



## **PLANNING COMMISSION**

AGENDA for February 13<sup>th</sup> 2024

AGENDA

### **REGULAR MEETING**

**Call to Order by Chairman and Roll Call**

**Public Comment on Items Not on the Agenda**

**Review and Adoption of Minutes**

January 9<sup>th</sup> 2024

**Report of Secretary**

- Stickers for members who missed December meeting
- CUP for 2345 Birch Ave denied
- Text amendments of Section 630 and Section 711 approved
- Question about housing for homeless persons – current code does not adequately define these types of uses

**Old Business**

**New Business**

- 1) Discuss draft of-street parking regulations

**Adjournment**

**Members and Term Expirations**

Dennis Hawes, Chairman, 7/31/2024

Harold Kidd, 6/30/2026

Justin Wiseman, 8/31/2025

Marolyn Cash, 6/30/2024

Sarah Henson, 9/30/2027

Melvin Henson, City Council Representative,  
9/30/2027

Kristie Gibbons, 12/31/2024

Timothy Petrie, 12/31/2024

Jason Tyree, Ex Officio member

**Staff**

Tom Roberts, Director of Community Development

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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 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.



## PLANNING COMMISSION

MINUTES of January 9<sup>th</sup> 2024

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, January 9<sup>th</sup> 2024.

### **Members Present:**

Sarah Henson  
Justin Wiseman  
Marolyn Cash  
Kristie Gibbons  
Harold Kidd  
Timothy Petrie

### **Members Absent:**

Dennis Hawes, Chairman  
Melvin Henson, City Council Representative  
Jason Tyree, Ex Officio member

### **Staff Present:**

Tom Roberts, Director of Community Development

Meeting is called to order by Vice Chairman Marolyn Cash because Chairman Hawes is absent.

### **Public Hearing**

*Conditional Use Permit for five (5) unrelated persons to occupy 2345 Birch Avenue;*

Mr. Roberts stated that the notices had been sent out and the sign posted, but no one is here.

*Zoning Text Amendment for Section 630 Dimensional Regulations, for the purpose of restructuring and clarifying the dimensional regulation table and allowing all dimensional regulations in the table to be modified or waived by means of a conditional use permit;*

No one spoke.

*Zoning Text Amendment for Section 711 Group Homes, for the purpose of updating and clarifying language for the conditional use permit process for occupants in a dwelling unit.*

No one spoke. Mrs. Cash closed the public hearing.

### **Roll Call**

Mrs. Cash noted everyone is here except for Mr. Henson and Mr. Hawes.

### **Public Comment**

Mr. Tyson Cooper, mayor, rose to address the Commission. He stated that he is working his way through all of the boards and community groups the City appoints people to and this is his first

stop. He gave brief background on himself and thanked the Commission for all their service to the City, and emphasized that he wants to know what Council can do to support them.

## **Minutes**

Mr. Roberts apologized because he only put the December 2023 minutes in the packet, although the Commission needed to vote on both November and December because at the December meeting there had been no quorum. He noted that at the December meeting, no errors had been found in the minutes for the November meeting. Mr. Kidd motioned to approve the November 2023 minutes, Mr. Wiseman seconded, and all voted yes.

Mr. Wiseman noted two typos in the December 2023 minutes. He then motioned to approve with corrections, Mrs. Henson seconded, and all approved, except Mr. Kidd, Mrs. Gibbons, Mrs. Cash, and Mr. Petrie abstained, all of whom were absent at the December meeting. There was a brief discussion of approval procedure when so few people were present.

## **Secretary's Report**

- 1) The new electric vehicle charging stations up and running, and at least one person has used them. Mr. Roberts is going to ask Greenspot about usage statistics.
- 2) The annual Rockbridge timber frame build will be the Buena Vista Town Square this April 5-9<sup>th</sup>. The City will be soliciting donations in order to build this.

## **Old Business**

### *2345 Birch Ave – Conditional Use Permit for 5 unrelated persons*

Mr. Roberts began with a quick update since the previous meeting. He spoke with the property owner, who is open to different options, but proposes to expand the gravel parking area in the front of the house to accommodate perpendicular parking. The owner also proposes to make the master bedroom double occupancy and have one bed in the main area of the basement which has appropriate egress. Mr. Roberts discussed with the owner the dynamic that if rooms in the basement are left unoccupied, tenants might over time migrate down there, even if they do not meet building code as bedrooms.

Mr. Roberts relayed comments from Mr. Hawes and Mr. Henson, who could not be at the meeting. They are both concerned about the safety of perpendicular parking and do not think that is a good arrangement. There was some discussion about whether this parking would be interpreted as street parking or not, and whether non-residents of the house would feel like they could park in these spaces. Mr. Roberts noted that the majority of the space would be on private property in his estimation, and that because the spaces would be gravel and there is no curb and gutter, they would appear to be part of the yard and not part of the street. Mr. Petrie suggested the owner could place a sign to indicate it is private parking.

There was some discussion of the new suggested minimum parking guidelines for Section 711 conditional use permits, and that the proposal for 2345 Birch would provide more than the new recommended minimum. Mr. Roberts responded that each property should be looked at individually, and he thinks that the minimum required would be too low for this property.

Mrs. Cash asked if Mr. Roberts had heard from any of the neighbors. Mr. Roberts responded that other than the original complainant, no, he had not heard any neighbor feedback.

Mrs. Cash stated that she just hope they actually adhere to the proposed arrangement of beds. Mr. Wiseman suggested that the rooms in the basement that can't be used as bedrooms could be set up with storage shelves or cages so that they can't be used for sleeping. Mr. Petrie asked about inspections or enforcement of the bedroom arrangement. Mr. Roberts responded that he was not sure whether this is in a rental inspection zone or not, but the rental inspection program would be the vehicle for inspecting this. Mr. Roberts noted that the program is not proactively pursued due to staff capacity but as part of the CUP process would be inspected. Once a property is inspected, it will be reinspected in four years. Mr. Petrie suggested that the CUP include a provision that the basement rooms not be used for sleeping, and Mr. Roberts responded that he could add this.

Mr. Wiseman motioned to recommend approval of the conditional use permit for five unrelated persons with language about the basement bedrooms to be used for storage rooms and the expanded parking area as shown in the staff report. Mr. Petrie seconded and all voted yes.

#### *Section 630 Zoning Text Amendment*

Mr. Roberts stated that he had not made any changes, and then he reviewed the proposed changes and the reasons. He then passed on feedback from Mr. Hawes, who zeroed in on the parameters for minimum dwelling unit area. Mr. Hawes proposed changing the current text to specify that only above-grade heated living area is included, and basements are not included. Mr. Roberts stated that he disagreed with this proposed change and that the definitions of basement and cellar have been carefully considered. Per the City's zoning code, a basement is any space partly but less than half below grade; whereas a cellar is a space more than half below grade. Thus by definition, the majority of a basement is actually above grade. There are many homes with walkout basements etc. that are common-sense, legitimate living areas that would be excluded from minimum area calculations under Mr. Hawes's proposal. Mr. Roberts stated that changing the parameters for dwelling unit area calculation would make it much more complicated to determine what is included and not (e.g. going out to the site to see how much is above/below grade) and would result in illogical conclusions in some cases.

Mr. Wiseman asked if the references to basement and cellar could be entirely eliminated from the dwelling size parameters. Mr. Roberts responded that cellars are not optimal for living spaces because they can't be used for sleeping unless they have window wells, and many cellars are unfinished. Mrs. Cash brought up real estate appraisals and Mr. Roberts speculated that Mr. Hawes was seeking to align the zoning with real estate appraisal definitions. The consensus was to leave the dwelling size parameters as they are now.

Mr. Petrie motioned to recommend approval of the text as presented, Mrs. Gibbons seconded, and all voted yes.

#### *Section 711 Zoning Text Amendment*

Mr. Roberts began by stating that he intended to rename this section because "Group Homes" was confusing. He proposed naming it "Residential Occupancy." Mr. Roberts explained that since the last meeting, he had added relevant term definitions and some updates to those definitions. He reviewed the analysis of these definition changes in the staff report. Then, he reviewed the whole staff report for members who had been absent at the last meeting,

reiterating that the basic goal is to drastically simplify the language to align with what is actually needed and practiced.

Mr. Wiseman motioned to recommend approval of the text amendment with the noted name change, Mr. Kidd seconded, and all voted yes.

**Other Items**

Mrs. Cash asked if homeless shelters are allowed, or if there was any way that the City could address the issue of homelessness. She noted that when people come to her church, their only option is to spend \$75 per night on a hotel. Mr. Roberts responded that he had just talked to another church about this issue, and they had suggested using campers, but there are many issues associated with this. He is not sure whether homeless shelters in existing buildings would be allowed.

**Adjournment 8:30 PM**

Approved: \_\_\_\_\_



**PLANNING COMMISSION Staff Report**  
Chapter 32-616 Parking of Passenger Vehicles  
2/2/2024

## **Synopsis**

Add new section to Motor Vehicles and Traffic chapter to clarify regulations on parking of non-passenger vehicles on streets.

### **Summary:**

- Prohibits street parking of large vehicles (recreational vehicles, trailers, school buses, and tractor trailers) and defines those terms.
- Exceptions:
  - If the vehicle is actively loading or unloading, e.g. packing up your RV for a trip or loading materials onto a trailer
  - Construction trailer or dumpster in front of the property it's working on
- Applies City-wide, except where the City puts up signage to allow it (e.g. "Truck Parking" in an industrial area).

## **Analysis**

### **Purpose**

The intention of this new code section is to prohibit parking of RVs, trailers, and other similar non-passenger vehicles on the street, especially in residential areas. The reasons that RVs and trailers parked on the street are problematic are

- Large vehicles parked on both sides of the street choke the travel way on many residential streets too narrow for two vehicles to pass
- Large vehicles can block visibility, especially around corners
- Parking non-passenger vehicles, especially infrequently-used trailers and RVs, reduces the spots available for residents' cars

Most other cities and towns prohibit on-street parking of RVs, trailers, etc. for these same reasons. Current City code addressing this issue is confusing, ambiguous, and poorly worded, making enforcement difficult. Although these vehicles have been parked on the street for many years, it has recently emerged as more of an issue from citizen and staff complaints.

### **Interpretation**

The draft text is as simple as possible, but definitions of these vehicle types are the most important part. Please note that words may not have their common English meanings. Also, terms may have one meaning in Section 32 Motor Vehicles and Traffic, and a different meaning in the zoning ordinance—for instance words related to mobile or manufactured homes. Below are the code definitions for each term, and plain English discussion.

- *Camping trailer means every vehicle which has collapsible sides and contains sleeping quarters, but may or may not contain bathing and cooking facilities, and is designed to be drawn by a motor vehicle.*
  - Pop-up trailers for camping
- *Mobile home means every vehicle not otherwise classified in this section which has noncollapsible sides, which contains sleeping quarters and may or may not contain bathing and cooking facilities, and every trailer not designed for the transportation of property but is used primarily for office space and is designed to be drawn by a motor vehicle.*
  - This would include all camping trailers as well as recreational vehicles (RVs) that have their own engines etc. It would also include office trailers but these are rare here.
- *School bus means any motor vehicle, other than a station wagon, automobile, truck or commercial bus, which is:*
  - *Designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; and*
  - *Painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and*
  - *Is equipped with warning devices prescribed in Code of Virginia, § 46.1-1090.*
- *Tractor truck means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.*
  - This would be the tractor (engine) part of tractor trailers. By prohibiting street parking in this new text section, we could replace the existing Section 32-606 Trucks on residential streets, which prohibits trucks or trailers classified as 2 ½ tons or greater in residential areas.
- *Trailer means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.*
  - This encompasses any type of trailer, whether flatbed or enclosed. Note that manufactured homes mentioned in this definition refers to structures intended for permanent residential occupancy in a fixed location (e.g. a Clayton home in transit to a home site), not a camper or recreational vehicle intended for temporary occupancy at a campground.
  - The final provision of the draft text clarifies that hitching a trailer to a permitted vehicle (e.g. passenger vehicle) does NOT make that trailer part of the permitted vehicle.

## Time Period and Enforcement

Paragraph (a) gives a 48 hour maximum length of time a vehicle can be loading or unloading within a seven-day period. This provision is subject to further review and discussion with the Police department as they think through the most fair and feasible means of enforcing the intent of this regulation.

## **Additional Relevant Definitions**

### Additional Definitions from Section 32-1

*Camping trailer* means every vehicle which has collapsible sides and contains sleeping quarters, but may or may not contain bathing and cooking facilities, and is designed to be drawn by a motor vehicle.

*Highway or street* means the entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this city, including the streets, alleys and publicly maintained parking lots in the city, and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the city council.

*Motor vehicle* means every vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. Any device defined in this section as a "bicycle" shall be deemed not to be a motor vehicle.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway. For the purposes of Code of Virginia, § 46.2-800 et seq., bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

## **New Draft Text**

### *Sec. 32-616. Parking of Passenger Vehicles*

*The following vehicle types, as defined herein, are prohibited from parking on the street:*

- a) Camping trailer*
- b) Mobile home*
- c) School bus*
- d) Tractor truck*
- e) Trailer*

*Exceptions to this prohibition:*

- a) Vehicles actively unloading and delivery or pick-up and loading of merchandise, materials, equipment, or passengers or while making service calls. Provided, however, that even when engaged in the above-described activities no such*

*vehicle shall be parked upon a residential street for any period in excess of 48 hours within any seven-day period.*

- b) Vehicles being used in connection with city projects for the construction, repair, maintenance, remodeling, alteration, grading or other improvement of city-owned property, public streets, public sewers or city-owned utility lines.*
- c) Vehicles, trailers, and dumpsters being used in connection with infrastructure and construction work on private property, when parked directly adjacent to such property.*
- d) On a street or portion of a street which has been designated by the City Manager or his designee for parking of specified vehicle types, and which has signage stating the type of vehicles allowed to be parked on the street.*

*Each vehicle parked on the street shall be considered individually regardless of whether or how it is attached or hitched to any other vehicle.*