



## **PLANNING COMMISSION**

AGENDA for January 13<sup>th</sup> 2026

### AGENDA

#### **PUBLIC HEARING**

- 1) Zoning Map Amendment – 2000 block Chestnut Ave

#### **REGULAR MEETING**

##### **Call to Order by Chairman and Roll Call**

##### **Public Comment on Items Not on the Agenda**

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

- 1) Minutes of September 9<sup>th</sup> 2025
- 2) Minutes of November 12<sup>th</sup> 2025

##### **Old Business**

- 1) Zoning Text Amendment – Section 705 Home Occupations
- 2) Zoning Map Amendment – 2000 block Chestnut Ave
- 3) Appoint member to serve on MGCC Vista Links building committee

##### **New Business**

- 1) None

##### **Report of Secretary**

- 1) SVU abandonment was approved by City Council 11/20/2025

##### **Adjournment**

**Members and Term Expirations**

Dennis Hawes, Chairman, 7/31/2028

Harold Kidd, 6/30/2026

Jesse Lineberry, 8/31/2029

Marolyn Cash, 6/30/2028

Sarah Henson, 9/30/2027

Melvin Henson, City Council Representative,  
9/30/2027

Bryson Adams, 12/31/2028

Timothy Petrie, 12/31/2028

Jason Tyree, Ex Officio member

**Staff**

Tom Roberts, Director of Community Development

City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416

(540) 261-8607 | [troberts@bvcity.org](mailto:troberts@bvcity.org) | [buenvistava.org/planning](http://buenvistava.org/planning)

**Meetings**

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2<sup>nd</sup> Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.



## PLANNING COMMISSION

MINUTES of September 9<sup>th</sup> 2025

Meeting location: City Council Chambers

Meeting time: 7:00 PM

### **Members Present:**

Dennis Hawes, Chairman

Melvin Henson, City Council Representative

Bryson Adams

Sarah Henson

Harold Kidd

Marolyn Cash

Jesse Lineberry

Timothy Petrie

### **Members Absent:**

Jason Tyree, Ex Officio member

### **Staff Present:**

Tom Roberts, Director of Community Development

Meeting is called to order.

### **Minutes**

For minutes of 8/12/2025 meeting:

Corrections: Duplicated sentence on second page, first full paragraph

Motion to approve: Mrs. Cash 1<sup>st</sup>, Mr. Henson 2<sup>nd</sup>, all yes

Abstentions: none

### **New Items**

#### *Zoning Text Amendment – Section 705 Home Occupations*

Mr. Roberts briefly introduced the new text and quickly jumped into specifics. Mr. Hawes pointed out a few provisions and stated that the most important piece is that the home occupation doesn't change the character of the neighborhood. Mr. Hawes pointed out the provision about a sign, and Mr. Roberts added that the current text makes a reference to a specific sign type ("professional nameplate") that no longer occurs in the sign code after revision several years ago. Mr. Roberts also highlighted the problematic provision that only items produced in the home could be sold. This is not consistent with the City's practice, and raises some difficult questions for certain businesses that otherwise seem acceptable home occupations.

Mr. Hawes asked about the nature of these home occupations, and Mr. Roberts responded that he hasn't done an actual analysis, but anecdotally the majority of home occupations are tradespeople and contractors. City Council has requested this revision.

Mr. Adams opined that if this is adopted, no business would be grandfathered in, because they have to annually obtain a business license. Mr. Lineberry asked if a comprehensive review of all existing home occupations would be done to see if they comply with the new text. Mr. Roberts responded that generally, if a use is legal when it is begun, then it remains legal as a pre-existing non-conforming use. He continued that he plans to reach out to existing home occupation proprietors for their feedback.

Mr. Adams asked about the expiration provision in the draft text, and Mr. Roberts explained that it is intended to address zoning applications that are not acted on or uses people cease to do. The zoning application is separate from the business license. Mr. Adams asked about enforcement of this two-part process, and Mr. Roberts explained that you have to have both and staff periodically check that both the permit and the license have been pulled and paid for.

Mr. Lineberry asked what types of activities required a home occupation permit and brought up 1099 contractors. Mr. Roberts responded that he doesn't want to speak outside his expertise as far as taxation, but if there is an income-producing activity then it should have a home occupation permit. Additionally, the wording of the definition of home occupation is intended to capture hobbies that are done in such a way that they could be a business. This is to address potential rare outlier cases. Ultimately though, the goal of the home occupation regulations is not taxation or business license compliance, but neighborhood character and impact on surrounding properties, so if an occupation is unnoticeable by neighbors then it's not a problem. Conversely, if there is a problematic home occupation, staff should hear about it.

Mr. Henson asked about a particular home occupation on Oak Avenue, and Mr. Roberts replied that he had worked with the proprietor to set some parameters for this business, which is a tow truck business. There is a maximum 48 hours that vehicles towed can be stored, and they can't do vehicle repair. However, the proprietor also does vehicle repair work that is for family and friends and not part of the business.

Mr. Adams asked about parking for work vehicles and pointed out that the text does not address vehicles of employees who work off premises. Mr. Roberts noted that the parking regulations are something he needs to be very careful with because some locations have limited off-street parking. Mr. Lineberry added that as a business grows, at some point it needs to find a business location because of storage, vehicles, etc.

Mr. Hawes noted a case some years back when an individual applied to operate a body shop at his home, and it went to the BZA and was denied. Mr. Hawes stated that many great businesses began in a garage, but he comes back to the character of the neighborhood, and residential owners should be able to expect a residential neighborhood.

Mr. Roberts asked the Commission directly whether they wanted to prohibit auto related uses such as body shops, repair shops, dealerships, etc. The current text does not address them

directly (or any specific uses), and some other localities prohibit them outright. He thinks that it is hard to pin down whether it is out of character or not, because some people work on their personal vehicles from time to time and it's not a big deal, but at what point is it a problem? Mr. Lineberry pointed out hours of operation. He added that generally restricting hours of operation of home occupations would be good to limit traffic and safety impacts on neighbors. Mr. Roberts responded that he was hearing this as applying to customer and delivery traffic. Other members added that some personal services after hours would not be a big deal, and that outdoor things like auto repair should be in business hours. Mr. Roberts circled back to the auto repair, and there was discussion of the problems of regulation parameters for auto repair businesses—how do you tackle tow businesses that could be called on to tow at night, or spilling antifreeze or oil on the ground. The Commission suggested a conditional use permit or prohibition entirely for these uses.

Mr. Adams stated that he thinks that home occupations should have to renew every year, which would include a compliance check.

Mr. Hawes recapped items in the draft text, and then invited some members of the public to speak, while noting it was not a public hearing.

Kathy Janiczek spoke and asked about whether existing uses would be grandfathered, and Mr. Hawes said yes. She then pointed out a property on Orchard Ave with a large number of vehicles where the owner has a hobby of fixing up cars for people.

Sally Foshay spoke and opined that people should be more careful about where they put storage buildings so they don't look unattractive.

Ada Branham spoke and opined that she is concerned about traffic, and alluded to the home occupation across the street from her and stated that while it was better than it used to be there are still more than 12 vehicles per day (referencing the proposed limit in the text). She pointed out the text of the R2 zoned and opined that the home occupation is in conflict with it, and outlined some of the history of the issue.

Mr. Henson asked about restaurants and bakeries, and Mr. Roberts clarified that bakeries would be allowed but restaurants that served customers on premises would not be allowed. Mr. Roberts emphasized that his is related to the prohibition on drop-in traffic.

Mr. Lineberry thinks that people should be allowed to have more than two yard sales per year. Mr. Roberts stated that he included that to prevent someone from running a retail shop out of their home, but still allow people to have periodic yard sales. Mr. Henson added that in the past, the City used to require a permit to hold a yard sale. Mr. Roberts replied that requiring a permit for yard sales seems like a lot of extra work for very little benefit. Mr. Lineberry asked whether someone could sell Pampered Chef at a yard sale, and Mr. Roberts replied that one could not if it was related to a Pampered Chef business.

Mr. Roberts pointed out the Conditional Use Permit process to do address exceptions.

Mr. Adams brought up trailers used by a business, and Mr. Roberts asked whether he thinks limiting outdoor storage of equipment would be a hindrance. Mr. Adams responded that

businesses that have equipment just need to find another place to store it, although there are not enough business or industrial locations to store equipment.

**Report of the Secretary**

- City Council tabled the CUP and ROW abandonment for SVU’s dorm project to October because they wanted more details for parking.
- Additional funding was approved by VDOT for the streetscape project so the City can proceed with awarding the contract.
- Construction at Magnolia Square for the final items is imminent.

Mr. Hawes shared his opinion that Council should officially recommend or request of the state that they designate Buena Vista’s Labor Day as the official kick-off of the election season. He also recommended changing the name of Sycamore Ave from 22<sup>nd</sup> St north to Park Ave to Irma Thompson Avenue to honor her.

**Adjournment 8:00 PM**

Approved: \_\_\_\_\_



## PLANNING COMMISSION

MINUTES of November 12<sup>th</sup> 2025

Meeting location: City Council Chambers

Meeting time: 7:00 PM

**Members Present:**

Dennis Hawes, Chairman

Melvin Henson, City Council Representative

Sarah Henson

Timothy Petrie

**Members Absent:**

Bryson Adams

Harold Kidd

Marolyn Cash

Jesse Lineberry

Jason Tyree, Ex Officio member

**Staff Present:**

Tom Roberts, Director of Community Development

Meeting is called to order. There is not quorum.

**Public Hearing**

*Zoning Text Amendment – Section 705 Home Occupations*

Mr. Roberts briefly summarized the reason for revising the home occupation regulations and the highlights of the draft text. Mr. Hawes opened the public hearing.

Sheena Herring, 2631 Edgewood Rd

- Started her business at home four years ago, moved to a business location for a while, moved back.
- Has a neighbor who objects to the business.
- She has a weekly social gathering every Friday afternoon and is concerned that she will be told she cannot have that gathering just because she operates a home occupation.
- She thinks that the limit of two customers at a time and no more than twelve in a day is too restrictive and won't work, such as for people who get off work in the evening.
- There are now school buses that come up into the neighborhood.
- She had one tractor trailer last year, but has not had any since then, and her neighbors have had two.

- She says she could not have a lighted sign in her yard, but the draft regulations say others can have a sign. There is another house in the neighborhood that has a sign in the yard.
- She acknowledged that street parking is public, but her neighbor has told people not to park in front of her (the neighbor's) house.
- Near SVU's campus, street parking narrows the travel way, so why can't it be narrow like that in her neighborhood?

Johnna Gittemeier, 2647 Edgewood Rd

- Lived in neighborhood for 23 years
- Last year the City was not as diligent as they should have been allowing Ms. Herring's business to move back to her house.
- She is happy that Ms. Herring's business has expanded but it does not conform to the home occupation regulations. Because it never conformed it should not be "grandfathered."
- If she had known that this business would be running and generating so much traffic, she would not have bought her house. She believes it has diminished her property values.
- Thinks the City should enforce regulations against Ms. Herring's business and the situation has not been handled properly by the City.

David Herring, 2631 Edgewood Rd

- Clarified that the workshop next to their house is his and is not part of the business
- He does not think that many of the new regulations will affect his wife's business
- Most of her customer pickups are on Fridays
- If the business is illegal, how did she get a business license?
- He tries to be a good neighbor

Susan Beverly, 507 Hazel Ave

- She runs Sweet Confections Home Bakery, and her kitchen is inspected by VDACS
- The limit of no more than two customers at a time and no more than 12 in a day would hinder her. Some people pick up late in the evening and can't pick up earlier. Sometimes she's had up to four people at a time picking up, especially at holiday times.

Ada Branham

- Asked about the list of prohibited businesses
- Does not think that the City adequately notified residents of the draft regulations

Sheena Herring and Susan Beverly noted that they did not receive the initial notice of the draft regulations.

Deborah Wakeman, 2639 Edgewood Rd

- Concerned about new regulations and asked when would be implemented. Mr. Roberts responded that could be as soon as late January/February.
- Wants to make sure that information is disseminated widely

Ron Cash, 235 E 32<sup>nd</sup> St

- Did not receive the draft text as a Council member
- Concerned about the 2/12 provision, citing hypothetical home based hair salon where a father with a son who come at one time plus another customer who comes, which would be more than allowed. He thinks this limitation needs careful consideration and whether this is too restrictive.

Mr. Hawes closed the public hearing. He then stated a concern with the term “gainful employment” in the definition of a home occupation, and believes “income producing” would be a better qualifier because “gainful employment” usually means a full-time job. He then addressed the parking concern, bringing up the option to have off-site pickup for home based businesses.

David Herring interjected and noted that his wife’s business tried pickup at Food Lion, but was concerned about having so much cash and being there in the parking lot.

Mr. Petrie opined that regulating storage for different business would be tricky. Mr. Roberts responded that the draft text only prohibits outdoor storage of tools, equipment, or merchandise such as a concrete mixer or ladders. These type of items would need to be inside a structure.

Mr. Petrie asked if the new regulations were enacted, how many businesses would not conform. Mr. Roberts stated that likely very few. There may be some that don’t meet the 2/12 customer traffic limits, and some might not meet the parking requirements. Additionally, there are one or two towing businesses that would now be prohibited. Mr. Petrie asked about the usefulness of listing prohibited businesses, and the flexibility of these regulations to respond to individual circumstances of particular businesses. Mr. Roberts explained that currently, no businesses are explicitly prohibited; permitting all depends on his interpretation of whether a proposed business would violate any of the constraints on home occupations. The list of prohibited uses would give clarity so he would need to even entertain applications for certain types of uses. Still, there is a very wide range of businesses that would be permitted, and any use that goes outside the new regulations can obtain a special exception.

Mr. Roberts continued that part of the reason for proposing the special exception process going to the Board of Zoning Appeals, rather than Planning Commission and the City Council, was that it could be accomplished in one meeting rather than several.

Mrs. Henson asked about Sheena Herring’s concern about having the social gathering on Fridays. Mr. Roberts responded that Ms. Herring’s comment made sense in the context of conversations last year regarding determining excessive traffic, but that nothing would limit her from having the social gatherings. He explained that the new code would be much clearer about permitted customer traffic and off-street parking.

Mr. Henson asked about enforcement. Mr. Roberts responded that it would be on a complaint basis. It is difficult to tell whether someone is operating an unlicensed home occupation just driving past a house, unless they are doing something that has a negative impact on the neighborhood that would cause a complaint. Sometimes the City will see advertisements for an unlicensed business and reach out to them about a permit.

Mr. Henson asked about defining on-premise employees, and Mr. Roberts stated that he would consider whether that person spent the majority of a typical day on premises or not. Mr. Henson asked about the prohibition on tractor trailers, and Mr. Roberts responded that he had received one business owner comment that this prohibition would hinder deliveries, but that most deliveries are by box truck or van.

Mr. Henson asked about what qualifies as automobile sales, and Mr. Roberts responded that the state DMV has a pretty clear definition of what constitutes auto sales. If you exceed their threshold of sales in a given year, then you must be registered as a dealer with the state, and that requires zoning administrator signoff. If someone is staying under that threshold, then that low level of activity is likely not going to have much of an impact on the neighborhood.

Mr. Henson asked about enforcement of yard sales, and Mr. Roberts responded that those also would be complaint-based.

Mr. Hawes asked about "minor signs," and Mr. Roberts responded that those are signs that are 2 sq ft or smaller. Mr. Hawes opined that that size is rather small.

There was some discussion about tow trucks, and the distinction between a tow truck driver whose company has a business location somewhere but who brings home his tow truck every night, and a tow truck company actually based at a home. Mr. Robert Young commented from the public that tow trucks are considered emergency vehicles and thus have parking priority.

### **New Items**

#### *Abandonment of Public ROW – Portion of Piedmont Ave and alley adjacent to former Northwest Hardwoods Site at 704 Linden Ave*

Mr. Hawes opened this item by noting that because the areas to be abandoned have been used as part of the sawmill for years, and one of them has a portion of a building on it, there may be a claim of adverse possession. Mr. Roberts responded that his understanding is that one cannot adverse possess against a local government. Anyway, it is simpler to have it abandoned. There was no additional comment from the Commission.

#### *Zoning Map Amendment – 2000 block Chestnut Ave*

Mr. Roberts introduced this item by reviewing the background on the bed & breakfast and outlining the proposal. Daniel DeSouza, the applicant, spoke. He began by noting what strong demand the business had seen for rooms in the last few months, and that they had to turn guests away. With the expansion, they plan to provide not just rooms for occupancy but an experience and attraction. They are not dependent on SVU for bookings and only 12% of their bookings were related to SVU.

Mr. Petrie asked what Mr. Roberts wanted to see on the site plan. Mr. Roberts pointed out that the proposal does not offer all the off-street spaces required, but the rezoning could be approved regardless. He is concerned about quantity of parking. Also, the parking along Chestnut Ave needs to be angled not perpendicular. If on-street parking spaces are counted, they meet the target number, but it is tricky to count on-street spaces. Mr. Roberts also stated that it is hard to predict what the level of activity for a 27 room hotel will be at this location. He also noted that although Mr. DeSouza explained the vision for a Victorian destination, the designs lack details to understand what this would look like.

Mr. Hawes stated that he happy they are doing well, but he thinks it's a terrible location for a hotel, generating more traffic and activity than the current CUP would allow. He's concerned that the site could have other uses besides hotel once it is zoned Mixed Use. Mr. Roberts stated that when they adopt a zoning amendment, the site could be limited to only hotel use.

Mr. DeSouza said that he had spoken with neighbors and that they thought the bed & breakfast had closed because they did not see much activity, and were not bothered by the b&b's operations. He said they are open to their expansion. He also noted that the carriage house will be ready for occupancy in about two months. They want to build more units so they can accommodate more guests and guests with pets.

Mr. Henson stated that he agreed with Mr. Roberts's recommendation to use angle instead of perpendicular parking, and he asked if that would be considered private or public parking. Mr. Roberts stated that he would consider this private parking for this project. Mr. Henson is concerned about overflow parking in front of houses across the street. He also asked about setbacks, and Mr. Roberts responded that there are no setbacks in the MU zone. He asked about the landscaping, and Mr. DeSouza responded that there would be walkways and landscaping. Mr. Henson asked if the units would be ADA accessible, and Mr. DeSouza responded that yes they would be. Mr. Henson stated that he does not think this is a good place for a hotel.

#### *Appoint member to serve on MGCC Vista Links building committee*

Mr. Roberts explained that the City is determining what to do with the City-owned building that was built for and housed Mountain Gateway Community College up until a couple months ago. The property is owned by the Public Recreation Facilities Authority and they are forming a subcommittee whose purpose is to draft an RFP to solicit tenants or purchasers and review proposals. Once a tenant or purchaser is selected, the subcommittee will be dissolved. The subcommittee is pulling together stakeholders from various groups including the Planning Commission.

There was some discussion of potential appointees to this committee but no resolution.

#### **Report of the Secretary**

- At the last City Council meeting, SVU requested that Council postpone consideration of the CUP until January. The ROW abandonment is still moving forward to a vote.

Mr. Hawes pointed out that with the recent election, Mr. Henson would no longer be on City Council and could no longer serve as the Commission's Council representative. Mr. Hawes thinks that mayor-elect Jesse Lineberry may resign from Planning Commission, which would open up a seat that would need to be filled with a Council member. There was some discussion of potential individuals to fill that seat.

**Adjournment 8:45 PM**

Approved: \_\_\_\_\_



## **PLANNING COMMISSION Staff Report**

Zoning Text Amendment  
Section 705 Home Occupations  
12/2/2025

### **Update From November 2025 Planning Commission Meeting**

At the 11/12/225 Planning Commission Public Hearing, several members of the public shared thoughts about the issue of home occupations (HO's) and the draft text, and staff discussed these and their own thoughts.

- 1) One of the issues discussed was the "2/12" regulation on customer traffic (no more than two customers at a time, no more than 12 customers per day). Several people noted concerns that this was too restrictive. After review, staff recommend changing to "3/12", or no more than three customers at a time and no more than 12 customers per day. Staff is open to other suggestions for this, but the purpose of this provision is to limit traffic to homes. If a business is generating 14 or 18 or 20 vehicles per day, even if only one day in a week, this is a substantially higher number of vehicles than would be coming to a house without a business. This level of traffic could impact the safety and character of a neighborhood, as it seems to have in Racey Acres.

If an HO generates a volume that exceeds 3/12, then it could arrange pickups or drop-offs at an off-site location. During the meeting, the Food Lion parking lot was mentioned as an option, but other locations include the Police Dept and City Hall parking lots, both of which have camera surveillance. Another option is to partner with another business that has a brick and mortar location. For example, the recently-opened Junction 245 is marketplace for home-based vendors with merchandise on-site and a full-time salesperson, but they may also be open to more limited pick-up arrangements with other businesses, especially seasonal ones.

- 2) Another item raised was the use of the term "gainful employment" in the definition of home occupation. This was changed to "income generation."
- 3) Staff added a new provision 705.04-1.3 to clarify that the home occupation regulation section does not address family day homes, the Code of Virginia term for in-home childcare establishments. "Family day homes" are their own issue that we need to address and update our zoning code on separate from home occupations. Note that per Code of Virginia 15.2-2292, a family day home that cares for between 1-4 children must be treated the same as any other residential home—no additional conditions or requirements can be imposed, including the parking and employment requirements of the home occupation draft text.

### **Next Steps**

- Solicit more feedback from residents
- City Council public hearing in January (likely)



## 705 Home Occupations

DRAFT Text

12/2/2025

### **Definition**

302.08 *Home occupation* means a business, profession, trade, activity, or use of a residential property that is accessory and subordinate; is typically conducted for generating income; and conforms to Section 705 of this chapter.

### **Sec. 705.00. - Home occupations.**

705.01 Purpose. The intent of this section is to regulate the operation of businesses, professions, trades, or similar activities typically undertaken for gainful employment within residential zones. Home-based businesses are an important element of the City's economy and provide critical goods, services, and employment. Home occupations are secondary to the residential character of the property and neighborhood.

705.02 Permit required; validity; enforcement.

705.02-1 Any person desiring to establish a home occupation shall submit a zoning verification for home occupation permit application to the Zoning Administrator using a form provided by the City. The application, review, approval, denial, appeals, and expiration processes shall conform to Article 8 of the Land Development Regulations of the City of Buena Vista.

705.02-2 If the nature of the home occupation requires a business license issued by the City of Buena Vista, and the proprietor does not obtain such business license within the necessary timeframe, the zoning verification for home occupation shall be void.

705.02-3 Violation. When the Zoning Administrator finds that a home occupation is in violation of any provision of this section, in addition to the remedies referenced in Article 11 of the Land Development Regulations of the City of Buena Vista and any remedies available to the him or her under the Code of Virginia, the Zoning Administrator may request that the Commissioner of Revenue revoke the business license of the home occupation.

705.03 General Requirements

705.03-1 Premises may display as signage for or advertising for the home occupation no more than one (1) minor sign.

705.03-2 The home occupation use shall be limited to no more than 30% of the square footage of the dwelling unit; or if an accessory building is used for the home occupation, than no more than 30% of the gross square footage of the dwelling unit and accessory buildings.

705.03-3 In addition to at least one (1) person residing on premises, home occupations may employ only the following persons. For the purposes of this section, "employee" means any person directly involved in the operations of the home occupation, whether compensated or not.

705.03-3.1 Additional persons residing on the premises

705.03-3.2 Persons whose work is exclusively off the residential premises, and are not regularly present on the premises

705.03-3.3 Up to one (1) additional person whose work is primarily or exclusively on premise, and who does not reside on premises, provided that there is at least one (1) off-street parking space provided on the premises in addition to the off-street parking spaces required for the premises under Section 703 of the Land Development Regulations of the City of Buena Vista.

705.03-4 Customer or client traffic to the premises must be on a pre-arranged appointment basis. Home occupations may not offer products or services to the general public on premises on a drop-in basis, except for wayside stands as herein defined. The number of on-premise customer or client appointments may not exceed three (3) at any given time, and a total of twelve (12) per day.

705.03-5 Delivery traffic to or from the premises must be within business hours of 9:00 AM to 6:00 PM. Tractor trailer deliveries are prohibited.

705.03-6 Parking

705.03-6.1 Only two motor vehicles or motor vehicle trailers may be operated from the premises in connection with a home occupation. Only one such vehicle may exceed 14,000 pounds GVWR (US Class 3 commercial vehicle).

705.03-6.2 The premises must provide an off-street parking space for each vehicle classified, for tax purposes, for business use by the home occupation.

705.03-6.3 Drive-through facilities for home occupations are prohibited.

705.03-7 Supplies, materials, merchandise, or equipment used for a home occupation may not be stored outside.

705.03-8 Home occupations shall not introduce to a property or neighborhood noise, dust, odors, glare, vibrations, or other hazards or nuisances that are detrimental to surrounding properties or exceed conditions typical of a residential neighborhood.

705.03-9 The following uses are prohibited as home occupations:

705.03-9.1 Adult businesses

705.03-9.2 Kennels

705.03-9.3 Private clubs and lodges

705.03-9.4 Restaurants, except for those that are part of a Bed and Breakfast

705.03-9.5 Businesses engaged in the medical or recreational sale of cannabis or CBD products

705.03-9.6 Automobile service stations, automobile sales, vehicle towing, and automobile graveyards

705.03-9.7 Waste collection facilities and recycling centers

## 705.04 Additional Provisions

705.04-1 The following uses are exempt from the provisions of this section:

705.04-1.1 Residential Transient Occupancies, as defined herein

705.04-1.2 Yard sales, with the following limitations:

705.04-1.2-1 Yard sales shall be held no more frequently than four times within any twelve-month period, for a duration of no more than two days per event.

705.04-1.2-2 The yard sale is not associated with a home occupation or business, whether or not the yard sale and the home occupation or business share the same premises.

705.04-1.3 Family day homes, as defined by Code of Virginia § 22.1-289.02. Nothing in this section shall be interpreted to provide a process for approval of family day homes for between five and 12 children, per Code of Virginia § 15.2-2292(b).

705.04-2 Proprietors of home occupations are responsible for compliance with all applicable local, state, and Federal regulation or licensure or inspection requirements. Issuance of a zoning verification for home occupation shall not be construed as a determination by the City of compliance with, or exemption from, any state or Federal regulation or licensure or inspection requirement.

705.04-3 Issuance of a home occupation permit shall not exempt any premises from compliance with applicable state and local regulations pertaining to nuisances, public health and safety, or property maintenance.

## 705.05 Special Exceptions

705.05-1 Home occupations which do not conform to the provisions of Section 705.03 General Requirements or Section 705.04 Additional Provisions may be permitted by Special Exception approved by the Board of Zoning Appeals. The following criteria shall be considered:

705.05-1.1 Impact on pedestrian and vehicular traffic and parking

705.05-1.2 Potential for noise, dust, odors, glare, vibrations, or other hazards or nuisances

705.05-1.3 Impact on surrounding property values

705.05-1.4 Economic impact and community value of product or service

## **CURRENT TEXT**

### ***Definition***

302.08 *Home occupation* means an accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.

### ***Regulation***

Sec. 705.00. - Home occupations.

This ordinance uses a permit approach to the control of home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The administrator may request advice from the planning commission as appropriate.

705.01 *Special requirements.* Home occupation, where permitted, must meet the following special requirements:

705.01-1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant;

705.01-2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;

705.01-3 The home occupation when restricted to the main building shall not occupy more than 50 percent of the floor area within said building;

705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in section 706.03-3;

705.01-5 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

705.02 Expiration and revocation. A zoning permit for home occupations shall expire or be revoked under the following conditions:

705. 02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;

705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six consecutive months.

705.02-3 Whenever the city council finds that the holder of the permit has violated the conditions of the permit for one or more of the special requirements in [section 705.00](#).





**PLANNING COMMISSION Staff Report**  
 Zoning Map Amendment  
 2056-2068 Chestnut Ave – Blue Ridge Abbey  
 12/18/2025

**Synopsis**

Applicant Daniel DeSouza proposes to rezone the Blue Ridge Abbey property from R3 Residential to MU Mixed Use and construct ten cottages for transient occupancy.

**Site Information**

<b>Address/Tax Map:</b>	2056 Chestnut Ave (34-1-2-57-3 and 34-1-2-57-5) and 2068 Chestnut Ave (34-1-2-57-7)	
<b>Existing zoning:</b>	R3 Residential Limited	
<b>Existing land use:</b>	Single-family residential with CUP for Bed & Breakfast (2025)	
<b>Proposed zoning:</b>	MU Mixed Use Condition of use only as hotel	
<b>Proposed land use:</b>	Hotel	
<b>Surrounding zoning and land use:</b> Single family residential		
<b>Size:</b>	37,500 sf land	
<b>Tentative Timeline</b>	Preliminary Commission Discussion	11/12/2025
	<b>Planning Commission Public Hearing</b>	<b>1/13/2026</b>
	City Council Public Hearing	TBD
	City Council Adoption	TBD

**Overview**

2056 and 2068 Chestnut Ave are two single-family houses which were granted a Conditional Use Permit (CUP) for use as a Bed & Breakfast in February 2025. The house at 2068 Chestnut Ave was renovated and began operation as a B&B in late spring 2025, and the house at 2056 Chestnut Ave is still under renovation.

Daniel De Souza, on behalf of the LLC owning the Blue Ridge Abbey business, proposes to expand the inn by constructing eight cottages on the undeveloped south end of the property as well as increasing the number of rental rooms in the existing structure. This will require rezoning the property from R3 Residential to MU Mixed Use.

*Required Approvals*

- Zoning Map Amendment – Planning Commission recommendation and City Council approval
- Site Plan – Staff will review and approve the technical site plan, however, the site improvements are integral to the change in use and Zoning Map Amendment review by Planning Commission.

- Erosion & Sediment Control – The land disturbance is expected to exceed 10,000 sf, so and ESC plan will be required. The City’s 3<sup>rd</sup> party, AMT, will review.

*Site*

1. Overall Layout & function
  - a. 2056 and 2068 will combined have between 16 rooms as well as the common dining, kitchen, and sitting spaces for the inn. Eight new cottages are proposed, constructed in a U-shape on the south end of the property (lots 3-4), for a total of 24 guest rooms. Each cottage is about 400 sq ft and will contain a sitting area, kitchenette, full bathroom, and bedroom. The cottages will open onto a landscaped central green.
2. Vehicular Circulation and Parking
  - a. 2056 and 2068 Chestnut currently provide nine off-street parking spaces in their separate driveways, without vehicles being blocked in. The site plan proposes 10 angle parking spaces along Chestnut Avenue in front of the proposed cottages. These parking spaces would be partly in the public ROW and partly on private property, but staff would count these as private off-street parking rather than public on-street parking. There are a total of 19 private off-street parking spaces.
  - b. Staff count 8 on-street parking spaces on the 21<sup>st</sup> St and Chestnut Ave frontages of this property, excluding the area of proposed angle parking. (The frontage of the proposed angle parking currently accommodates approximately 3 vehicles on-street, parallel.)
  - c. The off-street parking requirement for hotels is one space per bedroom plus one additional space for each two employees (703.03-1). For 24 rooms and 2 employees this equals 25 spaces.
3. Trash Collection – cans set on the alley behind the carport building next to the cottages. Staff recommend multiple pick-ups per week for a business this volume if using cans.
4. Landscaping
5. Water/Sewer, Signage are still TBD.

**Analysis**

The current zoning is R3 Residential Limited with a Conditional Use Permit (CUP) to operate two bed & breakfasts, one in each house. The CUP also included a list of additional conditions related to special events. The B&B began operations earlier in 2025 but only in the large house (2068); the smaller house is still under renovation, so only five rooms have been available for occupancy thus far.

*Zoning and Use*

There is a documented need for transient accommodation in the City. Multiple plans including the downtown revitalization plan and the Recreation Economies for Rural Communities plan, included specific recommendations to pursue hotel/transient occupancy businesses to expand options and drive tourism in the City. In 2025, both the Bontex revitalization study and Main Street’s economic analysis identified market gaps for hospitality. Additionally, at the

11/12/2025 meeting, the applicant noted the robust demand that they had experienced in the fall, citing the dozens of guests they had to turn away due to lack of availability.

The proposed use is a hotel with up to 24 rooms, including the two existing houses and eight new detached cottages. They plan for transient occupancy only and no accommodations would be for residency (30+ days). Although the business will not look like a Marriott or Hilton hotel and it may continue to use terms such as “bed and breakfast” or “inn,” the zoning term for the proposed use is “hotel.”

The MU Mixed Use zone is the most logical choice for rezoning because the Magnolia Ave corridor is zoned MU and it allows hotels. The Comprehensive Plan Future Land Use Plan designates this location as Residential Medium Density, which aligns with its current zoning, but it is only half a block away from the edge of the existing MU zone. The downtown revitalization plan, among others, highlights the importance of the 21<sup>st</sup> Street corridor as the primary east-west axis in the City, providing some support for extension of the MU zone along this street. Because the MU zone is less than a block away and there is clear proximity to other non-residential uses, this would not be considered “spot zoning.”

The MU zone allows a wide range of uses. Staff recommend the rezoning ordinance limit the uses of this property to hotel or single-family residential only. This would avoid surprises down the road if the inn should close, because with this condition, other non-residential uses (for example, retail, office, restaurant, etc.) would require further zoning or conditional use permit.

#### *Further Analysis*

##### Design

The proposal is for a Victorian-styled cottage court. The architectural details and form would echo the main house (2068 Chestnut), and the scale of the cottages would not overwhelm the other buildings in the neighborhood, but the rhythm would be a departure from the detached single family homes that characterize this and nearby blocks. There is an apartment building immediately south of the site, but its form and size echo a single-family home and so it blends in. Similarly, across 21<sup>st</sup> St is a three family dwelling, but it is a converted single family home and retains that appearance (the blue house at the corner). The entire west side of this block is detached single family homes.

Cottage courts can be an effective and attractive way to increase density in residential areas, but the site-specific design of the courts and their appearance in relation to nearby properties is critical because they are a different rhythm. This court is oriented away from the street and the cottages closest to Chestnut Ave do not face the street. The applicant states that they would have windows facing the street (although the plans don’t reflect this). Staff believe the revised plans are an improvement over the original plans, and that the cottages could be designed in such a way that, combined with effective landscaping such as medium/large trees, they could be attractive and unobtrusive. At this time, the designs are not specific enough and there are not renderings or elevations to be clear on this treatment. However, the main presentation to the street would be the angle parking, with the cottages and landscaping behind this.

From a process standpoint, staff will require more detailed landscaping plans from the applicant prior to site plan approval. Planning Commission/City Council may require these prior

to making a decision if it feels like these are needed, or it may give general directions or recommendations regarding design or landscaping and allow submission later.

### Use

Because the bed & breakfast has thus far only operated with five rooms, it is hard to gauge the future level of pedestrian and vehicular activity of a 24-room hotel and its potential impact on the character and scale of the neighborhood. In theory there could be more than four times the level of activity on the site. Additionally, there could be more special events, of which there have only been a few to date. While the library across 21<sup>st</sup> Street receives daily vehicular traffic, and Forest Avenue has both MGCC and the Post Office as well as the White Tree Inn, Chestnut Ave remains residential in character and somewhat quieter. Staff have significant reservations about the proposed level of activity being appropriate for a residential neighborhood.

### Parking

The 19 private off-street spaces do not meet the 25 that would usually be required. The 8 on-street spaces should be considered when looking at the overall parking, but the availability of these spaces is unpredictable. With the robust demand that the applicant notes, many weekends the hotel would likely be fully-booked. In their CUP application the hotel committed to using the City public parking lot in the 2100 block of Magnolia Ave/Forest Ave for special events requiring more parking, but this would be hard to monitor and the frequency is unknown. As such, staff believe that some amount of additional off-street parking is needed.

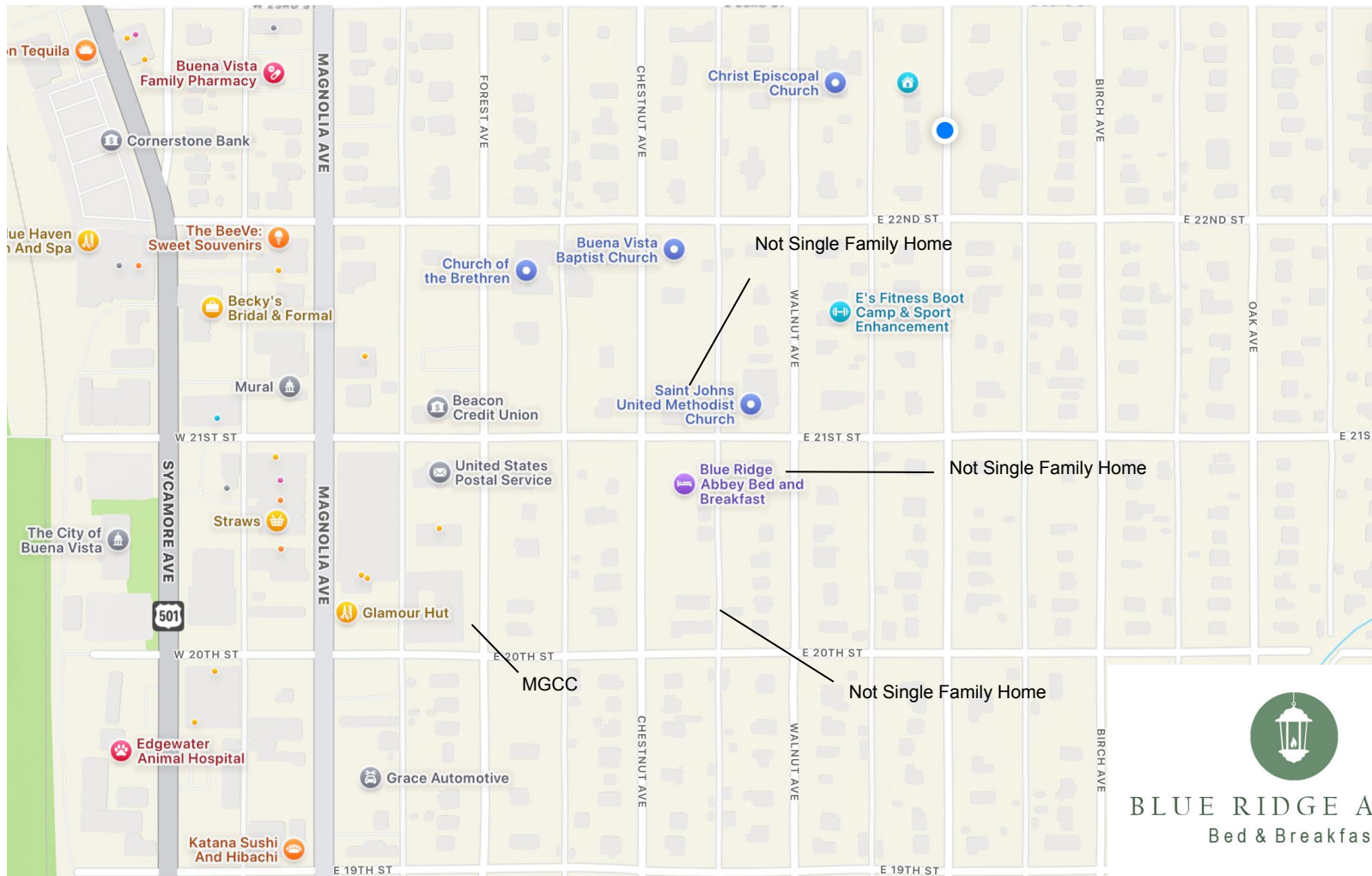
### *Discussion and Recommendation*

The key issues noted by staff and discussed some at the 11/12/2025 Planning Commission meeting are the compatibility of this use with the neighborhood (the aesthetics and the intensity of use) and the availability of parking. Given the difficulty extrapolating potential impact from current operations, the residential neighborhood context, and parking constraints, at this time staff recommend approval of the rezoning for hotel use for the existing two buildings, but not approval of the eight cottages as presented. The need for a hotel in Buena Vista is clear, and the City desires to see this business thrive, but has concerns about the proposed scale at this location.

# Zoning Map Amendment



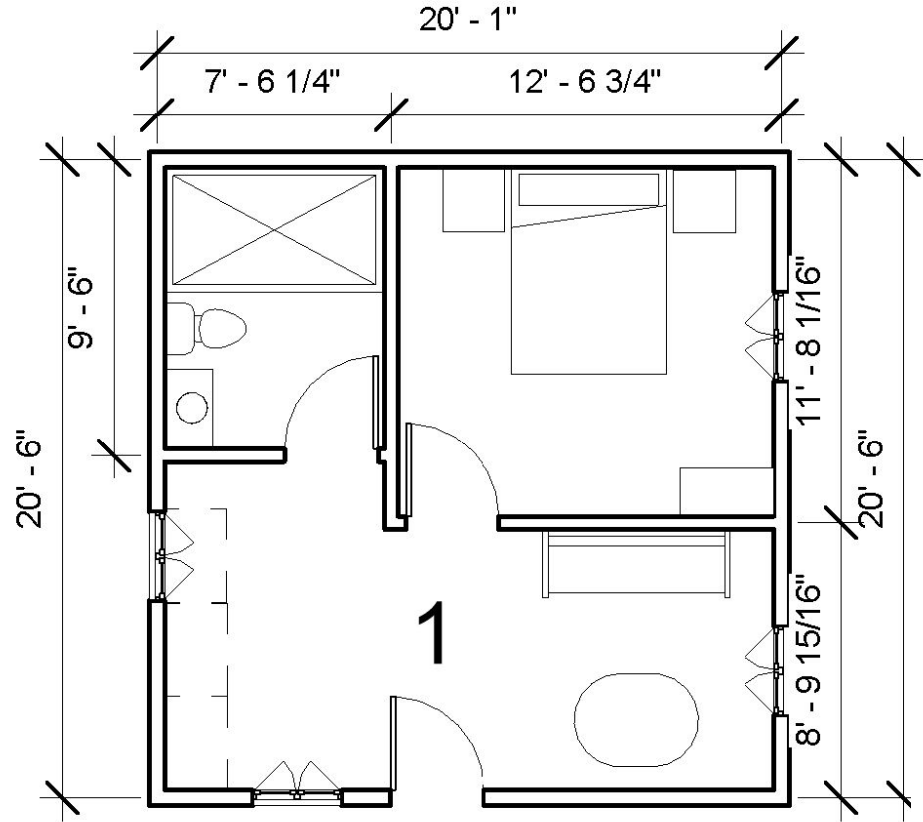
BLUE RIDGE ABBEY  
Bed & Breakfast



BLUE RIDGE ABBEY  
Bed & Breakfast



# Small House Layout



BLUE RIDGE ABBEY  
Bed & Breakfast

## Small Home Suggestions



BLUE RIDGE ABBEY  
Bed & Breakfast

# Garden/Landscape Suggestions



BLUE RIDGE ABBEY  
Bed & Breakfast



Evergreen Trees



Pavers



Bushes



Grass



Japanese Maple Tree



Rose Bush

## Outdoor details



Fire Pit



Bench



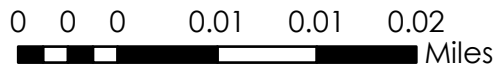
Dog Waste Station

# Why it this the Perfect Location

- Proximity to Main Street
- Proximity to I-81
- Perfectly located for a pit stop
- Size of the property
- Other non-single family properties nearby
- Ample Parking
- Historic appeal
- Flat lot
- Existing Infrastructure
- Safe part of town



BLUE RIDGE ABBEY  
Bed & Breakfast



## 2056 - 2068 Chestnut Ave









# PUBLIC RECREATION FACILITIES AUTHORITY

## STAFF REPORT – MGCC VISTA LINKS BUILDING

Last Updated: October 29, 2025

### Background

The Public Recreation Facilities Authority (PRFA) owns the property located at 35 Vista Links Drive, formerly occupied by Mountain Gateway Community College (MGCC). The facility carries an existing debt service of just under \$1.8 million, with 18 years remaining on the loan. Payments for this obligation are currently budgeted through the end of FY 2026 (\$181,729 – a monthly average of \$15,144) for the long-term planning for this property.

The building was recently considered as a potential site for the new middle school. After architectural review for compliance with Virginia Department of Education design standards, the School Facilities Committee decided not to pursue further study of this option. The architectural review found that the building would require a very large addition nearly doubling its size to include new classrooms, a media center, and a gymnasium, as well as extensive renovation of the existing building. The large addition would require substantial site work, including all new stormwater management measures and possibly acquisition of additional land.

As such, City leadership has begun exploring viable options for the property's future use that would support economic development goals and fiscal sustainability.

### Property Details

- **Address:** 35 Vista Links Drive, Buena Vista, VA
- **Building Size:** 15,810 square feet (gross building area)
- **Site Size:** 4.38 acres (190,880 square feet)
- **Parking:** 120 off-street spaces (7.6 spaces per 1,000 SF)
- **Year Built:** 2007
- **Features:** Classrooms, offices, a conference room, and a commercial kitchen, offering flexibility for conversion to other educational, office, or business uses.
- **Appraised Market Value (June 12, 2025):** \$2,450,000

### Staff Recommendations

#### 1. Future Occupant be a Revenue Producing Entity

Staff recommends that any future occupant be a revenue-producing entity, contributing to the local tax base through personal property, business license, or machinery and tools tax, depending on the nature of operations.

The outstanding debt on the property represents a significant long-term financial obligation. The most advantageous financial outcome would be to remove this debt service from the City's responsibility, ideally through the sale of the facility.

However, leasing the property could also serve as a practical alternative—provided that the lease terms offer meaningful economic benefit, and align with the City's broader strategic growth and revenue generation goals.

Should leasing the property be considered, the PRFA must consider that Virginia Code limits the authority to recreational, outdoor entertainment, and related facilities. These limitations restrict the types of tenants or uses that the PRFA may directly engage with. For this reason, staff recommend evaluating whether, with lender approval, ownership of the property could be transferred to the Economic Development Authority (EDA) if the lease options is considered as the EDA's broader statutory powers allow for a wider range of uses and redevelopment opportunities.

## 2. Future Use Align with Hill Top Zoning Districts

The property is located within the Hill Top District, guided by the Hill Top Small Area Plan, and is currently zoned Planned Unit Development–Residential–Hill Top (PUD-RES-HT). While this zoning accommodates civic and institutional uses, it offers limited flexibility for commercial development. The Comprehensive Plan's Future Land Use designation of this property is Mixed Use Planned Development. The adjacent property where Food Lion, Head Start, etc. is located is zoned Mixed Business-Hill Top (MXB-HT) with future land use designation of Corridor Commercial.

Because desirable potential future uses may not be permitted within the PUD-RES-HT zone, staff/PFRA/Council should be prepared to rezone the property. One consideration of the process should be whether to leave the current zoning and rezone once a particular proposal has been selected, or whether to pre-emptively rezone to the MXB-HT zone. Waiting to rezone for a particular proposal may avoid unnecessary rezoning and allows specific conditions to be applied, but could delay purchase or occupancy; pre-emptively rezoning could limit City influence on use of the site or improvements to the site, but gives potential buyers more certainty about their investment and could speed the purchase or occupancy.

PUD-RES-HT Permitted uses include:

- Single-, two-family, multifamily, and townhouse dwellings
- Civic and institutional facilities
- Recreation facilities
- Private schools and studios
- Public utilities and municipal service buildings
- Restaurants and hotels/motels

MXB-HT Permitted uses include:

- Retail shops and offices
- Theaters, restaurants, and assembly halls
- Hotels, banks, and bakeries
- Live-work units and bed-and-breakfast establishments
- Drive-through facilities along Highway 60

## 3. Structured and Transparent Process for Determining Future Use

Staff recommend that the PRFA implement a structured process to identify the most beneficial long-term use of the property, including:

- a. **Establish an Evaluation Cross-Representative Committee** to oversee the process for identifying a qualified entity. The committee should include:

- i. One PRFA member – representing owning authority
  - ii. One EDA member – provides economic development knowledge and represents EDA as potential future owner in lease option
  - iii. One Planning Commission member – offers zoning and planning review expertise
  - iv. City Staff
  - v. City Attorney
- b. **Authorize the Committee to Prepare and Evaluate a Public Request for Proposals (RFP)** for the purchase or lease of the property to ensure a competitive and transparent process. The RFP will include key criteria including requirements for proposed use, investment and job creation metrics, timeline, demonstration of financial capability, etc. to ensure the best outcome for the community and safeguard public interests.
  - c. **Committee Makes Recommendation to the PRFA** based on proposals received and evaluated for community benefit, economic impact, and financial return.

### **Conclusion**

The former MGCC facility presents a valuable opportunity for the City of Buena Vista to repurpose an existing asset into a driver of economic activity. Through the creation of a cross-representative committee, issuance of a competitive RFP, and evaluation proposals on strategic criteria, the PRFA will be positioned to make an informed, strategic decision that balances financial stewardship with long-term community and economic benefits.