

BRISTOL VIRGINIA PLANNING COMMISSION
Monday, September 17, 2018
12:00 pm

MEMBERS PRESENT:	MEMBERS ABSENT:	STAFF:	OTHERS:
Todd Buchanan	Anthony Farnum	Sally Morgan	
Susan Long	Bart Long	Nicole Storm	
Michael Pollard		Gene Christian	
Kevin Wingard		Randall Eads	
Jordan Pennington			

I. Call to Order

Mr. Buchanan called the meeting to order at 12:00.
Secretary's Note: Mr. Pennington arrived at 12:12

II. Approval of the Minutes of August 20, 2018 Regular Meeting

Mr. Pollard made a motion to approve the minutes of August 20, 2018. Motion was seconded by Mr. Wingard and carried by the following votes:

AYES: S. Long, Pollard, Wingard and Buchanan

III. Public Comment (for items not on the agenda)

No comments were made for items not on the agenda.

IV. New Business

A. Notification of Administrative Modification Request 01-2018-1777 Wendover Road. Tax Map No. 3-1-8-6A. For information only. No action needed.

Ms. Morgan reported on an administrative modification request from Christopher Crockett, the property owner at 1777 Wendover Road, to allow the construction of a small addition to the rear of his home, including a carport. Ms. Morgan stated that the existing home is zoned R-1A which requires a fifteen (15) side yard setback, and even though the lot is 0.7 acres in size, it is a very long, narrow lot with only about 70 feet of width at the house location. Ms. Morgan stated that Mr. Crockett has requested a modification of three feet on the west side and five feet on the east side, thereby reducing the side yard setback distance from the required fifteen feet to twelve feet and ten feet, respectively. Ms. Morgan stated that it appeared that the original lot had been split at some time, resulting in a tract of land that has less width than other parcels in the neighborhood.

Ms. Morgan explained that the Bristol City Code Section 50-190 allows the zoning administrator to grant a modification if the request meets the criteria listed in the code section and “the zoning administrator should inform the planning commission of any pending application for modification prior to approval allowing the individual members to provide written comments to the zoning administrator for his/her consideration.” Ms. Morgan asked that any comments be submitted to her by September 25.

Planning Commissioner Wingard reiterated from prior discussions his concern about small lots in older neighborhoods being prevented from being redeveloped due to the setback requirements. Mr. Wingard stated that he has noticed several homes deteriorating in older neighborhoods and investors have expressed an interest to demolish and rebuild, however, they are unable to rebuild because the existing lots are too narrow and non-compliant with the existing city code. Mr. Wingard stated that these older properties are not viable and suggested the Planning Commission go back to the original date of the construction of the lot and extend the previous code for these older neighborhoods so investors can rebuild on the lots. Mr. Wingard suggested that the planning commission should draft a grandfather clause allowing the lots to be grandfathered into the current code.

Ms. Long asked if most municipalities allow a homeowner to rebuild in older neighborhoods that have less than the required setback or does each homeowner desiring to rebuild have to apply for a variance or modification. Ms. Morgan stated each homeowner would have to apply for a variance or modification if the pre-existing structure has been demolished and the new dwelling does not meet current setbacks. She stated that the planning commission can review and address the issue in the non-conforming structure chapter in the Zoning Ordinance, and she also reminded commissioners that most of the older neighborhoods in the city are zoned R-2 or R-3 which have less yard requirements than R-1 or R-1A. (*Secretary’s note: For example: the side yard setback in R-3 can be as small as six feet on one side*).

V. Old Business

A. Consideration of Recommendation on Zoning Map Amendment application from Clarence Dishman to rezone Tax Map #190-4-1 (a 5.4 acre portion of the former Tax Map No. 190-A-6A) from R-1 (Single-family Residential) to B-3 (Intermediate Business)

Ms. Morgan reported that a properly-advertised joint public hearing with the City Council was held on September 11. Ms. Morgan stated that as provided by the Code of Virginia, the Planning Commission is charged with making its recommendation on the rezoning application following the public hearing. The commission recommendation will be forwarded to the City Council for consideration. Ms. Morgan presented several slides showing the Clarence Dishman property, including photos of the vegetation along the boundary with adjoining properties on the west and east side. She stated that the property is currently zoned R-1 (Single-family Residential) and the owner is requesting the property to be zoned B-3 (Intermediate Business).

Ms. Morgan stated that the 5-acre subject tract is large enough to accommodate a commercial business or even multiple businesses. The site does have a high visibility from the Interstate with almost 800 feet of frontage, although the location on a dead end collector street will likely limit its potential for some of the permitted uses in the B-3 zone.

Ms. Morgan stated the 2017 City Comprehensive Plan addresses future commercial development in the Exit 5 and 7 areas and encourages continued efforts to grow that area into the premier shopping destination in the Tri-Cities area. Ms. Morgan reported the Future Land Use Map on Page 32 of the plan shows the subject property as “Regional Commercial.” Ms. Morgan recommended approving the Zoning Map Amendment application based on the conformity with the Comprehensive Plan, the purpose of the B-3 District, the existing commercial land use on the west side of the property and in the general vicinity, and the lack of any anticipated adverse impacts on adjoining properties and neighborhood.

Mr. Pollard asked if the trees and vegetation on the side boundaries was on the subject property or located on adjoining property and if the code requires the barrier to be maintained. Ms. Morgan answered that she thought it was probably on both properties. She stated that there is a requirement in city code for a landscape buffer between commercial development and any residential zone and it must be satisfactory to the Planning Commission.

City Manager Randall Eads asked Ms. Morgan if notices have been sent to adjoining owners. Ms. Morgan replied that all notices were sent to adjoining property owners and she had received two phone calls with inquiries about the application, but had not received any opposition to the rezoning request.

Ms. Long made a motion to approve the Zoning Map Amendment Application from Clarence Dishman to rezone Tax Map #190-4-1 (a 5.4 acre portion of the former Tax Map No. 190-A-6A) from R-1 (Single-family Residential) to B-3 (Intermediate Business) Motion was seconded by Mr. Wingard and carried by the following votes:

AYES: Buchanan, Long, Pollard, Wingard and Pennington

B. Zoning Ordinance Revision Project Update

Ms. Morgan presented a proposed section 50-153 through 155 regarding manufactured homes and parks, industrialized building units, and recreational vehicles. Ms. Morgan stated that current city code section 50-38 and 50-159 address these types of land uses, but the federal and state codes and definitions have changed and need to be updated in city code.

Ms. Morgan proposed several changes to the Bristol City Code:

- a) Reorganize text to combine and clarify current code:
 - 50-153 Manufactured Homes
 - 50-154 Industrialized Buildings
 - 50-155 Recreational Vehicles

(Note: the draft text was revised after the presentation was made to separate these last two sections, making a third section 155)

b) Update terminology and definitions to match current state code

c) Clarify existing regulations:

- No manufactured home can be used for any purpose other than single-family dwelling.
- Any industrialized building unit can be used if its use conforms to the zoning district (i.e. it is treated the same as any site-built structure)
- Manufactured homes must be located in zoned manufactured home parks (R-MH) or can replace existing homes as long *as they meet the HUD standards (anything prior to June 1976 would not be allowed).*

Ms. Morgan also talked about existing mobile home parks in the city which are not zoned R-MH and do not currently meet the standards of that district which require certain spacing between mobile homes, lot sizes, and specific improvements including paved roadways. There was considerable discussion among members about vacancies in the parks and at what point to require compliance with the park standards. Mr. Wingard wanted to make sure that we would not be taking away this type of housing option for people who cannot afford conventional housing. Ms. Morgan stated that she would do some further research on how other communities address non-conforming manufactured home parks.

A copy of the PowerPoint presentation has been attached to the minutes.

VI. Adjournment

There being no further business, the meeting was adjourned at 12:56 pm.

Sally H. Morgan
City Planner