



**City of Buena Vista
Planning Commission
Minutes of June 13th 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 June 13th 2018. A quorum was established.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Sandy Burke
Lucy Ferrebee
Guy Holstein
Preston Manuel
Bradyn Tuttle

Members Absent:

Melvin Henson, City Council Representative
Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Planning & Community Development

Cornerstone Bank

Several members of the board and staff of Cornerstone Bank were in attendance, and they spoke briefly to say they are excited to open a new branch in Buena Vista following the announcement by Union Bank of its branch closure.

Mr. Ohleger made a motion to state a resolution of support of Cornerstone Bank's new branch opening. The motion was approved unanimously.

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.

Conditional Use Permit for home used as rental property pursuant to Section 711 of the Land Development Regulations, John Chapman, 2354 Chestnut Avenue

Mrs. Kathryn Chapman, wife of the applicant, spoke first about their proposal. Her points:

- Currently they have 11 people in their family, they propose 9 people
- They have spent money adding gravel to the alley

Mr. Ohleger asked how many cars they have parked in the back; she replied 1 and reviewed the site plan showing demolition of the chicken coop and spaces for 8 cars. Mr. Holstein asked about location of the car port.

Mrs. Chapman noted that the staff report noted two of the spaces would be difficult to back out of; she responded that those spaces are directly opposite a neighbor's driveway.

She also noted that another option is to loop a driveway through the back yard around the barn.

Mr. Hawes asked if they were only going to rent to students; she said they were going to advertise to students, and that they were going to go through the rental inspection process so they could advertise on SVU's page. At this point, they have five members of the tennis team lined up to live in the house.

Mr. Holstein asked about fair housing laws, and Mr. Hawes said it may not be legal to advertise just for students. Mrs. Chapman said she is open to renting to others who want to share housing students.

Mr. Tuttle asked about dealing with traffic on Chestnut, and visitors to the house. She responded that they have 4 cars and three are usually parked on the street. Since they have lived there, they have only had two occasions when they couldn't get a spot in front of their house. Also, most students don't drive to other people's houses if they this close to campus. She also noted available parking on the side streets.

Mrs. Chapman said they are asking for this CUP because they want to earn more money off of the house. They don't want to upset anyone or make waves. They attended SVU shortly after it became Southern Virginia.

Mrs. Chapman noted that the comprehensive plan calls alleys "secondary access" routes for properties, and with 8 spaces off the alley that puts a lot of traffic on the alley and makes it primary not secondary. She is concerned about traffic on the alley, Chestnut, and the side streets. There followed discussion of alley use, maintenance, dealing with oncoming traffic in a one-way alley.

Mrs. Chapman stated that with several children approaching college age, they expect to have Chapmans living in the house for many years to come. Part of those children's responsibility will be to maintain the property.

Mr. Roberts spoke next. His points:

- Chapmans are applying under Section 711 which requires a CUP for 5 or more unrelated individuals paying rent
- They have 2.6 lots, so they could have up to a 4-family dwelling by right, so the maximum permitted density of this site is 4 units/16 people.
- Alleyways – in many other cities, alleys are used more heavily for vehicular access to residences because it allows you to put (unattractive) garages at the back of a property out of sight; but in Buena Vista this is less common and there are significant maintenance concerns with the City keeping up so many gravel alleys. There are two perspectives on alley use.
- Condition of alley behind this property is fair but it is hard to say whether there will be too much traffic or not.

Mr. Roberts then read, almost word-for-word, to the Commission and public the supplemental staff report he prepared for the meeting that was not included in the packet.

Mr. Hawes then invited the public to provide their comments.

Mrs. Terry Wheeler, neighbor:

- Did not receive letter/copy of proposed plan, heard about from neighbor
- Fair housing law, concerned that they can't limit residents
- Like the fact that other student rentals in the neighborhood are limited to 4 people
- Responsibility of reporting issues would fall to neighborhood and getting permit revoked would be difficult
- Alley wouldn't support this much traffic
- Don't mind as a rental but not for 9 people
- Safety of electrical capacity and plumbing capacity of house

Mr. Casey Crookston, 546 E 19th Street

- There are a lot of people renting homes to more than 4 people, he applauds the Chapmans for the proper application
- Precedent of granting this permit – just because the Commission allows this house doesn't mean they would have to allow it for the next house on the street, could be a first-come-first-served thing
- If this application were denied then others would think twice before taking the legal route and applying for a CUP

Mrs. Marie Shiraki, 2070 Forest Avenue

- They are in a similar situation living in a large older home
- Sad to see when big older houses are divided into apartments—bad for neighborhood character, decreases value in mind of the community
- Takes a lot of money to preserve an old, large home so that is why they need rental revenue
- Wants the City to look for ways to encourage preservation of old homes

Mr. Kirk Wheeler, neighbor:

- What if someone else on the block wants to do this conversion down the road, will they be denied because the Chapmans got there first and are using the alley?
- What happens to the alley and sewer if all the houses on the block are converted to higher occupancy?

Mr. Manuel then asked Mr. Wheeler if he thought that his property value would be diminished by the CUP, and Mr. Wheeler replied yes.

Mr. Chris Pendleton, 1045 E 17th Street:

- Just bought house in December, love Buena Vista
- This is a bigger issue than just the one application – what kind of town do we want? What are ramifications of this?
- His house is 3,000 sq ft; if this goes through, why wouldn't he do this to his house and generate a lot of income?

- It took him a long time to find a house to buy in Buena Vista because so many of the larger homes have been divided
- What does this do to businesses who want to come in and build apartments?

Mrs. Susanne Garcia, 125 S. Woodland Avenue

- Agrees with many of Mr. Pendleton's points
- Putting more than code in a house shoots us in the foot
- Shortage of 2500+ sq ft homes in Buena Vista – SVU faculty end up living in Lexington because they can't find something here
- When you can rent to so many it makes it too lucrative to live in your house
- Want the City to enforce existing code

Mr. Bill Braddy, 2748 Walnut Avenue

- Previously a Planning Commissioner
- Agree with Mrs. Shiraki's comments about not wanting to chop up old houses
- Agree with Mrs. Garcia that Buena Vista is losing people to other places because there aren't houses available
- Concerned about pedestrian and vehicular traffic on Chestnut
- He believes property values would decrease
- Passing this CUP would make it harder to deny the next application
- Recommends tabling proposal and researching issue
- No real benefit to neighbors, no real benefit to community, no real benefit to students living there, only benefits property owners
- Concerned about sewer
- Don't think this proposal is consistent with single-family residential
- Thinks that conversion of existing homes should be treated differently than vacant lot infill

Mr. Cameron Crowther

- Own property at corner of 21st and Magnolia Avenue
- Concerned about precedent: his downtown redevelopment has only been feasible because there is demand for residential apartments
- Allowing rentals within homes in residential neighborhoods decreases demand for apartments downtown

Mrs. Deidre Dryden, 2512 Chestnut Avenue:

- Applaud Chapmans for legal application
- Lives next to a student rental that has a lot of cars in front and is not maintained well
- Don't want houses chopped up
- Agree with others that it is hard to find large houses in Buena Vista
- Wants to see zoning rules enforced

Mrs. Shiraki again spoke and encouraged the Commission to consider alternatives to 9 people, such as 6 people or fewer parking spaces in the rear.

Mr. Braddy spoke again.

- Intention of these properties is to be owner-occupied
- \$1400 per month (\$350/person) is enough to cover a \$200,000 mortgage
- There is a way to rent and protect community values

Mr. Brett Garcia, 125 S. Woodland Avenue

- Is also Executive Vice President at SVU and has discussed these issues with President Wilcox
- Not specifically commenting on the Chapman application
- Concern is protecting community and students
- SVU has found high correlation between student behavior problems and the density of student housing
- “Our desire for the community is that single-family residential homes stay single-family residential homes.”
- Echoed concern that SVU faculty and staff can’t find homes in the City
- No incentive for builders to build areas that are zoned for apartments
- Want the City to enforce rules

Mr. Tyson Cooper

- Points out that two former Planning Commissioners came to speak
- Noted that the Commission discussed some changes to dwelling unit regulations last summer but did not take any action
- SVU is radically changing the nature of our community; Southern Seminary intentionally stayed up on the hill and did not come into the town. In the coming years, SVU will come down off the hill more and more and be more involved not just in housing but also in activities.
- Need to set policies in place now
- Encourages Commission to look hard at changes to R2 and R3 uses
- 40%+ of City’s housing stock is rental
- He lives next to students, and affirms that they come and go at all hours of the day and there is a lot of traffic even though not all of them have cars
 - 9 students will feel like 42 moved next door
- Encourages Commission to come up with ideas to help preserve old homes
- Highlights need to enforce existing codes

Mr. Hawes jumped in to note that the City used to have a code enforcement official and highlighted importance of enforcing what we have on the books before changing the rules.

Mr. Cooper encouraged the Commission to bring a proposal to Council for a code enforcement official. He and the mayor value the input of the Commission. He hopes that Council does not have to consider this application.

Mrs. Hawes asked about the electric service at the house. Mrs. Chapman replied that Phil Pence replaced much of the wiring when the Pences owned it. Also, she said that the sewer has had no issues with the sewer even with 8 daughters with a lot of hair going down drain.

Mrs. Chapman continued:

- Really wanted to come back to Buena Vista but struggled to find a house big enough for them.
- Jobs at SVU are not high-paying.
- They are moving to another house because they cannot make it living in this house—lots of maintenance
- \$1400-\$1600 per month may cover mortgage but would not maintain the house or generate a profit
- Have to supplement her husband’s income somehow – need to do what they need to do
- Have looked into subdividing the property or creating a duplex, and probably will do this if they can’t get the CUP even though it will be more disruptive to the neighborhood.
- Regarding concerns about electricity, there are already two refrigerators and two ovens in the house
- Next door are students living in addition to a house; she presumes it is a duplex, but they are good neighbors—she has never had problems with them and one time a student came over and offered to rake leaves—they are good people.
- She recognizes this is precedent-setting

Mr. Hawes closed the public hearing.

Discussion of Conditional Use Permit application from

Mr. Hawes discussed the background of Section 711, saying that the intent had been to avoid the problems seen in Lexington with student rentals. However, it has not been enforced. He commended the Chapmans for going through the appropriate process.

Mr. Hawes is concerned about property values, and pointed to neighborhoods in Lexington with lots of student rentals that are poorly maintained.

Mr. Ohleger spoke:

- He is concerned about traffic on Chestnut vehicular and pedestrian
- Some bad apples at SVU like anywhere else
- Commends Chapmans for asking for permission rather than forgiveness
- He knows of 4 places with non-compliant rentals
- Issue will get worse unless we enforce rules
- 9 is too many; he doesn’t support application
- Property values will be negatively impacted.
- Old homes shouldn’t be chopped up

Mrs. Burke spoke brought up the question of how rental to multiple people impacts the character of the neighborhood and the number of homes already being used for rental, and the intent of the R3 district.

Mr. Hawes asked the Commission if they wanted to table or vote on this. Mr. Holstein stated that he feels like the public has spoken and he has enough information to make a decision tonight.

Mrs. Chapman asked if the Commission would consider a smaller number of people. The Commission declined to make such a change. Mr. Ohleger made a motion to recommend denial of the application; Mr. Holstein seconded; and all voted yes.

Second Public Hearing: Zoning text amendment to amend Mixed Use district regulations

Mr. Roberts reviewed the proposal, beginning by noting the MU corridor is from about 9th Street to about Park Avenue. He then highlighted that the most important change is to change apartments on the upper floors of buildings from conditional to by-right uses.

Mr. Roberts pointed out to the Planning Commission that he made some small changes to be more specific about multifamily to make single-use multifamily buildings a conditional use.

Mr. Roberts also highlighted that the amendment would clarify that there are no setbacks and buildings may take 100% of the lot.

Mr. Hawes asked if anyone wished to comment.

Mr. Chris Pendleton, 1045 E 17th Street

- He supports these revisions and is glad the Commission is looking at zoning issues

Mr. Bill Braddy, 2748 Walnut Avenue

- He supports the revision to facilitate Ed Walker's development
- Who is controlling the design of buildings in the downtown? Staff or Planning Commission? He supports an architectural review committee for downtown to protect the neighborhoods.
- Many eyes make good decisions

Mr. Hawes closed the Public Hearing.

Planning Commission Discussion

Mr. Ohleger asked about portable food stands, and Mr. Roberts clarified that they don't belong in the zoning regulations.

Mrs. Burke asked about catering kitchens and whether they would be allowed, given the 50% retail sales requirement for manufacturing uses. Mr. Roberts explained that catering kitchens would be a by-right use and the manufacturing/retail percentages would not apply.

Mr. Tuttle made a motion to recommend approval of the zoning text amendment as presented; Mrs. Burke seconded; all voted yes.

Regular Meeting

Public Comment

None.

Review and Adoption of Minutes

Mr. Holstein noted that he was listed as both absent and in attendance on the minutes. He was absent. Mr. Hawes called a vote to approve the minutes of the April 10th regular meeting. Mr. Ohleger moved first, Mrs. Burke seconded, and the motion passed unanimously. Mr. Holstein abstained.

Report of Secretary

None

Committee Updates

Mr. Roberts stated that work on the Comprehensive Plan has stalled but the Planning District Commission is assisting.

New Business - none

Old Business – none

The Commission reflected on the earlier discussion and public hearing and the issues raised by it. Mr. Hawes asked Mr. Roberts to work on some text amendments for dwelling unit regulations because it was very clear those are needed. Mr. Holstein agreed. There was discussion of some other prior efforts to update regulations, such as signage and Central Business District zone, and the need to clear up old contradictory provisions in the zoning code.

Mr. Holstein suggested Planning Commission work sessions to discuss zoning changes.

Mr. Holstein discussed concerns with code enforcement, and whether the Commission can make a recommendation for a staff person. He noted that someone is going to die in an incident and then we will see the importance of enforcement.

Mr. Hawes asked about the Ramsey rezoning between Catalpa and Rockbridge Avenue that went to Council. Mr. Roberts reported that the rezoning had passed. He also relayed that Council had adopted 3 of the 5 text amendments. Council tabled voting on the definition of “basement” and the definition of “family” amendments.

The Commission returned to discuss zoning enforcement. Mrs. Burke asked what happens when there is a zoning violation, and Mr. Roberts explained it comes to him. Mr. Roberts stated that he receives few actual specific complaints. He investigates then sends a letter with a notice of violation, after which the person has 30 days to correct or appeal. He will work with people to develop a plan to bring it into compliance. If the person still has not complied, they can be charged with a misdemeanor.

Mr. Holstein stated questions and concerns with the sheriff’s department and how many deputies we have, and why the sheriff’s department is not helping with code enforcement. Mr. Roberts clarified that the sheriff’s department does help with code enforcement and is responsible for the inoperable motor vehicle enforcement, which has been very successful. There is some difficulty with having multiple people in different departments on different schedules and with different backgrounds providing consistent code enforcement.

Adjournment

Mr. Hawes adjourned the meeting at 9:25 PM.

Approval

Chairman

Date