



MINUTES

WYTHEVILLE PLANNING COMMISSION

THURSDAY, NOVEMBER 10, 2022 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. RE: ATTENDANCE

MEMBERS PRESENT

Chairman George Wittwer
Vice-Chairman Bradley Tate
Vice-Mayor Cathy Pattison
Mr. Brad Litton
Mr. John Jones
Mr. David Schmidt
Ms. Lisa Anderson

OTHERS PRESENT

Assistant Town Manager Elaine Holeton
Town Clerk Sharon G. Corvin
Town Attorney Michelle Workman Clayton
Planning Director John Woods
Assistant Town Engineer Billy Anderson
Police Officer Kyle Counts
Police Officer John Oglesby
Denise Clay
Rose Stark
Louie Hatmaker
Logan Morrison
Jerry Humphreys
Jo Ann Chase
Larry Henderson
Debra D. Dillow
Linda Plumb
Leslie Woodzell
Eric Eanes
Carla Eanes
David Buck
Terri Woods
John Manuel
Kerry Eans
Glenda Crockett-Eans
R. Willie
E.R. Hughes, III

RE: CALL TO ORDER

Chairman Wittwer called the meeting to order.

2. RE: ESTABLISHMENT OF QUORUM

Chairman Wittwer established that a quorum of Planning Commission members was present.

3. RE: CONSENT AGENDA

A. Chairman Wittwer presented the consent agenda consisting of the minutes of the regular meeting of September 8, 2022. 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.

Motion made by Mr. Jones, Seconded by Ms. Anderson.
Voting Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate,
Chairman Wittwer, Mr. Schmidt, Ms. Anderson

4. RE: SUBDIVISION REQUEST

- A. Chairman Wittwer advised that the next agenda item is to consider the application request of Mr. Jacob Hunter Gamble for the subdivision of property owned by Mr. Phill Toblemann, which is located at 435 West Union Street, in an R-3 Residential Zoning District. Assistant Town Engineer Billy Anderson provided information to the Commission regarding the application. He stated that there is one dwelling under construction on Lot A of the requested properties. Assistant Town Engineer Anderson noted that no additional building permit applications have been received for construction on Lot B, Lot C or Lot D. He commented that this property has access to public utilities, and distribution or extension will not be required. Assistant Town Engineer Anderson stated that Staff anticipates that all parcels will be served with utilities from an existing main line on West Union Street and South Sixth Street. He advised that Staff recommends all sewer connections be installed to the rear of the property, within the existing utility easement of the parent property. A brief discussion was held regarding public utilities serving the requested properties. Assistant Town Engineer Anderson commented that reserving an easement across Lots A and B to provide access for future home construction on Lot B will be stipulated before a building permit is issued. Mr. Schmidt inquired if the sewer line of Lot D is across the back of the property, and where could a home be built in regard to the sewer line location. Assistant Town Engineer Anderson stated that the property meets setback requirements, allowing enough room for a home. Mr. Schmidt stated that previous flooding has occurred in the area and inquired about the stormwater runoff and the current drainage system. Assistant Town Engineer Anderson stated that he believes the drainage system is sufficient, however, it may need more frequent cleaning. He stated that he would have to speak with Public Works Director Peeples to confirm this. Vice-Mayor Pattison inquired of Assistant Town Engineer Anderson why he changed Mr. Gamble's application from a minor subdivision to a major subdivision. Assistant Town Engineer Anderson stated that minor subdivisions are approved by Administration, and major subdivisions are approved by the Planning Commission and Town Council. Further Discussion was held regarding the subdivision request of Mr. Gamble for property located at 435 West Union Street.

5. RE: RECOMMENDATION TO TOWN COUNCIL - GAMBLE SUBDIVISION REQUEST

- A. Chairman Wittwer advised that the next agenda item is the recommendation to Town Council regarding the request of Mr. Jacob Hunter Gamble for the subdivision of property owned by Mr. Phil Toblemann, which is located at 435 West Union Street, in an R-3 Residential Zoning District. He inquired if there was any discussion regarding the application request, or a motion for a recommendation to approve the request of Mr. Jacob Hunter Gamble for the subdivision of property located at 435 West Union Street with a stipulation that requires a blanket sewer easement for Lot A to serve Lot B, located in the center of lateral connections in the back of Lot A.

Motion made by Mr. Litton, Seconded by Mr. Jones.
The motion was approved with the following voting results, by roll call vote: Voting
Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate, Chairman
Wittwer, Mr. Schmidt, Ms. Anderson

6. RE: CITIZENS' PERIOD

Chairman Wittwer advised that the next agenda item is Citizens' Period. He inquired if anyone wished to address the Commission during Citizens' Period.

Mr. Logan Morrison was recognized and stated that his parents reside at 1080 Cove Road in Wytheville, and he believes that they are the reason why everyone has attended this meeting. He stated that they have not submitted a zoning application for a slaughterhouse, nor has there been any intention to build a slaughterhouse on their property. Mr. Morrison advised that he would like for any means of harassment toward his parents to end, whether it is through Facebook, social media, petitions, etc. He stated that this issue has previously been resolved, and he is not sure where this information came from. Mr.

Morrison advised that he wanted to make his comment and reiterate that there is no intention of a slaughterhouse being in town. Chairman Wittwer thanked Mr. Morrison for attending the meeting.

Ms. Denise Clay was recognized and stated that she resides at 545 Tremough Drive in Wytheville. She noted that before she makes comments regarding this matter, she would like to wish the United States Marine Corps a happy 247th birthday and acknowledge any veteran attending the meeting for their service. Ms. Clay stated that she attended the meeting due to her family serving the Town as a Councilmember and Mayor. She presented a brief overview of her background, ties with healthcare and human hazards. Ms. Clay noted she understands from the last meeting that the Town has considered changing the A-1 Zoning District to include slaughterhouses, and that this was confirmed through emails from Planning Director Woods. She stated that in September of 2021, the Town Manager Freeman, Town Attorney Clayton and Planning Director Woods were communicating with John Matthews from the Joint Industrial Development Authority (JIDA) and Mr. Logan Morrison regarding putting a slaughterhouse at the corner of Madison and Sixth Avenue, which is an M-1 Industrial Zoning District. Ms. Clay advised that she emailed each of the Commissioners a copy of the communications that she obtained through the Freedom of Information Act (FOIA). She noted that the primary mission of the Planning Commission is to advise and assist the Town Council in promoting the orderly development of the town. Ms. Clay stated that she urges the Commission to consider that putting slaughterhouses in a town or city will decrease property values, and the smell will impact the number of customers for hotels and restaurants, which decreases the Town's revenue. Ms. Clay continued to discuss the reasons why a slaughterhouse should not be put in town. She advised that form-based planning had been mentioned earlier, and that form tends to come before function. Ms. Clay advised that function should always take precedence over form. She stated that she would like for the Commission to confirm whether or not they plan to permanently table the discussion regarding slaughterhouses. She then thanked the Commission for their time. Chairman Wittwer thanked Ms. Clay for her comments.

Mr. Louie Hatmaker was recognized and stated that he resides at 545 Tremough Drive in Wytheville. He stated that Ms. Clay had gone over everything that he wished to address, however, he reiterated that there is documentation of correspondence from Town staff. Mr. Hatmaker stated that he does not know why the Town spent so much money on the beautification of the streets if they want to put a slaughterhouse within town limits. He noted that a slaughterhouse would be detrimental to the town. Mr. Hatmaker commented that the Commissioners are looking at him and paying attention to his statements, but he did not feel as if they gave Ms. Clay the same respect. Mr. Hatmaker stated that most of the Commissioners were looking down at the desk during the time that she was speaking, and he found that to be very inconsiderate. He stated that he is not opposed to slaughterhouses, however, he does not believe they should be inside of town limits. Mr. Hatmaker advised that he does not want to move out of Wytheville and wants this to be his last place of occupancy, but if the Town were to allow a slaughterhouse in town limits, he would then move. Chairman Wittwer thanked Mr. Hatmaker for his comments.

Chairman Wittwer inquired if there were any others who wished to address the Planning Commission during Citizens Period. There being none, he proceeded with the agenda.

7. RE: OTHER BUSINESS

A. RE: GENERAL STATUS UPDATE - UNIFIED DEVELOPMENT ORDINANCE

Chairman Wittwer advised that the next agenda item is the general status update regarding the Unified Development Ordinance (UDO). Planning Director Woods noted that he would like to thank the citizens who attended the meeting and participated in this process. He stated that some citizens have attended the meeting due to concerns regarding rumors of a proposed slaughterhouse in the Town of Wytheville. Planning Director Woods explained that the review process of the current Zoning Ordinance began in March, and Staff found multiple issues with the existing ordinance. He noted that possibly creating an R-4 Residential Zoning District was one of the first topics discussed. Planning Director Woods stated that a subdivision located on Route 21, known as Old Stage Crossing, was never completed due to the economic struggles of development. He advised there is now a proposal to continue

development with different plans than originally designed, and these plans do not meet any of the current zoning requirements for lot sizes, setbacks, etc. Planning Director Woods advised that in order for this project to move forward, Staff is considering an R-4 Residential Zoning District. Discussion continued regarding the review of the current Zoning Ordinance and the creation of an R-4 Residential Zoning District. Planning Director Woods stated that a UDO has a very clear way of organizing zoning regulations the general public can understand what is allowed, where it is allowed, etc. He noted that the Town is leaning toward a full rewrite of the Zoning Ordinance that was written in 1969 and has around 108 amendments. Planning Director Woods advised that Staff received the approval of the Town Council to develop a UDO that repeals and replaces the current ordinance. He stated that during the August Planning Commission meeting, he presented a document introducing a future format categorizing all land use types. Planning Director Woods commented that Staff believes this format will be much easier for people to find allowed uses within zoning districts, however, an individual noticed that agricultural processing facilities was an allowed land use. He stated that these facilities were listed to only be allowed in Agricultural and Intense Industrial Zoning Districts with a Special Exception Permit. Planning Director Woods advised that any application for such facilities would require that the Planning Commission hold a public hearing and vote to recommend that the Town Council approve or deny the application. He then discussed the development of the articles for the UDO. He stated that once there have been opportunities for citizens to voice their concerns on the UDO, the Planning Commission will conduct one or more public hearings before approving the UDO. Director Woods noted that once the Planning Commission completes this process, the Town Council will review the UDO and make the final decision. He stated that the current Subdivision Ordinance and Zoning Ordinance are separate and create issues with new development, and that Staff is working to combine the two ordinances. Further discussion was held regarding the transition to a Unified Development Ordinance. Director Woods stated that he would like to confirm that there is not, nor has there been, any application submitted to operate any type of meat processing facility in Town limits since he was appointed as Director of Planning. He noted that in September 2021, an individual contacted the Joint Industrial Development Authority (JIDA) seeking an opinion regarding a butcher facility and possible location in an M-1 Industrial Zoning District. Planning Director Woods stated that Town Manager Freeman provided a response indicating that this is not a permitted use in town. He advised that to his knowledge, there have been no further inquiries or applications received regarding this matter, and he considered the request closed. Planning Director Woods noted that based on public comments regarding slaughterhouses, Town staff recommends that land use described as agricultural production facilities, including dairy farms, intensive livestock facilities, slaughterhouses, etc., not be an allowed land use within the Town of Wytheville limits. He stated that a revised land use table removing the items discussed was provided to the Commissioners and citizens.

Assistant Town Manager HOLETON addressed the audience stating that the remainder of the meeting will be discussion regarding the rewrite of the Subdivision Ordinance, and that Planning Director Woods has removed slaughterhouses from the land use table, and there will not be any more discussion regarding slaughterhouses.

B. RE: DISCUSSION REGARDING SUBDIVISION ORDINANCE REWRITE

Chairman Wittwer advised that the next agenda item is the discussion regarding the rewrite of the Subdivision Ordinance. Assistant Town Manager HOLETON stated this is the first presentation of the Subdivision Ordinance since the beginning of the transition to a UDO. She commented that she has spoken with Planning Director Woods and Assistant Town Engineer Anderson regarding the direction of the Subdivision Ordinance. Assistant Town Manager HOLETON noted that the Subdivision Ordinance was adopted on June 8, 1970, and it has been amended 14 times. A brief discussion was held regarding the amendments and general context of the Subdivision Ordinance. Assistant Town Manager HOLETON advised that the Virginia Code requires the governing body of every locality to adopt an ordinance to assure the subdivision and development of land. She stated the legislative function of the Subdivision Ordinance refers to Special Exception Permits, rezonings, etc., and that they are legislative in nature due to the review process before approval. Assistant

Town Manager Holeton advised that the ministerial function means requirements of the law or policy have been satisfied and approval is required. She commented if a developer meets the requirements in the ordinance, there is an obligation and responsibility to approve those requests. Assistant Town Manager Holeton noted that the purpose for this revision is to clarify subdivision classification types, to make the ordinance easier to navigate, create emergency vehicle navigation, etc. She advised that Staff plans to only have three subdivision classification types including boundary line vacation/adjustment, single division and multiple lot division. Vice-Chairman Tate inquired if it would be possible for the public to have access to a map viewing of existing vacated alleys. Assistant Town Manager Holeton noted that is a possibility, and to start the process, Staff would need to develop a spreadsheet containing information from title searches of previously vacated alleys. She then reviewed the definitions and types of subdivision plats that will be included in the Subdivision Ordinance rewrite. Vice-Chairman Tate noted that the Town may encounter some cemetery parcels due to churches becoming one entity and splitting the cemetery where it can still be maintained. He stated that Staff may consider including Boundary Line Agreements, where a surveyor can create a plat for a Boundary Line Agreement note when landowners dispute their property lines. Assistant Town Manager Holeton inquired of Vice-Chairman Tate if he would be willing to present more information regarding Boundary Line Agreements at a future meeting. Vice-Chairman Tate stated that he would be happy to give a presentation on this matter.

C. **RE: SPECIAL EXCEPTION PERMIT TRAINING**

Chairman Wittwer advised that the next agenda item is to conduct Special Exception Permit Training. Assistant Town Manager Holeton noted that the Special Exception Permit (SEP) application process and principles are based on enabling authority in the Code of Virginia. She stated that there is no authority for localities to base land use decisions off of the landowner. Assistant Town Manager Holeton commented that, previously, the Town has been issuing the SEP to specific landowners, with the condition that if the ownership of the land transfers, the new landowner must apply for a new SEP. She stated that Town Attorney Clayton looked into this matter, and it was the consensus of Staff and Council that a SEP should no longer be issued to a specific landowner due to vested rights. Assistant Town Manager Holeton noted that the Code of Virginia explains vested rights for individuals based on an affirmative government action, meaning that an individual made an investment and has the right to transfer it to another individual. Assistant Town Manager Holeton then reviewed the 10 best practices for SEPs to the Commissioners. She stated that any application must be evaluated by reasonable standards based on the Zoning Principles, which are health, safety and welfare. Assistant Town Manager Holeton advised that the Planning Commission can recommend a denial if it is unsafe or if there are health considerations. She noted that a listing of why the application was denied would be needed, if the Commission did decide to recommend denying a SEP application. Assistant Town Manager Holeton stated that even if the Commissioners were to recommend approval of an application, she would also suggest giving a reason why it should be approved. She commented that an applicant in disagreement with the final decision of the Town Council may make an appeal to the Circuit Court within 30 days. Vice-Chairman Tate stated that he would like to commend Town Attorney Clayton on her find with Special Exception Permits running with the land, and that he approves of the change regarding not issuing permits to specific landowners.

D. **RE: DISCUSSION REGARDING OUTDOOR WOODBURNING FURNACES**

Chairman Wittwer advised that the next item on the agenda is the discussion regarding outdoor woodburning furnaces. Planning Director Woods noted that Staff has received a request from a property owner to install an outdoor woodburning boiler to heat a home near the corner of Church Street and Withers Road. He stated that Staff is not aware of any similar boilers that have been permitted in town. Planning Director Woods stated that this type of unit is designed to operate all hours during the colder months, or year-round to heat water. He commented that this specific use is not listed in the existing Zoning Ordinance, meaning it is not currently allowed in Town as a listed use. He noted that the units are built with regulators allowing certain amounts of air into the fire box to control water temperature. Planning Director Woods advised this could create large amounts of smoke, which

could create problems for the neighboring property owners. A brief discussion was held regarding the effects of the woodburning boiler request. Ms. Leslie Woodzell was recognized and stated that she resides at 380 West Madison Street in Wytheville. She stated that there is a facility with an outdoor furnace across the street from where she lives. Planning Director Woods noted that the furnace is located in an Industrial Zoning District. Ms. Woodzell noted that it is across the street from a Residential Zoning District, and she has complained about the furnace before. She stated that it is very disturbing and penetrates the home. Mr. Litton inquired how different localities view these types of furnaces or boilers. Planning Director Woods noted that these boilers and furnaces are more common in rural locations with not many close neighbors. Vice-Chairman Tate inquired if there were any distance regulations regarding the home and the location of the furnace. Mr. R. Willie was recognized and stated that he resides at 105 East Withers Road. He stated that he was not told if there were any regulations, however, the ones he is aware of have been installed at various distances. Planning Director Woods stated some of these furnaces have devices that help to reduce smoke and inquired if the proposed boiler is equipped with those options. Mr. Willie advised that he was not for sure, however, manufacturers have worked toward eliminating smoke on new types. Vice-Chairman Tate inquired about possible setback requirements that would help with the dispersal of smoke from the furnace. Mr. Willie stated that there is a house across the street from their residence and a house behind their residence on the corner of Church and Jefferson Street. A discussion was held regarding smoke dispersal and the possible location of the furnace. Mr. Litton noted that the technology of these furnaces has evolved and now they are emissions regulated. He stated that he knows others who have these furnaces and he does not believe they put out more smoke than a standard chimney. Planning Director Woods inquired if Mr. Willie could discuss the smoke reducing equipment with the manufacturer. Mr. Willie stated that he will speak to the manufacturers about this issue. Further discussion was held regarding outdoor woodburning furnaces.

E. **RE: DISPENSING WITH DECEMBER 8, 2022, PLANNING COMMISSION MEETING**

Chairman Wittwer advised that the next item on the agenda is to consider dispensing with the December 8, 2022, Planning Commission meeting due to the Christmas holidays. He inquired if there was a motion to dispense with the December 8, 2022, meeting.

Motion made by Vice-Mayor Pattison, Seconded by Ms. Anderson.

Voting Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate, Chairman Wittwer, Mr. Schmidt, Ms. Anderson

8. **RE: ADJOURNMENT**

- A. Chairman Wittwer inquired if there was a motion to adjourn the Planning Commission meeting. Mr. Jones stated that he would like to address the comment made by Mr. Hatmaker. He noted that he has served on the Planning Commission for more than 30 years and served on the Town Council for 18 years. Mr. Jones stated that, like Ms. Clay, he also served in the military to include a tour in Vietnam. Mr. Jones advised that Mr. Hatmaker is probably the first person in those 30 years to accuse the Commission of not listening. He stated that he may not have looked at Ms. Clay the whole time she was speaking, however, he did hear what she said and agrees with her. Mr. Jones commented that the Commission normally receives their meeting information and spends time before the meeting reviewing that information but, this time, it was given to the Commissioners at this meeting, and he was looking at it. He stated that he does not like to hear that the Commission is not listening to citizens. Mr. Hatmaker apologized to the Commission for his remarks, and that he served in the military for 24 years and was involved in every conflict from Vietnam to Desert Storm.

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (8:01 p.m.).

George F. Wittwer, Chairman

Sharon G. Corvin, CMC, Town Clerk