



AGENDA
Wytheville Planning Commission
Thursday, February 14, 2019
6:00 p.m.
Council Chambers
150 East Monroe Street
Wytheville, Virginia 24382

- A. **CALL TO ORDER** — Chairman Brad M. Litton
- B. **ESTABLISHMENT OF QUORUM** — Chairman Brad M. Litton
- C. **CONSENT AGENDA**
 - 1. Minutes of the regular meeting of January 10, 2019
- D. **PUBLIC HEARING**
 - 1. Consider amending the Town of Wytheville Zoning Ordinance, Article XVI - General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add it as eligible for placement in the following districts: Article V – Agricultural District A-1; Article VIII – Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2
- E. **RECOMMENDATION TO TOWN COUNCIL**
 - 1. Consider amending the Town of Wytheville Zoning Ordinance, Article XVI - General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add it as eligible for placement in the following districts: Article V – Agricultural District A-1; Article VIII – Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2
- F. **CITIZENS' PERIOD**
- G. **SPECIAL EXCEPTION PERMITS**
 - 1. Set a public hearing to consider the request of US Cellular for a special exception permit to construct a stealth monopole tower on the west side of Goodwin Lane, which is located between East Main Street and East End Cemetery, in a B-2 Business District
 - 2. Set a public hearing to consider the request of Suzanne Richert for a special exception permit to raise ponies on a portion of her property located at 270 Echo Valley Road, which is located on the west side of Echo Valley Road and south of Echo Valley Circle, in an R-2 Residential Zoning District

H. **OTHER BUSINESS**

1. Set a public hearing to consider amending the Town of Wytheville Zoning Ordinance, Article VIII – Residential District R-3, Section 8-8, Special Provisions for Residences, to decrease the minimum square footage for residences Regulations
2. Continued discussion regarding regulations for Homestays
3. Further review of the zoning of properties along Community Boulevard
4. Discussion regarding possible placement of the Small-Lot/Small-Home Overlay Zone
5. Overview of an administrative subdivision request of Tuskeena Wytheville Center

I. **ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, JANUARY 10, 2019, AT 6:00 P.M.**

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

Members absent: Terrance E. Suarez

Others present: Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin, Town Attorney Christopher R. Menerick, Assistant Director of Planning and Development Brian Freeman, Alma Watson, Beth Taylor, Janet Kirby

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 November 8, 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. A motion was made by Mr. Ervin and seconded by Mr. Jones to approve the minutes of the work session and the regular meeting of November 8, 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, Kevin L. Varney, Kenny W. Ervin, John W. Jones, Jr. Against: None.

RE: ELECTION OF OFFICERS

Chairman Tate advised the next agenda item is the election of a new Chairperson and Vice-Chairperson for the year 2019. He noted that, at this time, nominations will be taken. Chairman Tate stated that, customarily, the Vice-Chairperson is elected as the Chairperson. He remarked that if the Planning Commission continues this practice, it will be Mr. Brad Litton's turn to serve as the Chairperson. A motion was made by Mr. Jones and seconded by Mr. Varney to close the nominations and elect Mr. Bradford M. Litton as the new Wytheville Planning Commission Chairperson. 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, Kevin L. Varney, Kenny W. Ervin, John W. Jones, Jr. Against: None.

Chairman Tate remarked that nominations could be taken for Vice-Chairperson, or, by custom, it will be Mr. Kenny Ervin's turn to serve as Vice-Chairperson. A motion was made by Mr. Varney and seconded by Mr. Jones to close the nominations and elect Mr. Kenny W. Ervin as the 2019 Vice-Chairperson of the Wytheville Planning Commission. 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, Kevin L. Varney, Kenny W. Ervin, John W. Jones, Jr. Against: None.

Chairman Tate noted that upon election of the new Vice-Chairperson, it is customary for the Chairperson to pass the gavel to the newly elected Chairperson who will preside over the

remainder of the meeting. Chairman Tate congratulated Mr. Litton on his election as Chairperson, and he passed the gavel.

RE: CITIZENS' PERIOD

Chairman Litton advised that the next agenda item is Citizens' Period. He noted that there are no citizens attending the meeting who requested to address the Council during Citizens' Period, therefore, he would proceed with the agenda.

RE: R-3 RESIDENTIAL ZONING DISTRICT REGULATIONS

Chairman Litton advised that the next agenda item is the review of the R-3 Residential Zoning District Regulations. He inquired if Assistant Town Manager Moore had any information regarding the regulations to share with the Planning Commission. Assistant Town Manager Moore stated that the Commission has in their packets the information relative to the R-3 Residential Zoning District Regulations. He noted that he would give a very brief explanation to the Commission. Assistant Town Manager Moore explained that a Council member suggested that while studying the Small-Lot/Small-Home Overlay Zone, the Planning Commission could discuss reducing the square footage of the R-3 Residential Zoning District dwelling. He commented that, basically, this is what the one page review states, which is, if the Planning Commission were to reduce the square footage of the dwelling from 900 to 700 square feet, some of the same goals that the Commission is trying to accomplish with the Small-Lot/Small-Home Overlay Zone would be accomplished. Assistant Town Manager Moore remarked that he would like to hear what comments the Planning Commissioners have and the direction they would like for Town staff to pursue. Mr. Varney stated that his first response or thought is that this is a good idea because of the location of the zoning and the square footage. Mr. Jones remarked that he would concur with Mr. Varney's comments. Ms. Pattison commented that she thinks that a 700 square foot home would still be attractive and affordable. She continued to express her thoughts regarding this proposed revision. She stated that she thinks it is a great idea. Assistant Town Manager Moore inquired of the Planning Commission if they would like to proceed with merely that change in the Zoning Ordinance. Mr. Varney inquired if there needs to be a motion. Assistant Town Manager Moore explained that the Planning Commission would need to at least state that they would like to see a correction of the Zoning Ordinance in a changed form, and then the Planning Commission could advertise for a public hearing to make the change. He remarked that the one caveat to this would be if the regulation is to be on every lot. He noted that he had added a thought in the discussion of the staff report that the regulation could be included on the nonconforming lots because it is smaller than the Town presently requires, but he is assuming from the discussion that the Planning Commission is in agreement with the regulations on every lot. Mr. Tate inquired of Assistant Town Manager Moore if the Commission proceeds with the R-3 Residential Zoning District Regulations, will they do away with the Small-Lot/Small-Home Overlay Zone. Assistant Town Manager Moore commented that it would not necessarily mean that the Commission would no longer pursue the Overlay Zone. Discussion ensued regarding the R-3 Residential Zoning District Regulation change in comparison to the Small-Lot/Small-Home Overlay Zone. Assistant Town Manager Moore advised that this is simply a suggestion from a Council member and not a recommendation from the Town Council, and it was only a way to approach this more gradually. He explained that he did feel like there would be a problem with a 700 square foot dwelling, but he is asking if the Planning Commission had any thoughts relative to this suggestion. Chairman Litton remarked that this suggestion is reverting back to what the Planning Commission originally started to do, which was to somewhat fill the gaps with houses on the sporadic, empty lots in town. He advised that he thinks it is a great idea. Assistant Town Manager Moore inquired if the Planning Commission agreed to changing only the square footage of the dwelling and have Town staff

provide a draft of the ordinance change at the next meeting. It was the consensus of the Planning Commission to only change the square footage of the dwelling to 700 square feet and to have Town staff present a draft of the change at the next Commission meeting. Chairman Litton inquired if there were any other comments or questions regarding the R-3 Residential Zoning District Regulations. There being none, he proceeded with the agenda.

RE: SMALL-LOT/SMALL-HOME REGULATIONS

Chairman Litton advised that the next agenda item is further discussion regarding the Small-Lot/Small-Home Regulations. Assistant Director of Planning and Community Development Brian Freeman stated that at the last meeting, the Planning Commission held a very good discussion regarding these regulations. He noted that even though they are not attending this meeting, he would like to thank Mr. David Schmidt and Mr. Mark Zammit for attending the work session and giving the Planning Commission their thoughts on this matter. Mr. Freeman explained the main two topics that came from the work session. He noted that one is the desire to have underground utilities placed within the Overlay Zone, and, ultimately, the consensus was that an amendment would be added that recommends underground utilities, but it would not necessarily require underground utilities. Mr. Freeman remarked that the Commissioners would see the revision on the last page of the proposed regulations under item number 15, Electrical Service. He commented that, also, there was some discussion regarding manufactured and on-frame modular homes. Mr. Freeman stated that it was the consensus of the Planning Commission not to allow manufactured and/or on-frame modular homes within the Overlay Zone. He remarked that it was his understanding that those homes would still be allowed as long as someone was not using other provisions of this overlay. Mr. Freeman inquired if anyone had any questions about this, but he would note that on-frame modular homes are still allowed and would still be allowed in the Overlay Zone provided that a person did not utilize any other provisions of the proposed ordinance. He continued to discuss the proposed ordinance with revisions from the last meeting with the Planning Commission. Mr. Tate noted that under item number eight (8), electrical is already mentioned. He inquired of Mr. Freeman if Town staff thinks that the last sentence, under item number eight (8), could be removed and rename the heading to Water & Sewer & Utilities. He commented that he thinks item 15 is being redundant. Mr. Freeman agreed with Mr. Tate. He stated that "electric" has been mentioned twice in the proposed ordinance, therefore, item number 15 can be removed. Chairman Litton inquired of Mr. Freeman if Town staff had contacted AEP to see what the actual cost would be for underground electrical service. Discussion ensued regarding the costs involved, the pros, the cons, etc. affiliated with the Small-Lots/Small-Homes. Mr. Varney inquired of the Commissioners if they agree that the option should not be given in the regulations as to whether or not underground utilities are installed. He noted that he feels like it should be a requirement for all utilities to be installed underground because the cost is very minimum. Discussion continued regarding the proposed ordinance giving an option or requiring utilities to be located underground. Mr. Litton inquired of Mr. Freeman if, in general, underground utilities are required anywhere else in the town. He remarked that approximately 20 or more years ago, Blacksburg made it a requirement for all new construction to have underground utilities, which makes things look a lot nicer. The Planning Commission discussed the fact that they cannot change everything in town, however, they can begin changing things going forward. It was the consensus of the Planning Commission to revise the proposed regulations and require that all utilities be located underground. Mr. Freeman inquired of the Commission if they would like for Town staff to make the two (2) revisions to the proposed Small-Lot/Small-Home Overlay Zone regulations, present those to the Planning Commission at the March meeting and, also, set the public hearing. A motion was made by Mr. Jones and seconded by Mr. Ervin to set a public hearing for the February 14, 2019, Planning Commission meeting at 6:00 p.m., in the Council Chambers, to consider amendments to the Town of Wytheville Zoning Ordinance to include Article XVI -

General Provisions, to add Section 16-19. Small-Lot/Small-Home Overlay Zone, and to add this use to Article V – Agricultural District A-1; Article VIII – Residential District R-3; Article X – Business District B-1; Article XI – Business District B-2; Article XI-A – Business District B-2 DT General Business District – Downtown; Article XII - Industrial District M-1; Article XIII – Industrial District M-2. Chairman Litton 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: Bradford M. Litton, Kenny W. Ervin, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: HOMESTAYS

Chairman Litton advised the next agenda item is the continued discussion regarding regulations for Homestays. Assistant Town Manager Moore remarked that the staff report notes a list of items that staff tried to address based on the discussion at the previous meeting. He commented that it was noted in the discussion that the Planning Commission would like to confine Homestays to single family residences, but there was the question regarding townhouses, condominiums or duplexes with the potential for those to also allow Homestays. Assistant Town Manager Moore inquired of the Planning Commission what their thoughts are in regard to this option before a public hearing is scheduled. Assistant Town Manager Moore continued to discuss the proposed Homestay Ordinance with the Planning Commission members. He remarked that the Commissioners can see that Town staff did receive a response from Abingdon and Bristol regarding Homestays. He noted that Abingdon has a Homestay Ordinance in place at the present time. Assistant Town Manager Moore commented that Abingdon's Homestay Ordinance mirrors Blacksburg's ordinance. He advised that Bristol does not regulate Homestays. Assistant Town Manager Moore stated that Abingdon noted that they have approximately eight (8) to twelve (12) Homestays and had about double that number who were operating illegally. He remarked that they do have quite the number of Homestays in their town. Assistant Town Manager Moore continued to discuss the revisions of the draft Homestay Ordinance with the Planning Commission. He commented that one of the proposed revisions is regarding the number of days per year that a Homestay is restricted for operation. He noted that it is not a requirement for there to be any restriction on the number of days, however, most communities have placed a restriction on the number of days a property can operate as a Homestay. Assistant Town Manager Moore explained that the Planning Commission has not really discussed this in a meeting. Mr. Varney inquired of Assistant Town Manager Moore what Abingdon's requirements are regarding the number of days they allow rentals to operate per year. Assistant Town Manager Moore advised that Abingdon currently allows rentals to operate for 90 days per year. He remarked that Abingdon did note the limitation on rental days was one of their biggest complaints from property owners. Assistant Town Manager Moore stated the longer the Commission decides to allow property owners to rent per year as a Homestay, the happier property owners will be. Discussion ensued regarding how the Homestay website places a limitation on the number of days per calendar year a property can rent. Mr. Varney inquired of Assistant Town Manager Moore if Blacksburg has a restriction on the number of days a property is allowed to rent as a Homestay. Assistant Town Manager Moore stated that is correct. He noted that Blacksburg also stated that the restriction is their biggest complaint, as well. Discussion ensued regarding the rules, regulations, etc. pertaining to Homestays and the thought behind the regulations. Mr. Tate commented that he thinks it is a good idea to follow up with Blacksburg to see why they limit the number of days a property can operate as a Homestay. Assistant Town Manager Moore stated that he would follow up with Blacksburg and report back to the Commission at the next meeting. He noted that, obviously, the restriction is not popular with the Homestay property owners. Assistant Town Manager Moore inquired of the Planning Commission how they would like to proceed with the draft ordinance that Town staff presented. Chairman Litton stated that he thinks that the number of days a property can operate

should be accounting days that the property is occupied, but other than that, he thinks the draft looks good. Assistant Town Manager Moore inquired of the Commission if they all agree that signage would not be permitted, the maximum number of guests would be limited to six (6) and a penalty would be issued if a Homestay fails to register with the Town. Mr. Varney stated that he agrees with those restrictions. Discussion ensued regarding the number of rooms allowed for rental and the number of guests permitted at the property. Ms. Pattison noted that, personally, she would like to see the number of guests limited to two (2) families or eight (8) individuals, whichever the greater number might be. Assistant Town Manager Moore clarified that what he is understanding the Commission to be stating is that they would like to see the draft ordinance limit the number of guests and not limit the number of rooms a property is allowed to offer for accommodations. Discussion continued regarding the number of rooms and guests permitted at a property. Assistant Town Manager Moore explained to the Commission that if they so desire, the maximum number of days per year of 365 could be advertised, and then if the Planning Commission desires, they could retract down to 90, as long as the maximum number of days per year is advertised for the public hearing. He noted that the same concept could be advertised for the number of guests allowed, which could be advertised for eight (8) and the Commission can always retract the number back to six (6), if the number of guests becomes an issue. Mr. Tate inquired of Assistant Town Manager Moore if he could also ask Blacksburg about the guest limitation, as well. Assistant Town Manager Moore stated that he will ask Blacksburg about why they limit the number of guests. He noted that Ms. Alma Watson is attending the meeting, and he inquired if Ms. Watson had any comments regarding the Homestay draft ordinance.

Ms. Alma Watson was recognized and stated that, personally, she would not want to operate her property as a Homestay rental, 365 days per year, because she would like to travel some herself, etc. She commented that one of the appealing parts of this ordinance is if a person is running their business, whether making money or not, a property owner can qualify for federal tax credits in order to refurbish and keep the old homes. She remarked that the federal tax credits are incentives for homeowners with old houses. Assistant Town Manager Moore stated that is correct.

Assistant Town Manager Moore advised that Town staff would make the revisions to the draft Homestay Ordinance and review the ordinance at the next meeting before setting the public hearing.

RE: R-1M RESIDENTIAL ZONING DISTRICT REGULATIONS

Chairman Litton advised the next agenda item is the further review of the R-1M Residential Zoning District Regulations. Assistant Town Manager Moore noted that when Town staff was reviewing the Bed and Breakfast section of the Zoning Ordinance, there was a provision in the R-1M Residential Zoning District that allows for a roomer in the residence to reside for compensation. He noted that it is under Section 6-9.9M of the R-1M Residential Zoning District in the Zoning Ordinance. Assistant Town Manager Moore inquired of the Planning Commission if they would like to remove this provision from the ordinance, and, if so, a public hearing would need to be and could be set for February 14, 2019, or another day, if the Commission so desires. He noted that any homeowner who currently is doing this would continue to be allowed to do so as they would be grandfathered, however, he is unaware of anyone who is currently doing so at the present time. Chairman Litton inquired if there was any discussion in regard to removing that section from the R-1M Residential Zoning District. There being none, Assistant Town Manager Moore inquired if the Commission desired to schedule a public hearing for the February 14, 2019, Planning Commission meeting. Mr. Varney stated that he feels like two public hearings scheduled for one meeting may be too much. Assistant Town Manager Moore

commented that this is not an urgent matter, therefore, if the Commission wishes to schedule the hearing for a later date, it would be fine. Chairman Litton inquired if the public hearing could be scheduled for the March 14, 2019, Planning Commission meeting. Assistant Town Manager Moore stated that is correct. A motion was made by Mr. Varney and seconded by Mr. Jones to set a public hearing for the March 14, 2019, Planning Commission meeting at 6:00 p.m., in the Council Chambers, to consider an amendment to the Town of Wytheville Zoning Ordinance, Article VI-M – Residential District R-1M, to delete Section 6-9.9M, a provision that permits one roomer to reside in the dwelling unit for compensation. Chairman Litton 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: Bradford M. Litton, Kenny W. Ervin, Cathy D. Pattison, M. Bradley Tate, Kevin L. Varney, John W. Jones, Jr. Against: None.

RE: COMMUNITY BOULEVARD

Chairman Litton advised the next agenda item is discussion regarding the zoning of properties along Community Boulevard. Assistant Town Manager Moore stated that in previous Planning Commission meetings, the Commission discussed the current zoning of properties along Community Boulevard, as well as the zoning that may be appropriate for these areas in the future. He noted that at that time, the Planning Commission decided to leave the zoning as it is currently. Assistant Town Manager Moore explained that a Council member has suggested that the Planning Commission review these properties again and consider rezoning the properties to business. He commented that Town staff had previously discussed the proposed rezoning with the property owners, and neither of the property owners were interested in rezoning their properties. He stated that both property owners explained to him that they planned to keep their property as residential use and/or farm use at the present time. Assistant Town Manager Moore noted that since that discussion, Mr. Mike Cassell, who owned the larger tract of land in that area, has passed away and his widow and sister now own the property and have come to Town staff stating that they would like to consider rezoning the property. He expressed that Town staff thinks that the Planning Commission will receive a rezoning request from the Cassells. Assistant Town Manager Moore stated that the last time he spoke with the other property owner, Mr. Charlie Testerman, he was still stating that he is using his property for himself and his family as residential property. He noted that Mr. Testerman stated that he has no desire to have the property rezoned. Assistant Town Manager Moore continued to discuss the properties located along Community Boulevard, the topography of the properties and the zoning of the properties with the Planning Commission. He expressed to the Planning Commission that Town staff would like to make them aware that according to the County, a rezoning would make the property owners' appraisals increase at the next reassessment. Assistant Town Manager Moore noted that at the next property reassessment, the County would assume that the property is commercial or business property if it is zoned as such, and they will consider that the property is more valuable. He remarked, therefore, the property owners' taxes would increase. Assistant Town Manager Moore explained that he would suspect that the Cassell family would like to at least have some idea that they are moving toward a sale of the property before their taxes increase on the property, but that is only Town staff's opinion. He commented that he is presenting this to the Commission as information, but if they would like to pursue a rezoning of the properties, he will have discussions again with both of the property owners to see if there is interest in a rezoning. He noted that he would make sure that at least the Cassell family is interested in pursuing a rezoning. Assistant Town Manager Moore remarked that the Town is not required to do this, however, Town staff would suggest that discussing the issue would be the polite thing to do before moving forward. Mr. Varney commented that he thought that would be a good idea, as well. He inquired of Assistant Town Manager Moore as to how many acres would be rezoned, if they move forward. Assistant Town Manager Moore stated that he is not sure, but he thinks that the Cassell property is approximately 100 acres. He noted that the

Testerman property is approximately 20-22 acres. Chairman Litton commented that in his opinion, the property that borders Community Boulevard is very valuable land. He noted that he is not sure about the backside of the property or what it would be used for. Discussion continued regarding the property that could potentially be developed for business or residential use and its value. Mr. Tate stated that the Cassells have approached him about the property and what he suggested they do with the property. He commented that he informed them that they should apply to have the property rezoned. Mr. Tate remarked, therefore, obviously, they will concur with a rezoning of the property. He explained that he and the Cassells discussed the rezoning exactly how the Commission is discussing that it be rezoned. He noted that the discussion held was to rezone the front portion of the land, subdivide along Community Boulevard and to leave the back portion of the property as it is for a different phase. Mr. Tate explained to the Cassells that they are limited on options for the back portion of property because it would be landlocked, which means there would not be a lot they could do with the back portion of property. He stated that he envisions when Town staff speaks to the Cassells, they will be elated regarding the rezoning. Chairman Litton inquired of Assistant Town Manager Moore if the Cassells would be required to pay a fee for the rezoning of the property. Assistant Town Manager Moore explained that it would all depend on who initiates the rezoning of the property. Chairman Litton commented that he was aware that the Planning Commission had discussed rezoning the property last year and the Cassells and Mr. Testerman did not want their property rezoned, but now the Cassells are wanting a rezoning of the property. Assistant Town Manager Moore explained that if the Planning Commission initiates a rezoning of property, then there is no fee. Chairman Litton inquired if the Commission can initiate the rezoning of only one property. Assistant Town Manager Moore stated that it would be good to initiate two pieces of property because it might be considered a possible spot zoning. He noted that, technically, it is not a spot zone, however, it may fall under that definition. Discussion continued regarding the Community Boulevard property rezoning and the taxes affiliated with commercial and/or business property, unless it would continue as land use until sold. Mr. Varney inquired of Town staff what the rezoning fee would be. Town Clerk Corvin stated that there is not a set fee because the cost would include the initial fee, advertising costs, etc. Mr. Varney stated that if Mr. Testerman does not agree with the rezoning and the Planning Commission decides to rezone both properties anyway, and then 20 years later something happens in the family and the property has to be sold, the Testerman family would have to pay back taxes for all of the property. He remarked that he does not think that it would be fair for them to have to do this. Assistant Town Manager Moore advised that the taxes would date back five years. Mr. Varney commented that even five years of back taxes, in his opinion, is still not fair. Assistant Town Manager Moore remarked that he feels like Mr. Testerman is not going to be interested in rezoning the property no matter what. Discussion ensued regarding taxes that would have to be paid if the property is rezoned, rezoning fees for the property owners who are in favor of the rezoning, the future zoning of the properties even if the property is not rezoned at this time, etc. Assistant Town Manager Moore advised that the Planning Commission can recommend anything to the Council that they wish to see come to fruition. He noted that he is only explaining that, in the past, when the Planning Commission advertises for a public hearing to rezone, etc., Town staff contacts the adjacent property owners of the requested rezone area and asks them how they feel about the request. Assistant Town Manager Moore commented, therefore, the adjacent landowners would need to be contacted to see how they feel about rezoning their property. He remarked that they may or may not go along with what the future land use map shows, but he thinks that the Planning Commission owes them their opinions. Assistant Town Manager Moore noted that Mr. Testerman's input so far has been that he is not interested in rezoning his property at this time. He expressed that Mr. Testerman explained to him that he is 86 years old and simply wants to enjoy his property and live there for the remainder of his life without making it a business property. Mr. Varney inquired of Assistant Town Manager Moore if there are any other property owners besides Mr. Testerman because he is under the impression that there are not, but then

Mr. Moore mentioned that there may be others to contact. Assistant Town Manager Moore explained that there are some other property owners at the end of Cassell Road which appear to be adjacent to Community Boulevard. He depicted on the map the areas to which he was referring. Discussion ensued regarding the other adjacent property owners opposing the rezoning and the Town charging the Cassell family for the rezoning. The Planning Commission discussed all the property that the Cassell family owns on both sides of Community Boulevard. Assistant Town Manager Moore stated that Town staff would contact both property owners and a few of the adjacent property owners in the general area to see what their thoughts are in regard to a rezoning and see if the Planning Commission should move forward with the rezoning. Chairman Litton inquired if there were any other comments or questions regarding the zoning of properties along Community Boulevard. There being none, he proceeded with the agenda.

RE: STATEMENTS OF ECONOMIC INTEREST

Assistant Town Manager Moore reminded the Planning Commission that their Statements of Economic Interest are due to Town Clerk Corvin no later than February 1, 2019.

RE: TELECOMMUNICATIONS TOWER

Assistant Town Manager Moore stated that as the Planning Commission is aware, the town has one large telecommunications tower located directly behind the Ramada Inn. He noted that the tower has approximately five or six cellular carriers located on it. Assistant Town Manager Moore explained that one of those carriers is US Cellular, and they have some locations in town that they feel they have not adequately been able to serve. He stated that US Cellular has applied for a small monopole tower to be located behind the Veteran's Administration building and between East End Cemetery on Peppers Ferry Road. Assistant Town Manager Moore explained that the application has not been finalized to the point that Town staff could present it to the Planning Commission. He noted that US Cellular has been working on the application for approximately three or four months, but once the Town's consultants finalize their review of the application and give Town staff some direction, then Town staff will then present the Special Exception Permit request at a Planning Commission meeting. He commented that he simply wanted to give the Commission notice that the request would be presented in the near future. Assistant Town Manager Moore remarked that this request could be a sensitive situation since it is adjacent to the cemetery, but US Cellular is proposing a single monopole that would be a stealth flag pole, and it would not be a regular tower. He explained that it would be approximately 35 feet high with a flag on it. Chairman Litton inquired if there were any questions or comments regarding the tower. There being none, he proceeded with the agenda.

RE: ADJOURNMENT

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (7:03 p.m.).

Bradford M. Litton, Chairman

Sharon G. Corvin, CMC, Town Clerk