



City of Buena Vista Planning Commission

Minutes of November 14th 2017

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 November 14th 2017. The meeting was called to order by Chairman Hawes. A quorum was established.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Sandy Burke
Tyson Cooper
Lucy Ferrebee
Melvin Henson, City Council Representative

Members Absent:

Simone McKelvey
Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Planning & Community Development

Review and Adoption of Minutes

Mr. Hawes called a vote to approve the minutes of the October 10th regular meeting as presented. The motion passed unanimously.

Public Comment

None.

Report of Secretary

Mr. Roberts began by asking the Commission's feeling on approving a Conditional Use Permit for a single family dwelling with more than four unrelated adults renting. He outlined a potential application for a new house with 3 bedrooms and 6 adults on a corner lot with 4 off-street parking spaces. Although the Commission stated they need to see the actual application, members voiced some concerns with the general idea, such as whether it would set an unwanted precedent and that they needed to protect the neighborhood. Mr. Cooper said that he appreciated the applicant is asking permission, not just doing something and asking forgiveness later.

There was some discussion of the Rental Inspection Program. Mr. Ohleger asked why the area around SVU was not included in a rental inspection district. Mr. Roberts explained that to his best understanding, the intention of the districts was to tackle houses in poor physical condition. While today there are many rental properties close to the college, those neighborhoods are

generally in good condition and not “blighted.” The districts can be changed by action of City Council.

Mr. Hawes interjected congratulations to Mr. Cooper for election to City Council as a write-in candidate and to Bill Fitzgerald, sitting in the audience, for election as mayor.

Standing Committees

Comprehensive Plan Update

Mr. Roberts gave the updated schedule for the plan update. The Committee will convene again in January (November and December meetings have been cancelled). In November and December Mr. Roberts will work on chapter drafts.

New Business

Urban Development Area (UDA) designation

Mr. Roberts asked the Commission to vote to endorse this designation for inclusion in the comprehensive plan update. The designation will help secure grants. Mr. Ohleger made a motion to endorse the designation, Mr. Cooper seconded, and the motion passed.

1727B Sycamore Avenue Conditional Use Permit application

Mr. Roberts explained that he expected to receive an application for this property soon. The applicant is seeking to open a boxing gym in the former Bald Bear Outdoors store in the old silk mill next to Habitat ReStore. The property is zoned Light Manufacturing. Mr. Roberts stated that he suggested that the whole property be rezoned to Mixed Use, but was informed the owner, Paul Palma, is not interested in rezoning the whole property. There was some discussion of the timeline for the public hearing; Mr. Roberts hopes to be able to have the public hearing at the December 12th regular meeting.

There was a further discussion of who can initiate rezonings for a property, and the future land use designations in the comprehensive plan.

Zoning permit fee schedule update

Mr. Roberts highlighted that the bottom line of this proposal is to reduce certain fees to right-size them to the kind of activity that Buena Vista has, and that it puts money back in the pockets of businesses primarily. Mr. Henson asked about fees for City-sponsored events and nonprofits. Mr. Roberts responded that City events were not charged fees, and most nonprofits were charged fees. He also acknowledged that the sign regulations need to be updated.

Mr. Cooper asked for clarification on the vacation of public right-of-way fee. Mr. Roberts explained the formula for determining fair market value for a portion of right-of-way based on the assessed value of adjacent land on a per square foot basis. There was also some discussion of the fees for printed maps and other materials. Mr. Roberts explained that the fees listed were primarily to avoid abuse or excessive requests, including FOIA requests. Mr. Roberts also explained the nature of GIS shapefiles and why there was a fee for it.

Mr. Hawes asked about the upzoning and downzoning fees and whether they could be made the same, lower fee. There was discussion of the meaning of upzoning and downzoning. Mr. Roberts explained that the upzoning results in a more intense use and the property owner will benefit more. The amount of work for the two types of zoning is roughly the same and there are the

same public hearing requirements. The Commission requested reducing the upzoning fee to \$325 + \$25/acre to be the same as the downzoning fee, and Mr. Roberts agreed.

There was some discussion of the site planning tiered fee structure and the amount of land disturbance, and about the lack of definition for “minor site plan” in the current schedule. No changes to the fees or tiers were proposed.

Finally, Mr. Roberts discussed the process for adopting the new fee schedule. It needs to be voted on and passed by City Council but does not require a public hearing, although there is also a zoning text amendment (Article 10) currently proposed to clarify Council’s authority to do that.

Mr. Cooper motioned to recommend the proposed fee schedule updates to Council. Mr. Ohleger seconded and the motion passed.

Zoning Text Amendment for off-site parking requirements

Mr. Roberts discussed the impetus for this proposal being future SVU growth, and that SVU would like the Commission to consider allowing 1,000’ by right distance from use to off-site parking in Institutional. The proposal before the Commission is to allow greater than 600’ by conditional use permit. This rule may apply to locations downtown as well as on SVU’s campus.

Mr. Hawes asked about the proposed 10-year period of required ownership or legal right to off-site parking spaces, and what happens after 10 years. Mr. Roberts replied that the language had been taken from Harrisonburg’s code. Mr. Hawes was concerned about problems after 10 years.

Mr. Hawes also brought up that the downtown area (the Magnolia/Sycamore/Beech corridor from 9th Street to 29th Street) has relaxed off-street parking regulations. Mr. Roberts agreed, noting that in this area, all off-street parking requirements are waived because of site design constraints of existing buildings and desired density. Mr. Roberts stated that this blanket waiver needed to be changed and some type of parking should be required, but that more research needed to be done to determine how to do this.

Mrs. Burke asked about existing parking arrangements at SVU’s athletic facilities. Mr. Cooper responded and explained that there is very little parking at the Fields, and that there is an unofficial agreement with the LDS church to allow parking in their lot for events. Mr. Roberts stated that this proposal will give SVU the flexibility to build parking further away from uses, and that this proposal would give Buena Vista more flexible off-site parking regulations than many other comparable cities.

Name change for historic district

Mr. Hawes raised the idea of changing the name of the Seminary Hill Neighborhood Historic District. In the course of the recent rezoning request for 2806 Beech Avenue, awareness of the boundaries and regulations associated with the historic district was raised, and some citizens and elected officials are concerned about the impact of the perception of the district on development activity, especially along 29th Street.

Mr. Cooper asked what the intention of the district is. Mr. Hawes responded that it was to maintain the historic character of the neighborhood and to keep things looking good. Mr. Cooper then asked to clarify whether the intention is to keep it looking “good,” which is very subjective, or whether it is to maintain some certain historic style or period. The Commission then discussed this issue of how the committee would determine compatibility or what suits the character of the neighborhood, and how historic elements factor in. Referring to the items to be considered listed

in the City code for certificates of appropriateness, the Commission returned several times to the desire primarily to avoid eyesores and keep the neighborhood looking good.

Mr. Roberts noted that the state code is fairly broad in how it authorizes local historic districts and historic district architectural review committees, allowing them to consider aesthetic concerns and relation to surrounding neighborhoods. Mr. Roberts then explained that one of the challenges of the Seminary Hill district is that the existing development within the historic district is varied and not consistently “historic,” and does not represent a cohesive historic assemblage. He outlined the difference between the downtown historic district, which is designated through the state and involved research on specific buildings and has both “contributing” and “non-contributing” buildings, and the Seminary Hill district. Mr. Cooper and Mr. Ohleger noted that the majority of buildings in the Seminary Hill district are not historic.

This lack of cohesiveness makes identifying historic character very difficult, although Mr. Ohleger pointed out that many of the most historic homes in the City were building during a few years just before the “bust” in the 1890’s. Mr. Ohleger also stated that he did not remember or understand why 29th Street was included in the district. Others agreed that 29th Street was included to control development on a major entrance corridor.

Mr. Hawes raised the question of whether the word “historic” was discouraging developer interest, and if “historic” could be removed. Mr. Roberts responded that he did not believe the word “historic” had to be included in the name, though the legal authority to control architecture was derived from its local historic designation. Mr. Roberts continued that he felt that the reality of the regulations was more discouraging than the name or perception.

Mr. Henson asked if the district was helping or hurting the City. Mr. Cooper asked if it was possible to have more than one district, and perhaps designating one in the downtown. Mrs. Ferree asked whether there were any state-designated individual buildings on 29th Street, which there are not. The Commission continued to discuss what historic buildings the City has and what has been identified or designated, though more may be eligible with additional research.

Mr. Roberts reviewed the larger toolbox of zoning to achieve architectural control. One option is to require individual approval and review each case separately, such as through a certificate of appropriateness process or conditional use permit process. The other option is to have tight and specific code requirements for development, even going as far as form-based codes. Mr. Roberts pointed out that in the many years that the district has been in place, there has been almost no redevelopment along 29th Street, so the question needs to be asked about changing the regulations there.

Mr. Roberts continued, asking the Commission what they might approve on 29th Street. He pointed out that currently it is primarily single-family residential, but the zoning allows much denser development. Mr. Hawes added that 29th Street was zoned to Mixed Business because it had become a mix of residential and some businesses. Mr. Roberts posited a hypothetical 3 story apartment building next to single-family homes, and Mr. Ohleger said that based on the criteria of historic compatibility, a 3 story apartment building would not be approved because it would not be harmonious or compatible. Finally, Mr. Roberts asked what the residents of 29th Street think is appropriate.

There is a clear consensus that the Seminary Hill district needs to be revisited and potentially revised, especially along 29th Street.

Potential rezoning request by SVU on Chestnut Avenue

Mr. Roberts explained that an SVU official had expressed interest in rezoning the Fawson Alumni House at the corner of Chestnut Avenue and 26th Street. No application has been received. Best practice would suggest rezoning more than just one property, potentially one or two blocks on Chestnut, to avoid spot zoning. Mr. Roberts expects that this will be of strong interest among people in the community. The property would be rezoned from R2 to Institutional.

Other items

Mr. Henson inquired about maintenance of buildings that have received tax credits, and whether there was any accountability for owners who received tax credits but did not properly maintain their property. Mr. Roberts was not sure which tax credit program he was referring to, and the answer would depend on whether they were local, state, or federal and what type of credits.

Old Business

The Commission agreed that the zoning text amendments to Article 10 regarding fees, and the amendments to Section 702 regarding additional buildings on a single lot, could be included in the next public hearing. They also agreed with Mr. Roberts to table action on text amendments related to occupancy and conditional uses in R2 & R3.

Adjournment

Chairman Hawes adjourned the meeting at 8:55 PM.

Approval

Chairman

Date