



**City of Buena Vista  
Planning Commission**

**Agenda for September 10<sup>th</sup> 2019**

**CITY OF  
BUENA VISTA**  
Planning and Zoning  
2039 Sycamore Avenue  
Buena Vista VA 24416

**Regular Meeting**

**Call to Order by Chairman**

**Roll Call**

**Public Comment**

**Review and Adoption of Minutes**

Minutes of July 9<sup>th</sup> 2019 meeting

**Report of Secretary**

**Report of Standing Committees**

**Report of Special Committees**

**New Business**

- 1) Discuss private streets and frontage
- 2) Dog & kennel discussion

**Old Business**

**Adjournment**

**Members and Term Expirations:**

Dennis Hawes, Chairman, *7/31/2020*  
Mike Ohleger, Vice-Chairman, *6/30/2022*  
Sandy Burke, *8/31/2021*  
Marolyn Cash, *6/30/2020*  
Lucy Ferrebee, *9/30/2019*

Melvin Henson, City Council  
Representative, *9/30/2019*  
Preston Manuel, *12/31/2020*  
Jay Scudder, Ex Officio member  
Bradyn Tuttle, *12/31/2020*

**Staff:**

Tom Roberts, Director of Planning & Community Development, Secretary

**Meetings:**

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2<sup>nd</sup> 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.

Please go to our website [www.bvcity.org](http://www.bvcity.org) for more information on this and other issues and information about the City of Buena Vista including the Comprehensive Plan and Land Use Regulations. The Department of Planning & Community Development is open Monday through Friday, 9:00 AM to 5:00 PM and Tom Roberts can be reached at (540) 261-8607 or [troberts@bvcity.org](mailto:troberts@bvcity.org). Please call ahead to ensure availability.

**Public Comments Or Suggestions**

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**Name, Address, and Signature:**

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**City of Buena Vista  
Planning Commission  
Minutes of July 9<sup>th</sup> 2019  
Regular Meeting**

**CITY OF  
BUENA VISTA**  
Planning and Zoning  
2039 Sycamore Avenue  
Buena Vista VA 24416  
troberts@bvcity.org  
(540) 261-8607

Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on July 9<sup>th</sup> 2019. Roll was called and a quorum was established.

**Members Present:**

Dennis Hawes, Chairman  
Michael Ohleger, Vice-Chairman  
Marolyn Cash  
Lucy Ferrebee  
Melvin Henson, City Council Representative  
Preston Manuel  
Bradyn Tuttle

**Members Absent:**

Sandy Burke  
Jay Scudder, Ex Officio member

**Staff Present:**

Tom Roberts, Director of Planning & Community Development

Meeting is called into order and public hearing opened.

**Public Hearing Opened**

**Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District**

Mr. Hawes introduced the proposal and stated that over the years there has been confusion over what the district means, especially in comparison to other localities like Lexington. Mr. Roberts emphasized that the proposal on the table tonight is only to change the name and not any other aspect of the regulations. He also noted that he would like, in the future, to study the district more carefully to review regulations, size, etc.

**Patricia Gibson, 2252 Maple Avenue**

Mrs. Gibson is concerned that taking the word “historic” out of the name of this district would cut out the very reason the district was established and diminish the value of the district.

- Would invite neglect of the historic character of the district
- Location within a historic district can be a selling point for homes, which would be lost of the word were taken out
- Historic character is essential to civic pride, particularly SVU campus
- Same paperwork within the district as outside the district

**Zoning Text Amendment to create new zoning district entitled Mixed Use Corridor to establish flexible regulations that foster livable neighborhoods and economic vitality;**

Mr. Roberts gave a Powerpoint presentation summarizing the proposals related to the Savernake tract, including the zoning map amendments and the zoning text amendments.

An unidentified member of the public asked about the 100' buffer around the MUC zone to confirm that it was for nonresidential uses, but that the buffer would not apply for an apartment building. Mr. Roberts replied that is correct.

Daniel Cole, 105 S Woodland Ave

- First resident of Savernake subdivision
- Very concerned that MUC will intrude on his views and the woods behind his house, and will deviate from what his expectation when he first bought into the subdivision and was told it would be woods and residential
- Concerned about wording of “most” industries not being permitted
- Asking for 300' buffer from back of his property that backs up to proposed MUC

Mark Wheeler, 135 S Woodland Ave

- Echoes Daniel Cole's comments and would also like larger wooded buffer

Chris Simpkins, 115 S Woodland Ave

- Agrees with others residents that 300' is reasonable request to preserve wooded buffer
- Does not want to stop the rezoning, wants to work with the owners and Commission

Jim Woltz, representing applicant

Mr. Woltz pointed out that with a buffer zone built into the zoning text, it could have a negative impact on the rest of the MUC tract here and any other locations in the City where the MUC was used in the future. In other words, it is a blanket solution to a site-specific problem. He suggested that deed restrictions could be used to have the same effect as a zoning buffer.

**Zoning Map Amendment to rezone portions of the Savernake tract, located on the east side of the 100-200 block of South Magnolia Avenue and primarily comprising Tax Map numbers 56-A---3 and 56-A---4, from Residential Planned Unit Development R6 PUD and Planned Business B2 to Mixed Use Transitional MUT and Residential R2;**

Mr. Woltz gave a brief summary of the background of the rezoning request, which is desired to make the property more marketable. He has worked for several months with staff to develop an alternative to a traditional PUD to make development easier and thus sale of the property easier. Addressing the question of why R2 versus R6 PUD, he gave an example of another location in Virginia where his company is selling a 61 acre parcel with a house in the middle of it to be developed as more homes. Thus, even if a single home is built on a large parcel, when the market is ready it will be redeveloped at higher density. He also pointed out the difficulties of the topography with steep slopes and creek areas.

Addressing industrial uses, he pointed out that they are not marketing it as an industrial property and that he thinks it is unlikely to attract that type of buyer. Still, he said, they could attach deed restrictions on a particular industry or use if needed.

He said they would look at options for a deeper buffer with the existing homes. Mr. Roberts asked Mr. Woltz if they would consider using a deed restriction for the buffer zone instead of coding a buffer into the zoning text. Mr. Woltz suggested perhaps a 200' buffer.

There was some discussion with Mr. Cole and Mr. Woltz, raising the idea of a purely residential section behind the houses.

Mr. Hawes brought up the actual industrial uses listed in the MUC zone and pointed out the first one is agricultural uses and asked if that was appropriately categorized, and whether it was good to allow that at all. Mr. Roberts responded that he included plant-related agricultural activity because that is currently going on at the site, and there is another provision in the zoning code that gardening is permitted in all zones, and he does not want to set up a possible internal conflict.

Mr. Cole asked whether terms of the private covenants for Savernake apply to the land under consideration for rezoning. Mr. Roberts replied that the covenants only apply to the platted lots of the two phases of Savernake subdivision and not to the large tracts under consideration.

There was more discussion among Mr. Woltz and Mr. Simpkins regarding the buffer, including the question of whether it would reduce Mr. Simpkins property value. Mr. Woltz replied that it was hard to say and depended on how you look at it.

Mr. Ohleger asked Mr. Woltz if the zoning is speculative, with no specific plans. He replied yes.

**Zoning Text Amendment to update portions of the Buena Vista Design Guidelines (Land Development Regulations Appendices) to clarify and streamline text; to provide flexibility on certain building design requirements; and to update street and sidewalk standards;**

No comments.

**Zoning Text Amendment to update Residential Planned Unit Development R6 PUD regulations to suit contemporary development needs and best practices**

No comments.

### **Regular Meeting**

**Zoning Text Amendment to create new zoning district entitled Mixed Use Corridor**

The Planning Commission went through the MUC uses and discussed some changes:

- Industrial uses in MUC - discussion of whether agriculture should be under commercial uses versus industrial uses, left it under industrial. Also Mr. Hawes suggested adding to the conditional industrial use listing the same qualifying language about not being a nuisance that is part of the accessory industrial use listing.
- Make private parking lots and garages a conditional use not a by right primary use
- Eliminate livestock as a use entirely
- Eliminate self-storage facilities (suggested by Mr. Ohleger)

Mr. Ohleger raised the issue of allowing telecommunications facilities and whether that was a good idea. Mr. Roberts noted that cell towers are allowed as conditional uses in other zones in the City, and that many federal laws are now preempting local control of these facilities anyway.

Mr. Ohleger motioned to recommend approval of the text amendment, with changes discussed. Mr. Manuel seconded and all voted yes.

### **Zoning Map Amendment to rezone portions of the Savernake tract**

Mr. Roberts clarified that the proposal on the table is shown in the staff report as “alternative 2” with the entire back of the tract as R2 and the front as MUC, and none as R6 PUD.

Mr. Henson asked how water and sewer might be delivered to property on the south side of Lowry’s Run, which is at the southern end of the Savernake tract. Mr. Roberts responded that he did not have a plan for this and that it would be the developer’s responsibility to figure it out. He continued that the stream is part of the challenging topography of the tract, and that some areas would not be easily developed. Mr. Henson asked whether Mr. Roberts had considered restrictions placed decades ago on development upstream of Hall’s Springs; Mr. Roberts said he was not aware of these restrictions.

Mr. Henson asked if the old drive-in site would remain zoned B2. Mr. Roberts replied that this site, just south of the subject tract, was not part of the rezoning but he would encourage Skip Ramsey (the owner) to consider MUC zoning in the future. Mr. Roberts continued that he does not think B2 is well-written because it does not establish criteria by which the Commission should review planned business developments.

Mr. Ohleger said he was somewhat conflicted on the residential buffer zone, agreeing that a deeper buffer would benefit the homeowners. Mr. Manuel asked whether the buffer would go all the way around the MUC zone, and Mr. Roberts said yes it would, and that he thinks there might be a better way to address this site-specific solution rather than a blanket approach.

Mr. Woltz approached the podium and explained that he had just now discussed with the family the buffer issue, and that the family proposed creating a wedge or finger of R2 Residential zoning behind the five affected houses to separate them from the MUC zone. This would be a change to the boundaries presented. Mr. Woltz provided a hand sketch to the Commission of the proposed boundary change to create this wedge.

Mr. Henson asked about how the southeastern part of the site could be accessed by road. Mr. Roberts replied that it would be challenging because Beverly Hollow Road is private and would need to be upgraded to become a public road, and that doesn’t seem cost-effective.

Mr. Manuel motioned to recommend approval of the zoning map amendment “Alternative 2” with the changes presented by Mr. Woltz. Mr. Ohleger seconded and all voted yes.

### **Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District**

Mr. Hawes stated his support for this change again, citing his opinion that it discourages home buyers. There was brief additional discussion that the regulations would not change. Mr. Tuttle motioned to recommend approval of the name change text amendment as presented, Mr. Ohleger seconded, and all voted yes.

### **Zoning Text Amendment to update portions of the Buena Vista Design Guidelines**

Mr. Hawes asked whether it was a good idea to require sidewalks. Mr. Roberts stated that sidewalks would be required for any new roads, and if there were developed on Rt 501 that sidewalk would be required there. He continued that pedestrian connectivity is very important

because it is irresponsible to allow development that forces people to use a car when they could walk. Mr. Ohleger agreed that it is important to provide options for people to walk. Mr. Roberts also noted that requiring sidewalks is standard practice in localities. Mr. Henson noted that sidewalk and curb and gutter improves the value of properties.

Ms. Cash motioned to recommend approval of the text amendment as presented, Ms. Ferreeb seconded, and all voted yes.

### **Zoning Text Amendment to update Residential Planned Unit Development R6 PUD**

Mr. Hawes stated that he believes it is important to require bonding for developers. There is general language in the proposed text about “sufficient financial guarantees,” and Mr. Hawes believes this is enough for now, but would like to look at this issue further and have stronger language to protect localities.

Mr. Henson asked how long the bond would be held, because there have been many issues years later on certain subdivisions in Buena Vista. Mr. Hawes replied that the bond would be released on completion, and that the City should carefully inspect projects before they are completed to ensure quality.

Ms. Ferreeb motioned to recommend approval of the text amendment as presented, Mr. Henson seconded, and all voted yes.

### **Minutes**

Mr. Hawes noted that on page 4 of the June 11<sup>th</sup> meeting minutes he was not totally in support of the new mixed use district as the minutes state.

Mr. Ohleger motioned to approve the June 11<sup>th</sup> meeting minutes as amended, Ms. Cash seconded, Mr. Tuttle abstained because he was not present, and all voted yes.

Ms. Ferreeb motioned to approve the June 25<sup>th</sup> meeting minutes, Mr. Manuel seconded, Ms. Cash and Mr. Tuttle abstained because they were not present, and all voted yes.

### **Other items**

Mr. Roberts updated the Commission that the site plan for the 29<sup>th</sup> Street duplexes approved on 6/25 has changed. Mike Bowling reached out to Mr. Roberts and requested an amendment to separate the building with units “C/D/E/F.” Instead of a single four-unit building, it will be two equally-spaced two-unit buildings. The Commission agreed that this would be attractive.

Meeting adjourned at. 8:45 PM

Approved by Chairman: \_\_\_\_\_







**CITY OF BUENA VISTA**  
Planning & Community Development  
2039 Sycamore Avenue  
Buena Vista VA 24416

**SECRETARY'S REPORT**

DATE: 6 September 2019  
SUBJ: Secretary's Report

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This month I chose to present the Secretary's Report in written form to keep you abreast of various projects underway that are not actual agenda items

**Connect BV**

The Connect BV revitalization planning project is underway. Monday 9/9 will be the kickoff. We are nearly complete with our initial activities, which included the building inventory and some other administrative items. After that, we will meet with DHCD to define the actual process and what we will be doing.

**Go BV**

Jamie Goodin has been continuing to meet with community members and potential tenants of spaces. Two of the most exciting ideas he is advancing are an arts center and an entrepreneurship/co-working space. The arts center would be shared by multiple arts groups and individuals in the Rockbridge region, including the Buena Vista Arts Council, Fine Arts in Rockbridge, and others. The entrepreneurship/co-working space would involve SVU as well as business leaders from the region. There are also serious prospects for other businesses.

**Event Permitting Process**

I have been working with an intern this summer to draft an event permitting process and ordinance. This would provide regulations and a clear approval process for parades, festivals, and other events using City right-of-way. Currently, there is not a robust process in place, which means that events are approved "ad hoc" and there aren't sufficient measures in place to protect the City and minimize costs to us.

**Temporary Use Regulations**

I have been working with another intern this summer to draft a zoning text amendment to address temporary uses throughout the City. Examples found in Buena Vista already include weekend food stands and short-term trailers for offices at industrial sites. Current code simply does not address temporary uses well enough—they fall in a gap where common sense indicates they should be allowed, but they cannot reasonably meet the requirements for permanent uses. For instance, a food stand such as Bizzee Bee's Barbeque as a permanent establishment would have required \$300 site plan approval plus a "permanent enclosed structure," which would functionally have prohibited them.

**Scenic River Designation**

Brent Styler has been following the state Scenic River designation in progress for the upper reach of the Maury River from its headwaters down to Beans Bottom. There is talk of extending the designation down to Glasgow, which would pass through Buena Vista. This could be a good way of recognizing the natural beauty of the river and marketing it better. This is something the Planning Commission could look at and endorse. I don't have information assembled on it yet.

### **Economic Development and Marketing Coordinator**

Kristina Ramsey will start Tuesday September 10<sup>th</sup> as Economic Development and Marketing Coordinator and will work under me on economic development tasks as well as public relations and marketing for the City. My position is now Director of Community and Economic Development.



**CITY OF BUENA VISTA**  
Planning & Community Development  
2039 Sycamore Avenue  
Buena Vista VA 24416

## **STAFF REPORT**

DATE: 6 September 2019  
TYPE: Discussion  
SUBJ: Street development standards and frontage requirements

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### **Synopsis**

Zoning code needs clearer language requiring improved street frontage for any new building, and it needs to address private streets.

This is an initial discussion of the issue for feedback from the Commission.

### **Analysis**

#### **Overview**

The City has many platted but unbuilt streets. Over the decades, many houses have been permitted and built fronting on unimproved streets, or not fronting on streets at all. In some cases there are winding driveways leading from an improved street, and in some cases there are gravel extensions of improved streets. The City has identified a number of issues with existing homes on undeveloped streets:

- Access to the property (e.g. driveway) may be across the public ROW or cross other private property
- Conditions of these roads can be poor
- Roads that are not improved to meet VDOT standards and accepted into the City road system do not receive the state tax allotments
- Residents often expect the City to maintain these roads, which can be costly. The miscellaneous “irregular” gravel roads and driveways serving multiple houses are a headache for Public Works.

The City must reckon with existing buildings (primarily houses) on unimproved streets, and it must deal with requests for new construction where streets have not been developed. The City’s policy for the last ten or more years has been to prohibit new construction that does not have improved public street frontage.

#### **Policy**

There are several underlying issues. One is the orderly development of the City. If houses are permitted on any vacant lot regardless of access point, it could result in an ad hoc tangle of gravel driveways and random orientation of buildings on lots that would make future construction of public streets difficult.

Even more important is that extending infrastructure is extremely expensive, and new development served by this infrastructure will almost never pay for itself. While it may be tempting to allow new houses with irregular access or no improved frontage on the premise that the City will benefit from real estate taxes and additional residents, the reality is that the couple thousand dollars per year does not offset the initial construction and long-term maintenance costs.

Similarly, it is much more efficient use of resources to encourage infill development on all of the vacant lots throughout town than to allow development of new lots back in the woods. It costs the same to repave one city block whether there are two houses or ten houses on it, and the same is true of water, sewer, and other infrastructure. For the same reason infill development can be less expensive for the developer—provided the City does not subsidize the infrastructure to serve one new house with everyone else’s tax dollars.

Lastly, regulation of private streets is critical because residents depend on their streets for emergency services. If a street serving multiple houses is poorly designed or poorly maintained, it may be difficult or impossible for first responders to access it. Reids Hill Road is an example of this: the narrowness, grade, and poor surfacing make it difficult for first responders to get to. Similarly, standard trash trucks cannot traverse Reids Hill Road, making trash pickup more expensive for the City.

## **Code**

The zoning code does not adequately address the issue of private roads or the issue of road frontage. In regard to private roads, neither zoning code or other City codes say that private roads are prohibited or permitted in any generally-applicable terms. Although intent can be read from multiple sections and there is some language to back up the City’s interpretation, this is an important gap that should be clarified.

Private streets are referenced in the zoning code, but it is never specifies under what circumstances they may be allowed. For example, Section 709 Special Regulations for Townhouses includes the following:

*709.03 Each townhouse building shall front on a street dedicated to public use. If access is to be provided by means of privately owned and maintained streets, the streets including curbs, gutters, and sidewalks shall be developed according to standards found in subdivision street requirements by the Virginia Department of Highways and Transportation by authority of section 33.1-12, 33.1-69, and 33.1-229 of the Code of Virginia (1950) as amended.*

This provision even seems a little conflicting, but one can imagine a site plan in which units had frontage on a public road but had access via a rear private driveway that served multiple fee-simple owned land parcels. This provision does not address access easements.

One example of important private street regulation is that in Rockbridge County, and in many other counties, privately-owned roads may serve a maximum of three houses.

The question is whether and how to permit private streets within developments where adequate construction standards are met, an HOA or other legal entity is assigned responsibility for maintenance, and there are proper deeded access easements. Can these entities be relied upon to maintain the road in perpetuity, or would the City end up being on the hook in 30 years when everyone has forgotten and the HOA stops meeting?

In regard to frontage requirements, the clearest code requirements in place are found in the setback table. Residential zones require certain amounts of road frontage. My interpretation is that there is no frontage if the street does not exist.

Other localities have clarified frontage requirements. Below are some examples that Buena Vista could look to as models.

City of Winchester

**SECTION 18-14. ERECTION OF BUILDINGS.**

*Every building hereafter erected shall be located on a lot as herein defined, said lot having its principal frontage on a public street of record, except as otherwise permitted in this Ordinance for townhouses and planned development.*

City of Williamsburg

***Sec. 15-22. - No street to be improved unless opened or accepted by city; manner of opening or accepting.***

*No street in the city shall be deemed entitled to improvement at the public expense unless the same shall have been opened or legally recognized or accepted as such by the city through its council or duly authorized agents. No street shall be opened or recognized by the city except by resolution of the council, entered of record by the clerk.*

***Sec. 21-608. - Street frontage for lots.***

*Every building that is erected shall be located on a lot having its principal frontage on a public street; on a private street which existed prior to January 1, 1966, and which has been recorded in the clerk's office of the circuit court of the city and the County of James City; or on a private street which is shown on a subdivision plat for a planned development or townhouse development which has been duly approved by the city and which has been recorded in the aforesaid clerk's office. Lots in new subdivisions for single-family detached and duplex dwellings shall front on public streets.*

City of Waynesboro

**§5.2.1. Access Required**

**A. Minimum Improved Street Frontage**

*1. Except as otherwise stated, no principal building, structure or use may be erected or established on any lot which does not abut on a street constructed to the standards of the City and dedicated as a public street to the City or the State (See also City Code, Chapter 74, Subdivision Regulations).*

*2. All street frontage adjacent to building sites shall be improved to City standards across the entire frontage of the parcel.*



**CITY OF BUENA VISTA**  
Planning & Community Development  
2039 Sycamore Avenue  
Buena Vista VA 24416

## **STAFF REPORT**

DATE: 4 September 2019  
TYPE: Discussion  
SUBJ: Dog and kennel regulation

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### **Dog and kennel regulation**

A citizen raised the idea of regulating the number of dogs that residents may keep on residential property, and related regulations of dog pens or kennels. The premise is that some residents keep large numbers of dogs (possibly hunting dogs) which howl and constitute a nuisance for neighbors, and that sometimes these dogs are kept in unsightly or unsafe kennel structures.

What does Planning Commission think on this issue? I would like the Commission to assist researching applicable codes in other localities and send them on to me.