



MINUTES

WYTHEVILLE PLANNING COMMISSION MEETING

THURSDAY, JULY 13, 2023 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. RE: ATTENDANCE

MEMBERS PRESENT:

Chairman John Jones, Jr., Vice-Chairman Brad Litton, Vice-Mayor Cathy Pattison, Mr. George Wittwer, Ms. Lisa Anderson, Mr. Keith Jones

MEMBERS ABSENT:

Mr. David Schmidt

OTHERS PRESENT:

Assistant Town Manager Elaine HOLETON, Chief Deputy Clerk Brandi Jones, Planning Director John Woods, Kathy Laster, Don Laster, Denise Clay, Audrey Bellan, Others

RE: CALL TO ORDER

Chairman Jones called the meeting to order.

2. RE: ESTABLISHMENT OF QUORUM

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

3. RE: CONSENT AGENDA

Chairman Jones presented the consent agenda consisting of the minutes of the regular meeting of June 8, 2023. He inquired if there was a motion to approve the consent agenda as presented.

Motion made by Mr. K. Jones, Seconded by Mr. Wittwer.

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

4. RE: CITIZENS' PERIOD

Chairman Jones advised that the next agenda item is Citizens' Period. He inquired if anyone wished to address the Commission during Citizens' Period. There being none, he proceeded with the agenda.

5. RE: OTHER BUSINESS

A. RE: PRESENTATION OF THE DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO), SPECIAL PROVISIONS FOR CONDITIONAL USES

Chairman Jones advised that the next item on the agenda is the presentation of the draft Unified Development Ordinance (UDO), Special Provisions for Conditional Uses, by Planning Director John Woods. Planning Director Woods discussed Section 8.3 - Adult Uses, and the changes that have been made to this section. Mr. Keith Jones inquired if the Planning Commission members could get a copy of the map that Planning Director Woods reviewed during the Adult Uses discussion. Planning Director Woods noted that he will email the Commissioners a copy of the map. Assistant Town Manager HOLETON stated that a Special Exception Permit will be necessary for anyone interested in the establishment of an Adult Use. She advised that the likelihood of a Special Exception Permit being granted for this use is rare, however, Adult Uses are protected by the first amendment. Assistant Town Manager HOLETON gave the Planning Commissioners a document regarding how communities

can deal with Adult Uses and reviewed it with them. Mr. Keith Jones inquired if Staff was reasonably confident that the restrictions on a Special Exception Permit would stand up in a legal challenge, if needed. Planning Director Woods stated that there are a lot of other communities who use this approach when dealing with Adult Uses, and that it is better to have an ordinance in place. Assistant Town Manager Holeton advised that since the 1970's, there have been several Supreme Court cases where the Secondary Effects Doctrine covers this matter and it still stands today.

Planning Director Woods briefly discussed the Special Provisions and Conditional Uses for skill games and cannabis lounges. He advised that these are two uses that can be of concern to the community, and he stated that Staff is still performing research on these uses.

Ms. Anderson inquired of Planning Director Woods regarding if a Special Exception Permit would be necessary to operate adult homes for special needs day cares. Planning Director Woods commented that the Town cannot regulate those types of uses. He noted that those types of uses are protected by the State Code. Planning Director Woods explained that for facilities that have up to eight (8) individuals housed, the Town must treat it as a single-family home. Assistant Town Manager Holeton stated that Section 15.2-2286 of the Virginia State Code covers the protected uses and that localities cannot require a Special Exception Permit. She commented that group homes, temporary living facilities, etc. are covered in this section.

Planning Director Woods stated that he would like to discuss Section 8.18 - Wireless Telecommunications Facilities, of the draft UDO. He advised that the current ordinance is not in compliance with the State or Federal Code. Planning Director Woods commented that the new wireless 5G technology functions differently than the old-style cell phone towers. He stated that the new 5G networks function best when there are a lot of smaller cell phone towers. Planning Director Woods remarked that if a small cell phone facility is installed on an existing structure, the Town has very little room to regulate these kinds of installations, based on Federal regulation. Discussion continued regarding the installation of wireless communication facilities.

Ms. Audrey Bellan was recognized and stated that she resides at 105 Freedom Lane in Wytheville. She addressed the Planning Commission regarding the Town's telecommunications towers, researching where and how the towers are located throughout town and communicating the different locations of the towers with citizens. Ms. Bellan noted that she believes there may also be some health risks associated with these towers. She suggested marking the towers so that their location is not a mystery and so it would be helpful for citizens to determine how far away they would like to be from the towers.

Chairman Jones inquired if any of the Planning Commission members had any questions or comments. There being none, he proceeded with the agenda.

B. RE: PRESENTATION OF THE DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO), SUBDIVISION REQUIREMENTS

Chairman Jones advised that the next item on the agenda is a presentation of the draft Unified Development Ordinance (UDO), Subdivision Requirements, by Assistant Town Manager Elaine Holeton. Assistant Town Manager Holeton advised that the Town's current subdivision standards were established around the 1960's, and that Staff is attempting to modernize the new subdivision standards. She stated that the subdivision standards will be combined with zoning language, because the UDO will be an ordinance that includes both the Zoning Ordinance and the Subdivision Ordinance. Assistant Town Manager Holeton commented that the subdivision standards provides a checklist for developers for future subdivisions. She continued to discuss the subdivision standards in further detail with the Planning Commission. Assistant Town Manager Holeton remarked that Staff received an email from a citizen who was concerned that the Planning Commission would be discussing lot sizes and/or square footage requirements at this meeting. She stated that she would like to reiterate that the Commission would not be discussing those two items at this meeting. Assistant Town Manager Holeton advised that lot sizes and square footage

of houses are not allowed to be placed in the Subdivision Ordinance, however, they will be addressed in the Zoning Ordinance.

6. RE: CITIZENS' PERIOD

Chairman Jones advised that at his discretion, he was revisiting Citizens' Period because Ms. Audrey Bellan has stated that she would like to address the Planning Commission.

Ms. Audrey Bellan was recognized and stated that she resides at 105 Freedom Lane. She discussed her concerns with the Commissioners regarding the Wytheville Redevelopment and Housing Authority (WRHA) and the way day to day operations are handled with maintenance, office management, etc. at the Freedom Lane Housing Complex where she resides. Vice-Mayor Pattison inquired if Ms. Bellan has addressed her concerns to the Housing Authority staff. Ms. Bellan stated that it is very hard to contact someone from the Housing Authority and that she only has access to lower-level management. She advised that the Planning Commission has a better ability to contact the WRHA, and that is why she chose to attend the meeting to discuss her concerns.

7. RE: ADJOURNMENT

There being no further business to be discussed, a motion was made, seconded and carried to adjourn the meeting. (7:01 p.m.)

John W. Jones, Jr., Chairman

Brandi N. Jones, Chief Deputy Clerk