



**AGENDA**  
**Wytheville Planning Commission**  
**Thursday, October 11, 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 work session and regular meeting of September 13, 2018
- D. **CITIZENS' PERIOD**
- E. **PUBLIC HEARING**
  - 1. 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. **RECOMMENDATION TO TOWN COUNCIL**
  - 1. 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
- G. **OTHER BUSINESS**
  - 1. Review of revised Small-Lot/Small-Home regulations
  - 2. Discussion regarding regulations for Airbnbs/Short Term Rentals
  - 3. Review of the R-1M Residential Zoning District regulations
  - 4. Discussion regarding possible revision to Buffer Yard Regulations
- H. **ADJOURNMENT**

**MINUTES OF THE WORK SESSION OF THE WYTHEVILLE PLANNING COMMISSION  
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, SEPTEMBER 13, 2018, AT 5:00 P.M.**

Members present: Chairman M. Bradley Tate, Vice-Chairman Bradford M. Litton, Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney, Kenny W. Ervin, Mayor Beth A. Taylor, Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Assistant Director of Planning and Development Brian Freeman, Town Attorney Christopher R. Menerick, Isaac Freeman, Missy Delby

Members absent: None

Others present: None

**RE: CALL TO ORDER, QUORUM**

Chairman Tate called the Work Session to order and established that a quorum was present.

**RE: CONSIDERATION OF SMALL HOMES/SMALL LOTS**

Chairman Tate noted the purpose of the Work Session is to discuss the overlay regulations for small homes/small lots in town. Assistant Town Manager Moore noted that Assistant Director of Planning and Development Brian Freeman presented the small lots/small homes overlay information to the citizens attending the meeting. He noted that the smallest lot allowed presently is 9,000 square feet and the smallest home allowed is 900 square feet. He advised that if these overlay regulations are adopted and placed in the Zoning Ordinance, the smallest lot allowed would be 5,000 square feet and the smallest home allowed will be 500 square feet. He noted the side, front and rear yard requirements under this overlay. Mr. Varney noted that he would be in favor of the Planning Commission changing the square footage of the lot to 4,500 square feet or 4,000 square feet, and he noted this reduction in square footage still leaves a nice backyard. A discussion ensued regarding the proposed change to the square footage and the cost per square foot to construct a tiny house. Assistant Director of Planning and Development Freeman advised that the regulations contain stipulations that certain exterior finishes, roofing materials, etc. must be used on the home to ensure that it is constructed of quality materials and to enhance the look of the home. He noted that the home must conform to the stipulations of the new regulations. Mr. Freeman noted that this overlay zone is proposed for the properties in the area of Jefferson Street, 10<sup>th</sup> Street, 16<sup>th</sup> Street and Railroad Avenue. Mr. Isaac Freeman advised that he desired for his property to be included in the overlay zone. Discussion was held if six additional lots on the east side of 10<sup>th</sup> Street should be included. After consideration, it was the consensus of the Planning Commission to include these six additional lots. Mr. Varney inquired if the Planning Commission would desire to provide some type of waiver for the water/sewer connection fees. He advised that if the Town is going to make the homes affordable, it may be helpful if people could obtain a waiver for the water/sewer connection fee. Discussion was held regarding this concept and if this would be a good idea for the Town to help with affordable housing. It was noted that this issue could be discussed during the regular meeting of the Commission. Chairman Tate indicated that he has read new articles about this type of density bonus. Mr. Freeman noted that the purpose of the regulations is to offer affordable homes that are attractive. Discussion then ensued regarding additional incentives that could be offered, such as a waiver of the building permit fee. Mr. Freeman pointed out that any incentives provided for this overlay would require approval by the Town Council. Discussion was held regarding the minimum square footage for the footprint of the home being 350 square feet. It was noted that the regulations need to be changed to note that porches would not be included as part of the footprint square footage. Mr. Freeman inquired of Ms. Delby, who was representing the Wytheville Redevelopment and Housing Authority, if she had any questions regarding the regulations. She noted that she did not have any questions, and she thought it was a good idea. The Commission continued to discuss the overlay regulations and the area where it will be placed. Assistant Town Manager Moore noted that this topic is also on the agenda for the regular Planning Commission meeting to be discussed. Mr. Freeman inquired if anyone has any further questions. There being none, he thanked everyone for their attendance and comments during the Work Session.

**RE: ADJOURNMENT**

There being no further business, a motion was duly made, seconded and carried to adjourn the Work Session (5:59 p.m.).

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M. Bradley Tate, Chairman

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Sharon G. Corvin, CMC, Town Clerk

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION  
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, SEPTEMBER 13, 2018, AT 6:00 P.M.**

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

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, Mayor Beth A. Taylor

**RE: CALL TO ORDER, QUORUM**

Chairman Tate presented the consent agenda consisting of the minutes of the regular meeting of August 9, 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 August 9, 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, Kenny W. Ervin, John W. Jones, Jr. Against: None. Mr. Varney inquired of Chairman Tate if he would excuse him from the meeting around 6:30 p.m. Chairman Tate stated that would be acceptable.

**RE: CITIZENS' PERIOD**

Vice-Chairman Litton advised the next agenda item is Citizens' Period. He stated that Mayor Taylor is the only citizen attending the meeting, and he inquired if she wished to address the Commission. She declined, therefore, since there were no other citizens attending the meeting who wished to address the Planning Commission, he proceeded with the agenda.

**RE: SPECIAL EXCEPTION PERMIT REQUEST – MELTON AND ASSOCIATES PROPERTIES, LLC**

Chairman Tate advised that the next agenda item is 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. He noted that it would be necessary to set a public hearing at this time to consider the request. Assistant Town Manager Moore stated that the staff report is self explanatory. He commented that one of the things that prompted this request was the request of Nuska Lodge for a bed and breakfast and the Town Attorney's research on the internet about what properties might be actual Airbnb properties. He continued to discuss the Melton and Associates Properties, LLC request with the Commission. Dr. Suarez inquired of Assistant Town Manager Moore if since the Planning Commission is going to be reviewing the Airbnb and Short Term Rental regulations, would any of this preclude what the Planning Commission would have to do with the Melton property. Assistant Town Manager Moore stated that he did not think so and that the two could be individually considered. Discussion continued regarding the Airbnb and Short Term Rental regulations. Vice-Chairman Litton stated that he has rental houses, and inquired at what point is it considered a Short Term Rental. He noted that he has rented on a 30 day, month to month lease. Town Attorney Menerick explained that it is usually defined. He stated that he has seen some Short Term Rental definitions as 30 days, and he has seen some that are defined as seven days. He continued to discuss the Short Term Rental definitions with the Planning Commission. Discussion ensued regarding bed and breakfasts, Airbnb and Short Term Rentals. Mr. Varney remarked that he feels like a lot of the problems would be solved if the people applying for special exception permits, etc. would have a firm plan before coming before the Planning Commission. He inquired of Assistant Town Manager if this is correct. Assistant Town Manager Moore stated that this is certainly true in some cases, however, the Planning Commission is setting the terms of their use so they can say how many people are allowed to stay at their location and set other stipulations. Mr. Varney remarked that in the applicant's mind, they have to be thinking about what they want to do, and then if they come with a plan, it is easier for the Planning Commission to work with them and their idea. He continued to express his thoughts regarding the Melton request. Dr. Suarez stated that in the Melton's request, it can be interpreted several different ways. He remarked that it needs more information. Assistant Town Manager Moore stated that Town staff would contact Melton and Associates and ask them to provide that information. He noted that the question is does the Planning Commission want to go ahead and set the public hearing and get the information being requested and have it to review a week before or postpone the application and place it on the agenda at the October meeting and set the public hearing for the November meeting. Mr. Varney commented that if the information is available before the next meeting, he does not see why the public hearing cannot be set at this meeting. Assistant Town Manager Moore advised that Town staff would contact the applicant for the information. He inquired if it is

the consensus to set the public hearing for the October 11, 2018, meeting. A motion was made by Dr. Suarez and seconded by Mr. Varney to set a public hearing for the October 11, 2018, Planning Commission meeting at 6:00 p.m., in the Council Chambers, 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. 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, Kenny W. Ervin, John W. Jones, Jr. Against: None. The Commissioners continued to discuss the applicant's request, and the stipulations that should be recommended by the Planning Commission. Chairman Tate noted that the 14 articles in the proposed ordinance that were discussed a few years ago should be included in the stipulations. Discussion ensued regarding the stipulations that should be included when approving such a request as an Airbnb.

#### **RE: SMALLER HOMES/SMALLER LOTS**

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 at the Work Session earlier in the evening, there was a discussion held regarding lowering the threshold to 4,000 square feet. He inquired if anyone has any concerns of dropping the threshold to 4,000 square feet. Mr. Varney inquired if this is the time to also make a recommendation about incentives for water and sewer. Mr. Freeman commented that Assistant Town Manager Moore, Town Clerk Corvin or Councilwoman Pattison can correct him if he is wrong, but, at this time, he does not think that the Town Council has reviewed the Smaller Homes/Smaller Lots Regulations. He noted that it is in the hands of the Planning Commission for now to make a decision and then make the recommendation to the Council for review. Mr. Freeman explained that if there is an incentive that Mr. Varney would like to make regarding water and sewer, he can do so at this meeting. Mr. Freeman inquired of Mr. Varney what he is suggesting be included in the regulations. Mr. Varney stated that he would like for there to be a waiver of the water and sewer connection fees to be included in the new regulations. Mr. Freeman inquired if there were any other comments regarding the regulations. Discussion ensued regarding the water and sewer connection fees, incentives that could be offered regarding the water and sewer connection fees and the Town's process that currently takes place with water and sewer connections. Assistant Town Manager Moore explained that the water and sewer fee is complicated. He noted that it is based on the entire Town system. He commented that there is a multimillion dollar Waste Water Plant and a multimillion dollar Water Plant that has to feed the entire system. Assistant Town Manager Moore remarked that in certain increments of growth, both have to be expanded to be able to accommodate it. He inquired if the Planning Commission wants to be responsible for making the entire Town pay for all of that just because somebody is building a couple of houses. He remarked that this is the philosophy in all of this. Mr. Varney stated that he agrees, but there needs to be a threshold as to when it begins. He commented that the only reason he suggested it was if there is someone who is trying to develop properties. Assistant Town Manager Moore stated that, recently, Council weighed in on the subject of multiple family water and sewer connections with a single meter because they do not have to pay an individual minimum monthly bill. He explained that what the Council did to counter that was place a \$5,000 surcharge per unit to be able to do that. Assistant Town Manager Moore noted that now the Council has reduced that back to the individuals paying a minimum bill based on the number of units. He remarked that this is probably more palatable to most developers because they do not have to pay the \$5,000 surcharge up front. He continued to explain some other options that the Planning Commission could consider in the regulations. Assistant Town Manager Moore stated that given all the discussion, he thinks it would be a good idea to postpone setting the public hearing to amend the Zoning Ordinance to include the new regulations of the Overlay Zone for Smaller Homes/Smaller Lots until November. Assistant Town Manager Moore stated that he would contact Smyth County to review what they are proposing. Chairman Tate inquired if anyone contacted any local builders to get feedback regarding the proposed regulations. Assistant Town Manager Moore stated that Town staff would do so. Discussion ensued regarding how the regulations will benefit anybody who wants to build and for the people who will be living here. Dr. Suarez inquired if a 350 square foot footprint is big enough. Discussion ensued regarding the square footage of the tiny homes. Mr. Freeman inquired if there were any further comments regarding the smaller homes/smaller lots. He inquired if the Commission would like the footprint to be 400 square feet. Dr. Suarez stated that he was only inquiring if it was big enough, but that he did not necessarily want to change the square footage. Chairman Tate inquired if there was any further discussion regarding regulations for smaller homes/smaller lots in town. There being none, he proceeded with the agenda.

### **RE: 2017-18 ANNUAL REPORT**

Chairman Tate advised that the next agenda item is the Annual Report for 2017-18. Assistant Town Manager Moore stated that he would be willing to answer any questions that the Commission has at this time regarding the report. He commented that he would note that some of the items are partially complete and hard to describe in a bulleted list whether or not the goal is being met. Ms. Pattison noted several items in the report that need to be reviewed and updated. He stated that the other thing that becomes immediately apparent is the fact that these goals and objectives are five years old and beginning to be outdated and redundant. The Planning Commission reviewed the report and discussed it. Mr. Varney excused himself from the meeting. (6:40 p.m.) Chairman Tate stated that he would like to note that the Heritage Walk looks great, and he thinks that it will be a huge positive as the next phase continues. Assistant Town Manager Moore advised that Phase III is an extension from Ridge Road to the Visitors Center on Tazewell Street. He explained the next phase to the Commissioners. A motion was made by Mr. Jones and seconded by Mr. Ervin to recommend the 2017-18 Annual Report to the Wytheville Town Council for review. 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, Kenny W. Ervin, John W. Jones, Jr. Against: None.

### **RE: REGULATIONS FOR AIRBNBS AND SHORT TERM RENTALS**

Chairman Tate advised that the next agenda item is a discussion regarding regulations for Airbnbs and Short Term Rentals. Assistant Town Manager Moore stated that Blacksburg has adopted an ordinance to regulate these properties. He noted that he thinks that prior to the General Assembly reviewing this topic, Roanoke may have adopted an ordinance, as well. Assistant Town Manager Moore explained that Blacksburg's is very similar to the ordinance the Town of Wytheville is proposing, but at the next Planning Commission meeting, the Commission will review the ordinance and discuss the regulations. Vice-Chairman Litton remarked that before he was on the Planning Commission, in 2016, an ordinance was proposed but it was never adopted. Assistant Town Manager Moore stated that is correct because the General Assembly was considering some regulations and had not acted, and the Council decided to wait until after the General Assembly met, and the General Assembly basically stated that they would leave it up to the localities to regulate. Vice-Chairman Litton commented that he would like to say that he thinks Airbnb is a great thing, but he is not sure if it needs to be in an R-1 Residential Zoning District. He continued to express his thoughts regarding Airbnbs. A discussion ensued regarding the Airbnb regulations and which zoning districts they should be located in. Town Attorney Menerick commented that what the Planning Commission can do with a bed and breakfast is to state that it is by a special exception permit and not by right. He noted that right now, a bed and breakfast is allowed by right in the B-1 Business, B-2 Business, B-2 DT Business Zoning Districts. Discussion ensued regarding acceptable boarding uses in different zoning districts. Chairman Tate stated that his only negative comment is in regard to all of special exception permit requests he thinks will come in if there are different rules for everyone. Vice-Chairman Litton agreed, and stated that maybe there needs to not be any special exception permits and everybody has the same set of rules. He noted that if not, there could be an application every other month. A discussion ensued regarding how many applications there had been recently and in the past and how many there would be if the Town had not started contacting property owners to let them know that it is not a permitted use. Dr. Suarez inquired about the verbiage in the regulations. Assistant Town Manager Moore noted that Town staff would make the change in the proposed regulations. Chairman Tate inquired if there was any further discussion regarding the Airbnbs and Short Term Rentals. There being none, he proceeded with the agenda.

### **RE: DISCUSSION OF DOG PARK SITES**

Chairman Tate advised that the next agenda item is a discussion of dog park sites. Assistant Town Manager Moore stated that Town staff looked at the site that the Planning Commission was considering at Ager Park in midsummer, and, at the time, staff did not feel like it was going to be feasible to get handicap accessible entrance from the present parking area. He noted that it could be done, but it would be very expensive. Assistant Town Manager Moore noted that it is a good site, if the parking can be figured out. He noted that Town staff has reviewed a number of other sites including the old quarry area, but it is very small. Assistant Town Manager Moore stated that if the Commissioners are still interested in a dog park, Town staff would put the effort into the design work and see if they can get Council interested in constructing a dog park at Ager Park. He explained that there are a lot of projects at this time, and this would be another \$50,000 to \$60,000 project, at a minimum. Discussion ensued regarding continuing to pursue Ager Park as a dog park. The Planning Commissioners discussed different parking ideas and how to be cost efficient. Assistant Town Manager Moore stated that Town staff will revise the proposed dog park at the Ager Park site and be ready to review it at the next meeting.

**RE: COMPREHENSIVE PLAN**

Assistant Town Manager Moore stated that he would like to discuss a few of the thoughts Town staff has relative to updating the Goals and Objectives in the Comprehensive Plan. He noted that one of the objectives that the Town needs to push for that is a long term objective is getting interstate access to the town improved. He noted that development should also be promoted in that area, as well. Assistant Town Manager Moore stated that the other objective is the western access to the interstate and there is only one to get on and off the interstate. He continued to discuss the objectives he feels that need to be included in the Goals and Objectives in the Comprehensive Plan. He remarked that the Planning Commission should also review the Future Land Use Map in the next few months, as well. Dr. Suarez inquired as to how often the Comprehensive Plan is updated. Assistant Town Manager Moore stated that it is reviewed every five years. Town Clerk Corvin noted that the Goals and Objectives were reviewed one time last year.

**RE: ADJOURNMENT**

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:05 p.m.).

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M. Bradley Tate, Chairman

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Sharon G. Corvin, CMC, Town Clerk