



## **PLANNING COMMISSION**

AGENDA for September 9<sup>th</sup> 2025

AGENDA

### **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 August 12<sup>th</sup> 2025

**Old Business**

- 1) None

**New Business**

- 1) Zoning Text Amendment – Section 705 Home Occupations

**Report of Secretary**

- 1) Status of SVU residence hall project – At 9/4/2025 meeting, Council tabled consideration until first October Council meeting.
- 2) After years of delay looks like we have final approval for the 21<sup>st</sup> St streetscape project, funded by a combination of VDOT Transportation Alternatives Program (TAP) and Community Development Block Grant (CDBG).
- 3) Magnolia Square construction should start within week or two for final phase, the seating plaza at the corner with seat wall and LOVE sign.

**Adjournment**

**Members and Term Expirations**

Dennis Hawes, Chairman, 7/31/2028

Harold Kidd, 6/30/2026

Justin Wiseman, 8/31/2025

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

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**Meetings**

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

Bryson Adams

Sarah Henson

Harold Kidd

Marolyn Cash

Justin Wiseman

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 7/8/2025 meeting:

Corrections: None

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

Abstentions: none

### **Public Hearing**

*Conditional Use Permit and Certificate of Appropriateness, 395 E 29<sup>th</sup> St*

Mr. Hawes stated that he would take the agenda out of order because he believes that this item will be quicker. Mr. Roberts summarized the staff report and noted that the City is pleased with this economic development activity. He reviewed the site plan features and then discussed that the application was originally for a very large freestanding sign, as described in the staff report. Since sending the staff report he spoke with the developer and they proposed a revised sign that would be 25' tall (within the max height in the code) and 117 sq ft (larger than allowed but much less than original proposal).

Keith Carter, representative of Reese Real Estate Partners, spoke briefly. He said that they were planning to invest about \$3 million into redeveloping the property. Bill Braddy, former resident

and employee of SVU, commented that he was thrilled that Tractor Supply was coming to Buena Vista. Kathy Janiczek, resident, stated that she is pleased to see the store coming to Buena Vista.

Mr. Hawes called for Planning Commission discussion and motion. Mrs. Cash motioned to approve the Certificate of Appropriateness for demolition of a portion of the building, Mr. Wiseman seconded, and all voted yes. Mr. Petrie motioned to approve the Certificate of Appropriateness for the building renovation, Mrs. Henson seconded, and all voted yes. Mrs. Cash motioned to approve the Certificate of Appropriateness for the sign, Mr. Wiseman seconded, and all voted yes. Mrs. Cash motioned to recommend approval of a Conditional Use Permit for the sign as presented, Mr. Petrie seconded, and all voted yes.

*Conditional Use Permit, Certificate of Appropriateness, and ROW Abandonment – Blocks 25 & 31, Section 5 (SVU)*

Mr. Roberts briefly summarized the proposal and went over the steps of approval: CUP for single large building, COA for demolition of seven buildings, COA for new construction, and ROW abandonment of the streets and alleys criss crossing the site. He pointed out updates to the site plan since the original property owner notifications were mailed out. Primarily, the parking lot fronting on 28<sup>th</sup> St was removed entirely from the plan. Additionally, the existing stairs going down the hill to Magnolia Ave will be replaced. He pointed out the community benefits of adding more housing to the City.

Mr. Roberts discussed the parking issue, noting that many but not all SVU students have a vehicle. There is a good deal of existing parking on campus so the City wants to look holistically at the available parking when considering spaces for the new building. SVU has inventoried spaces but there are still a lot of questions about how those spaces will be allocated and how they will be available. Some of them are not within walking distance and so details of a shuttle need to be worked out.

Mr. Bill Pounds, architect with the design/build firm Parkway Construction, spoke. He noted a few architectural updates to the building since the last Planning Commission meeting, which are in the staff report.

Mr. James Ballstaedt, Vice President for Athletics and Strategic Growth at SVU, spoke. He affirmed that SVU is part of the community and that the new residence hall is not just to allow expansion of students living on campus, but to ease pressure on the existing student housing, which is at 97% capacity. Industry standard is 85% capacity, so some occupants of the new building will be taken out of existing buildings.

Mr. Hawes asked about the number of students with cars. Mr. Tyson Cooper, Chief Financial Officer at SVU, spoke from the audience to say about two thirds. Mr. Hawes estimated that for a little over 1000 students that is 650 cars.

Mr. Henson asked if this would be built in phases. Mr. Pounds replied that the intention was to build it all at one time, but given the nature of the use they would likely build the southern wing first and open it for occupancy as soon as possible.

Mr. Hawes opened the public hearing.

Mr. Corey Bachman, 162 W 28<sup>th</sup> St spoke. He explained that he works in Lexington at VMI and he knows what construction and a big school is like, and does not want that next to his home. He chose to live in BV because it was quieter. He does not want to get in the way of SVU's progress but is concerned about the potential negative impact on his property.

Mr. Jesse Lineberry, 2525 Racey Dr spoke. He asked the Commission not to abandon the ROW or change any code regulations for SVU at this time. He is concerned that the City's infrastructure is failing and SVU is not contributing enough to maintain it, and the new project will stress the infrastructure too much. He does not think that the community should shape itself around SVU's needs, but the other way around. The City's lifesaving equipment the City has, such as the Fire Dept's ladder truck, is not advanced enough to serve a facility such as the proposed dormitory. He suggested that there may be a better location, such as the golf course, which he thinks could better accommodate the dorm with pedestrian infrastructure and proximity to the 911 center. He stated he is not against the development of the college, but that this project is risky and would put something new on top of something that is broken. He thinks the City should focus on fixing the broken infrastructure in the City, and look out for what is best for the citizens and taxpayers of the City.

Mrs. Kathy Janiczek, 349 E 26<sup>th</sup> ST spoke. She thinks the design looks good, but is very concerned about the parking. She noted various issues of street parking in her neighborhood.

Mr. Hawes closed the public hearing and invited Commission discussion.

Mr. Petrie agreed that the parking situation needs to be addressed better. He noted that this is the biggest building BV has seen in a long term, that he remembered back with SVU first came to the City, and how amazed they would be to see the progress SVU has made since then. He knows that there will be some individuals not happy about the building but this institution and its growth brings prestige to the City which brings new businesses. SVU need room to grow.

Mr. Adams noted to the public that the Planning Commission did discuss some of the site plan and ROW abandonment issues brought up, including pedestrian access and construction access. He is concerned about negative impacts to residents and students from construction access on Ridge Ave. Mr. Roberts noted that SVU has provided a preliminary construction phasing plan, and he will work with Parkway to flesh that plan out to address the concerns such as Ridge Ave.

Mr. Roberts then relayed concerns that had come in writing from Leon Barker, a property owner across the street. Mr. Barker feels that there needs to be pedestrian access up from 28<sup>th</sup> St near Aspen Ave to replace an existing informal footpath. Mr. Roberts noted that stairs up from 28<sup>th</sup> St at Aspen Ave would be helpful to the pedestrian connectivity. Mr. Barker also feels that SVU needs to offer more married student housing, and should make some of the housing in the new building for married students.

Mrs. Henson asked some questions about the parking space inventory to clarify whether all the lots were owned by SVU. Mr. Roberts responded that the only ones not owned by SVU were

the street parking spaces and the YSA stake (church) lot, which is sometimes used by students but can't always be used by students.

Mr. Hawes commented that this project is a huge commitment from SVU, and he thinks it will help the residential neighborhoods remain more residential rather than populated by students and free up additional housing. He also is pleased that replacing the Magnolia Ave stairs is in the project as that will help draw students to downtown. He sees the parking issue as something more for SVU to deal with. Regarding the ROW abandonment, he did not realize until this project that the streets and alleys in the project area were public and not private. SVU has been pretty much the only user of that ROW, and once it is abandoned, the City won't have to maintain any of it.

Mr. Petrie asked how the parking question would be handled. Mr. Roberts replied that the provision of parking is part of the site plan review process, so ultimately it is the Zoning Administrator's sign off. However, the Planning Commission can make recommendations, and parking can be addressed or conditions placed on the project through the CUP process.

Mr. Hawes asked for motions, beginning with the ROW abandonment. Mr. Roberts paused to note that some of the ROW abandonments involve non-SVU owned adjacent parcels so those owners will need to agree or purchase their half. Mr. Kidd confirmed that the City will retain a utility easement, which Mr. Roberts assented.

Mr. Petrie motioned to recommend approval of the ROW abandonment, seconded by Mrs. Cash. All voted yes except for Mrs. Henson, who voted no.

Mr. Hawes asked for a motion on the CUP and reviewed this is for a single large building. He noted that there are several buildings on SVU's campus that are 4 stories and do not look that big. Mr. Petrie motioned to recommend approval of the CUP, Mr. Kidd seconded, and all voted yes except for Mrs. Henson, who voted no.

Mr. Hawes asked for a motion on the Certificate of Appropriateness. Mr. Petrie motioned to approve the COA for the new building, Mrs. Cash seconded, and all voted yes except for Mrs. Henson, who voted no.

Mr. Hawes asked for a motion on the Certificate of Appropriateness for the demolition of buildings. Mrs. Cash motioned to approve the COA for demolition, Mr. Petrie seconded, and all voted yes. Finally, Mr. Hawes stated that at the end of the meeting he would provide some notes as to the reasoning of Planning Commission in reaching their decision.

#### *Certificate of Appropriateness for Demolition, 2741 Chestnut Ave*

Mr. Roberts recapped the dimensions of this house and lot, the history, and the proposed use as a parking lot. He noted that while this is across the street from other houses, this is close to the center of campus and is probably a good location for parking for an interim period.

Mr. Bill Braddy spoke. He noted that there is vehicular congestion in this area and they want to get some of the cars off the street to improve flow and safety on Chestnut Ave. Mr. Hawes asked what the future use would be after parking, and Mr. Braddy responded that they aren't

sure but eventually it may be a good location for an arena or other academic use. It would be a parking area for at least five years he thinks. Mr. Hawes asked what the parking lot would look like and if it would be gravel, especially since it will involve cutting down trees. Mr. Braddy said yes, it would be gravel, but it would be cleaned up and much neater than it is currently. They are taking out some dead trees. He also noted that it is surrounded by parking.

Mr. Adams asked if there was a site plan, and Mr. Braddy handed out an informal sketch showing the new site connected to the existing adjacent parking area with a new access driveway on Chestnut Ave. He said it will add 30 spaces.

Mr. Hawes stated that he thinks they should put some trees back on the site. There was some discussion on SVU's recent tree planting efforts and the City's new tree board.

Mrs. Kathy Janiczek spoke. She stated that she does not oppose the demolition of the house, but wants to give some history on it. The home was built by two single women who were her husband's great aunts. They moved there from the white house across Ridge Avenue from the site which may be known as the Armstrong house. They were among six children, and did not want to inherit the old house, so they had this house—2741 Chestnut—built. The sisters were deaf, so they built the house with a doorbell that made the house shake.

Mrs. Janiczek added that although she did not object to the demolition of this house, she did not think that SVU should be allowed to demolish houses by neglect.

Mr. Hawes closed the public hearing and shared his thoughts. He stated that he agrees about SVU not demolishing houses by neglect. He noted that this house has more architectural merit than the buildings to be demolished for the new residence hall and some others. He would like to save this house, but recognizes the need for parking and will let Planning Commission decide. He would like to see a surfacing other than gravel and more trees.

Mr. Wiseman stated that many of the comments tonight have been about parking, and this site makes sense to use for parking. Mr. Adams asked about the scope of what Planning Commission was approving, whether it included the site planning of the new parking area. Mr. Bill Braddy chimed in that SVU is planning to use milling instead of gravel because it compresses better and that they support beautification.

Mr. Roberts explained that the Planning Commission is currently just reviewing the COA for demolition. What additional development review SVU requires depends on exactly what they will do. If more than 10,000 sf is disturbed then they will need and Erosion & Sediment Control Plan, and there are design guidelines that apply in this zone.

Mr. Petrie motioned to approve the Certificate of Appropriateness for demolition, Mrs. Cash seconded, and all voted yes.

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

Mr. Jesse Lineberry stated that he is very pleased that Dollar Tree opened the store in Buena Vista, and he thinks that large corporate businesses are a good addition to the City and that the Commission should continue to approve those types of projects.

Mrs. Kathy Janiczek spoke. She asked to clarify about whether 27<sup>th</sup> Street is abandoned between Chestnut and Walnut, which it is. She stated that she is concerned about vehicles going over the hill at the intersection of Walnut Ave and Ridge Ave.

**Old Business**

Mr. Hawes summarized his feedback on SVU’s residence hall project:

- It is a huge commitment of resources from SVU
- A single large building will prevent or slow sprawl of students into residential areas
- It will free up housing in the rest of the City for others
- Improving the steps down to Magnolia Ave will improve the connection to downtown
- Students living on campus should reduce the parking complaints scattered around the City

He asked Mrs. Henson if she wanted to share the reason she voted against some elements of the project. She stated that she would like to see more information on the stormwater management design, especially in reference to Mr. Bachman’s property. She also thinks that this project is moving very fast and that this should be considered more carefully. The project will have a major impact on nearby properties.

Mr. Adams brought up the construction access plan and stated that he recommends that Ridge not be the primary access route. He recognizes that there are some deliveries that can’t make the turns if they come up University Hill Drive.

**Secretary’s Report**

Mr. Roberts updated the Commission that Alan McMahan has been procured officially as the permanent contract building official, following his retirement earlier this year.

**Adjournment 9:00 PM**

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



## **PLANNING COMMISSION Staff Report**

Zoning Text Amendment  
Section 705 Home Occupations  
9/5/2025

### **Synopsis**

Rewrite regulations of home occupations.

### **Background**

Neighborhood and compliance issues in the last year have drawn attention to the text of the City's home occupation regulations. These have not been substantially updated since the 1986 zoning code update, and the current text leaves certain ambiguities and enforcement challenges. Additionally, the current text does not reflect the character of home occupations in the 21<sup>st</sup> century. Council has directed that it be updated.

The primary home occupation issue last year was a particular home-based business that sold products online which were picked up by customers at the house. Pickups were not scheduled so they occurred throughout the day multiple days per week, and sometimes multiple customers arrived at the same time, leading to parking issues. It also raised questions about non-resident employees and business signage. The concerns with that particular business seem to have been resolved but the same questions apply to other businesses.

### **Discussion**

The purpose of home occupation regulations is to strike the right balance between allowing residents to conduct business activity from their homes, while minimizing negative impacts on the neighborhood. This is one of the fundamental tasks of zoning in general—in business or industrial zones, the priority is given to businesses; whereas in residential zones, the priority is given to residences. Home occupations are also by definition an accessory use, meaning the primary use of the property is as a residence.

Almost all localities regulate home occupations, but every locality has different specific parameters based on their needs. In Buena Vista, there is a robust community of home-based enterprises that form an important part of our local economy. In 2024, staff tallied 104 home-based businesses with active business licenses.

The current text is very short, and takes the approach that any type of business can be a home occupation, provided it is not "detrimental to the character of the surrounding area." It gives a few specific parameters but leaves too much to the interpretation of City staff, who have too little clear text on which to base their judgement. Additionally, it states that home occupations can only provide products or services "produced by members of the family living on the premises," meaning no commercially-produced products could be sold. This gives preference to artisans and those who provide professional or non-professional services, but this provision has been ignored in practice, as for many years home occupations have been licensed that are wholesalers or otherwise deal in products not produced on premises. Finally, the current text

gives enforcement authority to City Council directly, which conflicts with the enforcement and appeal process for all other aspects of zoning and with state code.

### **Draft Text**

The draft text pulls inspiration from over a dozen other home occupation codes from other Virginia localities as well as staff brainstorming on policy points. More than many code sections, there are many important small policy decisions found through this text, all of which are worth of discussion and review. Below are some highlights:

- 1) Enforcement – Gives detailed on when and how a permit expires or is revoked and makes enforcement authority clear.
- 2) Employees – allows up to one non-resident employee, but there has to be an off-street parking space for that person
- 3) Customer traffic – no drop-in traffic allowed, max of 2 customers at any given time, and max of 12 customers per day
- 4) Parking – limits number of commercial vehicles, requires off-street parking space for any vehicle used primarily for business
- 5) Outside storage – prohibits outside storage of materials & equipment; many localities have this provision
- 6) General character provision – prohibition on nuisance activities
- 7) Certain occupations prohibited
- 8) CUP – Allows a home occupation to apply for Conditional Use Permit if they want to do something prohibited, so that Council can look on a case by case basis

### **Next Steps**

This is a preliminary draft. Additional input will be sought from business owners, Council members, and others to refine the text before it goes to Council public hearing.



## 705 Home Occupations

DRAFT Text

9/5/2025

### **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 gainful employment; 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, and appeals 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 Expiration and revocation. A zoning permit for home occupations shall expire or be revoked under the following conditions:

705. 02-3.1 Whenever the proprietor 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 a new permit is issued in accordance with this section;

705.02-3.2 Whenever the home occupation ceases for any period of twelve (12) consecutive months.

705.02-3.3 Whenever the Zoning Administrator finds that the home occupation is in violation of any provision of this section.

705.02-4 In addition to, or instead of, revocation as specified in 705.02-3, the Zoning Administrator may exercise provisions of Article 11 of the Land Development Regulations of the City of Buena Vista to enforce this section.

705.03 General Requirements

705.03-1 Premises may display no signage for or advertising for the home occupation.

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 a drop-in basis. The number of customer or client appointments may not exceed two (2) at any given time, and a total of twelve (12) per day.

705.03-5 Delivery traffic to or from the premises may not be via tractor-trailer.

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 Self-storage facility

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 twice 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.

705.04-2 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.

#### 705.05 Relief

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 Conditional Use Permit approved by City Council.