

**FOCUS GROUP ON RENTAL PROPERTIES NEAR THE COLLEGE
MINUTES
Thursday, April 2, 2009**

The Focus Group on Rental Properties Near the College held a meeting on Thursday, April 2, 2009 at 7:30 pm in the third floor conference room of the Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Messrs. Dell, Fox, Fitzgerald, Granger, Talley, and Witkowsky, and Meses. Murphy and McCord. Also present were Facilitator Bill Porter and Recorder Kaitlin Keller. Absent were Mr. Pons and Ms. Shackelford.

AGENDA

Approval of Minutes for March 26th, 2009 Meeting

Mr. Porter requested that the March 26th, 2009 meeting minutes be approved as submitted. The minutes were unanimously approved.

Reports from Sub-Group Recorders

Mr. Porter asked the sub-groups to report their suggestions and noted his hopes for finding commonalities between the two groups. The recommendations from the sub-group which included Messrs. Dell, Granger, and Witkowsky and Meses. Murphy and Shackelford were reported first and are listed below.

SUB-GROUP 1 RECOMMENDATIONS

- Off-campus students should be required to register addresses with the College.
- All interested parties, including the student, landlord, College, and City Zoning Administrator would receive automatic e-mail notification of city ordinance violations.
- Occupancy variance permits should be issued for all rental houses zoned single family but with any number of unrelated persons residing in it, and there would be no set cap on the maximum number of unrelated persons living in a home, provided the requirements determined by the occupancy variance permit were met.
- A board consisting of community stakeholders should be created to determine appropriate rental/owner-occupied percentages in neighborhoods and evaluate the occupancy limits of houses based on set variables, such as safety and square footage, as well as public comment.
- Occupancy variance permits would be issued for two years but would be renewable.
- A point system would be put in place, similar to the Virginia driving license system, whereby each complaint against the tenants (maintenance, conduct, or other) would result in the accrual of points. After a certain set number of points, the permit could be revoked.

The second sub-group consisted of Messrs. Fitzgerald, Fox, Pons, and Talley, and Ms. McCord. Their recommendations are listed below.

SUB-GROUP 2 RECOMMENDATIONS

- The College should increase education efforts, including recommended off campus living workshops and guides to off-campus living.
- An off campus Student Code of Conduct should be implemented.
- The College should construct additional on-campus housing for students.
- College Administration and coaches should become more involved in addressing off campus violations and/or complaints regarding students.
- The College parking deck on Ukrop Way and the city parking deck on Henry Street should be rezoned to allow city residential parking or monthly parking during the off-season.
- A coalition of community stakeholders including residents, students, and landlords should be created.
- A citywide rental permit system should be created for variances of the current three-person rule.
- A rental cap for the possible number living in a rental dwelling would be put in place under the rental permit system.
- A suggested template for a lease addendum for rental dwellings with the special permit would be created.
- A better definition of “bedroom” in terms of minimum square footage requirements and other considerations should be included in the zoning ordinance.

Discussion of Sub-Group Findings and Possible Recommendations

The Focus Group members discussed aspects of both sub-group proposals. However, much of the discussion was centered on the logistics of the occupancy variance permit, and the functionality of the proposal. It was noted that the first set of recommendations would allow houses to be evaluated on more of a case-by-case basis as opposed to a citywide regulatory scheme that might not be appropriate for every rental dwelling.

The role of neighborhood residents’ opinions was questions under the first proposal. It was clarified that the board would be appointed by City Council with input from the College. Mr. Granger stated that, in general, they would have a significant amount of say in the occupancy limits of houses in the neighborhood, but they would have no veto power on board decisions and that the board would consider public comment as well as predetermined variables, such as the number of bedrooms. He also stated that neighbors’ input on certain houses could be an

important factor when occupancy variance permits are due to be renewed and the residents provide reasons for changing the appropriate occupancy of the house. It was posited that this could cause inconsistency based upon whether or not residents attend the board meetings and voice their opinions, and that the recommendations from the second sub-group provide uniform standards set by city officials, who are better informed on zoning issues.

The members of the first sub-group noted that occupancy variance permits could be revoked, implying that an enforcement mechanism would be in place. Additionally, absentee landlords, or the realty managing their properties, would also be required to apply for occupancy variance permits. The sub-group noted that this system would put incentives on the landlord, as they would be more involved in the process than they are currently.

Mr. Dell stated that the restrictions put in place by the first system would appease the residents, and that there would be no need for an occupancy cap, but that this system would only work if the College was able to provide information on violators to all concerned parties. The legality of this requirement was questioned, and Mr. Fox stated he would discuss the issue with the College's legal advisors. Mr. Porter suggested that this requirement would not be necessary, as the landlords' responsibilities would be increased. Thus, they would have to know the number in the house to be in compliance with the occupancy variance permit for which s/he received.

Mr. Porter noted that both proposals included additional involvement from the College, a permitting system for variances, and a committee including different community stakeholders. The Focus Group then discussed the option of zoning overlay districts to allow for higher population densities in certain neighborhoods. Ms. Murphy noted that one current Comprehensive Plan goal is to achieve below 50 percent renter-occupied housing in all neighborhoods. The group also discussed increasing student-oriented housing, specifically near WaWa, and the use of public-private partnerships to do this.

Agenda Topics for April 9th Meeting

Mr. Porter stated that Dr. Kevin Hughes, Dean of Students at Christopher Newport University, will be in attendance at the next meeting. Additionally, city staff including Ms. Christina Shelton, Mr. Reed Nester, and Chief Yost, will also be in attendance to answer any city legal, planning, or enforcement questions that may arise while final recommendations discussion continues. Mr. Porter also asked the Focus Group Members to send questions for city staff to him or Ms. Keller prior to the meeting if possible.

Public Comment

There were no requests to make public comment to the Focus Group.

Adjournment

There being no further business, the meeting was adjourned at 8:57 pm.