



PLANNING COMMISSION

AGENDA for October 10th 2023

AGENDA

PUBLIC HEARING

- 1) R6 Plan of Development for 352 Beverly Hollow Ln

REGULAR MEETING

Call to Order by Chairman and Roll Call

Public Comment on Items Not on the Agenda

Review and Adoption of Minutes

Minutes of September 12th 2023

Report of Secretary

- 1) Welcome Sarah Henson to Planning Commission!
- 2) Local Fair Housing regulation repealed
- 3) Council reviewing prohibition on street parking of non-passenger vehicles

Old Business

- 2) R6 Plan of Development for 352 Beverly Hollow Ln

New Business

- 1) Proposal to harmonize Planning Commission term expirations to December 31st of given year

Adjournment

Members and Term Expirations

Dennis Hawes, Chairman, 7/31/2024

Harold Kidd, 6/30/2026

Justin Wiseman, 8/31/2025

Marolyn Cash, 6/30/2024

Sarah Henson, 9/30/2027

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

Kristie Gibbons, 12/31/2024

Timothy Petrie, 12/31/2024

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 | 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 2nd Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.



PLANNING COMMISSION

MINUTES of September 12th 2023

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, September 12th 2023.

Members Present:

Dennis Hawes, Chairman
Melvin Henson, City Council Representative
Lucy Ferreebee
Harold Kidd
Kristie Gibbons
Jason Tyree, Ex Officio member

Members Absent:

Marolyn Cash
Timothy Petrie
Justin Wiseman

Staff Present:

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called. There was no public comment on items not on the agenda.

Minutes

Mr. Henson motioned to approve the July 11th 2023 minutes, Mrs. Gibbons seconded, and all voted to approve except.

New Business

Sign Certificate of Appropriateness for 2520 Beech Avenue

This item was added to the agenda just before the meeting. The applicant, Sarah Henson, was present at the meeting. Mr. Roberts briefly reviewed the details from the staff report. There was no discussion. Mr. Henson motioned to approve, Mr. Kidd seconded, and all voted yes.

Site Plan and Abandonment of 200 block of Poplar Avenue

Mr. Hawes began by explaining that this project had come before the Board of Zoning Appeals (on which he sits) and the main concerns raised there were around stormwater management. The BZA's purpose was to approve a reduction in the minimum street frontage of 75' down to 67'. The BZA put some conditions on the approval, specifically that the road be completed to VDOT standards; that necessary easements and a road maintenance agreement be recorded before a certificate of appropriateness be issued; and that Erosion & Sediment Control plans be approved and followed.

Mr. Hawes also asked Mr. Eason Roberts, adjacent property owner, if he still did not want to purchase his half of the portion of Poplar Ave to be abandoned. Mr. Eason Roberts stated that he does want to purchase it, contrary to what is stated in the staff report. Mr. Tom Roberts said he would follow up with Mr. Eason Roberts about that.

Mr. Tom Roberts noted that he made a hand-written correction to the site plans in the Commissioner packets to show the angle and location of the proposed storm sewer. The proposal is to cut diagonally across 3rd Street, intersect an existing pipe on the north side of 3rd St, and flow into Pedlar Gap Run from there north (downstream) of the 3rd St culvert.

Mr. Roberts noted that the applicant (Mr. Holguin) will have to submit and Erosion & Sediment Control Plan because the land disturbance is over 10,000 sf. This has not yet been submitted.

Mr. Roberts then summarized the process and what is before the Commission. The Commission is reviewing the proposed street abandonment, which will go to City Council, and is reviewing the site plan, which is required because there is a private street.

Mr. Henson brought up the street construction standards. He also asked about where trash would be picked up, to which Mr. Roberts replied that residents should bring their trash to the street. The trash truck drives into and backs out of the alley that is Mr. Eason Roberts's only access.

Mr. Kidd asked about the sewer. Mr. Hawes replied that the sewer down the new private street would be private and the responsibility of the owners to maintain. Mr. Kidd is concerned that regardless of maintenance agreements, sometime in the future the City will be asked or expected to get involved in the maintenance, and approving this will be opening a can of worms. Mr. Roberts responded that in some other localities, such maintenance agreements are more common. Mr. Hawes agreed that these are common in the County. In his opinion, this different approach to development is necessary to adapt to modern infrastructure construction and maintenance costs, and the City needs to set this as a new normal expectation.

Mr. Henson asked about the purchaser's awareness of these responsibilities, and Mr. Roberts replied that there would need to be a rock-solid deed agreement reviewed by the City.

Mr. Henson asked what would happen if Mr. Eason Roberts decided to develop some of the lots he has on the interior of the block, and whether they would have frontage on the private street. Mr. Tom Roberts responded that the new private street would legally belong to the three owners of the new houses, and they could choose to allow additional parties to use the road. However, there is a steep bank separating the proposed street from Mr. Eason Roberts's properties. The only way the street could become public again is if the street were improved to the VDOT public street standards (including paving) and the owners dedicated to the City. Mr. Kidd and Mr. Hawes opined that this would never happen.

There was some discussion with Mr. Eason Roberts about ROW abandonment and the process for abandonment. He made clear that he does want to purchase his half.

Mr. Hawes asked if there was a motion to recommend for or against abandonment of this section of Poplar Avenue. After giving opportunity, there was no motion either way, and Mr. Kidd stated that no motion is no motion.

Mr. Hawes then proposed a motion to approve the site plan with the following conditions:

- The road be built to the VDOT Mountainous terrain standards specified in Section 507;
- Before a certificate of occupancy is issued on any of the houses, the road maintenance and utility cross easements are recorded;
- And the Erosion & Sediment Control Plan is approved.

Mr. Eason Roberts asked about the VDOT standards. Mr. Hawes responded that the specs are stricter than just throwing down some gravel on the dirt. Mr. Bryson Adams, member of the public, rose and stated that he recommends against installing asphalt until the construction is complete. Mr. Hawes agreed and noted that the standards do not require asphalt. Mr. Tom Roberts stated that the VDOT standards will require a minimum width of 18' and roadside ditches. The developer, Mr. Holguin, plans a 20' wide road with asphalt. Mr. Tom Roberts also added that the roadside ditches will be on either side of the street and will drain into a drop inlet on the east side of the entrance. Most of the runoff on the site will flow into the western ditch.

Mrs. Gibbons asked Mr. Eason Roberts to restate his concerns. He replied that he is most concerned with additional runoff onto his property. He is also concerned generally about Pedlar Gap Run being too filled with sediment and not able to handle the flow it receives. He believes it needs to be cleaned out.

Mrs. Gibbons made the motion proposed by Mr. Hawes and Mrs. Ferrebee seconded. Mr. Kidd stated again that he believes this is not a good idea, and that down the road the City will be stuck with maintenance in some way. Mrs. Gibbons, Mrs. Ferrebee, and Mr. Henson voted yes; Mr. Kidd voted no.

Mr. Eason Roberts asked about the surface material of the ditches and who would maintain them. Mr. Tom Roberts responded that he does not recall whether the VDOT standards specify how the ditches are lined, but maintenance would be the responsibility of the property owners, and if it was not done that could be enforced using existing property maintenance regulations.

Abandonment of alley adjacent to 225 Ridge Ave

Mr. Hawes and Mr. Roberts quickly introduced this and stated that from a land use perspective, it is very straightforward. Mr. Henson asked about the owners across the alley from Mr. Webb, who have not indicated interest or not. Mr. Henson asked what if the owners across the alley came back in two years and decided they wanted to buy their half. Mr. Roberts stopped to explain the process more, that the people on the other side of the alley have to either agree to sign their half over, or they get it, whether they pay for it or not. However Council can choose whether to abandon it or not.

Mr. Kidd stated that he does not think this should not be in front of the Commission until it is clear what the various parties want to do, and that it is too speculative. Mr. Kidd motioned to table the item, Mrs. Ferrebee seconded, and there was a two to two tie. Mr. Hawes broke the tie by voting nay, and the motion was not tabled.

Mr. Hawes asked for a motion to recommend approval of the abandonment. Mr. Kidd made this motion, with the condition that the adjacent owners make clear whether they want their half or not. Mrs. Ferrebee seconded, and all voted yes.

R6 Plan of Development for 352 Beverly Hollow Ln

Mr. Hawes began by noting that a very similar proposal was approved in 2020 on Beverly Hollow Ln. Mr. Roberts summarized the staff report and stated that it is pretty straightforward, just a house at the end of a long drive way with well and septic.

Mr. Henson asked how many new houses could be built on this road before the City would require it to be upgraded. Mr. Roberts replied that there was no number, and that he does not have a good answer for how many is too many on this gravel private road. If this were a new proposed road, the conversation would be very different, but as an existing road, the City allows new development on this road. Because of its length, proper upgrading would be exceedingly expensive.

Mr. Henson also asked about the maximum number of houses on well and septic. Mr. Hawes responded that it depends on the topography and the soils and other factors. They are reviewed by the Health Department.

Site Plan review for 524 W 29th Street

Mr. Roberts began by explaining that this is a new retail store proposed for a vacant commercial site. He noted there will be an Erosion & Sediment Control Plan for this site also. Mr. Hawes stated that he is not that crazy about the dumpster being visible from 29th Street, but Mr. Roberts responded that it is probably located there because of the tractor trailer maneuvering pattern.

Mr. Henson asked who will maintain the grassy area between the property and the railroad. Mr. Roberts responded that the City would likely take over mowing there. Additionally, the 29th Street Corridor Landscaping Plan calls for a new entrance sign next to 29th St by the rail road tracks, surrounded by trees and shrubs. He also worked with the engineers for this project to locate trees around the perimeter of the site.

Mr. Henson asked who will build the curb and gutter. Mr. Roberts said that the City could do it, but the developer probably would from a timing perspective. Mr. Henson also asked about the Family Dollar store. Mr. Roberts responded that even if the company closes Family Dollar, that would be good because it would be great to have a large turnkey retail space available.

Mr. Henson noted that the fire hydrant at Alleghany and 29th Street needs to be replaced.

Mrs. Gibbons motioned to approve the site plan, Mr. Kidd seconded, and all voted yes.

Secretary's Report

Mr. Roberts covered the three items on the agenda under the secretary's report. He then noted that the zoning map amendment for Austin Rehl's property to Institutional was approved, and the text amendment to the Institutional zone was approved.

Mr. Kidd asked about regulation of golf carts and enforcement. He has observed some violations. He also asked about removal of old business signs, especially downtown. Mr. Roberts acknowledged that there are a number of old signs and he will bring that up with Main Street. Lastly, Mr. Kidd noted that there are some canopies downtown that are in bad shape, and Mr. Roberts explained that the worst offenders will be addressed with CDBG façade improvement funds.

Mr. Roberts then brought up the question of setbacks in the R4 Medium Density Residential zone. He explained that the R4 imposes generous setbacks on multifamily development, which pose significant constraints on development that is on standard City lots only 125' deep. He sees multiple multifamily proposals that are appropriate to the site but need to use more of the site and can't meet those setbacks.

Also, almost all the other zones that allow multifamily and don't have tight setbacks also allow commercial use (the Mixed Use, Mixed Business, and Institutional zones). Mr. Roberts sees a need for a multifamily zone with lesser setback requirements.

Alternatively, he could use the R6 Residential Planned Unit Development zone more. The process is the same a rezoning so there are no additional steps for most developments. In particular he is thinking of the site at 6th St and Magnolia Ave. He explained why there are site constraints for this property. He stated that everyone can agree that at this location five feet from the sidewalk is probably not appropriate, but there could be a middle ground between that and the 30' setback required by R4.

They discussed street parking and pedestrian/aesthetic interaction with the street for development on this site.

Mr. Henson stated that he thinks R6 Residential PUD would be the most appropriate.

Adjournment 8:15 PM

Approved: _____



PLANNING COMMISSION Staff Report

Planned Unit Development – Master Plan

352 Beverly Hollow Lane

9/28/2023

Synopsis

Applicant Gunner Beverly proposes to build one single-family home on a 33 acre site accessed from Beverly Hollow Lane. A Plan of Development is required because the site is zoned R6 Residential Planned Unit Development.

Site Information

Address/Tax Map:	66-1---5, to be addressed 352 Beverly Hollow Ln	
Existing zoning:	R6 Residential Planned Unit Development (PUD)	
Existing land use:	Vacant/forested	
Proposed zoning:	No change	
Proposed land use:	Single-family residential	
Surrounding zoning and land use:		
Single-family residential and agricultural/forest		
Size:	33 acres	
Staff Recommendation:	Approve as presented	
Tentative Timeline	Preliminary Commission Discussion	9/12/2023
	Planning Commission Public Hearing	10/10/2023
	City Council Public Hearing	11/2/2023
	City Council Adoption	11/16/2023

Analysis

The applicant seeks to build a new house on a large tract of forested land at the very southern tip of the City.

Zoning and Environmental

The land is zoned R6 Residential PUD. Although this zone is generally intended for large-scale residential development such as a housing subdivision, it allows one-off single family residential development through the same process.

The site is 33 forested acres, much of it sloped, adjacent to the National Forest. Beverly Hollow Lane crosses the northern edge of the property, and an old fire road runs through the eastern side of the property. A small stream, Poplar Cove Run, generally follows the eastern boundary.

The southern corner of the property, which is the southern tip of the City's boundaries, has a high point where Mr. Beverly plans to construct his home.

A new driveway approximately 2,000 ft long is planned to reach the proposed home from the road. With the house and road combined, more than 10,000 sf of land will be disturbed. Alan McMahan has reviewed and approved his Erosion & Sediment Control plan. There are no significant ESC or stormwater management concerns for this project.

Infrastructure

The home will have well and septic. It is not feasible to connect to City water and sewer at this location. A general location of the septic field is shown on the site plan, but the well location has not yet been determined.

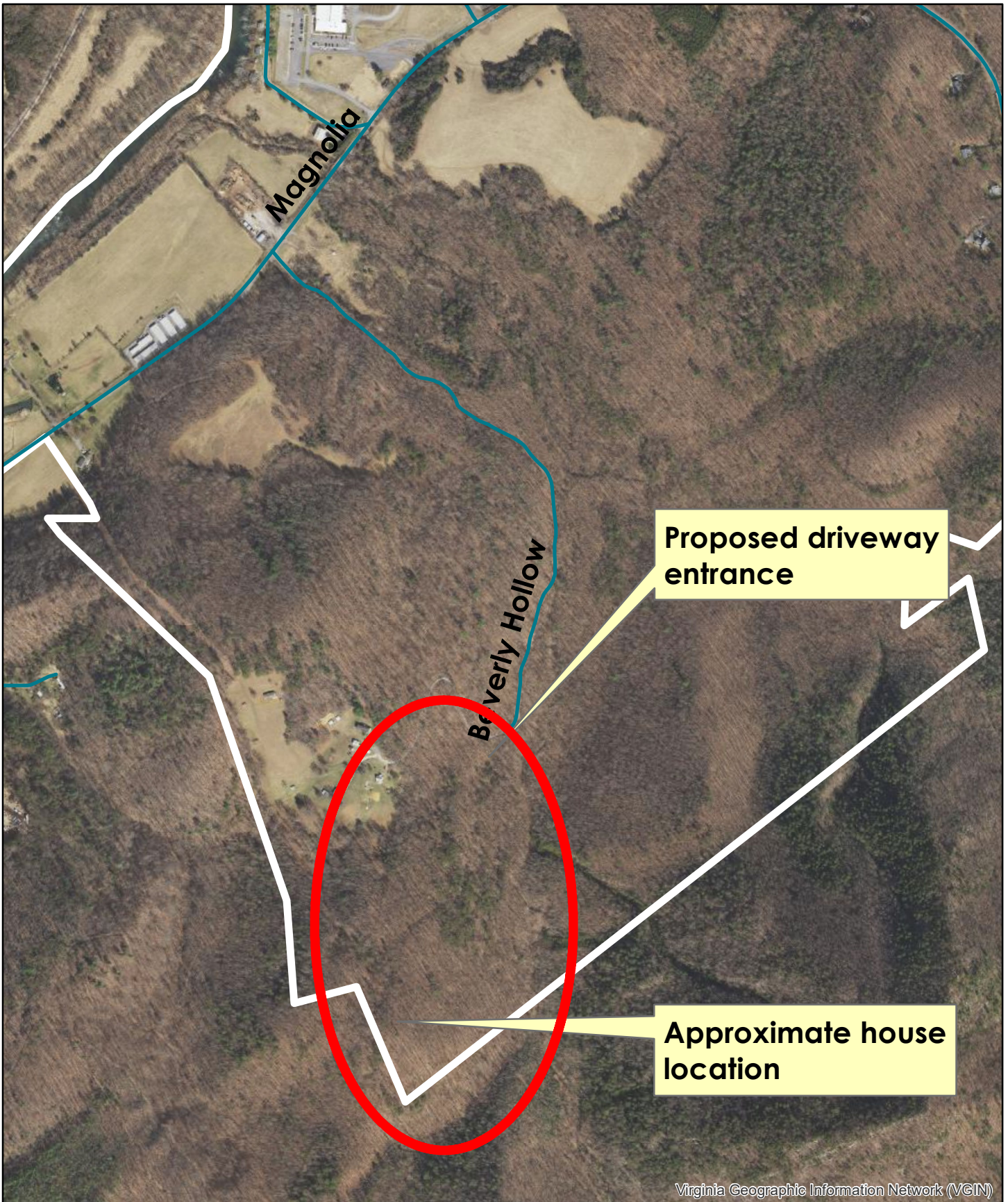
Access

The property has frontage on Beverly Hollow Ln, a private road. This road is maintained by current property owners on the road (there are five homes on the road), and it is in good condition—roadside ditches are cleaned out, cross-road drainage troughs have been redone recently. In 2020, as part of approval of a proposal similar to Mr. Beverley's home, the Fire Department tested its ability to drive a fire truck up the road and had no problems.

At that time, no deeds were found that explicitly assigned maintenance responsibility to any of the adjacent owners. The deed to Mr. Beverley's property does not explicitly assign any maintenance responsibility. Although future maintenance of the road could be a concern, staff does not believe it would be fair to obligate Mr. Beverley with maintenance but not obligate other owners.

Recommendation

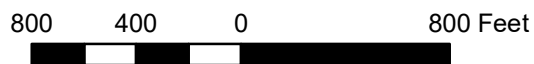
Staff recommend approval of this plan of development as presented.



Virginia Geographic Information Network (VGIN)

Beverley Property Location

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



9/6/2023

VA NAD 83 (2011) STATE GRID
SOUTH ZONE

56-A-3
SAVERIAKE PROPERTIES, L.C.
DB 87 PG 692 (BV)
REF. ~ DB 184 PG 343 (RC)
PLAT ~ PB 1 PG 81 (RC)

"POINT A"
POINT IN THE
CENTERLINE OF
POPLAR COVE RUN

"POINT B"
POINT IN THE
CENTERLINE OF
POPLAR COVE RUN

0.6 MILE TO
U.S. ROUTE 501
"MAGNOLIA AVE"

S 68°22'44" E 164.58' (TOTAL)
RF IN
STONE PILE
AT 112.29'

S 05°02'57" W 486.51' (TIE LINE)
RF IN
STONE PILE
AT 12.00'

S 07°02'44" E 734.15' (TIE LINE)
RF IN
STONE PILE
AT 36.64'

S 08°52'16" W 328.18'

N 69°13'46" E 647.70'

S 49°04'21" W 937.49' (TOTAL)
(900.85')

N 05°00'34" E 1539.27'

N 21°58'59" W 484.40'

USFS MON.
#3 & #3 IN
STONE PILE

U.S. FOREST SERVICE
GEORGE WASHINGTON AND
JEFFERSON NATIONAL FOREST
GLENWOOD-PEDLAR RANGER DISTRICT
TRACT #7

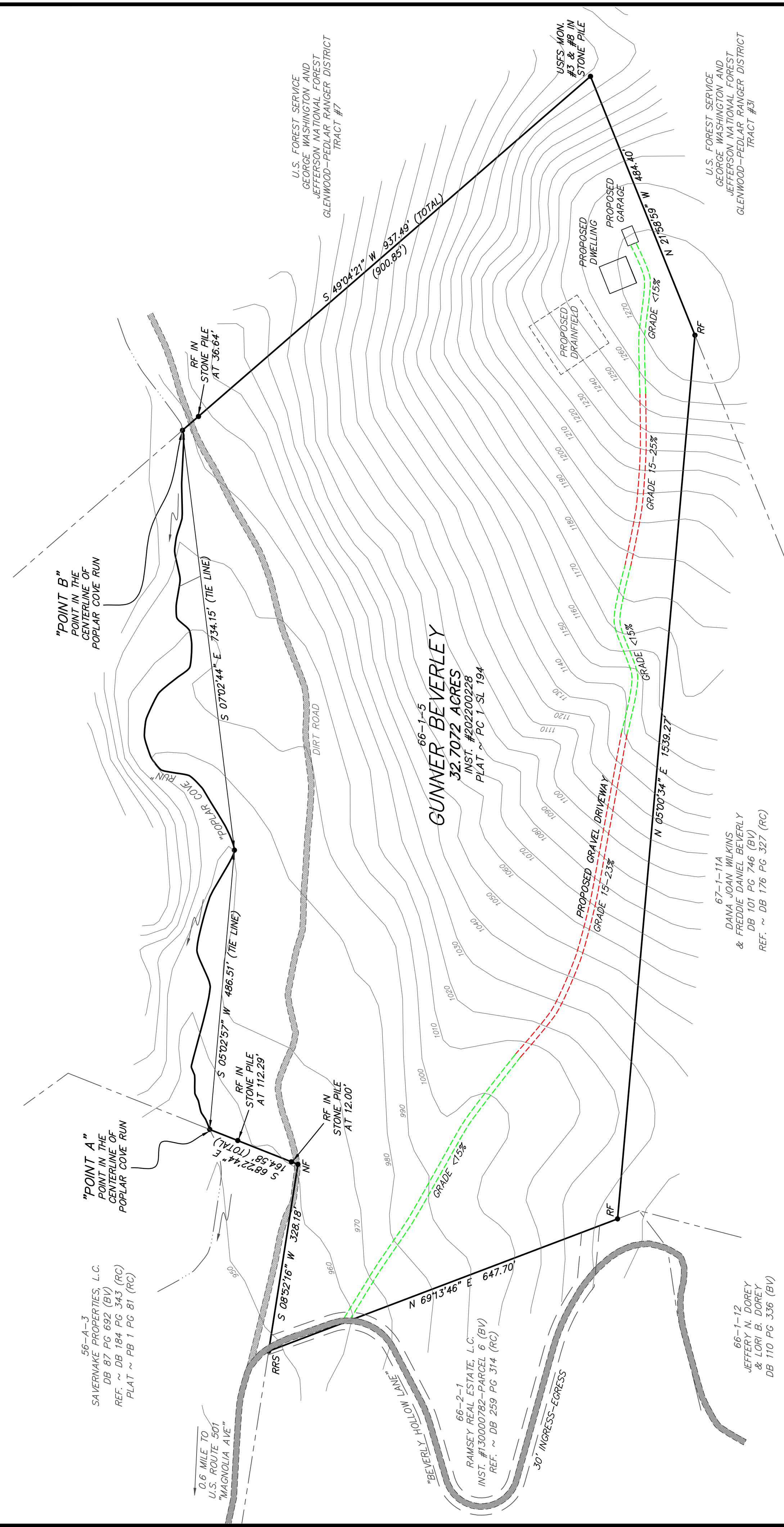
U.S. FOREST SERVICE
GEORGE WASHINGTON AND
JEFFERSON NATIONAL FOREST
GLENWOOD-PEDLAR RANGER DISTRICT
TRACT #31

GUNNER BEVERLEY
66-1-5
32.7072 ACRES
INST. #202200228
PLAT ~ PC 1-SL 194

67-1-11A
DANA JOAN WILKINS
& FREDDIE DANIEL BEVERLY
DB 101 PG 746 (BV)
REF. ~ DB 176 PG 327 (RC)

66-1-12
JEFFERY N. DOREY
& LORI B. DOREY
DB 110 PG 336 (BV)

66-2-1
RAMSEY REAL ESTATE, L.C.
INST. #130000782-PARCEL 6 (BV)
REF. ~ DB 259 PG 314 (RC)

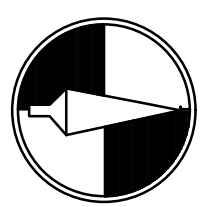


NOTES:

1. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN SURVEY MADE IN FEBRUARY 2022.
2. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN.
3. MERIDIAN BASED ON VA NAD 83 (2011) STATE GRID SOUTH ZONE, ESTABLISHED BY GPS METHODS.
4. PROPERTY LINE FROM "POINT A" TO "POINT B" FOLLOWS THE MEANDERS OF THE CENTERLINE OF POPLAR COVE RUN +/- 1360 L.F.
5. TOPOGRAPHIC MAPPING BASED ON AVAILABLE USGS LIDAR DATA.

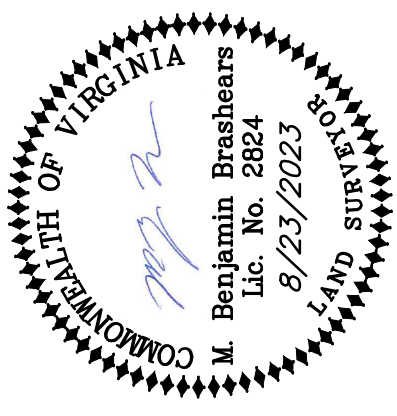
LEGEND

- NF - NAIL FOUND
- RF - 5/8" REBAR FOUND
- RRS - RAILROAD SPIKE
- (BV) - BUENA VISTA
- (RC) - ROCKBRIDGE COUNTY
- - - STREAM



MARSH & LEGGE
Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET
WINCHESTER, VIRGINIA 22601
PHONE (540) 687-0488
FAX (540) 687-0489
EMAIL: office@marshandlegge.com



SHEET 1 OF 1
DRAWN BY: MBB
ID11579-SITE PLAN



PROPOSED BUILDING SITE PLAN
ON THE LAND OF
GUNNER BEVERLEY
INSTRUMENT NUMBER 202200228
PLAT CABINET 1 SLIDE 194
TAX PARCELS 66-1-5
CITY OF BUENA VISTA, VIRGINIA
AUGUST 23, 2023