



PLANNING COMMISSION

AGENDA for February 8th 2022

AGENDA

REGULAR MEETING

Call to Order by Chairman and Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of February 8th meeting

Report of Secretary

New Business

- 1) Discuss Right of Way pricing changes
- 2) Discuss zoning fee schedule changes

Old Business

None

Adjournment

Members and Term Expirations

Dennis Hawes, Chairman, *7/31/2024*

Mike Ohleger, Vice-Chairman, *6/30/2022*

Justin Wiseman, *8/31/2025*

Marolyn Cash, *6/30/2024*

Lucy Ferrebee, *9/30/2023*

Melvin Henson, City Council Representative,
9/30/2023

Kristie Gibbons, *12/31/2024*

Timothy Petrie, *12/31/2024*

Jason Tyree, Ex Officio member

Staff

Tom Roberts, Director of Community & Economic Development

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Meetings

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



CITY COUNCIL Staff Report

Policy Change

City ROW Abandonment Pricing Formula

3/2/2022

Synopsis

Staff propose changing the formula used for pricing City right-of-way when it is abandoned.

Summary:

- Current formula is based on assessed land value of adjacent properties
- Current formula results in prices higher than residents willing to pay
- Current formula results in wide variation in pricing for similar-sized ROW
- Staff propose a flat per-square-foot price

Overview

In 2006 the City adopted a new policy on abandonment of City right-of-way (ROW) such as streets and alleys. The policy states the following:

The purchase price shall be the fair market value. Fair market value shall be determined by the use of the abutting lands' assessed value calculated on a square foot basis. This square foot value will be multiplied by the number of square feet being vacated and/or abandoned to determine a fair market value of the City's property.

This policy was a departure from the past, during which the City at some points gave away abandoned ROW at no cost to the adjacent landowners.

The current policy is a rational way to derive a value for the property. Several other Virginia cities use this method for pricing abandoned ROW to be transferred to adjacent landowners, including Richmond, Williamsburg, and Chesapeake. However, those cities are not as formulaic and allow professional appraisals to be used instead.

For Buena Vista, there are several issues with the current formula method:

Widely varying pricing

Depending on the assessed value of adjacent land, the price for a similarly-sized area of ROW can vary significantly. For instance, oftentimes large tracts of land have lower per-square-foot assessed values, so in cases where the ROW abuts a large tract of land, the price of the ROW is pulled down. In other cases, it is unclear why certain parcels have higher per-square-foot land assessments than others which appear similar—but the result is skewed ROW prices. An example of this is the Ash Avenue alley abandoned in 2021 was priced at \$870.00 for 3,000 sq ft, but the 1,800 sq ft street abandonment approved in 2020 was priced at \$2,804.17.

High prices

Valuation of land is always subjective. However, recent ROW abandonment requests have generated prices that were higher than what adjacent property owners expected or desired to

pay. For example, in 2020, Council approved a ROW abandonment which was never completed because the adjacent owner felt that the price was too high.

Ambiguity in formula

The policy states that “value shall be determined by the use of the abutting lands’ assessed value calculated on a square foot basis.” It does not define what “abutting” means, nor does it specify how differing per-square-foot assessments are to be reconciled. As a result, which properties staff select as abutting and how the values are calculated can make significant differences in the ultimate price of the ROW.

I have interpreted “abutting” to mean property that directly touches the ROW to be abandoned, but also including property across an intersection from the ROW to be abandoned.

I reconcile differing assessments of abutting parcels by taking a simple average of the per-square-foot assessed land values. But this does not take into account the size of the parcel, so the assessed value of a large parcel has the same weight as the assessed value of a small parcel.

Analysis

The purpose of abandoning ROW is to optimize the use of land by transferring from the public to a private owner. Buena Vista possesses a large amount of undeveloped streets and alleys which are unlikely to ever be developed for public use, and which can be better used by adjacent property owners. However, the paper streets and alleys are also valuable assets that the City should only relinquish after careful consideration of future usefulness—once a street or alley is abandoned, repurchasing would be prohibitively expensive.

With this in mind, the City should not give away ROW for free, but the price should be reasonable enough that adjacent owners are willing to purchase if they desire. Additionally, the process should be simple and fair. The current formula has too much ambiguity and results in widely varying prices that do not clearly align with the actual value of the land.

Recommendation

Staff propose a flat price of \$0.75 per square foot of ROW to be abandoned. This number was selected as within the range of assessed land values of parcels within the City, but lower than most abandonment requests calculate to. Example below.

ABUTTING	LANDVALUE	Area (SF)	OLD Per SF	NEW Per SF
Parcel 1	\$30,500.00	25000	\$1.22	
Parcel 2	\$20,000.00	6250	\$3.20	
Parcel 3	\$11,500.00	6250	\$1.84	
Parcel 4	\$34,000.00	43560	\$0.78	
		AVERAGE	\$1.76	
		3125	\$1.76	\$0.75
			\$5,500.42	\$2,343.75



PLANNING COMMISSION Staff Report

Proposed Zoning Fee Revisions

3/2/2022

Synopsis

Drastically simplify zoning fee schedule and add fee for Short Term Rental registration.

Analysis

Adopting a new ordinance providing for registration of short-term rentals (STR) in the City prompted review of the current zoning fee schedule in order to add a fee for STR registration. This fee schedule was last revised in 2018 in an effort to right-size fees for Buena Vista. It was successful in that, but after four years it is clear that the schedule is unnecessarily complicated. Below is a summary of changes:

- Most fee changes are to standardize fee amounts across permit types. This simplifies permitting for both the applicant and for staff.
- Fee for Zoning Verification for Business License reduced from \$15 to \$10 to reduce the cost of starting a business.
- Reduces or eliminates fees for certain unusual development approvals (CUP renewal, site plan fee for large projects, amendment to proffers, major subdivision plat/plan of development).
- Adds fee of \$30 for registration of a short-term rental unit.

The fiscal impact of these changes is expected to be minimal. In 2021, total zoning permit fees were \$1,650.00. Under the proposed fee schedule, that total would have been \$1,400.00, a loss of only \$250. The majority of this difference is business zoning verification permits, which are the most frequently issued permits.



**CITY OF
BUENA VISTA**

Planning and Zoning Fee Schedule

Adopted 1 February 2018

DRAFT REVISIONS 2022

Action	Definition	Old Fee	New
Zoning Permit (Single-Family Residential)	Permit certifying that proposed single-family residential construction complies with zoning regulations	\$40	\$30
Zoning Permit (Single-Family Residential Addition)	Permit certifying that proposed single-family residential addition or modification complies with zoning regulations	\$30	\$30
Zoning Permit (Accessory Structure less than 200 square feet)	Permit certifying that proposed structure, less than 200 square feet, accessory to a residential structure complies with zoning regulations	\$20	\$30
Zoning Permit (Accessory Structure greater than 200 square feet)	Permit certifying that proposed structure, greater than 200 square feet, accessory to a residential structure complies with zoning regulations	\$30	\$30
Zoning Construction Permit (All Nonresidential Uses/Zones)	Permit certifying that proposed construction or modification of a non-residential or multifamily use complies with zoning regulations	\$100	\$30
Zoning Compliance/Business Use Permit (No exterior construction)	Permit certifying that a proposed business or non-residential use is a permitted use at the specified location	\$15	\$10
Home Occupation Permit (Including Business Use Permit)	Permit certifying that a proposed business may be conducted within a specific dwelling unit, and outlining permitted operational details	\$15	\$10
Sign Permit	Permit to erect or modify a permanent sign	\$30	same
Temporary Sign/Banner Permit	Permit to erect a temporary sign	\$30	same
Zoning Modification/Subdivision Exception	Issuance of a Modification of provisions of zoning regulations by ZA (in accordance with state law), or an exception to subdivision regulations, in accordance with law	\$125	\$30
Rezoning Application (Upzoning to more intense use)	Zoning map amendment application to more intense use	\$325 +\$25 per acre or portion thereof	same

Rezoning Application (All other rezonings)	Zoning map amendment to less intense use	\$325 +\$25 per acre or portion thereof	same
Conditional Use Permit	Application for a conditional use, to be approved by Planning Commission and City Council	\$300	same
Conditional Use Permit Renewal	Renewal of CUP when property ownership changes or other cases (see §802.03-11)	\$25	n/a
Certificate of Appropriateness	COA for most construction activity within the Seminary Hill Historic District.	\$100 + Permit fee for action	\$100
Sign Certificate of Appropriateness	COA for any sign erected or modified within the Seminary Hill Historic District.	\$25 + Sign permit fee	[include in sign permit]
Variance Application (Single Family Residence)	Application for Variance from zoning requirements, in accordance with state law	\$300	same
Variance Application (All others)	Application for Variance from zoning requirements, in accordance with state law	\$300	same
Zoning Appeal	Appeal of determination of Zoning Administrator or Planning Commission	\$300	same
Amendment to Proffers	Amendments to items proffered by developer at time of development approval	\$625	\$30
Site Plan Review	Review by staff and/or Planning Commission of site plan for most non-residential and multifamily projects. Tiers based on the total project's land disturbance. Tier 1 >10,000 square feet Tier 2 Between 1,000 and 10,000 square feet Tier 3 < 1,000 square feet Review by staff and/or Planning Commission of site plan for most non-residential and multifamily projects. Tiers based on the total project's land disturbance. Tier 1 >1,000 square feet Tier 2 < 1,000 square feet	Tier 1 \$600 Tier 2 \$300 Tier 3 \$100	Tier 1 \$300 Tier 2 \$100
Changes to Approved Site Plan/Resubmittal	Substantive changes to a site plan after it has been approved by staff and/or Planning Commission	\$100	\$30
Major Subdivision Plat (Preliminary)-or PUD Plan of Development		\$100 + \$100/lot	\$100 + \$25/lot
Major Subdivision Plat (Final)		\$100 + \$25/lot	same

Minor/Family Subdivision Plat		\$100 + \$25/lot	same
Vacation of Public Right of Way (Street/Alley)	Application for the City to vacate a portion of its right-of-way and sell to adjacent property owner.	\$100	\$30
Approval of plat, boundary adjustment, or line vacation	Various functions of planner in approving plats and surveys.	\$0/no fee	Same
Short Term Rental (STR) Registration			\$30
Bond/Letter of Credit Release		\$150	\$30
Printed Maps,	Any color, up to 11" x 17", fewer than 20 sheets per requestor per year	Free	Same
Printed Maps,	Any color, up to 11" x 17", greater than 20 sheets per requestor per year	\$0.50 per sheet	Same
Printed Comprehensive Plan		\$20	Same
Digital GIS Shapefile – Existing layer/coverage	Existing layer or coverage that does not require edits or changes to features or attributes	Free	Same
Digital GIS Shapefile – Creation of new layer/coverage	Creation of new layer or coverage, or delivery that requires edits or changes to features or attributes of existing layer or coverage	\$50/shap efile	Same