



**City of Buena Vista
Planning Commission
Minutes of December 12th 2017
Public Hearing and Regular Meeting**

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
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Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on December 12th 2017. A quorum was established.

Members Present:

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

Members Absent:

Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Planning & Community Development

Chairman Hawes called the Public Hearing to order.

Conditional Use Permit application to operate a boxing gym at 1727B Sycamore Avenue

Mr. Hawes invited Mr. Larry Hinojosa to speak about his application. Mr. Hinojosa spoke briefly about his experience as a boxing coach at the collegiate level and his desire to have a gym to train boxers. Mr. Ohleger asked if Mr. Hinojosa planned to have competitive events at the location, and Mr. Hinojosa explained that the space would be too small for a standard competition setup. Ms. McKelvey asked if the gym would operate on a membership basis.

Mr. Hawes pointed out that staff recommended a condition to limit regular occupancy of the space to 25 persons unless an additional bathroom was built. The Commission discussed this and Mr. Roberts explained that this is a building code requirement. Mr. Hinojosa added that he would like to have more space long-term, and that he had a two-year lease with the property owner (Paul Palma) but at the end of that may look for other locations.

Mr. Roberts briefly discussed the reason that a CUP was needed for this site, and that he felt the gym use was similar enough to retail uses to approve, and that the future land use plan in the upcoming comprehensive plan update calls for this site to have Downtown Center use which aligns with Mixed Use zoning. He also pointed out that although there is plenty of parking at this site, the owner has made only modest steps to improving the parking lot according to the site plan.

Mrs. Hinojosa stepped to the podium to ask how the occupancy limit would change if another bathroom were added. Mr. Roberts replied that he would confirm but believed it would double the occupancy.

Ms. McKelvey asked if Mr. Hinojosa would need to obtain another CUP if he relocated in two years. Mr. Roberts replied that it depended on the zoning of the other location, but that gyms were by-right uses in multiple other districts.

Mrs. Burke asked to clarify the future land uses for the site and whether a CUP would be needed if the property was rezoned. Mr. Roberts explained the difference between future land use designation and zoning. Updating the comprehensive plan would not change the need for a CUP.

Mr. Hawes noted that the owner, Paul Palma, is moving toward a more retail use for the site but he prefers to continue operating with a CUP. Mr. Henson asked if a business like Precision Metalworks could open in the space if it were zoned Mixed Use. Mr. Roberts replied that no, a manufacturing use or potentially a waste transfer facility or materials recovery facility would not be allowed in Mixed Use.

Mr. Hawes then closed the public hearing, and asked the Planning Commission for a motion to recommend approval of the CUP. Mr. Cooper made a motion, Mr. Henson seconded, and the motion passed unanimously with the condition included in the report.

Zoning Text Amendment to eliminate Section 702, Additional buildings on a single lot, from the Land Development Regulations

Mr. Hawes opened the public hearing, but closed it, seeing no one in the audience to comment. He asked for a motion. Mr. Ohleger made a motion to recommend approval, Mr. Cooper seconded, and the motion passed unanimously.

Zoning Text Amendment to eliminate outdated zoning fee references and clarify authority of City Council to adopt a zoning fee schedule

Mr. Hawes opened the public hearing, but closed it, seeing no one in the audience to comment. He asked for a motion. Mr. Henson made a motion to recommend approval, Mr. Cooper seconded, and the motion passed unanimously.

Review and Adoption of Minutes

Ms. McKelvey pointed out a typo on page 4. Mr. Hawes called a vote to approve the minutes of the November 11th regular meeting with the one correction noted. The motion passed unanimously, except Ms. McKelvey abstained because she had been absent.

Public Comment

None.

Report of Secretary

Mr. Roberts reported on several items.

- City Council requested the applicants for the two open Planning Commission seats attend the upcoming City Council meeting and be prepared to speak briefly.
- Braiding the Way for Outdoor Recreation has completed its plan for promotion and planning of outdoor recreation, and will be transitioning to a permanent entity called the

Rockbridge Area Outdoor Partnership. Copies of the plan were provided to Commission members.

- Interviews for a new Director of Parks & Recreation were completed and the new director would be announced soon.
- On the cusp of a major Rental Inspection program outreach.
- More zoning text amendments will be coming to the Commission in the next few months.
- The Mundet-Hermetite plant is now on the market for sale, so hopefully a new factory will locate there.
- The Expressway/Break Time gas station on Magnolia has acquired the house next door and will demolish it and build a parking lot, and may in the future add to their building.

Mel Henson mentioned the idea of a bus tour around the City in January. The Commission was very interested in this.

New Business

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

Mr. Hawes began discussion of this somewhat complicated issue wondering whether we could use one definition rather than two. Mr. Roberts explained with an example of a split level about the half-way-below-ground rule. He added that he recommended defining both basement and cellar because it is standard zoning practice to define both, and that Buena Vista’s definitions were very similar to those of other localities. If you define basement as less than halfway underground then there has to be some word for a space that is more than halfway underground.

Ms. McKelvey asked whether a cellar could be livable under building codes. Mr. Roberts said that yes, it could, if it met egress and other standards. He continued that this complexity is one reason to simplify the definitions so that building codes, not zoning definitions, governed occupancy.

Old Business

Zoning Text Amendment for off-site provision of required parking

This item was brought back with revisions to the requirements for ownership or legal agreements governing access to an off-site parking facility. Mr. Hawes stated that he liked the proposed text borrowed from Roanoke.

There was additional discussion to clarify what the text was saying. Mr. Roberts walked through the process of how a use that loses off-site parking spaces would become a nonconforming use.

Mrs. Burke asked if this wording would make it more difficult for SVU to conduct its current activities or develop in the future, given that it is currently busing event attendees from an LDS church parking lot. Mr. Roberts explained that this regulation would not affect existing agreements or existing uses, though it would affect future development if SVU wanted to utilize LDS church parking lot to meet its minimum requirements. Mr. Hawes reiterated that the legal agreement was important to ensure the parking remained available.

Mr. Cooper noted that the LDS church had never “officially” given permission for the event parking/bussing arrangement. Mr. Cooper reiterated his concern, speaking on behalf of SVU, that these regulations may hamstring the university. He pointed out that parking garages are multi-million dollar projects that are often public/private projects, and that there are very few

sites where one will be feasible. Mr. Cooper continued that he is very concerned that the conditional use permit could utterly stop SVU development if a Planning Commission or City Council in the future denied a CUP for parking, because adequate parking within 600 feet of building sites is not available. Mr. Cooper also noted that parking is a very important issue and that there will be more and more cars in the future.

Mr. Hawes asked about how other colleges handle student cars. There was some discussion of parking policies, and then Mr. Ohleger suggested that a committee with City and SVU representatives to coordinate campus-related parking issues. There was further discussion to expand the committee's scope to meet and coordinate on all SVU/City master planning issues. Mr. Hawes pointed out that SVU had presented previous master plans and site plans for future development to the Planning Commission. Mr. Ohleger suggested committee members be from City staff, SVU staff, Planning Commission, and City Council.

Mr. Roberts suggested that he would take the idea of a standing committee to the City Manager, and that Tyson take the idea to SVU leadership.

The parking regulations zoning text amendment was tabled to the next meeting.

Additional Items

Seminary Hill Historic District Overlay

Mr. Hawes raised the idea of renaming the Seminary Hill Historic District and suggested renaming the district an "architectural standards overlay." There was some discussion over whether there were any architectural standards in the City, and Mr. Roberts pointed out that there is a set of standards that apply to certain districts. Mr. Roberts stated that he believed we should wait until a neighborhood plan is done to make changes to the district to get more stakeholders at the table, and that we should wait until we make substantive changes to change the name.

Zoning Text Amendment to make multiple dwelling units a conditional use

Mr. Cooper raised the earlier proposed to make two-family, three-family, and four-family dwellings conditional rather than by-right. He stated that as he reflected on the proposal and learned more about what was going on in Buena Vista and elsewhere, he felt it was important to address soon. He has seen many houses converted to multiple units for student occupancy.

Mr. Hawes replied that he generally supported the idea but felt that staff should focus on enforcing existing regulations. Mr. Cooper restated his concerns about neighborhood character and parking.

Mr. Ohleger agreed with Mr. Cooper's concerns and cited his neighbor who had created a basement apartment. Mr. Ohleger added that he believed the City should invest in a dedicated code enforcement officer.

The discussion continued on the topic of rental units, compliance, and zoning. The existing zoning code imagined actual side-by-side duplexes, not basement apartments considered duplexes. Mr. Cooper noted that he wanted neighbors to have a say in their street's character. Mr. Hawes stated that he felt that the high tax rate was making the City less appealing to families moving and more likely for investors. Others agreed that the market is difficult for families.

Adjournment

Chairman Hawes adjourned the meeting at 8:35 PM.

Approval

Chairman

Date