



**City of Buena Vista
Planning Commission
Minutes of February 13th 2018
Regular Meeting**

**CITY OF
BUENA VISTA**
Planning and Zoning
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Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on February 13th 2018. A quorum was established.

Members Present:

Michael Ohleger, Vice-Chairman
Sandy Burke
Lucy Ferrebee
Melvin Henson, City Council Representative
Bradyn Tuttle

Members Absent:

Dennis Hawes, Chairman
Guy Holstein
Simone McKelvey
Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Planning & Community Development

The site plan review listed first was removed from the agenda because the applicant had not submitted materials.

Public Comment

None.

Review and Adoption of Minutes

Mr. Ohleger called a vote to approve the minutes of the November 11th regular meeting with the one correction noted. Mr. Henson moved first, Ms. McKelvey seconded, and the motion passed unanimously.

Report of Secretary

Mr. Roberts reported on several items.

- Lexington is starting their comprehensive plan update beginning March 8th. Mr. Roberts is going to the kickoff meeting.
- Mr. Roberts will be reworking the floodplain permitting process. Under the National Flood Insurance Program, localities must have a permitting process for anything that would change the flood characteristics of a site. The City needs to have this process to

avoid liability. The commission discussed some of the historical flood events and risks to specific locations in Buena Vista.

- Mr. Roberts informed the Commission that the new Director of Economic Development will be starting on March 7th.
- A consultant just completed a study of Bontex, showing a site plan with conceptual programming, a floor plan of the existing buildings, and a three-dimensional model of the buildings, as well a photographs. The purpose of the study is to provide information for developers. The study was funded by a tourism grant.
- The Enderly Heights Safe Routes to School project is inching forward. The project has been re-bid and the winning contractor is Virginia Infrastructure.
- Mr. Roberts recently submitted an application for a grant through the Virginia Department of Forestry, Trees for Clean Water, to plant ten street trees in the downtown.
- There is a bill currently in the state legislature to rebuke the City of Lexington for the City's recent short-term rental regulations. The bill singles out Lexington and severely limits its ability to regulate short-term rentals. Because of the uncertainty of how this bill will proceed and what effect it will have, Buena Vista will need to wait longer to develop its short-term rental regulations. However, this is concerning because there are more and more AirBnBs in Buena Vista, including some whole-house rentals that market themselves for group events. The commission discussed some of the aspects of the Lexington bill, in particular the issue that Lexington set the definition at 45 days while the state considers transient occupancy at 30 days. Mr. Ohleger also suggested looking into how the City might negotiate a deal with AirBnB. Mr. Roberts pointed out that lodging tax is particularly important as a revenue stream because it is money that comes from outside the community, not recycling the same money through the local economy.

Mr. Roberts also pointed out that existing zoning in Buena Vista has definitions that apply to short-term rentals, such as whole-house rentals which are tourist homes in the current code. The Commission will have some tough choices ahead as current whole-house AirBnBs are either told to shut down, or change the City's regulations to allow them.

Committee Updates

Comprehensive Plan Committee

Last night the committee met to review three of the draft chapters. Mr. Roberts stated that the next step will be for him to send these chapters to the Commission. Mr. Roberts said that he hopes the plan will be ready for City Council in April.

New Business

Zoning Text Amendment – Miscellaneous Reorganization

Mr. Roberts explained that this zoning text amendment will only move sections around, not change any text, to make the regulations easier to navigate. The main two objectives are to put all district regulations in one Article, and to move the dimensional regulations into the same Article as well. Mr. Roberts asked that the Commission take a vote on the proposal. Mrs. Burke made a motion, Mr. Tuttle seconded, and the motion passed unanimously.

Discuss Zoning Text Amendments to the Mixed Use (MU) District

Mr. Roberts began by highlighting that the Mixed Use zone needs a lot of work, but the timing is because of upcoming development associated with Ed Walker, in particular multifamily requiring a conditional use permit and severe limits on first-floor residential uses in mixed use buildings. A conditional use permit would add cost, delay, and uncertainty to constructing apartments in downtown buildings. Mr. Walker has indicated that he may be interested in first-floor residential uses, and he has built these in Roanoke.

Mr. Ohleger opined that too much residential downtown, especially on the first floor, would defeat the purpose of the mixed-use zone as a vibrant pedestrian-friendly space with shops and services and activities for shoppers. Mr. Roberts disagreed, saying that if a large apartment building were built, it would in fact result in activity and “eyes on the street” and would be good. Further, to an extent, the free market of rents will result in first-floor storefronts transitioning from residential to commercial if there is demand. Mr. Roberts concluded asking whether we would rather have vacant buildings or occupied buildings that were residential.

Mrs. Burke stated that she was concerned about first-floor residential because, with additional demand for student housing, businesses may get crowded out of downtown spaces, and businesses looking to locate there may not be able to find space. Mrs. Burke also raised the issue of the variety of building types in the MU zone.

Mr. Roberts noted that the Commission may be underestimating the difficulty of converting storefront spaces into apartments because of building code issues. Mrs. Burke countered that if it were something that was unlikely, then a CUP process may be appropriate to allow unusual circumstances. Mrs. Burke recommends that first floor residential be a conditional use, and multifamily on upper floors be by right.

No one knows what multifamily was made a conditional use when the MU district was passed.

Mr. Roberts pointed out that the City does not have a good supply of recently-built quality apartments, and that both Buena Vista and the nation as a whole has more renters than it did ten or twenty years ago.

Mr. Roberts then raised the idea of splitting the MU district into two districts based on the desired form of the buildings. The downtown core, comprised of the 4 or 6 blocks between 20th and 22nd, would foster truly “downtown” buildings right against the sidewalk with storefronts. The remainder would be a “neighborhood mixed use” at a smaller scale, allowing setbacks from the street, more in character with the business and houses already there. The Mixed Business-Hill Top zone regulations provide a good example of design/form/siting regulations that we could implement in the MU zone to promote a clearer vision of what we want the downtown buildings to look like.

Mrs. Burke, citing some examples of houses converted to businesses in Indianapolis, was concerned about forcing businesses to be in “business-type” buildings. The discussion then turned to the 29th Street corridor, and how to facilitate businesses in the existing buildings there and how customers might turn of the road to patronize them.

Mr. Roberts responded that the example zoning from MXB-HT has different dimensional regulations for different building types, but this particular district was created with new development in mind not existing buildings. Having two districts rather than one would allow regulations better tailored to conversion of buildings.

Mr. Ohleger raised the issue of first-floor residential again with an example from New York City, arguing that businesses should have primacy for storefronts downtown. Mr. Roberts responded that the general experience of Cities over the last twenty years has been that requiring only commercial on the first floor in mixed-use buildings led to long-term vacancy, rather than “vibrant” streets with storefronts full of businesses. Mr. Roberts admitted that it is a bit of a gamble and we do not know what will actually happen in Buena Vista. Mr. Brent Styler in the audience voiced that allowing only businesses in the first floor does not mean that businesses will come there, and that other work must be done to attract businesses and find suitable spaces. Mr. Roberts stated that he believed it was a fair compromise to allow first-floor residential as a conditional use.

Returning to the topic of two districts, Mr. Roberts highlighted that the MU regulations would allow a building south of downtown, in the 1700 or 1800 blocks, that would not fit in with the neighborhood. He then suggested that we focus on regulating the form of buildings and focus less on the use. Mr. Ohleger discussed the history of the buildings in Buena Vista and that they were built to be mixed use.

Mr. Roberts confirmed that the Commission agrees that multifamily should be by right.

Mr. Henson raised the issue of parking and Mr. Roberts agreed that it will have to be dealt with, but not right now.

Moving on to other items highlighted in the staff report, Mrs. Burke asked about the “portable food stands” as a permitted use. Mr. Roberts responded that he was not sure exactly what it meant but that it needed additional regulations. He stated that he had recently developed guidelines for mobile vendors in the public right of way but not on private property. The Commission discussed questions such as what constitutes portable, how long is temporary, etc. but the consensus was that this issue was not a zoning issue and the use listing did not belong in the code.

Mr. Roberts asked the Commission about pool halls and billiard rooms as a conditional use. He opined that the fear of those uses as corrupting the youth or whatever were dated and no longer applied, and they should be by right. Mr. Ohleger explained that not that many years ago there was an unsavory pool hall and tattoo parlor in Buena Vista, and that he believed these uses should remain conditional. Mrs. Burke agreed. Mr. Roberts stated that he was fine with that. There was some discussion of the type of conditions that the Commission could apply to pool or billiard establishments such as closing times or alcohol service.

Mr. Ohleger asked about the item regarding accessory uses and their location. Following was a discussion of accessory buildings, uses, and what constitutes each.

Old Business

Zoning Text Amendment for off-site provision of required parking

Mr. Roberts briefly explained the latest changes to the proposal. The Institutional district is now exempt from both the 600 feet by-right distance and the conditional use permit for more than 600 feet, in order to address SVU’s concerns. He stated that we want to make it easy for SVU to build parking because if they don’t, it will be the City’s problem. He noted that uses in the INST

district would still need to enter into a legal agreement for off-site parking. Mr. Henson made a motion to approve, seconded by Mrs. Burke, and the Commission voted unanimously.

Adjournment

Mr. Ohleger adjourned the meeting at 9:15 PM.

Approval

Chairman _____ Date _____