



PLANNING COMMISSION

MINUTES of October 12th 2021

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, October 12th, 2021.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Marolyn Cash
Lucy Ferrebee
Kristie Gibbons
Melvin Henson, City Council Representative
Justin Wiseman

Members Absent:

Jason Tyree, Ex Officio member
Timothy Petrie

Staff Present:

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

Minutes

Mr. Ohleger moved to adopt the minutes of September 14th 2021 as presented. Mrs. Cash seconded, and all voted yes. Mr. Wiseman abstained.

Secretary's Report

Mr. Roberts updated the Commission that Mountain Day went well.

Old Business

Residential Transient Occupancy Zoning Text Amendment

Mr. Roberts reviewed the staff report with the Commission and went through the different types of Residential Transient Occupancy uses. He paused to go over the business license requirement. Since drafting the staff report, he no longer thinks we should require a business license for STRs. It was likely the intent of the General Assembly when authorizing locality STR registries that such a registry would be lieu of a business license, however, the City Attorney could not find an explicit prohibition on requiring a business license. Overall, requiring a business license in addition to registration for an STR would not add much value or revenue to the City, and may act as an obstacle or hoop to jump through for operators.

Mrs. Cash asked about how the City knows who the operators are. Mr. Roberts explained that all STR and B&B operators would have to register with the City, and enforcement would be

done by checking various platforms on an ongoing basis. Additionally, Mr. Roberts reported that a recent Code of Virginia update requires “accommodation intermediaries” will be required to remit lodging taxes to localities. This means that platforms like Airbnb should be collecting taxes and sending them to the City. Recently, the City has been discussing with staff in Lexington and Rockbridge County about Regional Tourism taking the lead on monitoring STRs, using a third-party monitoring software subscription. Tourism could then notify the City when a new STR started listing for us to make sure they are registered.

Mrs. Gibbons asked what downsides there might be to allowing STRs throughout the City. Mr. Roberts explained that the problems from STRs seen in other cities, such as neighborhoods converting to hotel blocks, or party houses, are not very likely in Buena Vista, and the CUP requirement would address the possibility of party houses.

There was some discussion of converting from an STR to a bed & breakfast, the difference between them, and multiple transient occupancy types in one structure. Mr. Roberts noted that he added a provision in the draft text (714.03-8) that allows multiple RTOs on the same property. The intention was to allow something like the White Tree Inn, which is a boarding house that has long-term tenants (>30 days) and transient occupants. However, this language may need to be tweaked to properly allow this.

Mr. Hawes asked about the off-street parking requirements. Mr. Roberts explained that the two-space requirement for Type B STRs is the same as single family house, and the 3 space requirement for the Type A STR is based on the logic that a guest would be in addition to the resident family. The Commission agreed that we should give more flexibility to count on-street parking spaces because of the layout of existing houses and neighborhoods.

Mr. Ohleger asked about boardinghouses. Mr. Roberts responded that he proposed updating the definition of a boardinghouse to be exclusively long-term occupancy (more than 30 days). This clarifies they are not in the mix of RTOs. One could have both a boardinghouse and a bed & breakfast or STR.

Mr. Hawes suggested that we allow residential tenants operate Type A STRs, rather than limiting it to property owners. Mr. Roberts also pointed out that the text allows us to require documentation that operators are the owner.

To a question about what the consequences of violation would be, Mr. Roberts explained that after 3 substantiated complaints, then the operator could no longer operate an STR. If he or she did, then it would be a zoning violation, which is punishable as a misdemeanor crime. Building code health and safety violations could be enforced through separate mechanisms.

Mr. Hawes suggested that all RTOs be allowed to have signs.

Mr. Hawes asked about the principal guest requirement. Mr. Roberts explained that those regulations were common, and that it is not requiring that anybody contact the City every time the unit is occupied. Instead, it is a requirement that if there is a problem, it is clear who police or City officials can speak to.

Mr. Roberts commented that he had not finished with the enforcement section. He also pointed out the phase-in approach to give people running STRs right now a few months to get registered.

Mr. Roberts also commented that the definition section is not finished. He did not define “host” but actually needs to define “operator” since that is the term he used in the text. He added that he wanted to take this opportunity to clarify the definition of “accessory building”.

Mr. Hawes commented that he does not want to rush this amendment, and would prefer to do a public hearing in 2022.

Adjournment 8:00 PM

Approved: _____