

**CITY OF BUENA VISTA
PUBLIC HEARING AND
REGULAR COUNCIL MEETING
MARCH 4, 2021 – 6:00 P.M.
(VIRTUAL)**

The City Council for the City of Buena Vista met for a Public Hearing and Regular (Virtual) Council meeting on Thursday, March 4, 2021 at 6:00 p.m.

Council Members Present:	Mayor Bill Fitzgerald
Melvin Henson	Vice-Mayor Cheryl Hickman
Stanley Coffey	Steve Webb
Tyson Cooper	Danny Staton

Members Absent: None.

ADG #1 PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2 APPROVAL OF THE AGENDA:

Motion was made by Councilman Coffey to approve the agenda, seconded by Councilman Staton, carried by Council.

Mayor Fitzgerald read the following:

**PUBLIC HEARING #1
CITY OF BUENA VISTA DOWNTOWN REVITALIZATION
PROGRAM
CDBG COMMUNITY IMPROVEMENT
GRANT APPLICATION
CITY COUNCIL
MARCH 4, 2021**

The City of Buena Vista will hold a public hearing on Thursday, March 4th as part of its regular City Council meeting which begins at 6:00 p.m. The meeting will be held virtually via Zoom, details below. The purpose of the hearing is to present information about the recently completed downtown revitalization plan and to solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for a project in our community.

Information on the amount of funding available, the requirements on benefit to low-and moderate-income persons, eligible activities and plans to minimize displacement and provide displacement assistance as necessary will be available. At this time, it is not expected that program activities will displace any

residents or businesses. Citizens will also be given the opportunity to comment on Buena Vista's past use of CDBG funds. All interested citizens are urged to attend.

JOIN ZOOM MEETING:

By web: <https://us02web.zoom.us/j/5528910134>

By phone: 1 646 558 8656

Meeting ID: 552 891 0134

CDBG

Community Improvement Grant

1st Public Hearing

3/4/2021

Introductions

- Tom Roberts, Director of Community & Economic Development
- Kristina Ramsey, Economic Development & Marketing Coordinator
- Elizabeth McCarty, Central Shenandoah Planning District Commission
- Grace Blanchard, Central Shenandoah Planning District Commission
- Terry Ammons, Studio Ammons
- Chuck D'Aprix, Downtown Economics/Studio Ammons

Overview

- Received Business District Revitalization (BDR) Planning Grant late 2019 (\$35,000)
- Downtown Revitalization Plan completed January 2021
- Following basic steps of Community Development Block Grant (CDBG) program, administered by Virginia Department of Housing & Community Development (DHCD)
- We are applying for Community Improvement Grant (CIG) right now.

What is CDBG?

- National program that provides funding to eligible local governments to address critical community development needs.
- In Virginia, the program is administered by the Virginia Department of Housing and Community Development (DHCD)
- Projects seeking CDBG funding must meet at least one of the following:
 1. Give maximum feasibility priority to activities which will benefit low- and moderate-income (LMI) families,
 2. Aid in the prevention or elimination of slums and blight, and
 3. May also include activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the community.

CIG details

- Competitive submission, maximum award of \$1,000,000
- Primarily for construction
- Due April 1; find out if awarded late summer; under contract with DHCD by end of 2021; construction begins summer 2022.
- Must complete CIG activities within 2 years (end of 2023)
- Central Shenandoah Planning District Commission would administer grant (lots of paperwork)

OurCIG application

- Streetscape and related improvements primarily on 21st St corridor, most likely including.
 - Some underground utilities
 - New/repared sidewalk
 - New ADA-compliant intersection treatments
 - Street trees
 - Streetlamps
 - Repaving
- Facade improvement grants for privately-owned buildings in the downtown
- Wayfinding signage program throughout the City (directional signage to downtown, attractions, etc.)
- Grant administration costs

Past use of
CDBG funds

Late 2019 City was awarded CDBG Opportunity Zone Marketing grant (\$15,000)

Very successful — created prospectus for marketing properties and set up multiple calls with developers/contractors about opportunities in Buena Vista.

Early 2010's Dickinson Well Filtration Plant built with \$1,000,000 of CDBG CIG funds. Also administered by CSPDC.

Councilman Coffey asked Mr. Roberts what he was referring to when he talked about construction.

Mr. Roberts said he was referring to construction of the streetscape improvements. Replacing sidewalks and potentially digging up the streets to replace sewer and water lines.

Councilman Coffey wanted to know if City employees would be doing the work or would it be contracted out.

Mr. Roberts said the work would be contracted out.

The next person to speak was Ms. Daryanne Nielson. She advised Council that she is the owner of Magnolia Bakery that is currently home based but she is planning on extending downtown. She has been speaking with a friend that is associated with the Kerr's Creek Farmers Market. They have been trying to get a Farmers Market going in downtown Buena Vista. They have talked with Kristina and their concern is the downtown parking lot that will be needed for a Farmers Market. She wanted to know if the Farmers Market could be included with this grant.

Mr. Roberts said unfortunately these funds cannot be used for that project. He feels the Farmers Market is an important project and he agrees that the area needs to be redone. In discussion with CDBG he has found that there are things that can be done with this grant but not others. It would also be very difficult to use these funds for the Town Square.

Mr. Lew Hamilton wanted to know how contractors will know about the projects and when to bid.

Mr. Roberts said we would invite Mr. Hamilton to bid on the project in early 2022. In January 2022 they will put out the public bid notice. He then said it might be a little bit later because we will have to hire an engineer to design the work.

Mr. Scudder said there are federal guidelines with spending the funds.

Ms. Tina Himes was the next person to speak. She wanted to know where she could obtain a copy of the plan.

Ms. Kristina Ramsey said she would send the link to obtain a copy of the plan.

Mayor Fitzgerald wanted to know if this is something that Council will need to approve.

Mr. Roberts said there will be a second public hearing on the grant application on 3/24 at 6 p.m. They are tentatively planning to have this meeting as a hybrid meeting: in person in Council Chambers and on Zoom. At the second public hearing we will have the detailed application with the exact amount of money we are requesting. The grant application will be pretty much completed and ready to submit.

Councilman Webb stated that just because we submit an application it does not mean we will get the money.

Mr. Roberts said that is correct and if we do not get the grant we will apply again.

Mayor Fitzgerald closed Public Hearing #1.

Mayor Fitzgerald read the following:

PUBLIC HEARING #2
CITY OF BUENA VISTA CITY COUNCIL
MARCH 4, 2021

Pursuant to the Code of Virginia Section 15.2-2204 and the City of Buena Vista Land Development Regulations, notice is given that the Buena Vista City Council will hold a public hearing to receive comment on the following matter:

- 1.) Conditional Use Permit for efficiency apartments at the rear of 2175 Magnolia Avenue.


The Public Hearing will be held via Zoom video conference. Council will meet at approximately 6:00 p.m. on Thursday, March 4, 2021. The Zoom meeting information is found below. Staff reports for each matter, and a copy of the Comprehensive Plan are available from the Director of Community and Economic Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista, VA 24416 or (540) 261-8607 or troberts@bvcity.org or buenavistava.org/planning.

JOIN ZOOM MEETING:


By web: <https://us02web.zoom.us/j/5528910134>

By phone: 1 646 558 8656

Meeting ID: 552 891 0134



2175
Magnolia
Avenue
Conditional
Use Permit



Rehab one story 2,900 sf commercial building at corner of 22nd St and Magnolia Avenue

Create two studio apartments at rear of building.

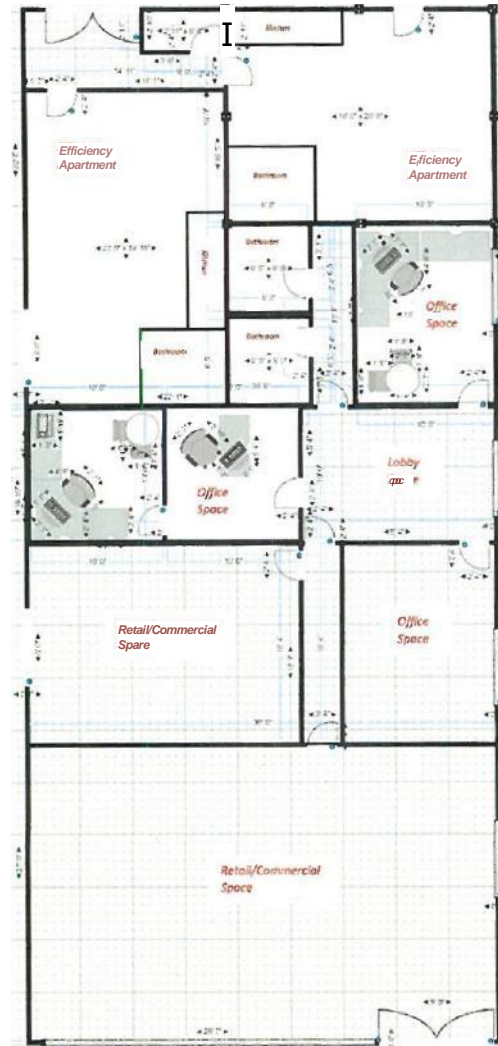
Units would be 350 sf and 320 sf respectively for total of 670 sf.

Conditional Use Permit required for apartments on first floor in Mixed Use (MU) zone

Front of building is several commercial spaces.

Rear of site (between building and alley) is parking lot with 4 spaces.

Floor Plan



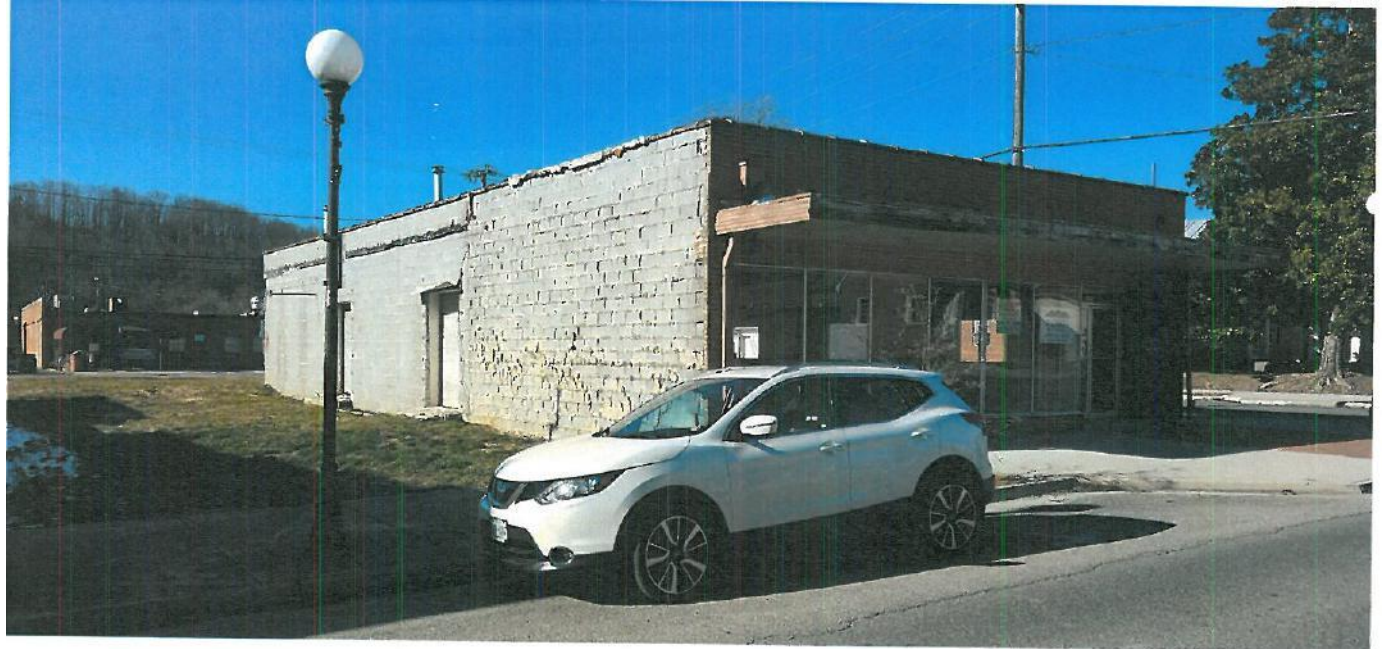
As of 22 January 2021



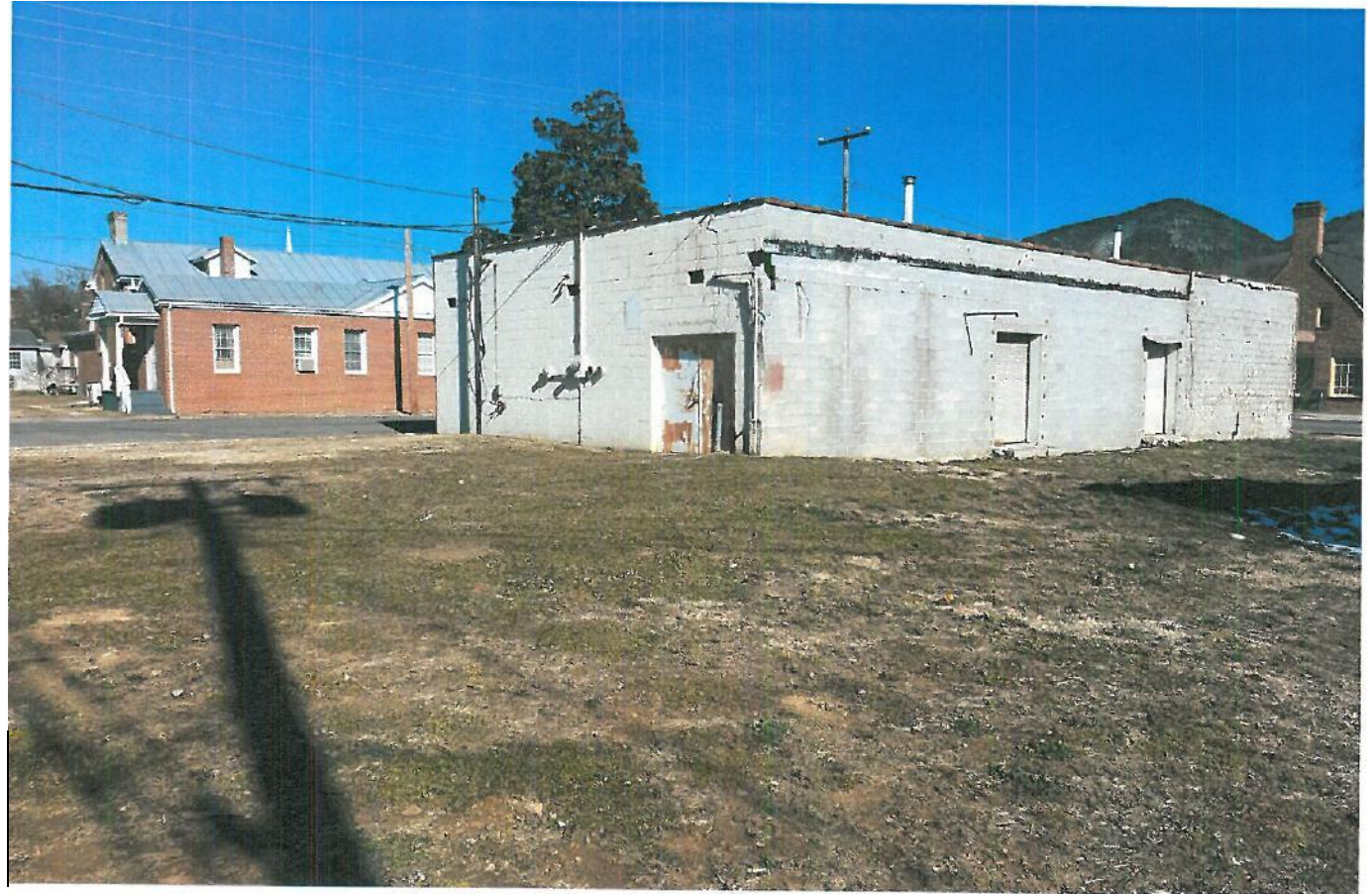
2159 Magnolia




Magnolia Avenue



Rear of building





This type of mix of uses strongly supported by Comprehensive Plan and Downtown Revitalization Plan

Creation of new apartments strongly supported by these plans as well as on-the-ground understanding of housing market.

Excess of commercial space in downtown even under optimistic development scenarios

Street frontage on both Magnolia and 22nd Street taken advantage of for commercial spaces; residential at rear of building.
residential is 25% of building square footage.

Desperate need in downtown for move-in ready small commercial spaces this project would provide.

Very similar project to 2275 Beech Ave (old movie theater) CUP for first-floor apartments approved by Council February 2020

4 spaces of off-street parking provide two spaces per apartment.



Recommend- ation

On February 9th, 2021 meeting Planning Commission voted unanimously to recommend approval of the proposal.

Staff recommend approval as presented.

Zoning Text Amendments

Section 706 Signage

- Edited text to remove unnecessary definitions in final review.
- Added language to the ordinance to repeal the old sign definitions section, which is part of the overall zoning code definitions.
- Removed prohibition on animated/flashing/scrolling signs, and the "one minute" rule for electronic message boards.
- Added short section to regulate electronic message boards, based on model code language and recommendations from sign industry association
 - Must automatically dim at night.
 - Must be no brighter than 0.3 footcandles than ambient light, measured at 30 ft (this will obviously depend on whether it is night or day)

Mr. Roberts started the Public Hearing by presenting the above slides.

Ms. Kristina Ramsey read the following:

Subject: Brent Dryden's Comment 3.4.21

As a downtown business owner, I am thrilled with Tyson's plans for the old Value Mart Building at 2175 Magnolia. It was in 2009 that I moved my dental practice to its current location at 2166 Magnolia. I still vividly remember sitting down at my desk in my new private office overlooking Magnolia....as I looked at all of the vacant storefronts immediately in my view I briefly thought "what have I done? Will this downtown look like this forever?" I got over my initial fears relatively quickly and have taken great satisfaction in doing my part to keep our downtown attractive and virile, and now I want to vocally support others who want to do their part.

I understand that there are some who have reservations about allowing mixed use for this building, I have no such reservations. I do not believe that the demand for retail space will materialize until more investment is apparent in the currently vacant buildings. I have seen the blueprints for Tyson's building, and I believe it to be a reasonable request to allow for 2 small studio apartments with parking off the alley.

I am not able to make it to the Zoom meeting tonight, so I wanted to take this opportunity to show my support. Please make my email available to any on the city council who may want to contact me with their concerns.

Mr. Craig Lawhorn, co-owner of Vinyl Cuts, stated that they purchased the building next door to the empty lot, 2159 Magnolia Avenue. The idea is to move their store, Vinyl Cuts, there once they get the building fixed up. He has spoken with Mr. Cooper about what they are proposing to do with the building, and they have no issues with his plans and think it will be a very good idea. He opined we need more people downtown. People that have apartments there will have friends over and visitors that may just walk down the block and get something to eat at the restaurant. There is going to be retail and office space there and the apartments are small in the back. They feel like it is a good idea and something that should be supported.

Mr. Lew Hamilton said that he is 100% total in support of the planned renovation of 2157 Magnolia Avenue. He repeated what Mr. Roberts said about him being approved over a year ago to have apartment on ground level. He opined we need traffic in Buena Vista. He said he and his wife have spent a lot of money in Buena Vista and love the city. He said we must keep businesses up front and create traffic. He opined we have a great opportunity to grow if we focus a little bit on the past. Mr. Hamilton said he is excited that both Mr. Cooper and Mr. Lawhorn purchased buildings downtown that have been empty for many years. We need to figure out how to put people downtown and support our community. He opined we have a lot of things in Buena Vista that other places do not have and that he supports what Mr. Cooper is trying to do.

Mr. Tom Roberts said that Mr. Dennis Hawes, Chairman of the Planning Commission, wanted him to read the following message:

Public Hearing 2175 Magnolia Avenue

Planning Commission had a public hearing 9 February 2021. It was a hybrid meeting, some in person, some via Zoom.

Applicant made his presentation via Zoom. There was no public comment.

First floor residence is a Conditional Use as per land Use for Zoned Mixed Use Mixed Use District.

614.01-1

The Mixed-Use District is primarily a business and residential district that incorporates and promotes a wide variety and intensity of uses. This district is designed to have a high level of human and business activity and vibrancy where business people can live and work in the same building, where residents and visitors can freely gather for shopping, entertainment, and recreation.

Applicant's project is textbook example of what Mixed Use District's purpose is.

614.04

Conditional uses. When after review of an application and hearing hereon, in accordance with Article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

Planning Commission considered.

Applicant plans to remodel building with business use in front and two efficiency apartments in rear.

Remodeling the front will provide readily available business space that rather than waiting months for a remodel to be completed.

The efficiency apartments in rear will provide the owner with some income while trying to attract a business to occupy the front.

This long vacant building will be more attractive after remodeling.

Tenants in apartments and their visitors will support existing downtown business. Will be able to walk out back door to Canton or down street to Original's for dinner. Walk next door to have tax return completed. Across street for dental care, etc. No need to drive out of town for these and other services. This is what Buena Vista needs. People downtown.

Mayor Fitzgerald closed Public Hearing #2.

ADG #3 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING (VIRTUAL) HELD ON FEBRUARY 18, 2021:

Motion was made by Councilman Tyson to approve the above-mentioned minutes, seconded by Vice-Mayor Hickman, carried by Council.

ADG #4 RECOGNITION/COMMUNICATION FROM VISITORS:
Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on a specific item listed on the agenda, open for public comment, will be heard when that item is considered.

Police Chief Keith Hartman was the only person to speak. He said he wanted to thank Mr. Scudder for all his hard work and dedication for the last 9 years that he has given to the City. He opined the City has made some great improvements. One of his better decisions was made 6 years ago when he hired Keith as Police Chief. As a token of appreciation, he and Cindy went up yesterday and presented him with a plaque.

Mr. Scudder showed everyone his plaque and he thanked Chief Hartman and the Buena Vista Police Department.

ADG #5 REPORTS:

1.) Mayor:

Mayor Fitzgerald passed along the appreciation from the Buena Vista American Legion for the Proclamation that City Council presented them. He then congratulated all the boys from Parry McCluer High School that won the State basketball trophy. He also congratulated the girls for how far they went in the playoffs.

Councilman Coffey advised the track team also won the State championship.

2.) City Manager:

Mr. Scudder stated that he has been working on the water and sewer project with the engineers and it seems to be going well. He also shared the email he received from Delegate Campbell about possible new DEQ money in the hundred-million-dollar range. Over the years since he has been in Buena Vista, he has had a goal to make the Bontex railroad bed a part of the Chessie Trail. He has been friends with the Bontex attorney, and he told him that they had a few more months to get the right of way done. He shared that information with Tom and Kristina plus had a couple of good conversations with George and today Kristina told him we may get that done.

3.) City Attorney:

None.

4.) Council Committee/Representative:

Councilman Henson mentioned how well the kids at the high school have done this year in athletics. He said that the Parks/Rec Committee have gotten new signs put up in the park and cleaning it up to get ready to open in the spring. He also said that the golf course has had 2 good Wednesdays in a row. Kristina has been working on a GO VIRGINIA grant through the Workforce Development for a summer program to engage both middle and high school kids.

ADG #6 CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

THE ROCKBRIDGE DISABILITY SERVICES BOARD:

MS. PAM ROBEY'S TERM EXPIRED ON DECEMBER 31, 2020. THIS IS A 4 YEAR TERM AND THE EIGHTIETH TIME IT HAS APPEARED ON THE AGENDA. MS. ROBEY IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 – NO APPLICANTS

This item will be carried over to the next Council meeting.

THE ROCKBRIDGE DISABILITY SERVICES BOARD:

MS. LISA CLARK'S TERM EXPIRED ON JANUARY 31, 2021. THIS IS A 4 YEAR TERM AND THE THIRD TIME IT HAS APPEARED ON THE AGENDA. MS. CLARK IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 – NO APPLICANTS

This item will be carried over to the next Council meeting.

THE BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:

MR. GEORGE HUGER'S TERM WILL EXPIRE ON MARCH 31, 2021. THIS IS A 4 YEAR TERM AND THE THIRD TIME IT HAS APPEARED ON THE AGENDA. MR. HUGER IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 – NO APPLICANTS

This item will be carried over to the next Council meeting.

OLD BUSINESS:

OB #1 SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO CLARIFY PERMITTED TEMPORARY BUILDINGS FOR USES INCIDENTAL TO CONSTRUCTION:

Mr. Roberts said no changes have been made to this Ordinance since the first reading.

Motion was made by Councilman Cooper to read the following Ordinance by title only, seconded by Councilman Coffey, carried by Council.

Councilman Cooper read the following Ordinance by title only.

**Zoning Text Amendment
Temporary buildings incidental to construction
Ordinance Text – ORD 21-01**

AN ORDINANCE to amend multiple sections of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to narrow permitted types of temporary buildings incidental to construction.

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, multiple sections of the Land Development Regulations of the City of Buena Vista are hereby amended as follows in the attached Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Motion was made by Councilman Coffey to approve the above Ordinance, seconded by Councilman Staton.

Mr. Kearney polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Vice-Mayor Cheryl Hickman	X		X		
Steve Webb	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

OB #2 SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO REPEAL THE BUILD-TO LINE (ZERO SETBACK REQUIREMENT) IN THE MIXED BUSINESS ZONE:

Motion was made by Councilman Henson to read the Ordinance by title only, seconded by Councilman Cooper, carried by Council. Councilman Cooper read the Ordinance by title only.

**Zoning Text Amendment
Section 616.16
Ordinance Text ORD 21-02**

AN ORDINANCE to amend Section 616 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to repeal the build-to line requirement for certain buildings in the Mixed Business zone.

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 616 of the Land Development Regulations of the City of Buena Vista are hereby amended as follows in the attached Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Motion was made by Councilman Henson to approve the above Ordinance, seconded by Councilman Cooper.

Mr. Kearney polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Vice-Mayor Cheryl Hickman	X		X		
Steve Webb	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

OB #3 SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT CREATION SECTION 507, FRONTAGE AND PRIVATE STREETS, TO CLARIFY STREET FRONTAGE REQUIREMENTS FOR NEW DEVELOPMENT, PRIVATE STREETS AND STREET DESIGN STANDARDS:

**Zoning Text Amendment
Section 507 Frontage and Private Streets
Ordinance Text**

AN ORDINANCE to amend Article 5 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to create a new Section 507 to address street frontage requirements and the construction of public and private streets.

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, Article 5 of the Land Development Regulations of the City of Buena Vista are hereby amended to create a new section 507 as follows in the attached Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Mr. Roberts said this is the text amendment that he would like to take back to the Planning Commission. There are some changes and additional text that is more than minor edits that he would like to discuss with the Planning Commission and get their approval and input. He asked Council to give him permission to take it back to the Planning Commission and bring it back to Council in a couple of months in an updated form.

Motion was made by Councilman Henson to give Mr. Roberts to take the above Ordinance back to the Planning Commission., seconded by Councilman Coffey carried by Council.

OB #4 SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO REVISE SECTION 706, SIGN REGULATIONS, SIMPLIFYING THE ORDINANCE AND REDUCING PERMITTING REQUIREMENTS:

Mr. Roberts stated that he sent the revised text to Council. Two things: he edited the text removed unnecessary definitions and added language to the Ordinance, not to the text itself to repeal the old sign definitions. There is a section at the beginning of the Zoning Ordinance that has all the definitions in the Code. There is also a section for sign definitions. This Ordinance will repeal all of those. The other change made based on the discussion at the last Council meeting is, he removed the prohibition on animated flashing and scrolling signs and the one-minute roll on the electronic message boards. We can now have flashing, animated and scrolling signs. He added the short section to regulate lights on message boards based on model code language and recommendations from the Sign Industry Association that light up on message boards to automatically dim at night.

Councilman Coffey wanted to know the difference on the pricing when you put up a sign.

Mr. Roberts said the sign fee is a flat \$30.00. It does not matter what kind of sign you are putting up.

Mayor Fitzgerald wanted to know if he had a requirement on the size of signs allowed.

Mr. Roberts said he did not put anything about size on electronic message boards, but he will add they need to be 10 to 12 square feet.

**Zoning Text Amendment
Section 706 Signage
Ordinance Text**

AN ORDINANCE to repeal and replace the text of Section 706 of the Land Development Regulations of the Code of the City of Buena Vista, as amended.

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 706 of the Land Development Regulations of the City of Buena Vista is hereby repealed and replaced with the attached text in Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Motion was made by Councilman Cooper to table this Ordinance to the next Council meeting scheduled for March 18, 2021, seconded by Councilman Henson, carried by Council.

NEW BUSINESS:

NB #1 MS. LISA PERRY FROM THE BUENA VISTA CITY PUBLIC SCHOOLS WILL ADDRESS COUNCIL CONCERNING A CIVIC/EDUCATIONAL PARTNERSHIP BETWEEN BUENA VISTA AND ENDERLY HEIGHTS ELEMENTARY SCHOOL:

Ms. Perry said there is a lot of information in the packet but what she is approaching Council for is she would like for Council and the Mayor to consider creating some sort of a youth service award. She is asking for it to be a certificate for students at Enderly School. They are trying to get the students involved civically at a very young age. She opined that an incentive would be some sort of a youth service award. She mentioned some of the activities the kids were involved in at a former place that she lived. Ms. Perry said she would step in and be a liaison between Enderly and the City.

Council agreed that this would be a good program. Mayor Fitzgerald asked Ms. Perry to call him next week and they will set something up for this program.

**NB #2 FIRST READING OF AN ORDINANCE FOR
CONDITIONAL USE PERMIT FOR EFFICIENCY APARTMENTS AT
THE REAR OF 2175 MAGNOLIA AVENUE:**

Mr. Tom Roberts read the following Ordinance:

**Conditional Use Permit
2175 Magnolia Avenue
Ordinance Text**

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, a Conditional Use Permit shall be granted to the building at 2175 Magnolia Avenue for the purpose of allowing two apartments as depicted in the attached "Exhibit A" and pursuant to Section 614.04-8 of the City of Buena Vista Land Development Regulations.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Motion was made by Councilman Coffey to discuss this Ordinance, seconded by Councilman Staton, carried by Council.

Vice-Mayor Hickman started the discussion by stating that the building does not have the intention of having a business right now. She wanted to know if the owner wanted to refurbish the front of the building for possible business and have apartments in the back of the building.

Councilman Cooper, who owns the building, advised that to generate money to refurbish the front of the building, they would put two studio apartments in the back of the building and have 4 parking spaces in the back of the building. The first thing they would do is repair the roof and after that they would begin renovating the back quarter to convert into apartments so they can be renting those and use those funds to finish the rest of the building. He anticipates the renovation would not take more than another month or two after the apartments are finished. They have talked to several people that would be interested in renting the retail space and/or the office space once it is completed. Their intention is not to leave the front of the building empty. They want the front of the building with occupants as quickly as possible.

Vice-Mayor Hickman wanted to know if anyone has committed to renting the retail/office space.

Councilman Cooper said the reason they have not signed agreements with anyone is because the design of the building is contingent on the Conditional Use Permit. If they do not get the Conditional Use Permit, they will go back and design the layout. They have had one person asked if they could provide 1500 square feet; another person wanted 1800 square feet; another person wanted 900 square feet. The current retail space in the front is 800 or 900 square feet. If they cannot do apartments, they will have to rework the inside space. He said he does not anticipate it being a problem getting the retail/office space rented out.

Councilman Coffey wanted to know if the apartments would be open to anyone to rent.

Councilman Cooper said they will be available to anyone who is willing to pay the rent.

Vice-Mayor Hickman said she knows we have apartments all over the City, upstairs and downstairs over on the back street. Her concern is having the apartments in the back and not having businesses in the front. We definitely want business and traffic downtown. That is why she thinks the Town Square needs to be developed as quickly as possible to generate traffic downtown as quickly as possible. She stated that we have 3 blocks of retail space and to start giving it up for apartments is a concern for her. She said she is a little on the fence about the Conditional Use Permit. Vice-Mayor Hickman said if you give one person permission to build ground floor apartments within the 3 blocks of downtown you will have to do it for anyone else that would ask. She said she went through downtown last night after 10 o'clock and there were 10 vehicles parked there. She opined they had to be owned by people living in the upstairs apartments on main street because there was not a business open.

Councilman Webb advised that he spoke with 4 different past Council members concerning this Conditional Use Permit. They said they were ok with upstairs apartments but not ground floor apartments. The former Council members said

we would be opening Pandora's Box if we do allow ground floor apartments downtown. He is also concerned that we do not have a lot of retail space downtown, and he does not want the property turned into ground floor apartments.

Vice-Mayor Hickman wanted to know how many vacant buildings we have downtown.

Mr. Roberts said starting at 19th & Magnolia, we have Lewis's and Loughhead's. Moving on to the 2000 block, the following buildings are vacant: the wine store, 2027, 2037, 2043, 2047, 2054. On the 21st block both 2155 and 2175 are vacant. Those are the ones along Magnolia Avenue.

Vice-Mayor Hickman said the Camelot building is owned by someone.

Mr. Roberts said that building is owned by Ed Walker.

Vice-Mayor Hickman wanted to know if all the vacant buildings that he had named were owned by Ed Walker.

Mr. Roberts advised they are owned by different individuals.

Councilman Henson said that 2027 is under revision now.

Mr. Roberts said it was recently purchased but there are no active building or zoning permits.

Mayor Fitzgerald said that previous Councils approved down stair apartments that are right behind where Tyson is trying to get a Conditional Use Permit to build 2 studio apartments. He opined it would be different if you did not have any parking. The biggest concern is having apartments downstairs and not have any parking and the tenants would have to park on main street. Councilman Cooper has provided parking for the studio apartments at the back of the building. Mayor Fitzgerald said that Councilman Cooper could turn the whole building into office space. He is wanting to have commercial space. He also opined that we will not find anyone to fill the old irons building with retail space. He said the building is too large and we are not going to attract a business that large.

Mr. Scudder said that other considerations that other Councils and several jurisdictions have looked into is the depth and the size of the building in relationship to the downtown area that would allow different mixed uses. When Council went with Ed Walker to Roanoke, he showed us a project that almost mirrors what Tyson is trying to do. He opined that the depth and size of the building was also considered by previous Councils.

Councilman Webb said that the plans look like most of the property is going to be rental property.

Mayor Fitzgerald said there is 670 square feet of residential property which is about 25% of the building.

Mr. Kearney said you can always modify the zoning downtown. If you want to allow for any apartments on the first floor, you can make changes like 25 to 30% of the building for residential, must have off street parking. Those things can have amendments you can make to your zoning text.

Councilman Coffey wanted to know if it would keep the owners from putting apartments in front of the buildings.

Mr. Kearney said it would prevent owners from putting apartments on the ground floor in front of the building. There are businesses in Lexington that have retail

space in the front of the building and apartments in the back. The Ordinance can be modified to allow some part of the building to be residential in the back of the building.

Councilman Coffey said the only problem with that is what Vice-Mayor Hickman said is that you can put apartments in the back of all the buildings but there will not be enough parking for the tenants.

Mayor Fitzgerald said they can modify the Ordinance to read if you do not have off street parking, you cannot put apartments in.

Mr. Kearney said the Ordinance can be modified to make sure parking is not on main street for the tenants.

Vice-Mayor Hickman said again there was 10 vehicles parked and all of them had to be for the upstairs apartments. She is concerned if you have upstairs and downstairs apartments that it will create parking problems for the retail businesses.

After further discussion concerning parking issues and first floor apartments, Mayor Fitzgerald asked Council to think about the Ordinance and discuss it again at the next Council meeting.

ADJOURNMENT – There being no further business the meeting was adjourned.

Dawn Wheeler
Clerk of Council

William H. Fitzgerald