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
Ms. Faye Sutherland was recognized and stated that she owns a rental property located at 390 West Spiller Street. She noted that her home is located two houses down from the proposed Airbnb site. Ms. Sutherland 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. Sutherland explained that it does concern her that there is not someone living onsite and regulating who is staying at the property and what is occurring at the house. She commented that her other concern is that there is no one at the property who is supposed to contact. She stated that her neighbor explained to her that if a neighbor has 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’ responsibility to have someone on-site to check people in because when she looked at the Airbnb website, there was not a vehicle from Georgia, Tennessee 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. Ms. Sutherland 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. 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 noted 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 occurring at the house. She commented that her other concern is that there is no one at the property who is supposed to contact. She stated that her neighbor explained to her that if a neighbor has 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’ responsibility to have someone on-site to check people in because when she looked at the Airbnb website, there was not a vehicle from Georgia, Tennessee 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. Ms. Sutherland remarked that there is no one at the property who is 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 he felt that the Planning Commission could have made the same special exception permit but meet the requirements and have not complied with the Town Attorney's instructions.

Assistant Town Manager Moore advised that he is not suggesting that the Planning Commission could not allow Melton and Associates Properties, LLC to go back and allow Melton and Associates Properties, LLC special exception permit request, however, it sounds like the Planning Commission would be allowed to go back and allow Melton and Associates Properties, LLC to reapply for an Airbnb and this would leave the door open for the 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 that he and Town Attorney Menerick discussed this 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
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. Assistant Town Manager Moore explained that the name 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 Spiller 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 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, 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...
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 with the M-1 Industrial Zoned if the Planning Commission wished to put 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 inquired of Mr. Freeman if the overlay was only required in the three 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 homer 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 densification of the town. 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 it would be an incentive for people to build the small houses, 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. being located in an Agricultural Zoning District. He noted that 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 it 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 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 Litto 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 Melton and Associates Properties, LLC, which is currently under review, is aware of the three Airbnb 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 Litto 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 Melton, 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 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 host 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

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Brandi N. Jones, Deputy Clerk