



AGENDA
Wytheville Planning Commission
Work Session
Thursday, November 8, 2018
5:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

A. WORK SESSION

1. Discussion with invited contractors regarding the proposed Small-Lot/Small-Home Overlay Zone to permit smaller dwellings on smaller lots in town



AGENDA
Wytheville Planning Commission
Thursday, November 8, 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 October 11, 2018
- D. **CITIZENS' PERIOD**
- E. **OTHER BUSINESS**
 - 1. Continued review of Small-Lot/Small-Home regulations
 - 2. Continued discussion regarding regulations for Airbnbs/Short Term Rentals
 - 3. Continued review of the R-1M Residential Zoning District regulations
 - 4. Dispensing with December 2018 meeting due to the Christmas holidays
- F. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, OCTOBER 11, 2018, AT 6:00 P.M.**

Members present: M. Bradley Tate, Bradford M. Litton, Kenny W. Ervin, John W. Jones, Jr.

Members absent: Cathy D. Pattison, Terrance E. Suarez, Kevin L. Varney

Others present: Assistant Town Manager Stephen A. Moore, Deputy Clerk Brandi N. Jones, Assistant Director of Planning and Development Brian Freeman, Mayor Beth A. Taylor, Councilman Joseph E. Hand, Jr., Councilman Mark J. Bloomfield, Kristin Bell, Faye Sutherland

RE: CALL TO ORDER, QUORUM

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

RE: CONSENT AGENDA

Chairman Tate presented the consent agenda consisting of the minutes of the work session and the regular meeting of September 13, 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 consent agenda, as presented. Vice-Chairman Litton stated that he would like to note a correction to the regular meeting minutes. He remarked that under Citizens' Period, in the first sentence, it should read "Chairman Tate advised" instead of "Vice-Chairman Litton advised." Deputy Clerk Jones noted the correction. Chairman Tate inquired if there were any other corrections or additions. A motion was made by Mr. Jones and seconded by Mr. Ervin to approve the minutes of the work session of September 13, 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, Kenny W. Ervin, John W. Jones, Jr. Against: None.

Chairman Tate inquired if there is a motion to approve the regular meeting minutes, as amended. A motion was made by Mr. Jones and seconded by Mr. Ervin to approve the minutes of the regular meeting of September 13, 2018, as amended. 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, Kenny W. Ervin, John W. Jones, Jr. Against: None.

RE: CITIZENS' PERIOD

Chairman Tate advised the next agenda item is Citizens' Period. He noted that there are several citizens attending the meeting. Chairman Tate inquired if any of the citizens attending the meeting wished to address the Commission regarding another topic other than the Melton special exception permit request. There being none, he proceeded with the agenda.

RE: PUBLIC HEARING - SPECIAL EXCEPTION PERMIT REQUEST - MELTON AND ASSOCIATES PROPERTIES, LLC

Chairman Tate advised that the meeting constituted a public hearing (due notice having been given) 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. He inquired if Assistant Town Manager Moore would like to review the Melton request with the Planning Commission and the citizens. Assistant Town Manager Moore stated that he would highlight the information provided to the Commission members in the staff report. He explained that in the Town's present ordinance, a Bed & Breakfast is defined as that of owner occupancy. Assistant Town Manager Moore noted that it is clear in the Melton application that the residence is not owner occupied. He commented that there is some concern that a special exception permit has to be allowed somewhere in the Zoning Ordinance. He remarked that there is some concern in regard to the request being a slight deviation from the definition in the Zoning Ordinance. Assistant Town Manager Moore explained that the proposed Homestay Ordinance would be considered later in the meeting, and the Melton request may want to be addressed during this agenda item. He stated that there is concern about parking, as well. Assistant Town Manager Moore noted that the photos of the driveway that Melton and Associates Properties, LLC provided the Planning Commission is not clear as to whether or not six vehicles can be parked in the driveway and not have some conflicts. He remarked that the applicant is proposing to have up to eight occupants in the house at one time, and if there is one vehicle per occupant, this would mean there would be eight vehicles in the driveway. Assistant Town Manager Moore noted that he would suggest allowing four to five vehicles only in the driveway, however, that would still lead to a problem. He stated that there have been at least two

comments in regard to the special exception permit request. Assistant Town Manager Moore remarked that one comment was from a person who lives a block away who did not seem to have a concern, and the other was a letter from an abutting property owner, which the Commissioners have at their seats, expressing a real concern about the proposed Airbnb property. He commented that the Commissioners have correspondence at their seat from Ms. Amanda Melton who stated that she could not attend the meeting due to the flooding. Mr. Ervin inquired if there was anyone representing the Meltons at the public hearing at this meeting. Assistant Town Manager Moore stated that, to his knowledge, there is no one at the meeting representing Melton and Associates Properties, LLC. Chairman Tate remarked that in his opinion, if there are questions that arise that need to be directed to the Meltons, he does not feel like he would be compelled to vote to make a recommendation to the Town Council regarding the special exception permit request without a representative being present to answer the questions. He commented that he does not feel like it is the Meltons' fault that flooding is occurring. Chairman Tate inquired of Assistant Town Manager Moore how he feels about the Meltons not attending the meeting to answer questions that anyone may have regarding their request. Assistant Town Manager Moore explained to the Commissioners that it is their decision, and the Commission may postpone the recommendation to the Council if they feel it is necessary to have the Meltons answer certain questions.

Ms. Kristin Bell was recognized and stated that she lives at 380 West Spiller Street in Wytheville. She noted that her home is located two houses down from the proposed Airbnb site. Ms. Bell commented that a couple of her concerns include the differences between the definition of what a bed and breakfast is versus what this proposed Airbnb would be. She remarked that if the proposed site was a true bed and breakfast and had someone living there to take care of the property, then she would feel a lot better about this request. Ms. Bell explained that it does concern her that there is not someone living onsite and regulating who is staying at the property and what is going on at the house. She commented that her other concern is in regard to the parking. Ms. Bell stated that where her house is located, she can enter her personal driveway from West Spiller Street and from the alley off of Sixth Street, and there is no way that the Meltons' driveway could possibly park eight or more vehicles. She commented that four or five vehicles may be able to be parked in the driveway, but they will be very cramped, and once parked, the cars parked to the front will not be able to get out of the driveway. Ms. Bell continued to express her thoughts opposing the Melton and Associates Properties, LLC special exception permit request for an Airbnb. She thanked the Planning Commission for allowing her to speak. Chairman Tate inquired of Ms. Bell if she has noticed any vehicles coming and going from the property. Ms. Bell explained that, personally, she has not noticed vehicles coming and going, however, her husband has remarked that it seemed to him like there had been a lot of vehicles coming and going from the property. She stated that she feels like the property owners are already using the property as an Airbnb. Assistant Town Manager Moore noted that he would like to clarify this for Ms. Bell. He explained that there have been people renting the property, and the property has been listed and rented as an Airbnb for several months. Assistant Town Manager Moore commented that the way the Town discovered the operation was when the last special exception permit request was made for a bed and breakfast, the Town Attorney went on the Airbnb website and found that the Melton property was listed. He explained that the Meltons were contacted and informed that they needed to comply with the Town of Wytheville Zoning Ordinance and apply for a special exception permit to operate an Airbnb. Assistant Town Manager Moore noted that the Town Attorney did tell the Meltons that they could proceed with rentals that had been booked, however, afterwards, they were to cease and desist. He commented that he is unsure if the Meltons have complied with what has been asked of them. Chairman Tate thanked Assistant Town Manager Moore for verifying this. He thanked Ms. Bell for her comments.

Ms. Faye Sutherland was recognized and stated that she owns a rental property located at 390 West Spiller Street. She noted that she has some written comments that were forwarded to the Planning Commission because she was unsure if she would be able to attend the meeting this evening, and she was unsure if the Commissioners had seen the comments. The Planning Commission members acknowledged that they received Ms. Sutherland's comments. Ms. Sutherland explained that her written comments is a summary of how she feels in regard to the proposed special exception permit request. She commented that the current Zoning Ordinance does not permit this use, however, the Meltons have been operating the Airbnb for quite awhile. She remarked that this past weekend, there was a vehicle from Georgia, Tennessee, etc., and there were Virginia Tech football fans in the yard. Ms. Sutherland commented that she is assuming that the Meltons had rented the house to a group of people who were attending the Virginia Tech football game. She noted that her biggest concern is the fact that there is not a supervisor onsite checking people in because when she looked at the Airbnb website, the Meltons have a keypad for guests to check in. Ms. Sutherland remarked that there is no one at the home to know how many people show up, who stays at the house or, if a neighbor has a problem, who are they supposed to contact. She stated that her neighbor explained to her that if there is a problem, on the Airbnb website, it states that the person is to contact the host, and the host's number is listed on the website. Ms. Sutherland continued to express her concerns in

regard to the Melton special exception permit request for an Airbnb. She thanked the Planning Commission for allowing her to speak. Chairman Tate thanked Ms. Sutherland for her comments.

Discussion ensued regarding the property remaining on the Airbnb website even after the Town Attorney sent a letter to Melton and Associates Properties, LLC that they would need to cease and desist following their last booking until they were approved a special exception permit to operate a bed and breakfast because they were in violation of the Zoning Ordinance. Vice-Chairman Litton inquired if the Melton Airbnb is an active listing at this time. Assistant Town Manager Moore stated that is correct. He explained that the Town Attorney asked Melton and Associates Properties, LLC to remove the property located at 400 West Spiller Street from the Airbnb website, however, Town Attorney Menerick commented to him earlier today that the house still remains on the Airbnb website as of today. Mr. Ervin stated that even if a representative from Melton and Associates Properties, LLC was at this meeting, there is nothing that they can do about the parking situation, and they do not plan to occupy the home as a caretaker, therefore, there are two issues of the neighbors for which there is no answer. Mr. Jones commented that he has been by the home, and, by his estimation, the driveway would allow for six regular size cars. He noted that he thinks that the Commission should postpone until the Meltons are available to answer any questions that have been discussed. Mr. Jones commented that he is not so sure that since the Planning Commission is going to be proposing a Homestay or Airbnb Ordinance in the future that the Commissioners should proceed to either approve or deny this request. Vice-Chairman Litton stated that he tends to agree with Mr. Jones and take action on the special exception permit request at this meeting, and they could apply for the Homestay or Airbnb once it is in place in the future because they may fit that criteria more. Discussion continued regarding the Melton and Associates Properties, LLC request for a special exception permit for an Airbnb. Assistant Town Manager Moore explained to the Planning Commission members that he and Town Attorney Menerick discussed this request earlier in the day, and the Planning Commission could vote to recommend to the Town Council to deny the special exception permit request for an Airbnb and this would leave the door open for the Meltons to reapply within the one year waiting period, which is the length of time required for an applicant to wait to reapply for essentially the same special exception permit but meet the proposed Homestay regulations. He noted that his concern is that Town staff has requested the Meltons to cease and desist and remove the property from the Airbnb website, and they have continued to ignore the Town's instructions and have not complied with the Town Attorney's request. Assistant Town Manager Moore commented that maybe Melton and Associates Properties, LLC needs to have more respect for the Town's Zoning Ordinance, or maybe they simply forgot, but it seems that there was an attempt to not comply with the Town's instructions.

Mr. Joseph Hand, Jr. was recognized and stated that he had not planned to address the Planning Commission, however, there are a few things that he would like to share with the Commissioners. He remarked that his first question for the Commission is what makes this request a true special exception. Councilman Hand inquired of the Commission what is special about this request, and what allows any person to put a business in a Residential Zoning District. He commented that this is what this is about for him. Councilman Hand explained that it is not the same to own a rental house where there is a tenant versus a bed and breakfast where there are people constantly in and out of the house. He reiterated that it is not the same. Councilman Hand inquired of the Planning Commission as to why they would consider putting a business in a Residential Zoning District. He noted that even if the Meltons were attending the meeting, what could they show that would convince him that a business should be placed in a residential district. Councilman Hand stated that he is only asking that the Planning Commission please ask themselves why they are allowing this and what are the true special circumstances. Chairman Tate thanked Councilman Hand for his comments.

Chairman Tate advised that he agrees with Mr. Jones' and Vice-Chairman Litton's comments and that he would like to have the Homestay/Short Term Rental Regulations approved and in place in the Zoning Ordinance before moving forward with the Melton and Associates Properties, LLC special exception permit request, however, it sounds like from the comments of Assistant Town Manager Moore that the Planning Commission needs to make a decision to the Town Council regardless to deny or approve the request. He noted that he was hoping to table action on the request, but it sounds like the Planning Commission would be allowed to go back and allow Melton and Associates Properties, LLC to apply again within one year. Assistant Town Manager Moore advised that he is not suggesting that the Planning Commission could not postpone the recommendation to the Council, he is only stating that postponing the recommendation would be an option that is available. Chairman Tate stated that he views it as the Town contacted Melton and Associates Properties, LLC, without having their facts straight, for them to apply for the special exception permit. He noted that for him, he would like for the Homestay/Short Term Rental Regulations to be approved and placed in the Zoning Ordinance, before contacting the Meltons, however, maybe Town staff felt obligated to do so since they knew that Melton and Associates Properties, LLC was operating illegally as an Airbnb. Chairman Tate remarked that he feels that the Planning Commission could have made the

recommendation to the Council regarding the Homestay/Short Term Rental Ordinance, and then the Planning Commission could have made a wiser decision regarding this special exception permit request. He commented that he was hoping to postpone the recommendation to Town Council regarding the special exception permit for the operation of an Airbnb and allow Melton and Associates Properties, LLC to keep operating until the Homestay/Short Term Rental Ordinance is adopted. Assistant Town Manager Moore advised the Planning Commission that allowing Melton and Associates Properties, LLC to continue to operate the Airbnb is not an option. Mr. Ervin inquired of Assistant Town Manager Moore if the Planning Commission recommends to the Council that the special exception permit request be denied, then would Melton and Associates Properties, LLC still have the opportunity to attend the Town Council public hearing to answer questions. Assistant Town Manager Moore stated that is correct. Mr. Jones noted that the Meltons would still be allowed to rent the home as a residential rental property to make a profit, they just would not be allowed to rent it as an Airbnb or bed and breakfast use, at this time. Vice-Chairman Litton inquired of Assistant Town Manager Moore if Mr. Bob Melton approaches Town staff or a Planning Commission member and asks that someone prove to him that he is not allowed to rent the home as an Airbnb, is the proof in the Zoning Ordinance. Assistant Town Manager Moore stated that is correct. He noted that it is not a permitted use in an R-2 Residential Zoning District. Vice-Chairman Litton inquired of Assistant Town Manager Moore at what point is a rental home no longer an Airbnb. Assistant Town Manager Moore explained that it is a rental house when there is a permanent tenant living in the home, which is a permitted use, but a short term rental is not a permitted use. Vice-Chairman Litton inquired of Assistant Town Manager Moore what the Town determines to be short term. Assistant Town Manager Moore explained that short term would be considered overnight, days, a week, etc. Vice-Chairman Litton stated this is the point he is trying to make is that he wanted to know if the Zoning Ordinance defines short term. Assistant Town Manager Moore commented that the timeframe is listed in the bed and breakfast definition in the Zoning Ordinance, which is the only definition that even resembles what Melton and Associates Properties, LLC proposes to operate. He remarked that Town staff stated to the Meltons that if they would like to operate an Airbnb, they could apply for a special exception permit to operate an Airbnb, however, they would be required to comply with the bed and breakfast provision in the Zoning Ordinance.

Mr. Mark Bloomfield was recognized and stated that he did not want to complicate the issue, however, when he viewed the Airbnb website, the house located at 400 West Spiller Street appears to be in operation by someone other than Melton and Associates Properties, LLC. He remarked that the person listed on the Airbnb site for the property has an Elk Creek, Virginia, address. Mr. Bloomfield commented that maybe the Meltons are renting the property to someone who is operating the Airbnb. He stated that another big question is who is operating the Airbnb. Assistant Town Manager Moore explained that the name of the applicant on the special exception permit application is Melton and Associates Properties, LLC, which includes Mr. Bob Melton's daughter, Ms. Amanda Melton, who is listed as the Property Manager. Chairman Tate clarified that the person who is listed on the Airbnb website is Mr. Melton's other daughter, Ms. Leysa Cox, who was also supposed to attend the meeting this evening with Ms. Amanda Melton to answer any questions that the Planning Commission or citizens may have had. Discussion continued regarding the Melton and Associates Properties, LLC request for a special exception permit to operate an Airbnb with the provision that it comply with the bed and breakfast definition in the Zoning Ordinance. Chairman Tate 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 – MELTON AND ASSOCIATES PROPERTIES, LLC

Chairman Tate advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council regarding the request of Melton and Associates Properties, LLC for a special exception permit to operate an Airbnb at 400 West Spring Street, which is located on the northwest side of Spiller Street between Sixth and Eighth Streets, in an R-2 Residential Zoning District. A motion was made by Mr. Jones and seconded by Mr. Ervin to deny the request of Melton and Associates Properties, LLC for a special exception permit to operate an Airbnb at 400 West Spring 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, Kenny W. Ervin, John W. Jones, Jr. Against: None.

RE: SMALL-LOT/SMALL-HOME REGULATIONS

Chairman Tate advised that the next agenda item is the review of the revised Small-Lot/Small-Home regulations. Assistant Town Manager Moore noted the only change that the Planning Commission members will see in the revised regulation proposal is the permitted size to be a

minimum of 4,000 square feet. He explained that this request was made at the last Planning Commission meeting. Assistant Town Manager Moore commented that one caveat that Town staff has thought of that they may want to consider is that under Item Number Five (5) in Section 16-19.3 MINIMUM REQUIREMENTS FOR SMALL-LOT/SMALL-HOME OVERLAY DEVELOPMENT under the Side Yard Setback, it would include a provision that if the lot is adjacent to an area that is not in the Overlay District, the setback for that building on that lot needs to be equivalent to the setback in the adjoining district. He stated that, in other words, if the Overlay District ends in an adjacent area and there is an R-2 Residential Zoning District and the setback for that district is 12 feet, then the developer must set back the first lot adjacent to that district also 12 feet in the new Overlay District. Assistant Town Manager Moore explained that the reason for this is to protect the neighborhood from having a house closer to the street than everybody else in the neighborhood. He commented that this is merely a suggestion, but the Planning Commission may choose otherwise. Assistant Town Manager Moore stated that there is a map of the proposed Overlay District included in the Planning Commission packet for review. He noted that Mr. Brian Freeman, Assistant Director of Planning and Development, is available to answer any questions that the Commissioners may have regarding the proposed district. Assistant Town Manager Moore remarked that he would like to note one comment that was made by Mr. Isaac Freeman, which was that he thought that Marion, Virginia, had adopted a Small Lot Ordinance. He explained that Marion, Virginia, merely allowed their R-2 Residential Zoning District to have 7,500 square feet with a 75 foot frontage and reduce it from what they did before, therefore, they really have not created a small lot situation. Mr. Freeman stated that in the September minutes, Mr. Varney or Dr. Suarez inquired if Town staff could explicitly exclude porches from the minimum floor area requirement such that they have to meet the minimum 350 square feet without including their porch. He remarked that the proposed regulations do not reflect this request, therefore, the revision will be made to the proposed regulations before the public hearing is set. Vice-Chairman Litton stated that he had an inquiry for Mr. Freeman. He noted that he assumed the intent of the regulations are for stick-built houses. Mr. Freeman stated that is correct. Vice-Chairman Litton inquired if manufactured homes would be permitted, as well. He remarked that he is asking if manufactured homes need to be added or not, but he could see some of the manufactured housing companies being interested in these small homes. Mr. Freeman stated that he would refer to Assistant Town Manager Moore in regard to Vice-Chairman Litton's inquiries. Assistant Town Manager Moore stated that the present underlying zone has a prohibition for manufactured housing, therefore, if it were a modular house, it would be a permitted use. He commented that it could be trailered in and lifted with a lift onto a permanent foundation, but it would be the same construction as a stick-built house. Discussion ensued regarding manufactured homes in the Town of Wytheville.

Mr. Joseph Hand, Jr. was recognized and stated that the land that the proposal of the Overlay Zoning District is meant for is already zoned M-1 Industrial, which already allows the permitted use of a singlewide trailer. He noted that singlewide trailers are only permitted uses in Industrial Zoning Districts and not in R-1 Residential, R-2 Residential or R-3 Residential Zoning Districts. Assistant Town Manager Moore commented that Councilman Hand made a good point. He remarked that Town staff would suggest adding that only regular construction or modular construction is permitted in the proposed Overlay Zoning District. He noted that it should not include on-frame modular or anything similar. Vice-Chairman Litton agreed with Assistant Town Manager Moore and he noted that in the proposed regulations, he thinks that it depends on how the wording is in regard to foundations. He commented that the proposed regulations state the following "All foundations must be enclosed with masonry walls." Assistant Town Manager Moore stated that the proposed regulations state "an enclosed masonry foundation." He inquired if the Planning Commission wished to add a paragraph under foundations to clarify the definition. Vice-Chairman Litton commented that it may need to be added because the current definition creates a gray area in those industrial areas that Councilman Hand was just discussing. Assistant Town Manager Moore stated that if it is an R-2 Residential or R-3 Residential Zoning District, it will be addressed in the proposed Overlay regulations, but it will not be addressed in the M-1 Industrial Zoning District. Chairman Tate inquired if the Planning Commission wished to set the public hearing to consider the Small-Lot/Small-Home Regulations or would the Planning Commission like to table this item until the next meeting. Mr. Jones inquired of Chairman Tate if the changes would be made to the proposed regulations before the next meeting. He inquired of Assistant Town Manager Moore when he is discussing the proposed regulations and adding wording about the foundation requirements, if Mr. Moore is talking about mobile homes when he comments about manufactured homes. Assistant Town Manager Moore stated that is correct. Mr. Jones inquired of Assistant Town Manager Moore if a cinderblock foundation of a home that is currently located in the proposed area would qualify as a permanent foundation. Assistant Town Manager Moore stated that it would qualify as a permanent foundation, and that the M-1 Industrial Zoning District addresses this and states that if a manufactured home is going to be used in this district, a permanent foundation is required under the home, which is what is under the home that is located in the M-1 Industrial Zoning District. He remarked that what Town staff is trying to explain is that in this particular Overlay District, it will be restricted to modular homes or regular stick built construction homes. He stated that a paragraph would be added under foundations, if the Planning Commission desires.

Discussion ensued regarding the type, color, etc. of foundation that should be included in the paragraph under foundations. Chairman Tate noted that he would like to have more review from several builders in the community. He inquired of Assistant Town Manager Moore if Town staff had reviewed the proposed regulations with any builders. Assistant Town Manager Moore stated that Town staff has not, however, they can certainly do so before the next meeting. Mr. Jones remarked that he thought it would be a good idea if Town staff reviewed the regulations with other builders. He inquired of Assistant Town Manager Moore if there is a requirement in the Overlay District for a basement. Assistant Town Manager Moore advised that there is not. He remarked that there is only the requirement that a house have a crawlspace.

Councilman Hand stated that he would like for the Planning Commission to keep in mind that in R-1 Residential, R-2 Residential and R-3 Residential Zoning Districts, the Town does not even require that block to be covered. He noted that block may be exposed in all three of those residential districts, so why would the Planning Commission make the Small Lot/Small Home Regulations so strict and so hard when it is supposed to be affordable housing and easier. He commented that he thinks that it is getting stricter and stricter, and those restrictions are not even required in the three residential districts. Councilman Hand reiterated that he would like to remind the Planning Commission that the intent of the Small Lot/Small Home Regulations is affordable housing and making it easier for folks to have housing. Chairman Tate stated that the Planning Commission did discuss this in the Work Session at the meeting last month, and the Commission concluded that the cost of a small house on a small lot would be approximately \$130-\$140 per square foot, rather than \$100 per square foot due to a lot of the requirements of the Planning Commission. He noted that, overall, it will still be cost effective due to the size of the dwelling. Discussion continued regarding the intent of the appearance requirements for the Small-Lot/Small-Homes, which is a nicer home that is smaller so that it still has a nice appearance, and that the cost of the small house has increased per square foot due to the decreasing of the underlying zone, decreasing approximately 45 percent of the home size, etc. Vice-Chairman Litton commented that he agrees with Councilman Hand, however, at the last Planning Commission meeting Mr. Varney made some really great points in regard to some of the regulations that are being added in the regulations and are not a lot of money. He remarked that he realizes that every cent adds up, and he cannot quote the figures that Mr. Varney quoted at the last meeting, but he noted the cost of shingles, siding, etc. that really made a big difference for minimal amount of money. Vice-Chairman Litton continued to discuss his thoughts regarding the small houses with the Planning Commission. He remarked that at the last meeting, he had even discussed the Town helping with water and sewer connections. Vice-Chairman Litton noted that on a \$400,000 home, a \$3,200 connection fee is not so expensive, however, on an 800-900 square foot house, the price for a connection fee is a lot of money. He remarked that it would be an incentive for people to build the small homes, if they received help with their water and sewer connection fee. Vice-Chairman Litton stated that there would at least be tax revenue coming in on the vacant lots, but he is not sure how the Town Council would feel about that or if it is even an option. Councilman Hand remarked that he would like to comment on this. He noted that \$140 per square foot is not affordable housing. He commented that he has been in the real estate business for 20 years, and \$140 per square foot is going against why the Planning Commission started the Small-Lot/Small-Home regulations to begin with, which was to create affordable housing opportunities. He explained that a very nice home can be built for \$95 to \$110 per square foot. He noted that if an individual is building a small home on a small lot, and the Town Council could offer a break on a water and sewer connection, then he might be in favor of this, but not for a contractor or developer who is building a home to sell. Councilman Hand continued to express his thoughts regarding the restrictions that the Planning Commission is placing on the Small-Lot/Small-Home Overlay District. Chairman Tate stated that he does feel that there will be more cost for a smaller house due to the foundation, grading, etc. He noted that he thinks Mr. Varney will tell Councilman Hand this because of having to get the house placed on such a small lot. Councilman Hand commented that all he is asking is that the Planning Commission not be too strict regarding the exterior, foundation, etc. because of it being located in an industrial zoning district. He noted that the industrial district is the least restrictive zoning district that the Town has so please be careful or the intent of the small houses will not work. Vice-Chairman Litton inquired of Mr. Freeman if the overlay was only going to be in the industrial district or if it will be included in other zoning districts. Mr. Freeman advised that the overlay would cover anything that governs single family residential dwellings by the R-3 Residential Zoning District standards, therefore, the R-3 Residential Zoning District is included along with M-1 Industrial, M-2 Industrial, B-1 Business, B-2 Business, B-2 DT Downtown Business and A-1 Agricultural Zoning Districts. Councilman Hand inquired of Mr. Freeman if the Small-Home/Small-Lot regulations are not just for the Overlay Zoning District. Mr. Freeman advised that is correct, but the only place the Overlay can be placed is where there are existing zones that are governed by the R-3 Residential standards. Discussion continued regarding the restrictions in the overlay. Councilman Hand stated that when the Small-Home/Small-Lot idea was originally discussed, it was designed for a single lot and not for a big lot where someone is going to develop multiple homes. He remarked that the conversation started regarding individual lots that are located in town that are too small to build on and this would make it possible and affordable to build on those lots. He noted that it was not intended

for a larger group of homes to be built at one time. Commission members continued to discuss the cost of the small homes, etc. Assistant Town Manager Moore inquired of the Commission members if they felt it would be a good idea to hold a Work Session before the next meeting and invite some local builders to get their input in regard to the topic of the small homes. Discussion ensued regarding the contractors that would be invited to the Work Session, who would invite them to the Work Session, etc. It was the consensus of the Wytheville Planning Commission to schedule a Work Session on Thursday, November 8, 2018, at 5:00 p.m., in the Council Chambers, to continue to discuss the Small-Lot/Small-Home regulations and for Town staff to compose a letter inviting three to four local contractors to attend the Work Session to gain their input regarding the Small-Lot/Small-Home regulations. Chairman Tate inquired if there was any further discussion. There being none, he proceeded with the agenda.

RE: REGULATIONS FOR AIRBNBS AND SHORT TERM RENTALS

Chairman Tate advised that the next agenda item is a discussion regarding regulations for Airbnbs/Short Term Rentals. Assistant Town Manager Moore stated that the Planning Commission has a staff report regarding Airbnbs and Short Term Rentals, which includes a copy of the Blacksburg, Virginia, ordinance and a copy of the Town's previous ordinance. He remarked that there are several talking points that need to be clarified in the staff report. Assistant Town Manager Moore explained that it is very clear from past public hearings relative to bed and breakfasts that R-1 Residential, R-1M Residential, R-2 Residential and R-3 Residential Zoning Districts are probably not candidates for homestays, and, more than likely, the R-1A Residential District, also. He commented that before an ordinance is finalized, the Planning Commission needs to discuss and review these carefully. Assistant Town Manager Moore noted that he feels the issue of the owner-occupancy is a very big issue because if an owner is not present at the property, this is a short term rental and anything that could possibly happen could occur with nobody there to control the issues. He continued to review the staff report and his suggestions with the Planning Commission regarding the proposed Homestay Ordinance. Assistant Town Manager Moore explained the application process to the Commission members. He continued to discuss the Blacksburg Ordinance with the Commission, and he noted that they have Type A and Type B Rentals. Assistant Town Manager Moore stated that the Planning Commission members have the Blacksburg regulations in their packets for review. He continued to comment on the Blacksburg Homestay Rules and Regulations with the Commissioners. Assistant Town Manager Moore inquired if the Planning Commissioners had any questions, concerns or comments that they may have relevant to the proposed Homestay Ordinance. Chairman Tate stated that he would like to discuss how the homestay regulations are going in Blacksburg with the Town of Blacksburg. Assistant Town Manager Moore remarked that Town staff has discussed this with the Town of Blacksburg, but not recently, and Town staff has discussed this with the City of Roanoke, as well. He noted that the Homestay Ordinance was recently adopted in the City of Roanoke in 2018, and only their draft was available on the Municode website, however, it is similar to Blacksburg's ordinance. Chairman Tate inquired if there were any further questions or comments regarding the Homestay Ordinance. Mr. Jones noted that he feels like one of the stipulations should be that the host of the property should be required to be present at the property throughout the guests' stay, whether it is a homestay or Airbnb. Discussion ensued regarding the difference between a homestay, Airbnb and a bed and breakfast. Vice-Chairman Litton inquired of Assistant Town Manager Moore if there have been any problems in the past with the Airbnbs who have been operating illegally in the town. Assistant Town Manager Moore stated that, to his knowledge, there have only been approximately three Airbnbs operating in town. He noted that Ms. Susan Harwood, who attended a Planning Commission meeting several years ago in opposition of the proposed Homestay Ordinance, was operating an Airbnb, however, she is no longer operating it. He remarked that Mr. Richard Formato, who had a listing on the Airbnb website, has removed the listing from the website following the public hearing for Ms. Alma Watson's request for a special exception permit for the operation of a bed and breakfast on Withers Road. Assistant Town Manager Moore commented that the third Airbnb he is aware of in town is owned by Melton and Associates Properties, LLC, which is currently under review. He noted that those are the only three Airbnbs that he is aware of that have been, or are currently, operating in the Town of Wytheville. Assistant Town Manager Moore inquired of the Planning Commission how they would like Town staff to proceed. It was the consensus of the Wytheville Planning Commission for Town staff to revise the draft Homestay Ordinance, for the Commission to review at the November Planning Commission meeting.

RE: R-1M RESIDENTIAL ZONING DISTRICT REGULATIONS

Chairman Tate advised that the next agenda item is a review of the R-1M Residential Zoning District regulations. Assistant Town Manager Moore explained that Town staff reviewed the regulations following the recent special exception permit request for a bed and breakfast on Withers Road. He noted that the only provision that he feels like people were not sure about was the provision allowing a couple to live in the home, basically, as boarders. Assistant Town Manager Moore continued to explain this provision to the Planning Commission. He noted that,

currently, there are properties with two living units such as an apartment above a garage, a cottage in back, etc. Assistant Town Manager Moore stated that revisions could be made to the R-1M Residential District regulations by removing “boarders” out of the paragraph, and maybe make provisions for a tenant occupancy in the paragraph, if the Commission desires. He noted that this would still allow people to have a property for rent on their property but not have a boarder in the household. Assistant Town Manager Moore explained that the only reason this is being addressed is because it was a concern during the Watson public hearing. He noted that Town staff would like to get the Planning Commissioners’ thoughts relative to this. Mr. Jones inquired of Assistant Town Manager Moore if a person who is providing care for an individual in the person’s home is permitted to live in the home according the current regulations. Assistant Town Manager Moore stated that the Zoning Ordinance permits a person who is a nonfamily member to live in the household. He remarked that he would assume that in this case a caretaker is probably getting paid to live in the home to take care of a person versus them paying the homeowner to live in the home. Discussion ensued regarding the proposed revisions for the R-1M Residential Zoning District regulations. Chairman Tate inquired if there were any further comments. It was the consensus of the Wytheville Planning Commission for Town staff to revise the R-1M Residential Zoning District regulations and remove any paragraph pertaining to a “roomer or boarder” and prepare a draft for the Commission to review at the November meeting. Mr. Jones commented that the Planning Commission would be required to hold a public hearing. Assistant Town Manager Moore stated that is correct, and Town staff would prepare the draft for the next meeting.

RE: BUFFER YARD REGULATIONS

Chairman Tate advised that the next agenda item is a discussion regarding a possible revision to Buffer Yard Regulations. Assistant Town Manager Moore reviewed the regulations with the Planning Commission. He remarked that Vice-Chairman Litton should review the list provided by the Tree Advisory Committee because he is familiar with the tree species being proposed and the reason for the proposal. Vice-Chairman Litton commented that the general idea of moving away from Cypress trees is definitely a step in the right direction. Discussion ensued regarding the Tree Advisory Committee’s recommendation. Assistant Town Manager Moore stated that if the Planning Commission so desired, Town staff would present a draft ordinance at the next meeting. It was the consensus of the Planning Commission for Town staff to revise the Buffer Yard Regulations for the next meeting.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:19 p.m.).

M. Bradley Tate, Chairman

Brandi N. Jones, Deputy Clerk