

**Work Session Agenda
Staunton City Council
Rita S. Wilson Council Chambers
August 24, 2023
5:00 p.m.**

- | | | |
|------------------|-----------|--|
| 5:00 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:05 p.m. | 2. | Discussion of Application for Exemption from Real Property Taxes by Valley Area Community Support Inc., dba Valley Supportive Housing, per State Code 58.1-3651 |
| 5:25 p.m. | 3. | Update on Staunton's Pathway to Affordable Housing and Housing for Working Families |
| 5:45 p.m. | 4. | Closed Meeting for: (i) Discussion or Consideration of the Disposition of Publicly-Held Real Property within Staunton Crossing; and (ii) Discussion or Consideration of the Disposition of Publicly-Held Right-of-way Located Near the Intersection of Peck Street and Montgomery Avenue, Where Discussions in an Open Meeting Would Adversely Affect the Bargaining Positions or Negotiating Strategies of the Public Body (To include dinner break) |

**Regular Meeting Agenda
Staunton City Council
Rita S. Wilson Council Chambers
August 24, 2023
7:00 p.m.**

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence – Claffey

Mayor’s Report

Additional Items by Members of Council

REGULAR MEETING

A. Consent Agenda

A.1. Approval of Minutes

**Work Session and Regular Meeting of July 27, 2023
Special Meeting of July 31, 2023**

A.2. Consideration of an Ordinance to Amend the FY2024 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One

A.3. Approval of Transfer of Already Appropriated Funds within the Capital Improvement Fund

A.4. Approval of Proclamation to be Presented in Council Chambers at the September 14, 2023 City Council Meeting

All items will be voted on in one (1) motion. If so requested by any member of Council, an item placed on the consent agenda shall be removed and taken up as a separate matter at the end of the Regular Meeting.

B. Public Hearing and Consideration to Amend (a) an Ordinance Adopted September 8, 2022 and (b) a Bond Resolution Adopted September 22, 2022, that will Authorize Proceeds of the 2022 Bond to be Applied to Finance Costs Not Only of the Gardner Springs Pump Station Project but Also of Other Capital Improvement Projects Related to the City’s Water System*

- C. Public Hearing and Consideration of an Amendment to Staunton City Code 18.85, H-1, Historic Preservation District, of Title 18, Zoning, to reference the Staunton Virginia, Historic District Design Guidelines***
- D. Public Hearing and Consideration of a Request by Staunton Apartments, LLC, to Rezone the R-3 Medium Density Residential Conditional Zoning of Middlebrook Park by Reducing the Minimum Required Side and Rear Setbacks from 75 Feet to 60 Feet When the Property Abuts Existing Residential Properties***
- E. Public Hearing and Consideration of a Request by Ian and Leslie Boden to Rezone 1106 North Augusta Street from P-1, Professional District, to B-1, Local Business District Conditional***
- F. Public Hearing and Consideration of a Request by Arcadia Building LLC, for a Special Use Permit Under the Provisions of Staunton City Code 18.60.070(3) to Allow Living and/or Sleeping Quarters on the Ground Level of a Building Located at 119 East Beverley Street***
- G. Public Hearing and Consideration of a Request by Staunton, Augusta, Waynesboro Habitat for Humanity, Inc, to Vacate, Discontinue and Abandon a Portion of Undeveloped Park Avenue, a 20-Foot-Wide Alley, and a Portion of Undeveloped Fourth Street ***
- H. Presentation on Uniontown Neighborhood Action Plan**
- I. Update on Juvenile & Domestic Relations Court Facility West End Project**

Matters from the City Manager

Matters from the Public*

Adjournment

***Public Participation For instructions on how to participate in a Public Hearing and Matters from the Public portions of the City Council meeting visit www.staunton.va.us/council.**

Per **Council Procedure Memorandum No. 5, Grant Applications**, grants that do not require City funds or property to be contributed as a matching share do not require City Council approval. However, Council's procedure requires that the City Manager report all such grants to Council no later than the second meeting of City Council following their approval and submittal by the City Manager. Recently approved and submitted grants include:

Blue Ridge Court Services: *Virginia Specialty Docket Grants: SAW Drug Treatment Court Docket Program: \$110,000.* Blue Ridge Court Services has administered the SAW Drug Court since its inception in July 2002. The SAW Drug Court Program seeks to reduce recidivism and drug use within the community by implementing a court-based program that includes supervision, evaluation, treatment and monitoring for its participants with the goal of promoting a safe and healthy community. Grant funds will pay for personnel, consultants and supplies/other operating expenses. The grant period is July 1, 2023 – June 30, 2024.

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	City Council
Item #	1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity Engagement	
Subject:	Work Session and Regular Meeting Agendas	

Background: Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of _____; as to the Regular Meeting, the addition/deletion of _____].

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Charley Haney City Assessor Leslie Beauregard City Manager
Item #	2	
Department:	Assessor City Manager	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Area: Responsive, Efficient Government	
Subject:	Application for Exemption from Real Property Taxes by Valley Area Community Support Inc., dba Valley Supportive Housing, per State Code 58.1-3651	

Background: In April 2023 Mr. Lou Siegel, Executive Director of Valley Supportive Housing (VSH), sent a letter to the City Assessor's Office requesting an exemption for six properties purchased by Valley St. Clair Properties LLC, which is owned by VSH. He also requested that an exemption be granted for a portion of 111 Pump Street that had been occupied by a commercial business and treated as taxable. VSH is remodeling the commercial portion of the Pump Street property in order to provide additional below market-rate housing units.

In 2006 Valley Area Community Support Inc., a federally tax-exempt organization pursuant to section 501(c)3 of the Internal Revenue Code, was granted real property tax exempt status by the Staunton City Assessor's Office without proper authorization from Virginia state code or local ordinance. It should be noted that VSH is a component of Valley Area Community Support Inc. This organization currently has six properties being treated as exempt for real property taxes. In 2023 VSH acquired the above-described six properties for \$1,300,000. These properties have been treated as taxable to this point pending further action. Upon further investigation City Staff still has not been able to find any justification in State code or local ordinance to allow for the exemption that had been granted to Valley Supportive Housing.

Since January 1, 2003, as a result of an amendment to the state code, the decision whether to grant exemptions from real property taxes has been vested in the Staunton City Council, rather than the General Assembly (which previously considered such exemptions). The last time a request was made of City Council to grant tax exempt status to real property was in 2013. That request was made by The Legacy at North Augusta, Inc. And at that time, City Council denied the request, and based its decision on "...consideration of the questions specified in Virginia Code § 58.1-3651 and other pertinent criteria, facts and circumstances, as reflected in the information presented..." The 2013 Resolution continued, "Council deny the application for the exemption by designation from real and personal property taxes, for the reasons included in the City Manager's recommendations and on the further basis that the City was assured that the applicant was not going to seek a tax exemption."

Under the applicable state code provision, a public hearing on each application for tax exemption by designation is required. Council has not previously granted a request of this nature. The earliest a public hearing could be scheduled to formally consider this request is September 14, 2023, at which time City Council would also consider whether to approve or deny the request.

Attachments:

Attachment 1—Request from Valley Area Community Support, dba Valley Supportive Housing dated April 28, 2023 requesting tax exemption on the properties in question

Attachment 2—Response from City Assessor dated May 5, 2023

Attachment 3—Additional Petition for real estate tax relief from Valley Area Community Support, dba Valley Supportive Housing

Attachment 4—Questions and the applicants answers for consideration for Tax Exemption by Designation under Virginia Code 58.1-3651

Attachment 5—State Code 58.1-3606, Property exempt from taxation by Classification

Attachment 6—State Code 58.1-3603, Exemptions not applicable when building a source of revenue

City Manager's Recommendation: Staff recognizes that this is an unusual and difficult situation in that Valley Supportive Housing has operated under the assumption that their properties are tax exempt since 2006. Unfortunately, though, this was an erroneous decision made by City staff at that time and it must be corrected in some form. And for those reasons, this item is simply for discussion so that City Council can hear from staff and the applicant and ask questions for follow up.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

Attachment 1



P. O. Box 1907, Staunton, Virginia 24402 vsh@valleysupportivehousing.org 540-414-2028

To: Charley Haney, City Assessor
Date: April 28, 2023
Subject: Real estate taxes for certain properties

Good morning.

We talked some time ago about the tax status of certain properties.

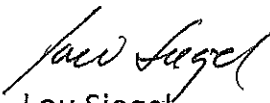
. We are charged no real estate tax on the following: 1314 W. Johnson St., 1115 W. Johnson St., 1111 West Johnson St., 240 Kalorama St., and 233 N. Madison St.

Also – our Pump St. Property – there was no tax charged in the past against the part of the building that was residential, six apartments on the upper floor. There was a real estate tax charged against the commercial area. This lower area is no longer a commercial area. We are about 1/2 of the way to converting them to an additional six apartments. These will be completed in approximately three months. We would like for these to be considered – currently - as part of our mission statement, and not subject to real estate taxes, as this is certainly not a commercial area anymore.

In addition, and I think we have talked about this, on January 1, 2023 we purchased six properties on St. Clair St. - #'s 207, 211, 213, 217, 216 and 220. Please consider these as a part of our mission. With no RE taxes.

We are getting close to assessment time and I hope we can get this settled.

Thank you for your consideration.


Lou Siegel
Executive Director

Attachment 2

From: Charley Haney haneyce@ci.staunton.va.us
Subject: RE: Mission
Date: May 5, 2023 at 12:09 PM
To: valleysupportivehousing.org vsh@valleysupportivehousing.org
Cc: Charley Haney haneyce@ci.staunton.va.us, Robin S. Wallace WallaceRS@ci.staunton.va.us

Dear Mr. Siegel,

Per our earlier conversations I have done some research on the exempt status of real estate owned by Valley Area Community Support and the new properties purchased by Valley St. Clair Properties, LLC. I have also enlisted the assistance of the City Attorney's office. We could not find anything in Virginia Code section 58.1-3606 that would afford your organizations an exempt status. These are the Code sections where I normally find exemptions for real estate. The other option allowed by the State Code is 58.1-3651. This section gives localities the ability to exempt property from local real estate taxes. We have tried to find evidence where your organization was given exempt status by this process, but were not able to. I am sorry but it seems that your organization was erroneously granted this exemption without going through this process in the past. The City Attorney recommends you try this option. He also advises me that your exemption, if passed, can be made retroactive.

I have attached the above referenced State Code sections and an example of a previously submitted request for exemption under 58.1-3651 for your convenience. Please make careful note of the eight questions that must be answered with details and documentation in 58.1-3651, and presented to City Council at a public hearing. Please also note that your organization will be responsible, to the City, for the cost incurred for advertising the public meeting where this ordinance will be considered.

We will need your responses by May 19th 2023 to be able to have this request heard during the June 6th council meeting. If you cannot make this deadline then we could try to have this heard at the June 22nd meeting if we receive your paper-work by June 2, 2023.

If I can be of any further assistance with this matter let me know.

Sincerely,

Charles Haney
Staunton Assessor

Attachment 3



P. O. Box 1907, Staunton, Virginia 24402 vsh@valleysupportivehousing.org 540-414-2028

To: City Assessor's Office

Date: May 19, 2023

Subject: Petition for real estate tax relief

Valley Area Community Support, dba Valley Supportive Housing (VACSI/VSH), requests relief from the city real estate tax for the following properties, all in Staunton, VA:

- 1314 W. Johnson St.
- 1115 W. Johnson St.
- 1111 W. Johnson St.
- 233 N. Madison St.
- 111 Pump St.
- 240 Kalorama St.
- 207 St. Clair St.
- 211 St. Clair St.
- 213 St. Clair St.
- 216 St. Clair St.
- 217 St. Clair St.
- 220 St. Clair St.

It is entirely possible that VACSI/VSH cannot continue to operate if the real estate taxes are imposed. Since its inception in 2005 and the leasing of apartments starting in 2007, VACSI/VSH has not been invoiced for real estate taxes. As such, the request is also that they be made retroactive. Covered in the eight questions of the Virginia Code that we are required to answer, but pre-stated here: rents cover 75% of the VACSI/VSH budget. Rents are established at the \$500 per month level (including all utilities) given tenant typical monthly incomes of \$829.00. The remaining 25% is supplied by local grants (United Way, CAPSAW, Community Foundation for the Central Blue Ridge and an annual fund drive). This is an organization that truly provides measurable general and financial support to the Staunton community.

Considerable backup information is provided, including: a) annual budget of VACSI/VSH for fiscal year 2022/2023; b) three studies showing the cost of homelessness and cost of individuals to municipalities; c) assessments of properties and taxes using \$.92/\$100 of assessment; d) 501(c)3 approval document; e) articles of incorporation.

Thank you for this consideration.

David Rissmeyer
Board Chairman

Lou Siegel
Executive Director

Code of Virginia
Title 58.1. Taxation
Subtitle III. Local Taxes
Chapter 36. Tax Exempt Property
Article 4.1. Property Exempted by Local Classification or Designation on or After
January 1, 2003

§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003

A. Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization, including a single member limited liability company whose sole member is a nonprofit organization, that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, sexual orientation, gender identity, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954; **Valley Area Community Support (VACSI) dba Valley Supportive Housing (VSH) was approved by the IRS as a public charity under**

Section 501(c)3 of the Federal Tax Code on October 26, 2005. Approval document included with this petition.

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Board of Directors of the Virginia Alcoholic Beverage Control Authority to such organization, for use on such property; **no such document has ever been requested. Subsequently, none has been issued.**

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders; **no director receives any salary for or other compensation for services. The executive director is paid \$54,000.00 per year. The maintenance director is budgeted at \$35,000 per year. The Tenant Sustainability Counselor is paid via a grant from the Community Foundation of the Central Blue Ridge at \$37,800.00 per year.**

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services; **the articles of incorporation (included as an attachment) state that "no part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its officers, directors, or other private persons (except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above). NOTE: net earnings have always been kept to further the mission of VACSI/VSH.**

In answering the section: "whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants," some explanation is necessary to understand the operations of VACSI/VSH relative to the donations section of this #4. VACSI/VSH leases apartments only for single occupancy for those individuals with a diagnosed serious mental illness. The typical monthly income of the typical tenant ranges between \$794 and \$836 per month. This is generated by Supplemental Social Security (SSI), or, in some cases by social security disability payments which might be slightly higher. The board of directors set this business up to allow for this income, classified as "very low income" against the median in Staunton of \$52,000. The rent reflects the income restraints of the tenant and the typical rent is \$500 per month including all utilities. As such rents for 42 apartments cover approximately 75% of the annual expense budget of \$348,269. The remainder of the budget is covered by grants from: a) United Way (\$15,000), b) CAPSAW (\$25,000); c) Community Foundation of the Central Blue Ridge (\$6,000); and d) an annual fund drive to citizens and some businesses of the SAW area (\$27,500 is the goal for the year ending June 30, 2023. To date donations are \$23,237.00).

5. Whether the organization provides services for the common good of the public. *VACSI/VSH provides housing only for those with a diagnosed serious mental illness. Most of the tenants have come directly out of homelessness. These are tenants that may have been living on the streets or in camps in the SAW area, were in temporary housing such as the Valley Mission or may have been housed overnight during cold weather periods by other civic sources. Estimated costs of homelessness per person in a region vary, but \$35,000 per person is a typical estimate (see the studies included with this petition). Costs on average are reduced 49.5% when an individual is placed in supportive housing. Supportive housing costs on average are \$12,800 per year making the net savings roughly \$4,800 per year per individual. With the 62 individuals that VACSI/VSH supports (soon to be 68 with the Pump Street buildout), this number is \$297,600. Now, if one has a problem with that number, take some percentage of it – it is still a big number. This, is what VACSI/VSH does.*

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office; *the VACSI/VSH articles of incorporation state that: no substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation (except as provided in § 501(h) of the IRC), and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation operated exclusively for charitable, scientific, and educational purposes within the meaning of, and exempt from federal income tax under, § 501(c)(3) of the IRC, or by a corporation, contributions to which are deductible under § 107(c)(2) of the IRC. VACSI/VSH is not involved in such activity.*

7. The revenue impact to the locality and its taxpayers of exempting the property: *given current assessed value and taxed at \$.89 per \$100, and working with current data (included) the tax revenue for the original six properties is \$19,823.95. Except for the commercial section of Pump St. (now being rebuilt to accommodate another six apartments) real estate tax has never been invoiced or paid on these. The new section at St. Clair St., bought on January 1, 2023, calculates to be \$13,696.30.*

8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance. *a) the current number of occupied units is 62. With the buildout at Pump St., this will increase to 68 units. Note: VACSI/VSH is always fully occupied. b) The 2022-2023 budget is included with this petition.*

Income is budgeted at \$341,643; expenses are budgeted at \$348,269. c) typical rent per month is \$500.00 including all utilities. There are no additional fees to the tenant. NOTE: adding the additional cost of real estate taxes can possibly eliminate the further existence of VACSI/VSH. The board has no knowledge of where the additional cost can be obtained.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ et seq.), 3 (§ et seq.) or 4 (§ et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ et seq.) of this chapter may be revoked in accordance with the provisions of § .

2003, c. ; 2004, c. ; 2015, cc. , ; 2018, c. ; 2020, c. .

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

	A	B	C	D	E	F
1	Staunton Real Estate Tax Schedule					
2	VACSI/VSH					
3	Address	Assessed Value	Tax \$.89 per \$100 assessed value			
4				Notes		
5	1314 W Johnson St.	\$ 1,082,530.00	\$ 9,634.52	VACSI/VSH has not ever paid taxes on these properties except: Pump St. Note: the six apartments at Pump St. were treated as tax-free. The lower commercial section was taxed and taxes paid. At this time this commercial section is being rebuilt with six new apartments. We feel these should be treated at this time as tax free.		
6	1115 W Johnson St.	\$ 164,300.00	\$ 1,462.27			
7	1111 W Johnson St.	\$ 176,530.00	\$ 1,571.12			
8	233 N Madison St.	\$ 211,950.00	\$ 1,886.36			
9	111 Pump St.	\$ 201,900.00	\$ 1,796.91			
10	240 Kalorama St.	\$ 390,200.00	\$ 3,472.78			
11		Total	\$ 19,823.95			
12						
13	207 S. St. Clair St.	\$ 271,460.00	\$ 2,415.99	VACSI/VSH feels that these properties should be treated as tax free.		
14	211 S. St. Clair St.	\$ 234,760.00	\$ 2,089.36			
15	213 S. St. Clair St.	\$ 234,760.00	\$ 2,089.36			
16	217 S. St. Clair St.	\$ 440,180.00	\$ 3,917.60			
17	216 S. St. Clair St.	\$ 191,160.00	\$ 1,701.32			
18	220 S. St. Clair St.	\$ 166,590.00	\$ 1,482.65			
19						
20		Total	\$ 13,696.30			
21						
22		Sum both totals	\$ 33,520.25			

Code of Virginia
Title 58.1. Taxation
Subtitle III. Local Taxes
Chapter 36. Tax Exempt Property
Article 2. Property Exempted by Classification or Designation

§ 58.1-3606. Property exempt from taxation by classification

A. Pursuant to the authority granted in Article X, Section 6 (a)(6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation:

1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.
2. Real property and personal property owned by churches or religious bodies, including (i) an incorporated church or religious body and (ii) a corporation mentioned in § 57-16.1, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such property. Real property exclusively used for religious worship shall also include the following: (a) property used for outdoor worship activities; (b) property used for ancillary and accessory purposes as allowed under the local zoning ordinance, the dominant purpose of which is to support or augment the principal religious worship use; and (c) property used as required by federal, state, or local law.
3. Nonprofit private or public burying grounds or cemeteries.
4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.
5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).
6. Parks or playgrounds held by trustees for the perpetual use of the general public.
7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
8. Property of any nonprofit corporation organized to establish and maintain a museum.

B. Property, belonging in one of the classes listed in subsection A of this section, which was exempt from taxation on July 1, 1971, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property prior to such date.

Code 1950, § 58-12; 1950, p. 61; 1952, c. 50; 1954, c. 65; 1956, c. 478; 1956, Ex. Sess., c. 16; 1958, c. 361; 1960, c. 396; 1962, c. 129; 1964, c. 198; 1966, c. 582; 1968, cc. 37, 807; 1969, Ex. Sess., c. 9; 1970, cc. 83, 562; 1972, c. 667; 1973, c. 438; 1974, c. 469; 1984, c. 675; 1985, c. 495; 2004, c. [492](#); 2005, c. [928](#); 2014, cc. [555](#), [615](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia
Title 58.1. Taxation
Subtitle III. Local Taxes
Chapter 36. Tax Exempt Property
Article 1. Exemptions Generally

§ 58.1-3603. Exemptions not applicable when building is source of revenue

A. Whenever any building or land, or part thereof, exempt from taxation pursuant to this chapter and not belonging to the Commonwealth is a source of revenue or profit, whether by lease or otherwise, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city or town. When a part but not all of any such building or land, however, is a source of revenue or profit, and the remainder of such building or land is used by any organization exempted from taxation pursuant to this chapter for its purposes, only such portion as is a source of profit or revenue shall be liable for taxation.

B. In assessing any building and the land it occupies pursuant to subsection A, the assessing officer shall only assess for taxation that portion of the property as is a source of profit or revenue and the tax shall be computed on the basis of the ratio of the space as is a source of profit or revenue to the entire property. When any such property is leased for portions of a year the tax shall be computed on the basis of the average use of such property for the preceding year.

C. In determining whether any building or land, or part thereof, is a source of revenue or profit, rent from the lease of the property applied to reduce indebtedness against the property by payment of the principal of an outstanding bond or note held by a political subdivision of the Commonwealth shall not constitute revenue or profit, provided that the property is leased to a lessee who is exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code and is used by such lessee exclusively for charitable purposes.

Code 1950, §§ 58-14, 58-16; 1950, p. 659; 1984, c. 675; 1996, c. [534](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 24, 2023	Staff Member: Rebecca Joyce
Item #	3	
Department:	Community Development	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Economic Development Values: Inclusion & Equity; Engagement	
Subject:	Update on Staunton’s Pathway to Affordable Housing and Housing for Working Families	

Background: The March 23, 2023 work session included an agenda item that was added at the request of Councilmember Brad Arrowood, to discuss the establishment of a Staunton Housing Commission. At that meeting, staff said they would return to City Council with information about our affordable housing activities and a path towards a Commission. And since that time, a new Housing Planner was hired, Rebecca Joyce, who's role is to not only manage the city's CDBG/HUD funds, but to also advise and lead affordable housing activities, policies and initiatives.

During the work session of August 24th, Ms. Joyce will present an update on the City's housing program to City Council. The presentation will highlight activities focused on affordable housing and housing for working families and a timeline for upcoming tasks anticipated to take place over the next nine months.

Attachment: Presentation Slides

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard



Staunton's Pathway to Affordable Housing and Housing For Working Families

Presentation to City Council
August 24, 2023





Staunton Plan Economic Development Strategic Area: Action 3

Enhance the economic well-being and quality of life for the City through attracting new industries in target areas and supporting the expansion and retention of existing businesses. **This area also addresses housing** and quality of life needs required to attract and retain a qualified workforce.

Actions:

1. Pursue targeted industries for development of Staunton Crossing.
2. Support the retention and expansion of existing businesses, attract new businesses and promote Staunton as a top tourist destination.

3. Prioritize affordable housing and housing for working families.

Key Roles In Affordable Housing

Federal/State Government

- U.S. Dept. of Housing and Urban Development (HUD)
- VA Dept. of Housing and Community Development (DHCD)

Private Sector

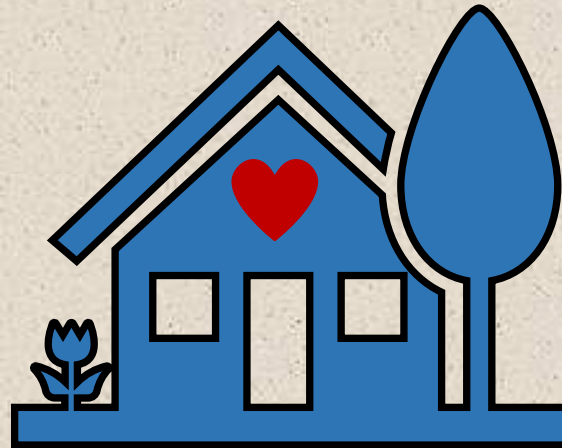
- Private Developers/Contractors
- Rental Property Owners
- Realtors
- Financial Institutions

Housing Providers (Non-profit)

- Renewing Homes of Greater Augusta
- Salvation Army
- Staunton Augusta Church Relief Association
- SAW Habitat for Humanity
- Staunton Redevelopment and Housing Authority
- Valley Mission
- Valley Supportive Housing
- Virginia Housing

Local Government

- City of Staunton
- Augusta County
- City of Waynesboro



♥ Wrap Around Services

- Budgeting / Financial Education
- Childcare / Schools
- Disability Benefits
- Employment / Job Training
- Food / Baby Supplies / Eldercare Supplies
- Healthcare / Insurance / Medications
- Home Maintenance / Repairs / Yard Care
- Homeownership Education
- Mental Health Services
- Mortgage / Rental / Utility Assistance
- Pet Care
- Reliable Transportation
- Temporary Housing
- Veteran's Services

Support/Coordinating Agencies

- Community Action Partnership of Staunton-Augusta-Waynesboro
- Community Foundation of the Central Blue Ridge
- Central Shenandoah Planning District Commission



Where We Are Now: Community Development Block Grant Program

- Staunton became a CDBG Entitlement Community in 2019.
- Of the City's yearly allocation:
 - **70% must** benefit persons with low-to moderate incomes.
 - **Only 15% may** be used for Public Services.
- Grant subrecipients offer needed home repairs, supportive rental housing, transitional housing, rental assistance, and home ownership to some of the most vulnerable people in our community as well as other essential services such as meals to the homebound, transportation to medical appointments, legal representation, and children's advocacy.
- **The Block Grant Program is a useful resource but is limited in what it can do to further affordable housing and housing for working families in the City.**

Where We Are Now: Partnership Development



Individual Organizations:

Blue Ridge Court Appointed Special Advocates for Children
Blue Ridge Legal Services
Central Shenandoah Health District
Community Action Partnership of Staunton, Augusta, and Waynesboro
Community Foundation of the Central Blue Ridge
Renewing Homes of Greater Augusta
Salvation Army (Staunton)
Staunton Augusta Church Relief Association
Staunton-Augusta-Waynesboro Habitat for Humanity
South East Rural Community Assistance Project (SERCAP)
Staunton Redevelopment and Housing Authority
Valley Mission
Valley Program for Aging Services
Valley Supportive Housing
Virginia Housing

Housing Groups:

CAPSAW Housing Supports Group
Central Shenandoah Housing Study Committee
SAW Housing Summit Planning Group
Valley Homeless Connection
Valley Housing Planners



Next Steps: Fall / Winter 2023

- Provide City Council / Staff educational opportunities and relevant guest speakers to expand the knowledge base about the current housing situation and how it affects the City.
- Distribute a survey to the housing providers, developers, owners of rental properties, large employers, and other stakeholders to see what policies could be implemented and types of assistance provided by the City to increase the providers' capacity, effectiveness, and service provision.
- Attend the Staunton-Augusta-Waynesboro Housing Summit being held on October 11-12, 2023. (www.sawhousing.com)
- Create a task list of housing-related activities that the City is currently doing or could do without additional funding and minimal staff effort to further affordable and workforce housing.
- Explore potential available federal and state grant funding and technical assistance opportunities to conduct a housing and developable land inventory and housing strategic plan.



Next Steps: Winter / Spring 2024

- Take advantage of the CDBG 5-year Consolidated Plan Update to gather citizen input about housing needs.
- Investigate ways to leverage the CDBG funds through the FY2025 city budgeting process in order to provide additional support to housing providers and city staff to increase the amount and quality of affordable housing that is available.
- Explore the potential of creating a Housing Committee or Commission, define its role, the requirements and responsibilities of its members, and a funding source to staff it.



Thank You!

Rebecca Joyce
Housing Planner & Grants Coordinator
joycerl@ci.staunton.va.us
540.213.6699

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	City Council John C. Blair, II City Attorney
Item #	4	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Closed Meeting for: (i) Discussion or Consideration of the Disposition of Publicly-Held Real Property within Staunton Crossing; and (ii) Discussion or Consideration of the Disposition of Publicly-Held Right-of-way Located Near the Intersection of Peck Street and Montgomery Avenue, Where Discussions in an Open Meeting Would Adversely Affect the Bargaining Positions or Negotiating Strategies of the Public Body	

Suggested Motion: I move to enter a closed meeting for: (i) discussion or consideration of the disposition of publicly-held real property located at Staunton Crossing where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3); and (ii) discussion or consideration of the disposition of publicly-held right-of-way located near the intersection of Peck Street and Montgomery Ave where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

Second. Discussion. Vote – Clerk of Council to poll members of Council.

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters

were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote –Clerk of Council to poll members of Council.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	City Council
Item #:	A	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Area: Responsive, Efficient Government	
Subject:	Consent Agenda	

Background: As provided in [Council Procedure Memorandum No. 14](#), it is the policy of City Council to have the City Manager place routine, noncontroversial items on a Consent Agenda. Briefings for each item included on the Consent Agenda have been prepared in the manner and format of regular business items on the agenda, with each item described in sufficient detail to provide the public with an appropriate understanding of such item. All matters listed on the Consent Agenda will be enacted by one motion and as a single item. There will be no separate discussion of an item. If discussion is desired, the item may be removed from the Consent Agenda at the request of a member of City Council and considered separately at the end of the regular meeting agenda.

The Mayor will inquire whether any member of City Council desires to remove any item from the Consent Agenda and to place such item on the regular meeting agenda for separate consideration.

Suggested Motion (if no items removed): I move to approve the Consent Agenda, as presented.

Suggestion Motion (if one or more items removed): I move to approve the Consent Agenda with the exception of item(s) _____, and that item(s)_____ be moved to the end of the regular agenda for discussion and a separate vote.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	City Council
Item #	A.1	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Values: Integrity Engagement	
Subject:	Approval of Minutes	

Background: Draft meeting minutes are attached for City Council's consideration and for approval as Council prefers.

Attachments:

Attachment 1 – Work Session and Regular Meeting Minutes of July 27, 2023

Attachment 2 – Special Meeting Minutes of July 31, 2023

Suggested Motions: I move to approve the work session regular meeting minutes of July 27, 2023 [as presented] [with the following changes: _____.]

I move to approve the special meeting minutes of July 31, 2023 [as presented] [with the following changes: _____.]

City Manager: Leslie Beauregard

City Council
WORK SESSION
July 27, 2023
5:00 p.m.

Council Members Present: Mayor Claffey, Vice Mayor Darby and Councilors Arrowood, Edwards, Holmes, Robertson, and Woods.

Mayor Claffey called the meeting to order: Mayor Claffey called the meeting of Staunton City Council to order.

1. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Ms. Woods moved to approve the work session and regular meeting agendas as amended.

The motion was seconded by Mr. Robertson and carried as follows:

Ms. Edwards	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Holmes	aye		

2. Discussion of Request by Moonyene Jackson on the Proposed William A. and Queen Elizabeth Miller Heritage Park in Staunton's West End

Ms. Woods introduced Ms. Jackson, who was in attendance virtually.

Ms. Jackson briefly outlined her vision for a heritage park on the West End. She stated that her main purpose before Council that evening was to see if the city would be interested in having a park like the one proposed on the West End, under the care and concern of the city, should the right circumstances be provided.

Ms. Woods asked if the property would still belong to Ms. Jackson, and what she wants to do with it specifically. She also asked if Ms. Jackson wants to gift the property to the city to maintain after she gets a grant. Ms. Jackson stated that the grants she is looking to acquire would convey the property to them, and the property would then be conveyed to the city, with the caveat that it would be maintained and preserved as a historical site. She added that there is an ongoing archeological dig at the site that would require grant funding.

Ms. Edwards asked who would be paying for the \$44,815 grand total cost from the proposal and who would be paying to maintain the property and at what cost, since it was unclear what exactly will be on the property. Ms. Jackson stated that she did not know what those numbers are, and the \$44,815 is for a planning grant.

Mr. Robertson asked if any of the 300 children from the orphanage have descendants in the area. Ms. Jackson answered yes.

Mayor Claffey asked if a portion of the property has a residence on it. Ms. Jackson stated that there is a house on .37 acres and they are still determining the best use for it. Mayor Claffey asked if they are going to try to salvage the structure. Ms. Jackson stated that the plan is to salvage it, and one of the suggestions is to turn it into a museum and immersive opportunity where visitors could stay.

Ms. Woods asked what Ms. Jackson was seeking from the Council that evening. Ms. Jackson replied that her goal is to have the city state, with some specificity, that it would be interested in having the heritage park as she has defined it, to help make the grant applications stronger.

Councilmembers agreed to encourage Ms. Jackson to continue with the grant seeking process, and to instruct staff to further analyze the situation and return at a later date for further discussion.

3. Discussion of 2024 Legislative Program

City Attorney John Blair stated that the current members of City Council have expressed interest in pursuing two specific bills in the Virginia General Assembly's upcoming 2024 Regular Session:

First, the Council has expressed interest in allowing for special elections on primary election dates. Virginia Code Section 24.2-682 prohibits the conduct of a special election on a primary election date. The General Registrar and Director of Elections estimates that the cost of a special election is approximately \$19,000. The ability to conduct a special election on a primary election day would help save taxpayer dollars while also allowing an affordable option to hold a special election before the November general election date.

Second, the Council has expressed interest in reducing or eliminating utility connection fees for properties located in Uniontown. The Code of Virginia does not grant the City this authority. Therefore, the City would need to pursue special legislation to allow it to have the specific authority to waiver or reduce utility connection fees for Uniontown.

Councilmembers gave input on the specifics it would like to see incorporated into these two bills.

4. Discussion of Council Memorandum No. 19 – Proclamations and Other Forms of Recognition

Mayor Claffey stated that in order to better regulate the number of proclamations, Council should revisit procedure memorandum 19 to revise *Proclamation in Council Chambers*.

Councilmembers discussed specifics of the policy, and agreed to remove "all proclamations presented in Council Chambers must be unanimously approved by City Council," replacing it with "the Clerk of Council shall notify the Council of all requests for proclamations. The Council shall vote upon the presentation of the proclamation at its regular meeting."

5. Presentation by Frazier Associates on the Final Draft of the Entrance Corridor Overlay District Design Guidelines

Bill and Kathleen Frazier of Frazier Associates presented an overview of the draft guidelines and recommendations on future steps for the city to take to address the Entrance Corridors.

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101 The work session adjourned at 6:43 p.m.

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Kiley A. Kesecker
Clerk of Council

DRAFT

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, July 27, 2023****7:00 p.m.****Rita S. Wilson Council Chambers**

PRESENT: Mayor Stephen W. Claffey
Vice Mayor Amy G. Darby
Brad D. Arrowood
Michele D. Edwards
R. Terry Holmes
Mark A. Robertson
Alice L. Woods

ALSO PRESENT: Leslie Beauregard, City Manager
Amanda Kaufman, Assistant City Manager
John Blair, City Attorney
Kiley Kesecker, Clerk of Council

Mayor Claffey called the meeting to order: Mayor Claffey called this meeting of Staunton City Council to order.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mr. Arrowood.

MAYOR'S REPORT

Mayor Claffey stated that the annual 4th of July event, Happy Birthday America, was a great success.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Mr. Arrowood stated he had attended an opening in the R.R. Smith Center for History and Art.

Ms. Edwards stated that she had attended the ribbon cutting of the new YMCA Extension Center on New Hope Road.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the work session and regular meeting minutes of June 22, 2023, as presented.

The motion was seconded by Mr. Robertson and carried as follows:

Ms. Woods	aye	Mr. Robertson	aye
Mr. Arrowood	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	aye
Mr. Holmes	aye		

REGULAR MEETING**A. Public Hearing of Ordinance to Amend the FY2024 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One**

Chief Financial Officer Jessie Moyers stated that the first budget amendment for fiscal year 2024 has been prepared for review and discussion. The total budget amendment equals \$10,129,762. This budget amendment does require a public hearing, which was properly advertised on July 20, 2023 in the News Leader. Consideration of the ordinance is scheduled for August 24, 2023.

City Budget Amendment—\$10,129,762

1. General Fund amendment of \$1,315,643.
 - \$1,200,000 – the remaining FY2022 carry over General Fund balance. This amount is being transferred to the CIP fund.
 - \$87,705 – School Resource Officer Incentive Grant.
 - \$27,938 – Additional Fire Program Funds for FY24.
2. Capital Improvements Fund amendment of \$8,814,119.
 - \$1,200,000 – Transfer from the General Fund to be split between the Regional Animal Shelter \$776,000 and the Juvenile & Domestic Relations Courthouse/West End Complex \$424,000.
 - \$1,111,524 – Virginia Department of Transportation Virginia Highway Safety Improvement Program Funding for Pedestrian Infrastructure.
 - \$240,000 – Virginia Department of Emergency Management Grant for the Regional Radio Project Consulting
 - \$6,262,595 – Augusta County and Waynesboro's share of the Regional Radio Project. This covers the infrastructure, contingency, and consulting for this project after the grant has been applied for these localities. Staunton is serving as the fiscal agent for the project, and funds will be recovered from the respective locality per the Memorandum of Understanding signed on May 9, 2023.

Mayor Claffey asked if Councilmembers had any questions or comments.

Councilmembers had no questions or comments.

Mayor Claffey stated the following:

“In a moment, I will open the Public Hearing. It is a time that Council sets aside to hear from citizens and others about a specific topic.

We ask that you please give your name, your address, and then keep your remarks at five minutes or less. When you reach the five-minute time limit, I will let you know that your time limit has expired.

For our Zoom participants, please raise your hand now if you wish to speak on this particular Public Hearing. If you raise your hand during this Public Hearing, you will also be able to raise your hand during this Council meeting for other Public Hearings and Matters of the Public. Please keep your comments to five minutes as well. Once everyone who wishes to speak has had an opportunity, I will then close the Public Hearing.

I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform."

The public hearing was opened.

With there being no one present wishing to speak, the public hearing was closed.

B. Public Hearing and Consideration of a Request by Kevin Linhares to Rezone 1020 North Augusta Street from B-1, Local Business District, to P-1, Professional District

Senior Planner Rodney Rhodes stated that Kevin Linhares has requested a rezoning of 1020 North Augusta Street from B-1, Local Business District, to P-1, Professional District. Mr. Linhares has recently acquired the property and plans to utilize the property as his residence (single-family dwelling). The Pregnancy Help Center, now Comfort Care for Women, has owned the property since 2002 and used it, until recently, for their clinic and counseling center. Under the current B-1 zoning, residential use is permitted by right on floors above the ground level while the ground and basement levels are reserved for business use; however, in P-1 zoning, single-family dwelling is a by right use permitted within all floors of a structure.

Staff has considered the request and has identified no issues. If the rezoning is approved, a building permit will be required for a change of use under the Building Code from Business to Residential.

Mr. Rhodes noted that this area of North Augusta Street underwent a city initiated mass rezoning in 2017. During which, eight properties in the same block were rezoned from Business to Professional. This property was not included in the mass rezoning because it was utilized as the Pregnancy Help Center. Now that the business use has ceased, it is reasonable to move forward with rezoning the property.

Surrounding zoning to the north and south is P-1, Professional District, to the west is R-2, Low Density Residential District, and to the east and across North Augusta Street, is B-1, Local Business District. The *City of Staunton Comprehensive Plan, 2018-2040*, Future Land Use Map, designates this area as Professional and the requested rezoning is consistent with that designation.

Mr. Rhodes concluded, stating that at its June 15, 2023 meeting, the Planning Commission conducted a public hearing, during which no one spoke in opposition to the request. On a 5-0 vote, the Commission recommended approval of the rezoning.

Mayor Claffey asked if Councilmembers had any questions.

Ms. Edwards asked if the property could be rezoned again if the owner were to resell. Mr. Rhodes stated that if approved, the P-1 Professional District rezoning would go with the property if resold. Any future owner would have the right to request another rezoning just like any other property owner.

Property owner Kevin Linhares was present and briefly addressed council to answer any questions.

Councilmembers had no questions.

Mayor Claffey stated the following:

“I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform.”

The public hearing was opened.

With there being no one wishing to speak, the public hearing was closed.

Mr. Holmes moved that Council adopt the ordinance and approve the rezoning, as recommended by the Planning Commission.

The motion was seconded by Mr. Arrowood and carried as follows:

Ms. Edwards	aye	Ms. Woods	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	aye
Mr. Arrowood	aye		

Ordinance No. 2023-23

AN ORDINANCE REZONING FROM B-1, LOCAL BUSINESS DISTRICT, TO P-1, PROFESSIONAL DISTRICT, A PORTION OF THAT CERTAIN TRACT OR PARCEL OF LAND LOCATED AT 1020 NORTH AUGUSTA STREET (PARCEL IDENTIFICATION NUMBER 7578), STAUNTON, VIRGINIA

Recitals

A. It appears by deed dated September 11, 2002, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 020003796, that Pregnancy Help Center, Inc, acquired from John O. Isenath III, what is known by present numbering as 1020 North Augusta Street and referenced in the deed as all that certain lot or parcel of land

designated as Lot B, on a map revising Nellie H. Yount's lots, with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. Kevin Linhares, having entered into an agreement to purchase the property and with the current owner's written consent, has applied to the City of Staunton for a zoning classification change, under the provisions of the Staunton City Code, from B-1, Local Business District, to P-1, Professional District;

C. The proposed rezoning is consistent with the provisions of SCC 18.215.060(1) and is necessary so that the applicant may use the property as a single-family dwelling;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 1020 North Augusta Street (Parcel Identification Number 7578), in the City of Staunton, Virginia, is **HEREBY REZONED** from B-1, Local Business District, to P-1, Professional District, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice.

Introduced: July 27, 2023

Adopted: July 27, 2023

Effective Date: July 27, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER

Clerk of Council

C. Public Hearing and Consideration of a Request by Rebecca Bennett to Rezone 916 Anderson Street from R-4, High Density Residential District, to B-2, General Business District Conditional

Senior Planner Rodney Rhodes stated that Rebecca Bennett has applied for a rezoning of 916 Anderson Street. The property is currently zoned R-4, High Density Residential District, and Ms. Bennett proposes to rezone the property to B-2, General Business District Conditional. The property consists of two lots with a combined area of approximately 7,971 square feet. Historically, the property was used for a single-family dwelling and a stable, which first appeared on the Sanborn Maps in 1909, and both buildings appear to have been demolished in 2010. The area was annexed into the city in 1860 as mostly undeveloped farmland, and was platted as lots with the Stafford Plat between 1904 and 1909. Ms. Bennett also owns property at 920 West Beverley Street, which is the former location of Christ United Methodist Church. She plans to convert the former church into an event space, which would require a subsequent rezoning, and

proposes to use 916 Anderson Street for off-street parking. The B-2 zoning district will permit the use of 916 Anderson Street for off-street parking.

Mr. Rhodes continued, stating that the applicant proposes to eliminate all permitted uses from the B-2 District except for “parking lot” and if the rezoning is approved, “parking lot” would be the only use of the property permitted. The 920 West Beverley Street property is a large historic property with very little off-street parking, zoned R-4, High Density Residential District, and is located on a curve of West Beverley Street. There is very little parking in the area, other than limited on-street parking on the north side of West Beverley Street. If the 920 West Beverley Street property is to be reused for a purpose other than a single-family dwelling, additional parking is needed and required by the Staunton Zoning Code. The proposed conditional rezoning is a way to provide additional parking in close proximity to the potential business use. Section 18.125.010 (1) of the Staunton City Code notes:

“Off-street parking for other than residential use shall be either on the same lot, or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, along a public sidewalk and without crossing any major thoroughfares.”

The proposed parking lot at 916 Anderson Street meets this requirement.

Prior to construction of any parking lot, a site plan will be required. Site plan review will address issues such as minimum setbacks, landscape, screening, lighting, and stormwater. All surrounding zoning is R-4, High Density Residential District.

The “*Generalized Land Use and Development Guide, Future Land Use Map*” Staunton, Virginia, *Comprehensive Plan 2018 – 2040* designates this area as Neighborhood Residential. This designation is characterized as large housing units on small lots. The use of the property as a parking lot is not consistent with the Comprehensive Plan, however, the Comprehensive Plan is a guide that does not carry the weight of law. While the rezoning and the use of the property as a parking lot are not supported by the Land Use and Development Guide, the parking lot would support the reuse of the nearby historic church structure.

City staff received numerous emails in opposition to the rezoning request prior to the Planning Commission’s public hearing on the matter.

Mr. Rhodes noted that the staff briefing for the June 15, 2023 Planning Commission meeting recommended endorsement of the requested conditional zoning. While staff would not generally support rezoning property that is surrounded by residential zoning to business, due to the limited nature of the proposed conditional zoning (limiting it to only a parking lot), and permitting the redevelopment of a long-neglected property on West Beverley Street, staff supported the application.

Mr. Rhodes concluded by stating that at its June 15, 2023 meeting, the Planning Commission conducted a public hearing, during which five people spoke in opposition to the request. Those that spoke noted that the proposed parking lot was not compatible with the area and that the narrow residential street was not adequate to handle the additional traffic from a commercial use. On a 5-0 vote, the Commission concurred with the residents and recommend denial of the rezoning.

Applicant Rebecca Bennett presented a brief overview of the proposal.

Mayor Claffey stated the following:

“I will now open the Public Hearing, so if you wish to speak, please approach the podium. We will alternate between individuals physically present and those that have their hands raised via the Zoom platform.”

The public hearing was opened.

Brenda Mead, 342 Sherwood Avenue, stated her opposition to the proposed rezoning and project.

Rosa Fuller, 920 Anderson Street, stated her opposition to the project and described issues with the applicant harassing neighbors, sometimes requiring police involvement.

Casey Rolfe, 907 West Johnson Street, stated her opposition to the project and discussed issues such as the environmental impacts of parking lots and gentrification.

Emily Holt, 934 West Beverley Street, stated her opposition to the proposed rezoning and project.

Lance Barton, 525 Oak Hill Road, stated his opposition to the proposed rezoning and project both personally, and as Director of Habitat for Humanity.

Machteld Schrameyer, 940 West Beverley Street, agreed with all previous speakers in opposition to the proposal.

Anton Marks, Augusta County, spoke in support of the applicant.

Johan Westenburg, 940 West Beverley Street, spoke in opposition to the proposal.

With there being no one else present wishing to speak, the public hearing was closed.

Mr. Holmes moved that Council deny the requested rezoning, as recommended by the Planning Commission.

The motion was seconded by Mr. Arrowood and carried as follows:

Mr. Arrowood	aye	Mr. Holmes	aye
Ms. Edwards	aye	Vice Mayor Darby	aye
Ms. Woods	aye	Mayor Claffey	aye
Mr. Robertson	no		

D. Consideration of a Resolution Authorizing the Adoption of the FY2023 Annual Action Plan for the City of Staunton through the U.S. Department of Housing and Urban Development Community Development Block Grant Program Fund

Director of Community and Economic Development Billy Vaughn stated that on February 26, 2019, the city received official confirmation from the U.S. Department of Housing and Urban Development (HUD) of its designation as an entitlement community. Under this program designation, the city receives annual allocations from HUD. This is the city's fifth year of such a designation. In accordance with the federal regulations, an Annual Action Plan (AAP) must be prepared and adopted by City Council annually. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program.

The plan covers the period of October 1, 2023 through September 30, 2024, and the city anticipates receiving \$319,410 in CDBG funds for the program year. In preparation of the draft AAP, the city utilized an approach that resulted in the prioritization of the needs for low and moderate-income persons, and continued partnerships with the private and not-for-profit sectors. In doing so, city staff sought input from local agencies concerning their potential utilization of HUD funds while achieving CDBG goals. Staff engaged M&L Associates, Inc., the housing consultant under contract with the city, to provide technical support and guidance services to vet the proposals to ensure compliance with HUD CDBG guidelines.

Housing Planner and Grants Coordinator Rebecca Joyce outlined the following strategies being recommended for funding, based on the findings:

- Valley Mission, Inc Initial Housing Support program provides financial support to formerly homeless individuals who move into housing within the city after exiting Valley Mission. They will be assisted with approximately \$500 to \$1,000 each in initial housing support or other funds necessary to facilitate moving into safe, affordable, permanent, and appropriate housing for five persons, with a total budget of \$5,000.
- Valley Program for Aging Service (VPAS) Transportation Assistance program provides transportation services to residents 60 years of age or older, and those under 60 years of age with a disability, needing transportation to medical and other life-necessary destinations, when there is no other reliable or affordable transportation option available to them. Approximately 50 low-income residents will be assisted through this program with a budget of \$10,000.
- Valley Program for Aging Service (VPAS) Meals on Wheels program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately 120 seniors will be assisted through this program with a budget of \$10,000.
- Blue Ridge Legal Services will provide free legal assistance to 25 low-income residents facing legal issues resulting from the COVID-19 pandemic and subsequent economic crisis, with a total budget of \$8,000.
- Blue Ridge CASA provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 50 low-income children living in unstable and inadequate housing conditions, who have been victims of abuse or neglect and have special needs, with a total budget of \$14,600.
- West Beverley Street Sidewalk Improvements project involves installing approximately 550 linear feet of five foot sidewalk on the north side of West Beverley Street, from Grubert

Avenue to 2213 West Beverley Street, completing the gap between two existing sidewalk termini. This project also includes installing a crosswalk at the intersection of West Beverley Street and Morris Mill Road. Installing new entrances at the businesses in the project limits with an at-grade sidewalk crossing will also be included. Existing drainage grates along the route will be modified to meet ADA requirements. A grassed safety buffer will be used, where feasible, between the sidewalk and road. This year's proposed funding for the multi-year project is \$157,928.

- Renewing Homes of Greater Augusta Critical Housing Rehabilitation Project starts with a staff assessment to establish critical home repairs and rehabilitation needs for low-income homeowners. Local contractors provide pro bono consultation services on homes with complex issues. HUD funds are used for repairs that are too complex for volunteers and require the expertise, licensure, and insurance of a professional contractor. Five to ten low-income families will be served with a budget of \$50,000.
- CDBG Program Administration funding will be used to support the general administration and planning activities for the Community Development Block Grant Program. The maximum budget for administration is \$63,882.

As required by HUD, public hearings were held on May 16, 2023 and July 11, 2023 to solicit feedback on the draft FY2023 AAP.

Community Development Director with M&L Associates Kate Molinaro, the city's HUD consultant, presented an overview of the draft FY2023 Annual Action Plan.

Mayor Claffey asked if councilmembers had any questions or comments.

Vice Mayor Darby asked how much money has been designated that has not been spent. Ms. Molinaro replied about \$700,000.

Mr. Holmes asked if the money will be cut if it is not spent. Ms. Molinaro answered that it is not impossible, but it is unlikely. HUD will usually do what they can to help identify projects and redirect funds.

Vice Mayor Darby asked when a work plan is due. Ms. Molinaro stated that it will be in September or October.

Councilmembers agreed they would like to hear an update on the matter during the first Council meeting in September.

Councilmembers had no further questions or comments.

Ms. Edwards moved that Council approve the resolution authorizing the adoption of the FY2023 Annual Action Plan, and authorizing the City Manager to execute the sub-recipient agreements and associated documents with agencies recommended to receive HUD CDBG funds.

The motion was seconded by Mr. Robertson and carried as follows:

Mr. Robertson	aye	Mr. Arrowood	aye
Ms. Woods	aye	Vice Mayor Darby	aye
Ms. Edwards	aye	Mayor Claffey	aye
Mr. Holmes	aye		

**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
AUTHORIZING THE ADOPTION OF THE FY2023 ANNUAL ACTION PLAN
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FOR THE CITY OF STAUNTON AS A HUD ENTITLEMENT COMMUNITY**

Recitals

A. Under Title I of the Housing and Community Development Act of 1974, as Amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs;

B. On February 26, 2019, the City of Staunton (City) received official confirmation from the U.S. Department of Housing and Urban Development (HUD) that it had been designated as a new entitlement community, and under this designation the City receives annual allocations from HUD, starting with the federal fiscal year 2019;

C. HUD has advised the City that the FY 2023 Entitlement amount for CDBG funds will be \$319,410; and

D. This is the City's fifth year of such designation and in accordance with the federal regulations at 24 CFR Part 91, an Annual Action Plan must be prepared and adopted by City Council;

E. The City of Staunton has prepared an Annual Action Plan for the FY 2023 funding year, which assesses the housing and community development needs in Staunton;

F. The draft FY2023 Annual Action Plan was on public display and the City held two public hearings on CDBG eligible activities and the draft plan. Various agencies, groups, and citizens were provided the opportunity to comment and provide input in the preparation of the draft documents. This matter has been properly advertised, heard, and considered.

G. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that:

1. The FY2023 Annual Action Plan for the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development for the City of Staunton as a HUD Entitlement Community is hereby **APPROVED** and **ADOPTED**.

2. City Council **AUTHORIZES** and **DIRECTS** the City Manager to execute any sub-recipient agreements and associated documents with agencies recommended to receive HUD Community Development Block Grant Program funds.

Adopted this 27th day of July, 2023.

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

E. Update on Staunton Crossing Site Preparation Efforts and Other Economic Development Activity

Mr. Vaughn provided an update on recent economic development activity around the city. Economic Development Specialist Amanda DiMeo provided an update on site preparation efforts at Staunton Crossing. The following topics were highlighted:

- City-Wide
 - Business Activity and Plans
 - Industrial Revitalization Fund Grant
- Staunton Crossing
 - Marketing Strategy
 - VDOT's Crossing Way Extension
 - Virginia Business Ready Site Program Grants
 - Site Interest

Mayor Claffey asked if Councilmembers had questions or comments.

Mayor Claffey asked when the Governor will be releasing funding. Mr. Vaughn stated that they do not know as no information had been shared at that time.

Councilmembers had no further questions.

F. Consideration of an Amendment to Nuisance Animal Ordinance

City Attorney John Blair stated that on June 8, 2023, he and members of the Staunton Police Department discussed the city's "nuisance animal" ordinance with City Council at their work session.

Staunton City Code Section 6.10.240 prohibits the ownership or maintenance of a “nuisance animal” within the city. The ordinance defines conduct that results in a finding of a “nuisance animal.” One type of conduct listed in the ordinance is, “Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.”

Mr. Blair continued, noting that in 2009, the Supreme Court of Virginia issued its opinion in *Tanner v. City of Virginia Beach*, which voided the City of Virginia Beach’s noise ordinance for being too “vague” in the conduct it prohibited. Specifically, Virginia Beach’s noise ordinance used terminology such as “unreasonably,” “unnecessary,” and “disturbing.” The court found that these terms were not precise and therefore would “invite arbitrary enforcement.”

The current “nuisance animal” ordinance’s use of “excessively” and “unreasonable” could make it susceptible to a vagueness challenge. Therefore, the prohibited conduct needs to be better defined and more precise.

Mr. Blair noted that the Attorney General of Virginia reviewed a similar ordinance in Hanover County, finding that the ordinance would meet the *Tanner* standard. Therefore, it is proposed that the Staunton City Code be amended to establish concrete time standards for a barking dog to be declared a nuisance animal. Those standards would prohibit an animal from barking, howling, whining, meowing, squawking, or making other noises which are plainly audible across a property boundary, or through a partition common to two residences within a building, that take place repeatedly or continuously for an uninterrupted period of at least 15 consecutive minutes.

At the conclusion of the June 8 work session, the Council authorized Mr. Blair to move forward with the proposed ordinance amendment. Since that work session, Mr. Blair proposed that the amended code contain a provision defining continuously. “Continuously” will permit up to fifteen second pauses during the proposed fifteen-minute time frame. The amendment is proposed because any animal is unlikely to make the same noise for fifteen consecutive minutes without any pause.

Councilmembers had no questions or comments.

Mr. Robertson moved that City Council adopt the amendments to Staunton Code Section 6.10.240, as presented.

The motion was seconded by Ms. Woods and carried as follows:

Ms. Woods	aye	Ms. Edwards	aye
Mr. Robertson	aye	Vice Mayor Darby	aye
Mr. Holmes	aye	Mayor Claffey	aye
Mr. Arrowood	aye		

Ordinance No. 2023 - 24

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 6.10.240, NUISANCE ANIMALS, OF CHAPTER 6.10, DOGS AND CATS, OF TITLE 6, ANIMALS AND FOWL OF THE STAUNTON CITY CODE

**TO FURTHER CLARIFY THE TERM “NUISANCE ANIMAL” AS WELL AS THE
PROCESS BY WHICH A CITIZEN MAY PURSUE A SUMMONS OR WARRANT
AGAINST ANOTHER PERSON FOR VIOLATIONS OF THIS SECTION**

RECITALS

A. The Staunton City Code’s animal nuisance ordinance requires the restatement of acts with more definitiveness;

B. These changes to the City Code are recommended by the City’s animal control officer and the City Attorney; and

C. This matter has been heard and considered; and

D. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 6.10.240, Nuisance Animals, of Title 6, Animals and Fowl, of the Staunton City Code be and hereby are amended or repealed as follows:

6.10.240 Nuisance animals.

(1) No person shall own or maintain a nuisance animal in the city.

(2) Nuisance Animal Defined. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “nuisance animal” shall mean and include, but is not limited to, any animal that:

(a) Is repeatedly found at large;

(b) Damages the property of anyone other than its owner;

(c) Molests or intimidates pedestrians or passersby;

(d) Chases vehicles;

(e) Howls, barks, whines, meows, squawks, or makes other such noises which are plainly audible across a property boundary or through partitions common to two (2) residences within a building and that take place continuously for a period of at least fifteen (15) consecutive minutes. For purposes of this code section, “continuously” shall be defined as fifteen consecutive minutes of the aforementioned noised with a silent period of no longer than fifteen consecutive seconds during the fifteen minute timeframe. ;

(f) Causes fouling of the air by body odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(g) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

(h) Attacks other domestic animals; or

(i) Has been found, after notice to its owner and a hearing by a court of competent jurisdiction, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(3) Whenever a formal complaint has been received by the police department or animal control officer of such a nuisance and the complaint is found to be justified, the police department or animal control officer shall notify the owner of the animal of the complaint and instruct such owner to abate such nuisance. If, after such notice, the owner fails to properly control the animal that creates or constitutes the nuisance, the police department or animal control officer shall take the necessary legal action to abate the nuisance by having the animal impounded or the owner of the animal charged with a violation of this section, either or both.

(4) Notwithstanding the foregoing, however, whenever in the discretion of the police department or animal control officer a complaint hereunder is justified and an immediate threat to the public health, welfare, or safety is posed, the police department and/or animal control officer may have the animal impounded immediately and charges filed hereunder. In such case, the provisions of SCC [6.10.220](#) shall apply except that the animal shall remain impounded until disposition of the charges by the court.

(5) Notwithstanding the foregoing, if a nuisance animal is impounded absent a complaint, the owner of such animal shall pay all charges of the impoundment, including charges for shelter and maintenance, not to exceed the actual expenses.

(6) Nothing contained in this section shall prohibit any person, having sufficient evidence of a violation of one or more prohibitions set out in this section, from bringing a charge of violation hereunder directly without proceeding through the police department or animal control officer.

In all other respects, the provisions of Title 6, Animals and Fowl, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: July 27, 2023

Adopted: July 27, 2023

Effective Date: July 27, 2023

Signed: STEPHEN W. CLAFFEY, MAYOR

Attest: KILEY A. KESECKER
Clerk of Council

MATTERS FROM THE CITY MANAGER

Ms. Beauregard stated that a ribbon cutting at the new recycling center would take place on August 3rd, the city had received a Cooperative Partnership Grant in the amount of \$100,000 from the Virginia Opioid Abatement Authority, and she would be adding a new area of her remarks that addresses City Council's strategic plan, called the Staunton Plan. This update touched on infrastructure, economic development, and the West End.

MATTERS FROM THE PUBLIC

Mayor Claffey read the following statement:

“This part of City Council's agenda is entitled matters from the public. It is a time that Council sets aside to hear from citizens and others about a wide variety of subjects. A copy of the Staunton City Council's 'Matters from the Public' rules are available in paper form at the Clerk's desk and online at the City of Staunton webpage. You are asked to familiarize yourself with those rules before commenting. Please come to the podium or begin your call, identify yourself and complete your remarks within five minutes.”

Karen Ress, 220 Biltmore Street, spoke about issues regarding a recent death at the Middle River Regional Jail.

There was no one else wishing to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:15 p.m.

Kiley A. Kesecker
Clerk of Council

SPECIAL MEETING OF STAUNTON CITY COUNCIL
Monday, July 31, 2023
2:00 p.m.
Shenandoah Valley Airport

PRESENT: Vice Mayor Amy G. Darby
Brad D. Arrowood

ALSO PRESENT: Leslie Beauregard, City Manager
Maggie Ragon, SHD Representative

With only two Councilmembers in attendance, no special meeting took place.

Those in attendance took a tour of the Shenandoah Valley Airport facilities.

Kiley A. Kesecker
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Jessie L. Moyers Chief Financial Officer
Item #	A.2	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsible, Efficient Government	
Subject:	Consideration of an Ordinance to Amend the FY2024 Budget Ordinance for the City of Staunton by Adding Budget Amendment Number One	

Background: The first budget amendment for fiscal year 2024 was introduced at the July 27th council meeting. The total budget amendment equals \$10,129,762 and is a city only budget amendment. This budget amendment required a public hearing, which was properly advertised on July 20, 2023 in the *News Leader* and was conducted at the July 27, 2023 City Council meeting. The first budget amendment of FY2024 is being brought back for your consideration.

City Budget Amendment—\$10,129,762

1. General Fund amendment of \$1,315,643.

- \$1,200,000 – the remaining FY2022 carry over General fund balance. This amount is being transferred to the CIP fund.
- \$87,705 – School Resource Officer Incentive Grant.
- \$27,938 – Additional Fire Program Funds for FY24.

2. Capital Improvements Fund amendment of \$8,814,119.

- \$1,200,000 – Transfer from the General Fund. This amount is to be split between the Regional Animal Shelter \$776,000 and the JDR Courthouse/West End Complex \$424,000.
- \$1,111,524 – VDOT VHSIP Funding for Pedestrian Infrastructure.
- \$240,000 – VDEM Grant for the Regional Radio Project Consulting
- \$6,262,595 – Augusta Co and Waynesboro's share of the Regional Radio Project. This covers the infrastructure, contingency, and consulting for this project after the grant has been applied for these localities. Staunton is serving as the fiscal agent for the project. Funds will be recovered from the respective locality per the Memorandum of Understanding signed on May 9, 2023.

Attachment: Budget Amendment Number One

City Manager's Recommendation: Approve the proposed budget ordinance as presented.

Suggested Motion: I move to approve budget amendment number one for FY2024.

City Manager: Leslie Beauregard

Ordinance No. 2023-
AN ORDINANCE TO AMEND
THE FY2024 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER ONE

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2024 Budget is amended as follows:

GENERAL FUND		
<u>Anticipated Revenue</u>		
General Revenue	\$	1,200,000
Capital Grants and Contributions		<u>115,643</u>
Total Revenue	\$	1,315,643
<u>Appropriations</u>		
Public Safety	\$	115,643
Transfers to Other Funds		<u>1,200,000</u>
Total Appropriations	\$	1,315,643
CITY CAPITAL IMPROVEMENTS FUND		
<u>Anticipated Revenue</u>		
Transfer from the General Fund	\$	1,200,000
State Aid	\$	1,351,524
Recovered Cost	\$	<u>6,262,595</u>
Total Revenue	\$	8,814,119
<u>Appropriations</u>		
Capital Projects	\$	<u>8,814,119</u>
Total Appropriations	\$	8,814,119
GRAND TOTAL BUDGET AMENDMENT NO 1		
	\$	10,129,762

INTRODUCED: July 27, 2023

PUBLIC HEARING: July 27, 2023

Public Hearing Advertisement Date: July 20, 2023

Approved this _____ day of _____ 2023

Effective Date: _____

CERTIFIED: _____

ATTEST: _____

Kiley Kesecker

Clerk of Council

Stephen W. Claffey

Mayor of Council

CITY OF STAUNTON			
FY 2024 BUDGET AMENDMENT NO. 1			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
GENERAL FUND			
PUBLIC SAFETY			
POLICE DEPARTMENT			
DCJS Grant Revenue	11033-45559-53500	\$ 87,705	
Full Time Salaries	11033110-51006-53500		\$ 61,939
Group Life VRS	11033110-52001-53500		\$ 830
Health Insurance	11033110-52005-53500		\$ 7,602
Social Security FICA	11033110-52010-53500		\$ 4,738
Retirement VRS	11033110-52020-53500		\$ 10,697
Worker's Comp	11033110-52025-53500		\$ 1,869
Unemployment	11033110-52030-53500		\$ 30
To appropriate the SRO Incentive Grant Program			
FIRE DEPARTMENT			
Fire Programs fund grants	11033-45525	\$ 27,938	
Fire Programs funds expenditures	11033290-55639		\$ 27,938
To appropriate additional fire programs grant funds			
TRANSFERS TO OTHER FUNDS			
CAPITAL IMPROVEMENTS			
Appropriation of Prior Year Unassigned Fund Balance	11001-41930	\$ 1,200,000	
Transfer to the City Capital Improvements Fund	11099600-59339		\$ 1,200,000
To designate remaining FY22 prior year carryover for West End Complex and Regional Animal Shelter			
TOTAL GENERAL FUND		\$ 1,315,643	\$ 1,315,643

BUDGET AMENDMENT NO. 1 GENERAL FUND SUMMARY

GENERAL FUND REVENUE SUMMARY

General Revenues		
Appropriation of Prior Year Fund Balance		\$ 1,200,000
Transfer to the Capital Improvements Fund	1,200,000	
Non-Capital Grants and Contributions		115,643
Police Department	87,705	
Fire Department	27,938	
Total General Fund Revenues		\$ 1,315,643

GENERAL FUND EXPENDITURE SUMMARY

Public Safety		\$ 115,643
Transfer to Other Funds		1,200,000
Total General Fund Expenditures		\$ 1,315,643

CITY OF STAUNTON			
FY 2024 BUDGET AMENDMENT NO. 1			
		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
CITY CAPITAL IMPROVEMENTS FUND			
Transfer from the General Fund	39001-49211	\$ 1,200,000	
JDR Courthouse/West End Complex	39044210-58529		\$ 424,000
Regional Animal Shelter	39033510-58486		\$ 776,000
To appropriate transfer from GF Fund Balance for capital projects			
State Aid-VDOT Funds	39044-45425	\$ 1,111,524	
Pedestrian Infrastructure Improvements	39044130-58532		\$ 1,111,524
To appropriate VDOT VHSIP funds for Pedestrian Infrastructure Improvements			
State Grant Revenue	39033-46229-73631	\$ 240,000	
E911 Emergency Communications-Grant funds	39033140-58467-73631		\$ 240,000
To appropriate the VDEM Grant for the radio project			
Augusta County Cost Recovery	39001-41901-73612	\$ 147,728	
City of Waynesboro Cost Recovery	39001-41901-73613	\$ 58,036	
Regional P25 Radio System - Augusta County share	39033140-58467-73612		\$ 147,728
Regional P25 Radio System - Waynesboro share	39033140-58467-73613		\$ 58,036
To appropriate the Augusta Co and Waynesboro shared of the Regional Radio Project <u>Consulting</u> (after the grant)			
Augusta County Cost Recovery	39001-41901-73612	\$ 4,016,470	
City of Waynesboro Cost Recovery	39001-41901-73613	\$ 1,577,899	
Regional P25 Radio System - Augusta County share	39033140-58467-73612		\$ 4,016,470
Regional P25 Radio System - Waynesboro share	39033140-58467-73613		\$ 1,577,899
To appropriate the Augusta Co and Waynesboro shared of the Regional Radio Project <u>Infrastructure</u>			
Augusta County Cost Recovery	39001-41901-73612	\$ 332,024	
City of Waynesboro Cost Recovery	39001-41901-73613	\$ 130,438	
Regional P25 Radio System - Augusta County share	39033140-58467-73612		\$ 332,024
Regional P25 Radio System - Waynesboro share	39033140-58467-73613		\$ 130,438
To appropriate the Augusta Co and Waynesboro shared of the Regional Radio Project <u>Contingency</u>			
TOTAL CAPITAL IMPROVEMENTS FUND		\$ 8,814,119	\$ 8,814,119

FY 2024 BUDGET AMENDMENT NO. 1 SUMMARY

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 1,315,643
CAPITAL IMPROVEMENTS FUND	\$ 8,814,119

TOTAL CITY GOVERNMENT FUNDS **\$ 10,129,762**

TOTAL FY2024 BUDGET AMENDMENT NO. 1 **\$ 10,129,762**

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Jessie L. Moyers Chief Financial Officer
Item #	A.3	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government	
Subject:	Approval of Transfer of Already Appropriated Funds within the Capital Improvement Fund	

Background: The item before City Council is approval of a transfer of already appropriated funds between projects in the Capital Improvement Fund. Approval of these transfers can be accomplished in one meeting, August 24, 2023, since this is a transfer of previously appropriated funds rather than an appropriation of funds.

An additional \$600,000 will be transferred into the JDR Courthouse/West End Complex Project to fully fund the \$1,450,000 roof repair estimate for the building to the right as you enter the property, which will remain and be used for future city facilities. The roof repairs will help to protect the interior of this facility and prevent further water damage. The funding will come from two projects with equal shares of \$300,000 coming from the Jail Reserve and the 2% Urban Construction fund (VDOT match).

Summary of the proposed transfers:

Project	Increase	Decrease
JDR Courthouse/West End Complex Project	600,000	
Jail Reserve		(300,000)
2% Urban Construction		(300,000)

Attachment: Not applicable.

City Manager's Recommendation: Recommends the approval of the transfer of already appropriated funds within the Capital Improvement Fund.

Suggested Motion: I move to approve the transfer of already appropriated funds within the Capital Improvement Fund, as presented.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	City Council
Item #	A.4	
Department:	City Council	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Area: Responsive, Efficient Government	
Subject:	Approval of Proclamation to be Presented in Council Chambers at the September 14, 2023 City Council Meeting	

Background: Per City Council Procedure Memorandum No. 19, revised on July 27, 2023, all proclamations presented in Council Chambers must be approved by City Council at the preceding regular meeting.

The item before City Council is the approval of a request for a proclamation to be presented in Council Chambers at the September 14, 2023 Council meeting. The proclamation is in recognition of **September Childhood Cancer Awareness Month**. The proclamation was presented last year as well. Should City Council approve this proclamation, it will be prepared for presentation at the beginning of the Regular Meeting on September 14.

Attachment: City Council Procedure Memorandum No. 19

City Manager's Recommendation: Not applicable.

Suggested Motion: I move to approve the requested proclamation in recognition of Childhood Cancer Awareness Month for presentation at the September 14, 2023 City Council meeting.

City Manager: Leslie Beauregard

COUNCIL PROCEDURE MEMORANDUM NO. 19

SUBJECT: Proclamations & Other Forms of Recognition

The Staunton City Council wishes to provide recognition to its residents and entities. Additionally, the Council desires to provide recognition to particular days, weeks, and months. The following forms of recognition may be requested by Staunton residents and entities:

1. **Commemorative Letter** prepared on Mayor's letterhead, affixed with the City seal and mailed in a flat envelope for birthdays, retirements, congratulations, etc.
2. **Letter & Certificate of Recognition** for significant individual or organizational achievements/milestones. Mailed to individual or organization in a flat envelope.
3. **Commemorative Proclamation** presented by the Mayor, or designee, to an organization at an event or function in recognition of local, state or national achievement or to commemorate an event, such as Small Business Saturday.
4. **Proclamation in Council Chambers** presented by the Mayor, in observance of a certain day, week or month, such as: Juneteenth, Arbor Day, Veterans Day, etc. Also presented to non-profit organizations in connection with national, statewide or local observances or in connection with a significant milestone, such as: Pride Month/Shenandoah LGBTQ Center, September Childhood Cancer Awareness Month, etc. The Clerk of Council shall notify the Council of all requests for proclamations. The Council shall vote upon the presentation of the proclamation at its regular meeting.
5. **Key to the City** presented in Council Chambers as a symbol of civic recognition and gratitude, reserved for individuals whose service to the public and the common good rises to the highest level of achievement. The award of a Key to the City must be unanimously approved by City Council.

Recognition requests will be submitted to the Clerk via a request form on the City's website. Each type of recognition will have a unique form requiring specific information about the request. The Mayor shall receive and administer all requests for commemorative letters as well as letters and certificates of recognition. All proclamation requests will be sent to Councilmembers for approval. Requests for a Key to the City must come from a member of City Council and cannot be submitted via the website.

UPDATED: July 27, 2023

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Jessie L. Moyers Chief Financial Officer
Item #	B	
Department:	Finance	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Excellence Strategic Area: Responsive, Efficient Government; Built Environment	
Subject:	Public Hearing and Consideration to Amend (a) an Ordinance Adopted September 8, 2022 and (b) a Bond Resolution Adopted September 22, 2022, that will Authorize Proceeds of the 2022 Bond to be Applied to Finance Costs Not Only of the Gardner Springs Pump Station Project but Also of Other Capital Improvement Projects Related to the City's Water System	

Background: The Gardner Springs Pump Station Project includes the construction of a new raw water pumping station, demolishing the existing pump station, construction of a platform on the remaining foundation, and the furnishing, installment, and integration of a 1,500-kW generator. The city applied for grant funding for this project in May of 2022 through the Virginia Department of Health's (VDH) Office of Drinking Water American Rescue Plan Act (ARPA) for Small and Disadvantaged Waterworks. The city received an official denial for this grant in September 2022, and at this time proceeded with debt financing of the Gardner Springs Pump Station Project.

The associated bond ordinance was enacted and signed at the September 8, 2022 Council meeting. The resolution authorizing the issuance of General Obligation Bonds was adopted and signed at the September 22, 2022 Council meeting. It was stated at both meetings that the proceeds from the debt issuance would be used only for the Gardner Springs Pump Station Project. The ordinance and resolution also memorialized that the debt financing would be solely for the Gardner Springs Pump Station Project.

In July 2023, the city was contacted by VDH to see if Staunton was still interested in the grant funds. VDH subsequently awarded the city \$5,930,000 of ARPA funding for the Gardner Spring Pump Station project. The receipt of grants funds for this project will allow the use of the 2022 bond funds for another water infrastructure project.

Under the advisement of the city's bond counsel, the city needs to conduct a public hearing to amend the ordinance adopted September 8, 2022 and the bond resolution adopted September 22, 2022 to include capital improvements projects related to the city's water system and not limit the purpose solely to the Gardner Springs Pump Station Project. This public hearing was properly advertised in *The News Leader* on August 10, 2023 and August 17, 2023.

Attachments:

Attachment 1 – Amended Bond Resolution

Attachment 2 – Notice of Public Hearing

City Manager's Recommendation: Recommend that City Council conduct the public hearing and approve the expanded purpose of the 2022 GO Bond proceeds to include all capital projects relating to the city's water system.

Suggested Motion (to be made after the public hearing is conducted): I move that City Council approve the amended ordinance and bond resolution authorizing the use of the \$8,500,000 General Obligation Bonds for capital improvements projects related to the city's water system and not limit the purpose solely to the Gardner Springs Pump Station Project as presented.

City Manager: Leslie Beauregard

COVERING CERTIFICATE FOR ORDINANCE

The undersigned Clerk of Council of the City of Staunton, Virginia (the “City”), certifies as follows:

1. At its regular meeting on August 24, 2023, the Council of the City (the “Council”) held a public hearing, duly noticed, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended.

2. Attached hereto is a true, correct and complete copy of an ordinance entitled “ORDINANCE AUTHORIZING ADDITIONAL CAPITAL IMPROVEMENT PROJECTS RELATED TO THE WATER SYSTEM TO BE FINANCED WITH PROCEEDS OF THE CITY OF STAUNTON, VIRGINIA \$8,500,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2022, BY AMENDING THE PROVISIONS OF A PRIOR ORDINANCE ADOPTED SEPTEMBER 8, 2022, AND A PRIOR RESOLUTION ADOPTED SEPTEMBER 22, 2022” (the “Ordinance”), as introduced at the regular meeting of the Council held following the public hearing on August 24, 2023. The Ordinance was adopted at such meeting by a majority of all members of the Council by a roll-call vote.

3. The Council meeting at which the Ordinance was adopted was held at the time and place established by the Council for its regular meetings pursuant to Staunton City Code Section 2.10.080. The minutes of such meeting reflect the attendance of the members and their votes on the Ordinance as follows:

Member	Attendance (Present/Absent)	Vote (Aye/Nay/Abstain)
Stephen W. Claffey, Mayor		
Amy G. Darby, Vice Mayor		
Brad Arrowood		
Michele Edwards		
R. Terry Holmes		
Mark Robertson		
Alice Woods		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Staunton, Virginia, this ____ day of August, 2023.

(SEAL)

Kiley Kesecker, Clerk of Council,
City of Staunton, Virginia

**ORDINANCE AUTHORIZING ADDITIONAL CAPITAL
IMPROVEMENT PROJECTS RELATED TO THE WATER
SYSTEM TO BE FINANCED WITH PROCEEDS OF THE CITY OF
STAUNTON, VIRGINIA \$8,500,000 GENERAL OBLIGATION
PUBLIC IMPROVEMENT BOND, SERIES 2022, BY AMENDING
THE PROVISIONS OF A PRIOR ORDINANCE ADOPTED
SEPTEMBER 8, 2022, AND A PRIOR RESOLUTION ADOPTED
SEPTEMBER 22, 2022**

WHEREAS, there is outstanding the \$8,500,000 General Obligation Public Improvement Bond, Series 2022 (the “2022 Bond”), issued by the City of Staunton, Virginia (the “City”), pursuant to the terms of an ordinance adopted by the Council of the City (the “Council”) on September 8, 2022 (the “Prior Ordinance”) and a resolution adopted by the Council on September 22, 2022 (the “Prior Resolution”);

WHEREAS, the 2022 Bond was issued to finance capital costs related to the Gardner Springs Pump Station Project;

WHEREAS, subsequent to such issuance, the City received notice that it will be the recipient of grant funding that can be applied to a portion of the Gardner Springs Pump Station Project, thereby allowing the City to redirect a portion of the 2022 Bond proceeds; and

WHEREAS, the City desires to amend the provisions of the Prior Ordinance and the Prior Resolution to permit the 2022 Bond proceeds to be applied to finance costs not only of the Gardner Springs Pump Station Project but also of other capital improvement projects related to the City’s water system;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA:

1. It is hereby determined to be necessary and expedient, and in furtherance of the general welfare of the City and its citizens, for the City to finance costs related to the Gardner Springs Pump Station Project and other capital improvement projects related to the City’s water system and to use a portion of the 2022 Bond proceeds to finance such projects.

2. The provisions of the Prior Ordinance and the Prior Resolution are hereby amended to authorize and provide that the 2022 Bond proceeds may be expended to finance costs not only of the Gardner Springs Pump Station Project previously authorized but also other capital improvement projects related to the City’s water system.

3. Except as amended hereby, the Prior Ordinance and the Prior Resolution are hereby ratified, confirmed and approved.

4. All other actions of officers of the City in conformity with the purposes and intent of the Prior Ordinance, the Prior Resolution and this ordinance are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable to effectuate the purposes of this ordinance and the application of 2022 Bond proceeds.

5. The Clerk of Council, in collaboration with the City Attorney, is hereby authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of the City of Staunton, Virginia.

6. This ordinance shall take effect immediately upon its adoption.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

NOTICE OF PUBLIC HEARING

On Thursday, the 24th day of August, 2023, the Council (the “Council”) of the City of Staunton, Virginia (the “City”), will hold a public hearing on expanding the authorized purposes for which the City’s \$8,500,000 General Obligation Public Improvement Bond, Series 2022 (the “2022 Bond”), was issued. The 2022 Bond was originally issued to finance capital costs of the Gardner Springs Pump Station Project. Subsequent to such issuance, the City received notice that it will be the recipient of grant funding that can be applied to a portion of the Gardner Springs Pump Station Project, thereby allowing the City to redirect a portion of the 2022 Bond proceeds. After the public hearing, the Council proposes to consider amendments to (a) an ordinance adopted September 8, 2022, and (b) a bond resolution adopted September 22, 2022, that will authorize proceeds of the 2022 Bond to be applied to finance costs not only of the Gardner Springs Pump Station Project but also of other capital improvement projects related to the City’s water system.

The public hearing, which may be continued or adjourned, will be conducted during the regular meeting of the Council beginning at 7:00 p.m. in the Rita S. Wilson Council Chambers of City Hall, 116 West Beverley Street, first floor, Staunton, Virginia 24401.

All persons wishing to be heard at the public hearing are invited to attend. The public may also participate in the public hearings by Zoom, or by phone. Specific instructions to participate by Zoom or by phone can be found at: <https://www.ci.staunton.va.us/government/city-council>.

Those interested in listening to the meeting may do so via live stream from the City's website or by listening to the public access television Channel (Comcast Channel 7). The public may also provide comments to the Council by (i) emailing the Clerk of Council at: keseckerka@ci.staunton.va.us, or (ii) calling 540.332.3810. Voice mail messages are acceptable. Hearing impaired persons desiring to participate in the public hearing should contact the Clerk of Council by email at keseckerka@ci.staunton.va.us, to request an interpreter.

Kiley Kesecker
Clerk of Council, City of Staunton, Virginia

Please run this advertisement on Thursday, August 10, 2023, and Thursday, August 17, 2023

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	C	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of an Amendment to Staunton City Code 18.85, H-1, Historic Preservation District, of Title 18, Zoning, to reference the Staunton Virginia, Historic District Design Guidelines	

Background: Staunton City Code 18.85, H-1, Historic Preservation District, establishes the regulations for the City's five historic districts. This chapter states in part:

SCC 18.85.050(7)(a) the commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and landscaping and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,....

In 2018, City Council adopted new standards and guidelines specifically for the City of Staunton. Applications for Certificates of Appropriateness (COA) are reviewed in accordance with the local historic guidelines as well the Secretary of Interior's Standards and Guidelines; therefore, Chapter 18.85 needs to be amended to include a reference to the *Staunton, Virginia Historic District Design Guidelines*. The draft amendment is attached. The proposed changes are found on lines 307 – 309.

Planning Commission Recommendation:

At its July 21, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the amendment.

Attachments:

Attachment 1—Draft Amendment to SCC 18.85

Attachment 2—Draft Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the amendment, as recommended by the Planning Commission.

City Manager: Leslie Beauregard

Chapter 18.85

H-1 HISTORIC PRESERVATION DISTRICT

Sections:

- 18.85.010 Purpose.
- 18.85.020 Definitions.
- 18.85.030 Creation of an historic preservation commission.
- 18.85.040 Recommendation and designation of historic districts.
- 18.85.050 Application to commission for certificate of appropriateness.
- 18.85.060 Maintenance and zoning code provisions.

18.85.010 Purpose.

The intent of this chapter is to promote and protect the health, safety, comfort, recreation, prosperity, and general welfare of the community through the identification, preservation, and enhancement of buildings, structures, sites, neighborhoods, landscapes, places and areas which have special historical, cultural, artistic, architectural or archaeological significance as provided by Sections 15.2-2201 and 15.2-2306 of the Code of Virginia, as amended.

It is hereby recognized that the deterioration, destruction or alteration of such buildings, structures, sites, neighborhoods, landscapes, places, and areas may cause the permanent loss of unique resources which are of great value to the people of the city of Staunton, the state of Virginia and the nation, and that the special controls and incentives are warranted to ensure that such losses are avoided when possible.

The purposes for establishing this chapter are:

- (1) To preserve and improve the quality of life for residents of the city by protecting familiar and reassuring visual elements in the area.
- (2) To promote tourism investment and business growth by protecting historical and cultural resources attractive to visitors and thereby supporting local business and industry.
- (3) To stabilize and improve property values by providing incentives for the upkeep and rehabilitation of older structures and by encouraging desirable uses and forms of economic development.
- (4) To educate residents on the local cultural and historic heritage as embodied in the historic districts and properties and to foster a sense of pride in this heritage.
- (5) To promote local historic preservation efforts and to encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register.
- (6) To prevent the encroachment of additions or new buildings and structures which are architecturally incongruous with their environs within areas of architectural harmony and historic character.
- (7) To recognize and develop the historic areas as integral parts of the city so that succeeding generations may build with the quality and sensitivity of past generations. (Zoning ordinance Art. 4, § 14).

18.85.020 Definitions.

The following definitions apply to this chapter:

- (1) "Alteration" means any change, modification, or addition to a part of or all of the exterior of any building or structure.
- (2) "Building" means any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

(3) “Building official” means that person appointed by the city manager as the individual who issues the permit for the construction, alteration, reconstruction, or demolition of all or part of any building.

(4) “Building permit” means an approval statement signed by the building official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building.

(5) “Contributing properties” means properties so designated on the inventory map of historic districts and properties which is adopted as a part of this chapter, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the historic district in which they are located.

(6) “Certificate of appropriateness” means the approval statement signed by the chairman of the historic preservation commission which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building within an historic district, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.

(7) “Demolition” means the dismantling or tearing down of all or part of any building and all operations incidental thereto.

(8) “Exterior architectural features” means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, details, features, or elements.

(9) “Exterior environmental features” means all those aspects of the landscape or the development of a site which affect the historical character of the property including trees, shrubbery, plantings, walks, fences, walls, signs, lights, and other appurtenances and elements.

(10) “Historic district” means a geographically definable area consisting of public and/or private property within the city, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. An historic district shall further mean an area designated by the city council as an historic district pursuant to the criteria established in SCC 18.85.040(2) and (3).

(11) “Historic property” means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the city council as an historic property pursuant to the criteria established in SCC 18.85.040(2) and (3).

(12) “Material change in appearance” means a change that will affect either the exterior architectural or environmental features of an historic property or any contributing or noncontributing building, structure, site, object, or landscape feature within an historic district, such as:

(a) Reconstruction or alteration of the size, shape, or facade of an historic building, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements.

(b) Demolition or relocation of an historic structure.

(c) Commencement of excavation for construction purposes.

(d) Change in the location of advertising visible from the public right-of-way.

(e) The erection, alteration, restoration or removal of any building or other structure within an historic property or district, including walls, fences, steps, and pavements, or other appurtenant features.

(f) New construction within an historic district.

(13) “New construction” means any construction within an historic district which is independent and exclusive of an existing building or structure or part thereof in the historic district.

(14) “Noncontributing properties” means properties so designated on the inventory map of historic districts and properties which is adopted as a part of this chapter, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.

(15) Object. An “object” is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

(16) “Reconstruction” means any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

(17) “Repairs” means any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

(18) “Restoration” means any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

(19) “Site” means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

(20) “Structure” means anything manmade that is a work made up of interdependent and inter-related parts in a definite pattern of organization. (Zoning ordinance Art. 4, § 14).

18.85.030 Creation of an historic preservation commission.

(1) Creation of the Commission. There is hereby created a commission whose title shall be city of Staunton historic preservation commission (hereinafter “commission”).

(2) Commission Members – Number. The commission shall consist of five voting members appointed by the city council and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. All members shall be residents of the city of Staunton.

(3) Commission Members – Qualifications. To the extent available in the city of Staunton, at least two members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions and at least one member shall be appointed from among professionals in the disciplines of building construction or real estate or the general business community.

(4) Commission Members – Terms. Members shall serve three-year terms. Members may be reappointed for consecutive terms. In order to achieve staggered terms, initial appointments shall be: one member for one year; two members for two years; and two members for three years. The term of any member who is also a member of the planning commission shall be concurrent with his/her appointment to the planning commission. A new appointment shall be made by the city council for any unexpired term within 60 days after it becomes vacant.

(5) Commission Members – Conflict of Interests. No member shall participate in the selection, award, or administration of a contract, vote, participate or otherwise engage in any other conduct or action which would violate the terms of the applicable provisions of the Virginia State and Local Government Conflict of Interests Act, Sections 2.2-3100 through 2.2-3127 of the Code of Virginia.

(6) Commission Members – Removal. Any appointed member of the commission may be removed from office by the city council for inefficiency, neglect of duties, or malfeasance. An appointment to fill a vacancy shall be only for the unexpired term on the vacancy.

(7) Statement of the Commission’s Powers and Responsibilities. The commission shall have the following powers:

(a) To issue or deny certificates of appropriateness for any material change in appearance including construction, reconstruction, exterior alteration, demolition, or relocation of contributing or noncontributing properties within the historic districts and for individually designated historic properties with the exceptions of ordinary maintenance and repair items listed in SCC 18.85.060;

(b) To assist and advise the city council, the planning commission, and other city departments, agencies, and property owners in matters involving historically significant sites and buildings or other properties in historic districts. Upon request of the commission and with approval of the city manager, the departments, agencies, boards, commissions, and other offices of city government shall furnish to the commission such available information and render it such service as may be required for the exercise of the powers and performance of the duties and functions of the commission. All city departments and agencies responsible for individually designated historic properties or for properties within an historic district shall make application to the commission for review and recommendation for any project related to construction, reconstruction, substantial exterior alteration, demolition, or relocation;

(c) To continuously evaluate and recommend to the planning commission and the city council specific places, areas, neighborhoods, landscapes, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;

(d) Adopt standards or guidelines for review and approval by the city council to supplement the standards set forth in this chapter;

(e) Conduct educational programs on historic properties and districts located within the city of Staunton and on general historic preservation activities;

(f) Prepare and submit an annual budget to the city council and seek out local, state, federal, or private funds for historic preservation with consent of the city council, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;

(g) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The commission shall not obligate the city of Staunton without prior consent and the commission shall ensure that these funds do not displace any appropriated governmental funds;

(h) Employ qualified persons, if necessary, to advise and assist the commission within the limits of funds that may be made available to the commission for the performance of its work;

(i) Review and make comments to the Virginia Department of Historic Resources concerning the nomination of districts and properties within its jurisdiction to the National Register of Historic Places and to the Virginia Landmarks Register with consent of the city council;

(j) Participate in private, state and federal historic preservation programs and with the consent of the city council enter into agreements to do the same; and

(k) Perform other historic preservation activities as the official agency of the city of Staunton's historic preservation program.

(8) Commission's Power to Adopt Rules and Standards. The commission shall adopt rules and standards for the transaction of its business such as bylaws and design guidelines and criteria without amendment to this chapter as approved by city council. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(9) Records of Commission Meetings and Annual Report. A public record shall be kept of the commission's resolutions, proceedings, and actions and the commission shall make an annual report with recommendations to the planning commission and the city council concerning the operation of the commission and the status of historic preservation within the city. (Ord. 2005-30. Zoning ordinance Art. 4, § 14).

18.85.040 Recommendation and designation of historic districts.

(1) Preliminary Research by Commission.

(a) Inventory Map of Local Historical Resources Established. The commission shall prepare and recommend for adoption as a part of this chapter an inventory map covering the areas to be considered for inclusion as historic districts and/or historic properties and based upon the criteria set forth in this chapter. This map,

hereinafter called the inventory map, when adopted shall be as much a part of this chapter as if fully described herein and shall be filed as a part of this chapter. All structures shall be considered as contributing or noncontributing structures for the purposes of this chapter. Structures or sites designated as properties which contribute to the historic character of the city shall be known as contributing properties for the purpose of this chapter. Structures or sites not designated as contributing properties shall be known as noncontributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map. The commission shall compile and collect such information and conduct surveys of historic resources within the city of Staunton with the assistance of Historic Staunton Foundation.

(b) Commission's Power to Recommend Districts and Buildings to the City Council. The commission shall present to the city council recommendations for historic districts and historic properties.

(c) Commission's Documentation of Proposed Designation. Prior to the commission's recommendation of an historic district or historic property to the city council for designation, the commission shall prepare a report for nomination consisting of a completed National Register of Historic Places nomination or:

(i) A physical description;

(ii) A statement of the historical, cultural, architectural and/or aesthetic significance;

(iii) A map showing historic district boundaries and classification (i.e., contributing, noncontributing) of individual properties therein, or showing boundaries of individual historic properties;

(iv) A statement justifying district or individual property boundaries; and

(v) Representative photographs.

(2) Designation of an Historic District or Historic Property.

(a) Criteria for Selection of Historic District. An historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

(i) Have special character or special historic/aesthetic value or interest;

(ii) Represent one or more periods, styles, or types of architecture typical of one or more eras in the history of the city, state, or region; and

(iii) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the city.

(b) Criteria for Selection of an Historic Property. An historic property is a building, structure, site, or object, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city, state, or region, for one of the following reasons:

(i) It is an outstanding example of a structure representative of its era;

(ii) It is one of the few remaining examples of a past architectural style;

(iii) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or the region; or

(iv) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, state, or region.

(c) Boundaries of an Historic District or Historic Property. Boundaries of an historic district or an historic property shall be included in the separate ordinances designating such districts and properties and shall be shown on the official zoning map of the city of Staunton.

(3) Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties.

(a) Application for Designation of Historic Districts or Property. Designations may be proposed by the city council, the planning commission, the commission, Historic Staunton Foundation, neighborhood associations, group of property owners, or individual property owners.

(b) Required Components of a Designation Ordinance. Any ordinance designating any property or district as historic shall:

(i) List each property in a proposed historic district or describe the proposed individual historic property;

(ii) Set forth the name(s) of the owner(s) of the designated property or properties;

(iii) Require that the property or district be shown on the official zoning map of the city of Staunton, Virginia, and kept as a public record to provide notice of such designation.

(c) Required Public Hearings for Designation. Requests for the designation of historic districts or historic properties or for the termination of any district or property designation previously created shall be made in the same manner provided in this title for the amendment, supplementation or changing zoning designations, and the procedure for such amendments or designations and the establishment of such district shall be in accordance with the provisions of Section 15.2-2280 et seq., Chapter 22 of Title 15.2 of the Code of Virginia, as amended. Virginia Code Section 15.2-2285 contains the procedures for amending a local zoning code. It sets forth six basic steps for zoning amendments:

(i) The planning commission prepares the proposed amendment after consultation and a recommendation from the historic preservation commission;

(ii) The planning commission, after providing notice in accordance with Section 15.2-2204 of the Code of Virginia, holds a public hearing on the proposal;

(iii) The planning commission presents the proposal to the city council, with its recommendations;

(iv) The city council, after providing notice in accordance with Section 15.2-2204 of the Code of Virginia, holds a public hearing on the proposal;

(v) If the amendment is adopted, it must be enacted in the same manner as all other ordinances; and

(vi) Any person, firm, or corporation aggrieved by the decision may file an action contesting the city council's adoption or failure to adopt a proposed zoning amendment within 30 days of the decision in the circuit court which has jurisdiction of the land affected by the decision.

(d) Recording Requirement for Historic Districts or Historic Properties. Following the creation of each historic district or historic property, a copy of the resolution creating such district or property, and a boundary description of such district, shall be filed by the zoning administrator with the clerk of circuit court for the city of Staunton.

(e) Notification of Adoption of Ordinance for Designation. Within 30 days following the adoption of the ordinance codified in this chapter for designation by the city council, the owners of each designated historic property, and the owners and occupants of each building, structure, site, or object located within a designated historic district, shall be given written notification of such designation by the commission which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated.

(f) Notification of Other Agencies Regarding Designation. The commission shall notify all necessary agencies within the city of Staunton of the ordinance for designation.

(g) Ordinance Relation to City Codes and Other Ordinances. Whenever the regulations of this chapter require more restrictive standards than are required in or under any other statute or ordinance, the requirements of this

chapter shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this chapter, the provisions of such statute or ordinance shall govern.

(4) Designation of Existing Historic Districts.

(a) Upon the effective date of the adoption of the ordinance codified in this chapter, the following districts situated within the city of Staunton, Virginia, all of which are presently shown and registered with the Virginia Department of Historic Resources and the National Register of Historic Places and all of which are shown on the “Map of Staunton’s National Register Historic Districts,” a copy of which is on file at the city of Staunton’s Department of Planning and Inspections, are hereby designated as historic districts, including:

(i) The Newtown Historic District;

(ii) The Stuart Addition Historic District;

(iii) The Beverley Historic District;

(iv) The Gospel Hill Historic District;

(v) The Wharf Historic District.

(b) Upon the effective date of the adoption of the ordinance codified in this chapter, the districts hereby created, as their boundaries are now shown on the “Map of Staunton’s National Register Historic Districts,” shall be overlaid onto the existing underlying zoning of such areas on the official zoning map of the city of Staunton. (Ord. 2022-27; Ord. 2017-03. Zoning ordinance Art. 4, § 14).

18.85.050 Application to commission for certificate of appropriateness.

(1) Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties. After the designation by ordinance of an historic property or of an historic district, no material change including construction, reconstruction, exterior alteration, demolition, or relocation that affects the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission. A certificate of appropriateness shall be required whether or not a building permit is required. Ordinary maintenance and repair items such as those listed in SCC 18.85.060 are exempt from review.

(2) Pre-Application Conference with Staff. Prior to the formal submission of a proposed plan of erection, demolition, alteration, or removal of buildings controlled by this chapter, the applicant or his or her representative is encouraged to meet with the designated staff of the commission concerning the proposed plan of action and submit unofficial preliminary studies, a written description, drawings, photographs, and plans of the concept of the proposed action for tentative review, comments, and recommendations.

(3) Submission of Plans to Commission. An application for a certificate of appropriateness shall be accompanied by a written description, drawings, photographs, plans, and documentation as required by the commission and as further set forth on the application for the certificate of appropriateness. Upon the filing of a complete application and the payment of the application fee no later than the first Tuesday of the month, the application shall be considered at that month’s commission meeting. An application filed or application fee paid after such first Tuesday shall cause such application to be considered at the following month’s commission meeting.

(4) Interior Alterations. In its review of applications for certificate of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.

(5) Technical Advice. The commission shall have the power to seek technical advice from outside its members on any application subject to funds being available for such purposes.

(6) Public Meetings on Applications for Certificate of Appropriateness, Notices, and Right to be Heard. The commission shall hold a public meeting at which each proposed certificate of appropriateness is discussed. Notice of the meeting shall be mailed by the commission to all owners and occupants of the proposed property. The

commission shall give the property owner and/or applicant and any other interested party an opportunity to be heard at the meeting.

(7) Commission Options. The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.

The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, cultural, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(a) Reconstruction, Alteration, New Construction, or Renovation. The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and landscaping and to the Secretary of Interior's Standards and Guidelines for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the Treatment of Historic Properties and the Staunton Historic District Guidelines, a copy of which is attached hereto as an appendix and hereby incorporated by reference.

(b) Relocation Criteria. A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

(i) The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.

(ii) The importance of the building, structure, site, or object to the ambiance of a district.

(iii) Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.

(iv) Whether the building, structure, or object can be moved without significant damage to its physical integrity.

(v) Whether the proposed relocation area is compatible with the scenic, cultural, aesthetic, historical, and architectural character of the building, structure, site, or object.

(c) Demolition Criteria. A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, or objects shall be guided by:

(i) The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.

(ii) The importance of the building, structure, site, or object to the ambiance of a district.

(iii) The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.

(iv) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city.

(v) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.

(vi) Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.

(vii) Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

(d) Applications for Demolition. In the case of an application for demolition, if preservation is found by the commission to be physically or economically unfeasible, the commission shall issue the certificate of appropriateness. If preservation is found to be both physically and economically feasible, the commission shall take or promote the taking of whatever public or private action that seems likely to lead to such preservation, either on the site on which the structure is located or on another site to which it might appropriately be moved. Where preservation is feasible but the applicant still seeks demolition, the following provisions of subsection (7)(a)(v), Right to Demolish, from the Code of Virginia may be undertaken while alternatives for preservation are sought.

(e) Right to Demolish. The owner of an historic property or the owner of a building, structure, site, or object in any historic district, shall, as a matter of right, be entitled to raze or demolish such building, or structure; provided, that:

(i) The owner has applied to the commission for such right. If the demolition request is denied by the commission, the owner may appeal this decision to the city council;

(ii) The owner has, for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, structure, site, or object, and the land pertaining therein to such city or municipality or to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building, structure, site or object, and the land pertaining thereto;

(iii) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the city council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above;

(iv) No offer to sell shall be made more than one year after a final decision by the city council, but thereafter the owner may renew his request to the commission to approve the demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and 12 months when the offering price is \$90,000 or more.

(f) Undue Hardship. The commission shall have the power to reduce or suspend any of the requirements of this chapter, if the property presents special circumstances whereby the strict compliance of this chapter will produce an undue hardship or if the spirit of the chapter has been met and deviation has been deemed to be in the best interest of the city.

(g) Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision.

(h) Necessary Action to be Taken by the Commission upon Rejection of Application for Certificate of Appropriateness.

(i) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest

alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

(ii) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

(i) Requirement of Conformance with Certificate of Appropriateness. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. When a certificate of appropriateness has been issued, the building official may from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the city. The building official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

(j) Certificate of Appropriateness Time Constraints.

(i) Certificates of appropriateness shall be issued for a period of 12 months. On written request from an applicant, the commission may grant a single extension of its approval for a period of up to one additional year if, based upon submissions from the applicant, the commission finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

(ii) Any certificate of appropriateness shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this chapter shall be excluded from the computation of the 12 months.

(k) Recording of Applications for Certificate of Appropriateness. The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with said application.

(l) Acquisition of Property. The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

(m) Appeals.

(i) An appeal from a decision of the commission may be taken to the city council by the owner of the property in question or by any person, firm, or corporation aggrieved by said decision. This appeal must be filed within 30 days of the commission's decision and the city council will hear such appeal at its next regularly scheduled meeting to be held at least 14 days after the appeal is filed. In exercising its powers, the city council may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the commission.

(ii) If the city council fails to approve the application, an appeal may be filed by the property owner or any aggrieved person, firm, or corporation with the Staunton Circuit Court within 30 days of the city council decision.

(n) Notwithstanding the foregoing, however, a certificate of appropriateness may be granted for signs by the zoning administrator without submission to the commission as a whole unless, in the discretion of the zoning administrator, the application should be reviewed by the whole commission. Appeals from the decision of the zoning administrator hereunder shall be processed as set forth in subsection (7)(m) of this section. (Ord. 2022-27; Ord. 2005-32; Ord. 1-8-98. Zoning ordinance Art. 4, § 14).

18.85.060 Maintenance and zoning code provisions.

(1) Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on an historic property or a building, structure, site or object within an historic district to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

Such actions shall include the following and any similar actions which in the opinion of the commission or its designated staff will have no more effect on the character of the district than those listed:

(a) Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)

(b) Replacing broken window panes, missing roof shingles, or missing features with matching in-kind materials.

(c) Addition or deletion of storm windows and doors, window-box gardens, awnings, temporary canopies, window air conditioners, or similar appurtenances.

(d) Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street.

(e) Planting of grass, trees and shrubs, but not including landscape treatment which substantially alters the contour of a site or involves landscaping or construction of parking areas, fences, walls, walkways, pools, fountains and the like which materially affect the appearance of a site and which is visible from a public street.

(f) Any changes to a structure which are not visible from a public street.

Provided, however, that the commission or designated staff shall have authority to order that work be stopped and that an appropriate application be filed for review in any case where in his/her opinion the action may produce the loss or irreparable changes to character-defining features of the building or arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or a multiplicity of incongruous details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

(2) Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:

(a) The commission shall monitor the condition of historic properties and existing buildings, structures, sites, and objects in historic districts to determine if they are being allowed to deteriorate by neglect.

Examples of such decay, deterioration or defects which, in the opinion of the commission, may result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, include but are not limited to:

(i) The deterioration of exterior walls or other vertical supports;

(ii) The deterioration of roofs or other horizontal members;

(iii) The deterioration of exterior chimneys;

(iv) The deterioration or crumbling of exterior plaster or mortar;

(v) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;

(vi) The peeling of paint, rotting, holes and other forms of decay;

471 (vii) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs,
472 accessory structures, and landscaping;

473 (viii) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe
474 condition or conditions; or

475 (ix) Signs that are not in good condition may be removed by the building official if not repaired by the
476 owner within six months of a written request.

477 (b) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission
478 will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The
479 owner of such property will have 30 days in which to begin corrective action of the situation and completion
480 shall be done in a timely manner. Thereafter, each day during which there exists any violation of this chapter
481 shall constitute a separate offense and shall be punishable as provided in Division IV of this title.

482 (c) In addition to the remedies set forth above and, at the direction of the city council, the commission may
483 request that staff after due notice to the owner, to enter the property and make or cause to be made such
484 maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be
485 liable for the cost of such maintenance and repair performed by the commission and staff. If these costs are not
486 paid by the owner within 60 days, a lien shall be placed against the property.

487 (3) Affirmation of Existing Building and Zoning Codes. Nothing in this chapter shall be construed as to exempt
488 property owners from complying with existing city building and zoning codes, nor to prevent any property owner
489 from making any use of his property not prohibited by other statutes, ordinances or regulations. (Zoning ordinance
490 Art. 4, § 14).

Ordinance No. 2023-____

AN ORDINANCE AMENDING
SECTION 18.85.050, APPLICATION TO COMMISSION FOR CERTIFICATE OF
APPROPRIATENESS,
OF CHAPTER 18.85, H-1 HISTORIC PRESERVATION DISTRICT
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO REFERENCE THE STAUNTON HISTORIC DISTRICT GUIDELINES

Recitals

A. On December 13, 2018, after review by the Staunton Historic Preservation Commission and Staunton Planning Commission, City Council adopted the Staunton, Virginia, Historic District Guidelines (“Guidelines”);

B. The guidelines provide guidance and design standards for the reconstruction, alteration, new construction, or renovation of the properties within the City’s five historic districts;

C. City Staff have determined that Chapter 18.85, H-1 Historic Preservation District, of Title 18, Zoning, of the Staunton City Code should be amended to reference these new guidelines;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the text amendment;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Chapter 18.85, H-1 Historic Preservation District, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

Chapter 18.85

H-1 HISTORIC PRESERVATION DISTRICT

Sections:

18.85.010 Purpose.

18.85.020 Definitions.

18.85.030 Creation of an historic preservation commission.

18.85.040 Recommendation and designation of historic districts.

18.85.050 Application to commission for certificate of appropriateness.

18.85.060 Maintenance and zoning code provisions.

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18.85.050 Application to commission for certificate of appropriateness.

(1) Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties. After the designation by ordinance of an historic property or of an historic district, no material change including construction, reconstruction, exterior alteration, demolition, or relocation that affects the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission. A certificate of appropriateness shall be required whether or not a building permit is required. Ordinary maintenance and repair items such as those listed in SCC 18.85.060 are exempt from review.

(2) Pre-Application Conference with Staff. Prior to the formal submission of a proposed plan of erection, demolition, alteration, or removal of buildings controlled by this chapter, the applicant or his or her representative is encouraged to meet with the designated staff of the commission concerning the proposed plan of action and submit unofficial preliminary studies, a written description, drawings, photographs, and plans of the concept of the proposed action for tentative review, comments, and recommendations.

(3) Submission of Plans to Commission. An application for a certificate of appropriateness shall be accompanied by a written description, drawings, photographs, plans, and documentation as required by the commission and as further set forth on the application for the certificate of appropriateness. Upon the filing of a complete application and the payment of the application fee no later than the first Tuesday of the month, the application shall be considered at that month's commission meeting. An application filed or application fee paid after such first Tuesday shall cause such application to be considered at the following month's commission meeting.

(4) Interior Alterations. In its review of applications for certificate of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.

(5) Technical Advice. The commission shall have the power to seek technical advice from outside its members on any application subject to funds being available for such purposes.

(6) Public Meetings on Applications for Certificate of Appropriateness, Notices, and Right to be Heard. The commission shall hold a public meeting at which each proposed certificate of appropriateness is discussed. Notice of the meeting shall be mailed by the commission to all owners and occupants of the proposed property. The commission shall give the property owner and/or applicant and any other interested party an opportunity to be heard at the meeting.

(7) Commission Options. The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.

The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, cultural, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(a) Reconstruction, Alteration, New Construction, or Renovation. The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and landscaping and to the Secretary of Interior's Standards and Guidelines for ~~Rehabilitation and Guidelines for Rehabilitating Historic Buildings~~ the Treatment of Historic Properties and the Staunton Historic District Guidelines; ~~a copy of which is attached hereto as an appendix and hereby incorporated by reference.~~

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In all other respects, the provisions of Title 18, Zoning, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced:
Adopted:
Effective Date:

Stephen W. Claffey, Mayor

ATTEST:

Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	D	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure; Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Staunton Apartments, LLC, to Rezone the R-3 Medium Density Residential Conditional Zoning of Middlebrook Park by Reducing the Minimum Required Side and Rear Setbacks from 75 Feet to 60 Feet When the Property Abuts Existing Residential Properties	

Background: Staunton Apartments, LLC, is requesting a change to the R-3, Medium Density Residential Conditional zoning of Middlebrook Park. The Middlebrook Park development is located on Middlebrook Avenue, Seth Drive, and Lacey B King Way. It consists of approximately 120 acres and is zoned B-1, Local Business District Conditional (B-1c), I-1, Light Industrial District Conditional (I-1c), and R-3, Medium Density Residential District Conditional (R-3c). The proffered conditions include additional restrictions on signs, outdoor lighting, setback buffers between districts as well as between the Middlebrook Park development and surrounding properties. The purpose of the conditional zoning is to protect the character of the surrounding residential areas and the nearby Middlebrook Agricultural-Forestal District. The conditional zoning was approved by City Council in 2003. In 2008, at the request of the developer, some minor changes were made to the B-1c and I-1c zoning conditions including elimination of a cap on the number of employees allowed and increasing the number of signs

permitted. To this point, the R-3c zoning has never been amended.

Analysis: The applicant proposes to reduce the minimum required side and rear setbacks between development in the R-3c district and adjacent residential uses that existed at the time of adoption of the ordinance. Currently the required minimum setback, whether a side or rear, is 75 feet. The applicant proposes to reduce that minimum setback to 60 feet.

Staff has reviewed the request and has found no issues. The original 75-foot setback, enacted in 2003, was intended to protect the surrounding neighborhoods, particularly the Tannehill Wheat and Montgomery Avenue neighborhoods. However, both of those neighborhoods are zoned R-3, Medium Density Residential District, and multi-family is a by-right use in those areas with no special setbacks or buffers required. In this situation, the Middlebrook Park 60-foot buffer would still be required to be landscaped with trees and shrubs of sufficient height and density to provide a screen between Middlebrook Park and the adjacent existing residential areas. This 60-foot screened setback should be more than adequate to provide a buffer to soften the impacts of the Middlebrook Park residential development when its adjacent to existing single-family dwellings.

The *City of Staunton Comprehensive Plan, 2018-2040*, Future Land Use Map, designates this area as Medium Density Residential and the requested rezoning is consistent with that designation.

Planning Commission Recommendation:

At its July 21, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. On a 5-0 vote, the Commission voted unanimously to recommend approval of the conditional rezoning.

Attachments:

Attachment 1—Draft R-3, Medium Density Residential Conditional Zoning

Attachment 2—Vicinity Map: Middlebrook Park

Attachment 3—Current Zoning Map: Middlebrook Park

Attachment 4—2018 Future Land Use Map: Middlebrook Park

Attachment 5—Draft Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the conditional rezoning, as recommended by the Planning Commission.

City Manager: Leslie Beauregard

Proffers to Rezone a Portion of Middlebrook Park from R-3 Medium Density Residential-Conditional to R-3 Medium Density Residential-Conditional

The following are proposed proffers to rezone the approximately 41 acres of land, more or less, in Middlebrook Park that is currently zoned R-3 Medium Density Residential-Conditional to R-3 Medium Density Residential-Conditional. The affected properties are:

PID#10920 currently owned by Equity Partners, LLC
PID#10921 currently owned by Equity Partners, LLC
PID#10922 currently owned by Equity Partners, LLC
PID#10985 currently owned by Equity Partners, LLC
PID#11193 currently owned by Equity Partners, LLC
PID#11727 currently owned by Staunton Apartments, LLC
PID#11728 currently owned by Queensbrook, LLC
PID#11729 currently owned by Staunton Apartments, LLC
PID#11730 currently owned by Seth Staunton, LLC
PID#11732 currently owned by Seth Drive Apartments, LLC
PID#11733 currently owned by The Rizer Family Company, LLC

The properties in question are located on both sides of Seth Drive and on the north side of Lacy B King Way. These properties also front on Stuart Street and Montgomery Avenue; however, there are not currently access points at these locations.

PROPOSED PROFFERS

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT-CONDITIONAL

A. GENERAL DESCRIPTION:

This district provides for medium to high residential population density with conditions relating to the compatibility with adjacent single-family residential areas. The principal uses of land may range from single-family to multiple-family apartment uses. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES:

Property and buildings in an R-3 Medium Density Residential-Conditional District shall be used only for the following purposes:

1. Any use permitted in an R-1 and R-2 Low Density Residential District.
2. Two-family dwelling.
3. Multiple-family dwelling.
4. Single-family attached dwellings and single-family semi-detached dwellings as regulated in Article V, Section 1-B.
5. Rooming or boarding house.
6. Group house.
7. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
8. Housing for the elderly.
9. Home occupations as regulated in Article V, Section 10.

B. USES PERMITTED ON REVIEW:

The following uses may be permitted on review by the City Council in accordance with provisions in Article VII, Section 4:

1. Any use permitted on review in an R-1 and R-2 Low Density Residential District.
2. Private day nurseries and kindergartens, as regulated in Article V, Section 1-E.
3. A planned residential development as regulated in Article V, Section 1-A.

C. AREA REGULATIONS:

All building shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

1. *Front Yard:*

- a. For single, two-family, and multiple-family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located or extend into the front yard.
- b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of thirty-five (35) feet.

2. *Side Yard:*

- 79 a. For single story dwellings, located on interior lots, side yards shall be not
80 less than eight (8) feet in width; however, the sum of the two (2) side yards
81 shall be not less than twenty (20) feet each, unless the side yard abuts a
82 residential district with dwellings that existed at the adoption of this code
83 and then the side yard shall be **sixty (60) feet**.
- 84 b. For dwellings of more than one (1) story, there shall be side yards of not
85 less than twelve (12) feet, unless the side yard abuts a residential district
86 with dwellings that existed at the adoption of this code and then the side
87 yard shall be **sixty (60) feet**.
- 88 c. For unattached buildings of accessory use there shall be a side yard of not
89 less than eight (8) feet; provided, however, that unattached one (1) story
90 buildings of accessory use shall not be required to set back more than five
91 (5) feet from an interior side lot line when all parts of the accessory
92 building are located more than ten (10) feet behind the main building,
93 unless the side yard abuts a residential district with dwellings that existed
94 at the adoption of this code and then the side yard shall be **sixty (60) feet**.
- 95 c. Churches and other main and accessory buildings, other than dwellings,
96 and buildings accessory to dwellings, shall set back from all side lot lines
97 a distance of not less than thirty-five (35) feet, unless the side yard abuts a
98 residential district with dwellings that existed at the adoption of this code
99 and then the side yard shall be **sixty (60) feet**.

100
101 **3. Rear Yard:**

- 102 a. For main buildings, other than garage apartments, there shall be a rear yard
103 of not less than twenty-five (25) feet, unless the rear yard abuts a residential
104 district with dwellings that existed at the adoption of this code and then the
105 side yard shall be **sixty (60) feet**.
- 106 b. Five (5) foot setback for accessory building, unless the rear yard abuts a
107 residential district with dwellings that existed at the adoption of this code
108 and then the side yard shall be **sixty (60) feet**.

109
110 **4. Buffer Zone:**

111 Setback areas shall act as a buffer between adjacent residential, business, and
112 industrial uses. They shall be fully landscaped and maintained with grass,
113 trees, and shrubbery of sufficient height and density to serve as a screen
114 between the R-3 Medium Density Residential-Conditional Zone and all other
115 adjacent uses. The buffer zone shall not constitute a site-distance obstruction
116 at street intersections. The buffer zone shall be considered as part of the lot
117 area, but shall not be used for any purpose such as buildings, parking lots,
118 signs, or any accessory use. The buffer zone, upon completion of the

development of any project, shall be at or near the same grade or plane which existed prior to the development of the R-3 Medium Density Residential-Conditional District, unless otherwise expressly reviewed and approved by the Planning Commission and by City Council. These restrictions shall not apply to that portion of the lot fronting on the major thoroughfares, however all other required landscaping shall apply. (Buffer zone shall be twenty-five (25) feet when abutting property as otherwise shown on “Proposed Zoning Plat”.)

5. *Lot Width:*

- a. For single and two-family dwellings, there shall be a minimum lot width of seventy-five (75) feet at the front building line.
- b. For multiple-family dwellings, there shall be a minimum lot width of one hundred (100) feet at the front building line.
- c. For lots having a width of not more than one hundred fifty (150) feet, the lot length shall be not greater than three times the lot width.

6. *Intensity of Use:*

- a. For each single-family dwelling and building accessory served by a sanitary sewer system, there will be a lot area of not less than seven thousand five hundred (7,500) square feet.
- b. For each two-family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.
- c. For multiple-family structures, there shall be a lot area of not less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each additional dwelling unit. For those structures that provide off-street parking within the main structure, the lot area requirement may be reduced by two hundred (200) square feet per dwelling unit.
- d. For churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article V, Section 5; provided, however, that the lot for a church shall not be less than thirty thousand (30,000) square feet.

7. *Maximum Lot Coverage*

Main and accessory buildings shall not cover more than thirty (30) percent of the lot area.

D. USABLE OPEN SPACE:

For multiple-family structures there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet. Open space does not include drives, parking, and service areas.

E. HEIGHT REGULATIONS:

No main building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 3.

Accessory buildings shall not exceed fifteen (15) feet in height.

F. OFF-STREET PARKING:

As regulated in Article V, Section 5.

G. OCCUPANCY LIMITATIONS:

As regulated in Article V, Section 15.

H. SIGNAGE:

The requirements of Article V, Section 8 Signs, Billboards and Other Advertising Structures, shall apply with the following exceptions:

1. Each parcel of property occupied by a building shall be permitted one freestanding sign, whose size shall not exceed thirty (30) square feet on each face.
2. Freestanding signs shall be mounted on bases a maximum of three feet high. If the specific location of the sign requires a base of more than three feet to provide adequate visibility, the Planning Commission may approve a taller base. No freestanding sign shall exceed fifteen (15) feet in height from grade.
3. Location of signs.

195
196 (a) If the nearest point of a freestanding sign is located within five feet of the
197 street right-of-way, its location must be approved by the City's Director
198 of Public Works, or his designee, who will evaluate the location for site
199 line and other traffic safety considerations.

200
201 (b) No flat wall sign shall project beyond the surface of the building or above
202 the roofline of the building.

203
204 4. Illumination: Only external illumination of exterior signs is permitted, but in
205 accordance with the restrictions set forth below:

206
207 (a) The light from any illuminated sign shall be so shaded, shielded, or
208 directed that the light intensity or brightness will not be objectionable to
209 the surrounding area.

210
211 (b) No sign shall have blinking, flashing, or fluttering lights or any other
212 illumination device that has a changing light intensity, brightness, or
213 color. Beacon lights shall not be permitted.

214
215 (c) No colored lights shall be used for exterior signage.

216
217 (d) Neither direct nor reflected light from primary light sources shall create a
218 traffic hazard to operators or motor vehicles on public thoroughfares.

219
220 (e) No exposed reflective bulb, strobe light, or incandescent lamp that
221 exceeds fifteen (15) watts shall be used on the exterior surface of any sign
222 so as to expose the face of the bulb, light, or lamp to any public street or
223 adjacent property.

224
225 (f) Awnings must not be illuminated.

226
227 5. Materials and colors used in signs and their support structures should reflect
228 and be harmonious with the building served by the sign.

229
230 **I. UTILITY LINES UNDERGROUND:**

231
232 All utility lines such as electric, telephone, CATV, or other similar lines shall be
233 installed underground. This requirement shall apply to lines serving individual sites
234 as well as to utility lines necessary within the project. All junction and access boxes

shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity of utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

J. EXTERIOR LIGHTING:

1. Lighting should be of uniform style for each project site.
2. Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.
3. Light poles shall not exceed twenty-four (24) feet in height.

K. DRIVEWAYS AND PARKING AREAS:

1. Parking lot layouts shall respond to the topographic characteristics of the site.
2. The number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.
3. Parking lots will be interconnected on adjacent parcels whenever possible.
4. Parking lots shall not dominate the image of a site.
5. Pedestrian access from the sidewalk into individual project sites, as well as within sites and between sites shall be provided.

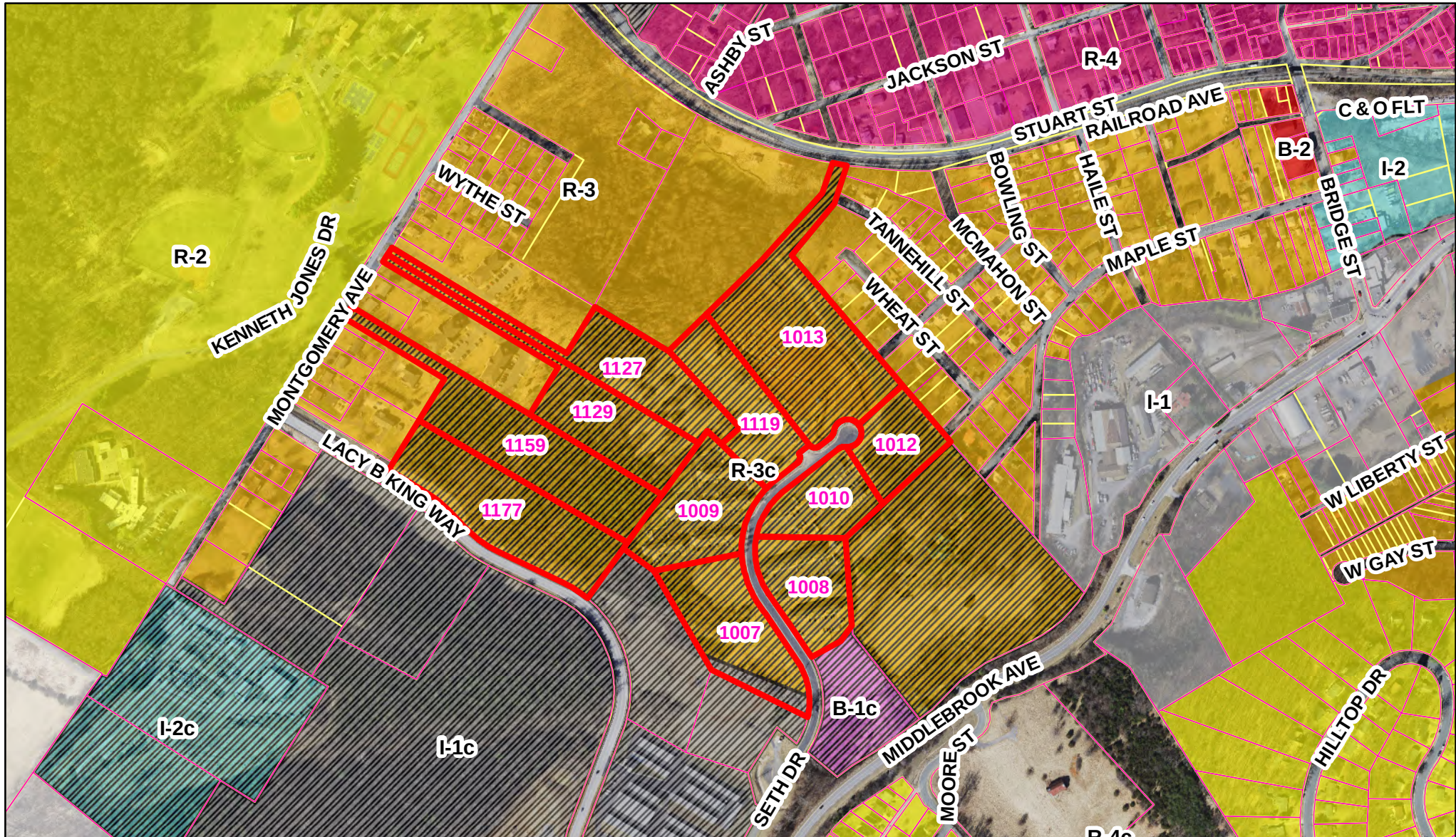
Vicinity Map: Middlebrook Park

Attachment 2



Current Zoning: Middlebrook Park

Attachment 3



Zoning

- B-1
- B-1(conditional)
- B-2
- B-2(conditional)

- B-3
- B-5
- HE-1
- I-1

- I-1(conditional)
- I-2
- I-2(conditional)
- I-3(conditional)
- P-1

- P-1(conditional)
- R-1
- R-2
- R-2(conditional)
- R-3

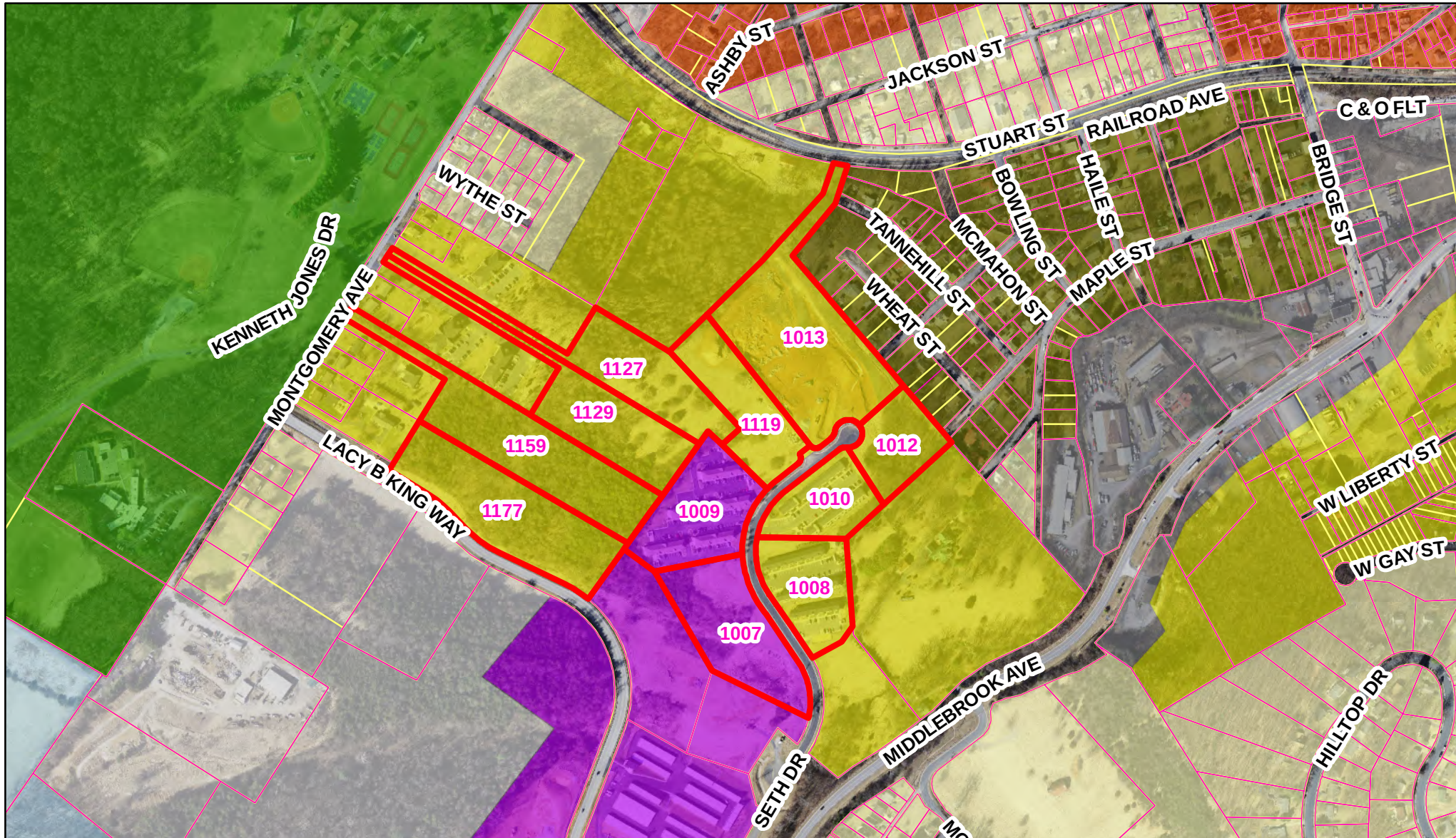
- R-3(conditional)
- R-4
- R-4(conditional)

Additional Layers

- Selected Properties
- Parcels
- Lot_Lines

Future Land Use: Middlebrook Park

Attachment 4



Future Land Use

- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Properties
- Parcels
- Lot Lines



0 250 500 1,000 Feet

Ordinance No. 2023-____

**AN ORDINANCE REZONING
FROM R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT CONDITIONAL,
TO R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT CONDITIONAL,
ALL THOSE CERTAIN TRACT OR PARCELS OF LAND
LOCATED IN MIDDLEBROOK PARK AND
CURRENTLY ZONED R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT CONDITIONAL
WITH PARCEL IDENTIFICATION NUMBERS
10920, 10921, 10922, 10985, 11193, 11727, 11728, 11729, 11730, 11732, 11733
STAUNTON, VIRGINIA**

Recitals

A. Staunton Apartments LLC, has applied to the City of Staunton for a zoning classification change, under the provisions of the Staunton City Code (SCC), to make changes to the conditional zoning of 12 parcels of land currently zoned R-3, Medium Density Residential District Conditional, located in the Middlebrook Park planned mixed use development;

B. The proposed conditional rezoning is consistent with the provisions of SCC 18.215.060(1) and is necessary so that the applicant may develop a portion of the property with 72 multi-family residential units;

C. The applicant seeks to reduce the required setback between the R-3, Medium Density Residential District Conditional zoning, and any existing residential district with dwellings that existed at the adoption of the original R-3 conditional zoning from 75 feet to 60 feet;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the properties located within Middlebrook Park planned mixed use development and currently designated with Parcel Identification Numbers 10920, 10921, 10922, 10985, 11193, 11727, 11728, 11729, 11730, 11732, 11733 in the City of Staunton, Virginia, are **HEREBY REZONED** from R-3, Medium Density Residential District, to R-3, Medium Density Residential District Conditional, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice subject to the following onsite proffers as proposed by the applicant:

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT-CONDITIONAL

A. GENERAL DESCRIPTION:

This district provides for medium to high residential population density with conditions relating to the compatibility with adjacent single-family residential areas. The principal uses of land may range from single-family to multiple-family apartment uses. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES:

Property and buildings in an R-3 Medium Density Residential-Conditional District shall be used only for the following purposes:

1. Any use permitted in an R-1 and R-2 Low Density Residential District.
2. Two-family dwelling.
3. Multiple-family dwelling.
4. Single-family attached dwellings and single-family semi-detached dwellings as regulated in Article V, Section 1-B.
5. Rooming or boarding house.
6. Group house.
7. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
8. Housing for the elderly.
9. Home occupations as regulated in Article V, Section 10.

B. USES PERMITTED ON REVIEW:

The following uses may be permitted on review by the City Council in accordance with provisions in Article VII, Section 4:

1. Any use permitted on review in an R-1 and R-2 Low Density Residential District.
2. Private day nurseries and kindergartens, as regulated in Article V, Section 1-E.
3. A planned residential development as regulated in Article V, Section 1-A.

C. AREA REGULATIONS:

All building shall be set back from street right-of-way lines and lot lines to comply with the following yard requirements:

1. *Front Yard:*

- a. For single, two-family, and multiple-family dwellings the minimum depth of the front yard shall be twenty-five (25) feet and in no case shall an accessory building be located or extend into the front yard.
- b. Churches and other main and accessory buildings, other than dwellings, shall have a front setback of thirty-five (35) feet.

2. *Side Yard:*

- a. For single story dwellings, located on interior lots, side yards shall be not less than eight (8) feet in width; however, the sum of the two (2) side yards shall be not less than twenty (20) feet each, unless the side yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.
- b. For dwellings of more than one (1) story, there shall be side yards of not less than twelve (12) feet, unless the side yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.

- c. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet; provided, however, that unattached one (1) story buildings of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located more than ten (10) feet behind the main building, unless the side yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.
- c. Churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all side lot lines a distance of not less than thirty-five (35) feet, unless the side yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.

3. **Rear Yard:**

- a. For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty-five (25) feet, unless the rear yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.
- b. Five (5) foot setback for accessory building, unless the rear yard abuts a residential district with dwellings that existed at the adoption of this code and then the side yard shall be ~~seventy-fivesixty~~ (60) feet.

4. **Buffer Zone:**

Setback areas shall act as a buffer between adjacent residential, business, and industrial uses. They shall be fully landscaped and maintained with grass, trees, and shrubbery of sufficient height and density to serve as a screen between the R-3 Medium Density Residential-Conditional Zone and all other adjacent uses. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area, but shall not be used for any purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of the development of any project, shall be at or near the same grade or plane which existed prior to the development of the R-3 Medium Density Residential-Conditional District, unless otherwise expressly reviewed and approved by the Planning Commission and by City Council. These restrictions shall not apply to that portion of the lot fronting on the major thoroughfares, however all other required landscaping shall apply. (Buffer zone shall be twenty-five (25) feet when abutting property as otherwise shown on "Proposed Zoning Plat".)

5. **Lot Width:**

- a. For single and two-family dwellings, there shall be a minimum lot width of seventy-five (75) feet at the front building line.
- b. For multiple-family dwellings, there shall be a minimum lot width of one hundred (100) feet at the front building line.
- c. For lots having a width of not more than one hundred fifty (150) feet, the lot length shall be not greater than three times the lot width.

6. **Intensity of Use:**

- a. For each single-family dwelling and building accessory served by a sanitary sewer system, there will be a lot area of not less than seven thousand five hundred (7,500) square feet.
- b. For each two-family dwelling there shall be a lot area of not less than nine thousand (9,000) square feet.

- c. For multiple-family structures, there shall be a lot area of not less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each additional dwelling unit. For those structures that provide off-street parking within the main structure, the lot area requirement may be reduced by two hundred (200) square feet per dwelling unit.
- d. For churches and other main and accessory buildings, other than dwellings, and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article V, Section 5; provided, however, that the lot for a church shall not be less than thirty thousand (30,000) square feet.

7. *Maximum Lot Coverage*

Main and accessory buildings shall not cover more than thirty (30) percent of the lot area.

D. USABLE OPEN SPACE:

For multiple-family structures there shall be usable open space provided for each dwelling unit of not less than four hundred (400) square feet. Open space does not include drives, parking, and service areas.

E. HEIGHT REGULATIONS:

No main building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 3.

Accessory buildings shall not exceed fifteen (15) feet in height.

F. OFF-STREET PARKING:

As regulated in Article V, Section 5.

G. OCCUPANCY LIMITATIONS:

As regulated in Article V, Section 15.

H. SIGNAGE:

The requirements of Article V, Section 8 Signs, Billboards and Other Advertising Structures, shall apply with the following exceptions:

1. Each parcel of property occupied by a building shall be permitted one freestanding sign, whose size shall not exceed thirty (30) square feet on each face.
2. Freestanding signs shall be mounted on bases a maximum of three feet high. If the specific location of the sign requires a base of more than three feet to provide adequate visibility, the Planning Commission may approve a taller base. No freestanding sign shall exceed fifteen (15) feet in height from grade.
3. Location of signs.

DRAFT 7.24.23

- (a) If the nearest point of a freestanding sign is located within five feet of the street right-of-way, its location must be approved by the City's Director of Public Works, or his designee, who will evaluate the location for site line and other traffic safety considerations.
- (b) No flat wall sign shall project beyond the surface of the building or above the roofline of the building.
4. Illumination: Only external illumination of exterior signs is permitted, but in accordance with the restrictions set forth below:
 - (a) The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding area.
 - (b) No sign shall have blinking, flashing, or fluttering lights or any other illumination device that has a changing light intensity, brightness, or color. Beacon lights shall not be permitted.
 - (c) No colored lights shall be used for exterior signage.
 - (d) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators or motor vehicles on public thoroughfares.
 - (e) No exposed reflective bulb, strobe light, or incandescent lamp that exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
 - (f) Awnings must not be illuminated.
5. Materials and colors used in signs and their support structures should reflect and be harmonious with the building served by the sign.

I. UTILITY LINES UNDERGROUND:

All utility lines such as electric, telephone, CATV, or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity of utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

J. EXTERIOR LIGHTING:

1. Lighting should be of uniform style for each project site.
2. Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.
3. Light poles shall not exceed twenty-four (24) feet in height.

K. DRIVEWAYS AND PARKING AREAS:

DRAFT 7.24.23

1. Parking lot layouts shall respond to the topographic characteristics of the site.
2. The number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.
3. Parking lots will be interconnected on adjacent parcels whenever possible.
4. Parking lots shall not dominate the image of a site.
5. Pedestrian access from the sidewalk into individual project sites, as well as within sites and between sites shall be provided.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	E	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Ian and Leslie Boden to Rezone 1106 North Augusta Street from P-1, Professional District, to B-1, Local Business District Conditional	

Background: Ian and Leslie Boden have requested a rezoning of 1106 North Augusta Street from P-1, Professional District, to B-1, Local Business District Conditional. The Bodens have recently purchased the property and they plan to utilize the property as a small fine dining restaurant with short-term guest rooms. According to city real estate records, the most recent use of the property was as the Artist's House Bed and Breakfast. The Bodens propose a 24-seat fine dining restaurant on the first floor with three guest rooms on the upper floors. There is a cottage on the rear of the property, fronting on Overlook Road, which would be used as two additional guest rooms. The applicants have submitted proffers to limit the use of the property to only:

1. Eating and drinking establishments with seating for no more than 24 guests.
2. Hotel with accommodations including no more than three guest rooms in the main structure and two guest units in the detached cottage fronting on Overlook Road.
3. Accessory buildings and uses customarily incidental to permitted uses.
4. Name plate and sign, as regulated in Staunton City Code Chapter 18.140 and Chapter 18.83.

Analysis: Staff has conducted an analysis to determine the parking required under the Staunton Zoning Code for the proposed uses. Based on a 24-seat restaurant and five guest rooms (one parking space for every three seats + one parking space for each guest room). It has been determined that 13 parking spaces would typically be required. The property is located within the North Augusta Street Entrance Corridor Overlay Districts (ECO) and in the ECO, parking may be reduced by 10% by either the Planning Commission or the Zoning Administrator. Additionally, another 10% reduction may be given for on-street parking located within 200 feet of the subject property. On-street parking is located on Dover Street, Purviance Street, and Grasty Street. When the two reductions are applied, 11 off-street parking spaces are required. The site can accommodate six parking spaces in front of the main building and there are two existing parking spaces in the rear of the property, adjacent to Overlook Road. Additionally, the Bodens have parking agreements with the two adjoining neighbors, for two parking spaces at 1220 North Augusta Street and one at 1104 North Augusta Street (with the potential for more if needed). This provides a total of 11 available off-street parking spaces.

Staff has considered the request and has identified no issues. The use of the property as proposed will not create excessive traffic. There is adequate off-street and on-street parking to accommodate a restaurant with the limited amount of seating that is proposed. If the rezoning is approved, a building permit will be required for a change of use under the Building Code. A minor site plan, or a site sketch, will be required and will primarily deal with the parking lot layout and entrance off North Augusta Street.

Surrounding zoning to the north and south is P-1, Professional District, to the west is R-2, Low Density Residential District, and to the east and across North Augusta Street, is B-1, Local Business District.

The City of Staunton Comprehensive Plan, 2018-2040, Future Land Use Map, designates this area as Low Density Residential. While the proposed conditional rezoning is not consistent with this designation, it is consistent with the surrounding uses. Staff recommends that this area be evaluated during the next Comprehensive Plan update for a potential change. Given its location on North Augusta Street and the surrounding business uses, Commercial or Professional would be a more appropriate designation.

Planning Commission Recommendation:

At its July 21, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing three individuals spoke in opposition to the request citing concerns with traffic, parking, and noise. On a 4-1 vote, the Commission voted to recommend approval of the conditional rezoning.

Staff notes that there was a minor change in the proffers after the Planning Commission public hearing on the matter. The original application noted that there would be no more than four guest rooms on the upper floors of the main building and one guest room in the cottage. During the Planning Commission meeting the applicant noted that, after conferring with their architect, they would only have three guest rooms in the main building. The applicant has since revised the proffers to include not more than three guest rooms in the main building and two in the cottage. While this is a minor change in the proffers from what the Planning Commission reviewed, such a change is permitted without additional review by the Commission.

Attachments:

Attachment 1—Application and Supporting Documents Supplied by the Applicant
Attachment 2—B-1 Conditional Zoning Proffers

Attachment 3—Vicinity Map: 1106 North Augusta Street
Attachment 4—Current Zoning Map: 1106 North Augusta Street
Attachment 5—Proposed Zoning Map: 1106 North Augusta Street
Attachment 6—2018 Future Land Use Map: 1106 North Augusta Street
Attachment 7—Map of Parking in the Vicinity of 1106 North Augusta Street
Attachment 8—Draft Ordinance

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinance and approve the conditional rezoning, as recommended by the Planning Commission.

City Manager: Leslie Beauregard

STANTON™

COMMUNITY DEVELOPMENT
Planning & Zoning Division

Applicant: Leslie & Ian Boden Date: 5/22/23

Address: 1024 Westmoeland Dr. Stanton VA 24401

Telephone #s: Primary: 540-255-1648 Secondary: _____

Email address: chefiboden@gmail.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: Leslie Boden

Address: 1024 Westmoeland Dr.

Phone #: 540-255-5850

Email address: lesliekellame@mac.com

Location of property:

1106 North Augusta Street Stanton VA 24401

Legal description of property:

Home Zoned P1

Purpose of request: To Rezone Property to D1 Conditional

Map Provided: YES _____ NO ☒

Present zoning classification of property: P1

Requested zoning classification: B1C

List permits pending approval of this rezoning: _____

Fee Paid (\$250) YES ☒ NO _____ *check or cash only

Applicant must provide 19 copies of complete application

Signature of applicant: [Signature]
(Owner / Agent)

Rezoning Application
Ian & Leslie Boden
1024 Westmoreland Dr.
Staunton, Virginia 24401

This document is in reference to 1106 N. Augusta Street in the city of Staunton which is currently zone P1. We are asking for this property which we currently have a ratified contract on with a closing date of June 6th to be re zoned to B1 Conditional. We have recently finished our parking lot analyzes by Balzer & Associates which is attached to this packet, as well as a letter from our neighbor Jennifer Mitchel giving us permission to use one spot in her parking lot in perpetuity to satisfy our parking needs. We have received verbal approval on our plan from Timothy Hartless. The prepose of the rezoning request is to open a small 24 seat fine dinning restaurant on the first floor with four short term guest rooms on the second and third floor as well as a pre existing cottage that fronts Overlook St. on the back side fo the home. Our only intention and desire is to operate this small boutique inn and restaurant. We have no want or need to add any other uses to the property.

Thank you for your consideration.
Sincerely,
Ian & Leslie Boden

May 23rd 2023

To whom it may concern office of City of Staunton Zoning & Planning,

We have spoke with Ian and Leslie Boden regarding the need of use on one additional space to appease the requirements of the city for parking at 1106 N. Augusta St. We have agreed to allow the use of one of our spots on our property at 1104 N. Augusta St. If there are any questions or concerns please feel free to contact us directly.

Sincerely
Jenny & Matt Mitchell,
434-249-4151
Owners
1104 N. Augusta St.
Staunton, VA. 24402

A handwritten signature in black ink, appearing to read "Matt Mitchell". The signature is fluid and cursive, with the first name "Matt" being more prominent than the last name "Mitchell".

1106 N Augusta Street

B-1c, Local Business District Conditional

Permitted Uses

The uses of the property shall be limited to the following:

1. Eating and drinking establishments with seating for no more than 24 guests.
2. Hotel with accommodations including no more than three (3) guest rooms in the main structure and two (2) guest units in the detached cottage fronting on Overlook Rd.
3. Accessory buildings and uses customarily incidental to permitted uses
4. Name plate and sign, as regulated in SCC Chapter 18.140 and Chapter 18.83.

In all other respects, the provisions of SCC 18.55, B-1, Local Business District, shall apply.

Ian Boden, 1106 N Augusta St, LLC

Date

1106 N Augusta Street

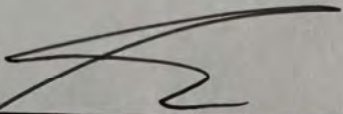
B-1c, Local Business District Conditional

Permitted Uses

The uses of the property shall be limited to the following:

1. Eating and drinking establishments with seating for no more than 24 guests.
2. Hotel with accommodations including no more than three (3) guest rooms in the main structure and two (2) guest units in the detached cottage fronting on Overlook Rd.
3. Accessory buildings and uses customarily incidental to permitted uses
4. Name plate and sign, as regulated in SCC Chapter 18.140 and Chapter 18.83.

In all other respects, the provisions of SCC 18.55, B-1, Local Business District, shall apply.



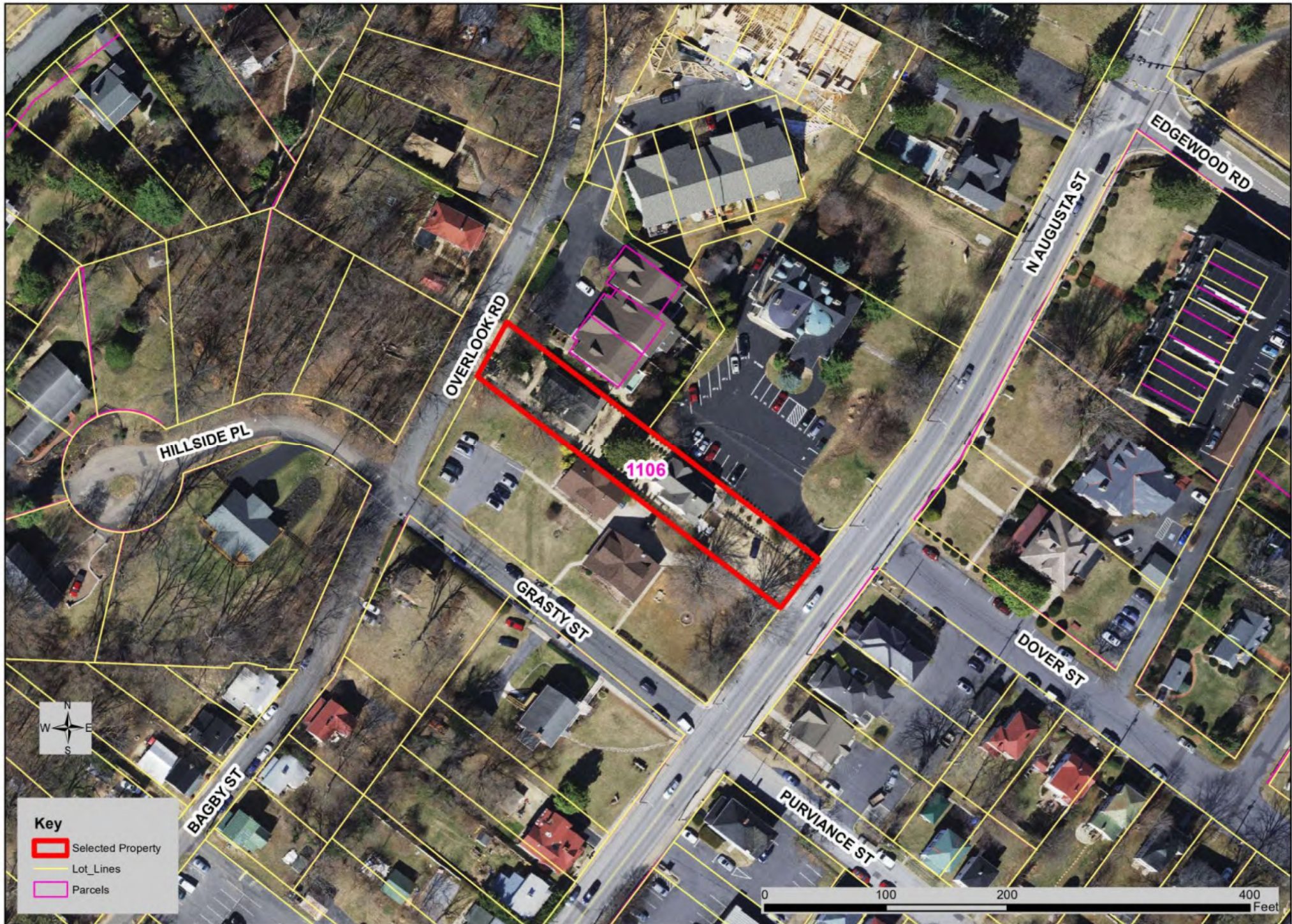
Ian Boden, 1106 N Augusta St, LLC

8/4/23

Date

Vicinity Map: 1106 N Augusta St

Attachment 3



Current Zoning: 1106 N Augusta St

Attachment 4



Zoning

B-1	B-3
B-1(conditional)	B-5
B-2	HE-1
B-2(conditional)	I-1

B-3	B-5
HE-1	I-1

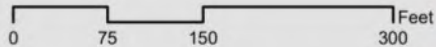
I-1(conditional)	I-2
I-2(conditional)	I-3(conditional)
P-1	

P-1(conditional)	R-1
R-2	R-2(conditional)
R-3	

R-3(conditional)	R-4
R-4(conditional)	

Additional Layers

Selected Property
Parcels
Lot_Lines



Proposed Rezoning: 1106 N Augusta St

Attachment 5



Zoning

- B-1
- B-1(conditional)
- B-2
- B-2(conditional)

- B-3
- B-5
- HE-1
- I-1

- I-1(conditional)
- I-2
- I-2(conditional)
- I-3(conditional)
- P-1

- P-1(conditional)
- R-1
- R-2
- R-2(conditional)
- R-3

- R-3(conditional)
- R-4
- R-4(conditional)

Additional Layers

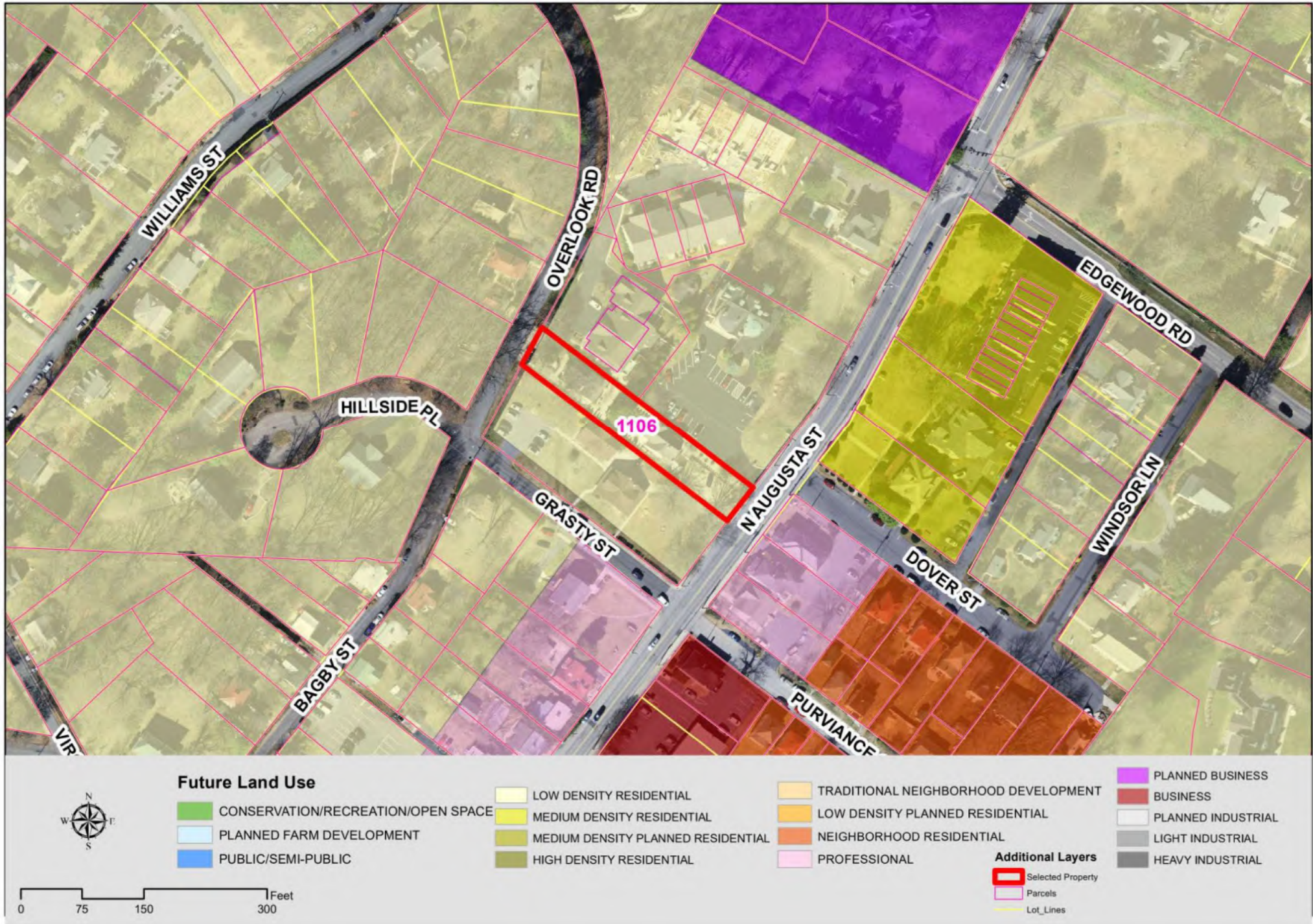
- Selected Property
- Parcels
- Lot_Lines



0 80 160 320 Feet

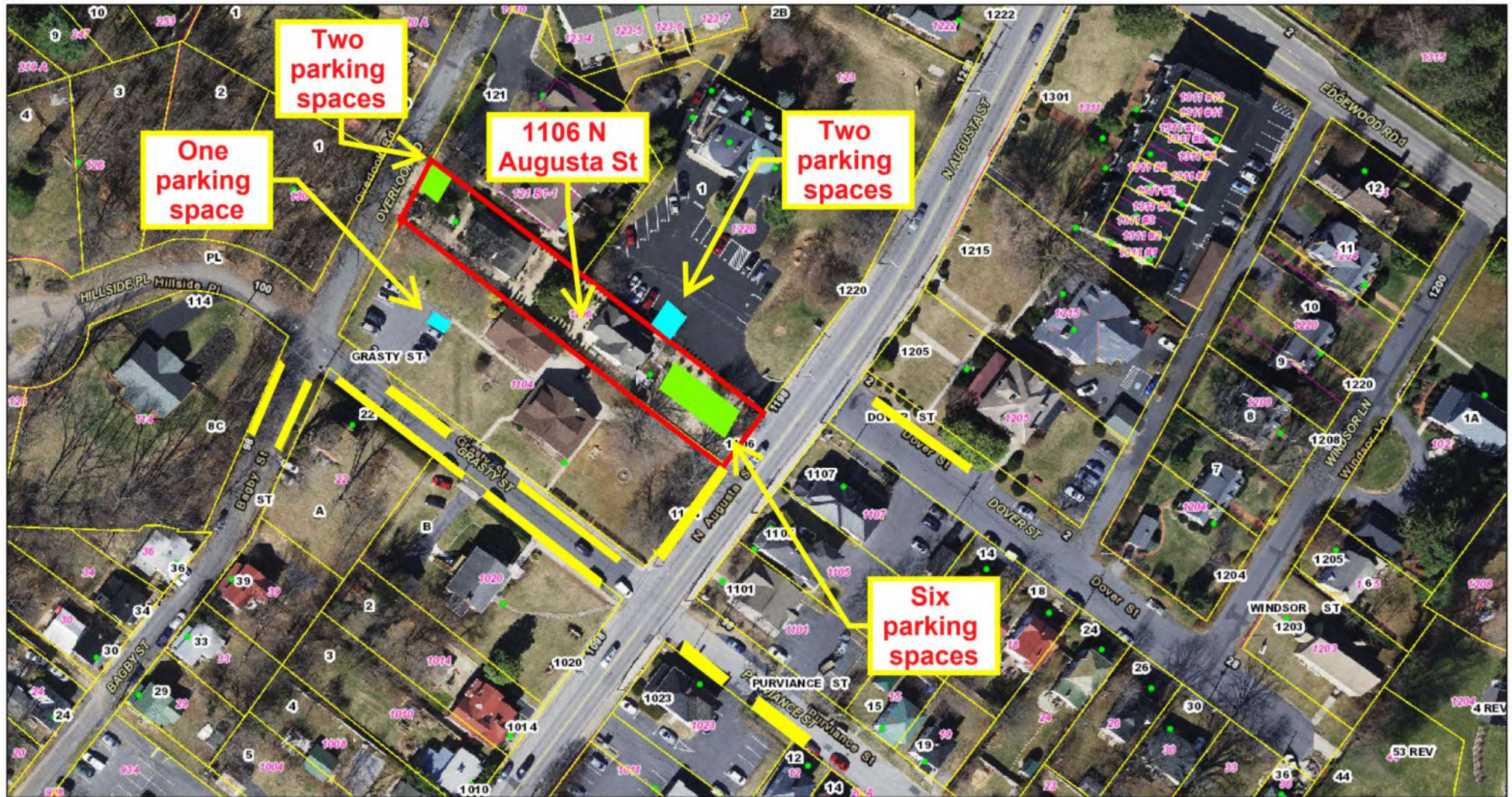
Future Land Use: 1106 N Augusta St

Attachment 6



Parking Exhibit

Attachment 7



On-Street Parking

Parking on the Subject Property

Parking Spaces on neighboring properties

Ordinance No. 2023-____

**AN ORDINANCE REZONING
FROM P-1, PROFESSIONAL DISTRICT,
TO B-1, LOCAL BUSINESS DISTRICT CONDITIONAL,
THAT CERTAIN TRACT OR PARCEL OF LAND
LOCATED AT 1106 NORTH AUGUSTA STREET
(PARCEL IDENTIFICATION NUMBER 4735),
STAUNTON, VIRGINIA**

Recitals

A. It appears by deed dated May 24, 2023, recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, as Instrument Number 230001391, that 1106 N Augusta, LLC, acquired from Lawrence W. Kelley and Robin E. Kelley, Trustees for the Kelley Family Real Estate Trust, what is known by present address numbering as 1106 North Augusta Street and referenced in the deed as all that certain lot or parcel of land containing 16,224 square feet, shown and described on a plat of survey entitled, "Physical Survey, 1106 N. Augusta Street, Staunton, Virginia", with further description provided in the deed, a copy of which is annexed and incorporated herein by reference (**Exhibit A**);

B. Ian and Leslie Boden, acting as 1106 N Augusta, LLC, have applied to the City of Staunton for a zoning classification change, under the provisions of the Staunton City Code ("SCC"), from P-1, Professional District, to B-1, Local Business District Conditional;

C. The proposed conditional rezoning is consistent with the provisions of SCC 18.215.060(1) and 18.215.070 and is necessary so that the applicant may use the property as a 24-seat restaurant with four (4) short term rental units;

D. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval;

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the property known as 1106 North Augusta Street (Parcel Identification Number 4735), in the City of Staunton, Virginia, is **HEREBY REZONED** from P-1, Professional District, to B-1, Local Business District Conditional, on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare, and good zoning practice subject to the following onsite proffers as proposed by the applicant:

Permitted Uses

The uses of the property shall be limited to the following:

1. Eating and drinking establishments with seating for no more than 24 guests.
2. Hotel with accommodations including no more than two (2) guest rooms in the main structure and one (1) guest unit in each of the two the detached Accessory Buildings (2 rooms and 2 units total).

DRAFT 8.10.23

3. Accessory buildings and uses customarily incidental to permitted uses.
4. Name plate and sign, as regulated in SCC Chapter 18.140 and Chapter 18.83.

In all other respects the provision of SCC 18.55, B-1, Local Business District shall apply.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST: _____
Kiley A. Kesecker,
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	F	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure; Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Arcadia Building LLC, for a Special Use Permit Under the Provisions of Staunton City Code 18.60.070(3) to Allow Living and/or Sleeping Quarters on the Ground Level of a Building Located at 119 East Beverley Street	

Background: Arcadia Building, LLC (Robin Miller is the LLC's principal) has requested a Special Use Permit to have living quarters on the ground floor of a building located at 119 East Beverley Street. The building, located on north side of East Beverley Street, is in the block between North New and North Market Streets. The building is four stories, 39 feet in width, and approximately 166 feet in length, extending from Beverley Street to an alley in the rear. The zoning is B-2, General Business District and the property is located within the Beverley Historic District. Mr. Miller purchased the property in June, 2023. He proposes to restore and redevelop the building with 23 residential units. Seven units would be located on each of the upper three floors and two units are proposed on the ground floor along with a 3,176 square foot commercial space. The commercial space on the ground floor and the 21 units on the upper three floors are by-right uses; however, the two residential units proposed on the ground floor of the building are permitted only by Special Use Permit. The applicant notes that, "the building is 166' deep which makes it one of the longer buildings in this district. This depth allows for the inclusion of dwelling

units at the rear of the ground floor without compromising the commercial frontage along Beverley Street that will be around ~3,000 sf.” Furthermore, the applicant states that the restoration project may not be financially feasible without the inclusion of the two residential units on the ground level. Both adjoining property owners have written letters of support for the proposal and are included as Attachment 5.

Staff Analysis: Staff reviewed the request and does not support the approval of a Special Use Permit. As shown on the attached map (Attachment 3), all surrounding zoning is B-2, General Business District. The property is located on the City’s main commercial street, in the heart of the downtown business district. The ground floor of buildings in this area should be reserved for commercial use. In the past, staff has supported some special use requests for living quarters on ground floors in the downtown area, but they had limited access/visibility and none of them were on Beverley Street, in the center of downtown.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as Commercial and residential on the ground floor of 119 East Beverley Street is not consistent with this designation.

Planning Commission Recommendation:

At its July 21, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing no one spoke in opposition to the request. The Planning Commission noted that the building is unique for downtown. The building is one of the longest on Beverley Street and the proposed 3,176 square feet of commercial space is comparable to the commercial space provided by other buildings on the street. On a 5-0 vote, the Commission unanimously voted to recommend approval of the Special Use Permit with the following conditions:

1. No more than two residential units may be permitted on the ground floor.
2. Primary access to the ground floor residential units must be from the alley in the rear of the building. No direct access to the residential units is permitted from East Beverley Street.
3. At least 3,000 square feet of floor area on the East Beverley Street side of the ground floor must be reserved for commercial purposes.

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Vicinity Map: 119 East Beverley Street

Attachment 3—Current Zoning Map: 119 East Beverley Street

Attachment 4—Future Land Use Map; 119 East Beverley Street

Attachment 5—Letters of Support from Adjoining Property Owners

Attachment 6—Draft Resolution

Suggested Motions (to be made after the public hearing is conducted):

Because the staff recommendation and the final Planning Commission decision differed, the City Manager is providing two options as far as Suggest Motions.

Suggested Motion One: I move that Council adopt the resolution and approve the Special Use Permit with conditions, as recommended by the Planning Commission.

Suggested Motion Two: I move that Council deny the requested Special Use permit as presented.

City Manager: Leslie Beauregard



DEPARTMENT OF PLANNING &
INSPECTIONS
116 W. BEVERLEY STREET | P.O. BOX
58 | STAUNTON, VA 24402
540.332.3862 (OFFICE)
540.332.3807 (FAX)

APPLICATION FOR SPECIAL USE PERMIT

DATE: 05/30/2023

NAME OF APPLICANT: Arcadia Building LLC

ADDRESS OF APPLICANT: 116 E Franklin Street Richmond, VA 23219

PHONE #: 804-658-9311

E-MAIL ADDRESS: jesse.white@robinmillerassociates.com

IF APPLICANT IS **NOT** THE OWNER OF THE PROPERTY IN QUESTION, EXPLAIN. A COPY OF A PENDING CONTRACT OR OPTION AGREEMENT MUST BE ATTACHED HERETO AND MADE A PART OF THIS APPLICATION.

LOCATION OF PROPERTY: 119 E Beverley Street Staunton, VA 24401

MAP PROVIDED: YES ☒ NO ☐ SITE PLAN PROVIDED: YES ☒ NO ☐

FEE PAID: YES ☒ NO ☐ *check or cash only

PRESENT ZONING OF THE PROPERTY: B-2

APPLICABLE SECTION OF ZONING CODE STATING USE IS PERMITTED ON REVIEW:
18.60.070

ARE PUBLIC UTILITIES AVAILABLE AND ADEQUATE FOR PROPOSED USE? IF **NO**, EXPLAIN HOW UTILITIES WILL BE PROVIDED:

YES

LEGAL DESCRIPTION OF PROPERTY: Mixed use

DETAILED DESCRIPTION OF PROPOSED USE (DRAWINGS MUST BE INCLUDED IF NEW CONSTRUCTION, ADDITIONS, OR CHANGES TO THE EXTERIOR OF THE PROPERTY ARE PROPOSED).

SIGNATURE: [Signature]

119 E BEVERLEY ST

Location 119 E BEVERLEY ST

Acct# 183

Owner NEW THEATRE, LP

Assessment \$281,000

PID 183

Building Count 1

Legal Description (LOT 4 BLK U)

Historic Dist 11 BEV

Zoning B2

Map Number 375

Subdivision CENTRAL CITY

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$248,600	\$32,400	\$281,000

Owner of Record

Owner NEW THEATRE, LP
Co-Owner
Address PO BOX 571
STAUNTON, VA 24402

Sale Price \$410,000
Certificate
Book & Page 080002062/0
Sale Date 06/20/2008
Instrument 01

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
NEW THEATRE, LP	\$410,000		080002062/0	01	06/20/2008
ARCADIA OF STAUNTON LLC	\$370,000		070002114/0	01	06/05/2007
RED BLOX, L.L.C.	\$39,130		020002443/0	01	06/17/2002
MURPHY TODD	\$79,000		0425/0024	01	06/09/1999
BERLIN PORSCHE AUDI INC	\$33,000		0387/0744	01	06/23/1997

Building Information

Building 1 : Section 1

Year Built: 1899
Living Area: 24,960
Replacement Cost
Less Depreciation: \$248,600

Building Attributes	
Field	Description
Style:	Commercial
Model	Comm/Ind
Grade	C Level 5
Stories:	4
SF Bsmt	0.00
Exterior Wall 1	Stucco
Exterior Wall 2	
Roof Structure	Hip
Roof Cover	Metal
Interior Wall 1	Plaster
Adjustment	
Interior Floor 1	Hardwood
Occupancy	
Heating Fuel	Gas
Heating Type	Hot Air
AC Type	None
Foundation	Brick
Bldg Use	Retail
Total Rooms	0
Total Bedrms	0
Total Baths	0
Half Baths	4
Bsmt Type	N/A
1st Floor Use:	
Attic Type	N/A
Frame Type	Brick
Attic SF	0
Ceiling/Wall	
Rooms/Prtns	
Wall Height	0.00
% Comn Wall	

Building Photo



(<https://images.vgsi.com/photos/StauntonVAPhotos//000009196.JPG>)

Building Layout



(https://images.vgsi.com/photos/StauntonVAPhotos//Sketches/183_183.jpg)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Finished Upper Story	18,720	18,720
BAS	First Floor	6,240	6,240
		24,960	24,960

Extra Features

Extra Features	Legend
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No Data for Extra Features

Land

Land Use

Use Code 201
Description Retail
Zone B2
Neighborhood CEN BUS DIST
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.15
Frontage
Depth
Assessed Value \$32,400

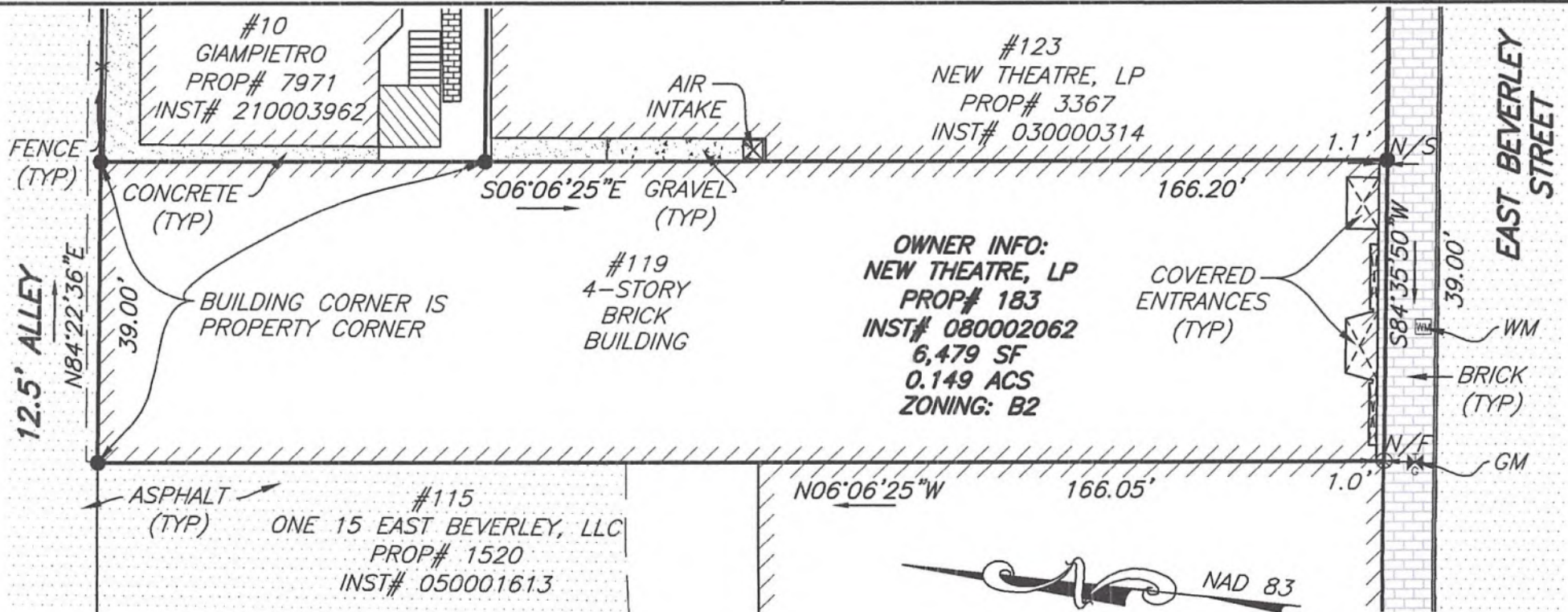
Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$331,500	\$32,400	\$363,900
2021	\$331,500	\$32,400	\$363,900
2020	\$318,700	\$32,370	\$351,070

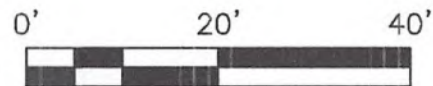




NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.

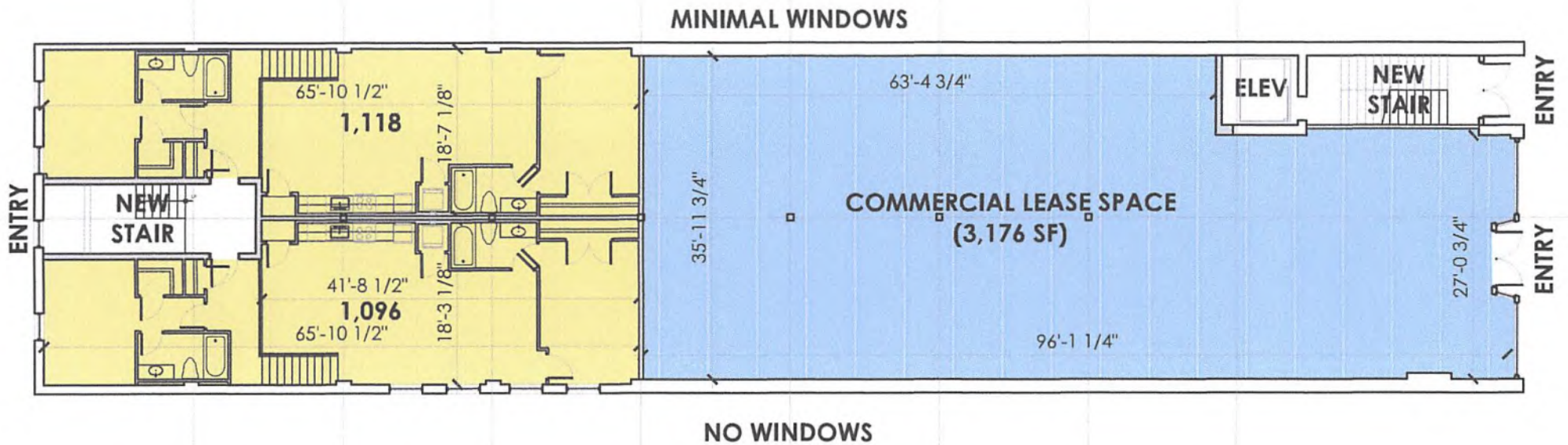
LEGEND	
	GM GAS METER
	WM WATER METER
	N/F NAIL FOUND
	N/S NAIL SET



DATE: 04-05-2023
 SCALE: 1" = 20'
 JOB: 35230022.MS
 DRAWN BY: JRT

**PLAT SHOWING
 IMPROVEMENTS ON
 #119 E. BEVERLEY ST
 CITY OF STAUNTON, VIRGINIA**
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
 ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY
 104 Industry Way, Suite 102 / Staunton, Virginia 24401 / Phone (540) 248-3220 / www.balzer.cc





COLOR CODE:

	COMMERCIAL
	EFFICIENCY
	1 BED / 1 BATH
	2 BED / 2 BATH

NO. 115
FIRST FLOOR

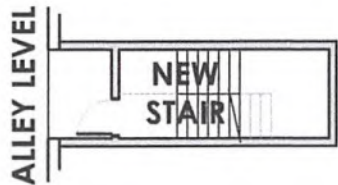
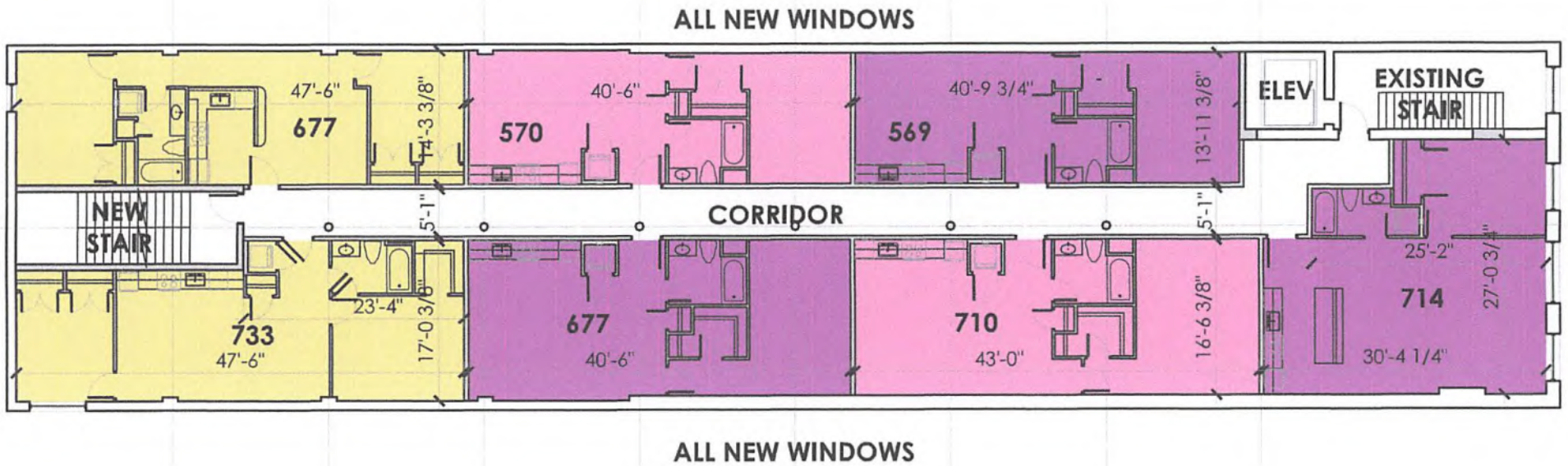
SK-01
Drawing: 1c-4

Go: 04-23
Design: 05

SCALE: 3/32" = 1'-0"

119 E. Beverley St.
Staunton, Virginia 24401

ratio



SK-02
Drawing: 2 of 4

Arcadia Building Renovation

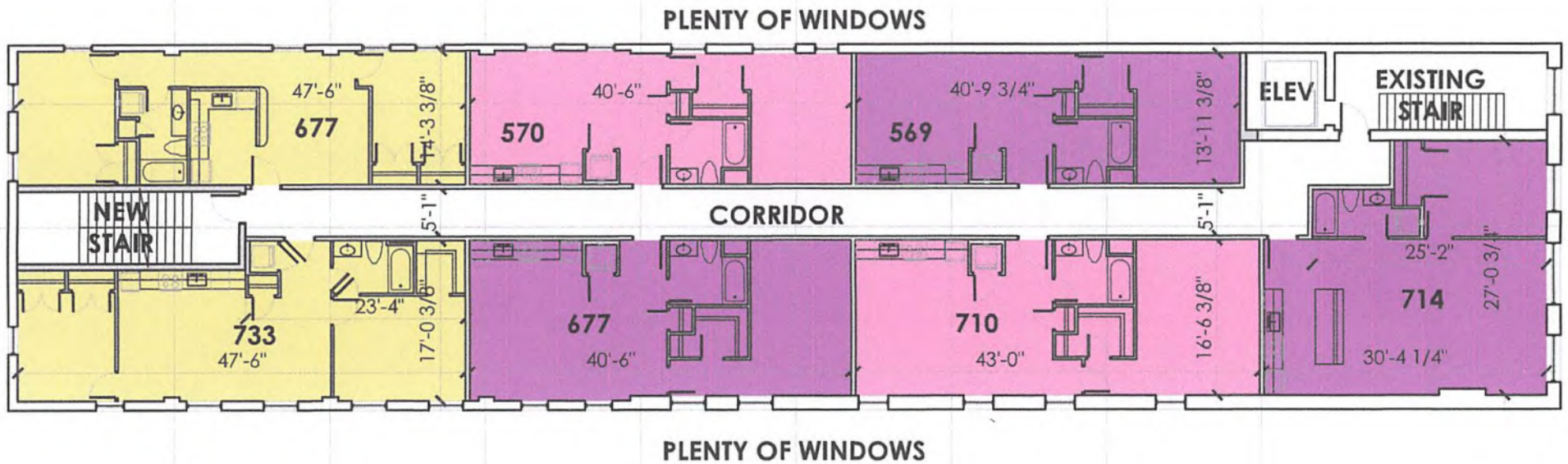
119 E. Beverley St.
Stoughton, Virginia 24401

ratio

NOIUS
SECOND FLOOR

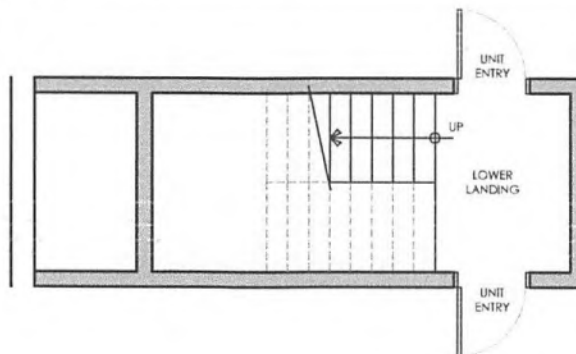
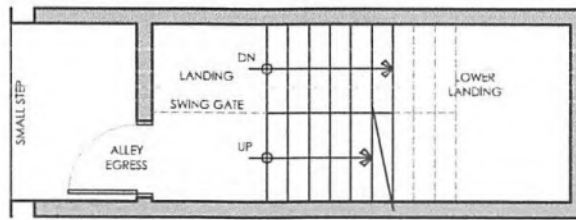
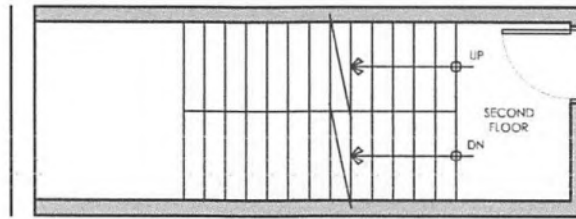
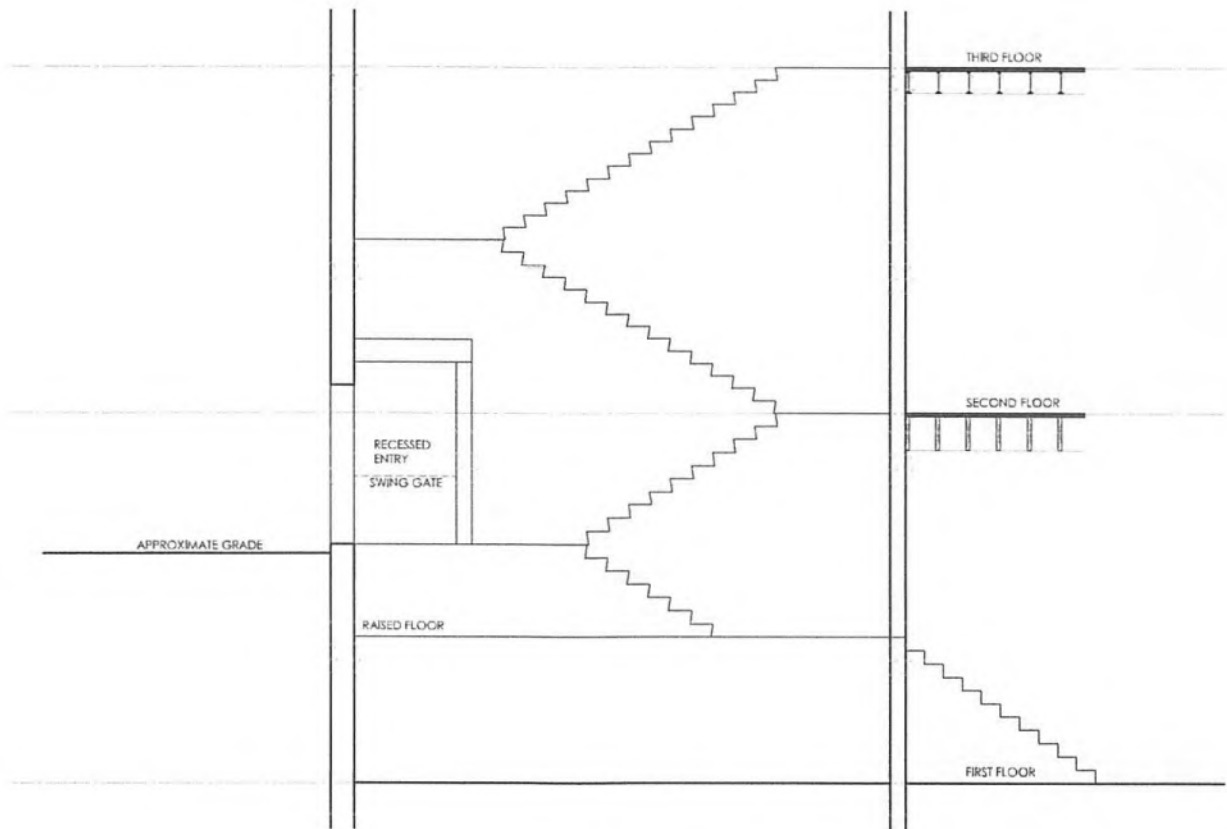
McLester Architects
P.O. Box 114, 2227
St. Louis, MO 63104
www.mclester.com

06.24.23
Design 05
SCALE: 3/32" = 1'-0"



SK - 3 Drawing: 3 of 4		NO. 115 THIRD FLOOR	NO. 115 THIRD FLOOR
		NO. 115 THIRD FLOOR	NO. 115 THIRD FLOOR
Arcadia Building Renovation 119 E. Beverley St. Staunton, Virginia 24401		ratio	

On: 04.23
 Design: 05
 SCALE: 3/32" = 1'-0"



SK - 7 Drawing 7 of 7		NOILS STAIR SECTION 1406 Lakeside Park Blvd Falmouth, ME 04101 1.81.202.2411/24 www.ratiio.com
OS 24 73 Design OS SCALE: 3/8" = 1'-0"	Arcadia Building Renovation 119 E. Beverly St. Staunton, Virginia 24401	

ratio

Planning Commission & City staff members,

Miller & Associates is acquiring the Arcadia Building located at 119 E Beverley Street. Our plan is to renovate the dilapidated property into a mixed-use building that will contribute to Staunton's downtown area. The building has been sitting vacant for decades.

In order to make this project financially feasible, we're applying for a special use permit to allow for the development of two (2) dwelling units on the ground floor at the rear of the building. To be clear, our plan is to retain commercial store frontage of over ~3,000 square feet – which will not be impacted by the addition of these two (2) ground floor apartments.

Many localities, including Richmond and Norfolk, have adopted new language to their B-1 zonings (and other central business zonings) that allow for a certain amount of residential space on the ground floors of mixed-use building in central business districts as long as its located at the rear of a building. For example, here's the language from Richmond's B-1 zoning:

"Dwelling units contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units (see [section 30-800.1](#) for provisions for nonconforming dwelling uses);"

Although there is no such language in Staunton's zoning ordinance, we believe that the Arcadia Building has several unique qualities that support our stance that two (2) ground floor dwelling units are necessary. Furthermore, we believe these characteristics to be unique so that any special use permitted awarded to this project will not set a precedent for other projects without these exact same characteristics.

Here's a list of unique characteristics that we believe support our stance that the Arcadia Building must include two (2) ground floor dwelling units in the rear:

- **Financial feasibility.** With rising interest rates and construction costs, it is becoming more difficult to make construction projects financially feasible. The Arcadia Building deal requires the inclusion of these two (2) ground floor dwelling units otherwise it may not be financially feasible. We want to restore this building to being a contributing part of downtown Staunton but in order to do so we need it to make economic sense. These units make the difference.
- **Depth of building.** The building is 166' deep which makes it one of the longer buildings in this district. This depth allows for the inclusion of dwelling units at the rear of the

ground floor without compromising the commercial frontage along Beverley Street that will be around ~3,000 sf.

- **Rear entry to units.** The entryways to both of the two (2) ground floor dwelling units are accessed from the rear of the building through the alley. There is minimal impact on Beverley Street foot traffic from these ground floor apartments.
- **Low visibility.** These apartments are not visible at all from Beverley Street and barely visible from the rear alley. The low visibility helps retain focus on the commercial store frontage on the ground floor.
- **Low traffic in alley.** This particular alley has low traffic outside of deliveries to and from the supporting local businesses.
- **Housing versus commercial demand.** There is a greater need for housing than commercial space at this point in time; however, our plans also accommodate commercial space needs by retaining over ~3,000 square feet of commercial space. Our proposed floor plans provide much needed residential space without comprising a possible future demand for commercial space in the area.

We will submit our application for the special use permit on Friday, June 9th so we can meet the deadline for the July planning commission meeting. Someone from our team will be present at the next Development Review meeting so we can discuss with city staff.

Thanks in advance for your time and consideration. We look forward to discussing the details of our plans with you and hope to restore this building into a contributing piece of downtown Staunton.

Thanks again,

Robin Miller
Owner
Miller & Associates

Vicinity Map: 119 E Beverley St **Attachment 2**



Current Zoning: 119 E Beverley St

Attachment 3



Zoning

B-1

B-1(conditional)

B-2

B-2(conditional)

B-3

B-5

HE-1

I-1

I-1(conditional)

I-2

I-2(conditional)

I-3(conditional)

P-1

P-1(conditional)

R-1

R-2

R-2(conditional)

R-3

R-3(conditional)

R-4

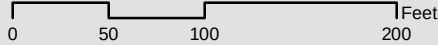
R-4(conditional)

Additional Layers

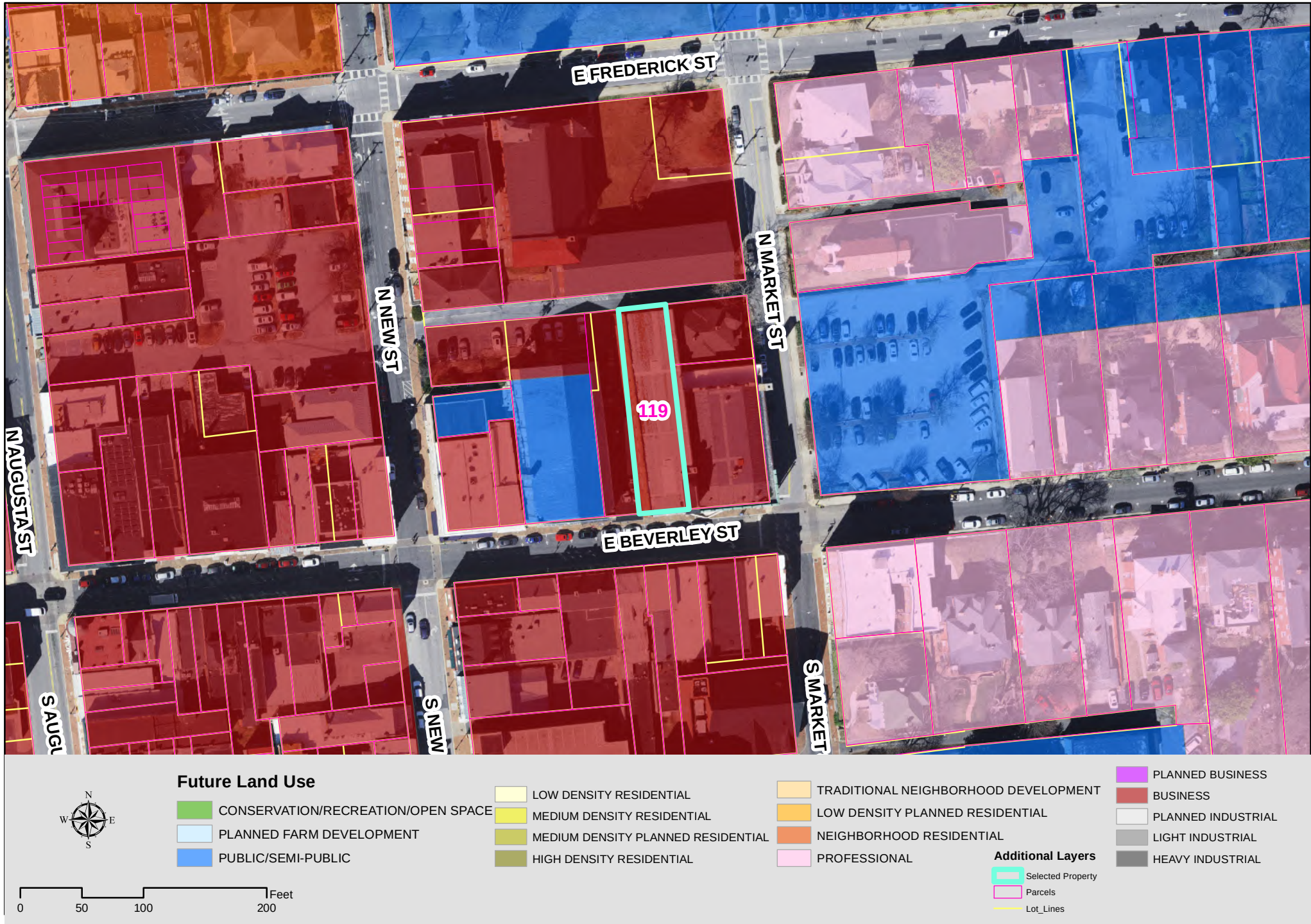
Selected Property

Parcels

Lot_Lines



Future Land Use: 119 E Beverley St Attachment 4



Attachment 5A

7/3/23

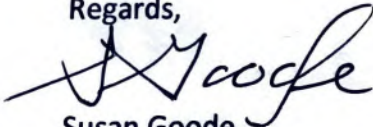
Planning Commission & City staff members,

I am writing in support of the special use permit application for the property located at 119 E Beverley Street. Our property and restaurant are adjacent to this property and will benefit from having a newly renovated building next door. The property has sat vacant for decades.

The SUP application requests the city allow for the construction of two (2) dwelling units at the rear of the ground floor. It's important to note that the plans retain over 3,000 square feet of commercial space fronting Beverley Street. These plans will contribute to the commercial corridor and the proposed ground floor apartments will not compromise Beverley Street.

The applicant has made a good faith effort to be considerate neighbors by discussing the plans with me. They are committed to being a good neighbor through planning, construction, and beyond. I strongly believe their project will improve Beverley Street in the long term.

Regards,

A handwritten signature in black ink, appearing to read 'S Goode', with a stylized flourish at the end.

Susan Goode

One Fifteen East Beverley LLC/Zynodoa
Property & Restaurant Owner

Timothy A. Hartless

To: Timothy A. Hartless
Subject: FW: Letter of Support - Special Use Permit - 119 E Beverley

From: Pamela Wagner <pam@thearcadiaproject.org>
Sent: Tuesday, June 20, 2023 11:35 AM
To: Rodney S. Rhodes <rhodesrs@ci.staunton.va.us>
Cc: Jesse White <Jesse.White@robinmillerassociates.com>
Subject: Letter of Support - Special Use Permit - 119 E Beverley

Dear Planning Commission & City staff members,

I am writing in support of the special use permit application for the property located at 119 E Beverley Street. We recently sold the property to the applicant and have retained the adjacent former Dixie Theater property. In order to complete our project at the theater, we decided to sell 119 E Beverley in order to raise funds. We specifically approached the applicant due to their reputation for delivery quality projects in Staunton and for being a community partner.

In their SUP application, they've outlined their plans to incorporate two (2) dwelling units at the rear of the ground floor while providing over 3,000 square feet of commercial space fronting Beverley Street. We believe this project will contribute greatly to the commercial corridor on East Beverley Street. The rear apartments will not have any adverse effects in our opinion.

The application has been a good neighbor and acted in good faith during the acquisition process. We're certain that the applicant will deliver a quality project that will benefit our property as well as the rest of Downtown Staunton in the long term.

Thanks in advance for your time and consideration.

Sincerely,

Pamela

Pamela Mason Wagner | Executive Director | 917-621-7660 mobile pam@thearcadiaproject.org www.thearcadiaproject.org



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**RESOLUTION
OF THE
COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT
119 E BEVERLEY STREET (PARCEL IDENTIFICATION NUMBER: 183)**

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Recitals

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A. Arcadia Building, LLC (Owner), owner of certain land identified as parcel identification number (PID) 183, currently addressed as 119 E. Beverley Street, Staunton (the Property), having acquired the land through a deed dated May 8, 2023 and recorded in the Clerk's Office of the Circuit Court of the City of Staunton as Instrument Number 230001274, is requesting a Special Use Permit to allow two residential units to be constructed in the rear portion on the ground floor of the existing building (the Project);

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B. The Owner seeks a Special Use Permit under Staunton City Code (SCC) Section 18.60.070(3)(a) to allow living and sleeping quarters on the ground floor of the building;

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C. The Property is located within a B-2, General Business District, which, according to SCC section 18.60.070(3)(a), living and/or sleeping quarters in detached accessory buildings and on the ground and basement levels of main buildings may be permitted on review;

D. The request was evaluated using the criteria established in SCC section 18.60.070(3) as a guide;

E. The Staunton Planning Commission conducted a public hearing concerning the Project, after notice and advertisement as required by law on July 20, 2023;

F. The Staunton Planning Commission considered and recommended approval of the Owner's application for the Project at its July 20, 2023 meeting;

G. Upon consideration of the Staunton Planning Commission's recommendation, the City staff briefing, comments received at the public hearing, as well as the factors set forth within Section 18.60.070 and Chapter 18.210 of the SCC, Staunton City Council finds and determines that granting the proposed Special Use would serve the public necessity, convenience, general welfare and good zoning practice; and

H. These recitals are an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

1. No more than two residential units may be permitted on the ground floor.

2. Access to the ground floor residential units must be from the alley in the rear of the building. No direct access to the residential units is permitted from E. Beverley Street.
3. At least 3,000 square feet of floor area on the E. Beverley Street side of the ground floor must be reserved for commercial purposes.

Introduced:

Adopted:

Effective:

Stephen W. Claffey, Mayor

Attest: _____

Kiley A. Kesecker, Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	G	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Strategic Areas: Infrastructure, Responsive, Efficient Government	
Subject:	Public Hearing and Consideration of a Request by Staunton, Augusta, Waynesboro Habitat for Humanity, Inc, to Vacate, Discontinue and Abandon a Portion of Undeveloped Park Avenue, a 20-Foot-Wide Alley, and a Portion of Undeveloped Fourth Street	

Background: Staunton, Augusta, Waynesboro Habitat for Humanity is seeking to construct 22 single-family attached dwelling units at the end of A Street. As part of that process, Habitat is requesting vacations to a portion of the undeveloped street and alley network in the immediate area of the proposed development. The area, which is known as Staunton Park Addition, was originally platted in Augusta County in 1891 and annexed into the City in 1948.

Analysis:

Park Avenue – A portion of Park Avenue would be utilized for stormwater management for the proposed development. Park Avenue does not serve as primary access to any property. No portion of Park Avenue has ever been constructed and it is very unlikely that any portion ever would be constructed.

20-Foot Alley – The alley is 20 feet in width and connects Park Avenue, 4th Street, and A Street. This area would be utilized for a turnaround that will be developed at the end of A Street to serve the development. The alley will not serve any other purpose once the sections of Park Avenue and 4th Street are vacated.

Fourth Street – This undeveloped section of 4th Street would be eliminated as part of the replatting that will be necessary in order to create lots for the single-family attached dwellings. There is a public sewer line located in the undeveloped street; however, the City has retained an easement for the sewer line.

A Street – The original vacation application included a vacation of a 15-foot portion of the width of the undeveloped end of A Street. The developed portion of A Street, from Hickory to its terminus, was built slightly out of the confines of the right-of-way and encroaches in the front yards of the properties on the east side of the street. When the street is extended, there will need to be a realignment to get the street back into the center of the right-of-way or the right-of-way needs to be shifted slightly to the east. The applicant has chosen to shift the right-of-way to the east which will allow for construction of the street in a straight line. The applicant is proposing to vacate 15 feet of width on the west side of the street and, as part of the final plat process, will later dedicate 15 feet of additional right-of-way on the east side. This will ensure that the A Street right-of-way will remain 40 feet in width. At the recommendation of staff, Planning Commission endorsed this portion of the vacation request, but directed that it not be placed on a Council agenda until after the final plat has been prepared creating the townhouse lots and dedicating the additional A Street right-of-way. The A Street portion of the vacation will come before Council at a later date along with the final plat

Planning Commission Recommendation:

At its June 15, 2023 meeting, the Planning Commission conducted a public hearing. During the public hearing three people spoke in opposition to the request. Those that spoke expressed concerns with the added traffic that 22 new dwellings would bring to the narrow streets in the area. On a 5-0 vote, the Commission unanimously voted to recommend approval of the vacations.

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Plat Showing Areas to be Vacated

Attachment 3—Street Vacation Exhibit

Attachment 4—Draft Ordinance of Vacation – Park Avenue

Attachment 5—Draft Ordinance of Vacation – 20-foot Alley

Attachment 6—Draft Ordinance of Vacation – Fourth Street

Suggested Motion (to be made after the public hearing is conducted): I move that Council adopt the ordinances and approve the vacations as recommended by the Planning Commission.

City Manager: Leslie Beauregard



DEPARTMENT OF PLANNING &
INSPECTIONS
116 W. BEVERLEY STREET | P.O. BOX 58 |
STAUNTON, VA 24402 540.332.3862
(OFFICE) 540.332.3807 (FAX)

ALLEY & STREET VACATION
APPLICATION

DATE OF APPLICATION: May 12, 2023

APPLICANTS NAME: STAUNTON AUGUSTA WAYNESBORO HABITAT FOR HUMANITY, INC.

ADDRESS: P.O. BOX 3188, STAUNTON, VA 24402-3188

TELEPHONE NUMBER: 540-886-1944 ALTERNATE: 540-280-5240

EMAIL ADDRESS: lbarton@sawhth.org

LOCATION OF PROPERTY: AT THE END OF EXISTING A STREET

PLAT PROVIDED ☒ YES ☐ NO (REQUIRED)

LEGAL DESCRIPTION OF PORTION OF ALLEY OR STREET IN THIS REQUEST:
Portion of A Street, Park Avenue, 4th Street, and undeveloped Alley

IS THE PORTION OF THE ALLEY OR STREET IN THIS REQUEST IMPROVED? ☐ YES ☒ NO

IF YES, IS IT BEING USED BY PERSONS OTHER THAN YOURSELF? ☐ YES ☐ NO

IF YES, EXPLAIN: _____

TO YOUR KNOWLEDGE, ARE THERE ANY UTILITIES IN THE PORTION OF THE ALLEY OR STREET

AFFECTED BY THIS REQUEST? ☒ YES ☐ NO IF YES, EXPLAIN?

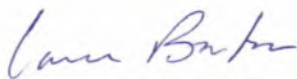
There is an existing sanitary sewer line within 4th Street. A 20' proposed sanitary sewer easement would be dedicated to the City of Staunton at final subdivision plat preparation.

PURPOSE OF THE REQUEST? Vacation requests are for the A Street Workforce Townhome project.

ORDINANCE PROVIDED? ☒ YES ☐ NO

**An electronic copy, in word document format, must be emailed to Planning Office. Application is considered incomplete until this is provided.*

FEE PAID? ☒ YES ☐ NO *check or cash only

SIGNATURE OF APPLICANT 

Attachment 2

THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

OWNER:
STAUNTON AUGUSTA WAYNESBORO HABITAT FOR HUMANITY, INC
BLOCK 8

LOT 12 I.N. 120001250 PID #1180
LOT 13 I.N. 120001250 PID #1180
LOT 14 I.N. 120001250 PID #4399
LOT 15 I.N. 120001250 PID #4399
LOT 16 I.N. 120001250 PID #4399
LOT 17 I.N. 120001250 PID #4399
BLOCK 9
LOT 25 I.N. 120001250 PID #11634
LOT 27 I.N. 120001250 PID #101768
LOT 31 I.N. 140002540 PID #11560
LOT 33 I.N. 120001250 PID #7817
LOT 35 I.N. 120001250 PID #4409

CHARLES N. BISHOP, III
LOT 29, BLOCK 9
I.N. 000002989 PID #6544

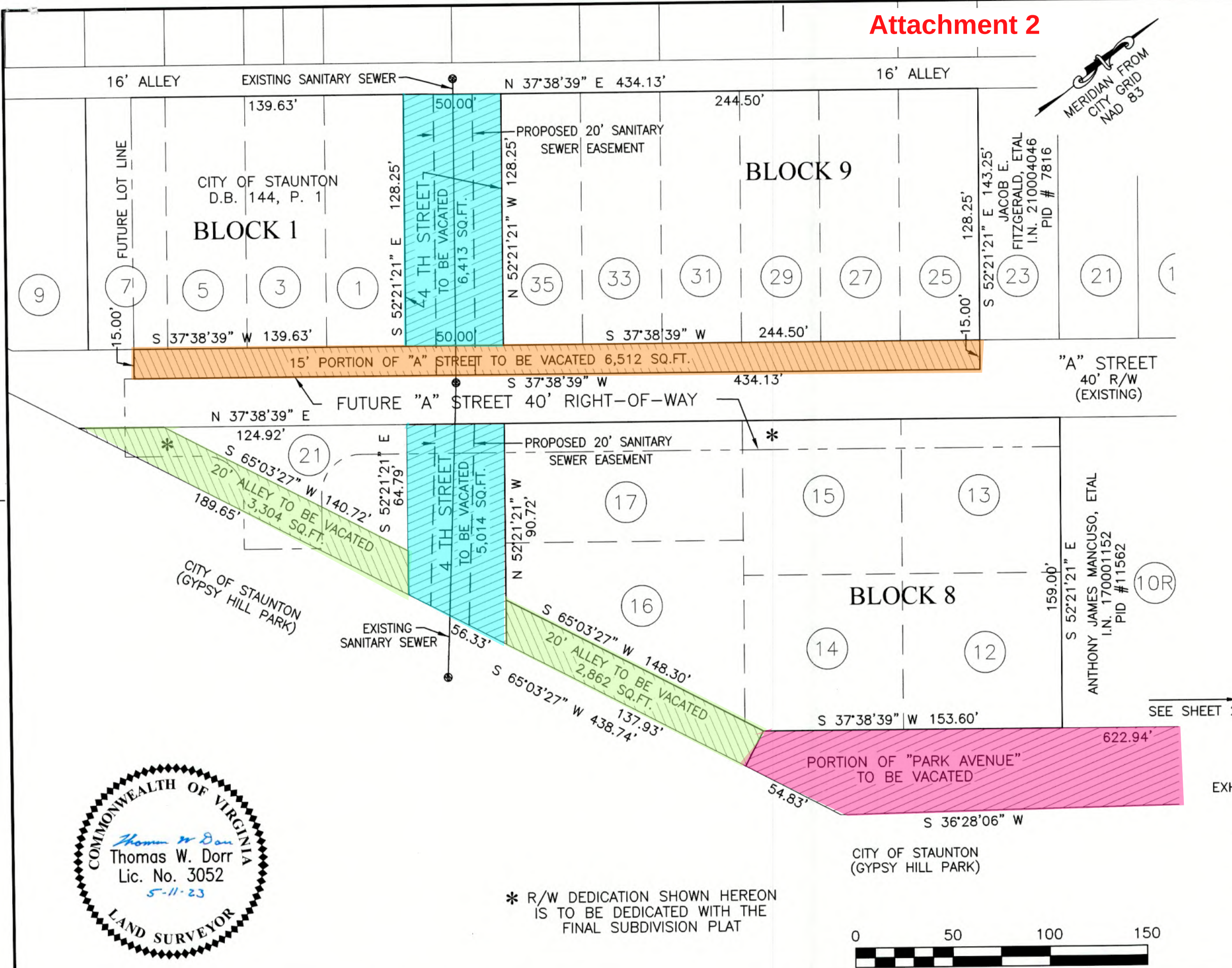


EXHIBIT MAP SHOWING STREET VACATIONS FOR THE
HABITAT PROPERTIES AT
STAUNTON PARK ADDITION

STAUNTON, VA

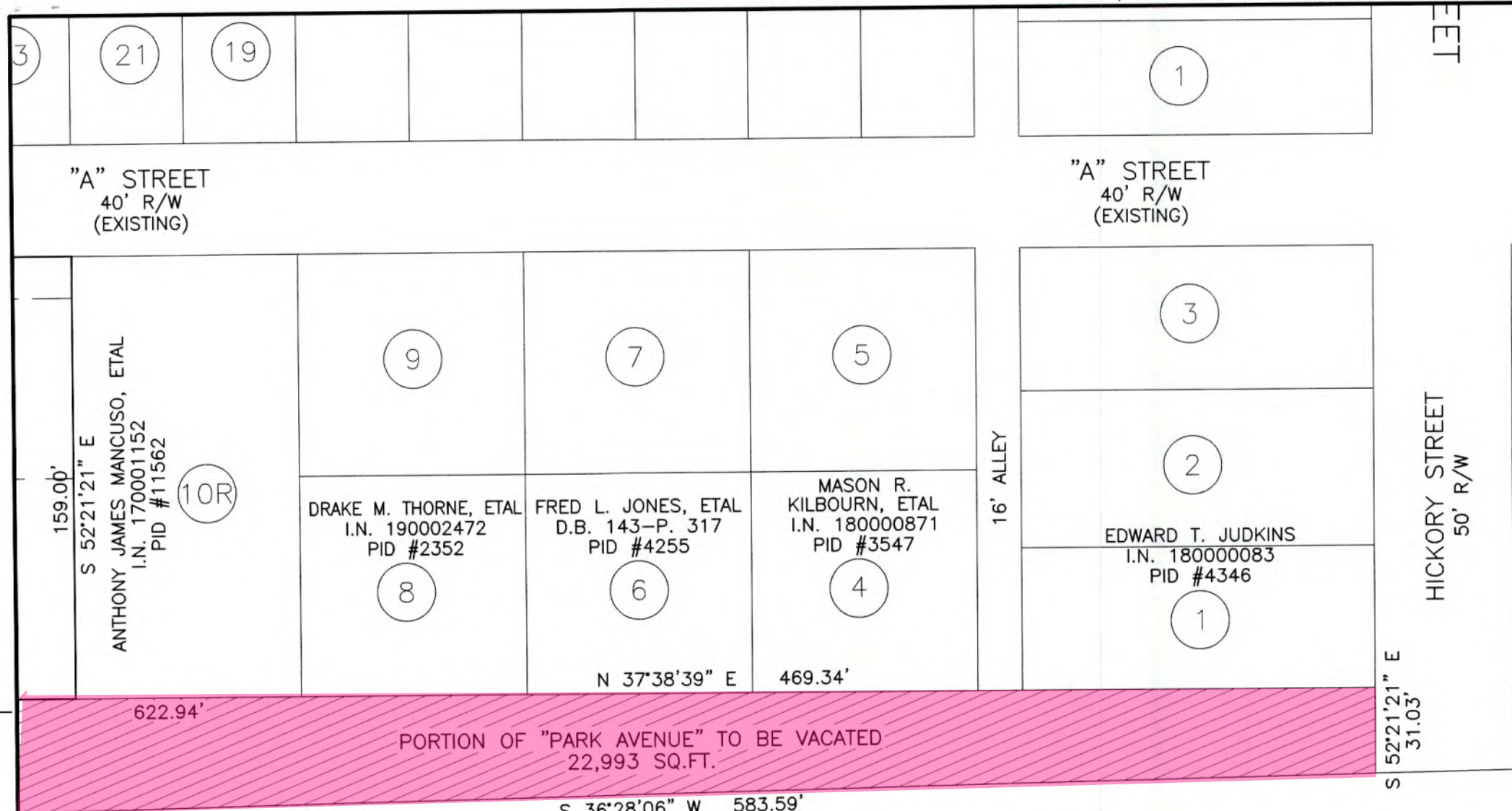
SCALE 1" = 50' MAY 11, 2023

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

SHEET 1 OF 2

JOB # A39890322





THE SURVEY PREMISES IS LOCATED IN ZONE X (OTHER AREAS, DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA, VIRGINIA, COMMUNITY #510013 AND THE CITY OF STAUNTON, VIRGINIA, COMMUNITY #510155, MAP NUMBER 51015C0337D, EFFECTIVE DATE SEPTEMBER 28, 2007.

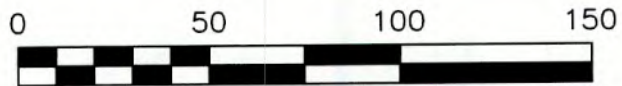
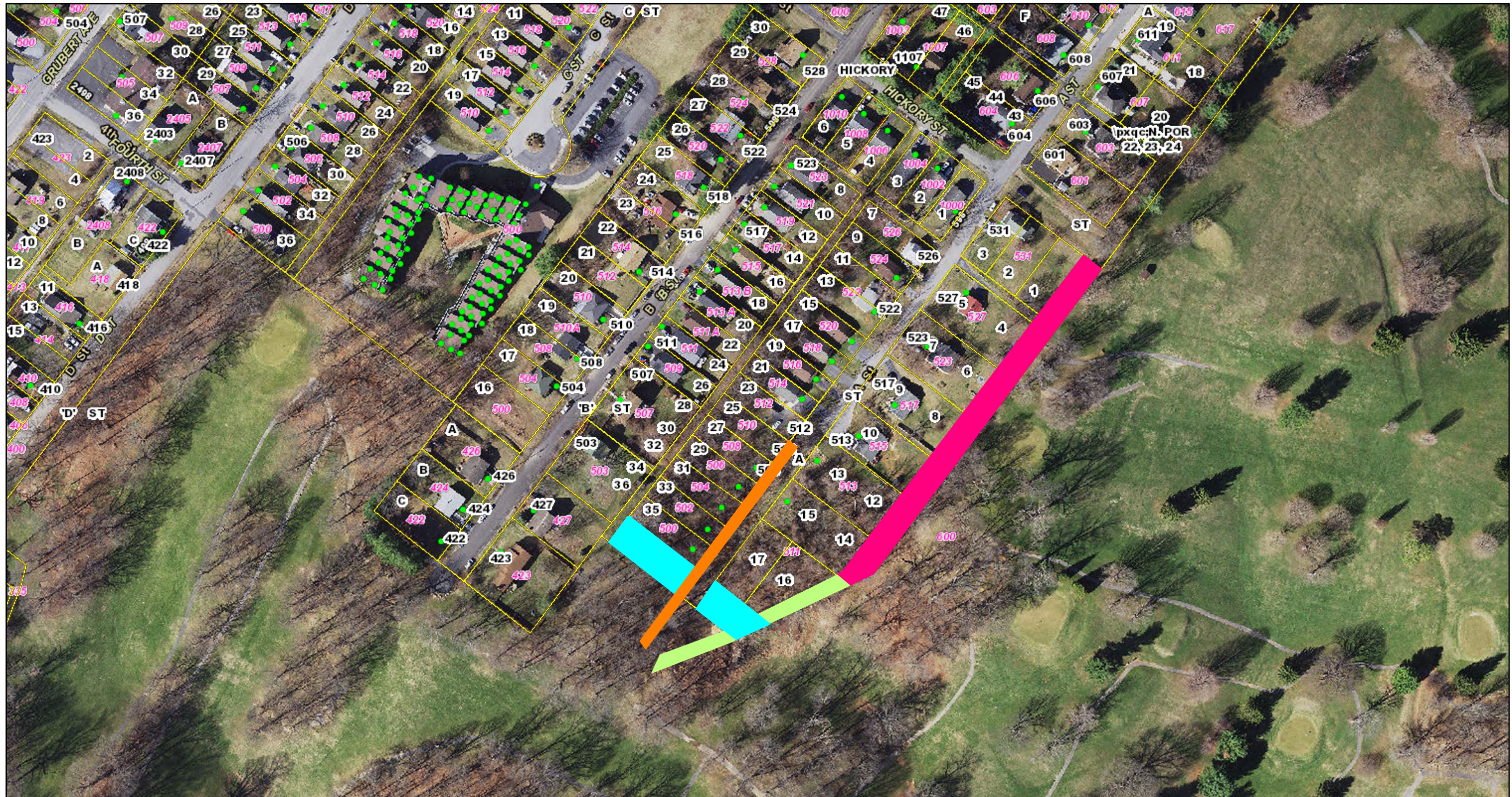


EXHIBIT MAP SHOWING STREET VACATIONS FOR THE
**HABITAT PROPERTIES AT
STAUNTON PARK ADDITION**

STAUNTON, VA
SCALE 1" = 50' MAY 11, 2023
EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA



- 4th Street
- Park Avenue
- A Street
- Alley

Ordinance No. 2023-__

**AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF
UNOPENED PARK AVENUE
LOCATED BETWEEN LOTS 1, 4, 6, 8, 10, 12, AND 14, BLOCK 8, STAUNTON PARK
AND GYPSY HILL PARK**

Recitals

A. An application for street vacation has been filed by Staunton Augusta Waynesboro Habitat for Humanity, Inc., pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street right of way as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in 1891, and corrected in 1916, and was never accepted by the City as part of its public street system;

C. Staunton Augusta Waynesboro Habitat for Humanity, Inc. is the owner of Block 8, Lots 12 and 14 of Staunton Park, identified as City of Staunton Parcel Identification Numbers (PID) 1180 and 4399 respectively; Anthony Mancuso, et al. are the owners of Block 8, Lot 10 (Rev) (PID 11562); Drake Thorne, et al. are the owners of Block 8 Lots 8 and 9 (PID 2352); Fred Jones, et al. are the owners of Block 8, Lots 6 & 7 (PID 4255); Mason Kilbourn, et al. are the owners of Block 8, Lots 4 and 5 (PID 3547); Edward Judkins is the owner of Block 8, Lots 1, 2, and 3 (PID 4346); and the City of Staunton is the owner of Gypsy Hill Park. Staunton Augusta Waynesboro Habitat for Humanity, Inc. seeks to close the portion of unopened Park Avenue located along their property, the Mancuso property, the Thorne property, the Jones property, the Kilbourn property, the Judkins property, and the City of Staunton's Gypsy Hill Park;

D. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

E. At its regular meeting on June 15, 2023 the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

F. This matter has been properly advertised, heard, and considered; and,

G. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

The portion of Park Avenue varying in width and running in length
622.94' adjoining Block 8, Lots 1, 4, 6, 8, 10(Rev), 12, and 14,
Staunton Park and the City of Staunton's Gypsy Hill Park.

with reservation to the City of Staunton of any existing utility lines located in the street, with
ownership of the area of the vacated street determined in accordance with applicable law.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST:_____

Kiley Kesecker,
Clerk of Council

DRAFT 5.11.2023

Ordinance No. 2023-____

**AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING AN
UNOPENED ALLEY
LOCATED BETWEEN LOTS 16 AND 21, BLOCK 8, STAUNTON PARK
AND GYPSY HILL PARK**

Recitals

A. An application for street vacation has been filed by Staunton Augusta Waynesboro Habitat for Humanity, Inc., pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street right of way as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in 1891, and corrected in 1916, and was never accepted by the City as part of its public street system;

C. Staunton Augusta Waynesboro Habitat for Humanity, Inc. is the owner of Block 8, Lots 14 through 16 of Staunton Park, identified as City of Staunton Parcel Identification Number(PID) 4399, and the City of Staunton is the owner of Block 8, Lot 21 of Staunton Park and the owner of Gypsy Hill Park. Staunton Augusta Waynesboro Habitat for Humanity, Inc. seeks to close the portion of the unopened Alley 20' in width located along their property and the City of Staunton property consisting of an area of approximately twenty feet (20') in width and one-hundred, forty-eight and thirty hundredths feet (148.30') in length and one-hundred, eighty-nine and sixty-five hundredths feet (189.65') in length;

D. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

E. At its regular meeting on June 15, 2023 the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

F. This matter has been properly advertised, heard, and considered; and,

G. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

The portion of an unopened Alley 20' wide street running a distance of 148.30' feet in length and 189.65' in length adjoining Block 8, Lot 16 and 21, Staunton Park and a portion of Gypsy Hill Park.

with reservation to the City of Staunton of any existing utility lines located in the street, with ownership of the area of the vacated street determined in accordance with applicable law.

Introduced:

Adopted:

Effective Date:

Stephen W. Claffey, Mayor

ATTEST:_____

Kiley Kesecker,
Clerk of Council

Ordinance No. 2023-__

**AN ORDINANCE
CLOSING, VACATING, DISCONTINUING AND ABANDONING A PORTION OF
UNOPENED 4th STREET
LOCATED BETWEEN LOT 1, BLOCK 1, STAUNTON PARK AND
LOT 35, BLOCK 9, STAUNTON PARK AND BETWEEN LOTS 16 AND 17, BLOCK 8
AND LOT 21, BLOCK 8**

Recitals

A. An application for street vacation has been filed by Staunton Augusta Waynesboro Habitat for Humanity, Inc., pursuant to § 15.2-2006 of the Code of Virginia, 1950, as amended, to have all of that certain portion of the street right of way as hereinafter described, vacated and abandoned by the City of Staunton, Virginia;

B. The subject portion of the street was initially platted in 1891, and corrected in 1916, and was never accepted by the City as part of its public street system;

C. Staunton Augusta Waynesboro Habitat for Humanity, Inc. is the owner of Block 8, Lots 16 and 17, and Block 9, Lot 35 of Staunton Park, identified as City of Staunton Parcel Identification Number(PID) 4399, and the City of Staunton is the owner of Block 1, Lot 1 and Block 8 Lot 21 of Staunton Park. Staunton Augusta Waynesboro Habitat for Humanity, Inc. seeks to close the portion 50' in width, of the unopened 4th Street located along their property and the City of Staunton, consisting of an area of approximately fifty feet (50') in width and one hundred, twenty-eight and twenty-five hundredths feet (128.25') in length and an area of approximately fifty feet (50') in width and sixty-four and seventy-nine hundredths feet (64.79') in length on the southwestern side and ninety and seventy-two hundredths feet (90.72') on the northeastern side;

D. The requirements of § 15.2-2006 of the Code of Virginia have been met along with those of § 15.2-2204 of the Code of Virginia;

E. At its regular meeting on June 15, 2023 the Planning Commission of the City of Staunton, Virginia, after study and review, properly heard the matter and recommended approval of vacating said portion of the street;

F. This matter has been properly advertised, heard, and considered; and,

G. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that the City hereby **CLOSES, VACATES, DISCONTINUES** and **ABANDONS** the portion of the street described as follows:

The portion of a 50 foot wide street running a distance of 128.25' feet adjoining Block 1, Lot 1 and Block 9, Lot 35, Staunton Park, and the portion of a 50 foot wide street running a distance of 64.79' on the southwestern side and a distance of 90.72' on the northeastern side adjoining Block 8, Lots 16, 17, and 21.

with reservation to the City of Staunton of any existing utility lines located in the street, with ownership of the area of the vacated street determined in accordance with applicable law.

Introduced:
Adopted:
Effective Date:

Stephen W. Claffey, Mayor

ATTEST:_____
Kiley Kesecker,
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Staff Members: Rodney Rhodes Tim Hartless
Item #	H	
Department:	Community Development— Planning and Zoning	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Inclusion & Equity; Engagement Strategic Areas: Infrastructure; Built Environment; Responsive, Efficient Government	
Subject:	Presentation on Uniontown Neighborhood Action Plan	

Background: Earlier this year, the city engaged the services of EPR, PC, to assist in the creation of a neighborhood plan for the area known as Uniontown. A steering committee was formed which consisted primarily of longtime residents, property owners, and other stakeholders. The committee met six times over the course of the process. EPR has completed a final draft of the plan and will make a presentation to City Council on the Uniontown Neighborhood Action Plan.

The plan can be accessed online at:

www.staunton.va.us/uniontown

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard

CITY COUNCIL



AGENDA BRIEFING

Staunton, Virginia

Meeting Date:	August 24, 2023	Leslie Beauregard City Manager
Item #	I	
Department:	City Manager’s Office	
Alignment with Staunton Plan (Value/Strategic Area):	Value: Engagement Strategic Areas: Built Environment; Responsive, Efficient Government	
Subject:	Update on Juvenile & Domestic Relations Court Facility West End Project	

Background: Staff will provide the first of many updates on the Juvenile & Domestic Relations Court Facility West End Project.

Attachment: Not applicable.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Leslie Beauregard