

**CITY OF BUENA VISTA
PUBLIC HEARING AND
REGULAR COUNCIL MEETING
AUGUST 1, 2019**

The City Council for the City of Buena Vista met for a Public Hearing and Regular Council Meeting on Thursday, August 1, 2019 at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Melvin Henson	Danny Staton
Stanley Coffey	Steve Baldrige
Vice-Mayor Tyson Cooper (Late)	Lisa Clark

Members Absent: None

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER: Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Coffey delivered the prayer.

PUBLIC HEARING

CITY COUNCIL

August 1st 2019

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

- 1) Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District
- 2) Zoning Text Amendment to create new zoning district entitled Mixed Use Corridor to establish flexible regulations that foster livable neighborhoods and economic vitality;

- 3) Zoning Text Amendment to update portions of the Buena Vista Design Guidelines (Land Development Regulations Appendices) to clarify and streamline text; to provide flexibility on certain building design requirements; and to update street and sidewalk standards;
- 4) Zoning Text Amendment to update Residential Planned Unit Development R6 PUD regulations to suit contemporary development needs and best practices
- ~~5) Zoning Map Amendment to rezone portions of the Savernake tract, located on the east side of the 100-200 block of South Magnolia Avenue and primarily comprising Tax Map numbers 56-A--3 and 56-A--4, from Residential Planned Unit Development R6 PUD and Planned Business B2 to Mixed Use Corridor MUC and Residential R2;~~

The Public Hearing will be held in the City Council Chambers located in the Municipal Building located at 2039 Sycamore Avenue in Buena Vista during the regular City Council meeting at approximately **6:00 PM on Thursday, August 1st, 2019**. Staff reports for each matter, and a copy of the Comprehensive Plan, are available from the Director of Planning & Community Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or troberts@bvcity.org or bvcity.org/planning

Mr. Tom Roberts, Director of Planning & Community Development presented a slide show explaining the above Zoning Text Amendments (See notebook for presentation).

Council Member Clark said it was her understanding from the Planning Commission that the residents wanted a bigger buffer.

Mr. Roberts advised that the residents did want a bigger buffer zone. The property owners for the houses that back up to the buffer zone put in a wedge of R2 Zoning, 200 feet deep. There are houses; the property line; 200 feet of R2 Zoning. In the R2 Zoning only housing can be built. He said the 50-foot buffer will start where the 200-foot buffer ends.

Councilman Baldrige stated that the people who bought houses who thought it would be residential will have residential behind them. The people that buy these lots will know there will be commercial property behind them. People will know what they are getting when they purchase the lots.

Mr. Roberts said between the existing houses there will be a 200 foot of R2 Zoning in addition to the 50-foot buffer. He advised there are 2 options for development. It sets us up to a comprehensive plan development or facilitate more piece by piece development.

Councilman Henson suggested that Mr. Roberts advise the B2 Zoning is 100 foot off Magnolia and the MUC is 400 foot from Magnolia.

Mr. Roberts explained that in a couple of weeks we will be looking at approximately 700 feet of a Zoned Mixed-Use corridor stretching back about 1,500 feet from Route 501. There will be ample room for some comprehensive development in there.

Mr. Roberts read the following:

- 1) Zoning Text Amendment to change the name of the Seminary Hill Historic District to the Seminary Hill District.

Councilman Baldrige stated that it does not cover 28th Street or the red apartments at the foot of Sem Hill. He wanted to know if there is any interest in including those areas.

Mr. Roberts said he has not heard any interest in expanding those areas. He opined that as a general principle before we expand the boundaries, he feels we should take a hard look at the area and ideally do small area plan. He would also like a hard look at the historic district.

Councilman Baldrige said that earlier this year there was some discussion on whether we should include all the real estate on the same side of the street when we look at 29th Street and then going to Sycamore. It seems that there were a couple of different houses that were not part of the historic district.

Mr. Roberts said the district bends down and comes down Beech Avenue. The only gap is the house at 2812 which was looked at for rezoning a couple of years ago. That is the only property that fronts on Beech that is not in the historic district.

Councilman Baldrige said if we are looking at both sides of 29th Street, would it not make sense to include both sides of Beech?

Mr. Kearney said the Public Hearing is for renaming Seminary Hill Historic District to Seminary Hill District.

Mrs. Pat Gibson, 2252 Maple Avenue addressed Council. She advised that she has already presented her opinion to the Planning Commission. Ms. Gibson said that normally when she is in front of City Council, she is requesting that an historic district be established. She has never asked to have an historic district removed. It is just removing the word "historic", but you are losing marketing value and so many other things that have value to the City instead of gaining anything. She said she is clueless as to why the City would consider this change. She said we have 2 historic districts in the City. The first being old Main Street which was named an historic landmark in 1974. We also have the Seay house on top of Sem Hill. She opined when a City has an historic district, the title is strictly honorary. It does not restrict the City. It does not keep you from renovating or demolishing a building. It does not restrict the owner's use and it does not increase the taxes. It does not regulate local government or require a local historic preservation program. It does give you bragging rights. We have a lot of historic properties for our small community. Ms. Gibson opined having

historic properties encourages continued preservation and we have a lot of wonderful houses and buildings in Buena Vista that need to be preserved. She gave a list of the historic properties in Buena Vista that are listed on the National Register. She asked the question of why take the historic out of Sem Hill? She opined it is very valuable to the City. Sem Hill was declared Historic in 2012. Mayor Fitzgerald closed #1.

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

Mayor Fitzgerald closed #2.

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

Mayor Fitzgerald closed #3.

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

Motion was made by Councilman Henson to close the Public Hearing, seconded by Councilman Coffey, carried by Council.

ADG #3 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 an item listed on the agenda, open for public comment, will be heard when that item is considered: (OUT OF ORDER FROM AGENDA)

Mr. Jamie Goodin, 202 North Main, Lexington was the first to speak. He advised that he has been hired by Ed Walker. He said he spent the month meeting a lot of awesome people that have a lot of ideas, envision and hope. He hopes to meet with Council soon. Mr. Walker and he will calibrate with each other. He has been working with a lot of people in the last month who have a lot of good ideas. He told Council if they have any questions to please reach out to him. He also said he has been working with Mr. Roberts a lot in the past 2 weeks.

Dr. John Keeler with the Buena Vista City Public Schools was the next to address Council. He invited Council to attend the convocation that will be held at Parry McCluer High School on Monday, August 5 beginning at 9:00 a.m. He also advised Council that all 4 schools in Buena Vista are fully accredited.

The next person to address Council was Mr. Dave Miski, 120 E 22nd Street. He suggested that the caboose be moved from Glen Maury Park to downtown Buena Vista where Mr. Walker is planning to put a park.

Mr. John Butler, 646 West 4th Street addressed Council next. He is the Chairman of the Rockbridge Area Social Services Board and a citizen of Buena Vista. He said there has been some wonderful articles about foster care in the local newspaper in the last couple of weeks. There was also a response to their hiring of the new director. He said as Chairman of the Board, they have a 3-pronged goal:

- 1.) Hire a new director
- 2.) Increase public awareness
- 3.) A new building

Number three has not happened yet. They are looking at combining with the Health Department. They are looking for a building that could house both departments.

Mr. Butler said this is the most important item to him. He asked Council to help him understand how he can have raw sewage in his basement for 6 weeks and the City has done nothing. He has been waiting for 2 years to get a sewer tap which he has paid \$2,000.00 for on June 26, 2019. No one from the City has come by and he has raw sewage in his basement. He said that both he and his wife have talked to the City Manager. The City Manager denies that he ever talked to his wife.

Mayor Fitzgerald wanted to know why Mr. Butler needed another sewer tap.

Mr. Butler explained that 2 years ago his sewer line plugged up. His line comes from the far corner of his house, goes all the way across his property to the far corner: probably 100 to 110 feet, 15 feet deep. They had it dug up and fixed the part that was clogged under the sycamore tree. The roots from the tree had clogged up the line. When the plumbers were there, they knew the rest of the sewer line was going to have to be replaced. Over 2 years ago he went to Public Works and asked them to put another sewer tap in, 15 feet from his house.

Mayor Fitzgerald told Mr. Butler that he would get in touch with Corey Henson and get something worked out.

Ms. Wheeler advised Council and Mr. Butler that she had spoken with both Mr. Butler and Mr. Henson. Mr. Henson said he was going to try very hard to get the tap installed by the end of this week.

Councilman Baldrige wanted to know how many years it has been since Mr. Butler talked to Public Works about the new sewer tap.

Mr. Butler said over 2 years, probably close to 3 years.

Councilman Baldrige said the request was made probably 2 years ago but there was no record so when we changed the tap fee, Mr. Butler had to pay the new increased tap fee.

Mr. Butler said there is a health hazard in the City, and no one wants to do anything about it.

Council Member Clark thanked Mr. Butler for giving Council updates about Social Services.

Councilman Baldrige wanted to know if Mr. Butler said they are now looking for a building that is large enough to house both Social Services and the Health Department. He wanted to know if Mr. Butler had any parameters of what it is they are looking for so different people that might have buildings could say their building might work.

Mr. Butler said the building they are looking at right now is Magnolia Square. It does have a floor up above the bottom floor that is occupied that could be converted for the Health Department.

Councilman Baldrige wanted to know if Social Services was going to advertise for a building again.

Mr. Butler said they were not that it is up to the Health Department and they would like to be able to accommodate them in the future. He knows what Social Services is looking for but does not know what the Health Department is looking for. Right now, the Health Department has an office in Buena Vista and one in Lexington. They would like to combine the offices into one location.

ADG #2 APPROVAL OF THE MINUTES FROM THE COUNCIL MEETING HELD ON JULY 11, 2019: (OUT OF ORDER FROM AGENDA)

Motion was made by Councilman Baldrige to approve the above minutes, seconded by Councilman Coffey, carried by Council except for Council Member Clark who abstained.

ADG #4 REPORTS:

1.) Mayor

None.

2.) City Manager

None. (Mr. Scudder was absent)

3.) City Attorney

None.

4.) Council Committee/Representative

Council Member Clark reported that on July 18, 2019 the leadership and QBQ training was held with all department heads and it was magnificent. She opined it was a great time for getting the folks together to talk through things and to focus on customer service reorient themselves as a City. She said it was very, very successful.

Mr. Tom Roberts opined the core message was personal accountability and empowering the situation and asking, "What I can do to help".

Councilman Henson said the Beach Music Festival was very successful with a lot of people attending. He opined the City has a lot going on with the houses going up and the apartment complexes. We also have a lot of work being done at the Industrial Park. He is going to meet with the City Manager concerning some needs at the campgrounds at GMP. He said if citizens have a public sidewalk in front of their homes, they are supposed to take care of snow removal and brush. He wanted to know how we make the owner accountable for maintenance of the public sidewalks.

Mr. Kearney said the owner or renter can be held responsible.

Councilman Henson thanked Public Works for all the brush they have removed making it safe for people to walk on the sidewalks on Magnolia Avenue. He also announced there will be a meeting to form a committee on the renaming of the 10th Street bridge on August 7 beginning at 7:00 p.m. at GMP. He asked Councilman Staton if he would represent Council on this committee. Councilman Staton said he would.

Councilman Baldrige said he will also be at that meeting.

**CONSIDER APPOINTMENTS TO VARIOUS BOARDS,
COMMISSIONS, AND COMMITTEES:**

ADG #5 BOARD OF ZONING APPEALS:

Mrs. Marolyn Cash has resigned from the Board of Zoning Appeals. Her term will expire on December 31, 2020. This is the sixth time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 APRIL 23, 2019**

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

ADG #6 BOARD OF ZONING APPEALS:

Mr. Casey Crookston has resigned from the Board of Zoning Appeals. His term will expire on December 31, 2021. This is the sixth time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 MAY 13, 2019**

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

**ADG #7 BUENA VISTA ECONOMIC DEVELOPMENT
AUTHORITY:**

Mr. Casey Crookston has resigned. His term will expire on March 31, 2021. This is the third time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE JUNE 12, 2019; WEB SITE AND CHANNEL 18 JUNE 11, 2019**

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

OLD BUSINESS:

OB #1 DISCUSS THE DOG PARK:

After much discussion between Council and Ms. McCluer, this item will be carried over to the next Council meeting.

NEW BUSINESS:

NB #1 DISCUSS DONATION TO THE VIRGINIA WAR MEMORIAL FOUNDATION:

Mayor Fitzgerald advised that he received a letter a couple of weeks ago and it is asking for the City to donate a dollar for every serviceman that lost their life in one of the wars.

Councilman Henson wanted to know how this ties in with the American Legion.

Vice-Mayor Cooper said he did not feel comfortable with this donation after we cut so many non-profits in the budget this year.

Council agreed with Vice-Mayor Cooper that we should not donate to this cause.

NB #2 FIRST READING OF AN ORDINANCE TO AMEND ARTICLE 1600 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:

Mayor Fitzgerald advised that he is the one who presented this to the Planning Commission 2 years ago. He opined if a developer wants to do something on 29th Street and they see “Historical”, it scares them off. He is hopeful we can get some developers in.

Council Member Clark said she would like to see the data on the number of developers that have been scared off by seeing “Historical”.

Mr. Kearney said that would be impossible to do.

Council Member Clark wanted to know if we have a record of how many people have shown interest in that area.

Councilman Baldrige said those types of things are always very private. He wanted to know if the Mayor would be interested in having a corridor that is for 29th Street and Beech Avenue that is different than the more campus area.

Mayor Fitzgerald said he is fine with everything that is called Historical except for 29th Street and Beech Avenue.

Council Member Clark wanted to know the benefit of changing 29th Street and Beech Avenue from Historical.

Mayor Fitzgerald opined by removing “Historical” it will attract some investors. He feels “Historical” scares away investors because of all the rules and regulations.

Council Member Clark wanted to know what the restrictions are.

Mayor Fitzgerald said ours do not have the kind of restrictions that most do.

Vice-Mayor Cooper said it is his understanding that when a district is deemed “Historic” there are certain rules and regulations that go along with it. He said in our case that is not true.

Mr. Tom Roberts said he would disagree with Vice-Mayor Cooper’s statement somewhat. He opined a developer may be scared off is if you build a new building or demolish an existing building, there is a discretionary review process where the Planning Commission determines if it is consistent with the district or not consistent with the district. That is a layer of uncertainty for the developer. In contrast to if something is Zoned by Right, they can build whatever and the Planning Commission cannot tell the developer no. That is the concern about what an “Historic” district can do. The specific regulations for our Historic district are not the form and appearance regulations. They are not as strict as they are in other places. He said the Architectural Review Board is permitted to consider those items and would be permitted to deny a certain thing or require a certain thing such as paint color or types of windows. The Planning Commission has stated they really want to work with people and will not be as strict as some other places.

Councilman Coffey opined if a developer or a potential buyer comes in, they will find out what the guidelines are. He does not feel that “Historic” will change anything.

Vice-Mayor Cooper wanted to know if a person has not purchased the piece of property, can they come to the Planning Commission and request a zoning change before they own it.

Mr. Kearney said they cannot.

Councilman Baldrige said the current owner must agree to the request. He said that he knows for a fact that people have the impression that Buena Vista is resistant to allowing things that are not conventional. He said there is concern around developers that Buena Vista does not welcome change. If someone has

something that is “Use by Right”, they feel a whole lot more comfortable than if it is a “Use by Procedure”, that we are not sure what the criteria and it is really not Historical, and they cannot figure it out.

Council Member Clark wanted to know if there is a map that shows the area that is impacted.

Mr. Roberts said the map is in the presentation.

Vice-Mayor Cooper wanted to know if there is really anything on 29th Street that is Historical.

Mrs. Gibson stated that some of the oldest houses in Buena Vista are along 29th Street. We also have businesses on the East and North 29th Street. Twenty-eighth Street is not included.

Councilman Baldrige said he does have a related concern. SVU is growing that will have implications for traffic flow and land use. He does not want to impede the fastest growing enterprise in the City. He wants it to be done in an orderly fashion, but he does not want to depress that. He said we have hit on some of those issues that we really need to wrestle with such as land use across the street down the hill by the Police Department; land use near the red apartments. He opined that Council needs to be thinking about things we want to promote in those areas that are closest to the campus so we can have efficient and effective traffic flow, sewer and water services, etc. because the school has grown double and it is likely to double again from where they are now. That is going to mean some traffic flow and water and sewer issues. He opined we do need to look at that as history but in terms of progress. He does not feel a name change is really what we need to be wrestling with. There are realities in the future that we need to be wrestling with.

After much more discussion, motion was made by Vice-Mayor Cooper, seconded by Council Member Clark to send the Ordinance back to the Planning Commission and ask them to bring it back to Council with a more detailed plan. This motion was carried by Council.

**NB #3 FIRST READING OF AN ORDINANCE TO AMEND
ARTICLE 6 OF THE LAND DEVELOPMENT REGULATIONS OF
THE CODE OF THE CITY OF BUENA VISTA, AS AMENDED, BY
CREATING A NEW ZONING DISTRICT ENTITLED “MIXED USE
CORRIDOR” OR “MUC” FOR THE PURPOSE OF ALIGNING
DEVELOPMENT REGULATIONS WITH THE COMPREHENSIVE**

PLAN AND FOSTERING RESIDENTIAL GROWTH AND ECONOMIC DEVELOPMENT:

Councilman Baldrige asked Mr. Roberts if he said in his original presentation there is no residential use in the MUC.

Mr. Roberts said there is no single family residential. He said he wanted to clarify that this is called the Mixed-Use Corridor Zone, but it is not based on the Mixed-Use Zone that is here on Magnolia. This was written from scratch. In the Mixed-Use Corridor Zone there is multi-family residential permitted as well as bed and breakfasts, dorms, hotels and motels and family care homes.

Councilman Steve Baldrige read the following Ordinance:

ORDINANCE

Zoning Text Amendment

Section 619 Mixed Use Corridor (MUC)

Ordinance Text

26 July 2019

AN ORDINANCE to amend Article 6 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, by creating a new zoning district entitled "Mixed Use Corridor" or "MUC" for the purpose of aligning development regulations with the Comprehensive Plan and fostering residential growth and economic development.

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 6 of the Land Development Regulations of the City of Buena Vista is hereby amended to add a new section, enumerated Section 619, to read and provide as follows in the attached Exhibit A.

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

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

NB #4 FIRST READING OF AN ORDINANCE TO AMEND APPENDIX OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF BUENA VISTA, AS AMENDED, FOR THE PURPOSE OF REMOVING CONFLICTING LANGUAGE AND ALIGNING REGULATIONS WITH THE INTENT AND APPLICATION OF THE ORDINANCE:

Councilman Steve Baldrige read the following Ordinance:

ORDINANCE

Zoning Text Amendment

Land Development Regulation Appendix B

Ordinance Text

26 July 2019

AN ORDINANCE to amend Appendix B of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of removing conflicting language and aligning regulations with the intent and application of the ordinance.

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, Appendix B 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.

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

NB #5 FIRST READING OF AN ORDINANCE TO AMEND SECTION 607 R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF BUENA VISTA, AS AMENDED, FOR THE PURPOSE OF ENHANCING THE INTENT OF THIS SECTION AND IMPROVING AND CLARIFYING THE APPLICATION AND REVIEW PROCESS FOR PLANNED DEVELOPMENTS:

Councilman Steve Baldrige read the following Ordinance:

ORDINANCE

Zoning Text Amendment

R6 Residential Planned Unit Development

Ordinance Text

26 July 2019

AN ORDINANCE to amend Section 607 R6 Residential Planned Unit Development of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of enhancing the intent of this section and improving and clarifying the application and review process for planned developments.

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 607 of the Land Development Regulations of the City of Buena Vista is hereby amended to read and provide as follows in the attached Exhibit C.

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

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

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

William H. Fitzgerald, Mayor

Dawn M. Wheeler, Clerk of Council