PLANNING COMMISSION
Council Chambers, 300 Lee Street, Bristol,
Virginia 24201
October 21, 2019

12:00 PM

I. Call to Order

II. Brief Updates and Comments from Staff and Commission Members

III. Comments from Members of the Public on Non-Agenda Items

IV. Consideration of Minutes of September 16, 2019 Regular Meeting and September 30, 2019 Work Session.
   September 16, 2019 Regular Meeting, September 30, 2019 Work Session

V. New Business
   A. Election of Vice-Chairman for remainder of FY 2019-20 (through June 30, 2020)
   B. Review of Special Exception Application #05-2019 for a barber shop in an R-2 zone at 20 Peters Street

VI. Old Business
   A. Work Session on next section of zoning maps to review

VII. Adjournment

   Next Regular Meeting - Monday, November 18, 2019
AGENDA ITEM WORDING:
September 16, 2019 Regular Meeting, September 30, 2019 Work Session

ITEM BACKGROUND:
None.

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION:

PC Minutes 9.16.19 Regular Meeting.docx

PC Minutes 9.30.19 WorkSession.docx
Bristol Virginia Planning Commission
Regular Meeting
Monday, September 16, 2019
12:00 pm

MEMBERS PRESENT:  MEMBERS ABSENT:  STAFF:  OTHERS:

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<tr>
<td>Michael Pollard, Chair</td>
<td>Jordan Pennington</td>
<td>Sally Morgan</td>
<td>Rachel Gibson, Long Crescent LLC</td>
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<td>Susan Long</td>
<td>Amy Dula</td>
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<td>Ken Hale, Attorney</td>
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<td>Breanne Forbes-Hubbard</td>
<td>Bart Poe</td>
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<td>Numerous city residents</td>
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<td>Ric Watts</td>
<td>Randall Eads</td>
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<td>News Media</td>
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<td>Kevin Wingard</td>
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I  Call to Order

Mr. Pollard called the meeting to order at 12:00 pm.

II.  Brief Update and Comments from Staff and Commission Members

Ms. Morgan, City Planner, reported that Vice Chair, Todd Buchanan, resigned on September 12, 2019. Mr. Pollard requested that staff prepare a formal recognition for Mr. Buchanan.

Mr. Pollard stated that commissioners could make a motion to nominate a temporary Vice Chair before proceeding with the meeting.

Mr. Wingard nominated Ms. Forbes-Hubbard to serve as temporary Vice Chair for the September 16, 2019 Planning Commission regular meeting. Mr. Watts seconded the motion and the following carried the vote:

Ayes: Forbes-Hubbard, Long, Pollard, Watts, Wingard

III.  Comments from Members of the Public on Non-Agenda Items

Mr. Scott Campbell inquired about the outcome of the auction of the Clarence Dishman property.

Virginia Goodson, a former Planning Commission member, recommended improving the visibility of Commission members during joint public hearings. She said that at the last public hearing, the Commission members sat at the side table rather than facing the audience. She recalled that when she served on the Commission, the Planning Commission would sit at the City Council table and the City Council would sit in the audience.
IV. Consideration of Minutes of August 19, 2019 Regular Meeting and August 26, 2019 Work Session

Ms. Long made a motion to accept the minutes of August 19, 2019 regular meeting and August 26, 2019 work session. Mr. Watts seconded the motion and the following carried the vote:

Ayes: Forbes-Hubbard, Long, Pollard, Watts
Abstentions: Wingard

V. New Business

There were no new business agenda items.

VI. Old Business

A. Consideration of Zoning Map Amendment Application 01-2019 from Long Crescent LLC for Tax Map #221-A-2, 221-A-3, and 261-A-6A from R-1A to B-3

Ms. Morgan reported that city staff received an application on July 16 for a request for a zoning map amendment of three tracts of land along Long Crescent Road owned by Long Crescent LLC from R-1A zoning district (Single-Family Residential) to B-3 zone (Intermediate Business). The property is currently undeveloped and the applicant/property owner is proposing a campground and recreational vehicle park that comes under the term of overnight recreational development. The proposed use of the property is only allowed by right in a B-3 (Intermediate Business) or an A (Agricultural) zoning district.

Ms. Morgan reported that the Planning Commission voted at it August 19 meeting to forward the application to City Council for a joint public hearing. The Planning Commission and City Council held a joint public hearing on September 10 in which public comments were taken on the application. Ms. Morgan further reported that city staff has followed state code requirements in considering the request and prepared a staff report with conclusions and a recommendation on the matter and that the report is included in the meeting packet.

Ms. Morgan stated that the Planning Commission is responsible for considering the request and making a recommendation to the City Council. The Planning Commission could vote to recommend approval, to recommend denial, or to table if more information is requested and then the recommendation from the Planning Commission is sent forward to the City Council, which will need to either approve or deny the request. She also stated that if the City Council approves the request, there would be two readings because a zoning map amendment is the same as an ordinance change.

Mr. Wingard stated that he would abstain from comments regarding the matter, as it would be a conflict of interest due to his family involvement in the request.
Ms. Morgan proceeded to read the staff recommendation on the request and concluded with a staff recommendation to approve the request based on evaluation criteria. (*A full copy of the staff recommendation is on record in the application file*).

Rachel Gibson addressed the Planning Commission on behalf of Long Crescent LLC stating that the proposed project is only for an overnight stopping point and not a recreational destination point. Ms. Gibson stated that the project would be privately-funded and would not seek financial assistance from the city.

Mr. Watts, Planning Commission member, asked Ms. Gibson to clarify the water source for utilities for the overnight campground. Ms. Gibson stated that Long Crescent LLC would be paying for the sewer and utilities. Ms. Morgan stated that the campground would be utilizing an existing BVU public water line. Mr. Watts indicated that were comments and concerns regarding inadequate water pressure. Ms. Morgan stated that BVU did not provide comments regarding inadequate water pressure. Ms. Morgan stated that BVU provided comments regarding the availability of water to the site with 120 psi of water pressure and that the extension of wastewater will be at the developers’ cost.

Ms. Forbes-Hubbard, Planning Commission member, asked who will provide funds should there be potential traffic infrastructure improvements such as a signal light becoming necessary. Ms. Morgan stated that funds are determined based on reports from a traffic study. Mr. Poe stated that city citizens would not pay for a traffic signal as projects like that would use a combination of VDOT funds to provide any necessary traffic improvements.

The following citizens made comments regarding the rezoning application:

Ken Sauls, representing the Kingsway Baptist Church, expressed his concerns regarding the flow of traffic on Long Crescent Road, especially on Sundays and Wednesdays due to church services.

Ken Hale (attorney representing homeowners in the surrounding area of Long Crescent Drive) spoke on behalf of his clients. Mr. Hale expressed concerns regarding the rezoning of the property. He stated that the area would be open to eighty-three potential business options if the campground fails; the campground will decrease the value of the homes; and there is no adequate way to buffer the development from the nearby residents.

Nancy Marney spoke in opposition to the rezoning of the property.

Larry Kirksey presented to the Planning Commission and city staff a petition in opposition of the rezoning with signatures of homeowners in the surrounding area. Mr. Kirksey presented the main reasons regarding their opposition for the rezoning request:

1. Conflicts with long standing neighboring residential developments
2. All land adjoining the parcels is zoned R-1A
3. Multiple valuable existing residential property will be devalued if zoned B-3
4. Infrastructure is inadequate for B-3 zoning, lack of water, sewer and roadway

Mr. Kirksey stated that the owner would be required to obtain easements because sewer is not at the site. Mr. Kirksey stated that the homeowners adjacent to the site would refuse to permit sewer easements.

Scott Campbell stated that the rezoning conflicts with the Future Land Use Map in the 2017 Comprehensive Plan. It was noted by the Chairman that the Future Land Use Map was revised in 2019.

Mr. Pollard commented about the visibility of the proposed campground from Exit 3 and the Interstate and recommended providing buffering.

Mr. Pollard entertained a motion to vote to accept or reject the staff recommendation.

Ms. Long made a motion to reject the staff recommendation. Mr. Watts seconded the motion and the following carried the vote:

Ayes: Forbes-Hubbard, Long, Pollard, Watts
Abstentions: Wingard

B. Update on Revised Zoning Ordinance project – Possible Work Session with City Council and Work Session on next section of zoning maps to review

Ms. Morgan reported that as requested by the Planning Commission, the City Council was provided a copy of the Revised Zoning Ordinance draft in July. City staff made an overview presentation of the document at the September 10 Council Meeting and that Council requested a Joint Work Session with the Planning Commission. Mr. Eads reported that the City Council has other joint meetings coming up with the School Board and with Bristol, TN City Council, so it may be a while before this joint work session can be scheduled.

Ms. Morgan reported that staff requests that the Commission schedule the next work session to go over existing zoning maps and possible updates for Work Area #2 (Commonwealth Avenue to Lee Highway).

The Planning Commission agreed to schedule a work session on Monday, September 30 at 12:00 pm.

VI. Adjournment

The meeting adjourned at 1:08 pm.
I. Call to Order
Mr. Pollard called the meeting to order at 12:00 pm

II. Joint Work Session with City Council.

Nicole Storm, City Clerk, briefly addressed the Commission members to ask when they would prefer to meet with the City Council for a joint work session on the draft revised zoning ordinance. Mrs. Long stated that Mondays and Wednesdays are generally best on her work schedule. Mr. Watts stated that Noon meetings are okay but often members have to get back to work at 1 p.m., so early evenings might be better. Ms. Storm said that she would propose a few dates and get feedback from members as to availability.

III Work Session on Possible Zoning Map Revisions – Work Area 2 (Between Commonwealth Avenue and the Norfolk-Southern railroad corridor).

Ms. Morgan discussed a set of seven work maps for the following areas and possible changes, recognizing that many of these are minor adjustments to match zoning boundaries with property lines, while some are proposed for better matching of the existing uses with the appropriate zoning district or to implement the Comprehensive Plan. These maps are on file with the city planning office.

Map 1: South of Sycamore Street:
- Propose changing B-3 in 3 blocks to either R-2 or B-2, because B-3 is not appropriate zone for this location
- Commission members preferred changing all to R-2 as all of the three blocks are residential in existing land use and not B-2 (downtown commercial) in nature

Map 2: Virginia Hill neighborhood:
- Propose changing B-3 to B-1 in two places. Commission members agreed.
- Mr. Pollard suggested changing the two blocks north of the railroad (City Hall and former warehouse on Scott St. and north to Spencer
St.) from B-2 to B-1. This matches the Future Land Use map in Comp Plan. Commission members agreed to this proposal.

Map 3: Piedmont Avenue
- Propose changing one large triangular block from B-3 to B-1.
- Propose changing small parcel currently zoned B-3 just across Oakview Ave. from the B-3 block to R-4 to match adjacent zoning
- Propose changing NE corner of Mary St. and Piedmont from B-3 to R-3 to match surrounding zoning of school and Girls Inc. property
- Propose making four small adjustments to match property lines near the intersection of Piedmont and Euclid Ave.
- Commission members agreed to all of these proposed changes

Map 4: Commonwealth and Euclid
- Propose changing parcel containing Rite-Aid from B-1 to B-3 to make entire tract same zoning district.
- Propose shifting B-3 line at 601 Commonwealth to cover entire parcel.
- Commission members discussed changing all of the area just north of Rite-Aid also to B-3 and agreed that this should be proposed, making the area between Commonwealth and Vernon Street a B-3 zone instead of B-1.

Map 5: MLK Blvd and Buchanan Street:
- Propose changing 718 and 800 MLK from M-1 (Industrial) to B-3 and remainder (823 Maple St.) to R-3 (Moderate-density Residential).
- Commission decided that all of this area should be changed B-3 to match better with land ownership pattern.

Map 6: 5 Points area
- Propose extending R-3 to cover playground at Mosby Homes.
- Propose changing all of Lee Garden residential area to R-3 (some of it is zoned B-3 and one small tract on Euclid is zoned R-1)
- Propose matching zoning boundaries of split parcels north of Lee Garden with property ownership boundary lines. Commission thought best to make all of school property (Washington-Lee) R-1 to correct having three different zones. The other residential large lots at the end of Holly Lane should all be R-1A.
- Propose changing M-2 at 901 MLK (Lighthouse Supply) to B-3.
  Commission discussed remainder of property to the west and the corner at 5 Points, but didn’t come to any further conclusion on changes. Ms. Morgan said that she would like to talk to the new president at Virginia Business College about any plans they have for that corner.
- Commission agreed with the above changes.
Map 7: Lee Highway and Valley Drive

- Propose extending B-3 zone to cover all property of Walgreens and CVS which are currently split-zoned.
- Propose maintaining B-1 on north side of Valley Drive except for parcel just east of 1503 Lee Highway which should be changed from R-1A to B-1.
- Propose extending B-3 zoning to cover entire tract of 1400 Lee Highway (First Assembly Church of God)
- Commission agreed with these proposals but also pointed out several corrections that need to be made with the zoning in the corners of Parcels 8-7-37 and 8-6-1 in which the zoning boundaries do not match up with the parcel ownership lines and need to be corrected. Ms. Morgan agreed and noted that she would add that change to the proposals.

Ms. Morgan reported that the next Work Session would be for Work Area 3 which is from the Railroad to Bonham Road (south of Interstate 81). There was brief discussion about holding a work session before the next regular meeting on October 21, however it appears that would not work well with other scheduling conflicts. Ms. Morgan stated that there is only one item so far for the agenda for October and Mr. Pollard reminded her that we need to have the election of Vice-Chairman on the agenda.

IV. Adjournment

The Chairman adjourned the work session at 1:30 pm.
AGENDA ITEM WORDING:
A. Election of Vice-Chairman for remainder of FY 2019-20 (through June 30, 2020)

ITEM BACKGROUND:
Due to the resignation of Todd Buchanan, the position of Vice-Chairman is vacant.

PREVIOUS RELEVANT ACTION:
September 16, 2019: Ms. Forbes-Hubbard was voted as temporary Vice-Chairman just for that meeting

STAFF RECOMMENDATION:
None.

DOCUMENTATION:
Meeting Date: October 21, 2019
Department: Planning
Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:
B. Review of Special Exception Application #05-2019 for a barber shop in an R-2 zone at 20 Peters Street

ITEM BACKGROUND:
Clayton Harlow has submitted an application for a Special Exception for a barber shop operation to be located in a residential structure at 20 Peters St. The proposed location is zoned R-2 (Single and Two Family Residential) which by Bristol Virginia City Code does not allow business uses by right. The applicant plans to also reside in the residence. Due to this, the applicant considered only obtaining a home occupation permit rather than applying for a special exception, however, he determined that this might limit his business plans. The property is owned by Edward Harlow who also signed the application form. Bristol City Code (BCC) does allow a property owner or applicant to request a Special Exception to allow a use of the property which would not otherwise be permitted (Section 50-39 of BCC). This is not a rezoning request. The special exception process allows for a specific use to occur without changing the zoning district. City Code Section 50-39 provides for a process to consider and approve special exceptions to the zoning ordinance. A special exception is defined as a use of the property which would not otherwise be permitted in the zone in which the property is situated. The process must follow state code requirements for a public hearing and a recommendation from the Planning Commission prior to approval by the City Council. Attached is the staff report describing the application, existing conditions, and a preliminary staff analysis of the application.

PREVIOUS RELEVANT ACTION:
None.

STAFF RECOMMENDATION:
The staff recommends that the Planning Commission forward Special Exception application #05-2019 to the City Council for a joint public hearing on November 12, 2019.

DOCUMENTATION:

SR SE05-2019 20 Peters St.docx
To: Planning Commission
From: Sally H. Morgan, City Planner
Date: October 16, 2019
RE: Special Exception Request #05-2019 for a Barber Shop at 20 Peters Street
Parcel ID 34-3 Lots 40B, 41B, and 42B

1) Applicant/Agent: Clayton Harlow
2) Property Owner: Ed Harlow
3) Property Address: 20 Peters Street
500 Gate City Highway, Bristol, VA 2420
Bristol, VA 24201
36 Nevada St., Bristol, VA 24201
20 Peters Street, Bristol, VA 24201

4) Property Zoning: Single and Two-Family Residential (R-2)

5) Location Map:
6) Zoning Map

![Zoning Map Image]

7) Property Photos

- **Rear View**
- **Front View**
8) Request:
Clayton Harlow has submitted an application for a Special Exception for a barber shop operation to be located in a residential structure at 20 Peters St. The proposed location is zoned R-2 (Single and Two Family Residential) which by Bristol Virginia City Code does not allow business uses by right. The applicant plans to also reside in the residence. Due to this, the applicant considered only obtaining a home occupation permit rather than applying for a special exception, however, he determined that this might limit his business plans. The property is owned by Edward Harlow who also signed the application form.

Bristol City Code (BCC) does allow a property owner or applicant to request a Special Exception to allow a “use of the property which would not otherwise be permitted” (Section 50-39 of BCC). This is not a rezoning request. The special exception process allows for a specific use to occur without changing the zoning district.

9) Background and Existing Conditions:

The subject property is 7,500 square feet (sf) in size (0.2 acres) and in three small parcels that are under the same ownership. The structure was built in the early 1940’s and takes up approximately 1,500 sf footprint on the property. The property is at the corner of Peters Street and Kings Mountain Alley with a frontage of fifty (50) feet on Peters Street. The building is currently vacant but is being renovated by the applicant.

The zoning of the remainder of the block and immediately across the street is R-2. The lot immediately to the north is vacant. The block to the south between Kings Mountain Alley and W. State Street is zoned B-3 (Intermediate Business). Immediately across the alley is an auto parts store and an auto repair shop. Across Peters Street from that commercial property is a furniture store with a large parking lot.

The property has no driveway and only street parking in front. The applicant proposes to create three parking spots in the rear of the structure accessed off the alley. The alley is approximately ten feet wide. There is a wood fence in the rear yard which would have to be removed to create the parking lot. There is also a dilapidated out building on the southwest corner of the tract. The applicant will need to construct a handicapped accessible walkway from the parking lot to the front door of the business.

10) Project Description

The proposed activity will be the establishment of a barber shop on the first floor of the structure. The applicant who is a state-licensed barber proposes to convert a portion of the former living space into space for customers for hair cutting and other related services. A conceptual site plan for the property submitted by the applicant shows three angled parking spaces in the back yard of the property. The applicant plans to be able to hire additional employees as his business grows so may need to expand the parking spaces in the future.
11) **Previous Planning Commission Actions:** There have been no previous Planning Commission actions related to this request.

12) **Authority to Act:**

Virginia Code §15.2-2286 (A) (3) provides the authority to City Council to grant special exceptions “under suitable regulations and safeguards.” The process for granting an exception is largely left to the local ordinance or code to define. City Code §50-39 stipulates that a special exception may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. A complete application is required along with the applicable fee. The Planning Commission is required to provide a positive or negative recommendation to the City Council following a joint public hearing. The City Council, after hearing comments from the public, shall decide to grant or deny the request based on the facts and evidence presented by the staff, the Planning Commission and the public. Conditions may be attached to the granting of a special exception to address impacts of the proposed use.

13) **City and State Code Requirements:**

City Code §50-39 stipulates that a special exception may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. The Planning Department has circulated the application materials and solicited responses from the various departments responsible for providing services and received the following responses:

1. The sufficiency of streets and public ways to accommodate increased traffic flow, the considered opinion of the City Engineer and of any certified traffic engineer being given particular weight by the council.
   
   **Staff Response:** The city transportation planner states that the public street system can support the establishment of a barber shop at this location. The Engineering Department has requested that the parking spots off the alley be perpendicular rather than angled as the alley carries two-way traffic.

2. The sufficiency of electrical, sewer and water services for the proposed project, the considered opinion of the general manager of the utility board being given particular weight by the council.
   
   **Staff Response:** BVU has reviewed the project and has identified no issues. Electrical power, water, and sewer are on site.

3. The sufficiency of fire, police, garbage, and other services of the City to meet the needs of the proposed project, the opinion of the department head of each department providing such City service being given particular weight.
   
   **Staff Response:** The Bristol, VA fire and police department has reviewed the proposed request and have identified no issues in terms of providing fire protection and law enforcement services. The building will have to meet all applicable fire and building codes, as well as appropriate and safe standards for solid waste disposal. There is a fire hydrant within 500 feet of the structure.

4. The adequacy of protection to adjoining properties and to the air and water of the commonwealth from noise, odor, pollution and health hazards, the opinion of the state health department, state air pollution control board, state water quality control board, being given particular weight by the council.
   
   **Staff Response:** The proposed use of the property is not anticipated to generate any noise, pollution, or health hazards.
5. The impact of the proposed project upon the property values of contiguous property owners as evidenced by the testimony or written opinion of the city's Economic Development Committee Director, a certified property appraiser, or opinion of a realtor licensed by the Commonwealth and regularly listing and selling properties within the City.
   Staff Response: The proposed use is not expected by city staff to have a negative impact on property values of contiguous properties.

6. Whether the natural topography, natural screening or proposed screening to be put in place by the applicant is sufficient to promote the health, safety and general welfare of the community, to protect and conserve the value of contiguous properties and to encourage the most appropriate use of contiguous properties.
   Staff Response: Due to the proximity to existing business uses and the lack of residential structures immediately adjacent to the subject property, it is unlikely that buffering will be needed.

7. Any other factor materially affecting the health, safety and general welfare of other citizens.
   Staff Response: All applicable building and fire code standards will have to be met for life safety issues dealing with fire protection and other concerns.

8. If the project is to construct a parking garage or a parking lot as a primary use of a property in the B-2 district, certain additional requirements must be met, as defined in section 50-108(c)(1) and (2).
   Staff Response: Not Applicable.

14) Staff Analysis:

Staff has reviewed the circumstances surrounding the application for special exception #05-2019 at 20 Gate Peters Street and has the following analysis:

Consistency with the Comprehensive Plan: One of the major visions expressed in the 2017 City Comprehensive Plan (updated 2019) was making Bristol “the economic hub of the Tri-Cites” and to ensure job growth. A major objective to reach that goal is the revitalization and repositioning of the city’s aging commercial corridors including West State Street. The subject property, although developed originally for residential use, is just beyond one block from West State Street.

The Future Land Use map which is part of the Comprehensive Plan indicates most of the corridor of W. State Street at this location to be “Local Commercial” (which includes retail facilities that provide goods and services for local customers as opposed to interstate-oriented businesses). Although this specific property is shown as Residential, the existing residential structure will be retained and the business activity will not impact the residential uses nearby. Additionally, the close proximity to several businesses to the immediate south and the small size of the property limit its attractiveness for continued residential use.

Compatibility with Surrounding Uses: The conversion of the former residence to business use, especially for personal services such as a barber shop, is compatible with surrounding uses. The property is immediately adjacent to business buildings and there is a vacant lot on the other side of the property.

15) Conclusion:

The staff recommends that the Planning Commission move the application forward to the City Council for a joint public hearing. A final staff report will be presented to the Planning Commission following the public hearing. Conditions could be recommended for the Special Exception permit, if needed.
AGENDA ITEM WORDING:
A. Work Session on next section of zoning maps to review

ITEM BACKGROUND:
The Planning Commission will continue its work sessions on revisions to Zoning Maps by addressing the Work Area 3 section of the city from the railroad east to the city limits and Bonham Road (but south of Interstate 81). A map of that area is attached. Possible changes will be presented by staff.

PREVIOUS RELEVANT ACTION:
August 26, 2019 and September 30, 2019 Work Sessions â€“ The Commission discussed and decided on draft changes to zoning maps in the first two sections of the city.

STAFF RECOMMENDATION:
For information and discussion.

DOCUMENTATION:

Zone3.jpg
AGENDA ITEM WORDING:
Next Regular Meeting - Monday, November 18, 2019

ITEM BACKGROUND:

PREVIOUS RELEVANT ACTION:

STAFF RECOMMENDATION:

DOCUMENTATION: