



**City of Buena Vista
Planning Commission
Minutes of July 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 July 10th 2018. A quorum was established.

Members Present:

Dennis Hawes, Chairman
Sandy Burke
Lucy Ferrebee
Melvin Henson, City Council Representative
Guy Holstein
Preston Manuel
Bradyn Tuttle

Members Absent:

Michael Ohleger, Vice-Chairman
Jay Scudder, Ex Officio member

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 for Lots 7A and 23 of Block 26, Section 5, 212 Park Avenue, Casey Crookston applicant

Mr. Roberts gave his report with a brief Power Point presentation. The presentation summarized the facts of the application and staff's recommendation to reduce proposed density to 4 units and use to residential only. He emphasized that the City definitely needs new housing, especially small apartments. He noted his concerns with the design of the buildings and site.

Mrs. Burke asked about whether the alley would be abandoned or not, and which alley. Mr. Roberts clarified that Mr. Crookston had considered requesting abandonment of the alley perpendicular to Sycamore, but did not need to; the alley would remain in public ownership but Mr. Crookston would improve and maintain the portion of the alley that served as his driveway.

Mrs. Burke also asked about the choice of Mixed Use versus Mixed Business. Mr. Roberts explained that there is no good zone for multifamily residential downtown because MU and MB allow commercial uses, but R4 has large setbacks that make it impractical downtown.

Mr. Crookston stepped forward to discuss his project. He stated that he was grateful for community interest in project and continued that he wished to amend his proposal. He went through each of the staff recommended conditions:

- Agreed with Mixed Business zoning instead of Mixed Use
- Six dwelling units instead of four (as staff proposed)
- Agreed with limitation to residential use
- Agreed with setbacks
- Agreed with design guidelines, and stated that the ultimate design will look different than proposal
- Would retain all 13 parking spaces
 - Pointed out pedestrian traffic not likely to be disrupted – across street is 6 foot privacy fence
- Willing to work with Public Works on utilities

Mr. Henson commented that he did not want this to be like the University Village apartments. He asked about the design of the units and where the doors are.

Ms. Ferrebee asked if the buildings would be prefabricated. Mr. Crookston responded that no, prefab would not work for this design.

Mr. Hawes asked for clarification on the amendments Mr. Crookston was offering, and went through and confirmed each of these.

Mr. Henson and Mrs. Burke asked about the design of a six-unit complex. Mr. Crookston said that at least two units would still be single-bedroom and the mass would be scaled back to fit with the bedroom better, but he is not sure whether it would be one building or two. He noted that it is difficult to prepare a complete design when he doesn't know the parameters of how many units, etc.

Mr. Roberts interjected with a procedural note. Under consideration tonight is a rezoning with a general plan of development. The Planning Commission will review a detailed site plan for this development. He also noted that the conditions attached to the rezoning are permanent and run with the property until rezoned again.

Mr. Hawes invited the public to speak.

Mr. James Johnson, 2455 Sycamore Avenue. Read written statement. He read the following statement:

I received notification of a proposed rezoning of Sycamore Avenue from a residential limited neighborhood to Mixed Use, which would allow a lot of parking and businesses on that street. I am a homeowner and a tax payer who has lived on Sycamore Avenue for 18 years. The third generation of the Twiddy family is still on this street. My mother in law has lived on Sycamore for 101 years. Frances Fields has lived on the block for 61 years. Steven Smith has been on the block for more than 40 years. Ralph Harrison has lived on Sycamore for 51 years. Keisha Braxton grew up on this street and lives in the home that was once her grandparents'.

We're all homeowners with a vested interest in the growth and development of Buena Vista. We are aware that sentiment carries little weight in tallying the City's profit-making plans, and we are also very aware that the City deemed this area of Buena Vista

of historic value as the upper end of the designated historic downtown. Does the smell of money dim the City's view?

We have enjoyed the continuity of our quiet, safe, friendly neighborhood for many decades, only to have an investor come in to propose threatening changes not only in our close-knit neighborhood, but to our idyllic lifestyle as well. As longtime residents of this town, tax payers and homeowners, do you not care more about us than a quick dollar from an investor who is here today and gone tomorrow? Do we matter?

I am adamantly opposed to the rezoning of Sycamore. I am opposed to the noise, increased traffic, the parking lot, potential businesses that would be established, and more importantly, it will bring a transient population to our neighborhood that will reduce drastically the safety and well-being of the neighbors that live on Sycamore Avenue. You can show us that you do care. A vote opposing the rezoning on Sycamore Avenue will send a message not only to us but to the citizens of Buena Vista that you can take to heart our best interests and human concerns over a quick dollar. Thank you.

Mr. Manuel interjected to address Mr. Johnson and say that the Planning Commission does care about the neighborhood, and that he grew up with many people in the audience, and that he does know.

Mrs. Irma Thompson:

Good evening. It's nice looking – I was up there at one time and know some of the members that are on there. I am Irma Thompson, and I have lived on Sycamore Avenue for 101 years. I'm a homeowner and a tax payer, and as a citizen of this town, I've invested my heart, my soul in its growth. I have given Buena Vista my time, my effort, and my life to make it a great place to live. Now you want to give me in return a street that will no longer safe, quiet, and a pleasant place to live.

I'd like to tell you of some of the things that I have done for the City. Whenever you called on me, I was ready and willing to do. I was on the original Glen Maury Park committee--when they started Glen Maury Park, I was there. I was a volunteer for the food bank in Buena Vista for 20 years. I received the Lion's Club award for Citizen of the Year in 1988 and in 1999 I was chosen volunteer of the year. I was on the board of directors of the United Way in Buena Vista. I served three years on Planning Commission for the City—three terms rather—and I sat right where you are sitting tonight, and made decisions that took into account the heart, the pride, and the vested interest of the schools.

I don't want to wake up one morning and there's a coffee shop or cleaners building or some kind of building across the street from me. A parking lot on that street would make more traffic, more noise, and would lower the real estate value. You should be ashamed that at my age of 101 years old, and my endless contribution to Buena Vista, that I have to fight the City to continue to live in a quiet and safe residential neighborhood. You want to rezone Sycamore Avenue to make it Mixed Business so that you can put a parking lot one door up from my house, and also put business--and I'll wake up with all that noise and I won't feel safe there. I say no, and I mean no, to the rezoning of Sycamore Avenue. Do any of you have any questions you'd like to ask me? Thank you for listening.

Danta Thompson, 2455 Sycamore Avenue

I'm here this evening to oppose the rezoning of Sycamore Avenue from a residential neighborhood to mixed use. And Tom Roberts, the Director of Planning & Community Development recommended in his proposed plan to rezone it Mixed Business. Before I get down to business, I need to ask you a question: What was Casey's item 3 amendment?

Mrs. Burke responded, reading that use of the site would be limited to residential uses. Then Mrs. Thompson continued:

Let's get something straight. I'm going to be honest with you—I want you to be honest with me. You want to rezone our neighborhood to accommodate the financial desires of investors and developers who are trying to make an extra buck by cashing in on the fact that Southern Virginia University enrollment has increased. Because Buena Vista lacks a strong tax base and a long range vision, we the residents must pay much higher taxes than those in Lexington, Rockbridge County, and surrounding areas. Don't be so willing to buy into something that is proposed simply because it brings an extra revenue dollar. Don't be so willing to overlook the needs, the desires, the interests and concerns of long-time homeowners just to satisfy getting quick investors to try to make a dime.

Case in point: in June last month the residents of the Chestnut Avenue neighborhood had to show up just like we are showing up tonight, strong in number, to oppose a rezoning changing their neighborhood because once again someone was looking to make a profit from the enrollment increase on the hill.

Do you all realize that the City government's rash decisions are pitting the citizens of this town against the college even though it isn't the college's fault? And the City is also destroying the trust of homeowners because you have shown from time and time again that the care, the comfort, and well-being of your long-term citizens and homeowners really don't count for anything in Buena Vista.

When the college established itself years ago, investors rushed in, and an investor built a red apartment complex on the east side corner of Park Avenue and Magnolia Avenue. Students didn't rush to occupy those units—instead, it became a haven for drug users and drug dealers from Lynchburg Virginia. Former Chief Slagle can attest to that fact because his police officers were kept busy on that corner because of constant disturbance.

Have you entertained the fact that mixed use or mixed business zoning is not only going to destroy your well-established, old-fashioned neighborhoods—it will also bring death to your downtown? We have a planning—well, we have Tom—and Tom and I have talked a considerable amount of time, and one of the things that Tom looks at is mixed use and mixed business in neighborhoods, old established neighborhoods. If you are going to turn neighborhoods into mixed use and mixed business, and you are looking at stores and shops and various businesses created in these rezoned neighborhoods, what will be the incentive for people to go downtown? None. They will stay in that contained area.

Retired people who are financially secure are leaving metropolitan areas to relocate to Mayberry-like towns such as ours. They want to find peace and tranquility in old-fashioned neighborhoods that we presently offer. If they wanted to settle in mixed use or mixed business neighborhoods, they will stay in the metropolitan area where they are.

I love the close-knit atmosphere of Sycamore Avenue. My neighbors have been on that street for years; we know each other; we care deeply about each other; and we look out for one another. Sycamore is safe, is slow-moving, is quiet. And rezoning it would reduce our property values, it would create a traffic hazard on that street—let me explain to you.

First of all, when you look at the corner of Sycamore where you propose that parking lot, do you know it's only a car length and a half from the corner? Every one of us that lives on Sycamore Avenue coming from Family Dollar, coming from Lexington, coming from Exxon, coming from Food Lion, come down Park Avenue and make a right onto Sycamore. With the going and coming and entrance and exit of cars belonging to students, that's an accident waiting to happen—that's number one.

Also, when you look at it—I'm listening to Casey talk about six units instead of eight. Well, whoop-de-do. Six units will still allow four unrelated people in a unit. Multiply that—that's 24 people. Then he talks about, well instead of 13 parking spaces, I'll put two spaces per unit—count two spaces per unit. Do you know what that would mean? Anybody familiar with floating parking lot? A floating parking spaces has much less space than what is required, and that's what's happening there. This would be a floating parking lot that would have much less space for the people who live in those units, and the reason they call it a floating parking lot is that they are hoping for a space when the person leaves.

Not only that, I have just heard that there is no parking on Park Avenue. You think those students won't have company? Where are they going to park? Up and down that street. There are already cars up and down that street.

Are you even thinking about it? Ask yourself, why do you want to destroy an old-fashioned neighborhood? Why do you want to disrupt our lives? In our opposition to rezoning Sycamore Avenue, we have provided the exact same reasons as the Chestnut Avenue neighborhood gave last month. Plus we have given greater specifics of why not to rezone our street—keep that in mind.

Also, I heard Casey talking about considering the community. Casey didn't even know us. He didn't even come and knock on anybody's door and say, I'm interested in building around the corner, and I would like to know how you feel. You know what's happening today, not just in Buena Vista but everywhere—all you care about is a dollar, and not human factors. We are people! No, you don't care. If you cared, you would have sat down and said, how do you feel? What do you want in this neighborhood? This is what I would like. Again, my name is Danta Thompson.

So because you considered all the reasons that they gave last month, and we are giving the same ones, and even specifics of why not to rezone our street—you decided not to approve the rezoning for Chestnut Avenue here in Buena Vista, and we expect you to give us the exact same consideration and not rezoning our neighborhood as well.

Joe Mallow, owner of 2457 Sycamore Avenue

- Business tonight seems to be at cross purposes with zoning – doesn't make sense to rezone a residential neighborhood to mixed business? There are other areas zoned mixed business such as block between Ivy and Beech

Pam Mason, owner of 2425 Magnolia spoke. She was confused by why she received letter.

Mr. Roberts responded and explained that he sent certified letters to properties that were directly adjacent, and sent other notification letters to addresses within 1000 feet of the subject property.

Ms. Mason continued that she is opposed to the rezoning.

Jasmine Carter, 1534 Cedar Avenue

- The letter she received was complicated and difficult to understand

Joe Bouchelle, 116 E 28th Street

- Came to Buena Vista in 1978
- Casey Crookston is his son in law
- Casey bought a house on 24th Street and renovated himself and is committed to the community
- Casey is not an investor just out for a buck

Danta Thompson interjected to respond to Mr. Bouchelle. She noted that she had invested over \$25,000 into her house to renovate it. She stated that she did not think that she was attacking Mr. Crookston, but rather challenging him. She stated that he should have done his homework before launching into this.

Sandra Thurman, 162 W 32nd Street

- Lived in area for 53 years, attend church in the neighborhood
- The Methodist church has limited parking
- Proposed development will be an eyesore
- She has a house near her on 32nd Street that is a mess – students rent there, vehicles park in front of her house and block her in, leave trash
- Let the people on Sycamore live in peace
- Concerned about parking and where other residents will park
- Don't want undesirable people doing drugs etc.

Mr. Henson spoke up voice concerns that others had expressed to him, echoing many of the issues already raised:

- Many derelict buildings and vacant lots in this neighborhood and around town – these have a bearing on the taxes that we pay
- Cost of the City providing services goes up every day – need to increase the tax base

Mrs. Danta Thompson interjected that such increase should not be on the backs of long-term residents. She continued that revitalization and neighborhood transformation are goals, not a vision, and that a lack of vision has resulted in incompatible piecemeal development. “Buena Vista looks raggedy.”

Marie Shiraki, 2070 Forest Avenue

- Very concerned that there is no vision for where to put student housing, especially married student housing
- Concerned about big old houses being chopped up into apartments
- Conversion of houses to multiple rental units prices families out of the market

- There should be some sort of committee to review zoning and the vision

Lewis Plogger, 115 Linden Avenue

- This zoning affects him too
- These apartments are not just for SVU—can't discriminate against others
- Do you really want to see this in your residential neighborhood?

Gloria Williams, 1334 Oak Avenue

- Moved from Savannah GA area because her area was growing and changing and drugs, criminal activity, and other bad influences came in and she wanted to protect her family
- Very important to feel safe in her neighborhood and to see kids playing
- Words of encouragement to Casey – people have a right to be upset but need to do all that they do in decency and order – your gifts and talents are important
- Does not want to see restaurants, coffee shops, traffic, growth, etc.

Ralph Harrison, 2532 Sycamore

- Live right around the corner and oppose the proposal
- Concerned about traffic

Mr. Hawes closed the Public Hearing.

Planning Commission Discussion of Zoning Map Amendment

Mr. Hawes began by clarifying that it was the applicant who was proposing this development, and the Planning Commission had not advanced any ideas and did not “want” to do any of this. He continued that he strives to have an open mind to all applications, and wants to listen to the public, but in this case had looked at the site himself and could not imagine the two proposed buildings because it was too much on the site.

Mrs. Burke brought up the idea of a downtown overlay to enhance the continuity of the downtown aesthetic. She does not think that this development fits the zoning, and that it is zoned R3 for a reason, especially since it is a small lot in the middle of other houses and not a large property or multiple parcels. There are many other locations that are already zoned Mixed Use or Mixed Business.

Mr. Roberts interjected to clarify that design guidelines proposed as a condition address residential buildings differently than commercial buildings.

Mr. Roberts then highlighted that this area is, by virtue of its location, is a transitional area. He pointed out that the adjacent property, 2519 Sycamore Avenue, is a 100+ year old two-story building that was once multifamily and is currently for sale. He said that the Commission and the community need to think about what this building should be, if rezoning for higher density is not approved. They should also think about what the future of the other side of the block, facing Ivy, should be.

He noted that it is unlikely there would be a buyer who could renovate the large building into a single-family home, so he asked the room what would happen to the building. The only response to this question was from Mrs. Danta Thompson who said, “Let it go, Tom!”

Mr. Crookston rose to speak again. He noted that the rezoning was only applied to his parcels because the City wanted to retain the greatest leverage over future development of the other

parcels. He has tried to think of what the highest and best use of the block is, and he pointed out the multiple derelict and vacant structures and lots on the block. He noted that the other name for Park Avenue is 501 Business. He suggested that apartments would not be out of character for this particular block because it is at the edge of the neighborhood and on a major thoroughfare.

Mr. Holstein spoke. He echoed many of the concerns of the public. He made a motion to leave the property zoned as it is and not rezoned the property. Mr. Hawes clarified the motion to recommend denial of the rezoning.

Mr. Henson agreed with Mr. Holstein that we need apartments but this is not the place.

Mrs. Ferree suggested that we assemble a committee to get a vision together, and to take our time to do it right.

Mr. Manuel raised the point that why can't people be informed and know what the zoning is when they buy a property. He noted parallels between this application and the Chapman's conditional use permit application.

The Commission voted on the motion to recommend denial, and it passed five to zero. Mr. Tuttle abstained for personal reasons.

Regular Meeting

Public Comment

None.

Review and Adoption of Minutes

Mr. Roberts has not completed the minutes.

Report of Secretary

None

Committee Updates

None.

New Business

Zoning Text Amendments – Dwelling Unit Regulation

Mr. Hawes said that previously he had been opposed to changing the residential regulations, but recently his mind had changed and he is more open to making two-, three-, and four-family dwellings conditional uses.

Mr. Hawes pointed out that Mr. Roberts had sent an email earlier in the afternoon that the City Manager was not supportive of the Accessory Dwelling Unit (ADU) portion of the proposal, but that Mr. Hawes like the idea. Mr. Roberts reviewed some of the highlights of ADUs. He emphasized that these accessory apartments would have limited square footage, as well as an owner-occupancy requirement, and this is in contrast to current regulations with high square footage minimums. Many of the known problems of having multiple units on a property can be mitigated by the limitations applied to ADUs.

There was some discussion of the term “mother in law suite” and families occupying an accessory unit versus renting the unit. Mr. Roberts said that it is impossible to regulate unless a unit is a unit is a unit, so family relationships can’t be used to determine whether a unit is separate or not.

Mrs. Burke raised the provision of Code of Virginia that allows accessory dwelling units for elderly people. Mr. Roberts agreed and clarified that there has to be physician approval and there are other limitations, so he does not see this being very common. She noted that aging baby boomers will bring more demand for accessory dwelling units and wants to support aging in place. She also agreed with the owner-occupancy requirement and square footage limitations.

Mrs. Burke also highlighted that the Commission needs to offer positive solutions, not just say no, no, no.

Mr. Hawes countered that until recently the Commission rarely turned down proposals.

Mr. Roberts discussed eliminating the minimum dwelling unit square footage. Although the high minimum square footage discourages some people from creating a second unit entirely, but those who do end up building large duplexes that don’t fit in the neighborhood. There was additional discussion about whether the square footage minimum was useful, and some voiced concern for houses that were too small. Mr. Roberts countered that in a new large housing development minimum square footages would keep the architecture consistent, but in R2, R3, and R4 zones development will be infill lots.

Mrs. Burke would like to eliminate the minimum square footage because it will free people to build housing that fits small families or singles, and is more affordable. Owner-occupied single-family houses are better than apartments. Some people are single and don’t want or need a large house and large yard.

Mr. Henson asked about the houses on the 100 and 200 blocks of Evergreen and Hazel and how large they are. Mr. Hawes thinks they are less than 960.

Mr. Roberts noted that the market will drive the size of single-family detached houses.

Mr. Roberts also emphasized that all four proposals dovetail, especially the ADU proposal and the elimination of square footage minimums, at least for duplexes.

Conversation turned to eliminating three- and four-family dwellings as a by right use. Mr. Hawes suggested that those become conditional uses instead. Mr. Roberts asked if there is a scenario in which they would approve a four-family dwelling in R3, and Mr. Hawes said yes if there were enough lot size. Mr. Roberts pointed out the neighborhood outcry over creation of a four-unit dwelling tonight (Mr. Crookston’s proposal).

Mr. Hawes added that if Mr. Crookston came back to the Planning Commission requesting a variance to put a single-family home on his lot, he would be inclined to grant it.

Mr. Hawes then asked that Mr. Roberts look at carports and how we can require them to meet setbacks. Mr. Roberts agreed that carports are an issue that needs to be addressed in the code and he will work on that.

Old Business – none

Adjournment

Mr. Hawes adjourned the meeting at 9:30 PM.

Approval

Chairman

Date