



City of Buena Vista Planning Commission

Agenda for October 9th 2018

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

Public Hearing

1. Zoning Map Amendment to rezone 2574, 2638, and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-47-8, 28-1-5-46-3, and 28-3-5—2, from R2 Residential to INST Institutional for the purpose of using the buildings at 2574 and 2638 Chestnut Avenue for offices.
2. Zoning Text Amendment to update definitions and regulations pertaining to dwelling units. The following items are addressed in the amendments: definitions of words related dwelling units; intent statements for the R2, R3, and R4 zones; whether duplexes, triplexes, and quadplexes are conditional uses; manufactured housing as a conditional use; and car ports. The purpose of the amendments is to preserve and enhance single-family neighborhood character.

Regular Meeting

Call to Order by Chairman

Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of September 11th meeting

Report of Secretary

Report of Standing Committees

Report of Special Committees

New Business

None

Old Business

1. 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.
2. Zoning Text Amendment to update definitions and regulations pertaining to dwelling units.

Adjournment

Members and Term Expirations:

Dennis Hawes, Chairman, *7/31/2020*
Mike Ohleger, Vice-Chairman, *6/30/2018*
Sandy Burke, *8/31/2021*
Lucy Ferreebee, *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 Commission

Minutes of September 11th 2018 Regular Meeting

**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 September 11th 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
Bradyn Tuttle

Members Absent:

Dennis Hawes, Chairman
Lucy Ferrebee

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 27th 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 19th 2018 joint public hearing minutes, and the August 14th 2018 regular meeting minutes. Ms. Burke made a motion to approve minutes for the July 19th 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 14th 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

Chairman

Date



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

STAFF REPORT

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

Synopsis

Amend multiple code sections pertaining to dwelling units to preserve and enhance neighborhood quality through better control of residential density.

Key Elements:

1. Update definitions of terms related to dwellings
2. Reinforce intent language for R2, R3, and R4 zones
3. Change two-family dwellings from by-right uses to conditional uses in R2 and R3
4. Eliminate 3 and 4-family dwellings as permitted use in R3
5. Change manufactured housing from a by-right use to conditional use in R4
6. Define car ports as accessory building

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:

- Current definitions of key terms are vague or do not address key criteria, especially when applied to proposed regulations.
- Current intent statements that introduce each residential zone are vague, confusing, and don't match existing development.
- 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 limited methods to control or review this conversion.

Earlier iterations of this proposal included other elements, such as eliminating minimum square footage requirements, but these were dropped during further analysis and discussion.

Elements

1. Definitions

Underpinning regulation of who can live in what type of space are the definitions of key terms. Some of the current definitions are vague or leave important criteria unaddressed.

“Dwelling”

Current text:

302.04-5 Dwelling means any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.

Staff proposes adding dormitories to the list of use types that are not considered “dwellings.” Institutionally-operated housing presents a very different set of regulatory needs from regular houses and apartments.

“Dormitory”

Dormitories are not currently defined in Buena Vista code. Staff proposes the following definition, copied from the City of Lexington zoning code:

A building, or portion thereof, specifically designed for a long-term stay by students of a college, university, or nonprofit organizations including religious institutions for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

“Dwelling Unit”

Current text:

302.04-9 Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

This text does not address relationship of a dwelling unit to other spaces in a building. Staff proposes using City of Lexington text:

A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

“Dwelling, Two-Family (Duplex)”

Current text:

302.04-8 Dwelling, two-family (duplex), means a building designed for, or occupied exclusively by, two families living independently of each other.

This text does not address the relationship of units to each other within the structure. Staff proposes using City of Lexington text:

Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.

2. Intent statements

The statements of intent that introduce sections in the zoning code are important because they direct the interpretation of the regulations. They lay out in very basic terms what that zone should look like. This also helps the reader understand differences between similar zones (e.g. difference between R2 and R3). The current intent statements are wordy, vague, and do not convey the salient differences between the zones.

3. 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 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. Also, each unit can house up to four unrelated persons, significantly increasing density. 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.

4. 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.

Because of the lot size requirements, allowing triplexes and quadplexes does not actually increase neighborhood residential density significantly. However, it does impact the form of development significantly, concentrating units in one large structure. These larger buildings, with parking lots of 6-8 spaces, would look significantly different than single-family homes. Duplexes are a better option for achieving the same number of units while appearing and functioning more like a single-family neighborhood. For example, 3 vacant lots could fit one quadplex or two duplexes, and the duplexes would blend into a single-family neighborhood more smoothly.

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. The Planning Commission recommends changing three- and four-family dwellings from by-right to conditional uses in R3.

5. Manufactured Housing in R4

Currently, single-family manufactured housing on individual lots is a permitted use in R4 Medium Density Residential. The R4 zone is primarily used for suburban-type apartment buildings, and single-lot manufactured housing is not compatible with this use. Staff propose changing manufactured housing to a conditional use in R4 to focus the R4 zone on higher-density multifamily housing.

Manufactured housing, also known as mobile homes, is built to a US Department of Housing and Urban Development (HUD) standard rather than the Virginia Uniform Statewide Building Code. Manufactured housing is an important low-cost housing option.

Manufactured housing is not permitted in R1, R2, or R3 residential districts, or in the Mixed Use or Mixed Business districts that encompass the vast majority of existing neighborhoods. Manufactured housing (on individual lots and in mobile home parks) is permitted in the R5 residential district; however, currently no land in the City is zoned R5. The existing mobile home parks (Heavner's and the one up on Pine/Pine Needle/Pine Cone/Spruce Avenues) are zoned R3 and are classified as preexisting nonconforming uses.

In 2003, the City attempted to limit the construction of manufactured housing by defining the term and restricting it to the Conservation and R4 zoning districts. In 2008, manufactured housing was removed as a use in the Conservation district. The City is not allowed to entirely “zone out” manufactured housing; there must be some areas of the City where it is permitted.

6. Carports

Under current code, carports are not defined or addressed, and it is not clear that they can be considered a building. Therefore, they do not require a zoning permit and do not have to meet setbacks. This has led to unfortunate placement of carports on some properties around town.

Staff propose defining the word “carport” and adding carports as an explicitly permitted accessory use in all residential districts. This makes it clear that they are accessory buildings that must meet setbacks for the respective zoning district for accessory buildings, as well as front setbacks for primary buildings.



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Proposed Text Revisions

Dwelling Unit Regulation Amendments

3 October 2018

Definitions

302.03-? *Carport*. Also *car port*. A roofed structure enclosed by walls on no more than two sides, designed for use as a parking shelter for private motor vehicles. A carport may be an independent structure or attached to another structure.

302.04-? *Dormitory* A building, or portion thereof, specifically designed for a long-term stay by students of a college, university, or nonprofit organizations including religious institutions for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

302.04-5 *Dwelling* means any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, **dormitories**, and automobile trailers.

302.04-8 *Dwelling, two-family (duplex)*, ~~means a building designed for, or occupied exclusively by, two families living independently of each other.~~ Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.

302.04-911 *Dwelling unit*. ~~One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.~~ A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

Sec. 602.00 – Low Density Residential District R-1

602.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

[no other provisions of R1 to be changed]

Sec. 603.00. - Residential District R-2.

603.01 *Intent of Residential District*. ~~The intent of the R-2 [district] is to encourage residential neighborhoods and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses~~

~~likely to generate noises, crowds, and concentrations of traffic, lights, dust, odors, smokes or other obnoxious influences.~~

The R-2 district is established to encourage and protect neighborhoods of single-family detached homes on individual lots. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods.

603.02 [*Permitted uses.*] Within Residential District R-2 the following uses are permitted:

603.02-1 Single-family dwellings;

~~603.02-2 Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family developments. Each living unit shall contain a minimum of 1,200 square feet;~~

603.02-3 Schools;

603.02-4 Churches and other places of worship with attendant, educational, and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;

603.02-5 Public parks, playgrounds recreational buildings, and grounds, tennis courts, swimming Pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot;

603.02-6 Bed and breakfast homestay in accordance with [article 14](#).

603.03 *Conditional uses.* When, after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

603.03-1 Public utilities;

603.03-2 Public water and sewage facilities;

603.03-3 Child care centers and family day care homes. The main structure shall not be located closer than 50 feet from any residential lot;

603.03-4 Homes for adults;

603.03-5 Public service or storage buildings;

603.03-6 Commercial television receiving towers;

603.03-7 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of [article 13](#) are met;

603.03-8 Bed and breakfast inns in accordance with [article 14](#);

603.03-9 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

603.03-10 Two-family dwellings

603.04 *Accessory Uses*. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

603.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

603.04-2 Living quarters in the main structure of persons employed on the premises;

603.04-3 Travel trailers, which shall be stored within the minimum yard requirements and shall be prohibited from occupancy;

603.04-4 Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;

603.04-5 Signs as provided for in article 7;

603.04-6 Parking as provided for in article 7.

603.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of [article 13](#) are met.

603.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

(Ord. of 11-13-1997; Ord. of 7-12-2001; Ord. of 2-19-2009)

Sec. 604.00. - Residential Limited District R-3.

604.01 *Intent of Residential Limited District R-3*. ~~The intent of the R-3 residential district is to protect the residential character of established neighborhoods and communities. The regulations for this district tend to reflect and protect established neighborhoods which reflect on long standing character.~~

The R-3 district is established to encourage and protect neighborhoods that are a mix of single-family detached homes and two-family dwellings. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods.

604.02 *Permitted uses*. Within the Residential Limited District R-3 the following uses are permitted:

604.02-1 Single-family dwellings;

~~604.02-2 Two to four family dwellings provided that the intent of this district is maintained in the design and use of two to four family developments. Each living unit shall contain a minimum of 960 square feet;~~

604.02-3 Schools;

604.02-4 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;

604.02-5 Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No

public swimming pool or structure shall be located closer than 100 feet from any residential lot;

604.02-6 Bed and breakfast homestay in accordance with [article 14](#).

604.03 *Conditional uses*. When, after review of an application and hearing thereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

604.03-1 Child care centers and family day care homes. The main structure shall not be located closer than 50 feet from any residential lot;

604.03-2 Public utilities;

604.03-3 Public water and sewage facilities;

604.03-4 Public service or storage buildings;

604.03-4 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of [article 13](#) are met;

604.03-6 Bed and breakfast inns in accordance with [article 14](#);

604.03-7 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

603.03-8 Two-family dwellings

604.04 *Accessory uses*. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

604.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

604.04-2 Living quarters in the main structure of persons employed on the premises;

604.04-3 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy;

604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

604.04-5 Signs as provided for in article 7;

604.04-6 Parking as provided for in article 7.

604.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of [article 13](#) are met.

604.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

(Ord. of 11-13-1997; Ord. of 7-12-2001; Ord. of 2-19-2009)

Sec. 605.00 Medium Density Residential District R-4

605.01 *Intent of Medium Density Residential District R-4.* ~~The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Buena Vista comprehensive plan. The regulations for this district provide for development which is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, and large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.~~

The R-4 District is established to accommodate a range of residential densities including multifamily buildings, as well as limited institutional, office, and commercial uses that support such residential development. R4 is primarily residential and is intended for lower intensity of pedestrian and vehicular use than the Mixed Use or Mixed Business districts.

605.02 *Permitted uses.* Within Medium Density Residential District R-4 the following uses are permitted:

- 605.02-1 Single-family dwellings;
- 605.02-2 Two-family dwellings;
- 605.02-3 Multifamily dwellings, apartments, townhouses, (as regulated in section 709 of this ordinance) and condominiums;
- 605.02-4 Schools;
- 605.02-5 Churches and other places of worship with attendant educational recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;
- 605.02-6 Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot;
- 605.02-7 Professional offices in structures similar in character with surrounding neighborhoods;
- 605.02-8 Tourist homes;
- 605.02-9 Public water and sewage facilities;
- 605.02-10 Public service or storage buildings;
- 605.02-11 Bed and breakfast homestay in accordance with article 14;
- ~~605.02-12 Single family manufactured homes in individual lots.~~

605.03 *Conditional uses.* When after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law

and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

605.03-1 General hospitals;

605.03-2 Public utilities;

603.03-3 Commercial operations which will:

- (1) Not adversely affect the health or safety of persons residing in the neighborhood of the proposed use;
- (2) Not be detrimental to the public welfare or injurious to property or improvements;
- (3) Not be in conflict with the intent of this district; and
- (4) Comply with all other provisions regulating such uses;

605.03-4 Boardinghouses;

605.03-5 Family care homes, foster homes or group homes serving the mentally, retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;

605.03-6 Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least 50 feet from any other lot;

605.03-7 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of article 13 are met;

605.03-8 [Bed and] breakfast inns in accordance with article 14;

605.03-9 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

605.03-10 Single-family manufactured homes in individual lots.

605.04 *Accessory uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

605.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

605.04-2 Living quarters in main building of persons employed on the premises;

605.04-3 Travel trailers which may be stored within the minimum yard requirements, and occupancy therein shall be prohibited;

605.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

605.04-5 Signs as provided for in article 7;

605.04-6 Parking as provided for in article 7.

605.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio,

television, and communication antennas provided the requirements of article 13 are met.

605.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.



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

STAFF REPORT

DATE: 25 September 2018
TYPE: Zoning Map Amendment
SUBJ: 2574, 2638, and 2656 Chestnut Avenue

Synopsis

Applicant Southern Virginia University (SVU) requests rezoning of three houses from R2 Residential to INST Institutional for the purpose of using two buildings for offices and/or classrooms. No construction is proposed.

Site Information

Address/Tax Map:		2574, 2638, and 2656 Chestnut Avenue Fawson House, Eason House, and President’s House, SVU Tax maps 28-1-5-47-8, 28-1-5-46-3, and 28-3-5--2
Existing zoning:		R2 Residential
Existing land use:		Single-family residential; vacant
Proposed zoning:		INST Institutional and SHHD Seminary Hill Historic District
Proposed land use:		Single-family residential and office
Surrounding zoning and land use		
North: Parking lot for SVU East: Single- and Two-family residential South: Single- and Two-family residential West: SVU Main Hall		
Size:		Gross area of 7 standard lots or 43,750 sq ft or 1 acre
Staff Recommendation:		Approve with proffers
Tentative Timeline	Preliminary Commission Discussion	August 14 th 2018
	Planning Commission Public Hearing	September 11 th 2018
	Planning Commission Public Hearing	October 9th 2018
	City Council Public Hearing	November 1 st 2018
	City Council Adoption	November 15 th 2018

Purpose

SVU wishes to use two of the buildings for faculty and staff offices or for classrooms, which are not permitted uses in the R2 zone.

Environmental Characteristics

2638 and 2656 Chestnut are flat, and 2574 is set on a slope. There are limited storm water management provisions on these sites, but no construction is proposed and the proposed uses will not impact runoff on the sites.

Surrounding Land Uses

These two properties are at the edge of R2 zoning and INST. They are adjacent to privately-owned single and two-family residential properties on the east and south, and directly across Chestnut Avenue from SVU's Main Hall. The adjacent block of 27th Street (between Chestnut and Walnut) operates as a public road but was vacated by the City and is owned by SVU.

Infrastructure and Access

Water & Sewer: Professional offices and classrooms generate limited water usage and sewage, and no construction is proposed, so existing water and sewer infrastructure is adequate. Both buildings intended for office/classroom use have historically been used for such already.

Pedestrian access: The east side of the 2600 block Chestnut does not have sidewalk or curb and gutter, but there are paved walkways leading to the front door of each building. 2574 Chestnut is served by a sidewalk along both Chestnut and 26th Street, with walkways to both the front and rear entrances.

Vehicular access: 2656 Chestnut has several off-street parking spaces accessed by an asphalt driveway loop from Chestnut to 27th Street. 2638 and 2574 Chestnut do not have off-street parking. There is on-street parking along Chestnut and 26th Street. Within 100-200 feet of the site are two parking lots used for staff and for students.

Analysis

Purpose of rezoning

Historically, SVU (and possibly Southern Seminary) used 2574 and 2638 Chestnut Avenue for academic space, office, housing, and other uses. However, 2574 has been vacant for more than two years; and 2638 has been housing for more than two years, so both properties have lost any preexisting nonconforming use status.

Zoning these properties to Institutional will bring them into compliance and allow SVU to shift between uses if needed, rather than be locked into a particular (nonconforming) use.

Background on Institutional Zone

The INST zone was created in January 2003. Originally, it was two unconnected sections: and eastern section covering the core campus on Seminary Hill from Beech Avenue to Chestnut Avenue; and a western section encompassing the forest where the Fields athletic complex is today. The portion between Chestnut and Maple Avenues remained R2. Through several rezoning actions over the last 15 years, the zone has expanded to encompass more of the historic residential neighborhood on Seminary Hill. At the same time, SVU has built multiple new buildings, including the Lofts and the Walnut Apartments.

The 2500 and 2600 blocks of Chestnut Avenue and Walnut Avenue, were proposed for inclusion in the INST district when the 2700 block of Chestnut, Walnut, and Maple Avenues were rezoned to INST in 2011. This rezoning was in part intended to bring nonconforming SVU facilities into zoning conformance. However, when City Council was considering the rezoning, they agreed to exclude the 2500 and 2600 blocks based on concerns voiced from neighborhood residents.

Comprehensive Plan Conformance

This site is not mentioned specifically in the Comprehensive Plan, and the Future Land Use Map shows this area remaining as R2 Residential. However, the current Plan does not address physical growth of SVU at all. The Plan does provide the following guidelines for institutional land uses. The properties and buildings in this proposal meet those guidelines.

- Accessibility should be along a major street system.
- They should be conveniently located for the population to be served.
- They should have adequate off-street parking designed in a manner that is suitable to the areas in which they are located.
- They should be located so that they do not stress the capacity of roads or other infrastructure.
- They should be of a scale and design that is suitable to the neighborhood or area in which they are located.
- Accessibility for pedestrians is required.

Impact of rezoning

The impact of this rezoning is expected to be minimal.

- Pedestrian and vehicular traffic is expected to change only slightly, as there will be more occupants of and visitors to 2574 and 2638 Chestnut. However, there is already substantial pedestrian traffic in this area during the school year going to classes etc.
- No construction is proposed
- 2574 and 2638 have been previously used as office and/or classroom space
- Demolition, major renovation, or new construction would require a Certificate of Appropriateness because the properties will be within the Seminary Hill Historic District

Proffer

SVU and the City are discussing a proffer with two elements:

- SVU would be required to use the existing buildings; and
- SVU would be limited to using the properties only for offices, classrooms, or residences

This proffer would allow SVU to use the properties as it intends to, but set some parameters to address City and neighbor concerns raised in the first public hearing regarding long-term use of the properties.

This proffer would require SVU to go through the public hearing and rezoning process should they wish to redevelop the buildings or to use them for a different use. Note that this proffer has not been finalized and is still under discussion.

Recommendation

Staff recommends approval of rezoning 2574, 2638, and 2656 Chestnut Avenue from R2 Residential to INST Institutional with SHHD Seminary Hill Historic District overlay, with a proffer addressing the existing buildings and use limitations as outlined herein.



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.



160 80 0 160 Feet

2574, 2638, 2656 Chestnut Avenue Proposed Rezoning

Planning & Zoning | 9/25/2018



2574 Chestnut Avenue rear



2574 Chestnut Front



2656 Chestnut Avenue



2638 Chestnut Avenue

APPLICANT/AGENT INFORMATION

Name:	Southern Virginia University			
Address:	One University Hill Drive			
City:	Buena Vista	State:	VA	Zip: 24416
Phone/ Email:	540-261-4098 bob.huch@svu.edu			

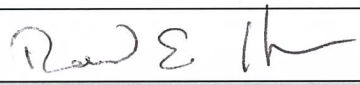
PROPERTY OWNER INFORMATION

Name:	Southern Virginia University			
Address:	One University Hill Drive			
City:	Buena Vista	State:	VA	Zip: 24416
Phone:	540-261-4098 bob.huch@svu.edu			

PROPOSED AREA TO BE REZONED

Address(es): 2638 Chestnut Avenue + 2656 Chestnut Avenue			
Describe location: House currently owned by SVU, formerly used as offices, currently as residence, directly across street from SVU's Chandler Hall. Next to university president's house.			
Tax Map Number(s): 28-1-5-46-3 28-3-5--2	<table border="1"> <tr> <td>Current Zoning: R2</td> <td>Proposed Zoning: Inst</td> </tr> </table>	Current Zoning: R2	Proposed Zoning: Inst
Current Zoning: R2	Proposed Zoning: Inst		

APPLICANT SIGNATURE

Printed Name:	Robert E. Huch	Title:	VP of Finance
Signature:		Date:	7/12/18
Zoning Administrator:		Date:	
Staff Comments:			

Rezoning Proposal Narrative

Please attach a separate, typewritten page. The proposal narrative is the applicant's opportunity to explain the proposed uses for the site and why the rezoning is in the best interest of the community. Below are elements that should be addressed in the narrative.

- Description of proposed development
 - Previous uses, development, rezonings, special exceptions, etc.
 - Proposed uses and development
- Impact on character and established pattern of development in area, and on adjacent properties and public utilities. Please note how any negative impacts will be mitigated.
 - Uses
 - Buildings and structures
 - Vehicular traffic and pedestrian circulation
 - Utility infrastructure
 - Historic resources
- Relationship to the City's Comprehensive Plan
 - Conformance or deviation from future land use plan, and why
 - Alignment of proposal with Plan element goals, e.g. Transportation, Housing, Community Facilities, Natural Resources, etc.
- Description of proffers



Tuesday, July 10, 2018

Tom Roberts
Director of Planning & Community Development
City of Buena Vista, Virginia

Mr. Roberts,

This letter is the requested rezoning proposal narrative to accompany the university's request to rezone the properties located at 2638 Chestnut Avenue and 2656 Chestnut Avenue. These two properties are currently zoned R2. The university is applying to have them rezoned to be Institutional.

Previous Uses

Southern Virginia University has owned these two properties for many years. The property at 2656 Chestnut is used as the home of the university president. The property at 2638 Chestnut has been used for different purposes over the years. In the past decade, this home has been used as administrative office space, housing our student life and housing offices, classroom space, and most recently as a residence for volunteer faculty and coaches.

To the west of these homes is the university's Chandler Hall and Chandler field (both Institutional). To the north is a university gravel parking lot and empty field (both institutional). To the south is a single-family residence (zoned R2). To the east are additional single-family homes (zoned R2).

Proposed Uses and Development

The proposed rezoning affects these two properties and would allow the university to use the spaces, as needs arise, as either administrative office space or single-family housing. It has been used successfully as both in the past, with no known adverse effect on surrounding properties. When used as office space it is estimated that approximately seven office spaces for professional staff and/or faculty would be available.

No additional buildings, additions, or development of either property is being proposed.

Impact on Character and Established Pattern of Development

No change to the character of the neighborhood or the pattern of development in the area is anticipated.

Vehicular Traffic and Pedestrian Circulation

There would be no additional vehicular traffic. Pedestrian circulation is already prevalent in this area. A rezoning would not change this.



**SOUTHERN
VIRGINIA
UNIVERSITY**

Office of the President

One University Hill Drive
Buena Vista, VA 24416

(540) 261-8400

Impact on Utility Infrastructure

We do not anticipate any negative impacts to the utility infrastructure. The utility use should not be affected.

Given that on two sides the properties are bordered by the Institutional district, that the properties are owned by the university, that the primary land uses of the Institutional district are intended to be "civic and institutional in nature" (Article 1901.00), and there are no anticipated adverse effects of rezoning these properties to be part of the Institutional district Southern Virginia University submits its rezoning application.

Sincerely,

Robert E. Huch
Vice President of Finance
Southern Virginia University