

11-13-2001 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., November 13, 2001.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Vice Mayor E. Thomas Messier; Councilman Thomas M. Padgett; Councilman W. D. Tharp; and Councilman Robert T. Wandrei.

Members absent: Councilwoman Mary L. Flood

Staff present: City Manager F. Craig Meadows; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of the October 23, 2001, regular Council meeting were approved as distributed.

The City Manager spoke regarding the following:

- Newspaper articles regarding the National D-Day Memorial and electric deregulation
- Thanked members of Council for participating in the recent retreat – reported that the long-range planning retreat for next year has already been set up for October 25 – 26 at Mountain Lake.
- reported that he, the Mayor, and Officer Darryl Updike traveled to Washington, D.C. to accept the Employer Support of the Guard and Reserve Award. Officer Updike nominated the City for this award.
- the establishment of an after-school program at Bedford Middle School
- he and Elizabeth Berry-Moseley have a meeting scheduled on November 15 to review comments from several consultants that were asked to take a look at the Economic Incentive Plan – the plan is to have final revisions ready for Council's endorsement and action by the City's Industrial Authority very shortly
- meeting scheduled for later in November with the Leadership Team from the Life Saving Crew, the Fire Department, and the Police Department to discuss future facility needs
- City Offices will closed on November 22 – 23 for the Thanksgiving Holiday

Councilman Brookshier mentioned the heroic actions of Debbie Radford, school bus driver, in preventing serious injuries in the bus/tractor trailer accident on Route 460 on

November 12. Mr. Brookshier also stated that he had heard very good comments about the emergency services response to the accident.

The Clerk of Council read aloud the following notice of public hearing:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the City Council at 7:30 p.m. on Tuesday, November 13, 2001, at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- o To consider an amendment of an existing conditional use permit for Governor's Hill, a Planned Residential Development. Oscar Padgett of The Heritage Corporation, 403 Otey Street, Bedford, VA 24523, is making the request.

Information regarding these requests is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the request will have an opportunity to express his or her views at this hearing.

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Mayor Shelton opened the public hearing at 7:43 p.m.

Mr. Oscar Padgett, Peakland Court, explained the reasons for his request.

As there were no further comments, Mayor Shelton closed the public hearing at 7:45 p.m.

The Consent Agenda consisted of the following item:

Request by the Bedford Area YMCA to hold its Annual Peaks of Otter Christmas Classic Foot Race on Saturday, December 1, 2001, and to block the following streets from 10:00 a.m. to 12:30 p.m.:

Bedford Middle School, exit north on Peaks Street, turn right on Whitfield Drive, and left on Oakwood. The 5k portion will continue down Oakwood for .28k more and turn around. The 10k portion will continue down Oakwood for 2.78k more and then turn around (in the County). Once the runners are heading back toward

town on Oakwood Street, they will turn right on Longwood Street and then continue on Longwood back to the Middle School entering at the upper (Longwood) entrance.

It is also requested that the right lane of traffic on Longwood Avenue be closed off using cones beginning at Longwood Baptist Church, and continuing to Elm Street.

On motion by Councilman Padgett, seconded by Councilman Tharp, voted upon and carried, the Consent Agenda was adopted.

Councilman Tharp moved that Council approve an amendment to allow additional single-family home designs for Governor's Hill, a Planned Residential Development and Conditional Use requested by Oscar Padgett of The Heritage Corporation.

Discussion ensued.

Mayor Shelton clarified that the amendment would allow any single-home family designs that meet the requirements of the conditional use.

The motion was then voted upon and carried.

City Manager Meadows stated that at the October 23, 2001, City Council meeting, a public hearing was held to consider a proposed amendment to the City of Bedford Land Development Regulations by adding sections to the ordinance creating an Existing Density Residential District (R-1E) and related changes, which will allow for the minimum yard setbacks in an existing small lot neighborhood improvement.

Mr. Meadows stated the Planning Commission recommends that City Council amend the City of Bedford Land Development Regulations by adding sections to the ordinance creating an Existing Density Residential District (R-1E) and related changes, which will allow for the minimum yard setbacks in an existing small lot neighborhood to be more conforming to those already existing, reducing the number of hardship variance requests, and encourage neighborhood improvement, as stated in its memorandum dated October 19, 2001.

On motion by Vice Mayor Messier, seconded by Councilman Tharp, voted upon and carried, Council waived the reading of the proposed ordinance creating an R-1E zoning district for certain single-family neighborhoods.

On motion by Vice Mayor Messier, seconded by Councilman Padgett, voted upon and carried by a roll call vote, Council adopted the ordinance creating an R-1E zoning district for certain single-family neighborhoods. Roll call vote follows:

Councilman Brookshier	aye
Councilwoman Flood	absent
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Mayor Shelton	aye

The ordinance follows as adopted at the end of these minutes.

On motion by Vice Mayor Messier, seconded by Councilman Tharp, voted upon and carried, Council waived the reading of a proposed ordinance relative to a zoning map amendment changing the Greater King Street area from an R-1A zone to an R-1E zone.

On motion by Vice Mayor Messier, seconded by Councilman Wandrei, voted upon and carried by a roll call vote, Council adopted the ordinance regarding the Greater King Street area zoning map change. Roll call vote follows:

Councilman Brookshier	aye
Councilwoman Flood	absent
Vice Mayor Messier	aye
Councilman Padgett	aye
Councilman Tharp	aye
Councilman Wandrei	aye
Mayor Shelton	aye

The Ordinance follows as adopted:

ZONING MAP AMENDMENT
CHANGING GREATER KING STREET AREA
FROM R-1A ZONE TO R-1E ZONE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD:

Section 1. That the City of Bedford Land Development Regulations are amended by changing the following R-1A zoning district to R-1E zoning district:

All parts of the existing R-1A zoning district in the King Street area lying west of a line beginning at the northern boundary line of the R-1A

zoning district on Otey Street, and from such point running south along the centerline of Otey Street to the extension of the southern boundary line of Parcel 214-A-140A, thence along the southeastern boundary of Parcels 214-A-140A and 214-A-140 to South Street, thence along the centerline of South Street to the southern boundary of Parcel 214-A-111, thence along the western boundary of Parcel 214-A-111 and 214-A-109 to the southern boundary of the R-1A zone.

Section 2: This order shall be in full force and effect from and after its passage.

Mayor Shelton adjourned the meeting at 8:01 p.m.

The Ordinance creating an R-1E Zoning District for certain single-family neighborhoods begins on the follow page:

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AN ORDINANCE CREATING AN R-1E ZONING DISTRICT FOR CERTAIN SINGLE FAMILY NEIGHBORHOODS WHICH PRIOR T ADOPTION OF CITY LAND DEVELOPMENT REGULATIONS WERE DEVELOPED INTO SMALL LOTS WHICH DO NOT MEET EXISTING R-1 REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

Sections 601.01, 603, 603.02,603.03 and 801.01 of the City of Bedford Land Development Regulations are amended and re-enacted as follows:

601.01 Intent of Residential Districts R-1, R-1A, R-1E,R-2, and R-3. The residential districts have been designed to provide for a variety of life styles, socio-economic needs and concentrations of development in accordance with the Land Use Plan. The

regulations for these districts are intended to protect the essential residential character of the districts; to this end, retail activity is sharply curtailed, and the districts are protected against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences. The R-1E district is intended to provide for development of existing single family neighborhoods which prior to the adoption of City land development regulations were developed into lots that do not meet the minimum requirements of the R-1 and R-2 districts.

603. Low Density Residential R-1A and R-1E

603.01 Permitted Uses. Within Residential Districts R-1A and R-1E, the following uses are permitted.

- a. All permitted uses specified in Residential District R-1.
- b. Two-family dwellings provided that one of the units is occupied by an owner of the property and that the following special requirements are met.
 1. The rental unit shall be totally within the main building and shall not occupy more than sixty percent (60%) of the floor area within said building.
 2. The building in which the rental unit is to be located must be an existing structure and not a proposed structure.
 3. The presence of the rental unit shall not change the outside appearance of the dwelling.

603.02 Conditional Uses. When after review of the application and hearing thereon, in accordance with Section 1002.03, the Council finds as a fact that the proposed use is consistent with the intent of the Ordinance and the Land Use Plan, and is in the public interest, the following uses may be permitted:

- a. All conditional uses specified in Residential District R-1.
- b. Bed and breakfast lodging, provided that off-street parking be provided equal to one space for each lodging room (bedroom). Off-street parking shall not be provided within the front yard setback and such use shall be in keeping with the residential character of the neighborhood.

603.03 Expiration. A permit for a rental unit shall expire within one calendar year of the date after which the owner ceases to occupy the premises for which the rental permit was issued. No subsequent owner of such premises shall rent to a new tenant until they have been issued a new permit after proper application.

801.01 Single-family and Two-family Residential Uses. Within districts permitting single and two-family residential uses, the following minimum lot areas, minimum lot widths, and maximum lot coverages shall apply. For all residential categories, the minimum lot frontage shall be 50'.

DISTRICTS	Min. Lot Area(sq. ft.)	Min. Lot Width	Min Lot Width for Corner Lots	Max. Lot Coverage
R-1/**R-1A, R-1E				
<u>Single-Family</u>				
a. with public or individual water and public sewage disposal	15,000	100''	125''	25%
b. with public water and individual sewage disposal	20,000	100''	125''	25%
c. with individual water and sewage disposal	25,000	100''	125''	25%
R-2 Residential				
<u>Single-Family</u>				
a. with public or individual water and public sewage disposal	9,000	75''	110''	25%
b. with public water and individual sewage disposal	20,000	100''	125''	25%
c. with individual water and sewage disposal	25,000	100''	125''	25%

<u>Two-Family</u>				
a. with public or individual water and public sewage disposal	12,000	100''	115''	30%
b. with public water and individual sewage disposal	20,000	110''	135''	30%
c. with individual water and sewage disposal	40,000	110''	135''	30%
<u>R-3 Residential</u>				
<u>Single-Family</u>				
a. with public or individual water and public sewage disposal	6,000	50''	75''	40%
b. with public water and individual sewage disposal	20,000	100''	125''	40%
c. with individual water and sewage disposal	25,000	100''	125''	40%
<u>Two-Family</u>				
a. with public or individual water and public sewage disposal	9,000	65''	90''	40%
b. with public water and individual sewage disposal	20,000	110''	135''	40%
c. with individual water and sewage disposal	25,000	110''	135''	40%

In the measurement of lot width, the front shall be deemed to be the shorter of the two sides of a corner lot facing streets.

803. Minimum Yard Requirements Within the districts herein defined, the following minimum yard setback requirements shall apply: Yard Adjacent to Street (a) Side and Rear Yard

<u>District</u>	<u>Right-of-way, 50'' or greater</u>	<u>Right-of-way, Less than 50''</u>	<u>Minimum foreither side yard</u>	<u>Rear Yard</u>
<u>R-1/**R-1A</u>	<u>40'' from right-of-way line</u>	<u>65'' from road centerline</u>	<u>15''</u>	<u>50''</u>
<u>R-1E</u>	<u>15' from right -of-way line</u>	<u>15' from right-of-way line</u>	<u>6'</u>	<u>20'</u>
<u>R-2</u>	<u>35'' from right-of-way line</u>	<u>60'' from road centerline</u>	<u>10''(d)</u>	<u>35''</u>
<u>R-3</u>	<u>30'' from right-of-way line</u>	<u>55'' from road centerline</u>	<u>6''(e)</u>	<u>25''(e)</u>
<u>B-1</u>	<u>- - - (b)</u>	<u>25'' from road centerline</u>	<u>20''(c)</u>	<u>25''(c)</u>
<u>**B-2/CLI</u>	<u>20'' from right-of-way line</u>	<u>45'' from road centerline</u>	<u>20''(c)</u>	<u>25''(c)</u>
<u>M-1</u>	<u>- - - (b)</u>	<u>25'' from road centerline</u>	<u>20''(c)</u>	<u>25''(c)</u>

a. A yard adjacent to a street includes the front yards on all lots, and in addition, the side yard adjacent to a street on corner lots and the rear yard of a through lot. b. In B-1 and M-1 zones, minimum requirements for yards adjacent to streets shall apply only to side yards of corner lots, in which case the adjacent street yard requirements of uses in the block along the side street shall apply. c. The 25' minimum side yard and rear yard requirements for the B-1, B-2, CLI and M-1 districts shall apply only when the lot abuts a residential district. In other cases, a 3' minimum yard shall be required. Minimum side yards for two-family dwellings do not apply to the common wall. Minimum yards for condominiums, townhouses, duplexes and apartments do not apply to the common walls; however, the requirements of Section 906 must be met.

f. In the R-1E district, where there are existing buildings on the same side of the street and within 300 feet of the lot, the front, rear and side setbacks shall be equal to the average setback of such buildings.

803.01 Front and Side Yard Setbacks for Dwellings. The setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots, located, wholly or in part, one-hundred (100) feet on each side of such lot.

This Ordinance shall be effective immediately upon enactment.