



## PLANNING COMMISSION

AGENDA for March 14<sup>th</sup> 2023

### AGENDA

#### REGULAR MEETING

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

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

**Review and Adoption of Minutes**

February 14<sup>th</sup> 2023 meeting

**Report of Secretary**

- Council approved duplex at 217 W 28<sup>th</sup> St
- Highway Safety Improvement Program (HSIP) grant approved (\$1.04 m) for various improvements at intersections around the City

**Old Business**

- 1) Discuss potential Zoning Map Amendment for in vicinity of 12<sup>th</sup> St and Pine Ave

**New Business**

None

**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

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 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 February 14<sup>th</sup> 2023

Members of the Buena Vista Planning Commission met at the Fire Department at 7:00 PM on Tuesday, February 14<sup>th</sup> 2023.

### **Members Present:**

Dennis Hawes, Chairman  
Melvin Henson, City Council Representative  
Marolyn Cash  
Kristie Gibbons  
Lucy Ferrebee  
Harold Kidd

### **Members Absent:**

Timothy Petrie  
Justin Wiseman  
Jason Tyree, Ex Officio member

### **Staff Present:**

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called. There was no public comment on items not on the agenda.

### **Minutes**

Mr. Hawes pointed out several edits to make. Mr. Henson was not present at the January meeting, so he should be removed from the members listed present. On the second page, Mr. Hawes asked to add that curb and gutter for 1744 Cedar Ave was paid for at the time of the zoning/building permit. On the third page, it notes that two members of the Commission were absent, but there were four members absent counting Mr. Henson and the Mr. Tyree, the City Manager. Mrs. Cash moved to approve the January 10<sup>th</sup> minutes with the three edits, Mrs. Gibbons seconded, Mrs. Ferrebee abstained because she had been absent, and all voted yes.

### **Secretary's Report**

- City Council approved Austin Rehl's abandonment at the February 2<sup>nd</sup> Council meeting. Prior to the meeting, a citizen had contacted Council members trying to persuade them to reduce or waive the price. Council ultimately did not do this and he was charged the full amount (\$13,500).
- Manufactured Home zoning text amendment was tabled by City Council, which asked for staff to explore a zoning map amendment instead of a text amendment.
- The CUP for 217 W 28<sup>th</sup> St faced some opposition from a neighbor. The neighbors concerns centered on parking, density/number of people in the neighborhood, and safety. The Commission discussed the merits of these concerns. Mr. Roberts pointed out

that conditional uses are uses that should typically be approved but with conditions, rather than uses that are denied. In other words, it is not clear under what conditions a duplex would be approved. This is true for CUPs for more than four unrelated people such as 1744 Cedar Ave. There was some discussion of the CUP process for properties like these. The Commission asked Mr. Roberts to begin drafting some specific conditions for duplexes and houses with more than four people, addressing items such as parking, so that there would be more clear criteria for evaluating these applications.

- The City is almost finished with design for the Town Square.
- The City is publishing this week an RFP for design of a new river access point near downtown.

## **Old Business**

### *Conditional Use Permit for 1744 Cedar Ave*

Mr. Hawes began by summarizing previous meetings. The discussion focused on concerns with street parking. Mr. Henson mentioned that he thinks the pavement width on Cedar Ave may be narrower than other streets, and that Cedar Ave is an emergency route through the City because it connects multiple parts of the City.

Mr. Roberts added that he has begun research on parking regulations in other localities that would address RVs, trailers, etc. parked on the street, and has started talking to the police and the city manager. Because this issue is so widespread, the City will need to proceed carefully and work with the public to phase a change in. Mr. Henson brought up needing adequate width of travel ways for snow plows, and how parking on one side of the street may be necessary in some places.

Mr. Kidd stated that he does not believe the plan for off-street parking for 1744 Cedar Ave actually provides 3 spaces as shown, because when three cars are parked, two are blocked in. He believes that in practice, only two cars will be accommodated by this driveway. There was some discussion about the number of parking spaces required for different types of dwelling units. Mr. Roberts pointed out that one and two family dwellings are required currently to have two off-street spaces per unit, but for this CUP and for the 217 W 28<sup>th</sup> St duplex proposal the assumption has been that each occupant will have his or her own vehicle.

Mr. Hawes stated that he is concerned if this proposal is not approved, it will discourage other property owners from going through the proper process of a CUP, and instead just house more than a family and ask for forgiveness instead of permission.

Mr. Kidd motioned to recommend denial of the CUP. The motion was not seconded, so it died. There were no other motions made. Mrs. Gibbons stated that she motioned at the previous meeting to recommend approval because the applicant was making an effort to follow the correct process, but that she could see both sides of the issue.

### *ROW Abandonment in 2200 Block of Hawthorne Ave*

Mr. Roberts introduced the item and explained where the lots are, and that it is early in the process and uncertain whether the south end or the north end of the street ROW will be abandoned. Mr. Kidd asked about the process of transferring abandoned ROW to an owner other than the adjacent owner. Mr. Roberts explained that yes, once abandoned, the ROW goes

to the adjacent owner; but that in cases like this, prior to the abandonment, the owners would sign quitclaim deeds to the applicant (Mr. Garrett). Mr. Garrett would pay the City. Mr. Roberts also pointed out that one or more of the adjacent owners may not want to give their portion, in which case the abandoned portion for Mr. Garrett could be 30' wide, which is still wide enough for a private driveway.

Mr. Hawes asked about public street construction. Mr. Roberts explained that new streets must adhere to the VDOT Subdivision Standards, which includes asphalt pavement, in order to receive annual lane mile payments from VDOT. Any new street would be built by a contractor. Mr. Hawes stated that adjacent property owners could be assessed for the cost of the street construction, and Mr. Roberts replied that he has seen a street construction policy from at least 20 years ago. Mr. Roberts stated that the City's general policy is that, other than the Industrial Park, the City is not in the business of building roads.

#### *Zoning Map Amendment for Manufactured Homes*

Mr. Roberts began by explaining that Council asked him to look into a map amendment rather than a text amendment in order to allow Mr. King to build the manufactured home he wants. R4 was suggested as the zone, but this would allow apartments as well as manufactured homes (by conditional use). Mr. Roberts offered an alternative of creating a new zone like R3 in all respects except that it allows manufactured homes.

Mr. Roberts also stated that boundaries for a new zone need to have some rationale and not arbitrary. There was brief discussion about spot zoning and how a rezoning should be for the overall benefit of the community and not exclusively to benefit one property owner. Rezonings can be specific to one property (such as a future rezoning for Austin Rehl), but it still must be benefitting the overall community.

Mrs. Cash moved to state to Council its opposition to allowing manufactured homes, and all voted yes.

#### **Adjournment 8:30 PM**

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





## **PLANNING COMMISSION Staff Report**

Zoning Map Amendment

R7 Residential Manufactured Infill

3/9/2023

### **Synopsis**

Establish new zoning district in southeastern part of City to allow individual manufactured homes on infill lots in existing neighborhoods.

### **Discussion**

City Council requested a proposal for a new zone to allow manufactured homes in response to the request of Mr. Andrew King.

#### *Boundaries*

Staff mapped analyzed multiple factors to define an appropriate neighborhood area to rezone. These factors were assessed existing zoning boundaries; value of houses; year houses were built; square footage of houses; availability of vacant lots for future development; topography and natural barriers such as streams; street connectivity; and location of existing manufactured homes. Of these, the most relevant were street connectivity, location of vacant lots, and location of existing manufactured homes.

Streets that don't connect, such as 14<sup>th</sup> and 15<sup>th</sup> St between Oak and Cedar or Oak between 12<sup>th</sup> and 13<sup>th</sup>, form natural breaks between sub-neighborhoods. The vacant lots (shown on the map) are potential locations of a new house (manufactured or otherwise), although most of those lots mapped are side yards of existing homes which owners may or may not want to develop.

Overall the new zone is fairly small. It is approximately 43 acres and encompasses approximately 11 ½ City blocks. The existing zoning is R3 Residential Limited except for the 1300 blocks of Pine and Spruce Ave, which are currently R2 Residential.

#### *Text*

The zoning text and dimensional regulations are the same as the R3 Residential Limited zone except for these changes:

- Individual manufactured homes are a by-right use. Previous discussion had been about allowing them by conditional use permit, but there must be some legitimate criteria against which Council could judge the appropriateness of a manufactured home. If Council has established a small, separate zone explicitly to allow manufactured homes, on what grounds would it then deny a manufactured home?
- The minimum dwelling unit size is eliminated. The argument for such a minimum is that it protects property values of surrounding homes, but clearly that is not a concern if manufactured homes are permitted. Also, staff research has found no other Virginia

localities with similar minimum dwelling unit size requirements. Minimum lot size remains

**Staff Recommendation**

Staff continue to recommend against zoning changes that would allow manufactured homes in any existing neighborhoods. Reasons have been discussed in previous staff reports. Very few cities and towns allow manufactured homes outside of designated manufactured home parks and subdivisions.

**Sec. 620.00. – Residential Manufactured Infill District R-7.**

*620.01 Intent of Residential Manufactured Infill District R-7. The R-7 district is established to allow a mix of single-family residence types including site-built and manufactured homes. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods.*

*620.02 Permitted uses.* Within the Residential Manufactured Infill District R-3 the following uses are permitted:

620.02-1 Single-family dwellings;

*620.02-2 Individual manufactured homes;*

620.02-3 Schools;

620.02-4 Churches and other places of worship with attendant educational and recreational facilities;

620.02-5 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;

620.02-6 Bed and breakfast homestay in accordance with Section 714.

*620.03 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:

620.03-1 Child care centers and family day care homes. The main structure shall not be located closer than 50 feet from any residential lot;

620.03-2 Public utilities;

620.03-3 Public water and sewage facilities;

620.03-4 Public service or storage buildings;

620.03-5 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of Section 713 are met;

620.03-6 Bed and breakfast inns in accordance with Section 714;

620.03-7 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

620.03-8 Two-family dwellings.

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

620.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

620.04-2 Living quarters in the main structure of persons employed on the premises;

620.04-3 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy;

620.04-4 Temporary office or storage building for use during construction, which shall be removed upon completion or abandonment of the construction work;

620.04-5 Signs as provided for in article 7;

620.04-6 Parking as provided for in article 7;

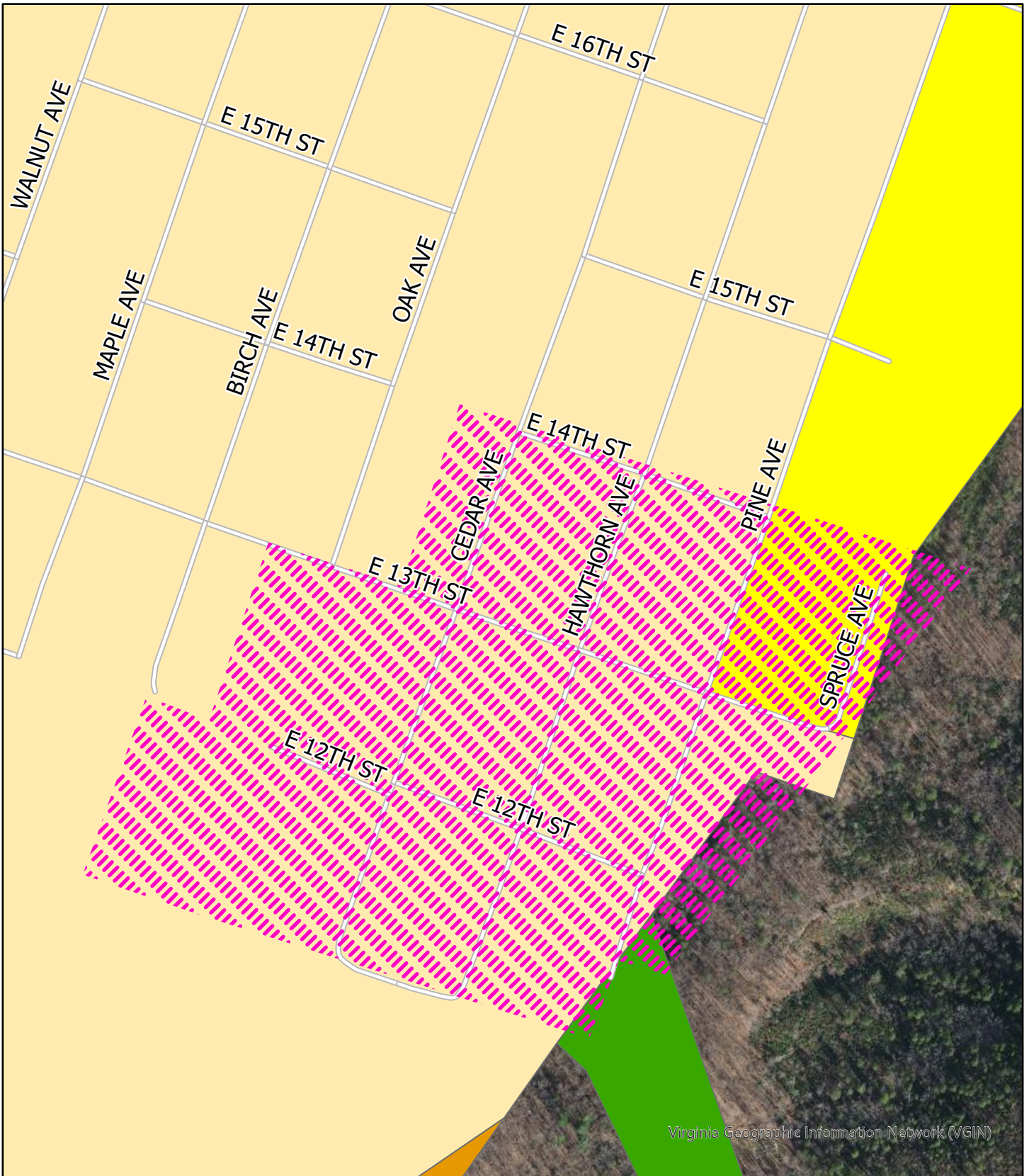
620.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of Section 713 are met;

620.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

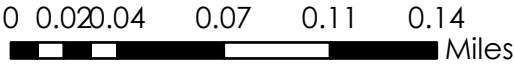
**Sec. 630.00. - Table of setbacks.**

District	Permitted Use	Minimum Structure Requirement (see k below)	Minimum Lot Requirements				Minimum Yard Requirements (see l below)					Accessory Buildings				Other Requirements	
			Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	On Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)			
C-1 Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-1 Low Density Residential	Single-family residential	1,200 sf single-family	12,500	21,780	35	100	15	30	35	35	35	5	5	5	5	35	N/A
R-2 Residential	Single-, two-family residential	1,200 sf single-family	9,375 sf	20,000	30	75	15	30	25	35	35	5	5	5	5	35	N/A
		2,400 sf two-family (1,200 each)	6,250 sf for each additional unit														
R-3 Residential Limited	Single-, two-family residential (960 sf per unit)	960 sf single-family	6,250 sf	20,000	30	50	5	15	25	35	35	1	1	1	1	35	N/A
		960 sf per dwelling 2 family dwelling	3,125 sf for each additional unit														
R-4 Medium Density Residential	Single-family, multifamily	960 sf single-family	6,250 sf	20,000	30	50' for single- and two-family	10	20	25	35	35	10	10	10	10	35	Maximum density 15 units per acre

District	Permitted Use	Minimum Lot Requirements (see l below)				Minimum Yard Requirements (see l below)					Accessory Buildings				Other Requirements
		Minimum Structure Requirement (see k below)	Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	On Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
R-5 Residential	Mobile home parks and subdivision	1,920 sf two-family (960 sf per unit)	3,125 sf for each additional unit	(see j below for efficiencies)	75' for three-family and greater										
R-6 Planned Unit Development	Residential	N/A													
R-7 Residential Manufacture and Infill	Single-, two-family residential		6,250 sf, 3,125 sf for each additional unit		30	50	5	15	25	35	5	1	1	35	N/A
B-1 General Business	N/A except for res. structures which are as shown for R-4	None	g	N/A	N/A	h	h	N/A	35'	20'	20'	15'	35'	N/A	

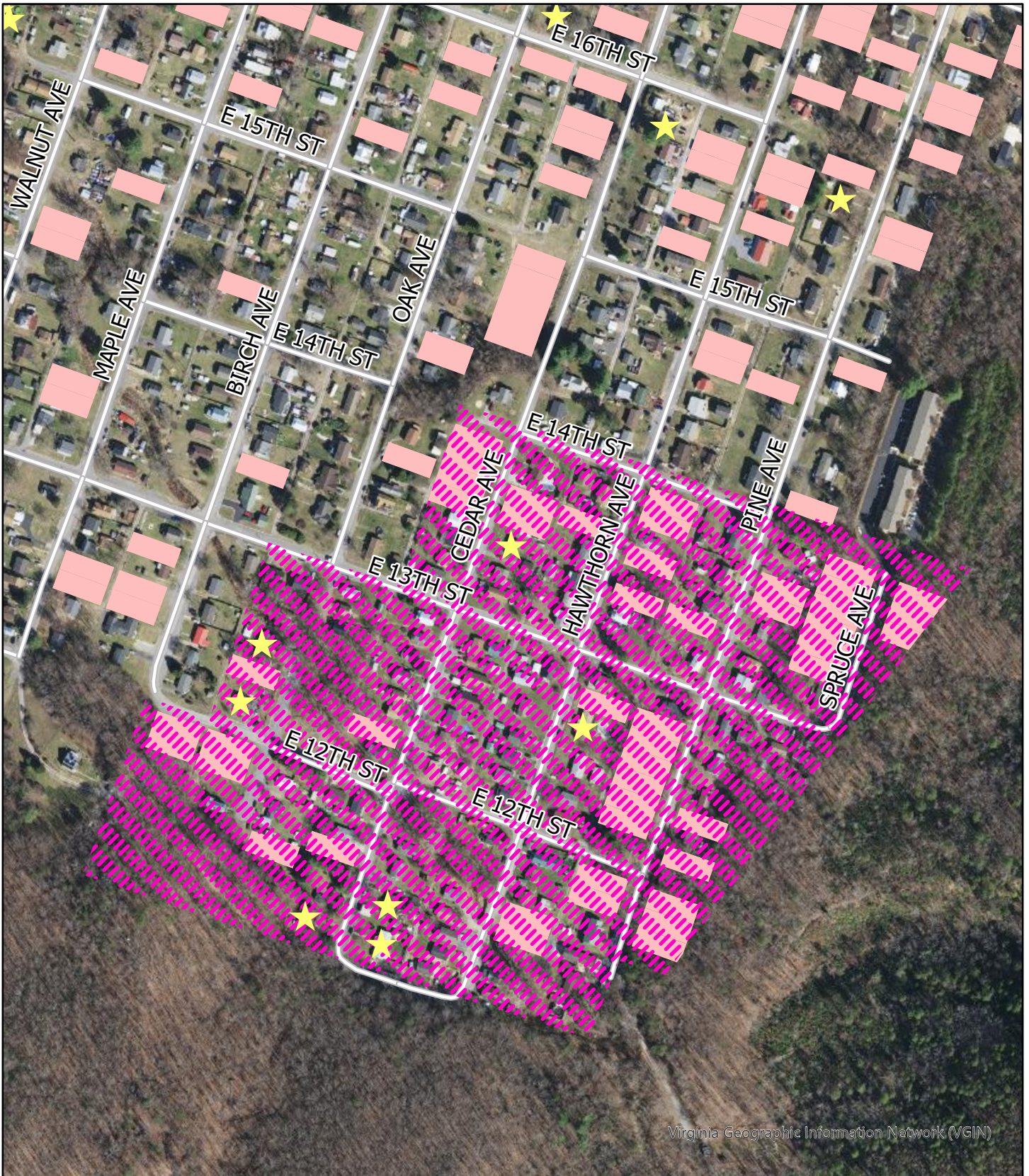


Virginia Geographic Information Network (VGIN)

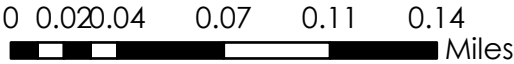


# Draft R7 Residential Zone Existing Zoning

3/9/2023



Virginia Geographic Information Network (VGIN)



**Draft R7 Residential Zone  
Existing Mfg Homes, Vacant Lots**

3/9/2023