



**City of Buena Vista  
Planning Commission  
Minutes of September 11<sup>th</sup> 2018  
Regular Meeting**

**CITY OF  
BUENA VISTA**  
Planning and Zoning  
2039 Sycamore Avenue  
Buena Vista VA 24416  
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Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on September 11<sup>th</sup> 2018. Roll was called and a quorum was established.

**Members Present:**

Sandy Burke  
Melvin Henson, City Council Representative  
Guy Holstein  
Preston Manuel  
Michael Ohleger, Vice-Chairman  
Jay Scudder, Ex Officio member

**Members Absent:**

Dennis Hawes, Chairman  
Lucy Ferrebee  
Bradyn Tuttle

**Staff Present:**

Tom Roberts, Director of Planning & Community Development

**Public Hearing**

Mr. Ohleger opened the public hearing.

**Zoning Map Amendment to rezone 2638 and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-46-3 and 28-3-5—2, from R2 Residential to INST Institutional for the purpose of using the house at 2638 Chestnut Avenue for offices.**

Mr. Roberts opened with a brief synopsis of the proposal by SVU. One point that he highlighted is that after the discussion at the last Planning Commission meeting, he had removed a recommendation to require infrastructure improvements such as curb, gutter, and sidewalk in favor of SVU performing that work as part of a larger project. Open comment period was then opened.

Sheryl Peterson, 2629 Walnut Avenue

- Just purchased house that backs up to 2638 Chestnut Ave
- Not concerned about office use, but concerned about dorms, athletic uses, etc.
- Can the properties remain R2 with some sort of variance to limit uses?

Christina Himes, 2474 Maple Avenue

- Wonders why this block of Chestnut Avenue was not included in the rezoning in 2011

- Are there other places along the edge of campus that may be affected in the future by rezoning requests?

Mr. Ohleger commented that though he did not know why the properties had not be rezoned earlier, they had been used historically for non-residential uses.

Mr. Roberts then answered Ms. Peterson’s question regarding variance, stating that no variance could be issued for non-residential use in R2 but that the properties could be rezoned Institutional with limitations to specific uses.

Regarding the history of rezonings, Mr. Roberts explained that since creation in the early 2000’s, there had been multiple zoning actions to add onto the zone. In the 2011 rezoning these properties now under consideration had been included in the rezoning, but at the time that City Council voted on it, they were taken out. It sounds from the Council minutes like there were neighborhood concerns, and it also sounds like SVU agreed because the properties were not immediately necessary for non-residential use.

Mr. Roberts also answered that there are other properties that SVU owns that may come up for rezoning in the future, specifically 2574 Chestnut Avenue, the Fawson House. The Fawson House has been in continuous use for many years as a non-residential college building and can continue as such, but may at some point be rezoned to bring it into compliance. [EDITOR’S NOTE: Subsequently, staff were informed by SVU that the Fawson house has not been in use, or only used for storage, for about 3 years.]

Mr. Scudder spoke up and reviewed some of the history of rezoning actions on Seminary Hill, noting other houses on Chestnut and Walnut that were purchased, demolished, and rezoned by SVU. He also noted the infrastructure improvement proffer associated the vacation of 27<sup>th</sup> Street prior to the construction of the Walnut Avenue apartments.

Mr. Scudder continued and stated that he would not be in favor of this rezoning because of the wide range of uses that would be permitted by right on the site, as well as the possibility of the buildings being demolished to create a parking lot. Apologizing for being so direct, he stated that he was concerned about piecemeal rezoning and the lack of a comprehensive plan, especially given that this would be further chipping away at a single-family neighborhood.

### **Zoning Text Amendment to update definitions and regulations pertaining to dwelling units.**

Mr. Roberts highlighted a few changes since the last meeting.

- ADUs have been removed from the proposal because current regulations achieve the same effect (allowing limited rentals while protecting single-family character)
- Option to eliminate eliminating two-family dwellings as a permitted use entirely, instead of making a conditional use
- Minimum square footages have not been changed, but Mr. Roberts acknowledged there is disagreement on this item

Public comment was opened.

Danta Thompson asked about the proposal regarding two-family dwelling and what the consensus was. Mr. Roberts clarified that the Commission generally has consensus on making two-family dwellings a conditional use, and that he is asking them to consider going further and

eliminating them as a permitted use. Ms. Thompson then asked the process for creating a two- or three-family dwelling.

The Public Hearing was closed.

### **Public Comment**

Harold Snodgrass, 2568 Walnut Avenue, asked about whether there were plans to repair the street surface near his house. Mr. Scudder replied that yes, they were surveying it now.

Christina Himes spoke again, asking where students are supposed to live if there are heavy restrictions on rentals within single-family homes and difficulties with SVU expanding.

### **Review and Adoption of Minutes**

The Commission reviewed the July 19<sup>th</sup> 2018 joint public hearing minutes, and the August 14<sup>th</sup> 2018 regular meeting minutes. Ms. Burke made a motion to approve minutes for the July 19<sup>th</sup> meeting, Mr. Manuel seconded, Mr. Holstein and Mr. Scudder abstained because they had not been present, and the motion passed. Ms. Burke made a motion to approve the August 14<sup>th</sup> minutes, Mr. Manuel seconded, Mr. Ohleger and Mr. Holstein abstained, and the motion passed.

### **Report of Secretary**

Mr. Roberts reported on several items.

- Upcoming code updates
  - Erosion & Sediment Control and Storm Water Management ordinances
  - Telecom and wireless facilities
  - Civil penalties for zoning enforcement rather than just criminal penalties
- Mr. Roberts is now the Erosion & Sediment Control and Storm Water Management Program Administrator for the City. Previously this was done by Trina Mastran, but it fits better under the Planning department. Additionally, earlier this year the City contracted with AMT Engineers to perform the plan review and inspection services for ESC/SWM.

Mr. Ohleger stated that he believes that the City needs a code enforcement officer to effectively enforce codes. Mr. Scudder responded that the City has Fred Fix, Tom Roberts, himself, and Sheriff Danny Coleman who all help with code enforcement. Mr. Ohleger and other Commissioners noted several vacant and blighted properties.

### **Committee Updates**

Mr. Roberts stated that he hopes that the Comprehensive Plan Update Committee can meet again in October to review additional chapters. The Planning District Commission is assisting with this and Mr. Roberts met with them recently. They had sketched a timeline that would get the plan in front of City Council in February 2019.

### **Old Business**

#### Zoning Map Amendment for SVU, 2638 & 2656 Chestnut Avenue

Mrs. Burke opened the discussion by stating that after tonight's discussion, she believes we should talk to SVU about setting parameters on the rezoning. Mr. Holsteins agreed that this is piecemeal and the Commission should look more comprehensively, and would like to see a

master plan from SVU. Mr. Henson concurred about the need for a more comprehensive approach.

Mr. Ohleger stated that he believed that since the properties were historically used for non-residential uses, he did not see why that could not continue, but that he supported the rezoning.

Mr. Roberts pointed out that if these properties are put into the Seminary Hill Historic District, the Planning Commission could veto demolition of the buildings by withholding a certificate of appropriateness, and similarly could exercise some control over renovation or new construction. Mr. Scudder responded that the COA process is not locked in stone and not certain.

Mr. Holstein asked if there is a master plan from SVU. Mr. Scudder replied that no, he has not seen one, but that SVU has a couple large projects being planned for the west side of campus.

Mr. Roberts interjected that if the Commission votes to recommend denial right now, SVU could not come back to the Commission for a year with a modified proposal. Mr. Scudder believes that before the Commission sends a clear negative message with a vote of denial, SVU should be given a chance to discuss more. Mr. Holstein made a motion to table this item for the October meeting, Mr. Henson seconded, and the motion passed.

#### Zoning Text Amendments – Dwelling Unit Regulations

Mr. Ohleger began the discussion by stating that all the proposals are commendable but he disagrees with eliminating the minimum dwelling unit size, except for units in R4. Mr. Scudder agreed with Mr. Ohleger.

Mr. Scudder continued that he believes that requiring a conditional use permit for two-family dwellings is an improvement over the current regulations, but that to best preserve single-family neighborhood character, two-family dwellings should not be a permitted use at all. He noted that building code requirements make two-, three-, and four-family dwellings difficult. He stated the City should not be promoting multifamily in single-family neighborhoods. If there is a serious developer who acquires a large tract of land, Mr. Scudder would support a rezoning to a Planned Unit Development (PUD) or other zone that would allow a comprehensively-planned

Mr. Scudder also pointed out that there will be a new Building Official in a few months.

There was some discussion of the minimum dwelling unit square footage. Mr. Roberts recapped that he believes the market will dictate the square footage of detached single family homes, that the heterogeneity of houses in Buena Vista will reduce potential impact of small houses, and that if two-, three-, and four-family dwellings are conditional uses then unit square footages can be considered on a case-by-case basis.

Mr. Scudder pointed out that conditional use permits can waste staff time reviewing proposals that will not get approved.

There was discussion of minimum unit square footage in R4. The consensus was to keep minimum square footages in R4. There was also concern raised about why the Sunset Ridge neighborhood is zoned R4 because it does not seem to fit.

Discussion continued about the impact of minimum square footages on existing neighborhoods and new neighborhoods; differing impacts for existing neighborhoods based on their average square footages; and use of private covenants to control square footage.

There was consensus to leave minimum square footage requirements intact. Mrs. Burke stated that she disagreed with this and believes that we should allow people to build smaller. As a compromise, she advanced the idea of allowing square footage below the minimum with a conditional use permit.

Mr. Roberts turned the conversation back to three- and four-family dwellings and whether those uses should be eliminated entirely, or allowed by CUP. Mr. Scudder and Mr. Ohleger agreed that three- and four-family dwellings should be eliminated entirely, and no members of the Commission disagreed.

Mr. Holstein motioned to table the item for the October meeting, Mrs. Burke seconded, and the motion passed.

Mr. Scudder asked if Mr. Roberts could evaluate the average square footage of homes in Buena Vista.

Mr. Roberts asked the Commission to confirm their consensus on two-family dwellings. They indicated that they support two-family dwellings as a conditional use, rather than eliminating entirely.

**New Business**

None.

**Adjournment**

Mr. Ohleger adjourned the meeting at 8:30 PM.

**Approval**

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Chairman

Date