



# MINUTES

## WYTHEVILLE PLANNING COMMISSION MEETING

THURSDAY, SEPTEMBER 12, 2024 AT 6:00 PM  
COUNCIL CHAMBERS - 150 EAST MONROE STREET  
WYTHEVILLE, VA 24382

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### 1. RE: ATTENDANCE

#### **MEMBERS PRESENT:**

Vice-Chairwoman Lisa Anderson, Vice-Mayor Cathy Pattison, Mr. John Jones, Jr., Mr. Keith Jones, Mr. David Schmidt, Mr. George Wittwer

#### **MEMBERS ABSENT:**

Chairman Brad Litton

#### **OTHERS PRESENT:**

Mayor Beth Taylor, Assistant Town Manager Elaine Holeyton, Chief Deputy Clerk Brandi Jones, Planning Director John Woods, Director of Computer Operations Ron Jude, Director of Public Utilities and Engineering Billy Anderson, Joe Faraci, Denise Clay, Luther Hatmaker

### RE: CALL TO ORDER

Vice-Chairwoman Anderson called the meeting to order, due to the absence of Chairman Litton.

### 2. RE: ESTABLISHMENT OF QUORUM

Vice-Chairwoman Anderson established that a quorum of Planning Commission members was present.

### 3. RE: APPROVAL OF AGENDA

Vice-Chairwoman Anderson advised that the next agenda item is the Approval of Agenda. She inquired if there was a motion to approve the agenda as presented.

Motion made by Mr. J. Jones, Jr., Seconded by Mr. Wittwer. Vice-Chairwoman Anderson inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Mr. Wittwer, Mr. K. Jones, Vice-Mayor Pattison, Vice-Chairwoman Anderson, Mr. J. Jones, Jr., Mr. Schmidt.

### 4. RE: CITIZENS' PERIOD

Vice-Chairwoman Anderson advised that the next agenda item is Citizens' Period. She inquired if any citizens wished to speak during Citizens' Period. There were no citizens who wished to address the Planning Commission during Citizens' Period, therefore, Vice-Chairwoman Anderson proceeded with the agenda.

### 5. RE: MAJOR SUBDIVISION REVIEW - ASBURY LANE PHASE II

#### A. RE: ASBURY LANE PHASE II - MAJOR SUBDIVISION REQUEST

Vice-Chairwoman Anderson advised that the next agenda item is to consider the major subdivision application for Asbury Lane Phase II, submitted by Fusion Holdings, LLC, for the creation of 11 lots on Asbury Lane, Tax Map Parcel #25-70A. She stated that the Planning Commission package included a Staff Report prepared by Director of Public Utilities and Engineering Billy Anderson regarding the Asbury Lane Phase II major subdivision request. Vice-Chairwoman Anderson inquired if Director Anderson had any comments for the Planning Commission. Director Anderson stated that since this plat was first submitted, Fusion Holdings, LLC, has

conveyed the property to Angilo and Brenda Faraci. He noted that Mr. Joe Faraci, of New Line Construction Group, is the representative for the owners. Director Anderson explained that everything will stay the same on the plat with the exception of the signatory and the source of title. He commented that Mr. Faraci was the original applicant in May 2024, as well, therefore, nothing else will change. Vice-Chairwoman Anderson inquired if there were any questions for Director Anderson.

Mr. Schmidt stated that he had several questions for Director Anderson. He stated that he had some concerns regarding the approval of the extra lots in the subdivision. Mr. Schmidt inquired of Director Anderson as to what the requirements were for those extra lots to be approved because his biggest concern is the water control in that area. He remarked that Director Anderson's Staff Report noted that Phase II would consider the Virginia Department of Environmental Quality (DEQ) stormwater requirements. Discussion ensued regarding DEQ's stormwater requirements for the development of property, which is known as a Common Plan of Development. Mr. Schmidt stated that he is concerned about the stormwater being a problem for the houses near the extra lots. He inquired of Director Anderson if he felt that stormwater would be a problem for those houses. Director Anderson explained the drainage for the lots in the proposed subdivision, and he noted that DEQ does not have any issues with the site. Mr. Schmidt inquired of Director Anderson if there is an outlet for the overflow or would Lot 17 get flooded due to the subdivision not having a detention pond. Mr. Schmidt stated that he does not have a problem with the application, except for the stormwater and, specifically, Lot 17. He noted that he was worried about it flooding out. Director Anderson advised that there is the possibility of flooding, however, DEQ has no problem with the application. Director Anderson discussed the drainage of the natural pond, which is being used for stormwater control, that is located on the property. He noted that the Town does not have design data from the early 1980's when the Birdmont Nursing Facility was built. Director Anderson commented that the pond located on the property is considered a wet pond. Mr. Schmidt commented that he still finds it strange that there is not a stormwater detention pond. Assistant Town Manager Holeton stated that for those who may not be aware, the Virginia Department of Environmental Quality (DEQ) is the agency who implements the regulations for stormwater management in the State of Virginia. She explained that some localities choose to have their own stormwater management program, but, in Virginia, localities have the option to opt in or opt out of having their own stormwater management programs. Assistant Town Manager Holeton advised that the Town of Wytheville has opted out of managing its own stormwater program, therefore, the Town always defaults to DEQ regarding stormwater regulations. She explained that if DEQ's stormwater management regulations state that this plan of development meets the guidelines, then the Town will not typically get involved. She noted that to answer Mr. Schmidt's question, most developers will include a stormwater management system in the plans of a subdivision so that when they market the lots, the actual homeowners do not have to go and pull the individual building permits, which helps with the marketability of the lots because the lots that are being sold have already gone through that process and there is a common stormwater detention pond. Assistant Town Manager Holeton advised that this particular developer made the decision to not do an overall plan of development that would have a stormwater detention pond separate from the one shown on the plat because their decision was to let each individual lot owner who was going to invest in that subdivision pull their own stormwater permit, which will be regulated through the Town's Building Department. She noted that the Building Official's Office will make sure that before homes are constructed, the Town has the required paperwork from DEQ for each individual lot. Discussion continued regarding the DEQ requirements for the stormwater management for the development of property, the excess water that comes from the Asbury area that flows into the wet pond, etc. Vice-Mayor Pattison inquired of Director Anderson if, in the future, the Town needs to install a lot of new pipes since these lots would be hooked to Town water from either Van Mar Drive or Asbury Lane or were the Town's pipes adequate to furnish water to the new lots. Director Anderson explained the Subdivision Agreement with Asbury Lane that is to be completed. He continued explaining the agreement, which includes a warranty period for the developer of the property, as well as the water hookup process for the water to the lots in the subdivision. Mr. Schmidt inquired of Director Anderson if the added lots on Asbury Lane would create traffic issues for Holston Road. Director Anderson stated that he could not foresee

any issues because there are no issues with the site distance coming off Asbury Lane, and he noted that the street has been approved to the Virginia Department of Transportation (VDOT) standards. He commented that he does not see a traffic issue with people pulling in and out of Asbury Lane. Director Anderson remarked that in his opinion, there is probably just as much traffic coming and going from Carrington Place that also exits from the Asbury Lane entrance. Discussion was held regarding the review and approval of the septic systems on the lots by the Virginia Department of Health (VDH). Vice-Chairwoman Anderson inquired if there was any other discussion regarding the major subdivision application for Asbury Lane Phase II. There being none, she proceeded with the agenda.

**B. RE: RECOMMENDATION TO TOWN COUNCIL - ASBURY LANE PHASE II MAJOR SUBDIVISION**

Vice-Chairwoman Anderson advised that the next agenda item is to make a recommendation to the Wytheville Town Council regarding the major subdivision application for Asbury Lane Phase II, submitted by Fusion Holdings, LLC.

A motion was made by Mr. K. Jones and seconded by Mr. J. Jones, Jr. to recommend to the Town Council to approve the major subdivision application for Asbury Lane Phase II, submitted by Fusion Holdings, LLC. Vice-Chairwoman Anderson inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting results, by roll call vote: Voting Yea: Mr. Wittwer, Mr. K. Jones, Vice-Mayor Pattison, Vice-Chairwoman Anderson, Mr. J. Jones, Jr., Mr. Schmidt.

**6. RE: OTHER BUSINESS**

**A. RE: CITIZENS' SURVEY RESULTS**

Vice-Chairwoman Anderson advised that the next agenda item is to review the results of the Citizens' Survey. Planning Director Woods stated that the Planning Commissioners should have had two documents included in the meeting package related to the survey and marketing of the Unified Development Ordinance (UDO). He explained that the first document was a timeline listing the various activities that have been prepared to encourage community input and community outreach regarding the proposed UDO. He commented that it lists a number of activities. Director Woods highlighted a few of those activities, which incorporated information that was included in approximately 3,600 water bills, two press releases that ran as four separate articles in the *Wytheville Enterprise*, a radio segment for the Talk of the Town, a banner ad that ran for two weeks in the *Wytheville Enterprise*, email blasts that were sent to 200 plus Town employees and community members and more. He reported regarding the Open House Meeting held at the Wytheville Meeting Center on August 27, 2024, to receive comments about the proposed UDO. He noted that 16 people attended the meeting. Director Woods remarked that the Citizens' Survey that was posted for approximately three and a half weeks received lots of good feedback. He inquired if there were any questions or comments regarding the survey. Mr. Wittwer commented that the survey results include some interesting reading. Director Woods noted that there were some very good comments and, for the most part, the responses were positive. Vice-Mayor Pattison commented that out of the 42 survey responses, it was interesting to her that 81 percent were submitted from Town citizens. Director Woods advised that there were only three surveys submitted by people who did not either live in town or own property in town. He commented that there were several survey respondents who had a business or owned property for some other reason, even though they lived outside of town limits. Director Woods noted that most of the respondents have a vested interest in how this ordinance is implemented. Discussion ensued regarding if the Planning Commission has satisfied all citizens in regard to answering all questions about the proposed UDO, as well as getting the information out to citizens about the change to the ordinance. Vice-Chairwoman Anderson, Mr. K. Jones and Mr. Wittwer advised that they do not understand how Town staff could have done anymore to get the word out about this information and the ordinance change. Vice-Mayor Pattison stated that the Planning Commission needs to get the general facts out to the public about this, and sometimes the general public is not open to listening to the facts. She commented that she hopes that the Planning Commission has done a good job regarding the

ordinance because they have been working on this project for over two years and have put a lot of hard work into it and a lot of discussion. Vice-Mayor Pattison stated that she has been on the Planning Commission for 12 years, and she cannot remember a time that the Zoning Ordinance has not been discussed without skepticism and doubt from citizens stating that the Town is not listening to them. She remarked, therefore, she would like to make sure that the Planning Commission is listening. Mr. Schmidt commented that the Planning Commission is in the final stages now, and if it makes a recommendation to the Town Council, it will affect everyone in town, and the Commission needs to do what is best for the town. Director Woods explained the next stages for adoption of the UDO, which includes a public hearing to hear public comments at a Planning Commission meeting and a public hearing at a Town Council meeting for public comments, as well. Discussion ensued regarding the public hearing process and the recommendation process by the Planning Commission to the Town Council. Mr. Schmidt remarked that he would like to hear more comments from the public, but he is not sure how to get the public more involved because Town staff has done everything possible to get people to come out to hear about this. Mr. K. Jones stated that every meeting the Planning Commission holds is a public meeting, and there is rarely anyone who attends the meetings. Mr. J. Jones, Jr. expressed that he has been a member of the Wytheville Planning Commission for over 30 years, and the biggest public attendance to a Planning Commission meeting was when Walmart announced it was coming to town. He noted that there was approximately a 10:1 ratio of people who were in support of the project. He remarked that everyone had a chance to speak, but the meeting had to be moved because so many people came to the public hearing. Mr. J. Jones, Jr. commented that the Planning Commission's role may not be of interest to the average citizen, however, it may be of interest to a realtor or a contractor. He remarked that all these people have certainly had the opportunity to comment on the proposed UDO, over the last two years just like Vice-Mayor Pattison stated. He advised that, personally, he feels like the Planning Commission has gone overboard to try to make sure that it was right. He stated that everyone will not be happy, but that is just the way the system works. Planning Director Woods explained that even if the document is adopted, the refinement process will not stop. He commented that when issues arise that are not working, etc., those issues will be addressed. Mr. Wittwer remarked that at least the foundation will be there. Discussion ensued regarding the devaluing of property under the activities in the proposed UDO and the current Zoning Ordinance that are by-right uses. There being no further discussion regarding the Citizens' Survey, Vice-Chairwoman Anderson proceeded with the agenda.

**B. RE: UNIFIED DEVELOPMENT ORDINANCE (UDO) - REVIEW OF MODIFICATIONS TO THIRD DRAFT**

Vice-Chairwoman Anderson advised that the next agenda item is the review of the modifications to the third draft of the Unified Development Ordinance (UDO). Director Woods stated that the Commissioners have a sheet of summary changes in front of them that were made to the UDO since the packages were sent last Friday, September 6, 2024. He reviewed the modifications made to the third draft of the UDO since draft two, which included grammar check and formatting of the document; correction of conditions for using minor site plans; the addition of a requirement for subdivision variation approval for private streets; the addition of cottage style neighborhoods as a cluster housing type; and, addition of requirements to mark rights-of way and boundaries during constructions. Director Woods explained that based on a comment that came from the Focus Group that did not get into the last revision about how the Town's setback regulations are set, he went through a process of comparing the current Zoning Ordinance to the proposed UDO and how those setbacks would be established for each of the Town's existing residential zoning districts and found that he was not as consistent as he had thought. He explained that he went back and adjusted the setback standards to be more consistent with what the current Zoning Ordinance allows while still giving some leeway to correct for the way the Town used to measure setbacks and to make them standardized from a right-of-way line, as opposed to the edge of pavement, but, also, to make it easier to position a house on a parcel. Director Woods stated that the Town Attorney finished his review of the proposed ordinance, and he had a list of 30 comments, which have been addressed in draft three of the UDO. Director Woods

advised that he would now discuss the survey responses and relate them to some of the hot topic issues that the Planning Commission may want to consider as additions or omissions in the proposed UDO. Discussion ensued regarding the consideration of the hot topics which include Accessory Dwelling Units (ADU); Mixed-Use Residential Neighborhoods; Homestays/Short-Term Rentals; High-Density Residential Uses; Buffer Yard Requirements; Traffic Studies; Parking Standards; Conditional Use Standards; and, the clarity, presentation and appropriateness of the Land Use Table. It was noted that the ADU could potentially be controversial. Director Woods commented that some neighborhoods in town already have existing ADUs. He noted that this is the section of the current Zoning Ordinance that is controversial. Director Woods stated that he agreed with the current Zoning Ordinance for Short-Term Rentals only being a permitted use in Business Zoning Districts, and that he did not see any added need for making them available in other areas through a Special Exception Permit process, unless the Planning Commission would like to make this an option. He commented that several people requested Town staff not to make Special Exception Permits an option for Short-Term Rentals because they did not want them in Residential Zoning Districts, specifically, the Historical Zoning District. Director Woods advised that the majority of citizens prefer High-Density Residential Uses to be located in new developments away from existing neighborhoods with land use controls like landscaped buffers and large setbacks from adjoining neighborhoods. Assistant Town Manager Holeton discussed the difference between the current Zoning Ordinance and the proposed UDO regarding transportation, which includes traffic studies, etc. She noted that the new ordinance will include specific standards. Planning Director Woods stated that based on the comments from the survey, he does not see anything from the third draft that the Planning Commission needs to change regarding the revisions from this meeting. He remarked that the Planning Commission may want to consider revising the ADU use because this is where the bulk of the comments were in favor of the use. Director Woods stated that for Homestays/Short-Term Rentals, which were equally controversial, he feels the Planning Commission has already discussed and agreed that it would be best to not permit the use in any Residential Zoning Districts. Mr. Schmidt inquired if the ADU's were the biggest concern, in Director Woods opinion. Director Woods stated that it was, and that the ADU use still had more support than opposition. Mr. J. Jones, Jr. commented that the Planning Commission can find out what the public thinks during the public hearing, as far as ADU's are concerned. Mr. Schmidt inquired if Director Woods felt like the Planning Commission needed more time to discuss this. Director Woods stated that based on the current data from the survey, there are more citizens in support of ADU's than in opposition. He commented that it was a recommendation from the Housing Study that the Town allow ADU's, as a way to address the housing shortage, which is a reason to keep it in. Director Woods advised that he would not want to lose the real important fixes that the UDO provides as a whole, over the sake of opposition to one issue such as this.

**C. RE: SCHEDULING PUBLIC HEARING FOR THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)**

Vice-Chairwoman Anderson advised that the next agenda item is to consider scheduling a public hearing for the Thursday, October 10, 2024, Planning Commission meeting, at 6:00 p.m., to consider the proposed Unified Development Ordinance (UDO). Mr. K. Jones inquired of Director Woods that if the Planning Commission schedules the public hearing, would it be bound to vote to approve/deny the UDO at the meeting. Director Woods advised that the Planning Commission is not required to vote at the meeting. Discussion continued regarding the Planning Commission scheduling a public hearing, and if more changes could be made to the UDO after hearing the public comments, as well as making the recommendation to the Town Council at a later date. Assistant Town Manager Holeton inquired of the Planning Commission what they would prefer to have on the next meeting agenda in reference to the public hearing. She inquired if the Planning Commission would prefer the next agenda to include only the public hearing or to include the public hearing and an action item to consider a recommendation to the Town Council to approve/deny the UDO. Assistant Town Manager Holeton inquired which option the Planning Commission prefers. Discussion ensued regarding scheduling a public hearing, etc. It was the consensus of the Planning Commission to include the following agenda items on the Thursday, October 10, 2024, meeting agenda: 1.)

public hearing; and, 2.) Consider making a recommendation to the Wytheville Town Council to approve/deny the proposed Unified Development Ordinance (UDO). Vice-Chairwoman Anderson inquired if there was a motion to schedule a public hearing for the Thursday, October 10, 2024, Wytheville Planning Commission meeting, at 6:00 p.m., in the Council Chambers, to consider the proposed Unified Development Ordinance (UDO).

Motion made by Mr. J. Jones, Jr., Seconded by Mr. K. Jones. Vice-Chairwoman Anderson 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: Voting Yea: Vice-Chairwoman Anderson, Vice-Mayor Pattison, Mr. J. Jones, Jr., Mr. K. Jones, Mr. Schmidt, Mr. Wittwer.

**7. RE: ADJOURNMENT**

There being no further business to be discussed, Vice-Chairwoman Anderson adjourned the meeting. (7:22 p.m.)

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Lisa K. Anderson, Vice-Chairwoman

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Brandi N. Jones, Chief Deputy Clerk