Virginia: **At the Joint meeting of the Chilhowie Planning Commission and Town Council held Thursday, September 8, 2022 at 5:30 p.m.**

Present: **David Blevins, Donna Blevins, Jim Bonham, Jim Paine and Lynn Pease.**

Absent: **None.**

Also Present: **John E.B. Clark, Jr., Town Manager/Zoning Administrator; Paul Cassell, Town Attorney; David Haynes, Building Official and Felicia Eller, CMC, Secretary.**

Virginia: **At the Joint meeting of the Council of the Town of Chilhowie held at the Municipal Building, September 8, 2022, at 7:00 p.m.**

Present: **Honorable Gary L. Heninger, Mayor presiding; Councilors Donna Blevins, Bill Clear, Brent Foster, Lewis W. Shortt, Jr., Julie Sturgill and P.J. Wolfe.**

Absent: **None.**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, MMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Jay Keen, Director of Public Works; Andrew Moss, Police Chief; Jeff Smarr, Recreation Coordinator and Special Events and David Haynes, Fire/EMS Chief.**

Mrs. Henderson presented the following:

Joint Public Hearing
Chilhowie Town Council and Planning Commission

The Chilhowie Town Council and Planning Commission will be holding a Joint Public Hearing on an application for a Special (Conditional) Use Permit in the General Business Zone for a garage to service owner company vehicles at the site of the old Rainbow Autel at 1305 East Lee Highway, as required by Section 3.3-2 of the Zoning Ordinance of the Town of Chilhowie. Therefore, pursuant to Section 15.2-2204 of the Code of Virginia, as amended, notice is hereby given of the Joint Public Hearing to be held at 7:00 p.m., or shortly thereafter, on September 8, 2022 in which citizens may attend and state their views thereon. Following the Joint Public Hearing the Planning Commission will recommend approval or denial of the Permit to the Town Council, or defer its recommendation to a later date. Persons wanting more information on this matter may ask for an information packet at the Town Hall at 325 East Lee Highway or otherwise contact the Town Hall.

By Authority of the Mayor and Town Council,

John E.B. Clark, Jr.
Town Manager

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Mayor Heninger opened the Public Hearing at 7:06 p.m.
No one wished to speak.
Mayor Heninger closed the Public Hearing at 7:07 p.m.

Mr. Clark reviewed Mr. Taylor's request for a Special (Conditional) Use Permit for a garage to service Taylor's Construction vehicle fleet. All setbacks and requirements have been met according to the Preliminary Layout of 1305 East Lee Highway provided by Hurt and Proffitt. Mr. Clark reviewed the Floodplain information which is not pertinent to the Special Use Permit. Mr. Clark also reviewed Town of Chilhowie Zoning Ordinance and the Code of Virginia Code Sections that pertains to the request. Nine adjoining property owners were mailed via Certified mail a notice of the Public Hearing. Council cannot act upon the matter until the Planning Commission makes a positive or negative recommendation to Council.

Mr. Cassell reviewed with Planning Commission and Council Section 5.5-3 and Section 5.5-4 of the General Requirements from the Town of Chilhowie Zoning Ordinance as a guide for Planning Commission to make their recommendation to Council concerning the Special (Conditional) Use Permit requested. The Planning Commission and Council also reviewed Section 15.2-2204 of the Code of Virginia addressing Advertisement and Joint Public Hearing procedures.

Mr. Clear inquired if water and sewer service is provided to the proposed location. Mr. Keen confirmed the location does have access to water and sewer services. Mr. Clear also inquired about potential drainage issues. Mr. Keen stated if there were any drainage issues it would be the Virginia Department of Transportation responsibility to address it.

Mr. Bobby Taylor, owner of Taylor's Construction, appeared before Planning Commission and Council to answer any questions. Mr. Taylor stated the proposed garage is a Muller metal building with two garage bays. The garage will also include an office space and one restroom. Mr. Blevins, Planning Commission, stated the only impact this request may have are on the residents behind the property. Mr. Blevins inquired if there will be a fence installed as well for privacy matters. Mr. Taylor stated the proposed garage will not be open to the public, but he does intend to install a chain link fence around the property due to theft issues. Mr. Pease, Planning Commission Chairman, inquired as to the noise level that would be created from the proposed garage. Mr. Taylor stated his company has been working on the vehicle fleet in the parking area for the past six months, if grant the Special (Conditional) Use Permit the noise level should decrease once inside a building.

Mrs. Blevins, Planning Commission, inquired if the property is in the floodplain and if Mr. Taylor plans to build up the property to meet the floodplain requirements. Mr. Taylor confirmed that it is in the floodplain but he does not intend on increasing the elevation of the property. Mr. Taylor has an Engineer looking into the usage of flood gates and if the flood gates would meet the floodplain requirements. If the floodgates are not approved Mr. Taylor does not plan to build anything on the property. Mr. Taylor stated that if he was to elevate the property it would push more water onto the neighboring properties and he has no intention of flooding the neighbors. Mr. Bonham, Planning Commission, inquired if Mr. Taylor had plans for the rest of the property

including the existing car wash. Mr. Taylor stated that if he demolished the existing car wash, he would have to go through a new building process and that site is also in the floodplain.

Motion by David Blevins, second by Jim Bonham Planning Commission recommends to Council to approve the Special (Conditional) Use Permit for 1305 East Lee Highway. The motion was approved with following recorded vote:

David Blevins	Aye	Donna Blevins	Aye
Jim Bonham	Aye	Jim Paine	Aye
Lynn Pease	Aye		

Having no further business, upon motion by Jim Bonham, second by Donna Blevins unanimously passed, the Commission adjourned the meeting at 7:27 p.m.

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Felicia Eller, CMC, Secretary