



PLANNING COMMISSION

AGENDA for September 13th 2022

AGENDA

REGULAR MEETING

Call to Order by Chairman and Roll Call

Public Comment

Review and Adoption of Minutes

May 10th meeting

Report of Secretary

New Business

- 1) Request for Manufactured Home CUP/Zoning Text Amendment
- 2) ROW Abandonment – 1125 Pine Ave

Old 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 & Economic Development
City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416
(540) 261-8607 | troberts@bvcity.org | buenvistava.org/planning

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 August 9th 2022

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, August 9th 2022.

Members Present:

Marolyn Cash
Lucy Ferrebee
Kristie Gibbons
Timothy Petrie
Melvin Henson, City Council Representative
Justin Wiseman

Members Absent:

Dennis Hawes, Chairman
Harold Kidd
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 – Private Road Standards

There were no public comments.

Mr. Henson brought up the issue of private driveways serving single houses that were not wide enough, or too steep or curving, to accommodate emergency service vehicles. He asked whether we have any requirements in place now, which we do not, and whether we should enact some design requirements on driveways. Mr. Roberts pointed out that the Commission could impose requirements on design of driveways in new subdivisions, but currently there is not a mechanism to regulate driveways for individual houses on existing lots. He said he would research what other localities do. He also noted that any new private driveway serving more than two houses in the City would have to meet VDOT standards. Other members of the Commission suggested that the City make it clear to owners building houses that their house might burn down if their driveway cannot accommodate emergency services vehicles.

Minutes

Mr. Wiseman noted a typo in the minutes which Mr. Roberts will correct. Mr. Henson moved to approve the minutes, Mr. Wiseman seconded, and all voted yes.

Secretary's Report

- Several businesses that are opening
- Owners of Short Term Rentals were notified earlier in the summer and registrations are starting to come in
- The Virginia Innovation Collective has several new tenants and secured additional grant funding. They will be constructing several “tiny houses” for short and long term rentals.
- Mr. Roberts will be putting in grant application for new river access near the VIC to support the outfitter.
- Mr. Henson pointed out the City will celebrate the James Olin Flood Protection Project on Mountain Day weekend
- Main Street Buena Vista just placed ceramic planters at several intersections downtown. MSBV also just did the Battle of the Bands event this past weekend.

New Business

Certificate of Appropriateness – Pergola at 2522 Beech Ave

Mr. Roberts reviewed the staff report, explaining the project. Mr. Harris (the owner) plans to construct a concrete patio with a walnut-stained pergola over a portion of the patio. He will cut a new door in the side of the building to provide ADA access. The pergola will not be fully covered, but will have open slats. Mr. Henson brought up whether the previously-approved sign would need to be moved, and Mr. Roberts said perhaps.

Mr. Petrie motioned to approve the certificate of appropriateness as presented, Mrs. Gibbons seconded, and all voted yes.

Zoning Text Amendment – Private Road Standards

Mr. Roberts stated that the proposed text was the same, but he had tried to streamline and simplify the staff report to make it easier to understand. He summarized that the current text on private road standards was borrowed from Rockbridge County, but it turns out it does not fit Buena Vista. The proposed text clearly defines which VDOT standards are required, and the selected standard must be approved by City staff. He emphasized that this does not diminish the quality required of roads—the minimum pavement width will still be 18’ with a full ditch or curb and gutter—but will allow the site and the project characteristics determine which standard to use, instead of the City code specifying one particular line of the standards.

Commission discussion was supportive of the new wording, especially that the standard selected by the engineer would be approved by staff. The conversation dove into right-of-way width and ROW concerns with utilities in new developments but this was not directly pertinent to this text amendment. Mr. Petrie motioned to recommend approval to City Council as presented, Mr. Henson seconded, and all voted yes.

Adjournment 7:45 PM

Approved: _____



PLANNING COMMISSION Staff Report

ROW Abandonment

Pine Avenue in front of 1125 Pine Ave

9/6/2022

Synopsis

Paul Eppard requests abandonment of undeveloped portion of Pine Avenue adjacent to his property.

Summary:

- Area to be abandoned is 150' x 30' (4500 sf)
- The undeveloped end of Pine Avenue past the entrance to Reservoir Hollow trailhead
- Would not impact accessibility of Reservoir Hollow
- Total price using new pricing formula is \$3,375

Analysis

Mr. Eppard is seeking additional yard space to build a car port for a new recreational vehicle. The proposed vacated street area would be immediately adjacent to his yard, and most of the area to be abandoned is already grass mowed by Mr. Eppard. He owns four lots (200' of frontage); the abandonment would start more or less at the end of the pavement of Pine, for the southern 150' of his frontage.

When a street or alley is abandoned, the property owners on each side get half, split down the centerline of the ROW. The lots opposite Mr. Eppard on Pine Ave do not have owners on record, and likely were never sold after the original City platting. This was probably because they were substandard size (truncated by the boundary of the City) and the Reservoir Hollow access road crossed them. The access road has existed for many decades, possibly predating the City as a trail through a hollow in the mountains.

There would be no change to the Reservoir Hollow access. Mr. Eppard's half of the abandoned street does not include any of the access road.

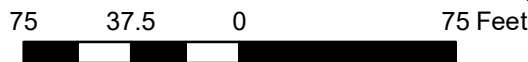
If the abandonment is approved, the City would add this abandoned half of the street to the existing tax parcel that includes the access road, the well, and the shooting range.

Recommendation

Staff recommend approval of this abandonment as presented.



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.



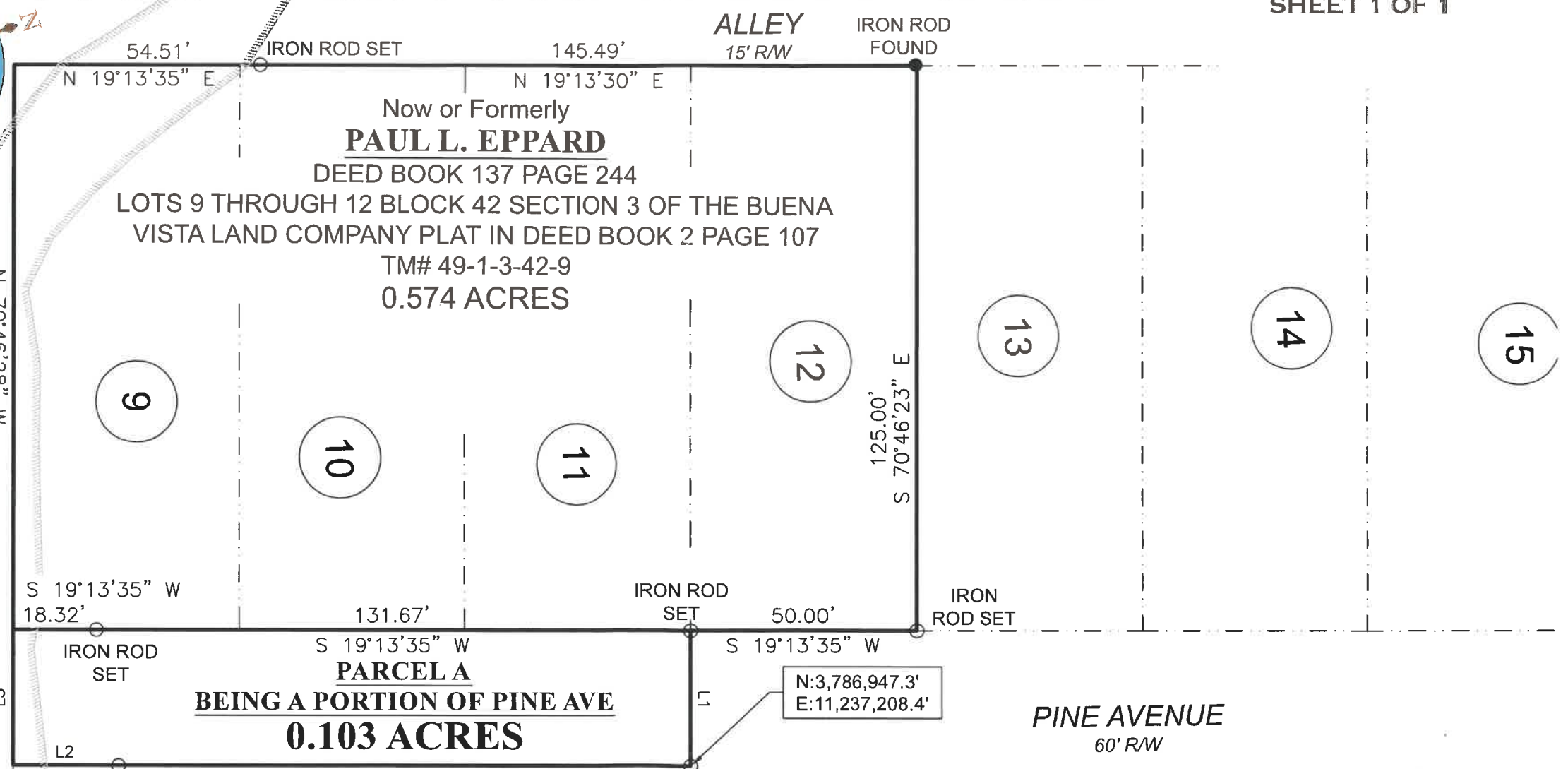
1125 Pine Ave Proposed Abandonment

6/20/2022

Excerpt of 1892 Plat of City



BOUNDARY SURVEY FOR
PAUL EPPARD
 CITY OF BUENA VISTA
 ROCKBRIDGE COUNTY, VIRGINIA
 GREEN FOREST JOB # GF01908
 REVISION 1, AUGUST 2, 2022
 SHEET 1 OF 1



Now or Formerly
PAUL L. EPPARD
 DEED BOOK 137 PAGE 244
 LOTS 9 THROUGH 12 BLOCK 42 SECTION 3 OF THE BUENA
 VISTA LAND COMPANY PLAT IN DEED BOOK 2 PAGE 107
 TM# 49-1-3-42-9
 0.574 ACRES

PARCEL A
 BEING A PORTION OF PINE AVE
 0.103 ACRES

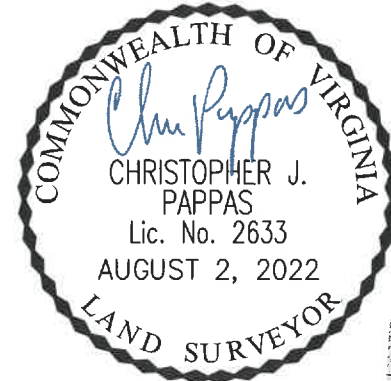
N:3,786,947.3'
 E:11,237,208.4'

LINE	BEARING	DISTANCE
L1	S 70°46'29" E	30.00'
L2	S 19°13'32" W	23.24'
L3	N 70°46'08" W	30.00'

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND, THEREFORE, MAY NOT, NECESSARILY, INDICATE OR SHOW ALL ENCUMBRANCES OR IMPROVEMENTS ON THE PROPERTY.

A PORTION OF THIS PROPERTY LIES WITHIN OR ADJACENT TO THE TRAVELED WAY OF PINE AVE, IS SUBJECT TO ANY PUBLIC OR DEEDED RIGHTS NORMALLY ASSOCIATED WITH A ROAD AND, OTHER RIGHTS OR RESTRICTIONS REVEALED BY A TITLE REPORT.

THIS PROPERTY LIES IN FLOOD ZONE "X" ("AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN") AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR ROCKBRIDGE COUNTY, VIRGINIA AND INCORPORATED AREAS. MAP NUMBER 51163C0401 C; EFFECTIVE DATE: APRIL 6, 2000.



GREEN FOREST SURVEYS, LLC

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PLANNING COMMISSION Staff Report

Discussion

Manufactured Housing

9/8/2022

Synopsis

Property owner is petitioning the City to allow him to erect a manufactured home in the R3 zone. Current zoning does not allow manufactured homes in R3.

Analysis

Terminology

Manufactured home – (same as a mobile home) a fully-assembled factory-built house built to the Federal HUD standard, not the Virginia Uniform Statewide Building Code

Modular home – fully- or partially-assembled factory-built house built to the Virginia Uniform Statewide Building Code

Manufactured Home Park (MHP) – group of manufactured homes in their own subdivision, often with single ownership of land; colloquially known as “trailer park”

Site-built home – house built to Virginia Uniform Statewide Building Code (USBC) using traditional construction techniques

Background

By about 1999, Planning Commission and City Council began discussing regulating the location of manufactured homes. Meeting minutes show that various proposed text amendments were brought forward to exclude manufactured homes from certain zones. The concerns cited included the following:

- Negative impact on value of surrounding homes
- Most manufactured houses are wide and shallow, but Buena Vista lots are narrower and deeper; thus manufactured houses are not as compatible with the existing architectural rhythm along the street, and owners must use multiple lots to build.
- Manufactured housing has been allowed to encroach into historic areas (Seminary Hill), where it is not compatible with existing historic architecture

After several years of consideration and public hearings, text amendments were adopted to define the terms related to manufactured housing and restrict it to C1 Conservation and R4 Medium-Density Residential zones. Later in 2008 manufactured homes were removed from C1 as a permitted use, and in 2018 they were made a conditional use (instead of by right) in R4.

When the Design Guidelines (Appendices A-F) were adopted in conjunction with the Hill Top-Glen Maury Plan and the Seminary Hill Historic District, Appendix B Building Design Standards included the provision A(2) “All structures must be built in compliance with the BOCA/CABO model building code as a minimum standard.” The Appendices originally applied to both the Hill Top zones (R6 PUD and Mixed Business-Hill Top) as well as the Seminary Hill District (which

overlays the Mixed Business and Institutional zones. I believe that this was intended, among other things, to exclude manufactured homes from those zones. However, I believe this provision about building codes was legally questionable. Regulating local building code is generally outside the statutory authority of zoning codes, and elsewhere in the City's code, the City had already adopted the Virginia Uniform Statewide Building Code. For these reasons, this line was eliminated in a 2019 text amendment of Appendix B.

Current Text Addressing Manufactured Housing

605.03-10 (R4 Medium-Density Residential) Single-family manufactured homes in individual lots are a conditional use

606 R5 Residential zone is specifically for manufactured home parks (MHPs) and subdivisions. It goes hand in hand with Section 707, which provides detailed dimensional and development regulations for MHPs.

614.13-2.3 explicitly prohibits manufactured housing in the Mixed Use zone

Comprehensive Plan

The City's comprehensive plan does not address manufactured housing at all. Some of the goals and objectives are related to manufactured housing, such as "Promote attractive neighborhoods" and "Provide housing choice within neighborhoods" and (5I) "Identify appropriate locations for compatible infill housing that would replace vacant or underutilized sites in existing neighborhoods."

In 2021, Virginia's General Assembly passed legislation which, among other things, requires localities to "incorporate into its comprehensive plan strategies to promote manufactured housing as a source of affordable housing." (§ 15.2-2223.5) As a result, when the City updates the Housing chapter of its comprehensive plan (likely 2024, after the regional housing study is complete), we will need to address manufactured housing.

Housing Study

The regional housing study (currently underway—dozens of stakeholders in focus groups a couple weeks ago) will address manufactured housing and will include recommendations that relate to it.

Policy Options

This report cites a number of potential downsides of manufactured homes to surrounding neighborhoods and City residents. However, manufactured homes are a cost-effective way for individuals to be housed, and the City needs to increase its housing supply. The forthcoming housing study (data in 2023, full report with recommendations in 2024) will quantify this need and identify strategies (which may include manufactured housing recommendations) to meet housing needs, but the need is obvious when anyone looks at the supply and talks to local employers. No new dedicated affordable housing units have come online in the City in years.

The policy question is essentially whether this need for affordable housing is a higher priority than potential downsides of new scattered-site manufactured homes, and if allowing them will result in a meaningful number of new housing units coming online.

Research

The question before the Commission is about manufactured homes on individual lots, not about manufactured home parks (MHPs), which have their own set of opportunities and challenges not fully addressed here. Below is a summary of staff research on manufactured housing.

Manufactured homes are at their core a form of affordable housing. They arguably have the lowest up-front cost of any type of detached single-family house. However, they present questions about housing value in the short and long term as well as neighborhood impact which must be considered.

Construction Standards

The HUD code setting their construction standards is less prescriptive and more performance-based than the International Building Code (IBC) on which the Virginia Uniform Statewide Building Code (USBC) is based. This allows manufacturers to use thinner or more lightweight building materials, as long as they achieve certain performance criteria, such as structural stability or wind resistance. In this way, manufacturers can truthfully state that their buildings perform the same or better as site-built, even if they are not as physically substantial. Additionally, manufacturers choose to be as cost-efficient as possible in their materials because their product is intended to be less expensive than site-built construction. Thus fixtures and finishes such as cabinets, countertops, and tubs are lower quality than are found in many site-built homes, not because of building codes but because of target market of the product.

Because of their materials and construction techniques, it is often more difficult to repair manufactured homes. Standard dimensions of items like doors, trim, cabinets, etc. may not fit in manufactured homes, and owners may need to find replacements specifically designed. Ultimately, because of the construction techniques, manufactured homes may reach an age and condition past which repair and renovation is not cost effective sooner than, and under different circumstances than, a site-built home.

A final note is that because the HUD code was established in 1976, the truly long-term view of manufactured homes has yet to be studied. All conforming homes are less than fifty years old.

Property value and depreciation

Manufactured homes cost less to purchase than site-built homes, but their appreciation in value is not as certain. Local realtors report that they do not hold their value, and that they are harder to resell than site-built homes.

A 2003 study on appreciation of manufactured homes found that “average appreciation rates of manufactured homes packaged with owned land are statistically in line with the site built market, and there are few inherent reasons that a home built in a factory should perform differently than one built on site.” However, the authors discuss how it is extremely difficult statistically to tease out each the variables which affect a property’s value and determine how one of those variables affect price up or down. These variables include condition of the house, size, whether it is surrounded by other manufactured homes or individually placed, whether it is in an urban or a rural context, etc.

One of the most important factors in appreciation is the land; multiple studies have found that appreciation of the underlying land accounts for a large portion of the total manufactured home property appreciate. The 2003 study also concluded that the variation of appreciation/depreciation was greater for manufactured homes than site-built.

Affordability

Manufactured homes cost less on a per-square-foot basis than site-built homes, even when including the costs of transportation, site preparation, tongue and axle removal, utility connections, and permanent foundation construction. As noted above, they can appreciate at rates comparable to site-built homes, though this is variable. However, in the long run they are not as affordable as they appear because of the financing options available.

Because they are transported to the site, manufactured homes are financed differently than site-built homes. Manufactured homes set on permanent foundations on land owned by the homeowner can typically be financed with a traditional mortgage product, the APR will be higher than for a site-built house. For these types of homes there are government mortgage programs comparable to site-built house programs, through agencies including FHA, VA, and USDA, but again they may not have the same flexibility with down payment and rates as low as for site-built homes. Finally, for manufactured homes that are not on permanent foundations or not set on land under the same ownership (e.g. within an MHP), borrowers are limited to a particular FHA program or to chattel loans. Chattel loans are similar to automobile loans, require a down payment, and have higher interest rates than mortgages.

In general, fewer lending companies offer products for manufactured homes. Financing a used manufactured home is harder than a new one, in part because of the appreciation challenges cited above.

Because of the limited options and higher rates for manufactured home mortgages, and the variable appreciation over time, they are a less certain vehicle for building equity and wealth than site-built homes

Impact on surrounding properties

Academic research on the impact of scattered-site manufactured homes on values of surrounding properties is scant. However, several local realtors state they believe that manufactured homes pull down the values of surrounding properties. It is common sense that a less-desirable house on a block will negatively impact the values of surrounding houses directly (sales price factoring into appraisals and assessments) and indirectly (appeal of neighborhood).

Sources available on request.