paragraph, Staff has received no concerns about this Special Exception Permit.

COUNCIL ACTION LETTER
Staff Assignments and Information

March 23, 2020

Number 499

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

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| 1. Approved the consent agenda consisting of the minutes of the regular meeting of March 9, 2020, and the request of the American Cancer Society for waiver of fees for use of Withers Park on May 14-16, 2020, for the Relay for Life event. | 1. Town Clerk – notify by letter |
| 2. Upon recommendation of the Public Works Committee, approved adding the months of December and February to the brush collection calendar. | 2. Deputy Clerk – update brush collection calendar |
| 3. Adopted a resolution authorizing the application for Department of Housing and Community Development Industrial Revitalization Grant Funds for the Millwald Theatre. | 3. Assistant Director of Planning and Community Development – forward to Millwald Theatre Board |
| 4. Reappointed Mr. Wythe Morris to the Tree Advisory Committee for a four year term, which expires May 14, 2024. | 4. Town Clerk – advise by letter |
| 5. Appointed Mr. Michael Melton to the Wall of Honor Committee for a four year term, which expires February 1, 2024. | 5. Town Clerk – advise by letter |
| 6. Adopted a Town Council Electronic Participation Policy for meetings. | |
| 7. Set a public hearing for the April 13, 2020, Town Council meeting to consider the recommendation of the Wytheville Planning Commission regarding proposed 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. | 7. Deputy Clerk – notify news media |

8. Set a public hearing for the April 13, 2020, Town Council meeting to consider the recommendation of the Wytheville Planning Commission regarding proposed 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.

8. **Deputy Clerk – notify news media**

COUNCIL ACTION LETTER
Staff Assignments and Information

April 13, 2020

Number 500

ACTIONS TAKEN OR DISCUSSED

1. Approved the consent agenda consisting of the minutes of the regular meeting of March 23, 2020, and the request of the Wythe County Public Library to conduct the Wythe County Public Library Annual Fourth of July Parade on Wednesday, July 1, 2020.
2. Upon recommendation of the Budget and Finance Committee, approved renewing the Anthem Blue Cross/Blue Shield plan for FY 20-21 and approved the ratio of 92 percent for the employer and eight percent for the employee.
3. Upon recommendation of the Budget and Finance Committee, approved awarding the auditing bids to Robinson, Farmer, Cox Associates and Brown Edwards and authorized the Town Treasurer and the Town Manager to execute the auditing contracts.
4. Upon recommendation of the Public Works Committee, approved moving the Shredding Event to Saturday, October 3, 2020, at the Municipal Building parking lot.
5. Adopted a resolution recognizing George Wythe High School State Wrestling Champion Sebastian Lamrouex.
6. Approved rescheduling the Monday, May 25, 2020, Town Council meeting to Tuesday, May 26, 2020, due to the Memorial Day holiday.

STAFF ASSIGNMENTS

1. **Town Clerk – notify by letter**
2. **Human Resources Manager – notify Blue Cross/Blue Shield**
3. **Town Manager, Town Treasurer – execute auditing contracts**
4. **Assistant Town Manager – advise Truliant Federal Credit Union**
5. **Town Clerk – forward to recipient**

COUNCIL ACTION LETTER
Staff Assignments and Information

April 27, 2020

Number 501

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

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| <p>1. Approved the consent agenda consisting of the minutes of the regular meeting of April 13, 2020.</p> <p>2. Upon recommendation of the Budget and Finance Committee, authorized the Town Treasurer to write off 2014 Personal Property/ Mobile Home taxes in the amount of \$1,534.97.</p> <p>3. Upon recommendation of the Public Works Committee, adopted the following policy regarding the payment due date for Business, Professional and Occupation Licenses: June 1, all business license tax must be submitted to the Town Treasurer with or without payment; July 31, all business license fees must be paid without penalty; August 1, businesses that have not paid their fees or reported will be subject to the normal nonpayment penalty; and, August 15, all businesses that have not paid their fees or reported their gross receipts will be subject to the normal nonpayment penalty, and requested Town staff to disseminate this information.</p> <p>4. Upon recommendation of the Public Works Committee, suspended the Façade Program Incentive, the Sign Improvement Incentive and the Upper Story Improvements and the Creation of Retail Space in the Downtown Business District Incentive, and approved that these incentives be considered when the economic conditions improve.</p> | <p>2. Town Treasurer – write off taxes</p> <p>3. Town Treasurer – implement policy and disseminate information</p> <p>4. Assistant Director of Planning and Community Development – suspend incentives</p> |
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5. Suspended the rules and adopted Ordinance No. 1379, an ordinance amending and reenacting Chapter 7, Licenses and Business Regulations, Article II. Business, Professional and Occupation Licenses, Division 2. Rates, Section 7-51. Contractors, Paragraph (a); Section 7-52. Retail Sales, Paragraph (a) Local Tax; Section 7-53. Financial, Real Estate and Professional Services, Paragraph (a) Local Tax; and, Section 7-54. Repair, Personal, Business and Other Services, Paragraph (a) Local License, of the Code of the Town of Wytheville, Virginia, on first and final reading.

6. Adopted a resolution recognizing and honoring the service of Vice-Mayor Jacqueline K. King to the Town of Wytheville.

5. **Town Clerk – amend Town Code**

COUNCIL ACTION LETTER
Staff Assignments and Information

May 11, 2020

Number 502

ACTIONS TAKEN OR DISCUSSED

1. Approved the consent agenda consisting of the minutes of the regular meeting of April 27, 2020.
2. Upon recommendation of the Budget and Finance Committee, approved abandoning a portion of utility easement on Mr. Larry Anderson's property at 40 Lee Circle, which will leave a five (5) foot public utility easement.
3. Upon recommendation of the Public Works Committee, approved Ordinance No. 1380, an ordinance amending and reenacting Chapter 3, Animals, of the Code of the Town of Wytheville, Virginia, by adding Article III. Backyard Chickens, on first, but not final, reading.

STAFF ASSIGNMENTS

2. **Assistant Director of Planning and Community Development** - revise Town maps
3. **Town Clerk** – place on next Town Council meeting agenda

COUNCIL ACTION LETTER
Staff Assignments and Information

May 26, 2020

Number 503

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

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| <p>1. Approved the consent agenda consisting of the minutes of the regular meeting of May 11, 2020.</p> <p>2. Upon recommendation of the Budget and Finance Committee, consensus to not proceed to act as the administrator of a Community Development Block Grant for HOPE, Incorporated and to request them to contact the Wythe County Board of Supervisors and the Wythe County Department of Social Services regarding this request.</p> <p>3. Upon recommendation of the Public Works Committee, approved awarding a contract to Dunford Roofing in the amount of \$44,240 to replace the roof on the Rescue Squad building.</p> <p>4. Upon recommendation of the Public Works Committee, suspended the rules and adopted Ordinance No. 1380, an ordinance amending and reenacting Chapter 3, Animals, of the Code of the Town of Wytheville, Virginia, by adding Article III. Backyard Chickens, on second and final reading.</p> <p>5. Upon recommendation of the Budget and Finance Committee, approved Ordinance No. 1381, the Budget Ordinance for Fiscal Year 2020-21, on first, but not final, reading.</p> | <p>2. Town Manager – advise HOPE, Incorporated</p> <p>3. Assistant Town Manager – award roofing contract</p> <p>4. Town Clerk – amend Town Code</p> <p>5. Town Clerk – place on next Town Council meeting agenda</p> |
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COUNCIL ACTION LETTER
Staff Assignments and Information

June 8, 2020

Number 504

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

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| <ol style="list-style-type: none">1. Approved the consent agenda consisting of the minutes of the regular meeting of May 26, 2020, and the request of George Wythe High School to conduct a graduation parade on Tuesday, June 9, 2020, at 7:30 p.m.2. Conducted a public hearing to consider the Budget Ordinance for fiscal year beginning July 1, 2020, and ending June 30, 2021.3. Clerk of Circuit Court Jeremiah Musser swore-in Council Elect Members Holly Atkins and Gary Gillman.4. Upon recommendation of the Budget and Finance Committee, set a public hearing for the June 22, 2020, Town Council meeting to consider amendments to the Fiscal Year 2019-20 Budget.5. Upon recommendation of the Public Works Committee, authorized the Town Manager to sign the necessary documents to obtain the Coronavirus Aid, Relief and Economic Security Act (CARES) funding from Wythe County.6. Reappointed Mr. Brandon Elmore to the Smyth-Wythe Airport Commission for a four year term (term expires June 30, 2024).7. Recommended to the Circuit Court to appoint Mr. John Matthews to the Board of Zoning Appeals to fill the unexpired term of Mr. Judson Lambert (term expires September 20, 2021).8. Upon recommendation of the Budget and Finance Committee, approved Ordinance No. 1381, the Budget Ordinance for Fiscal Year 2020-21, on second, but not final, reading. | <ol style="list-style-type: none">1. Town Clerk – advise by letter 4. Deputy Clerk – send legal notice to news media 5. Town Manager – proceed to sign CARES Act funding documents 6. Town Clerk – notify by letter 7. Town Attorney – send order to Circuit Court 8. Town Clerk – place on next Town Council meeting agenda |
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COUNCIL ACTION LETTER
Staff Assignments and Information

June 22, 2020

Number 505

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

1. Approved the consent agenda consisting of the minutes of the regular meeting of June 8, 2020.
 2. Conducted a public hearing to consider any budget amendments for the Fiscal Year 2019-20 budget.
 3. Adopted a resolution honoring the service of Town Manager C. Wayne Sutherland, Jr. to the Town of Wytheville.
 4. Upon recommendation of the Budget and Finance Committee, authorized the Town Treasurer to make necessary line item transfers to balance the various department budgets including authorization to move approximately \$200,000 from the Wastewater Fund to the Water Fund.
 5. Appointed Stephen A. Moore as the Town Manager, effective July 1, 2020.
 6. Reappointed Michael G. Stephens as the Town Treasurer, Sharon G. Corvin as the Town Clerk and Christopher R. Menerick as the Town Attorney.
 7. Reappointed Brad Litton to the Wytheville Building Code Appeals Board for a five year term, which expires July 26, 2025.
 8. Upon recommendation of the Budget and Finance Committee, adopted Ordinance No. 1381, the Budget Ordinance for Fiscal Year 2020-21, on third and final reading, as amended to add the \$700,000 for the CARES Act funding.
4. **Town Treasurer – make budget transfers**
 6. **Town Clerk – advise by letter**

9. Upon recommendation of the Public Works Committee, adopted Ordinance No. 1382, an ordinance amending and reenacting Ordinance No. 1028, generally known as Personnel Rules, Regulations and Policies of the Town of Wytheville, Virginia, so as to amend Section 2. Employment, by adding Subsection 2.19 Telecommuting Policy, on first and final reading.
10. Upon recommendation of the Public Works Committee, adopted Ordinance No. 1383, an ordinance adopting and enacting a new Code for the Town of Wytheville, Virginia; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and, providing when such code and this ordinance shall become effective, on first and final reading.

9. **Human Resources Manager** – amend Personnel Policy and notify employees
10. **Town Clerk** – distribute new Town Code