



AGENDA
Wytheville Planning Commission
Work Session
Thursday, September 13, 2018
5:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

A. WORK SESSION

1. Discussion regarding zoning overlay to permit smaller dwellings on smaller lots in town



AGENDA
Wytheville Planning Commission
Thursday, September 13, 2018
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

- A. **CALL TO ORDER** — Chairman M. Bradley Tate
- B. **ESTABLISHMENT OF QUORUM** — Chairman M. Bradley Tate
- C. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of August 9, 2018
- D. **CITIZENS' PERIOD**
- E. **SPECIAL EXCEPTION PERMIT**
 - 1. Set a public hearing to consider the request of Melton and Associates Properties, LLC for a special exception permit to operate an Airbnb at 400 West Spiller Street, which is located on the northwest side of Spiller Street between Sixth and Eighth Streets, in an R-2 Residential Zoning District
- F. **OTHER BUSINESS**
 - 1. Continued discussion regarding regulations for smaller homes/smaller lots in town
 - 2. Annual Report for 2017-18
 - 3. Discussion regarding regulations for Airbnbs and Short Term Rentals
 - 4. Discussion of dog park sites
- G. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, AUGUST 9, 2018, AT 6:00 P.M.**

Members present: M. Bradley Tate, Bradford M. Litton, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr.

Members absent: Kenny W. Ervin

Others present: Assistant Town Manager Stephen A. Moore, Town Clerk Sherry G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman, Vice-Mayor Jacqueline K. King, Councilman Joseph E. Hand, Jr., Councilman Mark J. Bloomfield, Carl W. King, Garnett Miller, Chuck Johnson, Penny Smith, Polly Miller, Alice Moore, Robert G. Moore, C. Paul Stanley, Dr. William Deal, Olivia Deal, Zane P. Perkins, Patty Stallard, Kay Johnson, Jim Stallard, Alma Watson, Ann Laing, Mary Walters, C.M. Walters, Melissa McWhirter, Bob McWhirter, Richard Formato, Karen Doyle, Mary Henslee, Others

RE: CALL TO ORDER, QUORUM

Chairman Tate presented the consent agenda consisting of the minutes of the regular meeting of July 12, 2018. 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 minutes, as presented. A motion was made by Dr. Suarez and seconded by Ms. Pattison to approve the consent agenda consisting of the minutes of the regular meeting of July 12, 2018, as presented. Chairman Tate 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: M. Bradley Tate, Bradford M. Litton, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: PUBLIC HEARING – SPECIAL EXCEPTION PERMIT REQUEST – ALMA WATSON

Chairman Tate advised that the meeting constituted a public hearing (due notice having been given) to consider the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast and a conference and meeting center at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential District. Assistant Town Manager Moore stated that in the Town staff report, there is information regarding Ms. Watson's request. He noted that there has been a great deal of interest in this request, and there are a number of people in the audience who would like to address the Planning Commission regarding this request. Assistant Town Manager Moore commented that Town staff would like to note that located in the Planning Commissioners' packets or at their seats, is one letter supporting the request, approximately five letters opposing the request and another email that lists approximately seven citizens who have expressed an opposition to the proposed special exception permit request. He reiterated that this is for the Planning Commissioners' information. Assistant Town Manager Moore remarked that Dr. Watson had requested that she be able to give a brief PowerPoint presentation about what she proposes to do at the property before allowing other citizens to address the Planning Commission. He commented that he thinks this would be good for everyone's information, prior to proceeding. Assistant Town Manager Moore stated that before moving on, he would like to elaborate very briefly on the R-1M Residential Zoning District that was enacted in 1996. He continued to explain the R-1M Residential Zoning District that was enacted to the Planning Commission. Assistant Town Manager Moore noted that he would like to remind everyone who wishes to address the Planning Commission at this meeting to please come forward to the podium so that their comments can be recorded. He remarked that if the point that they are making has already been made, please only reference the point because it will be recorded in the minutes. Assistant Town Manager Moore reiterated that it does not need to be repeated. He stated to please keep in mind that this is a planning issue, and the Planning Commission looks forward to hearing from each citizen who wishes to speak. Assistant Town Manager Moore continued to express to the citizens the importance of planning for the future of the Comprehensive Plan, etc. He noted for all of the citizens to remember that they are all neighbors and to please keep their comments respectful and courteous relative to their points of view and to respect the points of view of the other speakers.

Dr. Alma Watson was recognized and stated that she lives at 580 Withers Road. She thanked the Planning Commission for allowing her to speak during the public hearing. Dr. Watson commented that she is a newcomer to Wytheville, however, she has been familiar with the area since the early 1980's when she was attending Virginia Tech. She remarked that she worked for Virginia Tech and served the 28 western counties with a preschool technical assistance center that she contracted for under the Department of Education. Dr. Watson expressed that she has been in and out of the area for a long time, and it was important to her that she makes her home in Wytheville. She explained to the Planning Commission that her request is for a special

exception permit to operate a bed & breakfast and a small conference center on Withers Road. Dr. Watson gave a brief description of the property located at 580 Withers Road, which was built in 1909. She provided a PowerPoint presentation with pictures of the home for the Planning Commission to view. Dr. Watson explained the ownership of the Nуска Lodge through the years to the Planning Commission. She noted the upgrades that she has made to the Nуска Lodge. Dr. Watson commented that her plan of operation includes three of the five bedrooms located in the home to be used for lodging. She remarked that two of the bedrooms are located on the main level and have an adjoining bath that she would foresee offering lodging for a family and/or guests who might be traveling together who would prefer separate rooms. Dr. Watson expressed that on the upper level of the Nуска Lodge, there is a spacious bedroom, which would be the third bedroom that would be used for lodging. She noted that this bedroom contains two beds, a sitting space and a private bath. Dr. Watson expressed that at any given point, she would expect to have a maximum of eight guests. She continued to explain to the Planning Commission her proposed plans of operation. Dr. Watson stated that the current parking spaces located on the property are sufficient to handle up to three cars. She reviewed the rough draft of a floor plan with the Planning Commission. Dr. Watson explained the reservation system that she proposed to use for the bed and breakfast. She commented that she is proposing to develop a website that would allow her to host events for the small group seminars and day retreats for up to 12 participants. Dr. Watson remarked that she would offer meeting space for local non-profit organizations at cost. She explained to the Planning Commission that she would provide no more than two events between the hours of 8:00 a.m. and 4:00 p.m., in any given month. Dr. Watson noted that in her proposal, she would include that there would be no guest lodging on the evening prior to such events. She continued to review her proposed small conference and meeting plan of operation with the Planning Commissioners. Dr. Watson stated that she would not serve any food at the meetings unless it was catered. She noted that she intended to design a parking lot that would meet the regulations required by the Town, and that the parking lot would probably be made of gravel and it could provide parking for approximately 12 vehicles. Dr. Watson expressed that she would like to be an active part of the community, breathe life into the large home, share the home with others and make positive connections within the community. Chairman Tate thanked Dr. Watson for her presentation to the Planning Commission.

Mr. Garnett Miller was recognized and stated that he lives at 360 East Washington Street. He noted that he and his wife have lived at this address since February of 1990. Mr. Miller explained that he purchased his home before the area was rezoned to an R-1M Residential Zoning District. He commented that some of his neighbors who were very important advocates for the neighborhood are now deceased. Mr. Miller advised that he is opposed to any change in the R-1M Residential Zoning District. He continued to express his thoughts to the Planning Commission as to why he is opposed to Dr. Watson's special exception permit request. Mr. Miller reiterated that he is opposed to any change in the R-1M Residential Zoning District. He thanked the Planning Commission for allowing him to speak during the public hearing. Chairman Tate thanked Mr. Miller for his comments.

Mr. Chuck Johnson was recognized and stated that he lives at 170 East Franklin Street. He noted that he has been the Chairman of the Downtown Revitalization Committee for the last four years. Mr. Johnson remarked that the Committee's focus has been developing entrepreneurship for revitalizing the B-2 DT Business Zoning District in Downtown Wytheville. He commented that this has been accomplished through three entrepreneurial contests that have taken place the past four years. Mr. Johnson continued to discuss the accomplishments that the Downtown Revitalization Committee has accomplished. He remarked that he is in favor of making the downtown area of the community viable, but it is difficult for him to support something in a residential zoning district because there are a lot of houses in the B-2 DT Business Zoning District that could be ideal for a bed and breakfast. Mr. Johnson stated that based on that, he has to oppose the special exception permit request for a bed and breakfast on Withers Road. Chairman Tate thanked Mr. Johnson for his comments.

Dr. William Deal was recognized and stated that he lives at 515 Withers Road. He noted that when he looks around the room, there are several new members of the community. Dr. Deal commented that they may wonder why all of the neighbors are opposed to this request. He explained that when a person looks at the zoning map of the Town of Wytheville, they will see that the Withers Road area is the only R-1M Residential Zoning District, besides the housing development areas, in the town. Dr. Deal remarked that people might ask how this came to be. He explained that the history behind the R-1M Residential Zoning of this area is important for the discussion at this public hearing, and he would like to make everyone, who is not familiar with this, aware of how it became an R-1M Residential Zoning District. Dr. Deal stated that when he and his wife moved to Withers Road in 1985, the area was zoned R-2 Residential. He commented that the area had nice, old homes that were well maintained, and it was a very comfortable neighborhood. Dr. Deal continued to explain why the area was rezoned years ago. He noted that in 1996, a petition from an established homeowner's association in the Historic District was presented to Dr. D.B. Cox, Chairman of Wytheville Planning Commission. Dr. Deal

continued to read the petition that was presented in 1996 to the Planning Commission. He read an excerpt from the Planning Commission report from 1996, and he stated that the rezoning of the property was approved by the Town Council. Dr. Deal expressed that the previous owner of the Nuska Lodge, Ms. Pat Thompson, gave up her rights to Nuska Lodge, permanently, to get an R-1M (modification) Zoning to protect the entire neighborhood. He continued with the history of the rezoning that took place in 1996. Dr. Deal advised that he strongly opposes any type of special exception permit in the R-1M Residential Zoning District, and he would appreciate it if the Planning Commission would take his comments into consideration. He thanked the Planning Commission for allowing him to speak. Chairman Tate thanked Dr. Deal for speaking.

Mr. Zane Perkins was recognized and stated that he lives at 315 East Withers Road. He remarked that he is probably one of the newest residents to the neighborhood. Mr. Perkins advised that he agrees with Dr. Deal, Mr. Johnson and Mr. Miller with their points and concerns regarding Ms. Watson's request, and he noted that he is opposed to the request, as well. He thanked the Planning Commission for allowing him to speak. Chairman Tate thanked Mr. Perkins for his comments.

Ms. Ann Laing was recognized and stated that she also lives in a historic home. She noted that she would not be opposing Ms. Watson's request. Ms. Laing remarked that she would first like to thank Ms. Watson for the improvements that she has made to the Nuska Lodge. She commented that she has been on the porch of the home and looked in the windows. Ms. Laing remarked that she was thrilled when she learned that someone was going to buy the property. She commented that she is aware that Ms. Watson is requesting a special exception permit, and she understands that the neighbors are afraid that if one special exception permit is requested, then more requests may be approved. Ms. Laing noted that she thinks Ms. Watson gave a wonderful presentation to the Planning Commission. She expressed that she has stayed in bed and breakfasts in Alaska, Canada, etc., and that she has stayed in a castle, a bedroom where a homeowner's child had gone away to college, etc. Ms. Laing noted that the beauty of this is getting to know, and be an advocate for, the community. She continued to express her thoughts regarding the request for a special exception permit at 580 Withers Road. Ms. Laing stated that she may be the only person in favor of the request, but she thinks it is a great idea. She thanked the Planning Commission for allowing her to speak. Chairman Tate thanked Ms. Laing for her comments.

Mr. Richard Formato was recognized and stated that he lives at 645 East Withers Road. He noted that he has lived at his residence for 22 years. Mr. Formato commented that he appreciates both sides of the argument, however, he must say the reason he moved there was because of the neighborhood. He remarked that he has been asked 1,000 times why he relocated to Wytheville. Mr. Formato explained that the reason was because he had a dream of raising a family in a neighborhood where his kids could walk to school and know the parents and families around him. He noted that he knows Zane Anthony Perkins, who is a new homeowner in the neighborhood with a family. Mr. Formato expressed that he knows a lot of the citizens attending the meeting from their businesses and their good reputations. He commented that he does not think that the neighborhood should be traded for profit. Mr. Formato continued to express his thoughts regarding why he does not think Ms. Watson should turn her home into a business. He noted that Wytheville is what it is, and that is why he loves it so much. Mr. Formato continued to express why he loves living in Wytheville and what wonderful improvements continue to come to the town. He noted that when he hears about an Airbnb business, he listens because he knows a lot about this company. Mr. Formato commented that his farm in Floyd and his river home, located on the south of Holston River, is on Airbnb. He noted that he has had a month long renter at one of his properties. Mr. Formato explained that with Airbnb, a homeowner cannot discriminate against any renter who wants to rent because it is unethical to the Airbnb Policy and it is unethical to any hospitality business. He continued to comment regarding the operations of an Airbnb. Mr. Formato explained to the Planning Commission why he loves living in the Historic District of Wytheville. He noted that it is a neighborhood for families. Mr. Formato stated that his family would like to invite Dr. Watson to choose another location to test a hospitality business and enjoy her time on Withers Road as a member of the community and an investor in Wytheville and a co-investor and neighbor alongside all of the others. Mr. Formato thanked the Planning Commission for allowing him to speak. Ms. Pattison inquired of Mr. Formato as to his address on Withers Road. Mr. Formato stated that it is 645 East Withers Road, Ingleside. Ms. Pattison inquired of Mr. Formato if he, currently, operates an Airbnb at his residence. Mr. Formato advised that he does not. He noted that approximately one year ago, he placed his residence on the Airbnb site for a couple of nights, and he commented that he decided that it was not worth the trouble for the exact same reason that he just described. Mr. Formato commented that he is glad Ms. Pattison mentioned this because there is no way that there are economics in this business, so, currently, if a person were to go to the Airbnb website, they will see his Marion residence listed on the site, but the Floyd residence has been removed, as well. He thanked Ms. Pattison for asking him about this because it was a great question. Mr. Formato inquired if any of the other Planning Commission

members had any further questions for him. Chairman Tate thanked Mr. Formato for his comments.

Mr. Bob McWhirter was recognized and stated that he and his wife, Melissa, live at 340 East Washington Street. He noted that they have also had the opportunity to live at the corner of Withers Road and Seventh Street, therefore, they understand the traffic patterns that happen on Withers Road. He noted that their home is two blocks away from the proposed special exception permit area. Mr. McWhirter stated that he and his wife, actually, enjoy Airbnb. He commented that they use Airbnb, however, they respect the Historic District in Wytheville, and they would hate to see more Airbnb type of businesses coming into that district. Mr. McWhirter expressed his concern regarding the parking for 12 vehicles on the proposed lot and the additional traffic that it would create for Withers Road or Washington Street. He advised that he and his wife both oppose Dr. Watson's request for a special exception permit. Mr. McWhirter thanked the Planning Commission for allowing him to speak. Chairman Tate thanked Mr. McWhirter for his comments.

Ms. Karen Doyle was recognized and stated that she and her husband, John, live at 510 East Withers Road. She noted that she and her husband would like to welcome Dr. Watson to the neighborhood. Ms. Doyle commented that her husband was stating earlier that it was nice to see someone living in the home. She noted that she agrees that it is nice to see someone living in the home and she would like that character to be maintained. Ms. Doyle remarked that she and her husband appreciate and respect the hard work that the Deals and the other homeowners have put forth before them. She commented that she agrees with Mr. Johnson and that a business of this nature is more suitable to those areas that are already zoned accordingly. Ms. Doyle noted that she would like to have the neighborhood to continue to respect the character that is currently there. She thanked the Planning Commission for allowing her to speak. Chairman Tate thanked Ms. Doyle for addressing the Planning Commission.

Mr. Jim Stallard was recognized and stated that he and his wife, Patty, live at 585 Withers Road. He noted that he and his wife live directly across the street from the Nuska Lodge. Mr. Stallard commented that when he was speaking with Ms. Deal regarding this proposal approximately one week ago, he stated to her that he and his wife would not have purchased their home on Withers Road, if it had not been for the Town's Zoning Ordinance. He explained that he takes great comfort from the protection of that Zoning Ordinance. Mr. Stallard remarked, however, he and his wife have come to know Dr. Watson very well. He noted that she is a very nice person. Mr. Stallard explained that he really cannot foresee any way that she would do anything to hurt the neighborhood. He noted that he would be against anybody else coming and doing anything like Dr. Watson is requesting to do. Mr. Stallard stated that the Nuska Lodge is a huge house, and, obviously, it is too big of a house for most people. He remarked that he has said for years that he thought it would be nice to have a bed and breakfast at that property because of selfish reasons. Mr. Stallard explained that if someone has a business like that, they are required to maintain the property in order to make a profit. He stated that he has never seen or stayed in a bed and breakfast that did not look top of the line. Mr. Stallard noted that, in this regard, he feels that is a reason for a special exception permit. He commented that he is very hesitant to vote in favor for a special exception permit because of opening the door up to other businesses. Mr. Stallard inquired of the Planning Commission if he could ask a question. Chairman Tate stated that he could ask a question. Mr. Stallard inquired of the Planning Commission if the special exception permit request is approved, would it set a permanent precedent. Ms. Pattison stated that she feels like each request is different, and it is the Planning Commission's responsibility to consider each request that is presented to them as a separate request. Mr. Stallard remarked that what he is hearing Ms. Pattison state is that if the Planning Commission recommends that Dr. Watson's request for a special exception permit be approved, that they based their decision just on the trust of what they were told by Dr. Watson and through her presentation. Mr. Stallard inquired if that meant someone could build a 7-Eleven next door to his home. Mr. Varney and Ms. Pattison stated that is not correct. A discussion ensued regarding the stipulations that the Planning Commission can place on a special exception permit. Mr. Stallard stated that he had read in the minutes of the Planning Commission that Airbnbs had been discussed at several different Council meetings last year. He inquired of the Planning Commission as to the result of those discussions. Ms. Pattison advised that, to date, there are no regulations in the town that regulate Airbnbs, however, new Council members have been elected, and, the issue has been brought before them again. She remarked that more than likely, the Council will have a statement very soon. Mr. Stallard thanked the Planning Commission for allowing him to speak. Chairman Tate thanked Mr. Stallard for his comments.

Mr. Paul Stanley was recognized and stated that he lives at 410 South Fifth Street. He noted that he is opposed to Dr. Watson's request for a special exception permit request. He explained that a long time ago, he served on the Wytheville Board of Zoning Appeals. Mr. Stanley commented that from what he remembers, the burden is high, and the applicant has to show that the Zoning Ordinance unreasonably restricts the property or if granting the variance would alleviate a hardship due to a physical condition relating to the property or improvements

thereon. He continued to express his thoughts regarding why he feels the special exception permit should not be approved in the R-1M Residential Zoning District. Mr. Stanley remarked that Dr. Watson seems nice, and he is glad that she decided to relocate to Wytheville. He noted that the questions that need to be raised before the Planning Commission are if the intention was to buy the property to live in it, to improve it and then the idea to open a bed and breakfast came along later, and, if so, then that is fine, but, if it was always intended to purchase the home to operate a business, then the process was all wrong. He remarked that if that is what happened, then the step that is happening at this meeting, really happened before the purchase of the property, at least in every scenario that he has ever been a part of. Mr. Stanley expressed that a person cannot create their own hardship, and they cannot say that they have invested and improved a property, and then say that if the Town does not approve the special exception permit request, the Town is creating a hardship for the property owner. He continued to discuss his view regarding Dr. Watson's request for a special exception permit at 580 Withers Road and some of the reasons why he is opposing the request. Mr. Stanley remarked that, in 2003, he purchased his home, which had been broken up into apartments, and he renovated the house. He noted that several homes have been purchased and renovated since that time, and the neighborhood is continuing to improve tremendously. Mr. Stanley thanked the Planning Commission for allowing him to speak. Chairman Tate thanked Mr. Stanley for his comments.

Ms. Mary Henslee was recognized and stated that she lives at 385 Church Street. She noted that she also did not prepare to speak, but she would like to share with the Planning Commission that she has lived on Church Street for approximately the same amount of time that Mr. Stanley has lived in his home or maybe longer. Ms. Henslee explained that, during that time, she has had the opportunity to see what the revitalization has done for their neighborhood. She commented that she would like to state that it is very frequent that she sees travelers coming through with the historic walking tour maps and taking photographs. Ms. Henslee explained that this summer, and in the last six months in particular, she has been delighted to see children riding bikes in the neighborhood again. She remarked that there are families walking in the neighborhood and park. Ms. Henslee stated that her objection to the special exception permit request is due to the fact that it is a very walkable, friendly, and kid friendly community that has been created by the neighbors in the neighborhood. She explained that she is not sure that Dr. Watson's proposed business, or any business, in this neighborhood that has been so nurtured and so welcoming to the people who come to visit, would be compatible. Ms. Henslee continued to express why she is opposed to Dr. Watson's request for a special exception permit. She thanked the Planning Commission for allowing her to speak. Chairman Tate thanked Ms. Henslee for her comments.

Dr. Watson stated that she appreciates all of the different sentiments that have been expressed at the public hearing. She noted that, at her age, she does not need to be in the business of trying to get rich, and that is not her intention. Dr. Watson explained that if there was a miscommunication and people think that is her intentions, she really regrets this. She remarked that as she stated in her presentation, she would like to become a part of the community. Dr. Watson noted that she has obtained this resource that she thinks would be delightful to make available to visitors, but, if she cannot rent her home to people, she will just invite her friends from North Carolina, Tennessee, etc. to visit with her in Wytheville. She expressed that the piece that she feels is important to her is that she took a chance to make something happen that she has dreamed about for a long time. Dr. Watson continued to explain to the Planning Commission what her intentions were behind opening the business, and that it was not at all to get rich. She thanked the Planning Commission for their time. Mr. Varney stated that he had interpreted from the neighbors that they feel that Dr. Watson bought the house with the intent, from the beginning, of making it a business like a bed and breakfast. He inquired of Dr. Watson if she could clarify this. Dr. Watson advised that she did not do that. She explained that she has two grandchildren who live in the adjoining county, and she would visit them on the weekends when she was still working at East Tennessee State University. Dr. Watson continued to explain to the Commission why and when she decided to purchase her home in Wytheville. Mr. Varney inquired of Dr. Watson when she thought of the idea of establishing a bed and breakfast business at Nuska Lodge. Dr. Watson explained that she started to have some of her friends come to visit her at her home in Wytheville. She noted that her friends kept encouraging her to turn her home into a bed and breakfast. Dr. Watson continued to explain to the Planning Commissioners how the idea of a bed and breakfast came to fruition. She reiterated that she did not relocate to Wytheville with the idea of opening a bed and breakfast. Chairman Tate inquired if there were any further questions for Dr. Watson. Mr. Varney advised that he is in a peculiar seat. He noted that he lives on Withers Road, and he has also done a lot of construction business on Withers Road. Mr. Varney commented that he is speaking as a neighbor, and he wants to make sure that things are very clear because he is wearing multiple hats. He continued to explain to the Planning Commission how his career and business, Varney Construction, began in Wytheville on Withers Road with the purchase of one of the homes that had been converted into apartments. Mr. Varney noted that he sold that property and purchased another home on Withers Road that had also been apartments, and he converted it into a home, as well. He remarked that he has a lot of money and hard work invested in the home he lives in on

Withers Road. Mr. Varney continued to explain to the Planning Commission that he has also worked for Dr. Watson at her home. He explained that in the process of doing work for Dr. Watson, not one time did she ever mention that it was her intent to turn her home into a bed and breakfast. Mr. Varney stated that when Dr. Watson expressed that she did not intend to make the home a bed and breakfast all along, he truly believes her. He noted that while working on her home, he has become close to Dr. Watson. He noted that he can honestly say that she is his friend and a good friend. Mr. Varney continued to explain to the Planning Commission the type of person that he feels Dr. Watson is as a person. He commented that with all of this being said, he would like to note that when it comes time to vote, he will not be voting as a neighbor, but, rather, as a representative of the Town of Wytheville. Chairman Tate thanked Mr. Varney for his comments. He inquired if there were any further questions or comments. There being no further questions or comments, Chairman Tate declared the public hearing closed and proceeded with the agenda.

RE: RECOMMENDATION TO TOWN COUNCIL – SPECIAL EXCEPTION PERMIT REQUEST – ALMA WATSON

Chairman Tate advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council regarding the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast and a conference and meeting center at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential District. Mr. Varney stated that as a Planning Commission member and as a neighbor of Dr. Watson, he feels like Dr. Watson's neighbors have all brought some very good and legitimate concerns before the Commission at this meeting that should, and will, be taken into consideration. He remarked that if he is correct, through emails, etc., the neighborhood expressed the following with one voting as neutral for the request, two in favor of the request and 17 in opposition of Dr. Watson's request. Mr. Varney commented that he cannot tell the other Planning Commission member how to vote, however, the Commission is here to represent the Town of Wytheville. He remarked that his personal feelings toward Dr. Watson as a person has nothing to do with how he feels about Dr. Watson's request. Mr. Varney expressed that he does not feel like there is a lot to discuss because he would have to say no to approving the special exception permit request. Mr. Jones stated that although he has just been appointed to the Planning Commission, he has served on the Planning Commission prior to this appointment for over 30 years, and he was on the Planning Commission when the R-1M Residential Zoning District was approved. He noted that with that being said, it was a long process that took a lot of time and made a lot of people have to give up rights in order to establish this zoning district. Mr. Jones commented that he likes history, and he does not think that the town should see a bed and breakfast go into an R-1M historical district. He continued to express his thoughts regarding Dr. Watson's request. He advised that he certainly would not be in favor of approving the request based on the legitimate comments and opposition made by the opposing citizens at this meeting. Ms. Pattison expressed that she would like to state that a denial from the Planning Commission at this meeting should be formulated from the concerns of the neighbors. She remarked that with that being said, there has been a lot of concern from the neighbors. Ms. Pattison commented that she understands both sides. She advised that she will have to deny voting in favor of the request. Dr. Suarez stated that he would like to revert back to a comment that a former Planning Commission member noted, and that is that there is a reason why zoning districts are, for instance, R-1 Residential, and not R-2 Residential, B-2 Business, etc. He noted that it was the intent of the zoning and the intent of the Commission for it to be that way. Dr. Suarez explained, therefore, he would also have to vote to deny the request. Vice-Chairman Litton stated that he would like to note that he had a number of people contact him over the past day with concerns regarding the request. He noted that some are here, some could not make it, etc., however, he wanted to assure Dr. Watson that he does not feel like anything was personal. He remarked that he felt like they definitely welcome her to the neighborhood and want her to stay and continue to fix the house. Vice-Chairman Litton advised that he cannot be in favor of the special exception permit request. He noted that when the neighborhood comes out against a request, he has to take that into consideration. Assistant Town Manager Moore advised Chairman Tate that he needed to have a motion on the floor relative to this action. A motion was made by Mr. Jones and seconded by Vice-Chairman Litton to deny the request of Ms. Alma Watson for a special exception permit to operate a bed and breakfast and a conference and meeting center at 580 Withers Road, which is located on the north side of Withers Road between Seventh and Ninth Streets, in an R-1M Residential District. Chairman Tate 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: M. Bradley Tate, Bradford M. Litton, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr. Against: None.

Assistant Town Manager Moore stated that he would like to remind everyone before they leave that this is only the recommendation to the Town Council. He noted that the Town Council will hold, yet, another public hearing on Monday, September 24, 2018, at 7:00 p.m., in the Council

Chambers. Assistant Town Manager Moore remarked that the Council will have the ultimate decision to approve or deny the special exception permit request.

RE: RECESS

The Planning Commission held a brief recess. (7:22 p.m.)

RE: RECONVENE

The Planning Commission reconvened. (7:30 p.m.)

RE: CITIZENS' PERIOD

Vice-Chairman Litton advised the next agenda item is Citizens' Period. He stated there were no citizens attending the meeting who stated on the sign in sheet that they wished to address the Planning Commission, therefore, he would proceed with the agenda.

RE: SMALLER LOTS/HOMES

Chairman Tate advised that the next agenda item is the continued discussion regarding regulations for smaller homes/smaller lots in town. Mr. Brian Freeman, Assistant Director of Planning and Development, stated that there is a revised map in the Planning Commissioners' packet that he would like to review with the Commissioners. He noted that at the last meeting, the Planning Commission had proposed a rather large overlay zone that was broken into five distinct areas. Mr. Freeman remarked that those areas were ranked and prioritized by Town staff based on which zones the staff thought might be more appropriate to try to overlay first. He continued to review the map with the Commissioners. Mr. Freeman commented that should the Planning Commission move forward with a public hearing for this particular zone, it would entail notifying approximately 58 property owners. He noted that this will include all of the property owners within the zone and those adjacent to it. Mr. Freeman remarked that if the Planning Commission feels that 58 notifications are too many, Town staff can redo the map and narrow it down even more, however, he feels that the area is getting as small as it can without targeting one or two properties. Dr. Suarez inquired of Mr. Freeman if he thought that was manageable. Mr. Freeman explained to the Planning Commission that they are trying to do this incrementally, and he understands that, so Town staff can narrow it down if the Commission feels that 58 notices are too many, but he wants to make sure that they understand as a Commission and Town staff, if this is done and if a larger area is intended for the overlay zone, then some pattern is going to have to continue in order to allow for it to be added on and continued. Mr. Freeman explained to the Commissioners what he suggested for the notice letter and the enclosures. Assistant Town Manager Moore explained that the Planning Commission could hold a Work Session and notify these property owners by noncertified mail, and state that a discussion will be held regarding the potential of the Overlay Zone and avoid too much controversy in a public hearing. He remarked that the Planning Commission may want to narrow this down to a slightly more manageable group because 58 letters going out to 58 people is a concern. Assistant Town Manager Moore commented that he suspects that if property owners get a letter about a change in zoning that they may have some real concerns. He noted that he would also suggest that the Planning Commission do this in a timeframe such that there are no other items on the agenda because Town staff is going to be hard pressed to get all of this information out to property owners and hold a Work Session, etc. Discussion ensued regarding the area that should be established for the Overlay Zone and the next step that the Planning Commission should pursue to ensure that property owners are not upset. Mr. Varney inquired of Mr. Freeman as to why the Overlay Zone does not continue up to Washington Street on the proposed map. Mr. Freeman explained that there is only one lot that fronts on West Washington Street that is not occupied, therefore, that is why Town staff did not continue on the map. He noted that Town staff could trace in the one lot, if the Planning Commission wishes. Chairman Tate inquired of Mr. Freeman why the block of 18th and 20th Streets was included on the map. Mr. Freeman explained that the lots in that area could potentially be subdivided, therefore, it could lead to the potential of smaller 5,000 square foot lots. A discussion continued regarding the map and the proposed Overlay Zone and the size of the homes in the areas at this time. Vice-Chairman Litton inquired if Town staff inquired of Mr. David Schmidt regarding the homes he built. Mr. Freeman remarked that even though the area where Mr. Schmidt built homes is not proposed to be added to the Overlay Zone, Town staff could invite him to a Work Session to get his input. Further discussion ensued regarding the proposed map and the boundaries. Mr. Freeman noted that Town staff could revise the map and cut off the line at 18th Street, which would cut down on the notifications without removing a lot of buildable lots. Mr. Varney stated that the overlay would not stop someone from building a larger home. Mr. Freeman stated that is correct. He continued to explain the proposed Overlay Zone regulations to the Planning Commission. Discussion continued regarding the options within the Overlay Zone and the map. Chairman Tate inquired if there was any further discussion or questions regarding the proposed Overlay Zone. Assistant Town Manager Moore explained that the Town Council has to adopt the Overlay Zone

Ordinance before it can be placed in the Zoning Ordinance. He remarked that this would be the first order of business, however, he feels like the Planning Commission could have a draft of the ordinance available at the Work Session for the property owners to review. Mr. Freeman commented that if the Work Session could be held prior to adopting the ordinance, there might be some input that would revise the ordinance that Town staff and the Planning Commission are not thinking about. Chairman Tate inquired if there is a motion to set a date and time for a Work Session regarding the Overlay Zone. A motion was made by Dr. Suarez and seconded by Vice-Chairman Litton to schedule a Work Session on Thursday, September 13, 2018, at 5:00 p.m., in the Council Chambers, to discuss the proposed ordinance for the Overlay Zone. Chairman Tate 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: M. Bradley Tate, Bradford M. Litton, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, John W. Jones, Jr. Against: None. Mr. Varney inquired when the ordinance would be on the next agenda. Assistant Town Manager Moore stated that it would possibly be on the October or November Planning Commission agenda.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:48 p.m.).

M. Bradley Tate, Chairman

Sharon G. Corvin, CMC, Town Clerk