



**City of Buena Vista
Planning Commission
Minutes of April 10th 2018
Public Hearing and 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 April 10th 2018. A quorum was established.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Lucy Ferrebee
Melvin Henson, City Council Representative
Guy Holstein
Simone McKelvey
Bradyn Tuttle

Members Absent:

Jay Scudder, Ex Officio member
Sandy Burke

Staff Present:

Tom Roberts, Director of Planning & Community Development

Public Hearing

Mr. Hawes opened the public hearing and explained that the Commission would take a vote on each item after it is discussed in the hearing, unless there was a need for additional discussion.

Zoning Map Amendment to rezone all Lots within Blocks 8 and 21, Section 6

Mr. Roberts gave a brief review of the application and proposal for rezoning this area from R3 to R4 for the purpose of allowing the construction of multifamily housing. He explained that the Planning Commission had been presented with the application the prior month and generally supported it but that the purpose of the public hearing was to get feedback from the public.

The first speaker was Iris Forquer Hackney, who offered the following comments/questions:

- She was born across 31st Street from the area; she used to play on the rocky hillside
- There is no plan of development – why would the City rezone without a plan?
- What will it look like?
- What will be done about the wildlife—there are too many deer—will they be forced onto adjacent properties?
- Will there be blasting to build foundations, and what will be done to protect nearby properties?
- Storm water management? Runoff from the property?
- Why does the City need apartments if there are so many vacant houses?

- R4 can have commercial uses—what commercial uses might end up here, including undesirable commercial uses?
- The neighborhood has been residential for a long time and should remain so
- Don't want activity, police, lights, crime, traffic, noise, etc. from additional development
- Suggests a community initiative to rehab houses throughout the City by volunteers
- Where will the electric/cable be run to the property? She referred to the 2016 communication with the City regarding a telephone pole placed on her property many years ago that holds cable and/or electric lines going up the hill. She does not want any more lines loaded onto that pole.
- What will be the City's cost for this development?
- Very concerned about maintaining her family home place that her parents bought

The second speaker was Melissa Smith, who offered the following comments/questions:

- Speaking on behalf of late father Walter Harlacher who lived at 171 E 31st Street, in the middle of the proposed rezoning
- House is very sentimental to her, and she does not want anything to happen to the house
- Concerned about damage to house as a result of construction
- Called public works a couple weeks ago to ask them to put additional gravel on alleyway that they use as a driveway. Public Works did put down more gravel, but also notified them they would need to bring trash out to Catalpa Avenue instead of truck going down alley to pick up. Trash has been picked up at end of alley for many years and she does not want to put trash on someone else's property at road, because their property does not extend to road.
- Wants to leave woods alone; there is lots of other land that could be developed
- For many years her parents mowed land between her house and Catalpa, even though the lots did not belong to him; if the lots haven't been maintained, will they be in the future?

The third speaker was E. Faye Coleman, who offered the following comments/questions:

- She owns several lots in the rezoned area
- Question about several lots in the rezoned area—will construction of apartments impair her ability to build single family home due to topography changes or traffic?
- Traffic on Catalpa and Rockbridge seems heavy already, what will it become? 33rd Street used as a shortcut. Lots of traffic.
- Culvert at 33rd & Rockbridge Avenue is still damaged after six or more months, though road is collapsing
- City does not regularly maintain stream/ditch adjacent to her 33rd Street property so that water backs up onto her property. Several years ago tried to get backhoe to do work on it but City told her she could not because equipment may leak oil/fluids into stream.
- What is the City's cost for this—what will the City kick in? If they are, City should put money into existing infrastructure.
- Take second look at traffic and road capacity.
- What else does R4 mean as far as commercial uses?
- OK with multifamily as long as it doesn't damage existing neighborhood
- Noted several typographical errors on letter from Zoning Administrator
- There should be a plan of development presented before considering rezoning

- If rezoned to R4 will the taxes increase?

The fourth speaker was William Statome, who offered the following comments/questions:

- He has paid taxes on several lots on 31st Street since his grandmother died in 1986 but cannot get clear title to the lot.
- Wants to get land cleared off to build a house but trying to work out title/ownership
- Was raised there, has sentimental attachment to it

With no more comments, Mr. Hawes closed the public hearing. He reminded the audience that the vote would be a recommendation for City Council not a binding decision.

Mr. Ohleger noted that he does have some concerns with the rezoning because the residents have voiced some concerns; there is no plan for development presented; and there are some owners who are not represented in the hearing.

Mr. Roberts spoke to some of the specific concerns of speakers. In reference to the infrastructure and City cost questions, he stated that he would recommend vacating the internal unopened streets and alleys to create a single privately-owned development so that the City would not have to own and maintain water, sewer, roads etc. There is not an application for vacating at present. He noted that the City is always trying to work on infrastructure, culverts, roads, etc. and pursuing grants for this work.

Mr. Roberts continued noting that the numerical vehicle counts suggest that there is additional capacity on Catalpa and Rockbridge Avenue, even though there may be a lot of vehicles. 31st Street is a candidate for improvement, such as widening or curb and gutter, as a result of the proposed development. He continued that any construction would require full erosion and sediment control procedures during construction and compliance with stormwater management regulations for development, such as storm drains, a retention pond. Regulations have become more stringent in recent years.

Mr. Roberts noted that commercial uses are permitted as a conditional use, so any kind of retail store or other commercial uses would have to come before Planning Commission and City Council before approval. Professional offices are allowed by right. Commercial uses that would drawing many customers would need case-by-case approval.

Mr. Roberts stated that power would likely be run underground from Catalpa and not running through Ms. Hackney's property.

Mr. Roberts stated that he did not know whether the taxes would go up. He also added that the new development would generate significant tax revenue for the City.

Mr. Henson noted that Catalpa Avenue had been improved to help divert traffic from Longhollow Road. He also argued that it was important to rezone the property prior to significant investment in site plans, engineering, etc. He agrees that the topography is difficult for development. Mr. Henson also spoke in support of the idea of vacating the internal streets and alleyways to make internal infrastructure private.

Mr. Henson made a motion to recommend approval of the rezoning. Mr. Ohleger seconded. At that point, Ms. McKelvey interjected that she believed residents may feel more comfortable if Mr. Ramsey, the applicant, spoke to his vision for the development.

Ms. Ferrebee added that she too thought residents should see a vision for what is to be built, citing her own frustration with the house she now owned and misunderstandings about how it was to be built.

Mr. Henson suggested Mr. Ramsey speak to his vision for the site. Mr. Ramsey offered the following comments:

- He owns some lots, a business partner owns some lots, and some lots he does not own but City staff have recommend they be rezoned as well
- He see this as an opportunity for the city
- Multiple buildings not just a single building, partly because of the terrain
- Yes, some residents will have less privacy than before, but we have an obligation to build more multifamily housing
- Yes, there are empty houses across the City but fewer than there were a few years ago
- Married students are living in basements and houses across the City where zoning is not appropriate, which has created parking problems – this is a good location for proper housing
- There are 4 apartment complexes within a quarter mile
- Good for the college, good for the community
- Site plans and sediment control would have to all be approved before constructed
- He is not committed to doing this project himself, would probably be another developer
- Provide tax base and some jobs for a manager and maintenance staff
- There are some growing pains

Mr. Roberts reminded the Commission that this is the opportunity to attach conditions to the rezoning. None were suggested.

Mr. Hawes called for a vote on the motion on the table. The votes were as follow:

- Mr. Ohleger: Yes
- Mr. Henson: Yes
- Ms. Ferrebee: No
- Ms. McKelvey: No
- Mr. Tuttle: Yes
- Mr. Holstein: Yes

The motion passed four to two to recommend approval of the rezoning application as presented.

Zoning Text Amendment to reorganize certain sections of the Land Development Regulations

Mr. Hawes briefly explained the purpose of the update to renumber and move sections to more logical places. There was no public comment, and he closed the public hearing.

Mr. Ohleger commented that this is a helpful amendment to patch up our regulations. Mr. Ohleger made a motion to recommend approval of the amendment, and Mr. Henson seconded. All voted yes.

Zoning Text Amendment to amend definitions of “basement” and “cellar”

Mr. Hawes briefly explained the purpose of the update. There was no public comment, and he closed the public hearing.

Mr. Tuttle made a motion to recommend approval of the amendment, Ms. McKelvey seconded, and all voted yes.

Zoning Text Amendment to amend definition of “family”

Mr. Hawes briefly explained the purpose of the update and read the new text.

Mr. Casey Crookston, address 546 East 19th Street in Buena Vista, rose from the audience to ask about several scenarios of occupants in a dwelling unit where there is a married couple or family and other adult boarders. Mr. Roberts answered him.

Mr. Hawes closed the public hearing. Mr. Ohleger made a motion to recommend approval, but only if the City enforces it. Mr. Henson seconded and all voted yes.

Zoning Text Amendment to amend §711 Homes Used as Rental Property; Conditional Use Permit Required

Mr. Hawes briefly explained the purpose of the update and read the new text.

Mr. Ramsey spoke from the audience to ask who was responsible for obtaining the conditional use permit—the owner or the tenant. Mr. Roberts answered that the owner is responsible.

Mr. Tuttle asked to clarify whether Mr. Roberts had updated the proposal since the discussion at the last Commission meeting. Mr. Roberts then reviewed the updates he had made since the last meeting. He added language that one of the occupants must be a lessee for a CUP to be required, and he added a definition for lessee.

Ms. McKelvey made a motion to recommend approval, Mr. Ohleger seconded, and all voted yes.

Zoning Text Amendment to amend §703 Off-Street Parking

Mr. Hawes briefly explained the purpose of the update and read the new text. There was no public comment. Mr. Ohleger noted that this has been a long time coming and this is a helpful step to address SVU parking.

Mr. Ohleger made a motion to recommend approval, Ms. Ferrebee seconded, and all voted yes.

Mr. Hawes closed the public hearing.

Regular Meeting

Public Comment

Mr. Casey Crookston stepped forward and Mr. Roberts explained that Mr. Crookston had just submitted an application for an alleyway vacation. This was not an official agenda item because the application had just come in and the process for vacation does not officially include the Planning Commission.

Mr. Roberts reviewed a map that he passed out to the Commission showing a short alley in the 2500 block of Sycamore Avenue running perpendicular to Sycamore between Sycamore and Ivy Avenue. Mr. Crookston owns the lot immediately to the south of this alley and is interested in potential redevelopment of the block, including the building at 2519 Sycamore Avenue. Mr. Roberts noted that he had spoken to several other parties who are interested in redevelopment and potentially rezoning of this block.

Mr. Roberts also showed several photographs of the alley. There was discussion of what could or could not be done with the building at 2519 Sycamore, and whether it may encroach on one of the adjacent properties, and ownership of adjacent properties. Mr. Crookston explained that 2519 Sycamore may need the adjacent lot (owned by Mr. Crookston) for parking or additional lot size. Mr. Crookston measured and believes that vacating the alley would give him enough space for 45-degree angled parking in his lot.

Mr. Henson asked if owners on each side of an alley are entitled to 7.5'. Mr. Roberts said that yes, that is true, and that he is consulting with City Attorney Brian Kearney regarding the exact process for abandonments/vacations.

Mr. Ohleger stated he was concerned about underground utilities that may be in the alley and what might be developed on top. Mr. Crookston said that he would probably build a parking lot which would allow for maintenance. There was additional discussion on the utilities and utility easements that the City retains on vacated alleys and streets.

Mr. Roberts clarified that he was presenting this as information rather than seeking approval at this time.

Review and Adoption of Minutes

Mr. Hawes called a vote to approve the minutes of the March 13th regular meeting. Mr. Henson moved first, Ms. Ferree seconded, and the motion passed unanimously.

Report of Secretary

Mr. Roberts reported on several items.

- Went to a symposium of downtown revitalization in Lynchburg and got some ideas on tools and strategies
- Went to a roundtable discussion put on by the Virginia Housing Development Authority on programs and funding opportunities for housing
- Comprehensive Plan Update process has slowed down because he is doing so many other things, but has engaged the Planning District Commission to assist with finalizing the plan and maps
- Michael Ohleger was appointed for a new 4-year term on the Commission
- Simone McKelvey has taken a new job in Tennessee and has resigned her position on the Commission

Committee Updates - none

New Business - none

Old Business - none

Adjournment

Mr. Hawes adjourned the meeting at 8:40 PM.

Approval

Chairman

Date