



## **City of Buena Vista Planning Commission**

### **Agenda for December 10<sup>th</sup> 2019**

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

#### **Public Hearing**

1. 245 W 21<sup>st</sup> St Mundet-Hermetite Rezoning
2. 245 W 21<sup>st</sup> St Mundet-Hermetite Conditional Use Permit
3. Zoning Text Amendment for Mixed Use MU
4. 2535 Beech Ave/424 Factory St Demolition Certificate of Appropriateness

#### **Regular Meeting**

#### **Call to Order by Chairman**

#### **Roll Call**

#### **Public Comment**

#### **Review and Adoption of Minutes**

Minutes of September 10<sup>th</sup> 2019 and November 12<sup>th</sup> 2019 meetings

#### **Report of Secretary**

#### **Report of Standing Committees**

#### **Report of Special Committees**

#### **New Business**

- 1) 407 E 29<sup>th</sup> St former BV Motel property Site Plan and Certificate of Appropriateness
- 2) 218 W 29<sup>th</sup> St River Rock Village Sign Certificate of Appropriateness
- 3) 245 W 21<sup>st</sup> St former Mundet-Hermetite Rezoning & CUP Discussion
- 4) Mixed Use text amendment discussion
- 5) 2535 Beech Ave/424 Factory St Demolition COA
- 6) Draft 29<sup>th</sup> Street Corridor Plan project

#### **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, *9/30/2023*

Melvin Henson, City Council  
Representative, *9/30/2023*  
Preston Manuel, *12/31/2020*  
Jay Scudder, Ex Officio member  
Bradyn Tuttle, *12/31/2020*

**Staff:**

Tom Roberts, Director of Community & Economic 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 Community & Economic 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.



## **City of Buena Vista Planning Commission**

### **Minutes of November 12<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 November 12<sup>th</sup> 2019. Roll was called and a quorum was established.

#### **Members Present:**

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

#### **Members Absent:**

Jay Scudder, Ex Officio member

#### **Staff Present:**

Tom Roberts, Director of Community & Economic Development

Meeting is called into order.

#### **New Business**

##### 274 E 41st Street Greater Vision Pentecostal Site Plan Review

Mr. Roberts summarized that the church proposes to build a new 4200 sq ft sanctuary on the site of an existing house. He noted that he granted a modification of setbacks to permit more site design flexibility.

Mrs. Eleanor Davis spoke on behalf of the church and stated that the church recently sold their former fellowship hall building across the street, and would convert the existing sanctuary to the fellowship area. Mr. Hawes asked her if there would be exterior lighting, and Mrs. Davis indicated there would be some lights mounted on the outside of the building. Mr. Hawes asked that they be pointed so as not to shine on neighbors.

There was some discussion of green space and Mr. Roberts clarified that other than the angle parking spaces on the street, there will be no new asphalt or impervious surface, and the yard will be grass.

Mr. Henson moved to approve as shown with lighting to be directed on the church's lot, seconded by Mr. Ohleger. All approved.

##### 245 W 21<sup>st</sup> St Mundet-Hermetite Preliminary Rezoning Presentation

Mr. Roberts summarized that the proposal is to rezone a portion of the Mundet-Hermetite plant property from LM Light Manufacturing to MU Mixed Use. Mr. Roberts introduced Gavin Fox, who gave a presentation on the proposal. Mr. Fox's presentation:

- He is Washington & Lee professor and serial entrepreneur
- Business incubator/accelerator is a place where new businesses can start up without full investment in their own building. Businesses will eventually move out into their own space, to downtown or to an industrial space.
- Ties into regional efforts with Shenandoah Regional Cohort, Go Virginia; example is the HUB in Staunton
- Prior project of Mr. Fox was former library building in Lexington, where bike shop and game shop are now; he experimented with this startup-accelerator concept there
- Mixed use space at Mundet building will tie into 21<sup>st</sup> Street corridor and the Riverwalk
- Uses will also potentially include cafes, live outdoor music, brewery
- Contract on this building is contingent on rezoning
- Funding for business startups, incubator/accelerator programs, etc. may come from regional grants such as those from Go Virginia. No cost to the city, and Mr. Fox's company is a private tax-paying entity.

Mr. Fox explained that they are also seeking zoning to allow warehousing because they may need to lease some space for storage/warehousing during the startup phase in order to cover costs.

Mr. Henson pointed out the conceptual brewery shown on the diagram and asked if that was included in the current proposal. Mr. Fox and Mr. Roberts replied that no, there is no specific proposal for a brewery and to build one would require a site plan approval at a minimum.

Mr. Henson also pointed out that there is a large flat grassy area on the other side of the river walk from this building.

Mrs. Burke asked if there was a time limit for businesses starting up in the space. Mr. Fox replied that no, nobody would be "kicked out," instead he would go find another building to expand the incubator/accelerator.

Mr. Ohleger asked why the request is for Mixed Use zoning instead of B1 Business, pointing out that he does not see it as pedestrian-oriented because of the distance from the rest of the downtown and the dangerous railroad crossing, and therefore not consistent with the intent of the MU zone. Mr. Ohleger noted that MU allows residential use, and he does not think that residences are not appropriate in an industrial building like this. Mr. Fox stated that he does not have any immediate plans for residential uses, but that this is prime riverfront property and there is a good deal of space on the site for potential future development. Mr. Ohleger stated that he was concerned about the factory building becoming a large apartment building. Mr. Fox responded that it would not be easy to convert a bay to housing because there are few windows, and he does not have the capital right now to do that. Mr. Hawes added that previously he too disagreed with residential at this site, but had changed his mind. Mr. Fox said he was open to B1 Business zoning because he has no intention of building housing at this time.

Mr. Henson asked if the Corps of Engineers would have any say on what Mr. Fox could do with the property. Mr. Roberts responded that Mr. Fox could likely not expand or encroach any further near the levee wall.



### Certificate of Appropriateness for demolition of 2535 Beech Ave and 424 Factory St

Mr. Henson and Mr. Hawes briefly brought up that this COA review was only necessary because of the Seminary Hill Historic District Overlay, and that they are concerned about this overlay district interfering with development.

Mr. Roberts apologized that in June he had not followed the correct process for the demolition COA for 212 W 29<sup>th</sup> Street (the green house where duplexes are now being built). There should have been an advertised public hearing for that demolition.

Mr. Roberts then clarified that the only item on the table for discussion tonight is the demolition of these buildings, not any new construction or site plan.

Mr. Skip Ramsey, applicant, spoke briefly to highlight the significant economic development opportunity of this project and that the project is on a tight timeline and needs to be approved soon. Mr. Joe Vita, broker for the project, stated that he hoped to get a clear timeline on review and approval to provide to 7-Eleven.

Mrs. Burke asked why we are not reevaluating the boundaries of the historic overlay district because this question keeps coming up. In particular, she does not think that the west side of Beech Avenue has historic features or should be included in the district. Mr. Roberts responded that he feels strongly that a new vision is needed for the 29<sup>th</sup> Street and Beech Avenue corridor, which will require a thorough planning process with community input.

Mr. Ohleger asked if it is possible for any of the building to be salvaged, such as exterior features or framing. Mr. Ramsey responded that yes, he would look into salvage of the building.

### 2615 Hawthorne Avenue street abandonment

Mr. Roberts noted that Planning Commission's recommendation is not required for this action, which is a City Council action, but that the Commission could make a recommendation.

Mr. Ohleger took the stand and explained that he is requesting abandonment of the remaining portion of 26<sup>th</sup> street next to his property; the portion bordering the back half of his lot is already abandoned and owned by him. He noted that the staff report is incorrect in the square footage being requested – Mr. Roberts stated it was 62.5' x 30' when it is 60' x 30'.

Mr. Ohleger also explained that he is only willing to pay \$2,500 for the abandoned property. Although the formula adopted by the City in 2006 may indicate a higher price, he said, the portion of 26<sup>th</sup> Street he already owns—which is slightly larger than the current request—is assessed at \$2,500. Therefore he does not believe he should pay more than that.

Mr. Roberts chimed in to review that the formula is based on the average assessed land value of adjacent properties on a per square foot basis. Mr. Hawes stated that he disagrees with the policy of making property owners pay for abandoned right of way because they will add to the tax base, though only ROW that truly will not be used should be abandoned.

Mr. Roberts reviewed that abandoning this stub will not eliminate access to any properties.

Mr. Manuel made a motion to recommend to City Council that the subject ROW be vacated and that the applicant (Mr. Ohleger) not be charged at all for the abandonment. Mrs. Ferrebee seconded and all approved.

### Dog Park Update

Mr. Roberts summarized that the City has consolidated ownership of the wedge of land between 10<sup>th</sup> Street and the Maury River just south of Glen Maury Park, and this is the proposed location of a dog park in addition to the existing soccer field. This land is in Rockbridge County. Mr. Roberts will go before the Rockbridge County Planning Commission the next day to give a preliminary rezoning request presentation for this wedge of land from R1 Residential to C1 Conservation.

Mr. Hawes chimed in that there used to be three houses on Fisherman's Lane, which were demolished in conjunction with the levee wall project in the 1990's. Mr. Roberts added that the whole area under consideration is within the floodway.

### **Public Comment**

None

### **Report of Secretary**

Mr. Roberts supplied the Commission with a written report in the packet. He summarized the report, which included the following items:

- Connect BV downtown planning proceeding
- City land analysis – Mr. Roberts is analyzing City-owned land parcels to find properties that could be redeveloped or sold
- Progress on draft ordinance updates—signs, short term rental, temporary uses

Mr. Hawes asked about status of the comprehensive plan update. Mr. Roberts responded that he would check back with the PDC on progress with the transportation chapter.

Meeting adjourned at. 8:10 PM

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



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

## STAFF REPORT

DATE: 12/4/2019  
TYPE: Zoning Map Amendment and Conditional Use Permit  
SUBJ: 245 W 21<sup>st</sup> Street former Mundet-Hermetite plant rezoning

---

### Synopsis

Gavin Fox proposes to create a business accelerator at the former Mundet-Hermetite plant. The variety of proposed uses requires rezoning from LM Light Manufacturing to MU Mixed Use as well as a conditional use permit for warehousing and small-scale production establishments. Paired with this ZMA is a text amendment to add small-scale production to the MU zone.

### Site Information

<b>Address/Tax Map:</b>	26-1---C, 245 W 21 <sup>st</sup> St	
<b>Existing zoning:</b>	LM Light Manufacturing	
<b>Existing land use:</b>	Manufacturing building	
<b>Proposed zoning:</b>	MU Mixed Use	
<b>Proposed land use:</b>	Mixed-use business incubator	
<b>Surrounding zoning and land use:</b> All surrounding parcels zoned LM		
North: ADS (Advanced Drainage Systems) industrial use		
East: Railroad; mixed commercial uses on 200 block of W 21 <sup>st</sup> St		
South: Riverwalk park land		
West: Riverwalk park land		
<b>Size:</b>	Approximately 3.5 acres to be rezoned	
<b>Staff Recommendation:</b>	Approve	
<b>Tentative Timeline</b>	Preliminary Commission Discussion	11/12/2019
	<b>Planning Commission Public Hearing</b>	<b>12/10/2019</b>
	City Council Public Hearing	1/2/2020
	City Council Adoption	1/16/2020

## Overview

Applicant Gavin Fox proposes a multi-use space to incubate businesses and house community groups and facilities. The uses will be a combination of commercial, office, retail, assembly, recreation, and industrial.

The full property is 7 acres, but the applicant intends to sell about 3.5 acres of undeveloped land on the north end of the site to ADS (Advanced Drainage Systems) for material storage and laydown. This area would remain zoned LM and is not part of the rezoning request.

### *Character of uses*

Uses will be characterized by

- Little to no environmental impacts or nuisances in contrast to industrial uses; e.g. noise, fumes, exhaust, etc.
- Public-facing character with some tenants receiving walk-in or appointment visitors
- Assembly uses including performance venues, meeting space, or indoor recreational facility

### *Comprehensive Plan Conformance*

The future land use plan shows this site remaining light industrial. However, the plan supports transition from one use type to another as opportunities arise.

The City's comprehensive plan acknowledges that, "As the City grows and changes, some lands become better suited for uses other than those originally developed on the site. Over the long term it is likely that these properties will be redeveloped for other purposes. An example includes commercial uses in areas that were predominantly industrial." (page 9-10).

Additionally, there is support in the Economic Development chapter for the proposed use type. Objective 5.1U "Identify incubator space for small businesses in the City of Buena Vista" and Objective 5.2A "Develop policies and incentives to stimulate redevelopment of older, vacant, or blighted non-residential uses..."

Lastly, rezoning to Mixed Use will enhance the Riverwalk, which is identified in the plan as an important recreation asset. MU zoning right at the 21<sup>st</sup> Street entrance to the Riverwalk will help draw people to the Riverwalk; reduces the likelihood of objectionable sights, sounds, and smells from industrial uses; and opens the door to businesses that relate directly to recreational activities.

### *Environmental Characteristics*

The site is in the 500 Year flood plain because it is protected by the levee wall. No site development is proposed at this time.

### *Surrounding Land Uses*

The site has industrial uses to the north and east (ADS and railroad), and conservation/recreational uses to the west and south (Riverwalk). The railroad is a linear use and will remain in place for the foreseeable future, but if necessary landscaping and fencing can buffer the site from the railroad. A fence and buffer area could be installed on the north side of the site to buffer it from ADS if necessary. The MU zone fits well with the recreational uses on the Riverwalk because it fosters high pedestrian activity.

### *Infrastructure and Access*

The prior industrial use provided ample electric, water, sewer, gas, etc. infrastructure for the proposed uses.

Access to the site is via 21<sup>st</sup> Street. There is ample existing parking on site with the opportunity to expand parking area.

The tight turn at the intersection of 21<sup>st</sup> and Sycamore Avenue, in addition to the raised railroad crossing, make this site less than optimal for industrial uses requiring frequent truck traffic.

### **Conditional Use Permit**

This rezoning to Mixed Use is necessary to allow customer-facing, retail, restaurant, and assembly uses on the property. However, in addition to these, the business incubator/accelerator will include tenants engaged in commercial manufacturing not accessory to a retail space. (The zoning text amendment for small-scale production establishments discusses this in greater detail.) To accommodate these light industrial uses, a conditional use permit (CUP) for small-scale production establishment is requested.

No conditions on the small-scale production establishment CUP are proposed because the building is already industrial in character and is set back significantly from neighbors. Also, at this time it is not certain what specific businesses or products will be manufactured here. Industrial activities would be limited to those meeting the definition of small-scale production establishments.

If the accompanying text amendment is *not* approved, the CUP request is for “614.04-16.1 Wholesale and processing not objectionable because of dust, noise, or odors.” This conditional use covers some manufacturing activities but staff has proposed new language to replace this.

Additionally, a conditional use permit for warehousing is requested under “614.04-16 Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any residential district”. Leasing warehouse space will facilitate in the startup phase of the business incubator, and will likely be phased out over time and replaced with more intense (and profitable) uses.

Warehousing would be permitted by right on the site currently under the LM zoning, and the building and site are somewhat conducive to this use, except for the access constraint on 21<sup>st</sup> Street noted above. Warehousing would not typically be encouraged in the MU zone because it lacks the public-facing character that encourages pedestrian activity, and warehousing buildings typically do not blend with pedestrian-oriented mixed use buildings. However, in this case very little potential pedestrian activity is sacrificed by permitting the warehouse use, and the existing building is already industrial in character.

Staff propose a condition that there is no storage or stockpiling of materials, goods, or equipment outside a permanent enclosed building. Exterior storage is contrary to the pedestrian-oriented intent of the MU zone.

### **Recommendation**

Staff believe that this redevelopment opportunity will open up space for “21<sup>st</sup> century uses” that tap into emerging economic development and revitalization trends, and will improve the connection between downtown and the Riverwalk. Staff recommend the following:

1. Zoning map amendment of about 3.5 acres from LM Light Manufacturing to MU Mixed Use;
2. Conditional use permit for Small-scale production establishments, contingent upon adoption of zoning text amendment to add Small-scale production establishments as a conditional use in the Mixed Use zone;
3. If the Small-scale production establishment zoning text amendment is not adopted, then a Conditional use permit for Wholesale and processing;
4. A Conditional use permit for warehousing, with the condition that there is no storage or stockpiling of materials, goods, or equipment outside a permanent enclosed building.

## **Rezoning Proposal Narrative**

By: Gavin Fox (Lex Aspire, LLC)

245 21<sup>st</sup> Street, Buena Vista, VA 24416  
The Mundet-Hermatite Building

### **Previous Uses**

The Mundet-Hermatite building was constructed in 1959 and produced cigarette paper until late 2015.<sup>1</sup> It has been empty for over four years and has several locational challenges from an industrial perspective. Among these is the tight turn from Sycamore onto 21<sup>st</sup> that limits tractor-trailer access. While it's position along the river is similar laterally to other industrial spaces such as ADS and Modine, it also offers a key gateway between downtown and the river, so much so that parking and river access exist right outside of its gates. Figure 1 highlights this connection.

### **Proposed Use**

The proposed use of this site is not a singular concept. Indeed, this is why we are requesting a mixed-use zoning for half of the property (that which includes the physical building). We are also mindful of the industrial needs of proximate businesses such as ADS, which is why we are asking to leave half of the acreage as industrial use (light manufacturing). ADS can use that space to expand their business and bring more revenue to the City. Future industrial applications may also benefit from such zoning.

The primary goal of the rezoning is to develop a large space that can house a business accelerator and other associated community and recreation venues. The purpose of incubators and accelerators is to help identify what businesses are likely to remain viable in the long run and reduce risks for founders/owners. In any given incubator/accelerator it is always unclear initially what kinds of concepts will be brought to the table and which will succeed. Thus, it is ideal to have the largest range of permissible uses as possible in order to foster these varied concepts and maximize the chances of supporting successful ventures. We want to foster a variety of business and community initiatives that help revitalize downtown retail, promote recreation, and bring new business opportunities to the area (e.g., coding academies, data analytics, and telecommuters). Figure 2 highlights some potential internal and external space uses. Blue indicates existing spaces, while tan represents possible external future development and uses. The only certain use of the spaces currently is that of the offices. The rest of the building can be reconfigured to accommodate many different types of businesses, from ninja gyms, to bowling alleys, to glass-blowers and more.

In the short-term it would be ideal to have a conditional use permit that supports warehousing, as it will allow much of the overhead costs to be covered as we grow the presence and usage of the accelerator. We do not expect the entire 38,000sf of space to be

---

<sup>1</sup> <https://rockbridgereport.academic.wlu.edu/2015/09/24/buena-vistas-mundet-hermetite-factory-to-close-after-56-years-of-business/>

used for business acceleration overnight. It will take time to grow large-scale opportunities that use the full space. The conditional use in mixed-use zones is specified as, ““614.04-16 Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any residential district;” The building is well beyond the 50 foot limit from residences.

### **Impact on Character and Established Local Patterns**

21<sup>st</sup> Street is an established East/West Corridor through the city connecting the river to downtown and the Appalachian Trail. The bulk of what is identified as downtown exists within a few blocks radius around 21<sup>st</sup> and Magnolia. A major goal is to leverage existing patterns such as river access and downtown festivals to seamlessly incorporate the building into the established business and consumer ecosystem.

### **Relationship to City’s Comprehensive Plan**

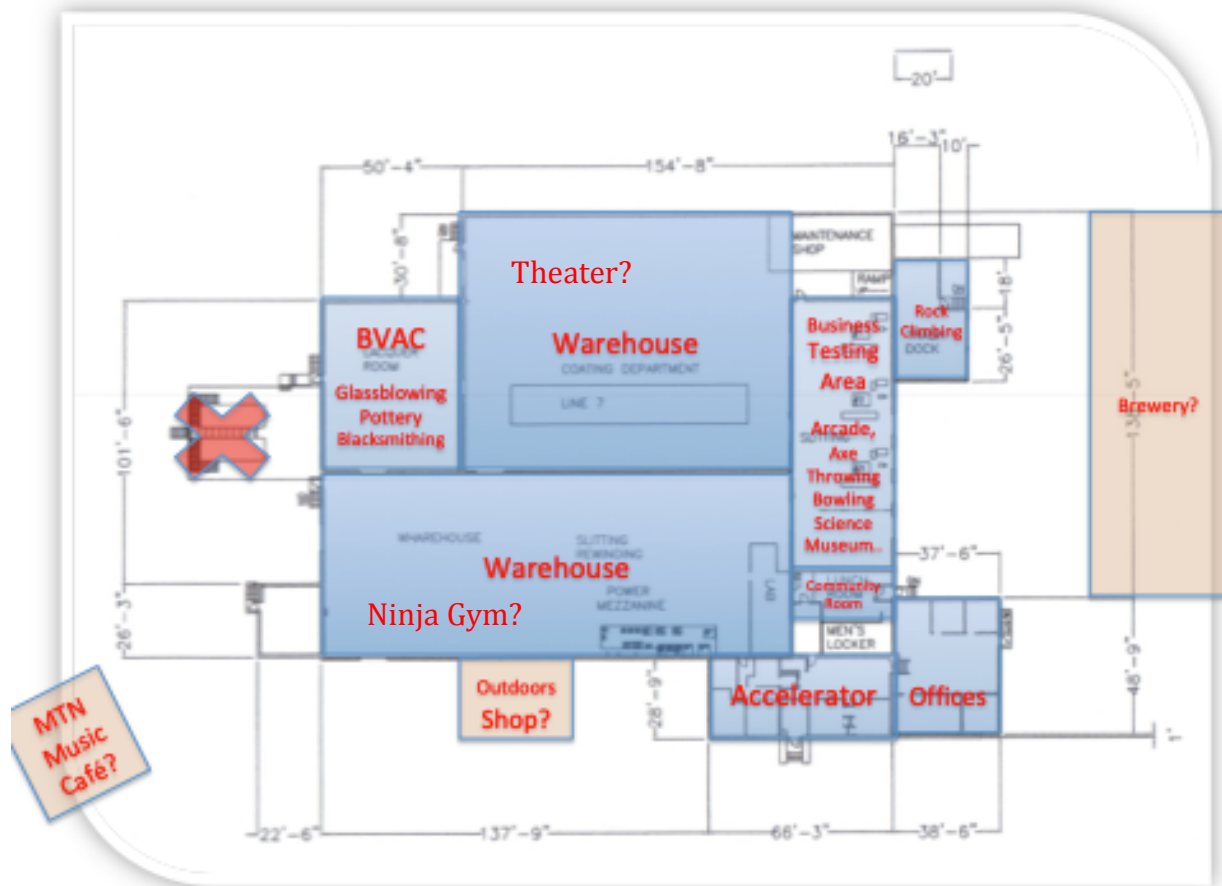
The City’s comprehensive plan includes a focus on natural resources and recreation assets like the river and Glen Maury Park along with economic revitalization of the downtown area. While the plan currently describes the Mundet-Hermatite site as remaining light industrial, it acknowledges that, “As the City grows and changes, some lands become better suited for uses other than those originally developed on the site. Over the long term it is likely that these properties will be redeveloped for other purposes. An example includes commercial uses in areas that were predominantly industrial.” (pages 9-10). In addition, there are objectives specifically stating the desire for a business incubator/accelerator that stimulates redevelopment of older, vacant, and blighted non-residential buildings (see Objective 5.1U and 5.2A).



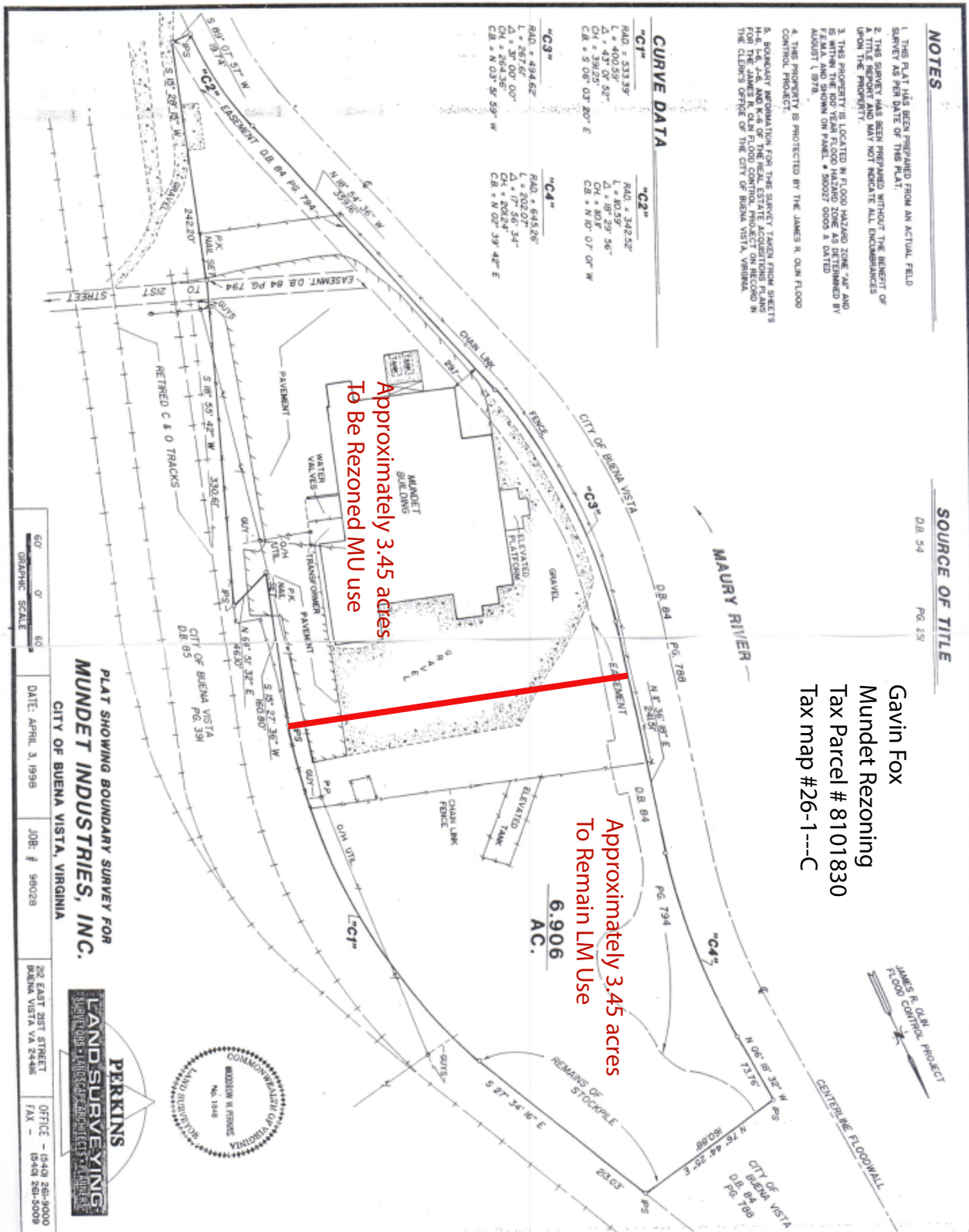
**Figure 1 – Satellite View of Buena Vista**



Figure 2 – Proposed Building Uses



**245 21st St, Buena Vista, VA 24416**  
This listing is Pending   Listed for \$800,000   MLS # 132515







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

## **STAFF REPORT**

DATE: 11/25/2019  
TYPE: Zoning Text Amendment  
SUBJ: Small-scale manufacturing and makerspaces in MU Mixed Use zone

---

### **Synopsis**

Update MU Mixed Use zone to better address small-scale manufacturing and makerspace uses.

### **Background**

One of the basic purposes of zoning is to separate incompatible uses, such as industrial uses from residential. Industrial uses are considered incompatible because they often generate noise, dust, smoke, or odors; can be visually unattractive; involve heavy trucking and deliveries; and have a larger scale of site and building development than a residential or commercial neighborhood. These are true of many large industrial facilities, but especially with changes in production technology and the types of items being produced in the last 50 years, smaller scale manufacturing operations do not create the same nuisances and are not incompatible with other use types.

Buena Vista's zoning code recognizes this in the Mixed Use zones by allowing manufacturing uses paired with a retail component, provided that operations and storage are inside a permanent enclosed structure. This is one of the defining features of mixed use zones, which are intended to allow the diverse combination of uses that fostered the intensity and vibrance of traditional downtowns in the pre-automobile age. A downtown block will be truly alive (and economically productive) when it contains residences, offices, restaurants, low-impact manufacturing, and entertainment.

Small-scale manufacturing in the contemporary context is production or fabrication of goods at a relatively small scale (usually less than 5,000 sq ft building area, usually less than 50 employees) for commercial distribution. While earlier in the 20<sup>th</sup> century manufacturing had high barriers to entry, changes in technology have made it much easier for entrepreneurs to begin production of goods. These changes include easier prototyping and production of small product quantities (flat printers, 3D printers, CNC machines, etc.); online and social media marketing and promotion; online sales (e.g. Etsy, Amazon); and easier shipping and distribution.

Additionally, changes in retail patterns and customer preferences favor small-scale manufacturers. "Functional" shopping has mostly shifted to online venues, Walmart, and grocery stores, and shoppers are increasingly seeking unique, experiential retail. Small-scale manufacturers often have a retail component; offering niche products for a specific market; have explicit environmental or social agendas; tell a "story" that involves the place where they are

located (neighborhood/city/region)—have local character; and offer high-quality goods. For example, breweries with place-related names and themes that offer live music, tastings, tours, etc.; or a leather and clothing manufacturer located downtown that gives tours and has a storefront.

## **Proposal**

### **What is currently permitted**

Currently, the MU zone permits by right a variety of light manufacturing or semi-industrial uses that are related to retail activity. Some of these uses are quite “dirty,” e.g. cement finishing contracting; building supply contracting; small engine repair; dyeing [fabrics]; bakeries; and glass blowing. These are all primary uses and are implied to have a customer-facing component to their operations.

In addition to those primary uses, almost any retail activity may have manufacturing as an accessory use:

*614.05-4 The manufacture or processing of goods and products provided that it is combined with retail sales of such products on the premises, and that no less than 50 percent of the square footage of the first floor shall be dedicated to retail sale of goods and products manufactured on premises (with tools, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure);*

The intention of this is that the manufacture of goods is subordinate to the retail sale of such goods. An example of this is a furniture maker who sells furniture in the front of the building and has a team crafting this furniture in the back of the building.

Lastly, the following are conditional uses:

*614.04-2 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;*

*614.04-13 Public utilities limited to public service structures such as power plants or substations or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public;*

*614.04-16 Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any Residential District;*

*614.04-16.1 Wholesale and processing not objectionable because of dust, noise, or odors.*

The purpose of categorizing these as conditional uses is to scrutinize possible negative impacts of such operations on surrounding properties.

### **Proposed changes**

The vision for updated regulation of manufacturing-type uses within MU is to allow processing and production of goods where they do not constitute a nuisance to neighbors or the community, and where they do not impair the pedestrian-focused urban environment with its mix of uses.

Objectives:

- Clarify where a “makerspace” fits in MU
- Permit manufacture of goods not associated with a retail use, under certain circumstances
- Clarify status of small-scale alcoholic beverage production

As evidenced by the current business accelerator proposal, bringing these zoning regulations into 2020 can assist with enticing and permitting new economic generators. Other potential businesses affected by this include brew-pubs, micro-distilleries, and future makerspaces.

### Text Changes and Analysis

Proposed Text	Discussion
<u>Definitions</u>	
<b>302.02-X Beverage or food processing plants</b> means a manufacturing facility where foods and/or beverages, including alcoholic beverages, are processed and packaged for local, regional or national distribution at an industrial scale. Products are typically not sold directly to the consumer on site.	Beverage and food processing plants were not previously defined. This clarifies that they are industrial scale and are different from small-scale production facilities.
<b>302.13-X Makerspace</b> means a workshop facility with a combination of hand tools, machinery, and computer equipment for shared educational, hobby, research, design, business, or prototyping use; often by members of a public or private organization. Makerspaces often incorporate educational and social programming, and are not intended for production at a commercial scale.	Makerspaces are a relatively new phenomenon, and sit somewhere in the middle of an educational facility, private club, and a factory. This definition clearly states that these are not factories for commercial production but are primarily for education, startups, and hobbyists.
<b>302.19-X Small-scale alcohol production establishment</b> means a facility for the production and packaging of beer, cider, distilled spirits, malt beverages, mead, wine, or similar beverages within the following limits:  (a) Beer, cider, or malt beverages: 15,000 barrels per year (b) Distilled spirits: 5,000 gallons per year (c) Wine or mead: 5,000 gallons per year  These facilities may also known as microbreweries, microdistilleries, or microwineries, respectively; and product is	This definition captures microbreweries, etc. The beer threshold is from an industry association; the wine & spirits thresholds are from a Charlottesville zoning definition. Defining these and listing separately in zoning regulations makes it clearer that they are permitted so that potential brewers know where they stand.



frequently sold directly to the consumer on-site.	
<b>302.19-Y Small-scale production establishment</b> means an establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to, vertical farming or the making of electronics, food products, non-alcoholic beverages, prints, jewelry and clothing/apparel, metal work, furniture, glass, ceramics; together with accessory uses such as training or educational programs.	This establishes as narrower category of light manufacturing uses that can be appropriate in mixed-use zones because they are smaller in square footage, production, employees, traffic, etc.
<u>By Right Permitted Uses</u>	
614.03-1.7-19 Makerspaces	Allows makerspaces as a by right use. These are similar in character to other commercial and civic uses allowed by right, and the definition prevents this from being a back door to commercial manufacturing.
<u>Conditional Uses</u>	
<del>614.04-2 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;</del> 614.04-2 Beverage or food processing plants	Replaces wordy use description with new, defined term. Importantly, this broader use encompasses small-scale alcohol production facilities that are not accessory to a restaurant or other use.
614.04-17 Small-scale production establishments, with tools, goods, repairs, services, equipment, and supplies in a permanent enclosed structure	Allows manufacturing for off-site sales/distribution or without a retail component, subject to conditions that may be imposed on a case by case basis to limit any impacts to the surrounding properties.
<del>614.04-16.1 Wholesale and processing not objectionable because of dust, noise, or odors.</del>	This use is replaced by <i>Small-scale production facilities</i> . This wording was both too broad and too narrow. It is unclear what “processing” means or what manufacturing



	uses it may include; and it specified that a permitting the use can only be on the basis of “dust, noise, or odors” and not other important factors such as traffic, context, etc.
<u>Accessory Uses</u>	
<p><del>614.05-4 The manufacture or processing of goods and products provided that it is combined with retail sales of such products on the premises, and that no less than 50 percent of the square footage of the first floor shall be dedicated to retail sale of goods and products manufactured on premises (with tools, goods, repairs, services, equipment and/or supplies in a permanent enclosed structure);</del></p> <p>614.05-4 Small-scale production establishments producing goods primarily for sale or consumption on premises through a permitted retail or restaurant operation. No less than 50 percent of the square footage of the first floor shall be dedicated to retail sale or food or beverage service of goods produced on premises. Tools, goods, repairs, services, equipment, and supplies shall be within a permanent enclosed structure.</p>	<p>This rewords the existing accessory use for manufacturing associated with a retail use. It expands it to explicitly include restaurants and food services establishments (e.g. a coffee shop that roasts its own beans in the back, or a café that also features a bakery), but reinforces the requirement that production is for on-premise sales not wider distribution. If a manufacturer wants to cater to a wider market, he can get a conditional sue permit for a small-scale production establishment.</p>
<p>614.05-9 Small-scale alcohol production establishment, provided that production is accessory to another permitted primary use and that the majority of production is sold or consumed on premises; and that tools, goods, services, equipment, and supplies are within a permanent enclosed structure.</p>	<p>Explicitly permits microbreweries etc. that are accessory to another use, e.g. restaurant. Paired with the definition, this signals Buena Vista is open to “brewpubs” and tasting rooms and clarifies their regulatory standing as permitted by right.</p>

## Recommendation

Staff recommend amending Article 3 and Section 614 as shown above.





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

## **STAFF REPORT**

DATE: 11/26/2019  
TYPE: Demolition Certificate of Appropriateness (COA)  
SUBJ: 2535 Beech Avenue and 424 Factory Street Demolition COA

---

### **Synopsis**

7-Eleven proposes to construct a new convenience store/gas station facility at the corner of Factory Street and Beech Avenue. Site design requires demolition of existing buildings at 2535 Beech Avenue and at 424 Factory Street.

### **Summary:**

- Properties are located within the Seminary Hill Historic District
- Existing buildings are late 19<sup>th</sup> Century commercial buildings and a single-family dwelling typical of early years of Buena Vista
- Existing commercial buildings have been vacant for 10+ years, residence currently vacant
- Proposed development would be significant economic development opportunity

### **Overview**

7-Eleven proposes to construct a convenience store and gas station at the northern end of this block, consolidating six lots to form a site slightly more than a half-acre at the corner of Factory St and Beech Avenue. To accommodate the proposed uses, 7-Eleven has expressed that the existing buildings must be demolished. The item under consideration at this meeting is whether to allow demolition of the existing buildings. The site plan for the new construction, and the COA for the new site and building, are not finalized at this time and are expected to be presented at the January 2020 Planning Commission meeting.

The COA for demolition would be contingent upon approval of a site plan and COA for new construction, to prevent demolition of the buildings without something meaningful in their place.

### **Basis of Review – Seminary Hill Historic District**

The site is located within the Seminary Hill Historic District (SHHD). The City's comprehensive plan, in its Historic Resources chapter, states

*As a means to protect historic resources, the City has designated the Seminary Hill Design Overlay District. The zoning overlay district was established to protect and enhance the historic nature of the district and to establish standards to maintain the unique historical, architectural, cultural and archaeological resources in this portion of the city generally surrounding Southern Virginia University. Furthermore, the standards*

*are intended to strengthen the city's economy by promoting and enhancing business and tourism.*

Additionally, the SHHD section provides the following purpose statement:

*615.02. Purpose . The Seminary Hill Neighborhood District regulations have been developed to facilitate the efficient production and delivery of public services and to sustain and enhance this economically viable and livable neighborhood within Buena Vista. These regulations are designed to:*

- (1)Protect and enhance the historic nature of the district;*
- (2)Continue to encourage mixed use within the neighborhood and within structures;*
- (3)Establish strong design standards to maintain the unique nature of the neighborhood and provide a measure of protection to current and future residents and property owners;*
- (4)To create balance between the natural environment and the neighborhood.*

The following matters are to be considered when reviewing an application for demolition or construction:

*615.09. Matters to be considered in acting on application. In reviewing applications, the committee shall base its decision on whether the proposals therein are compatible with the existing building or structure, if any, and with the surrounding design district. Interior arrangement or features not subject to any public view shall not be considered. The following shall be considered by the committee in acting on the appropriateness of the proposed erection, reconstruction, alteration, restoration, or demolition of buildings or structures:*

- (a)Exterior architectural features, which are subject to public view from a public street, way or place.*
- (b)Design, arrangement and relative size or mass.*
- (c)The relation of the proposed construction to buildings and structures in the immediate surroundings.*
- (d)The extent to which the building or structure would be harmonious with or obviously incongruous to the historic aspect of the surroundings.*
- (e)In the case of a building to be razed or moved, a primary consideration shall be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the city.*
- (f)The extent to which the proposed construction or demolition will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, and making the city a more attractive and desirable place in which to live.*
- (g)The extent to which the proposal adheres to the design district guidelines for the City of Buena Vista adopted by the city council and incorporated herein by reference.*

## **Analysis**

The existing commercial buildings clearly date from the early days of the City and are good examples of the early commercial buildings of the “boom” years. The buildings have had few modifications and retain much of their original materials and architectural features. The buildings could be rehabilitated, but the cost of this is unknown, and the applicant and 7-Eleven have expressed they are not able to reuse the existing buildings as part of the project.

The pair of commercial buildings are similar in character to three other buildings on this block, 2511 Beech; 2522 Beech; and 2574 Beech, each of which is a two-story frame commercial building with glass storefronts. 2511 Beech is currently a thrift shop; 2522 Beech is vacant; and 2574 Beech has apartments on both the first and second floors. Together these buildings preserve some of the sense of the historic streetscape of multi-story commercial buildings built close to the sidewalk; however, other buildings built later on this block and adjacent blocks do not contribute to this streetscape and are not harmonious in style, massing, or materials with the four historic buildings. To the south of the subject site is a late 20<sup>th</sup> Century concrete block and brick mini-storage facility, and to the north of the subject site, across Factory Street, is a mid-20<sup>th</sup> Century commercial building.

The single-family residence at the corner of Factory and 25<sup>th</sup> Street, near the railroad tracks, appears to date from the late 19<sup>th</sup> or early 20<sup>th</sup> Century and is an example of historic simple worker housing common in Buena Vista. However, it is in poor condition and does not exhibit any unique architectural features. Its modern proximity to the railroad, heavily-traveled roads, and commercial uses makes the site poorly suited to a single-family detached home. Demolition of this house could be viewed as removal of blight.

### *Economic Development*

Review criterion (f) addresses potential economic impact on proposed construction or demolition, which is a key consideration for this project. This project represents very significant initial investment in site redevelopment and construction, and a significant economic generator in the future. The proposed convenience store would sell prepared foods and beverages, general merchandise, and gasoline. These would provide an additional shopping and dining option for residents and visitors, while generating jobs and tax revenue.

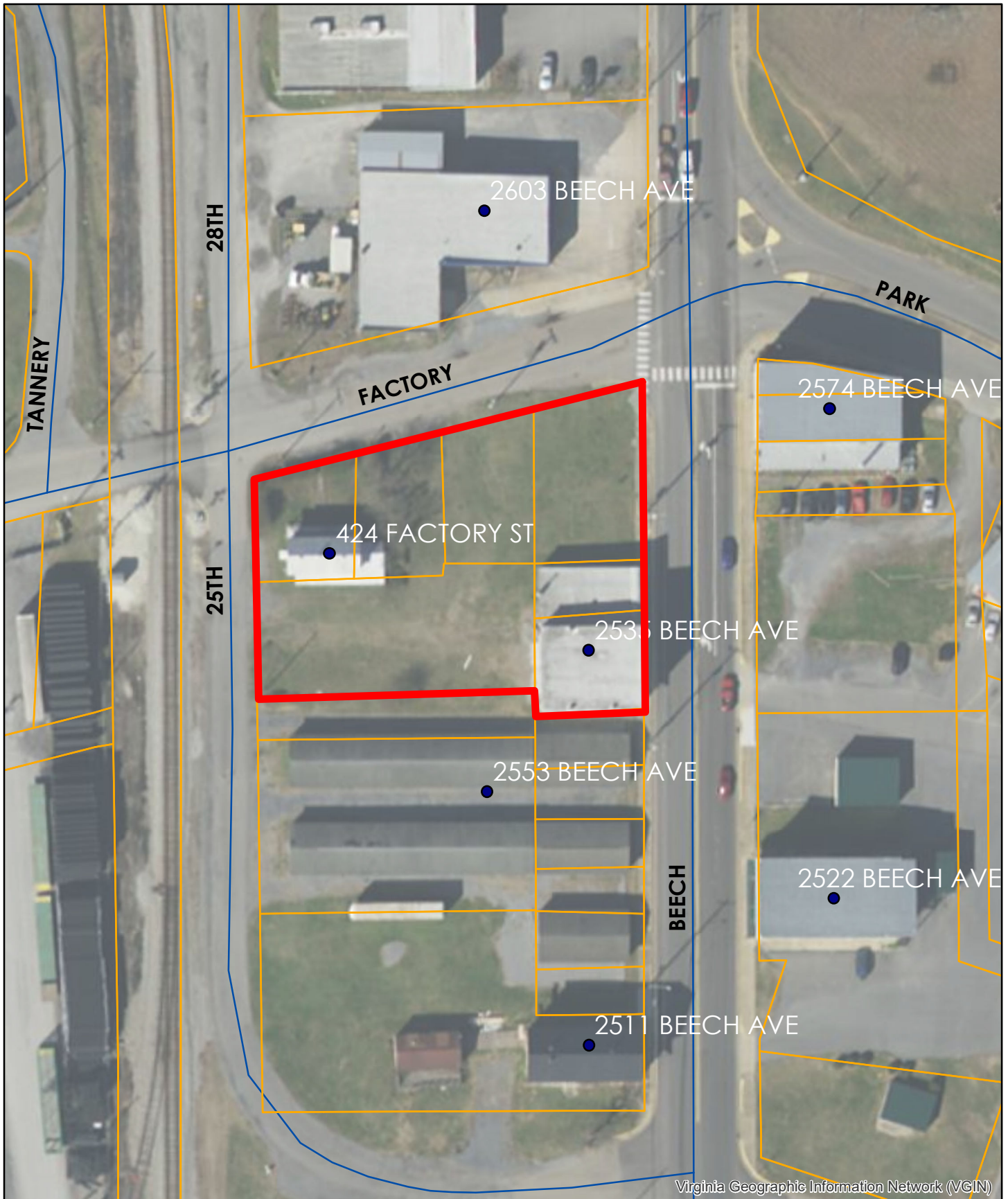
This specific location on Beech Avenue, while not in the center of downtown, is close in the City (in contrast, for example, to Hilltop near the Food Lion) and will serve to pull motorists and shoppers into downtown. Additionally, it is within easy walking distance of Southern Virginia University.

## **Recommendation**

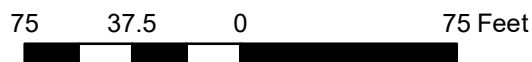
It is inescapable this is a case of demolishing historic buildings to make way for modern development, and the demolition of the pair of commercial buildings on Beech Avenue should not be taken lightly. There have been other historic buildings demolished in Buena Vista’s history which were later regretted. Nevertheless, staff recommends approval of the Demolition COA with the following conditions:

1. Owners will coordinate with the City to provide access to designated individuals for photographic documentation of historic features of exterior and interior of commercial buildings and house. Photos will be made publicly available.

2. Owners will make every effort to coordinate salvage of building materials, including architectural features and framing.
3. Demolition COA is not valid, and demolition may not begin, until Planning Commission has approved the site plan for new construction and New Construction COA for proposed convenience store and gas station at this site.



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



## Proposed 7-Eleven Site

Planning & Zoning | 11/7/2019





**Sassy's Attic, 2500 block of Beech Ave - shows other building on block**



**House, 424 Factory St**





House, 424 Factory St



2535 Beech Ave - subject property





2535 Beech Ave - subject property



2535 Beech Ave - subject property





2500 block of Beech Ave - shows context



2474 Beech Ave (across street from subject property)



**2400/2500 block of Beech Ave - shows other buildings on block**



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

## **STAFF REPORT**

DATE: 11/26/2019  
TYPE: Certificate of Appropriateness  
SUBJ: 407 E 29<sup>th</sup> Street former BV Motel COA

---

### **Synopsis**

Applicant Wendy Kimber proposes to convert the former Buena Vista Motel to apartments. The extensive renovation will alter the exterior of the property.

### **Summary:**

- Existing building will be extensively rehabbed. Existing porch overhang on front will be enclosed, creating new front wall.
- New locations of windows and doors, as well as new windows, doors, and exterior cladding. New cladding will be combination of Hardiplank shakes and Hardiplank vertical board and batten siding.
- Site layout will remain the same.
- Change of use from motel to apartments is by-right.

### **Analysis**

The former Buena Vista Motel will be converted to one-bedroom efficiency apartments. A Certificate of Appropriateness (COA) is required because the property is located within the Seminary Hill Historic District (SHHD). No site plan review is required because the building is not being expanded and there are no significant changes to the site layout.

The renovation will entail complete demolition of all interior walls and fixtures and a new floorplan. On the rear of the building, existing window openings will be covered and new openings cut to correspond to the new layout. On the front of the building, the existing covered porch area will be enclosed and incorporated into the new apartments, essentially bumping the front wall out about 6'. The new front wall will feature six-panel doors, divided-light windows with flanking shutters, faux shake wainscoting, and vertical board-and-batten siding. The existing metal roof will remain.

Additional specifications provided by applicant:

- HZ10 hardieshingle wood grain fiber cement shake siding
- HZ25 4X8 sheets of James Hardie fiber cement board
- Harditrim batten strips (for the battens)
- Vinyl double pane windows
- Window shutters
- Fiberglass exterior doors

- Painted neutral buff color
- Exterior recessed lights above each front door landing

### **Sidewalk**

Staff has added a condition of the COA to construct approximately 50' of sidewalk, curb, and gutter to connect this property with the sidewalk intersection ramp at the southwestern corner of the property, right at the Northwest Hardwoods entrance. Construction of this short piece of sidewalk will directly benefit the residents by providing a safe and stable surface connection to the sidewalk system, as well as improving the appearance of the entrance corridor to the City. The curb and gutter will assist with storm drainage and road pavement stability.

### **Signage**

The existing sign structures will be retained and reused. The applicant is still determining final design and will bring a sign COA application to a future meeting.

### **Matters to be Considered**

*615.09. Matters to be considered in acting on application. In reviewing applications, the committee shall base its decision on whether the proposals therein are compatible with the existing building or structure, if any, and with the surrounding design district. Interior arrangement or features not subject to any public view shall not be considered. The following shall be considered by the committee in acting on the appropriateness of the proposed erection, reconstruction, alteration, restoration, or demolition of buildings or structures:*

*(a) Exterior architectural features, which are subject to public view from a public street, way or place.*

*(b) Design, arrangement and relative size or mass.*

*(c) The relation of the proposed construction to buildings and structures in the immediate surroundings.*

*(d) The extent to which the building or structure would be harmonious with or obviously incongruous to the historic aspect of the surroundings.*

*(e) In the case of a building to be razed or moved, a primary consideration shall be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the city.*

*(f) The extent to which the proposed construction or demolition will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, and making the city a more attractive and desirable place in which to live.*

*(g) The extent to which the proposal adheres to the design district guidelines for the City of Buena Vista adopted by the city council and incorporated herein by reference.*

The style of the proposed exterior, with the siding and wainscoting and divided-light windows, will evoke a more traditional aesthetic than the existing exterior, despite the low-slung form of the building. (Criteria a, b, c)

This project will bring 14 new apartments online, providing valuable quality housing to the Buena Vista market. Additionally, the purchase and renovation represent a substantial investment in the property and will support or increase nearby property values as well as make the city a more attractive and desirable place to live. (Criterion f)

The renovations are consistent with the Buena Vista Design Guidelines (Criterion g)

**Recommendation:** Staff recommend approval of the COA including construction of the sidewalk.



TOP OF ROOF

20'-6"

Top of Plate

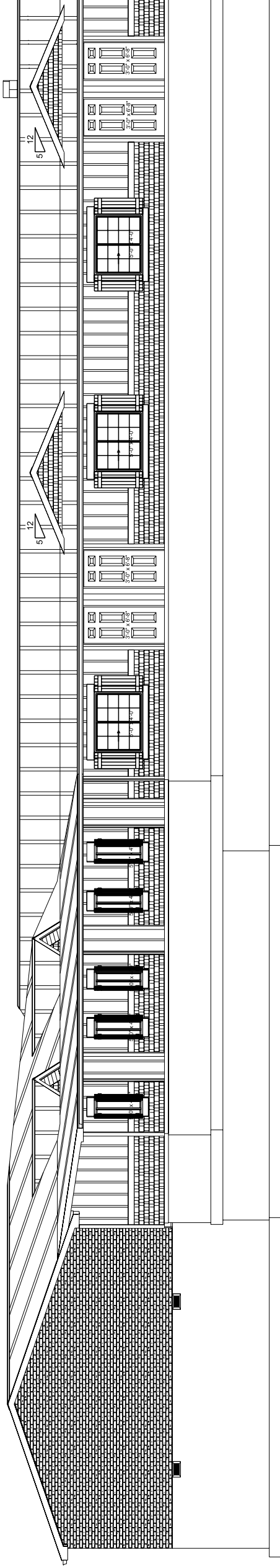
8'-0"

Top of Subfloor

Top of Foundation

8'-0"

Top of Footing















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

**STAFF REPORT**

DATE: 12/4/2019  
TYPE: Sign Certificate of Appropriateness  
SUBJ: Sign COA for River Rock Village, 200 block of West 29<sup>th</sup> Street

---

**Overview**

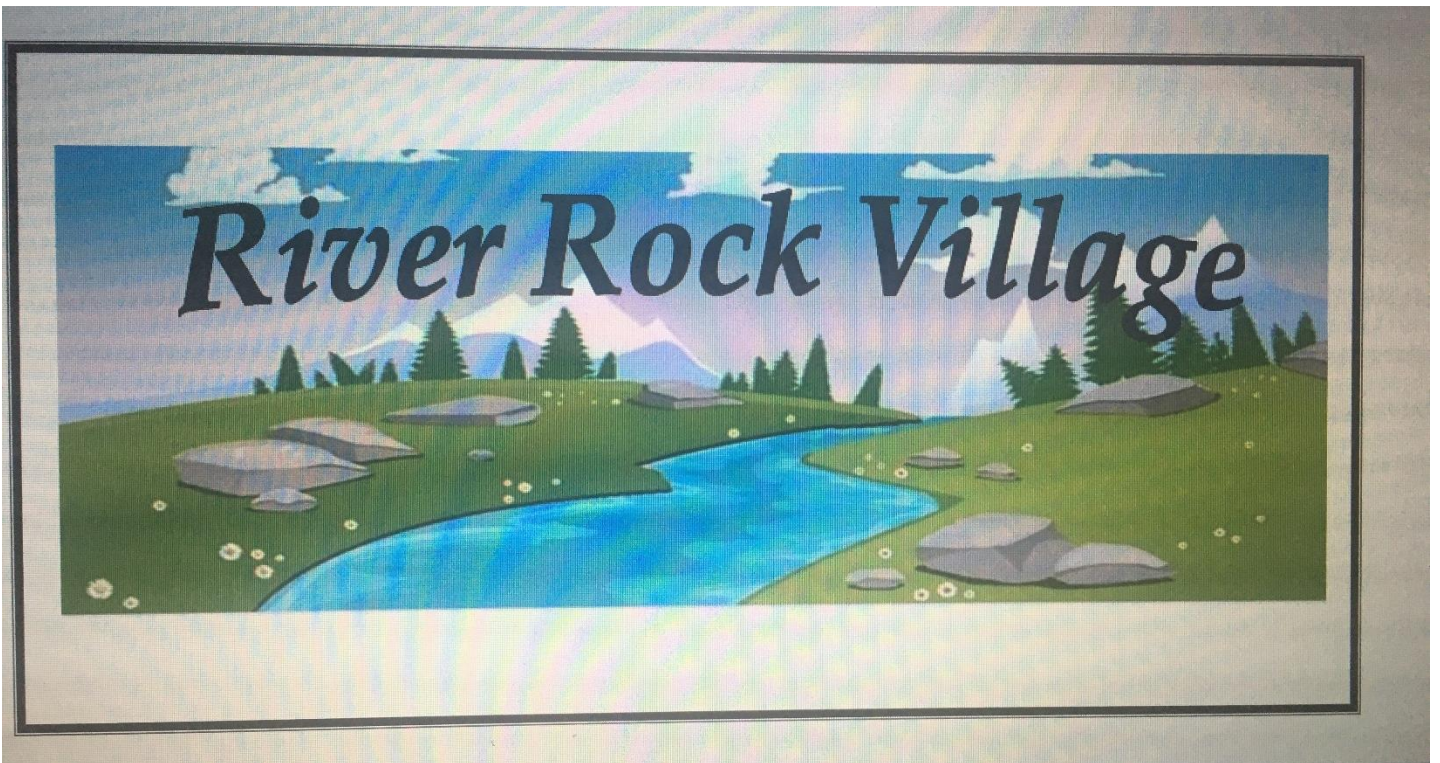
Darlene Stoddard, owner of the duplexes approved in June 2019 and under construction at 210 through 224 W 29<sup>th</sup> Street, wishes to erect a sign for the property.

- Freestanding sign with wood panel mounted between 4" x 4" wood posts
- Total height of sign is 7 feet, sign face will be 2 feet high, total width 8 feet
- Set at corner of Aspen Ave and 29<sup>th</sup> Street amid boulders from the site
- Text is "River Rock Village" with color landscape scene

The proposed sign meets setback and height regulations.

**Recommendation**

Staff recommend approval as presented.







## 29<sup>th</sup> Street Corridor Plan Project Plan

### **Purpose**

To develop a vision for the 29<sup>th</sup> Street corridor.

- Define development uses, densities, and urban design in order to update and rewrite zoning
- Identify infrastructure improvement needs
- Identify redevelopment opportunities and economic development incentive opportunities

Plan will include evaluation of Seminary Hill Historic District (SHHD) overlay as it applies to this corridor.

### **Scope**

North and south sides of 29<sup>th</sup> Street from Green Forest Avenue extending west to Orchard Avenue.

### **Process and Timeline**

Jan 2020	Staff gather data and perform technical analysis
Feb 2020	Community Meeting 1: Listening session and verbal visioning
Mar 2020	Community Meeting 2: Charrette and visual design (with consultant)
Apr 2020	Staff draft plan
May 2020	Draft plan for public and Planning Commission review
Jun 2020	City Council review and approval