



PLANNING COMMISSION

AGENDA for June 8th 2021

AGENDA

REGULAR MEETING

Call to Order by Chairman and Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of May 11th meeting

Report of Secretary

New Business

- 1) Certificate of Appropriateness for Picnic Pavilion, Parkway Apartments, 407 E 29th St
- 2) Discuss Zoning Text Amendment for Short Term Rentals

Old Business

None

Adjournment

Members and Term Expirations

Dennis Hawes, Chairman, *7/31/2024*

Mike Ohleger, Vice-Chairman, *6/30/2022*

Vacant, 8/31/2021

Marolyn Cash, *6/30/2024*

Lucy Ferrebee, *9/30/2023*

Melvin Henson, City Council Representative,
9/30/2023

Kristie Gibbons, *12/31/2024*

Timothy Petrie, *12/31/2024*

Jason Tyree, Ex Officio member

Staff

Tom Roberts, Director of Community & Economic Development
City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416
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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.



PLANNING COMMISSION

MINUTES of June 8th 2021

Members of the Buena Vista Planning Commission met at the Fire Department and via Zoom at 7:00 PM on Tuesday, June 8th, 2021.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Sandy Burke
Marolyn Cash
Lucy Ferrebee
Kristie Gibbons
Timothy Petrie
Melvin Henson, City Council Representative

Members Absent:

Jason Tyree, Ex Officio member

Staff Present:

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

Public Hearing

Zoning Text Amendment creating Section 507, Frontage and Private Streets, to clarify street frontage requirements for new development, private streets, and street design standards;

Mr. Roberts explained that after the Planning Commission Public Hearing and vote on this draft text in February, he had made a number of edits. These are summarized in a list in the staff report. None are substantive changes; they address some gaps and ambiguities.

Mr. Henson brought up bonding construction of streets, and Mr. Roberts pointed to where this requirement is in the text. Mr. Henson also asked about allowing private streets on public rights of way for utilities. Mr. Roberts explained that he was thinking specifically of the water tower and cell tower up the hill from 34th Street.

There was no public comment.

Mr. Ohleger motioned to recommend approval of the text amendment as presented to City Council, Mr. Henson seconded, and all voted yes.

Zoning Text Amendment, Section 802, Zoning and building permit procedures

Mr. Hawes noted that the Commission had discussed this thoroughly at the last meeting, and since there was no public comment, he asked for a motion. Mr. Henson motioned to

recommend approval of the text amendment to City Council, Mr. Ohleger seconded, and all voted yes.

Minutes

Mr. Hawes noted that he did not make a motion as stated in the discussion of the alley abandonment. Mr. Roberts said he would correct that in the minutes. Mr. Petrie moved to adopt the minutes of May 11th 2021 as corrected. Mr. Henson seconded, Mrs. Burke and Mr. Ohleger abstained, and all voted yes.

New Business

Discuss Site Plan for 2414 Ash Avenue and alley abandonment in 2400 block of Ash Ave

The property owner, Michael Martin, was present. Mr. Roberts reported that the proposal has not changed. He was still waiting on assessment of the property and development of stormwater management recommendations and apologized for not having that information ready yet. He asked that the Commission recommend approval pending agreement on a stormwater management plan.

Mr. Hawes asked about sewer to serve potential future development north of they proposed alley abandonment, near 25th St and Hickory or Ash. Mr. Roberts responded that if developed, that would most likely be served by sewer going down 25th St and not through the alley under discussion.

Mrs. Cash brought up the stop sign on 24th Street. Mr. Roberts responded that he would ask them to take the stop sign down.

Mr. Henson motioned to recommend approval of the abandonment contingent on adoption of a satisfactory stormwater management plan. Mr. Ohleger seconded and all voted yes.

Following the motion, Mr. Roberts and the Commission discussed the specific topography of the site more and the drainage shed.

Zoning Text Amendment, Section 630, Table of Setbacks

Mr. Roberts explained that he thought it would be simplest to establish a minimum setback for corner sides rather than an "x + y" formula. He also noted that his research found deep corner side setbacks required in many localities, but he could not find research that suggested there was much danger in smaller corner side setbacks.

Mr. Henson brought up that vegetation is often a problem for corner visibility, and Mr. Roberts responded that the City does not have anything in the code currently specific to corner visibility and vegetation. All they have is general language about weeds and overgrown vegetation in the property maintenance and nuisance codes.

Adjournment 7:40 PM

Approved: _____



PLANNING COMMISSION Staff Report

Certificate of Appropriateness

Picnic Pavilion, Parkway Apartments, 407 E 29th St

9/9/2021

Synopsis

Applicant proposes a 22' x 22' picnic pavilion in front of the Parkway Apartments at 407 E 29th St.

Summary:

- 22'x 22' open picnic pavilion on concrete slab
- Standing-seam metal roof, hipped
- Meets requirements of Seminary Hill Historic District, including Design Guidelines

Recommendation

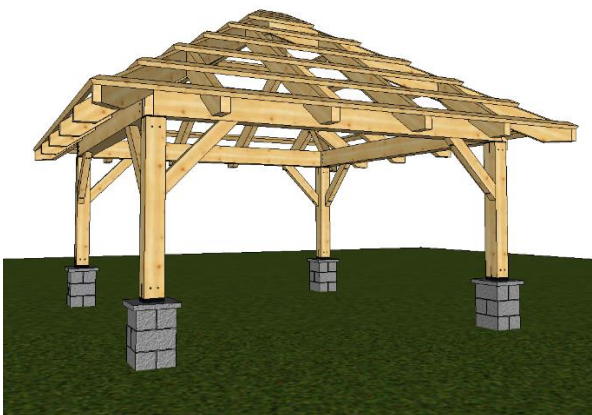
Staff recommend approval of this

Proposal to the Buena Vista Planning Commission
for the
447 E 29th St. Pavilion

It's proposed that a hip roof pavilion be built over the existing concrete grill/picnic area located in the front grass lot of the Parkway Apartments (as indicated by the square in the picture below).



Below are examples of the proposed pavilion. The pavilion will have a metal roof to match the apartments. The pavilion will be a 22'x22' square hip roof.





PLANNING COMMISSION Staff Report

Zoning Text Amendment
Short Term Rental Regulations
9/9/2021

Synopsis

Initial discussion with Planning Commission on policy for STRs and basic approach to regulating.

Summary:

- Propose permissive approach—allowing whole-house and room rentals anywhere residential uses are allowed, no cap on nights per year
- Propose some occupancy limits
- Registration and licensure would allow City to monitor and enforce if there are nuisance complaints, as well as tax

Analysis

Background

Regulation of short term rentals (STRs) like those through the Airbnb platform has been an evolving issue over the last ten years, but the landscape is stabilizing some now. Two years ago an intern for the City helped research and draft some text, but it was put on hold while we worked on other projects. I plan to use some of the text she drafted but want to focus on the overall policy issues before getting into nitty gritty of language.

Current Approach

Currently, the City has a “hands-off” approach to regulating STRs. We do not regulate, register, track, or tax STRs. The only exception is that, when asked, we inform hosts of the occupancy limit for residences—the zoning definition of “family” which essentially is four unrelated people. The City has an established code for regulating bed & breakfast establishments, which share some attributes of STRs, but are not the same.

There are currently 9 STRs in Buena Vista listed on AirBnB. I am not aware of any resident complaints about occupants of an STR. The vast majority of STRs will never cause any issues, but we want to be ahead of any potential issues.

Aspects to address

STR regulations need to address the following items:

- Where STRs can be
- Differences in regulating room-rental (owner is present) STRs and whole-house (owner is absent) STRs
 - Additionally, proof of residency if owner rents out whole house periodically
- Caps on number of nights per year, if any
- “Party houses” or use of STR for event (e.g. family reunion, wedding, etc.)

- Maximum occupancy of STR
- Registration, licensure, and taxation of STRs
- Definitions of all relevant terms

Proposed Approach

Staff propose amending Article 14, Bed and Breakfast Establishments, of the zoning ordinance. Existing text addressing B&Bs will remain with minor edits, and that regulatory pathway will remain viable for businesses wishing to have a B&B.

	Owner Present (Room Rental)	Owner Not Present (Whole-House)
Regulatory category	Home Occupation	Tourist Home
Where permitted	All zones where residential uses allowed	All zones where residential uses allowed?
Duration	Transient only (max 30 days), no limit on nights per year	Transient OR long-term, no limit on nights per year
Occupancy	May host up to “family” in addition to permanent residents	Limited to “family” (4 unrelated people) UNLESS Conditional Use Permit obtained
Other limitations	Subject to residential character requirements, license can be revoked if complaints	Subject to terms of CUP if applicable, residential character requirements, license can be revoked if complaints

Potential Scenarios

Room Rental

- 3 bedroom house occupied by two SVU students on year-round leases, one room is rented out on Airbnb to short term guests.
- 3 bedroom house has a large basement finished with a full bath & kitchen, but it is not legally a second dwelling unit. The upper levels of the house are occupied permanently by a family of four, and the basement is an STR which is booked by groups as large as a five-person family.

Whole House

- 3 bedroom house in residential neighborhood is rented out during the school year to SVU students, then during the summer is a whole-house Airbnb for people vacationing in the area.

- Studio apartment in upper floor of mixed-use building downtown is an STR frequently booked on weekends by vacationers or hikers.
- Large 5 bedroom Victorian with large yard obtains a Conditional Use Permit for STR hosting up to 8 people, and is advertised on Airbnb as good for large groups or events.

Next Steps

Staff will reach out to existing STR operators in Buena Vista for input as well as other relevant stakeholders. Staff will continue researching STR regulation in other localities. In October staff will present draft text, then in November hold public hearing.