



## **City of Buena Vista Planning Commission**

### **Agenda for November 13<sup>th</sup> 2018**

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

#### **Regular Meeting**

#### **Call to Order by Chairman**

#### **Roll Call**

#### **Public Comment**

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

Minutes of September 11<sup>th</sup> meeting

#### **Report of Secretary**

#### **Report of Standing Committees**

#### **Report of Special Committees**

#### **New Business**

- 1.** Discuss proposed rezoning for 2404 Ivy Avenue from R3 Residential Limited to MU Mixed Use
- 2.** Election of Planning Commission Officers
  - a.** Chairman
  - b.** Vice Chairman

#### **Old Business**

#### **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 2<sup>nd</sup> 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](http://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](mailto:troberts@bvcity.org). Please call ahead to ensure availability.

**Public Comments Or Suggestions**

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**Name, Address, and Signature:**

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**City of Buena Vista  
Planning Commission  
Minutes of October 9th 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 October 9<sup>th</sup> 2018. Roll was called and a quorum was established.

**Members Present:**

Dennis Hawes, Chairman  
Sandy Burke  
Melvin Henson, City Council Representative  
Lucy Ferrebee  
Guy Holstein  
Preston Manuel  
Michael Ohleger, Vice-Chairman  
Bradyn Tuttle

**Members Absent:**

Jay Scudder, Ex Officio member

**Staff Present:**

Tom Roberts, Director of Planning & Community Development

**Public Hearing**

Mr. Hawes opened the public hearing.

**Zoning Map Amendment to rezone 2574, 2638, and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-47-8, 28-1-5-46-3, 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.**

Mr. Roberts opened with a brief summary of the proposal by SVU. He highlighted the adding of an additional property to the proposal, 2574 Chestnut Ave, also known as the Fawson House. Spoke about limiting the use of the property to academic offices and residential uses, as well as the maintenance and allowed remodeling of the property. The proposal draft states the property will only be used for offices, classrooms, and residences.

Mr. Hawes then opened the open comment period.

Bill Braddy, SVU, 274 Walnut Avenue

- Seeking rezoning of the three properties for school's 50%+ growth

- Wishes to align the properties with correct zoning
- Outgrowing current academic space, needs more room for expansion

Kathryn Janiczek, 349 E 26<sup>th</sup> Street

- Buena Vista is beautiful, wishes to cherish the neighborhoods and community
- Points out the homes SVU has abandoned and torn down
- Brick home on Chestnut was rezoned as institutional, being used for storage. Is ugly and not conducive to the look of the neighborhood
- Houses are in poor shape because SVU hasn't maintained them
- Claims this has devalued her own home
- Asks the Planning Commission to protect the neighborhood

Russell Tompkins, 2614 Walnut Avenue

- Asks about dorm use and about residential uses
- Refers to letter from Hutch, claims the character of the neighborhood has changed  
Would like a more long-term housing plan from SVU
- River Crossing insufficient water pressure
- Concerned about traffic and parking

Mr. Roberts explained that dormitories are a separate use from residential multi-family and single-family residential, where you wouldn't have the same zoning code limitations on the number living there. Mr. Roberts clarified that there would be building code and fire code regulations, such as the square footage per person, sleeping areas and bathrooms per person. There would be no zoning code limitations on occupancy.

Mr. Roberts also defined the draft language of the proposal due to some confusion from Mr. Tompkins, listing all the allowed uses. These uses include dormitories, single-family and multi-family residential, and tourist homes. A tourist home would be a guest home, allowing short term occupancy, if the university wanted guests staying there for a short time. According to the draft language, Roberts explains that it is SVU's intent for further negotiation of the proffer language down the road.

Sheryl Peterson, 2629 Walnut Avenue

- Shares worries about code enforcement
- Concerned with property values, traffic safety
- Asks if the properties could remain R2, be given variances/exceptions short term

Bill Braddy (again), 2748 Walnut Avenue

- Clarifies the history of property owned by SVU
- Chestnut house vacancy due to city sewers not working, hopes to eventually use it as classrooms or something other than storage
- Wants to cut dormitory use from proffer, not schools intention
- Open to protecting existing home owners

Tom Peterson, 2629 Walnut Avenue:

- How will rezoning affect property value? Why do we need to change zoning for SVU?

Mr. Braddy responded to the question concerning property value and zoning change. Claimed the main issue is protecting properties and maintaining properties, and the school is working with the City to maintain and care for properties. Rezoning would allow the use of the properties, which leads to better maintenance. If the properties are maintained, Mr. Braddy believes property values will not be negatively affected. Agreed with Mr. Tompkins about enforcing parking on one side of the road and not both, and although they can't make those decisions as a university, supports and encourages it.

Mr. Henson explained there used to be signs for no parking on one side, they were put up and taken back down. There should be no parking on Russell Tompkins side of the street, main concern is snow removal and access for emergency vehicles.

Mr. Hawes asked Mr. Braddy if rezoning would create more traffic issues. Mr. Braddy responded saying that traffic is a different issue, and that rezoning the properties has nothing to do with it.

Sue Brandt, 2632 Walnut Avenue

- Concerned about speeding cars on Walnut, suggests a stop sign at 26<sup>th</sup> and Walnut
- Concerns with the sewer and water
- Has no problems with Walnut Apartments next to them

Ms. Janiczek comes up again, asks that if the properties are rezoned that the city continues to review the use of the buildings in a year or two.

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

Mr. Hawes opened the hearing for comments.

Danta Thompson, Sycamore Avenue

- Asks for clarity on the changes being proposed in R2, R3, and R4.
- Important to preserve the integrity of the neighborhood

Mr. Roberts explained that according to the current proposal there can be no four-unit dwellings, and must come obtain a conditional use permit for a two-unit dwelling.

Public hearing is closed.

**Public Comment - None**

**Review and Adoption of Minutes**

The Commission reviewed the September 11<sup>th</sup> 2018 public hearing minutes. The only change was to note the absence of Bradyn Tuttle. Mr. Ohleger motioned, Mr. Holstein seconded, all approved. Ms. Ferreebbee abstained because she had been absent.

## **Report of Secretary**

Mr. Roberts reported on several items.

- The commission is aware of traffic issues, parking is an issue
- SVU will be bringing forward a plan for a new building. The handout shows two alternative design options.
  - Plans will come to planning commission for the preliminary site plan, certificate of appropriateness, conditional use permit.
  - Needs a conditional use permit because it is over 25,000 square feet, there is a clause in the design guidelines about single large buildings over a certain square footage
- Dwelling Unit Information
  - Close to mapping out the locations of all duplexes across the city, both legal and illegal. Data is good.
  - Building square footage and date of construction along with the duplex data
- Jay Scudder voting issue
  - Consulted with the city attorney, Scudder can't vote
  - Jay Scudder can be appointed a member of the planning commission and he could vote, bylaws allow it.

Ms. Burke questions whether Mr. Scudder's vote the previous month affected the outcome any motions. Asked if the commission should revote. Mr. Roberts explained that the votes were unanimous, and that the previous vote was okay, there just needs to be clarification in the bylaws. Mr. Roberts said he would review the minutes and count the votes to make sure.

Mr. Hawes, Ms. Burke, and Mr. Roberts discussed informing the public that the public hearing isn't for questions, should clarify in letters that are sent out to ask questions beforehand.

The issue with low water pressure at different streets and houses was further discussed, Ms. Burke said there is no water pressure at her home, although public works claims there is enough water going out.

## **Committee Updates**

### **Old Business**

#### Zoning Map Amendment for SVU, 2574, 2638, and 2656 Chestnut Avenue

Mr. Hawes opened the discussion by discussing the width of the road, saying if it were wider it would help with a lot of the traffic problems. Having a one-way street may help, but that

decision is more of a City Council decision than a Planning Commission one. In regards to the question of conditional uses under R2, he doesn't see that as an option because it would require adding conditional use to all of R2 zoning. Supports another layer of review.

Mrs. Burke asked about the definition for "limited educational". Questioned why this proposal could not fall under limited educational and still be considered R2 zoning. Mr. Roberts pointed out the R2 Zone information in the packet given to the committee, and although schools are listed under permitted use it is more for K-12 possibilities, a university is not considered to be included under the definition of schools. If that were so, SVU could have put the stadium anywhere in the city.

Mrs. Burke suggests expanding the limited educational definition to cover what SVU is wanting, while keeping the R2 zoning. It might keep the integrity of the neighborhood intact. Asks if we are already updating what R2 means, why not include under limited educational in the expansion of the term to meet not only the needs of the university but also the community. Especially if the intent is short term. Mr. Roberts stated he is hesitant to redefine schools to include a wide range of university-type facilities. If we redefine the definition of all residential zoning areas, the university could build almost anything in 75% of the city.

Mrs. Burke said not to redefine school, but to redefine limited educational to include office spaces. Mr. Roberts explained that "limited educational" as Mrs. Burke was quoting is in the intent statement, not permitted use section, simply providing descriptive language of the intent and the district. The operative word is schools, thinks it would be very dangerous going down the road that any university facility could build on residential.

Mr. Holstein asked if it is creating further issues if the school does gain more property. Would it not be best to go ahead and zone both blocks like zoning all properties?

Mr. Roberts described the advantage to only rezoning properties for a particular proposal, rather than rezoning the whole block. Explains that this would give the city the greatest degree of control, it wouldn't be piece here, piece there. It is better to have larger chunks to rezone but want to balance the control over the development of the property and the timing of the property.

Mr. Holstein motioned to approve the rezoning as presented with the draft proffer. Mr. Tuttle seconded and the motion passed. Mrs. Burke dissented.

Mr. Holstein stated that it would benefit the commission to take a tour of SVU to understand where they are going and where they want to expand, to see their vision.

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

Mr. Roberts opened the discussion by recapping the changes made to the proposal. Everything about the number of square footage was taken out after further discussion of the staff. He felt it was complicating things and was better to focus the amendment. The issue pertaining to the minimum square footage can be revisited later, for the most important thing is the conditional use permit for two-family dwellings. There is also no more mention of the accessory dwelling

units. Roberts addressed Mr. Hawes being in favor of the conditional uses of three- and four-family dwelling units, but the Commission's consensus was no.

Mr. Hawes stated that he did not see anything to change in the draft. Mr. Ohleger moved to recommend approval of the zoning text amendment, Mr. Holstein seconded the motion. All present approved and the motion passed.

### **New Business**

None.

### **Adjournment**

Mr. Hawes adjourned the meeting at 8:40 PM.

### **Approval**

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Chairman

Date





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

## STAFF REPORT

DATE: 7 November 2018  
TYPE: Zoning Map Amendment  
SUBJ: Rezone 2404 and 2406 Ivy Avenue from R3 Residential to MU Mixed Use

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### Synopsis

Applicant Everette Beverly proposes rezoning 2404 and 2406 Ivy Avenue from R3 Residential to MU Mixed Use for the purpose of leasing the commercial space at 2404 Ivy Ave.

### Site Information

<b>Address/Tax Map:</b>	2404 and 2406 Ivy Avenue 27-1-5-27 lots 1, 2, and 3	
<b>Existing zoning:</b>	R3 Residential Limited	
<b>Existing land use:</b>	Vacant building (2404); residential (2406)	
<b>Proposed zoning:</b>	MU Mixed Use	
<b>Proposed land use:</b>	Commercial (2404); residential (2406)	
<b>Surrounding zoning and land use:</b>		
North: R3; Single family residential East: R3; Single family residential/vacant lot South: MU; Vacant commercial/multifamily residential West: MB; Commercial		
<b>Size:</b>	9,375 sq ft (three 25’ lots)	
<b>Staff Recommendation:</b>		
<b>Tentative Timeline</b>	<b>Preliminary Commission Discussion</b>	<b>11/13/2018</b>
	Planning Commission Public Hearing	12/11/2018
	City Council Public Hearing	1/3/2018
	City Council Adoption	1/17/2018

## **Overview**

2404 Ivy is a one-story building designed for commercial use, and according to oral history housed a restaurant for many years and later a beauty salon. The building has been vacant for many years and is in poor condition.

2406 Ivy is a two-story brick house, currently rented. Historically, the house and the commercial building were owned by the same individual, and they share a large garage accessory building at the rear of the property that crosses the lot line between them. Ownership was separated some years back.

The applicant recently purchased 2404 and wishes to lease it for a commercial use.

### *Comprehensive Plan Conformance*

The Future Land Use Map recommends no changes to this parcel.

### *Environmental Characteristics*

The site is small, level, already developed, and no construction is proposed.

### *Surrounding Land Uses*

2404 Ivy is at the corner of the R3 zone in this area. Because of the street grid pattern crosscut by Beech Avenue, this property has the same or greater visibility and exposure on Beech Avenue as other properties to the north and south that are zoned either MB Mixed Business or MU Mixed Use. However, a portion of this property is single-family residential, and in the 2400 block of Ivy are several other single-family dwellings.

### *Infrastructure and Access*

This site is served by existing water and sewer infrastructure, and no significant change in required capacity is proposed.

Pedestrian access to the site is good. There is sidewalk on the Ivy Avenue edge as well as the 24<sup>th</sup> Street edge of the property. There are sidewalk connections to the north and south on Beech Avenue.

Vehicular access is limited. This site includes a one-car garage, but otherwise offers no off-street parking. Because of the angles of the street and corner location, there is no street parking on the Ivy Avenue edge of 2404, although there are one or two spaces available in front of 2406. There are several on-street spaces available on the 24<sup>th</sup> Street edge of the property.

## **Analysis**

### *Location*

This site essentially fronts on Beech Avenue, and shares many of the same accessibility and visibility characteristics of other properties to the north and south that are zoned for mixed use. Additionally, it is at the very corner of R3, bordered on several sides by Mixed Use or Mixed Business zoning.

While rezoning this corner to Mixed Use may appear to chip away at the single-family residential character of the R3-zoned neighborhoods nearby on Ivy and Sycamore, in fact it sharpens the focus of commercial areas to the main corridors such as Beech. When commercial and multifamily development and redevelopment is encouraged in these main corridors and the

downtown area, it can take some pressure for use or density change off of residential neighborhoods.

### *Blight*

The building at 2404 Ivy is blighted and in need of significant rehabilitation. It was tied up in an estate for some years and only recently sold. Because it was originally a one-story commercial building, converting to single-family residential may be difficult. While building maintenance is the responsibility of the property owner regardless of zoning, and the applicant was aware of the zoning when he purchased the property, it is less likely to be rehabilitated or occupied under current zoning.

Additionally, given its prominent location on Rt 501, an active business at this location with lights, customers, and signage would enhance the appearance of the City.

The applicant has spoken to City staff about pursuing a Façade Improvement Grant to assist with exterior renovation of this building.

### *Combination of properties*

The purpose of incorporating the single-family house at 2406 Ivy with this proposal is to avoid issues with the accessory building at the rear of the property that stretches across lots 1 and 2. Continuous buildings cannot cross property boundaries or zoning boundaries without proper fire separation and other measures prescribed by the building code, and a building that crosses the boundary could raise numerous uncertainties in the future with use and expansion.

Because historically owners were allowed to construct buildings across lot lines without vacating them, prior sales of lot 1 (2404 Ivy) were executed legally without requiring approval by the Zoning Administrator/Subdivision Agent. In conjunction with this rezoning, the both lot lines will be vacated and the three lots combined to a single new lot.

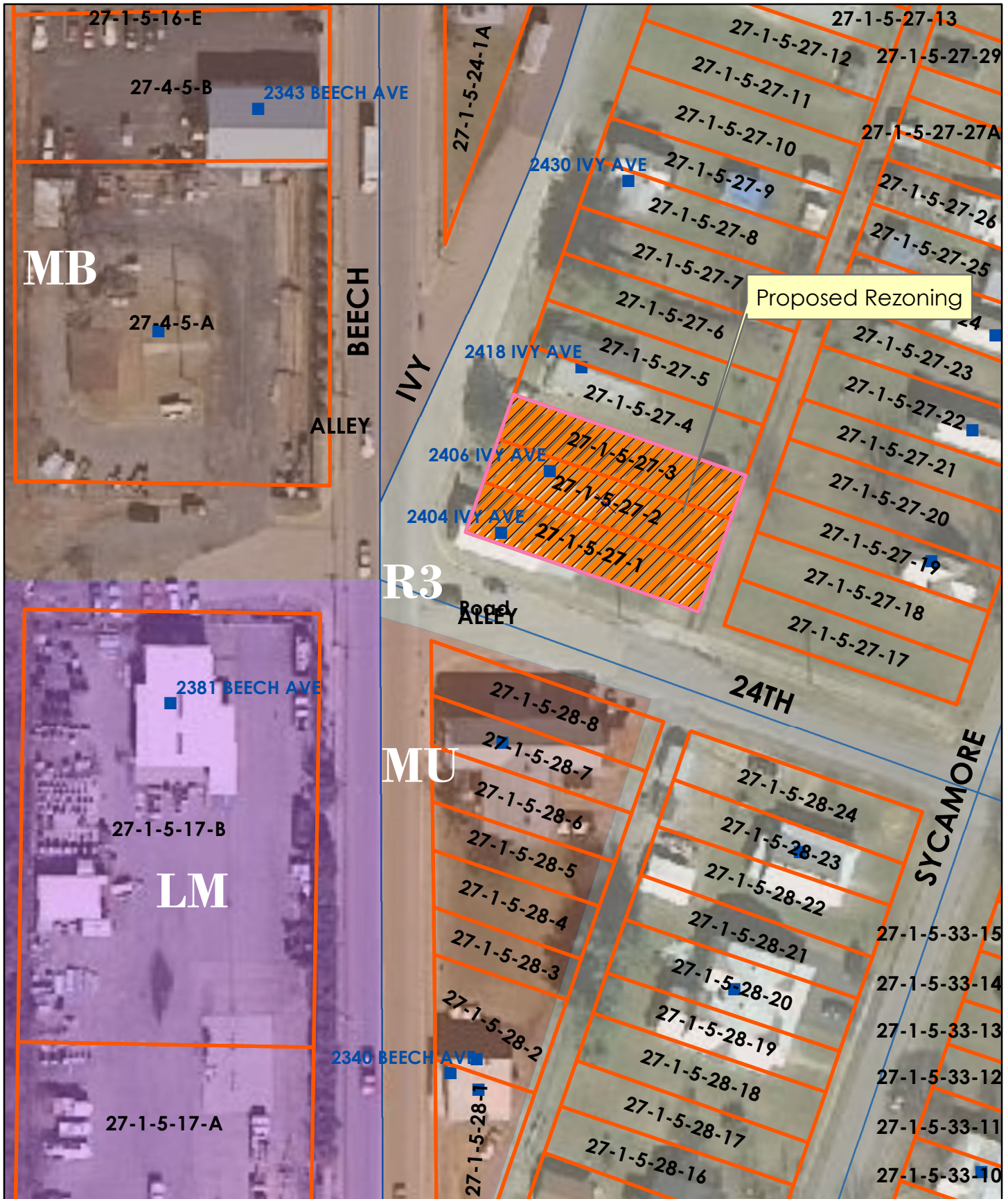
Single family residential is a by-right permitted use in the Mixed Use zone, so the house at 2406 can continue use as a dwelling unit.

## **Recommendation**

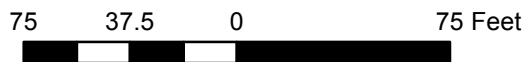
Staff recommend approval to rezone 2404 and 2406 Ivy Avenue (lots 1-3 of block 27 section 5) from R3 Residential Limited to MU Mixed Use.







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.



## 2404-2406 Ivy Avenue Proposed Rezoning