



**City of Buena Vista
Planning Commission
Minutes of August 14th 2018
Regular Meeting**

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
Buena Vista VA 24416
troberts@bvcity.org
(540) 261-8607

Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on August 14th 2018. Roll was called and a quorum was established.

Members Present:

Dennis Hawes, Chairman
Sandy Burke
Lucy Ferreebee
Melvin Henson, City Council Representative
Preston Manuel
Jay Scudder, Ex Officio member*

Members Absent:

Michael Ohleger, Vice-Chairman
Guy Holstein
Bradyn Tuttle

Staff Present:

Tom Roberts, Director of Planning & Community Development

**Mr. Scudder arrived after the meeting began and sat in the audience, but rose to address the Commission and comment on several matters on the agenda.*

Public Comment

None.

Mr. Hawes asked to rearrange the agenda so that the New Business item of the SVU rezoning proposal could be heard first.

New Business

Zoning Map Amendment for SVU, 2638 & 2656 Chestnut Avenue

Mr. Hawes began by clarifying that this was not a public hearing and that no vote would be taken tonight. Mr. Roberts gave a brief summary of the proposal.

Mr. Bill Braddy rose to speak on behalf of SVU for this proposal. He explained that some years back when SVU pursued rezoning of much of Seminary Hill to Institutional, these properties were considered but it was not felt that they needed to be INST and at the time they were residential in use. Now, however, SVU wants to use 2638 for offices.

Mr. Braddy continued that the college had reached out to Mr. Lewis Graybill, who owns the house immediately south of 2638 Chestnut, about the proposed rezoning and that Mr. Graybill is very supportive of the rezoning.

Mr. Braddy addressed the staff recommendation of some type of curb/gutter/sidewalk construction as a condition of approval. The staff report stated that staff had begun discussion of this idea with SVU but had not finalized anything. Mr. Braddy explained that several years back SVU had studied all the infrastructure on campus, including storm water conveyance, and had developed conceptual plans. He is concerned that requiring a short section of curb/gutter/sidewalk here would be piecemeal and may have to be demolished if larger-scale infrastructure improvements are made later. Additionally, he is concerned that channelizing the flow of stormwater in a gutter here may create a worse problem than the ponding that currently occurs in these two front yards. Also, there are mature trees along this side of Chestnut that would likely be damaged by curb/gutter/sidewalk construction. He stated that he would like to talk more with Mr. Roberts separately to see how they can fit this into the overall infrastructure plan for campus. Finally, Mr. Braddy suggested that to alleviate some of the concerns of pedestrian access and safety, on street parking on the east side of Chestnut could be limited or prohibited.

There was no further discussion of the rezoning proposal.

Mr. Hawes took the opportunity with Mr. Braddy present to ask some questions about student housing, beginning with how many students lived on campus. Mr. Braddy responded that a little over 600 lived on campus [note: Mr. Braddy first stated around 800, but later in the meeting corrected that number after communicating with other SVU staff]. About 12% of the student body is married, and married students are encouraged to live off campus. Some upperclassmen live off campus as well.

Mr. Braddy continued on student housing. The new building proposed next to the existing library will include academic, student life, and housing spaces for about 200 students. It is expected to come online in fall of 2020, but given the school's rapid growth will barely be able to offset new demand for on campus housing. The area west of the library and Main Hall was chosen instead of the site at the corner of Chestnut and 27th Street because the infrastructure development needed at Chestnut and 27th Street would have been more expensive.

Mr. Braddy continued on married student housing. SVU has no plans for on-campus married student housing; this is expected to be provided by private developers off campus. The target price range for most married student couples is between \$600-700 per month. \$750 or \$850 is more than most can afford.

Review and Adoption of Minutes

The Commission looked at the minutes for the June and July meetings. Mr. Hawes asked for a motion to approve the minutes of the June 13th meeting. Mrs. Burke made the motion and Mr. Manuel seconded, and all approved. Mr. Hawes asked for a motion to approve the minutes of the July 10th meeting. Mr. Manuel made the motion and Mrs. Ferree seconded, and all approved except for Mrs. Burke, who abstained because she had not had a chance to read the minutes yet.

Report of Secretary

Mr. Roberts reported on several items.

- The Chapman's CUP application for 2354 Chestnut Avenue was denied by City Council
- Mr. Crookston's rezoning application for 212 Park Avenue was withdrawn prior to this Thursday's (8/16/2018) City Council Public Hearing.
- Mr. Roberts is much closer to inventorying and mapping all of the dwelling units in the City including duplexes/triplexes/quadplexes.

Committee Updates

Mr. Roberts noted that he has sent the transportation chapter of the comprehensive plan update to the Planning District Commission for review.

Old Business

Zoning Text Amendments – Dwelling Unit Regulations

Mr. Henson brought up the issue of too many cars parked on the street where there are apartments in houses, saying that we need to make sure there is off-street parking required. He also noted that sometimes people park too close to intersections.

Mrs. Burke jumped to the issue of manufactured homes. She asked to clarify that if we remove it as a permitted use in R4, if there will be anywhere in the City where they are permitted. Mr. Roberts said no, because though R5 is designed for mobile homes and mobile home parks, there is nowhere in the City zoned R5. Mr. Hawes interjected that he thinks they are permitted in the Conservation district. Mr. Roberts stated that he would research the issue more and determine if there is a requirement that mobile homes be permitted somewhere in the City.

Mr. Jay Scudder rose and explained to the Commission that although he had not been very involved with land use issues since he began in Buena Vista, given the gravity of issues being discussed right now, he wanted to get more involved and come to more meetings.

Mr. Keenan Reesor, 1045 E 17th Street, rose to speak on the issue of dwelling unit regulation. His points:

- His house has a basement apartment that was previously rented out
- He was aware when he bought house that unit is not legal and is not renting it out, and is not at the meeting to ask for a special exception or anything
- Strongly supports the ADU proposal
- Thinks his house is a good example of why the ADU proposal would be good. The apartment is very nice, is about 910 sq ft with 1 bedroom, was rented for about 7 years with no complaints from neighbors.
- Is concerned with minimum lot size requirement in R2 of 2.5 lots because his house has only 2 lots and he does not think that it makes a difference to neighborhood character
- Thinks that the occupancy limit for an ADU is more important than the square footage requirement
- Occupancy limit should be given flexibility for young couple who has a baby while living in unit.

Mr. Hawes stated that he supports the ADU proposal as drafted as a by right use, and sees them as very different from duplexes.

Mrs. Burke stated that she supports the ADU proposal, but agrees with Mr. Reesor that the occupancy limit and the square footage limit are duplicative. She is concerned that with the very specific limitations of square footage, occupancy, etc. many houses will not qualify, and that the benefit to allowing ADUs will be partially negated. She supports ADUs because they address the key concerns that have come before the Commission recently related to apartments in houses, such as parking.

Mr. Roberts raised the question of procedure and why he offered several options for permitting procedure. He said that he was leaving it open to the Commission's input because it could go either way and depended on how easy the Commission wants to make it for people to get an ADU. When asked specifically what procedure they supported, Mr. Hawes and Mrs. Burke stated that they support allowing by right creation of ADUs, and the rest of the Commission present nodded in agreement and did not state disagreement.

Mr. Scudder rose and pointed out that this is really about the character of the community. Sometimes the character of a community changes, but the character of the neighborhoods in Buena Vista is single family. He does not think that we should allow garage apartments or accessory dwelling units or similar dwelling units because they will be detrimental to the character.

Mr. Scudder continued that the issue of regulating dwelling units like this is complicated and important, and that we should slow down and not rush addressing it. He noted the connection of this issue to the comprehensive plan.

Mrs. Burke responded that she felt that the ADU proposal specifically addressed the neighborhood character concerns with the owner occupancy requirement and the occupancy limitation.

Mr. Scudder responded that the more complex the regulations are, and the more conditional use permits are issued, the harder it is for staff to track and enforce the regulations.

Mrs. Burke countered that if the City did not allow accessory apartments at all and made it difficult to have a duplex, then more people would create the units illegally and they would be harder to track.

The Commission briefly discussed the issue of carports and all supported the proposed language to define and apply setbacks to carports.

Mrs. Burke asked for clarification on the B2 Planned Business zone that she had noticed on the dimensional regulation table, as well as asking where the dimensional regulations for other zones were. Mr. Roberts explained the B2 zone and that dimensional regulations for MU, MB, INST, and the two Hilltop districts are within each zone's section.

Mr. Roberts returned to the issue of ADUs and explained the quandary he has with houses such as Mr. Reesor's at 1045 E 17th. Under the new definition of family, a "mom, dad, and two kids" family can live in the upstairs and have up to two unrelated boarders in their home, and they are within the occupancy limitations for a single family home. Is it OK if those boarders live in the basement bedroom, and there happens to be a second kitchen in the basement? Does it constitute a second unit or not? It depends on the Zoning Administrator's interpretation and determination. Mr. Roberts asked for the Commission's input on whether they wanted to be strict or more permissive about allowing rental arrangements such as this. There was not a clear answer from the Commission.

Mr. Scudder rose to comment, noting that interpretation of the code is an administrative function determined by staff, and that the Zoning Administrator's interpretation should be decided, written down, and then followed. However, it is still the Administrator's prerogative to look at what the situation really is and what is really going on in a house and make a decision.

Mr. Scudder also took the question back to enforcement, noting that enforcement is complaint-driven. If people notice there are a lot more people coming and going in a house, they will complain and the City will investigate.

Finally, Mr. Roberts raised the question of minimum lot size requirements, particularly in R2. He noted that this has come up frequently, particularly with existing homes with apartments that may be otherwise legal but they do not have sufficient lot size. He asked if the lot size of 2.5 lots for a duplex in R2 was too much. Mr. Hawes stated he saw the lot size requirement as a key difference between a duplex and an ADU, and wanted to keep the lot size requirements.

Adjournment

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

Approval

Chairman

Date