



City of Buena Vista Planning Commission

Agenda for July 10th 2018

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
Buena Vista VA 24416

Public Hearing

Zoning Map Amendment for Lots 7A and 23 of Block 26, Section 5, 212 Park Avenue, Casey Crookston applicant

Regular Meeting

Call to Order by Chairman

Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of June 13th 2018 are not yet complete

Report of Secretary

Report of Standing Committees

Report of Special Committees

New Business

1. Zoning Text Amendments – Dwelling Unit Regulation

Old Business

None

Adjournment

Members and Term Expirations:

Dennis Hawes, Chairman, *7/31/2020*
Mike Ohleger, Vice-Chairman, *6/30/2018*
Sandy Burke, *8/31/2021*
Lucy Ferrebee, *9/30/2019*
Melvin Henson, City Council
Representative, *9/30/2019*

Guy Holstein, *6/30/2020*
Preston Manuel, *12/31/2020*
Jay Scudder, Ex Officio member
Bradyn Tuttle, *12/31/2020*

Staff:

Tom Roberts, Director of Planning & Community Development, Secretary

Meetings:

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2nd Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.

Please go to our website www.bvcity.org for more information on this and other issues and information about the City of Buena Vista including the Comprehensive Plan and Land Use Regulations. The Office of Planning and Zoning is open Monday through Friday, 9:00 AM to 5:00 PM and Tom Roberts can be reached at (540) 261-8607 or troberts@bvcity.org. Please call ahead to ensure availability.

Public Comments Or Suggestions

Name, Address, and Signature:



CITY OF BUENA VISTA
 Planning & Community Development
 2039 Sycamore Avenue
 Buena Vista VA 24416

STAFF REPORT

DATE: 4 July 2018
 TYPE: Zoning Map Amendment with Plan of Development
 SUBJ: Rezone Lots 7A, 8, 9 and 23 of Block 26, Section 5 (to be designated 212 Park Avenue)

Synopsis

Rezone several lots (one facing on Park Avenue, one facing on Sycamore Avenue) from R3 Residential Limited to Mixed Use or Mixed Business for the purpose of building an eight-unit apartment complex.

Site Information

| | | | |
|--|---|--|------------------|
| Address/Tax Map: | | 27-1-5-26-7A (to be designated 212 Park Avenue) and 27-1-5-26-23 (fronting on Sycamore Avenue, no address) | |
| Existing zoning: | | R3 Residential Limited | |
| Existing land use: | | Vacant/grass | |
| Proposed zoning: | | MB Mixed Business | |
| Proposed land use: | | Multifamily – 8 unit apartment complex | |
| Surrounding zoning and land use: | | | |
| <i>North:</i> Across Park Ave is the City’s Park Avenue Well, surrounded by SVU’s park-like campus <i>South:</i> Single-family residential neighborhood along Sycamore Avenue. <i>East:</i> Single-family residential neighborhood along Sycamore Avenue. <i>West:</i> Former single-family residential neighborhood—side of block facing Ivy Ave has many vacant lots and two uninhabited, derelict houses | | | |
| Size: | | 0.199 acres/8,678 square feet plus public alley as driveway | |
| Staff Recommendation: | | Approve with reduction to 4 units and other conditions | |
| Tentative Timeline | Preliminary Commission Discussion | | n/a |
| | Planning Commission Public Hearing | | 7/10/2018 |
| | City Council Public Hearing | | 8/2/2018 |
| | Planning Commission Site Plan Review | | 8/14/2018 |
| | City Council Adoption | | 8/16/2018 |

Overview

Purpose and Summary

Applicant Casey Crookston seeks to rezone these lots to allow construction of an eight unit apartment complex. Existing R3 zoning would allow construction of a single-family dwelling or, if the alley perpendicular to Sycamore were abandoned, a two-family dwelling.

Applicant proposes two linear, four-unit buildings on the Park Avenue lots, set perpendicular to Park Ave. Each unit would be a one-bedroom apartment with 600 square feet. The unimproved public alley perpendicular to Sycamore Ave would be used as a driveway, and the lot facing Sycamore would be used for parking spaces.

Surrounding Land Uses

The property is at the border of a single-family residential neighborhood, centered on the 2300-2500 blocks of Sycamore Avenue, and the Southern Virginia University campus across Park Avenue. The Sycamore Avenue neighborhood is characterized by modest detached single-family homes, like much of Buena Vista. However, there are multiple derelict and/or vacant houses in the neighborhood as well.

The building immediately to the south, 2519 Sycamore, is a large two-story structure that reportedly was once a boarding house, and certainly was multifamily at one time. In recent years it has had fewer occupants.

Immediately to the east and to the west are occupied detached single family homes.

Environmental Characteristics & Green Space

The property is flat and grassy. It is not located in a flood zone. Because of the small site and proposed building footprints, no Erosion & Sediment Control measures or Storm Water Management measures will be required.

The aggregate footprint of proposed buildings is 2,704 square feet, and almost all of the rear lot and the driveway alley (5,000 sq ft total) will be paved/impervious parking surface. This results in about 25% of the site as green space and walkways. The main buildings are set at least 10' back from the sidewalk so they provide a "front yard", and the courtyard is proposed to include grass or other landscaping.

The proposed site layout retains two existing mature trees, one close to Sycamore Avenue and another at the rear of the lots that face on Park Avenue.

Infrastructure

The property is in a developed neighborhood and well served by electricity, phone, and gas. Sewer (unknown size) runs in the existing alley parallel to Sycamore Avenue, and a lateral would be run in the undeveloped alley to serve the site. A 2" water main runs in the existing alley parallel to Sycamore, and an existing lateral (unknown size) runs in the undeveloped alley. This lateral currently serves 202 Park Avenue.

While actual water and sewer capacity have not been determined, known line size and age suggest there is not sufficient service to this block for potential future development at densities higher than single-family residential. Existing lines may be sufficient for the eight new units, but there may be additional future multifamily development on the west side of the block.

Also, the nearest fire hydrants are each about 500' away from the site. One is at the corner of Magnolia & Park Ave, and the other is on the west side of Beech Ave in the 2500 block. Proximity and access to these could pose a problem in the event of a fire. Current water lines to the block are not sufficient for a hydrant.

Access & Parking

Pedestrian access to the site is good. A wide sidewalk runs along the Park Avenue side of the site, with cross walks to SVU's campus at Ivy Avenue and Magnolia Avenue. Sycamore Avenue does not have a sidewalk on this block, but the limited traffic makes it reasonably safe for pedestrians walking toward downtown.

One unique asset of the site is the site is directly across the street from a bus stop for the Maury Express, making it very transit accessible. This makes the apartments more desirable for individuals without a car.

The plan of development calls for vehicular access from Sycamore and a parking area in the lot adjacent to 2519 Sycamore, at the south end of the site. Traffic will go in and out of the same entrance onto Sycamore. The proposal provides 13 parking spaces, which is about 1.5 spaces per unit, the ratio required by Buena Vista code. However, this site is located with the zone exempt from off-street parking requirements, so provision of these spaces is voluntary. Because each proposed unit has one bedroom and is designed for occupancy by two people, 13 spaces is sufficient, especially given proximity to SVU, downtown, and transit. It is hoped that some residents will choose to have no car.

Analysis

Need for Use & Trends of Growth

The City needs new apartment dwelling units for the following reasons:

- Local and national trends show a larger share of renters than in previous years and decades
- Extremely few apartment units have been built in the last 10 years, meaning there are no "new" units available to renters
- Several of the apartment complexes built in the last 25 years (Carriage House, Gayle Smith, River Crossing) are owned by SVU or affiliated with SVU, eliminating them for non-student renters
- Most other apartment complexes in the City are income-qualified (Vista Apartments, Treemont, Oak Hill)
- SVU student enrollment and staff hiring continue to grow
- Market dynamics make renting or purchasing a house too expensive for singles and married couples, as well as being "too much" house for them

Additionally, the City is seeking to discourage "apartments" in converted single-family homes and encourage apartments in downtown, to foster stronger single-family neighborhoods and a more vibrant downtown.

This site is at the edge of an older single-family neighborhood and SVU, and only a block and a half from Beech Avenue. SVU is larger than it has ever been and continues to grow, generating

demand for residential units. Additionally, in the 2500 blocks of Sycamore and Ivy are several vacant/derelict houses and multiple vacant lots. These factors combined make the block bounded by Ivy, Sycamore, Park, and 25th a potential redevelopment opportunity.

It is considering this proposal, Planning Commission and Council must keep in mind future rezoning requests for the rest of the block, particularly 2519 Sycamore and the west side of the block facing Ivy Avenue.

Suitability of Site & Compatibility

This proposal places significantly greater lot coverage than single- or two-family dwellings would, and the density and design are a different character than the neighborhood on Sycamore Avenue.

Site and Compatibility issues:

- Lot used for building is small (50' x ~110')
- Set between two existing detached single-family homes
- Most other buildings in neighborhood are detached single-family homes
- Very small side setback (2 ½ feet)
- Long, linear, symmetrical massing emphasizes size of the buildings and lacks visual interest and comforting irregularity of organic neighborhoods
- The courtyard between the buildings is 13' wide, the building height is 25', and the orientation is north/south. Even with a gabled roof design, the courtyard would usually be dark and would likely feel closed-in. Maintaining landscaping may be challenging because of shading.
- Narrow courtyard reduces privacy for residents – your window looks straight at your neighbor's window relatively close.
- Limited space on site for outdoor gathering, picnic table, grills, etc. other than narrow courtyard.

The proposal also includes good design elements intended to improve compatibility and appeal. These should be retained or enhanced in any design modifications:

- Division into separate buildings to reduce visual scale
- Gable roof design
- Dormers
- Front stoops
- Orientation of end units with front doors facing Park Avenue
- Common outdoor courtyard spaces for neighbor interaction (in contrast to a design where entrances face outwards and neighbors rarely see each other)

Density of Occupancy

The Sycamore Avenue neighborhood, like much of the City, is very roughly 4.5 dwelling units per acre, or about one house for every two 50' lots and a handful of duplexes. Some houses are on single lots, but these are balanced by houses on three lots. This density is classified as Residential Medium Density by the City's Comprehensive Plan. The particular block of the proposed development is technically much lower density because it has so many vacant lots.

This proposal has eight one-bedroom units, housing a total of about 16 people. Physical space, parking, and access in the proposal are sufficient for 16 people. However, that intensity of use would be out of character for the single-family neighborhood and substantially increase the level of activity at the site. Further, because the vehicular access to the site is on Sycamore, much of the activity would be within the neighborhood rather than on the busier Park Avenue.

Comprehensive Plan Conformance

The Sycamore Avenue neighborhood is designated as medium-density residential (equivalent to R3 zoning) in the future land use map of the City, so there is no clear recommended zoning or land use change for this site. However, the Plan provides land use policy guidance:

- “[Residential] infill development that complements existing neighborhoods should be encourage.” (p.9-6)
- “Prevent the encroachment of commercial uses into the predominantly residential areas” (9-6) although this is a matter of interpretation for cases on the edges of neighborhoods such as this project.

The Housing chapter also acknowledges the need for residential growth and the importance of infill and redevelopment like this project.

Recommendation and Conditions

Staff recommends rezoning this site to Mixed Business (MB) with the following conditions:

1. The site is limited to four dwelling units.
2. At least two of the four units must be designed for occupancy by no more than two persons.
3. Use of the site is limited to the following permitted uses, and their customary accessory uses:
 - a. 1703.06-9 Multifamily homes/apartments
 - b. 1703.06-10 Single-family dwellings
 - c. 1703.06-11 Townhouses.
 - d. 1703.06-13 Two-family homes
4. Development on lots 7A, 8, and 9 (those facing on Park Avenue) shall have a minimum setback of 5’ on each side and 10’ from the front property line. Development on lot 23 (facing on Sycamore Avenue) shall have a minimum setback of 1’ on each side and
5. 1.5 off-street parking spaces shall be provided for each dwelling unit.
6. Development shall conform to the Buena Vista Design Guidelines (Appendices A-F of the Land Development Regulations).
7. The applicant shall enter into an agreement with the City of Buena Vista to provide a cash or in-kind contribution exclusively for the purpose of expanding water utility service capacity to the site, which may include either domestic water or fire protection service or both. The terms of this agreement shall be negotiated, specified, and publicized prior to the City Council Public Hearing for this zoning map amendment. This condition shall only apply if the applicant constructs three or more dwelling units on the property.

Number of Units and Occupancy

Staff recommends reducing the number of units to 4 and limiting design occupancy of units to address several concerns. Fewer units would encourage a building with massing and scale more in character with the Sycamore Avenue neighborhood. However, the applicant could alter the design of units to add bedrooms and increase occupancy, so a modest occupancy design limitation is included. Under these conditions, the maximum occupancy of the site would be 12 persons (except for children in families).

Choice of Zoning

The three zoning districts that allow multifamily on a site such as this are Mixed Use (MU), Mixed Business (MB), and Institutional (INST). Institutional was not considered because it is intended for facilities owned and operated by institutions (e.g. SVU), not privately-owned facilities that may or may not be serving institutional populations.

R4 Medium Density Residential, while intended for multifamily residential, has substantial setback and frontage requirements that categorically exclude it from downtown or infill projects.

The applicant sought Mixed Use (MU) zoning primarily because it has no setbacks and allows 100% lot coverage, which would allow the buildings to be set 2 ½ feet from the side lot lines. However, this very tight setback is not necessary if there are fewer units or fewer buildings. Although MU zoning is nearby on Magnolia Avenue, this site is closer to MB along Beech Avenue.

Mixed Business (MB) is recommended because it is the closest applicable zoning, and the Mixed Use regulations are planned for substantial revision in the next few years.

Use Limitations

Non-residential uses could significantly disrupt the character of the neighborhood, and the applicant's intent is to construct only multifamily housing.

Setbacks

In Section 1711 of the Mixed Business district regulations, residential uses are required to have a 5' side setback and a 10' rear setback. Given this project's adjacent properties and neighborhood character, the 5' side setbacks and 10' front setbacks are appropriate to maintain the rhythm of building masses, relationship with the street, and dwelling unit privacy. The 10' rear setback is not needed for this site because of the unique configuration with the alley and adjacent lot for parking.

Parking Spaces

The standard ratio of parking spaces for multifamily units is 1.5 spaces per unit in Buena Vista's code. This is listed as a condition of approval because this site is located within the zone exempt from off-street parking requirements, so a developer is not required by right to provide these spaces. Because the site layout offers ample space for off-street parking, no "leniency" should be given as might be granted smaller mid-block site.

For four units, the ratio would provide six spaces. Access would remain off of Sycamore Avenue through the undeveloped alley perpendicular to Sycamore.

Design Guidelines

The City adopted a set of design guidelines in conjunction with the Hill Top zoning districts and the Seminary Hill Historic District that promulgate good urban design and Traditional Neighborhood Development (TND). These guidelines apply primarily to new construction and include building and site design parameters as well as street and neighborhood parameters, and many are “common sense.” The applicant’s original proposal is generally consistent with the design guidelines. Examples of guidelines that may apply to development on this site:

B-6. Building designs shall be sensitive to the neighborhood character with regard to scale, style, and use of material, massing, and historical context.

B-12. Building facades shall be articulated and varied. Primary signs of residential life such as front porches, bays, and balconies shall face the street. In no case will a building be permitted where the street façade is an unarticulated blank wall.

B-13. Rooflines shall be varied through the use of a combination of story heights, chimneys, cupolas, dormers, etc. Traditional roof forms shall be used to relate structures within the neighborhood.

B-14. Where large structures are required, the mass shall be broken up into small units through the use of setbacks, landscaping, windows, doors or other design techniques. No single mass may be longer than 30 feet along the street.

The Design Guidelines help set a higher bar of urban design and architectural quality for the City, which results in better quality housing for residents and more appealing, vibrant downtown spaces visitors and businesses.

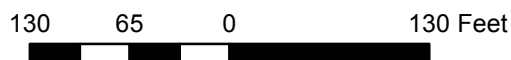
Utilities

As discussed above, the domestic water service and potentially sewer service to the site may not be sufficient to support eight units, and there is not optimal fire protection water service to the site. While existing capacity may adequately serve four units, higher-density development on the Ivy Avenue side of the block would most likely require additional service—from which this development would benefit. This condition would require a contribution toward future service upgrades. Additional analysis by Public Works will be necessary to understand the scope and cost of any service upgrades. The contribution would need to be negotiated once this scope and cost is understood, and viewed in the context of any amended proposed development.

Should the applicant choose to develop the site with single-family dwelling or a duplex, no contribution would be required because the water and sewer usage would not substantially increase and the fire risk would be similar to the existing single-family neighborhood.

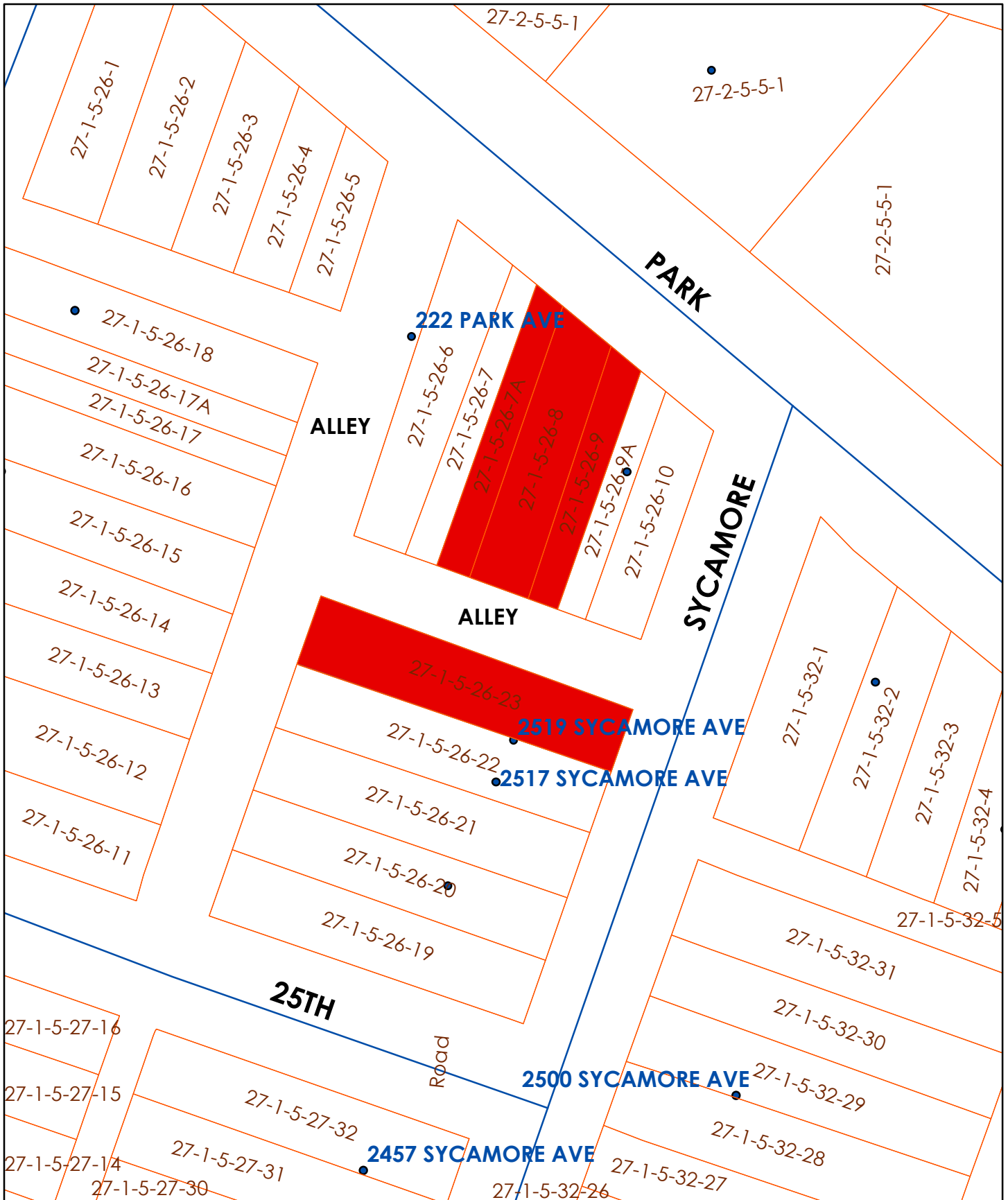


Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

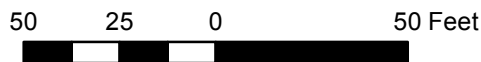


212 Park Ave Proposed ZMA General Location

Planning & Zoning | 6/28/2018



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



212 Park Ave Proposed ZMA Surrounding Properties

212 Park Avenue ZMA 7/10/2018
Site Photos taken 5/29/2018



NOTES

1) This plat was drawn from an actual field survey and is intended to represent that property conveyed to Casey W. Crookston of record as image #180000162, tax parcel 27-1-5-26-23, and a portion of that property conveyed to First Baptist Church of record in deed book 26 page 163, tax parcel 27-1-5-26-7A.

2) This survey was performed without the benefit of a title report and may not indicate all encumbrances upon the property. Unwritten rights not addressed.



Legend:

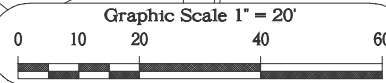
- Overhead Utility Line
- Utility Pole
- Metal Fence



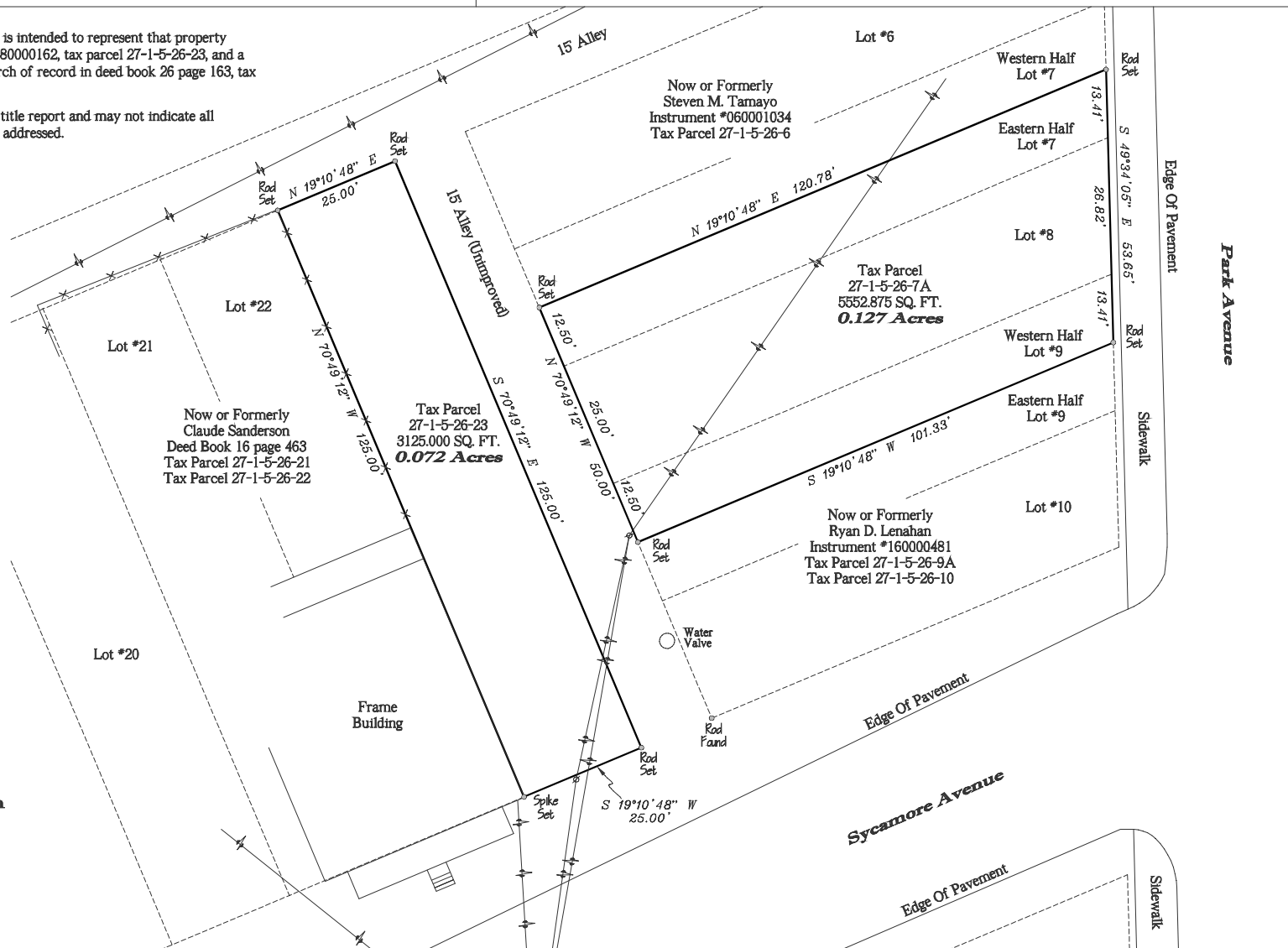
Survey For
Casey W. Crookston
Park Avenue &
Sycamore Avenue
City Of Buena Vista
Rockbridge County, Virginia
Surveyed June 5, 2018

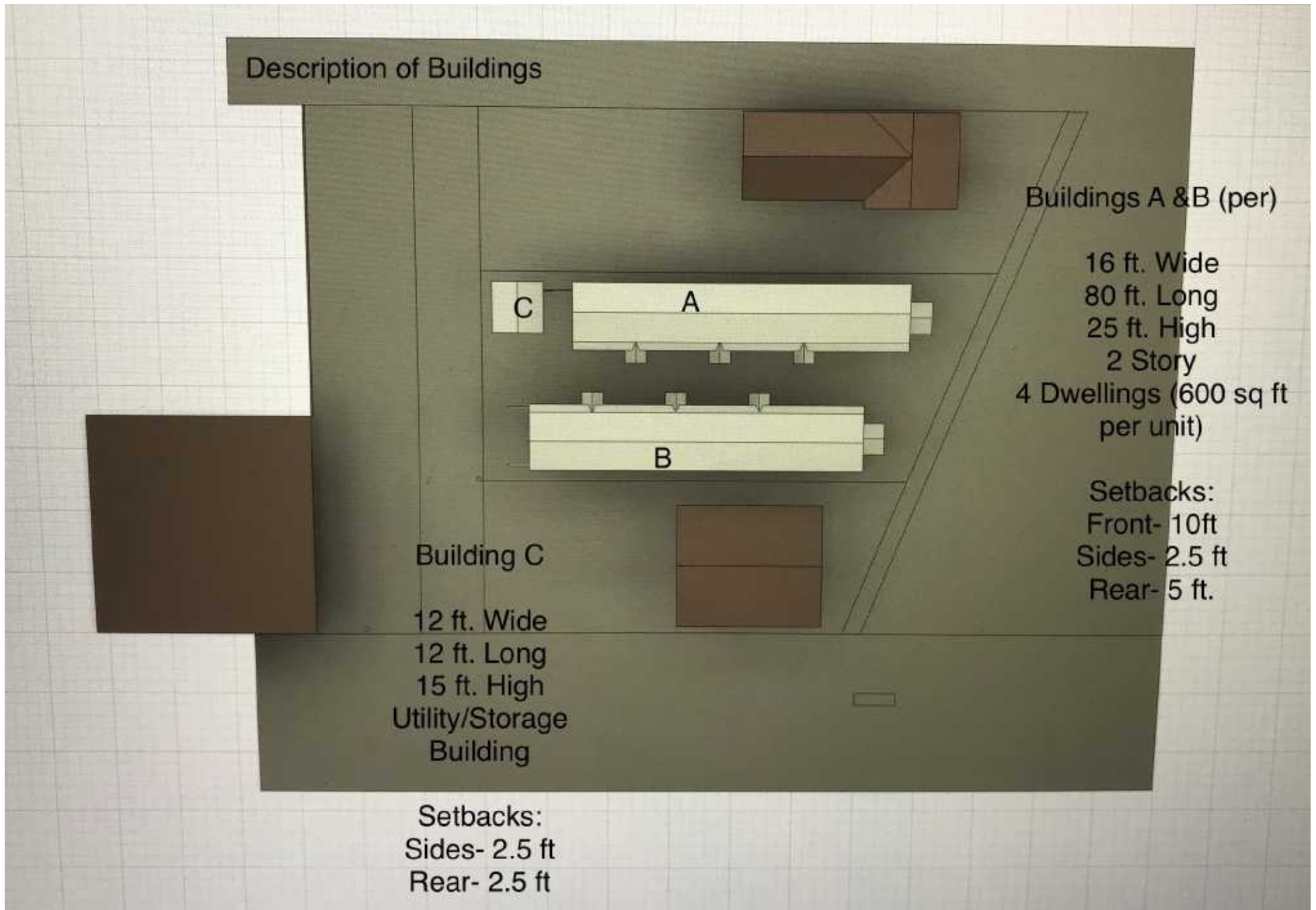


TROUT LAND SURVEYING
1366 Forge Road
Lexington, Va. 24450
(540) 261-8995
Randall E. Trout, L.S.

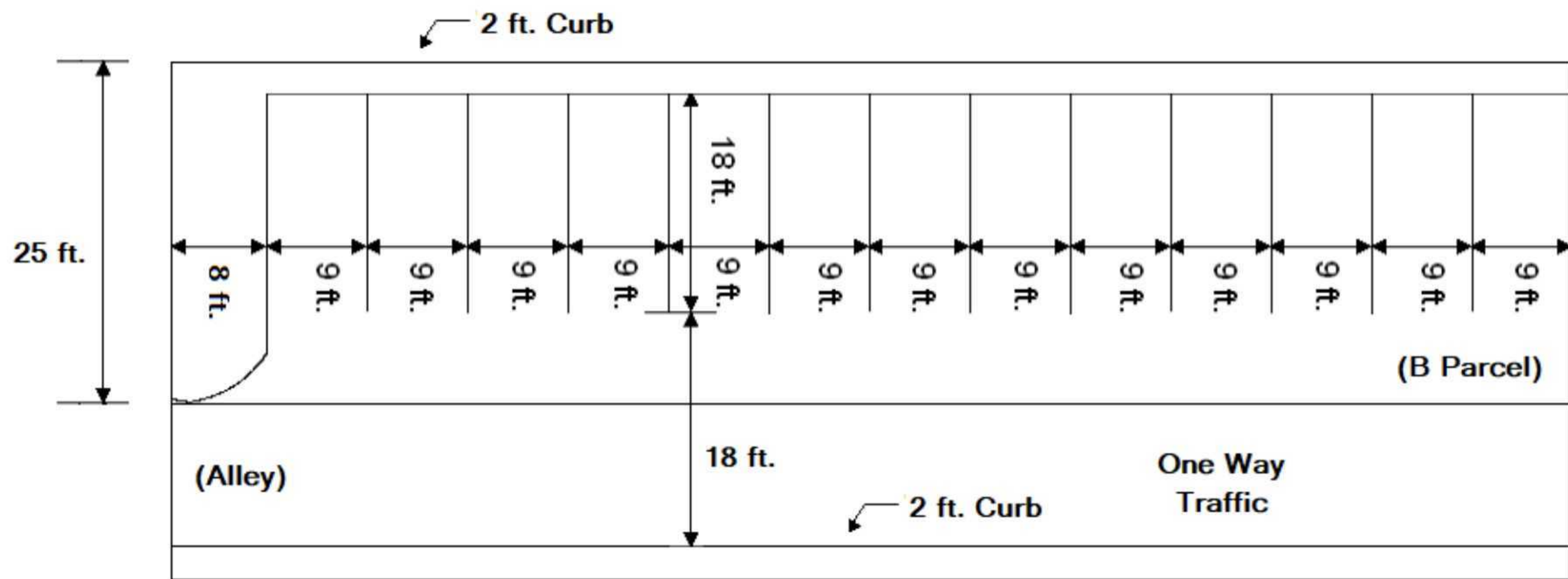


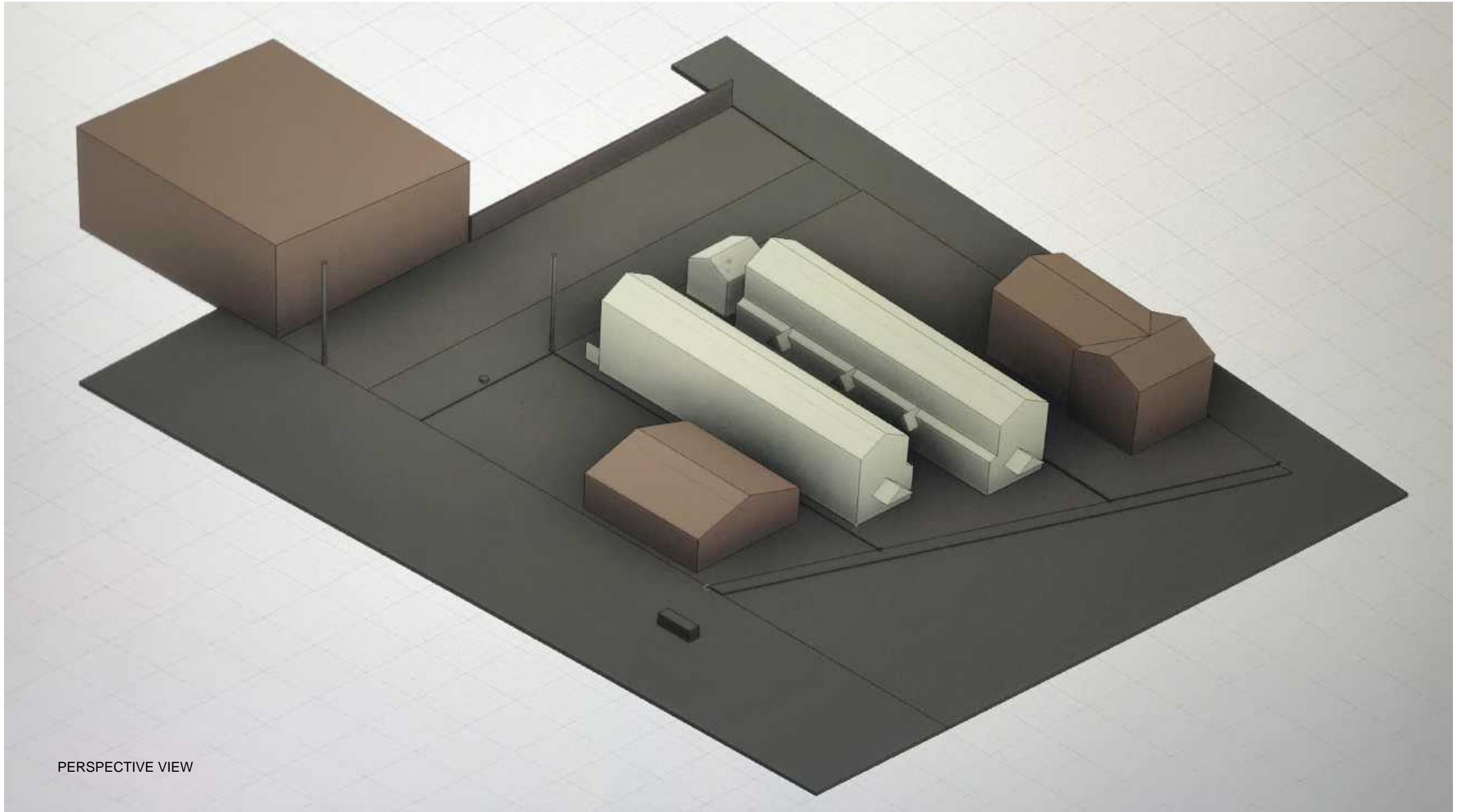
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PLAN VIEW





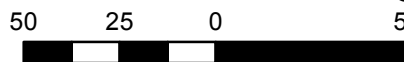
PERSPECTIVE VIEW



PARK AVENUE



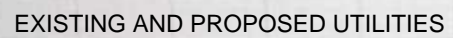
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



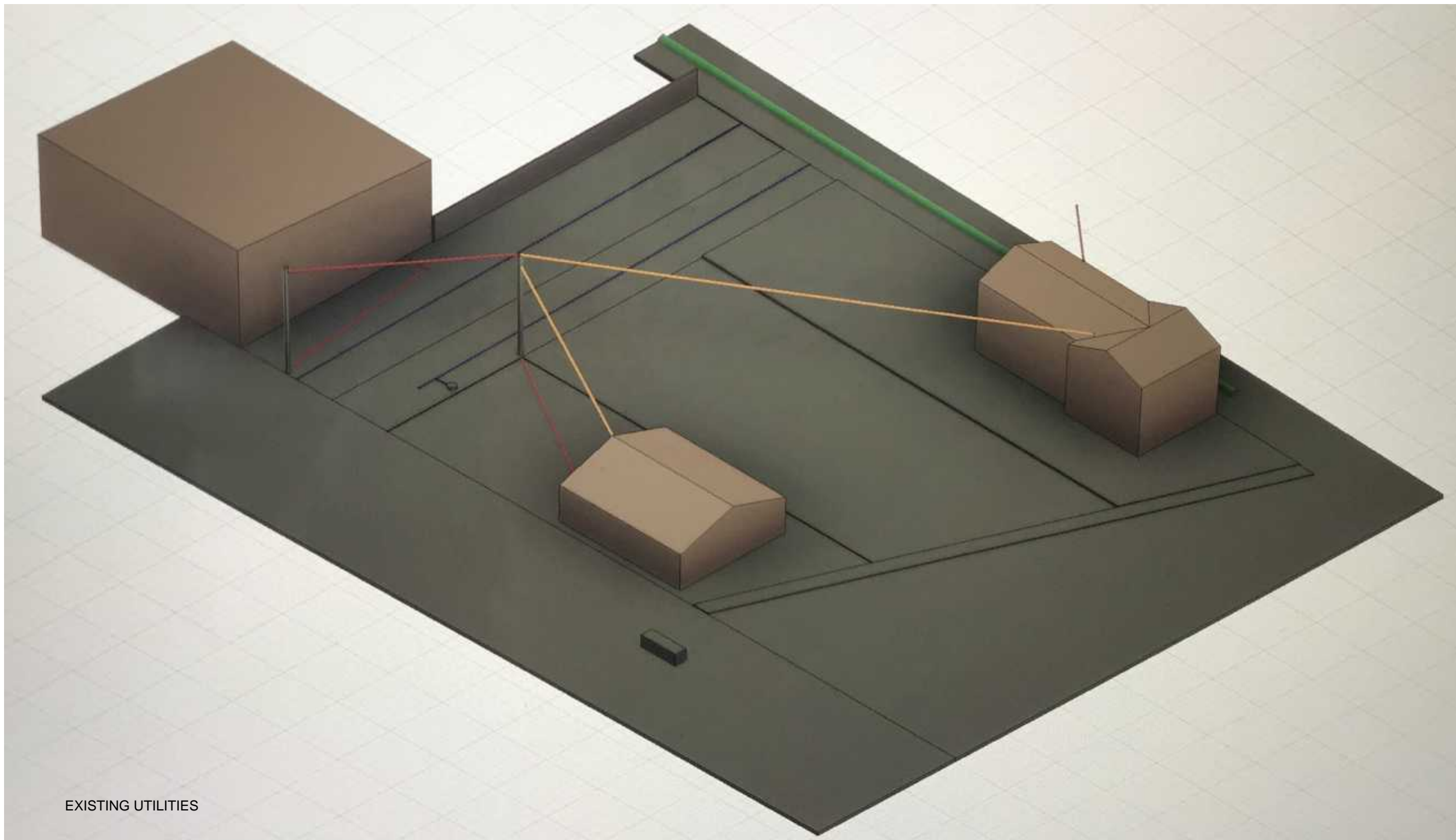
212 Park Ave Proposed ZMA Surrounding Properties (Aerial)

Planning & Zoning | 6/28/2018



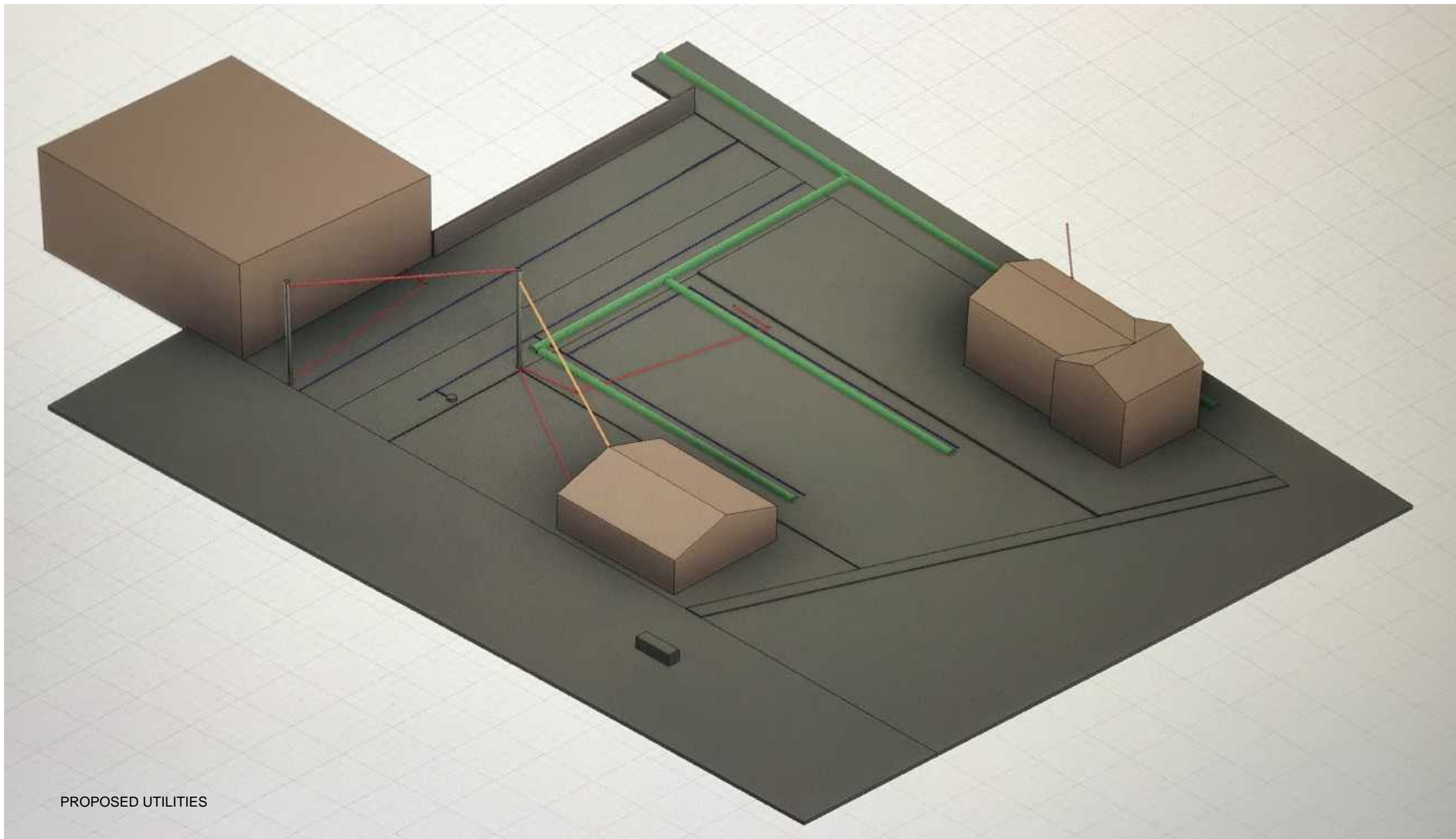


212 Park Ave - Site Plan - June 25 2018



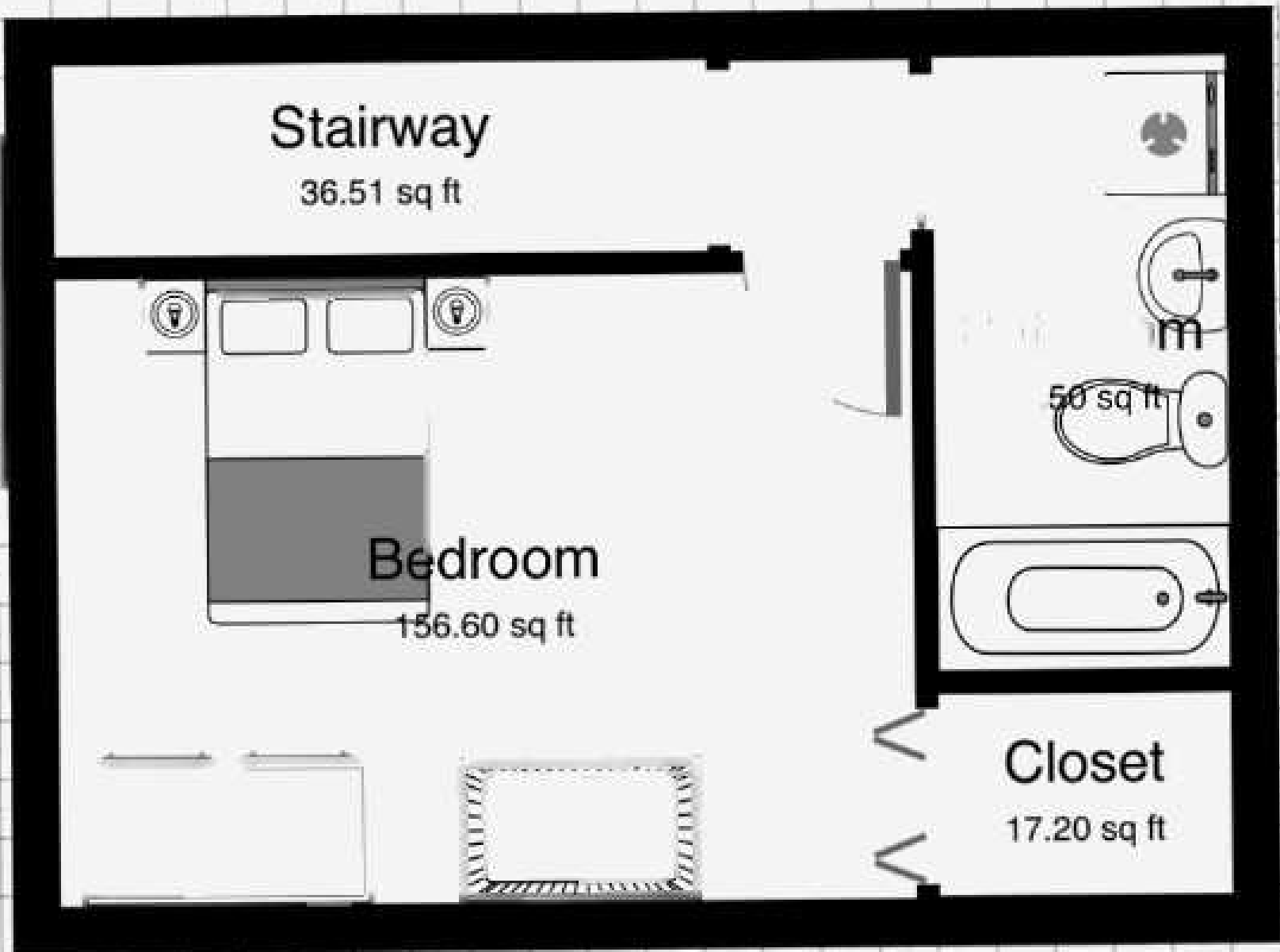
EXISTING UTILITIES

212 Park Ave - Site Plan - June 25 2018

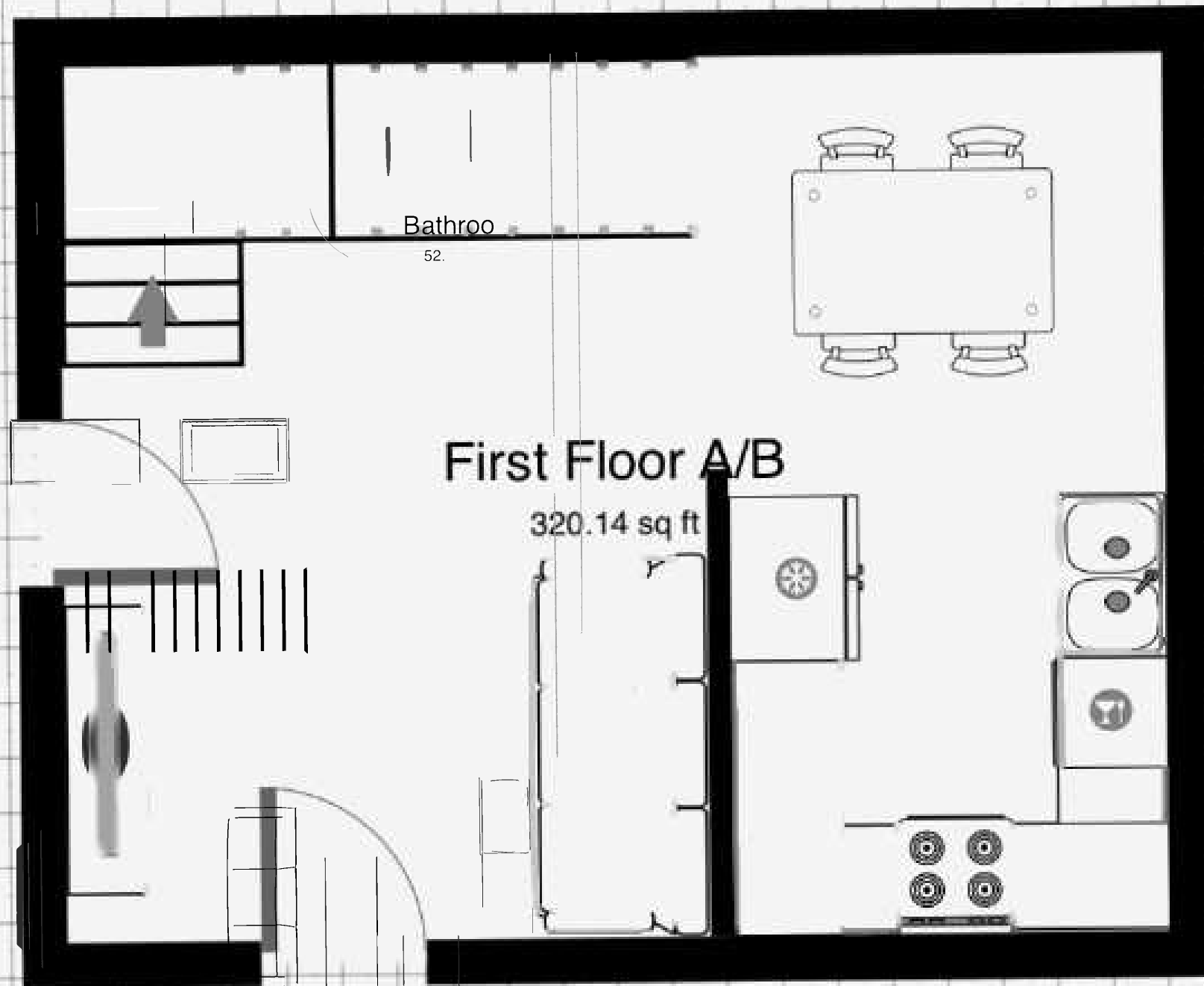


PROPOSED UTILITIES

212 Park Ave - Site Plan - June 25 2018



SAMPLE FLOOR PLAN



Rezoning Proposal Narrative

Previous Uses

Block 26 of the City of Buena Vista is currently zoned R-3. There are 6 structures present, 2 fronting Ivy Ave. (2524 & 2536), 2 fronting Park Ave (202 & 222), and one fronting Sycamore Ave. (2519). All structures are single-family residences, although 2519 Sycamore Ave. has historically had wide ranging use, from a boarding house to a barber shop. It may be of interest to note that the adjacent block to the west (23) is zoned Mixed Business and contains multiple commercial structures while the adjacent block to the east (32) is zoned R-3 and contains primarily single-family residences, with the exception of 2 churches.

Proposed Uses and Development

The proposed rezoning to Mixed Use affects the following vacant lots of block 26: east ½ of 7, 8, west ½ of lot 9, and 23. The proposed development includes the conversion of lot 23 (herein referred to as Parcel B) to a parking area accommodating 13 stalls, with an 8-foot-wide landscaped feature on the eastern end facing Park Ave. The proposed development also includes the construction of 3 structures on the east ½ of lot 7, 8, and west ½ of 9 (herein referred to as Parcel A). The first two structures (16x80 ft. 2 story) are mirror images of each other and would run parallel to the north/south sides of the parcel. Each building would be separated into 4 individual dwelling units of 600 sq. ft. apiece. The third structure (12x12 ft. single story) would serve as a utility/storage building and would be located behind the west apartment building.

Impact on Character and Established Pattern of Development

Block 26 occupies an immediate area that is similar to other neighborhoods in the city. As one enters the north side of the city by turning onto 501/Beech Ave. they are presented with primarily commercial properties with some houses set to the east. If you continue down Beech the scene is similar—primarily commercial with a few houses. If you turn onto 501 Business/Park Ave., you will proceed past the Police Station and then a small stretch of residential on the south side with Southern Virginia University's hill on the north until Park Ave. turns into Magnolia Ave., at which point it continues to be mixed commercial/residential. If one ignores how "the hill" divides this area of the town and opts to consider a ¼ mile radius, then again, we see more evidence of commercial and residential properties thriving side by side.

While this cannot be said of other areas of town, it appears that the purposed development is in harmony with the current character and established pattern of development of the area.

Vehicular Traffic and Pedestrian Circulation

The proposed development boasts excellent vehicle and pedestrian access. The alley running east/west through the development connects Sycamore Ave. to another alley running north/south, providing access from every direction. Pedestrians are served by crosswalks at either end of park and have multiple shopping and dining opportunities within a comfortable walking distance.

Utility Infrastructure

The electrical needs of the development will be served by an existing power pole located in the alley on the southeast corner of Parcel A. Water supply will be provided by an existing municipal supply line located in the middle of the east/west alley that currently only serves 202 Park. An 8 inch sewer main is located in the north/south alley, and would be extended a distance of roughly 85 feet into the east/west alley. It appears this sewer currently only serves 222 Park. Another abandoned water supply line runs along the middle of Parcel B.

Description of Proffers

As part of the development, upgrades and maintenance to the alleys would be performed as needed to support the level of traffic generated. Setbacks of ½ the distance or more of Mixed Business would be maintained. The use would be restricted to housing rental.



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 3 July 2018
TYPE: Zoning Text Amendment
SUBJ: Dwelling Unit Regulation Amendments

Synopsis

Amend multiple code sections pertaining to dwelling units to decrease and better control residential density and allow individual, discretionary review.

Specific code language will be introduced later after proposals have been discussed.

Key Elements:

1. Change two-family dwellings from by-right uses to conditional uses in R2 and R3
2. Eliminate three- and four-family dwellings as permitted uses in R3
3. Create new dwelling unit type--Accessory Dwelling Unit (ADU)—as a conditional use in most zoning districts
4. Eliminate the minimum square footage requirements for dwelling units

Background

The basic zoning regulations in the City's residential districts (R1, R2, R3, R4) are essentially the same as they were when the current Land Development Regulations were adopted in 1985. Although certain zoning principles remain true, local development dynamics, real estate market conditions, and community sentiment demand a new approach. These amendments address the following concerns:

- Many single-family homes have been converted to multi-unit rental residences. This has changed the character of neighborhoods and introduced additional traffic, as well as distorting the sales prices and rental rates for houses.
- Conversion of a single-family dwelling to a two-, three-, or four-family dwelling is by-right in most cases, and there are few requirements about how the conversion or construction is done.
- The minimum square footage requirement for two-, three-, and four-family dwellings creates a perverse incentive to build larger "apartments" than are appropriate for the neighborhood, the house, or the owner.
- Because of the minimum square footage requirement, there is no provision in existing code for a true "mother in law suite" that is small and subsidiary to the main dwelling.

- The minimum square footage requirement for detached single family homes categorically prohibits “tiny homes” and cottages that would provide greater housing diversity.

Elements

1. Duplexes as Conditional Uses

Currently, building or converting to a duplex (two-family dwelling) is a by right use in R2, R3, and R4 zones. Few or no traditional duplexes have been built in recent years—such as side-by-side units with separate front doors that clearly look like duplexes or townhouses. Instead, almost all have been conversions of part of a single-family home, such as a basement or garage or attic. As a by-right use, the following elements—and no more—are required:

- Adequate lot size (1 ½ lots in R3, 2 ½ lots in R2)
- Adequate unit square footage (960 in R3, 1200 in R2)
- Units must be in same building
- 2 off-street parking spaces for each unit
- Each unit must have separate exterior entrance, and any doors between units must lock
- Units must have fire separation per building code
- Electric panels, water & gas shutoffs, etc. must be accessible by each unit
- Room sizes, ceiling heights, etc. must meet building code

While these address some basic safety and density concerns, they are a low standard, and if these items are met the permit must be issued. Conditional approval would allow staff, Planning Commission, and Council to consider additional factors such as

- overall neighborhood context and density
- property values of surrounding homes
- proposed landscaping/site design
- neighborhood traffic patterns
- location of vehicle access (street vs. alley)
- building configuration and where the each unit is located and accessed
- number of occupants in each unit

Duplexes are significant to neighborhood character because by definition, at least one of the units is a rental that is not owner-occupied. Current market dynamics are increasing the number of single family home conversions, and requiring a CUP will help the City get a handle on future conversions by setting a higher bar for permitting.

2. Three- and Four-Family Dwellings

Currently, building or converting to a three- or four-family dwelling (triplex or quadplex) is a by-right use in R3. The limited requirements listed above for duplexes also apply to triplexes and quadplexes, but site plan approval is also required. The site plan approval process provides some ability to require traffic control measures and landscaping/fencing/stormwater management measures, but is not a discretionary review—if those items are addressed, the plan must be approved.

Three- and four-family dwellings are more similar to apartment buildings than to single family homes, and could seriously disrupt neighborhood character. Because each unit must be at least

960 square feet, units are almost guaranteed to be 2, 3, or 4 bedroom and thus have higher total occupancy. As a result, with 2 ½ lots, a quadplex housing 16 unrelated adults could be built by right. The parking ratio for multifamily is 1 ½ spaces per unit.

In addition to potential density and character issues with triplexes and quadplexes in single-family neighborhoods, the City wishes to encourage development of multifamily units in other areas such as downtown (Mixed Use and Mixed Business zoning districts).

Staff recommends eliminating three- and four family dwellings entirely as a permitted use in R3. Existing multifamily buildings in R3 would remain as legal preexisting nonconforming uses.

3. Accessory Dwelling Units (ADUs)

In the context of a single-family, owner-occupied residential neighborhood it is normal and appropriate to have some provision for “mother-in-law suites”—separate dwelling units that are subsidiary to the main house and are occupied by one or two people. Buena Vista’s code does not allow for these. If a second unit is on a property, it becomes a duplex, and the units are equal primary units.

An ADU can be thought of as a special kind of duplex and the ADU regulations as a “template” for CUP conditions. The same result could be accomplished by a CUP, but an ADU would be by right subject to administrative approval because of their very specific provisions.

Many other localities allow ADUs, such as Lexington, Blacksburg, Charlottesville, Harrisonburg, Herndon, Lynchburg, and Roanoke. Below are proposed regulations based on those of other localities that fit Buena Vista:

- 1 ½ lots required (9,375 sq ft), same as currently required for duplex in R3
- Maximum square footage 800 sq ft *or* 40% of the home’s square footage
- Either main house or ADU must be owner-occupied
- Maximum 2 occupants regardless of age or relationship
- Must be located within main house building and not in separate accessory building
- Only permitted for detached single-family homes—you can have either ADU or duplex but not both
- Off-street parking required: 1 space for ADU + 2 spaces for main house

The ADU could be allowed by either administrative zoning permit or by conditional use permit. The CUP process is valuable for making public, thoughtful decisions on a case-by-case basis, but is costly, time consuming, and unpredictable for the property owner. Administrative review may encourage more owners to be “legal” rather than fly under the radar, resulting in better compliance. Also, the requirements for ADUs would be written specifically enough to adequately address potential negative impacts without requiring additional site-specific conditions.

4. Minimum Dwelling Unit Square Footage

Current code sets minimum dwelling unit sizes for single, two-, three-, and four-family dwellings in R1 and R2 at 1,200 square feet and in R3 and R4 at 960 square feet. These minimums were set in the 1985 zoning code. Staff speculates that the purpose of the minimums was to encourage

development of larger, more valuable homes. When applied to Buena Vista in conjunction with other rules, the results have been mixed, and no longer fit realities on the ground and today's real estate market.

Most new units in R2 and R3 are single-family homes converting to multiple units. In these cases, owners frequently wish to create much smaller units that are "mother in law suites," but have no choice but to create "house-size" additional units. To cover the cost of construction or rent, a 960 or 1200 square foot unit must then be rented to 2, 3, or 4 individuals, increasing the overall occupancy of the property. Additionally, the high minimum can result in excessively large or unattractive additions. Once the owner has invested in creating so large a space, it is unlikely he will convert back to a single-family residence.

For detached single-family dwellings, few contemporary owners seek to build a home less than 960 square feet, so the threshold is largely unnecessary. However, those that do wish to build a smaller home are often looking for a custom or higher-end house. Small houses appeal to couples or families looking to declutter and "simplify" their lives, as well as to singles and retirees with some means. Small houses that are well-built and attractive are likely to boost surrounding property values, rather than diminish them because their square footage is low.

Finally, establishing a minimum dwelling unit square footage is extremely unusual for zoning codes. In staff's survey of 30 other Virginia localities, the only other zoning codes that included minimum unit square footages for single- and two-family dwellings are Bridgewater (only in a special overlay zone, not in base zoning) and Emporia (only when a single family home is converted to multifamily). Neither of these localities have strong codes that serve as models. It is more common to have minimum square footage requirements for apartments in multifamily dwellings, which Buena Vista also has, and are separate and different from the 960/1200 thresholds.

The Virginia Uniform State Building Code includes minimum square footage requirements for dwellings based on room type and unit occupancy. While these add up to smaller minimum unit size, they protect the health and safety of occupants. The USBC minimums are summarized in this table:

| SPACE | Minimum Area in Square Feet - USBC | | |
|-------------|---|---------------|---------------------|
| | 1-2 occupants | 3-5 occupants | 6 or more occupants |
| Living room | 120 | 120 | 150 |
| Dining room | No requirement | 80 | 100 |
| Bedrooms | Every bedroom shall contain a minimum of 70 square feet (6.5 m ²) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m ²) of floor area for each occupant thereof. | | |

Staff recommends eliminating all dwelling unit square footage minimums for single-, two-, three-, and four-family dwellings. Minimum square footages for apartments would be retained.