



PLANNING COMMISSION Staff Report

Zoning Text Amendment

Rename 615 Seminary Hill Historic District

12/28/2021

Synopsis

Rename the Seminary Hill Historic District to the Seminary Hill District.

Analysis

The Planning Commission and City Council have discussed concern that the name “Seminary Hill Historic District” may be a discouragement to real estate investors or developers because the term “historic district” connotes bureaucratic red tape and arduous architectural reviews. While properties in the Seminary Hill Historic District (SHHD) do require a Certificate of Appropriateness to demolish or construct new buildings, Buena Vista’s review process and standards are not as strict as some localities.

The name “Seminary Hill District” is intended to have a more neutral sound and lower perceived barriers to investment and redevelopment.

No other changes to the district regulations are proposed. The new text only renumbers sections and changes references to the name of the district.

This proposal was brought forward in 2019. At the time, one member of the public stated in both the Planning Commission and City Council public hearings that she was concerned that removing the word “historic” undermined the purpose and essence of the zone. The Commission voted unanimously to recommend approval of the name change from Seminary Hill Historic District to Seminary Hill District. However, after the City Council public hearing, Council discussed a wide range of issues related to the District and ultimately did not vote to approve the name change.



Zoning Text Amendment
Ordinance Text
Section 615 Seminary Hill Historic District
12/28/2021

AN ORDINANCE to amend Section 615 Seminary Hill Historic District of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of enhancing the perception of the overlay district by altering the name.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 615 of the Land Development Regulations of the City of Buena Vista is hereby amended to read and provide as follows in the attached Exhibit B.

This ordinance shall be effective 30 days following adoption by City Council.

EXHIBIT C.

Sec. 615 - SEMINARY HILL DISTRICT

615.01 Overlay district established.

The Buena Vista City Council, having found that buildings and landmarks within the Seminary Hill Neighborhood include buildings listed on the National Register of Historic Places; that the neighborhood forms a key entry to the city's historic downtown as well as the primary entrance to a college campus and surrounding neighborhoods; and that the protection of this neighborhood through the adoption of appropriate design standards is essential to the continuing vitality of the neighborhood and the city; hereby establishes the Seminary Hill District pursuant to Code of Virginia § 15.2-2306 so as to provide that that buildings and structures shall be erected, reconstructed, altered or restored only after appropriate review and approval for compatibility with the landmarks, buildings, or structures within the district.

615.02 Background.

The Seminary Hill Neighborhood is dominated by a large ridge that rises abruptly from the surrounding lowlands. Located on the western edge of the ridge is Southern Virginia University (SVU), presently occupying six blocks north of, and overlooking the Central Business District of Buena Vista, and containing a core of historically significant buildings listed on the National Register of Historic Places. To the west and southwest of Southern Virginia University is a commercial district composed of several original buildings and newer strip development. To the south of the University is a mixture of residences, churches, and small businesses. To the east of the University is a well-established residential neighborhood and beyond that the large wooded track of the "Dinky." Finally, to the north is a somewhat newer residential neighborhood composed of modest homes and limited commercial business uses adjacent to Route 60. Seminary Hill has historically been a diverse neighborhood with a mix of uses, structures, and physical environment. Current uses have continued that trend. The area now includes a college campus, single and multifamily homes, modern automobile oriented and historic pedestrian commercial structures, public spaces, government facilities, libraries, and athletic facilities. The overriding characteristic of this mixed residential neighborhood is the interrelation and interconnected nature of its design, architecture and physical layout. Especially noteworthy are the tree lined streets laid out in a grid pattern which make it a particularly pedestrian friendly neighborhood. This neighborhood is a key entrance point to the city's historic downtown, its industrial district, as well as the primary entrance to a college campus and surrounding residential neighborhoods. Because the perception of the entire city is profoundly influenced by this neighborhood the manner in which this neighborhood continues to develop is of prime concern. In order to assure the orderly and harmonious development of the neighborhood and the city, the Seminary Hill District regulations have been developed.

615.03 Purpose.

The Seminary Hill 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:

615.03-1 Protect and enhance the historic nature of the district;

615.03-2 Continue to encourage mixed use within the neighborhood and within structures;

615.03-3 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;

615.03-4 To create balance between the natural environment and the neighborhood.

615.04 General district regulations.

615.04-1 Site plans required. Construction of any building except single- and two-family homes requires the submission of a site plan that must be reviewed by the planning commission. Site plans must be submitted in accordance with the provisions of article 15 of the Buena Vista Land Development Regulations. The construction of single- and two-family homes requires the submission of a site sketch.

615.04-2 Parking. Parking space requirements for any use may be provided for off-site. All parking lots and structures shall conform to section 703 and appendix E of the Buena Vista Land Development Regulations, except; all lots fronting on the west side of Beech Avenue from the intersection of Beech Avenue and 25th Street to the intersection of Beech Avenue and Ivy Avenue shall conform to 703.03 of the Buena Vista Land Development Regulations.

615.04-3 Signs. Signs shall conform to section 706 of the Buena Vista Land Development Regulations.

615.04-4 Building height and design. New buildings must comply with appendix B of the Buena Vista Land Development Regulations. Additionally, in the mixed business district new buildings may not be taller than one story greater than the adjacent structures, with a maximum of 3 stories allowed. In the institutional district new buildings located to the east of Beech Avenue to the West side of Chestnut Avenue and to the North Side of Park and 25th Streets to the south side of 28th Street buildings may be not greater in height than six stories if the base of the building is located at the foot of the ridge and the height of the building does not exceed 1000 feet above mean sea level (48 feet above the base elevation of Main Hall) without a conditional use permit granted by the city council. In no event shall any building or structure be built that would materially obstruct the view of Main Hall from the south looking northward. Buildings and structures built in the area lying to the south of 29th Street and to the east of Birch Avenue in the area designated as "the Dinky" also known as "Mineral Ridge" on the "Buena Vista Quadrangle" of the USGS topographic map may be no taller than three stories in height. New buildings should be designed to blend in with the character of the neighborhood. Drive-through facilities are prohibited in this district. No building,

structure or facility will be built that will obstruct the view of Main Hall as viewed from the south. Building Design must conform to the Buena Vista building design standards.

615.04-5 Lot size. The minimum area for new construction in the mixed business district is 6,250 square feet. There is no minimum lot size in the institutional district.

615.04-6 Landscaping. All new construction except single- and two-family homes are required to submit a landscaping plan.

615.04-7 Roads, streets and sidewalks. All new streets or roads must be built according to appendices C and D of the Buena Vista Land Development Regulations and the Buena Vista street construction policy.

615.04-8 Lighting. Outside lighting appendix F of the Buena Vista Land Development Regulations.

615.05 Boundaries of overlay district.

The limits of the Seminary Hill District are as depicted on the map adopted by the City Council herewith.

615.06 Purpose and intent.

The purpose of the design district regulations is to protect the Seminary Hill Neighborhood to preserve the unique historical, architectural, cultural and archaeological resources in this portion of the city and their settings, in order to protect the quality of life of the city's residents, to strengthen the city's economy by promoting and enhancing business and tourism, and to protect property values.

615.07 Certificate of appropriateness required for certain construction.

In order to promote the general welfare through the preservation and protection of properties within the overlay district, except as provided herein, no architectural features of any buildings or structures within the district which are subject to public view from a public street shall be altered, nor shall any building or structure, including signs, hereafter be erected, reconstructed, altered, relocated or restored within such district, unless and until an application for a certificate of appropriateness shall have been approved by the Historic District Review Committee, or, on appeal, by the city council.

615.08 Application procedure for certificate of appropriateness.

615.08-1 Optional preapplication review procedure. Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective property developers, owners or agents are encouraged to prepare preliminary scale drawings and outline specifications, for review and informal discussion with the zoning administrator. The purpose of this review shall be to acquaint the developer, owner or agent with standards of appropriateness of design that are required of the proposed development and to determine the review process applicable to the application.

615.08-2 Application for a certificate of appropriateness shall be made to the zoning administrator by the owner of the building, structure, or land. Such application shall

indicate the proposed use of the building, structure, or land and shall be accompanied by one-quarter inch minimum scale plans and specifications (herein "plans") as may be required by the committee. The plans shall depict the part or parts of the building, structure or land that are, or will be, subject to view from a public street, public way, or other public place. The plans shall show the proposed exterior architectural and features of such building, structure or land, which shall include, but shall not necessarily be limited to, the general design, arrangement, texture, and materials proposed to be used in the project, and the type of windows, exterior appurtenances and accessory structures which will be subject to public view from a public street, public way or other public place.

615.08-3 The administrator shall place the matter on the agenda for consideration at the next regularly scheduled committee meeting after receipt of the application, provided that it is a complete application and was filed with the administrator at least seven days prior to the meeting date. Otherwise, the application shall be placed on the agenda for consideration at the next following regularly scheduled committee meeting.

615.08-4 The committee shall either approve a certificate of appropriateness, with or without conditions, or with such modifications of the plans as the committee deems necessary to achieve the intent of this ordinance, or the committee shall disapprove the certificate after consideration of the criteria set forth in 615.10. Failure of the committee to approve or disapprove a certificate within 30 days from the date of the committee meeting at which an application was first considered shall be deemed approval of the application as submitted.

615.08-5 The time for decision on a certificate of appropriateness may be extended by mutual agreement between the applicant and town.

615.08-6 If the committee disapproves the erection, reconstruction, alteration, restoration, demolition, razing or moving of a building or structure, the committee shall state its reasons in writing and may make recommendations to the applicant about the appropriateness of design, arrangement, texture, materials, color, and location of the building or structure involved. In the case of disapproval with recommendations, the applicant may file an amended application for a certificate of appropriateness with the committee within 90 days.

615.08-7 No application which has been denied shall be heard by the committee for one year except in cases where the applicant amends the application within 90 days as provided in 615.08-6.

615.09 Demolition, razing or moving of buildings or structures.

615.09-1 Certificate of appropriateness required. In order to promote the general welfare through the preservation and protection of properties within the overlay district, except as provided herein, no building or structure may be demolished in whole or in part, or moved from one location to another, unless and until an application for a certificate of appropriateness shall have been approved by the Historic District Review Committee, or, on appeal, by the city council.

615.09-2 Public hearing. The committee shall hold a public hearing within 30 days or such shorter time as council may direct after notification by the administrator of the filing of an application for a permit to raze, demolish or move any building in whole or in part. At least seven days notice of the time and place of the hearing shall be given by the administrator in writing to the applicant; in writing to adjacent property owners; and by publication in the form of an advertisement in a newspaper of general circulation within the City.

615.09-3 Additional requirements regarding proposed demolition, etc. Applications involving any building or structure which is to be demolished, razed or moved under the provisions of this ordinance shall be subject to the provisions of Code of Virginia, § 15.2-2306, 1950, as amended.

615.09-4 The committee may consult with civic groups, public agencies and interested citizens, recommend the acquisition of the property by public or private bodies or agencies, and explore the possibility of moving one or more structures or other features to preserve the buildings or structures concerned in accordance with the purposes of this ordinance during the demolition delay period set forth in the applicable provisions of Code of Virginia, § 15.2-2306, as amended.

615.10 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:

615.10-1 Exterior architectural features, which are subject to public view from a public street, way or place.

615.10-2 Design, arrangement and relative size or mass.

615.10-3 The relation of the proposed construction to buildings and structures in the immediate surroundings.

615.10-4 The extent to which the building or structure would be harmonious with or obviously incongruous to the historic aspect of the surroundings.

615.10-5 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.

615.10-6 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.

615.10-7 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.

615.11 Time limit.

A certificate of appropriateness shall be valid for one year from the date of issuance. If the demolition, erection, reconstruction, alteration, relocation or restoration for which the certificate was issued is not commenced within one year and thereafter diligently pursued, a new certificate shall be obtained prior thereto.

615.12 Exclusions.

615.12-1 Ordinary maintenance excluded. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the overlay district.

615.12-2 Minor construction excluded. Minor construction or reconstruction projects shall be excluded from the provisions of this part four [three of this Code]. Projects shall be deemed minor unless they shall result in:

615.12-2.1 New construction greater than 25 percent of the square footage of the existing structure or 250 square feet, whichever is less;

615.12-2.2 The addition of one or more stories to a building or a resulting height increase of ten or more feet, whichever is less;

615.12-2.3 Construction of a new principal structure; or

615.12-2.4 Demolition of an existing principal structure.

615.12-3 Public safety exclusion. Nothing in this article shall be construed to prevent the construction, reconstruction, alteration or demolition of a structure or the exterior elements of any structure which the authorized municipal officers shall certify as required by public safety; provided, however, that in appropriate cases measures required protect the public safety may be approved for a period not to exceed 12 months.

615.13 Appeals.

615.13-1 Appeals to the City Council. Appeals to the council from any final decision of the committee may be made by any person by filing a petition with the clerk of Council, setting forth the basis for the appeal, within one week of the committee's decision. The appeal shall be placed on the next regularly scheduled council meeting following receipt of the appeal. The filing of the appeal shall stay the decision of the committee pending the outcome of the appeal to the council, except that the filing of such petition shall not stay the committee's decision if such decision denies the right to raze or demolish historic structure or building. The council may reverse, modify or affirm the decision of the committee.

615.13-2 Judicial review. The owner of any building, structure or land within the district that is the subject of a final decision of the council may appeal such decision within 30 days of the date the final decision is rendered by the council by filing a petition at law with the circuit court of the City of Buena Vista setting forth the alleged illegality of the action of the council. The filing of a petition for review shall stay the decision of the council pending the outcome of the appeal to the circuit court of the City of Buena Vista, except that the filing of a petition shall not stay the decision of the council if such decision denies the right to raze or demolish a building or structure.

615.14 Appointment of historic district review committee. The Buena Vista City Council hereby designates the members of the City's Planning Commission to serve as the Historic District Review Committee.