

STAUNTON
VIRGINIA
COMMUNITY DEVELOPMENT
Planning & Zoning Division

MEMORANDUM

To: Planning Commission Members

From: Tim Hartless, Planning Manager

Date: February 13, 2026

RE: Thursday, February 19, 2026 Planning Commission Meeting

The Staunton Planning Commission will hold a meeting on **Thursday, February 19, 2026**. The meeting will begin at **5:30 P.M.** and will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

If you cannot attend this meeting, please contact the Community Development Department, Planning and Zoning Division at (540) 332-3862, by **noon** on **Wednesday, February 18, 2026**.

There will **not** be a field trip prior to this meeting.

The audio feed is available online at <https://www.ci.staunton.va.us/departments/planning-zoning-division> or on the public access television station (Comcast channel 7). Those members of the public wishing to participate will be able to do so in person or via Zoom using the link provided on the City's website. The appropriate page of the website can be accessed using the link above.

AGENDA

		Action Taken
1.	Call to order	_____
2	Approval of minutes of the January 15, 2026 Meeting	_____
3.	New Business	
	A. Public Hearing and Consideration of the City of Staunton, Virginia, Capital Improvement Plan 2027 – 2031	_____
	<i>4/23/26 CC Meeting</i>	

4.	Old Business	_____
5.	Other Business A. Amendment to the Bylaws of the Staunton Planning Commission	_____
6.	Updates on Actions of Council	_____
7.	Matters from the Public	_____
8.	Adjournment (Next Meeting will be held March 19, 2026)	_____

**MINUTES
STAUNTON PLANNING COMMISSION**

**January 15, 2026
5:30 p.m.
City Council Chambers**

PRESENT: **Jessica Robinson, Chair
Judith Wiegand, Vice Chair
Scott Kesecker
Daniel Hansen**

ABSENT: **John Hutchinson**

ALSO PRESENT: **Rodney Rhodes, Director of Community Development
Tim Hartless, Planning Manager
Adam Campbell, Council Liaison
Linda Nesselrodt, Interim Clerk**

Mr. Hartless called the January 15, 2026 meeting of the Staunton Planning Commission to order.

ELECTION OF OFFICERS

Mr. Hartless opened the floor for nominations for the office of Chair. Ms. Wiegand nominated Ms. Robinson for Chair.

With no further nominations, the motion carried as follows:

Ms. Robinson	aye	Mr. Kesecker	aye
Mr. Hansen	aye	Ms. Wiegand	aye
Mr. Hutchinson	absent		

Ms. Robinson was elected on a unanimous vote.

Ms. Robinson opened the floor for nominations for Vice Chair. Mr. Hansen nominated Ms. Wiegand for the office of Vice Chair.

With no further nominations, the motion carried as follows:

Ms. Robinson	aye	Mr. Kesecker	aye
Mr. Hansen	aye	Ms. Wiegand	aye
Mr. Hutchinson	absent		

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APPROVAL OF MINUTES

Ms. Wiegand moved to approve the minutes of the December 18, 2025 Planning Commission meeting as amended to include updating line 43 to state that Mr. Hartless presented the item.

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

Ms. Wiegand	aye	Mr. Kesecker	aye
Mr. Hansen	abstain	Ms. Robinson	aye
Mr. Hutchinson	absent		

NEW BUSINESS**3-A) Introduction to the Staunton, Virginia, Capital Improvement Plan 2027 – 2031**

Ms. Moyers, City of Staunton Chief Financial Officer, presented the staff report for this item.

Background: The Chief Financial Officer provided a review for the annual update to the Capital Improvement Plan for all City funds and the Education Fund. City and School Board staff updated the plan to review existing projects, revise projects, and to include new projects.

A copy of the plan will be presented to Council at the work session on February 26, 2026 with additional review and discussion planned for the work session on April 2, 2026, if needed, and the adoption scheduled on April 23, 2026.

The School Board will review the school capital projects on January 12, 2026 and is scheduled to approve the Education Fund CIP on February 9, 2026.

3-B) Public Hearing and Consideration of a Request by Jones Garden to Vacate, Discontinue, and Abandon That Portion of Undeveloped Peck Street (Formerly Virginia Ave) Public Right-Of-Way, Identified as 0.173 Acres of Land

Mr. Hartless presented the staff report for this item.

Background: Jones Garden has requested a vacation of a Portion of Undeveloped Peck Street public right-of-way, identified as 0.173 acres of land, lying between 434 Montgomery Avenue (PID# 3544) and 500 Montgomery Avenue (PID# 101888) and running between undeveloped Hamrick Street and Montgomery Avenue. The vast majority of undeveloped streets in Staunton are streets that have been dedicated on a plat but have never been built and therefore never accepted into the public street system. This portion of Peck Street is different because it was public right-of-way at one time. The Peck Street / Montgomery Avenue intersection was realigned in the mid-1980s and this portion of Peck Street was abandoned. The result is that this is an abandoned (now undeveloped) portion of public right-of-way.

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Analysis: The portion of vacated public right-of-way will never again be used for any public street purpose. The vacation of this portion of Peck Street will cut off Hamrick Street's connection to Peck Street public right-of-way. this portion of Hamrick Street (outlined in red on Attachment 3), will likely never be developed and staff will pursue a vacation of this portion of undeveloped street at a future time. Vacation of the portion of Peck Street in no way impacts the useability of any other undeveloped streets or alleys in the area (other than the previously mentioned Hamrick Street).

Mr. Hartless stated there are number of public utilities in the undeveloped right-of-way. Easements must be dedicated for these. Staff will review the easement documents and ensure that they are recorded at the same time as the ordinance of vacation. The review will need to be completed prior to placing this request on a City Council agenda.

Recommendation: Staff recommends that Planning Commission endorse the requested vacation.

Ms. Robinson opened the public hearing

Being no questions and no other speakers, the public hearing was closed.

Ms. Robinson questioned if staff has been in contact with the applicant in regards to the documents for the easements.

Mr. Hartless stated that he has spoken with the applicant's attorney regarding the documents but he is not sure when those will be available.

There was discussion that the Commission defer in their decision to be able to review the easements first. Mr. Hartless commented that staff generally support the vacation and the disposition of the right of way and staff can work with the applicant on the easements.

Being no further discussion, on the basis that the vacation would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Ms. Wiegand moved that Planning Commission recommend approval of the vacation of that portion of undeveloped Peck Street (formerly Virginia Ave) undeveloped public right-of-way, identified as 0.173 acres of land with the following condition:

Prior to this item being placed on a City Council agenda, staff must review and approve documents dedicating easements for all public utilities in the undeveloped right-of-way.

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

Ms. Wiegand	aye	Mr. Kesecker	aye
Mr. Hansen	aye	Ms. Robinson	aye
Mr. Hutchinson	absent		

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3-C) Public Hearing and Consideration of a Request by Stuart Armstrong to Rezone 912 W Beverley Street, Parcel Identification Number 9168, from R-4, High Density Residential District, to B-5, Mixed Use Business District

Mr. Hartless presented this item.

Background: Stuart Armstrong is requesting a rezoning of 912 W Beverley Street from R-4, High Density Residential District, to B-5, Mixed Use Business District. The property is located on the south side of W Beverley Street in the block between Montgomery Avenue and Stafford Street and located in the Newtown Historic District. The property consists of a building which is approximately 14,136 square feet (two floors) on a lot that is approximately 16,500 square feet. The building was constructed in the early 1900s and opened as the Dunsmore Business College. The business college closed in 1977. For a short time, the building was home to the Valley Mission but has mostly been vacant since the early to mid-1980s.

Analysis: The current R-4 zoning of the property allows for range of residential uses including single-family, two family, and multi-family. The 16,500 square foot lot size allows for up to seven multi-family units. Over the years, staff has had many conversations with various developers about reuse of this building but the seven-unit limit, as well as the parking required for those units, has always been a challenge to make redevelopment work. As a result, the building has been vacant for the past 40 years.

If the rezoning is approved, the applicant plans to create low-income multi-family units for seniors. Under B-5 zoning, the number of units permitted here will be determined based on the amount of parking that can be provided (not based on lot size as with R-4). For senior living, one parking space is required for every two units. It is worth noting that B-5 zoning does allow for off-site parking (parking on other properties); however, all surrounding zoning is residential and parking is not a permitted principal use in residential zoning districts. So, in this case, parking for the proposed use must be located on the same property. This will likely be accomplished with the construction of a small parking lot or parking deck on the rear of the property, accessed from Anderson Street. In a B-5 district, there is no setback required for a parking structure; while in R-4 districts, there is a minimum 25-foot setback which makes construction of a parking deck infeasible for this property under the current zoning. Carter Green, spoke on behalf of the applicant, he provided a brief overview of the project.

Proffers Offered by the Applicant: City staff conducted a review of the proposed rezoning and generally, supports the request. However, staff did express concerns with the wide range of business uses that are permitted in B-5. In response to those concerns, the applicant has now offered proffers to make this a B-5 conditional zoning request. The conditions proffered, eliminate all business uses and limit the use of the property to those uses permitted in the R-4, High Density Residential District.

Recommendation: Staff recommends that Planning Commission recommend approval of the

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177 amended request for B-5 conditional rezoning.

178
179 Mr. Kesecker questioned if there should be conditions with the zoning request.

180
181 Mr. Hartless stated that conditions are generally placed on a special use permit. A conditional
182 rezoning is different because the city is not allowed to impose conditions on a rezoning
183 application. The conditions have to be offered by the applicant. He also stated that they will be
184 required to meet all the building code, zoning code, and historic district regulations.

185
186 Mr. Carter Green, on behalf of the applicant, gave a brief presentation on the project.

187
188 Ms. Robinson had questions pertaining to using an easement to access to the upper level of the
189 parking area and trash dumpster location.

190
191 Mr. Green confirmed that there is an easement for access from Anderson Street.

192
193 Discussion ensued regarding the proposed parking layout and required parking. Mr. Green stated
194 that they are using a parking calculation for senior housing.

195
196 Ms. Robinson opened the public hearing.

197
198 Rebeca Jones, 908 Anderson Street, spoke to there not being enough on street parking on
199 Anderson and it is very crowded.

200
201 Louis Fuller, 920 Anderson Street, has questions in regards to the location of the parking lot and
202 said that any other vehicles parked on the street would affect the existing residents.

203
204 Being no others to speak on the item, Ms. Robinson closed the public hearing.

205
206 Mr. Hansen agrees that Anderson Street is a very tight street but the parking will be completely
207 on site.

208
209 There was further discussion about possibility of other off-street parking and visitor parking in
210 the surrounding area.

211
212 Being no further discussion, on the basis that the rezoning would serve the interests of public
213 necessity, convenience, general welfare, and good zoning practice, Ms. Wiegand moved that
214 Planning Commission recommend approval of the rezoning of 912 W Beverley Street from R-4,
215 High Density Residential District, to B-5, Mixed Use Business District Conditional, with the
216 proffers offered by the applicant.

217
218 The motion was seconded by Mr. Kesecker and carried as follows:

219
220 Ms. Wiegand aye Mr. Kesecker aye

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221 Mr. Hansen aye Ms. Robinson aye
222 Mr. Hutchinson absent
223

224 **OLD BUSINESS**
225

226 There was no old business to discuss.
227

228 **OTHER BUSINESS**
229

230 **5-A) Commission Annual Report**
231

232 Mr. Hartless stated that he included the 2025 Annual Report for the Commission's review to be
233 provided to City Council.
234

235 **UPDATE ON ACTIONS OF CITY COUNCIL**
236

237 Mr. Hartless provided an update that at its January 8, 2026, City Council approved the Special
238 Use Permit for the four-unit townhome development at 126 Guy Street and the Alley Vacation
239 request on Steffey Street submitted by Tom Wilkinson.
240

241 **MATTERS FROM THE PUBLIC**
242

243 There were no matters from the public.
244

245 **ADJOURNMENT**
246

247 Ms. Robinson stated the next Planning Commission meeting would be held on February 19,
248 2026.
249

250 Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:43p.m.
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Linda M. Nesselrodt, Interim
256 Clerk to Planning Commission

PLANNING COMMISSION



AGENDA BRIEFING

Staunton, VA

Meeting Date:	February 19, 2026	Staff Members: Jessie Moyers Chief Financial Officer
Item #	3-A	
Ordinance #		
Department:	Finance And Community Development - Planning and Zoning	
Subject:	Public Hearing and Consideration of The City of Staunton’s Capital Improvement Plan, FY 2027 – 2031	

Background: The Chief Financial Officer will provide a review for the annual update to the Capital Improvement Plan for all City funds and the Education Fund. City and School Board staff updated the plan to review existing projects, revise projects, and to include new projects.

A copy of the plan will be presented to Council at the work session on February 26, 2026 with additional review and discussion planned for the work session on April 2, 2026, if needed, and the adoption scheduled on April 23, 2026.

The Draft CIP plan will be presented to the Planning Commission on January 15, 2026, for review and discussion. The Planning Commission will hold a public hearing on the plan on February 19, 2026 with the potential endorsement scheduled for the same meeting.

The School Board reviewed the school capital projects on January 12, 2026 and is scheduled to approve the Education Fund CIP on February 9, 2026.

Commission members can access the document electronically after that time at the following address.
<https://www.ci.staunton.va.us/departments/finance/capital-investment-plan>

Recommendation: Staff recommends that Planning Commission conduct the public hearing and endorse the Capital Improvement's Plan as presented.

Suggested Motion: I move that Planning Commission recommend adoption of the City of Staunton, Capital Improvement Plan FY 2027-FY 2031.

**PLANNING
COMMISSION**



AGENDA BRIEFING

Staunton, VA

Meeting Date:	February 19, 2026	Staff Members: Tim Hartless Planning Manager
Item #	5-A	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Subject:	Consideration of an Amendments to the Planning Commission Bylaws Related to the Appointment of a Clerk and to the Presentation of Items	

Background: Moving forward, the city will no longer have a dedicated staff position known as Clerk of Council. The responsibilities of the Clerk have been divided among multiple existing positions. The Community Development Department will now be responsible for Clerking Planning Commission meetings. Ms. Nesselrodt, Zoning Administrator, has agreed to take on the role of Clerk of Planning Commission. Staff has prepared draft amendments to the bylaws which include updates to formally adopt this change.

In addition, changes have been proposed to memorialize current Commission policy related to the conduct of meetings and the presentation of items:

1. The Applicant will be given up to 10 minutes before the public hearing to present their request
2. During the public hearing, each speaker will be allowed three minutes

Attachments:

Attachment 1—Draft Amended Bylaws

Recommendation: Staff recommends that Planning Commission approve the amendments to the bylaws.

Suggested Motion: I move that Planning Commission adopt the amended bylaws.

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BYLAWS OF THE STAUNTON PLANNING COMMISSION

Staunton, Virginia

Adopted June 19, 1975

Amended August 19, 2025

TABLE OF CONTENTS

<u>ARTICLE I</u>	Objectives and Purposes	1
<u>ARTICLE II</u>	Planning Commission Officers and Their Duties	1
Section 1	Officers	1
Section 2	Duties of the Chair	2
Section 3	Chair	2
Section 4	Vice-Chair	2
Section 5	Absence of Chair and Vice-Chair	2
Section 6	Duties of the City Clerk	2
<u>ARTICLE III</u>	Election of Officers.....	2
Section 1	Nomination of Officers	2
Section 2	Election of Candidates	2
Section 3	Vacancies of Office	2
Section 4	Succession	3
<u>ARTICLE IV</u>	Motions and Voting	3
Section 1	Substitute or Amendment Motion	3
Section 2	Voting	3
Section 3	Voice Votes	3
<u>ARTICLE V</u>	Meetings	3
Section 1	Meeting Time and Place, Special Meetings	3
Section 2	Quorum and Vote	3

92	Section 3 Executive Session	4
93		
94	Section 4 Procedure of Submitting Proposals to the Planning Commission	4
95		
96	Section 5 Remote Participation Policy	4
97		
98		
99	<u>ARTICLE VI</u>	
100		
101	Order of Business	4
102		
103	Section 1 Order of Business	4
104		
105	Section 2 Conduct of Meetings	4
106		
107	Section 3 Presentation of Items	5
108		
109		
110	<u>ARTICLE VII</u> Committees.....	5
111		
112	Section 1 Special Committees	5
113		
114		
115	<u>ARTICLE VIII</u> Action on Comprehensive Plan	5
116		
117	Section 1 Comprehensive Plan	5
118		
119		
120	<u>ARTICLE IX</u> Amendments	5
121		
122	Section 1 Amendments of Bylaws	5
123		
124		
125		
126	APPENDICES	
127		
128	Appendix I Virginia Freedom of Information Act	7
129		
130	Appendix II Goals and Objectives of the Staunton Planning Commission	8
131		
132	Appendix III Check List for Evaluating Zoning Changes	10
133		
134	Appendix IV Policy for Commissioner Remote Participation	15

STAUNTON PLANNING COMMISSION BYLAWS

ARTICLE I OBJECTIVES AND PURPOSES

The objectives and purposes of the Planning Commission of the City of Staunton, Virginia, are prescribed in the Code of Virginia, Section 15.2-2221, Duties of Commissions, supplements or amendments thereto and those powers and duties as now or in the future may be delegated to the Planning Commission by the City Council of the City of Staunton, Virginia.

15.2-2221 Duties of Commissions. The local commission shall:

- (a) Exercise general supervision of and make regulations for the administration of its affairs;
- (b) Prescribe rules pertaining to its investigations and hearings;
- (c) Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the governing body;
- (d) Keep a complete record of its proceedings, and be responsible for the custody and preservation of its papers and documents;
- (e) Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within the jurisdiction;
- (f) Prepare, publish, and distribute reports, ordinances and other material relating to its activities;
- (g) Prepare and submit an annual budget in the manner prescribed by the governing body of Staunton, Virginia; and
- (h) If deemed advisable, establish an advisory committee or committees. (Code 1950, Suppl., § 15-963.7: 1962, c. 407, § 15.1-444; 1997, c. 587).

ARTICLE II PLANNING COMMISSION OFFICERS AND THEIR DUTIES

Section 1 Officers

The officers of the Planning Commission shall consist of a Chair, Vice-Chair, and a ~~Secretary~~Clerk ~~who has been designated to be the City Clerk.~~

Section 2 Duties of the Chair

The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary procedures of such officers.

181
182 Section 3 Chair
183

184 The Chair shall be one of the appointed members of the Planning Commission. He/she shall
185 have the privilege of discussing all matters before the Commission and to vote thereon.
186

187 Section 4 Vice-Chair
188

189 The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.
190 He/she shall be an appointed member of the Commission.
191

192 Section 5 Absence of Chair and Vice-Chair
193

194 Should the Chair and Vice-Chair be absent at any meeting, the Commission shall elect a
195 temporary Chair to serve at the meeting.
196

197 Section 6 Duties of the City Clerk
198

199 The Clerk shall be a member of the City's Community Development Department staff, or other
200 City Department, and shall be appointed by majority vote of the Planning Commission. The City
201 Clerk shall keep the minutes and records of the Planning Commission for regular or special
202 meetings. The Clerk need not be reappointed each year. In the absence of the City Clerk, a staff
203 member of the City's Community Development Department, or other City Department, shall serve
204 as secretary pro tem of the Commission.
205

206 ARTICLE III ELECTION OF OFFICERS
207

208 Section 1 Nomination of Officers
209

210 Nomination of officers (Chair and Vice-Chair) shall be made from the floor in January of each
211 year by the Planning Commission and the elections shall follow immediately thereafter.
212

213 Section 2 Election of Candidates
214

215 A candidate receiving a majority vote of the appointed members of the Planning Commission
216 shall be declared elected and shall serve for one (1) year or until a successor shall take office.
217

218 Section 3 Vacancies of Office
219

220 Vacancies in any office shall be filled immediately by regular election procedures for the
221 unexpired term of the office vacated.
222

223 Section 4 Succession
224

225 All officers may succeed themselves.
226

227 ARTICLE IV MOTIONS AND VOTING

228
229 Section 1 Substitute or Amendment Motion

230
231 A substitute motion or an amendment to a motion shall be made from the floor of the
232 Commission.
233

234 Section 2 Voting

235
236 The privilege of voting on all official acts of the Commission shall reside in the appointed
237 members only.
238

239 Section 3 Voice Votes

240
241 A voice vote shall be recorded on all official acts of the Commission, except when officers of
242 the Commission are elected, then the vote may be by ballot.
243

244 ARTICLE V MEETINGS

245
246 Section 1 Meeting Time and Place, Special Meetings

247
248 Regular meetings of the Planning Commission shall be held on the third Thursday of each
249 month at a time established by Planning Commission, in the City Council Chambers of the
250 City Hall of Staunton, Virginia. If the third Thursday falls on a legal holiday, the Planning
251 Commission shall set up a meeting time convenient to the Commission.
252

253 Special meetings of the Commission may be called by the Chair or by two members upon
254 written request to the SecretaryClerk. The SecretaryClerk shall mail to all members, at least five
255 days in advance of the special meeting, a written notice fixing the time, place and purpose of the
256 special meeting. Such written notice of a special meeting is not required, however, if the time,
257 place and purpose of the special meeting has been fixed at a regular meeting, or if all members
258 are present at the special meeting and file a written waiver of notice as to the meeting.
259

260 The Chair of the Planning Commission or a staff member of the City's Department of
261 Community Development may call the Commission members on field trips in order to review and
262 fulfill official business and conduct.
263

264 Section 2 Quorum and Vote

265
266 Three members of the Planning Commission shall constitute a quorum and no action of the
267 Commission shall be valid unless authorized by a majority of those present.
268

269 Section 3 Executive Session

270
271 Executive Session may be called for any purposes which are permitted by the Virginia
272 Freedom of Information Act (Appendix I).

273
274 Section 4 Procedure of Submitting Proposals to the Planning Commission
275

276 Items such as a rezoning, closing of alleys, or vacation of street, or revision of the Zoning
277 Ordinance must be advertised, as set forth in the appropriate provisions of the Code of Virginia,
278 to-wit: Sections 15.2-2204 and 15.2-2285, and notice given as set forth in those Sections and the
279 related Sections of the Code of Virginia, as the same are amended from time to time.
280

281 Except for subdivision reviews, items for Planning Commission consideration must be
282 submitted by 12:00 Noon on the second Friday of each month. These items will be heard by
283 Planning Commission on the 3rd Thursday of the following month. City Council will consider the
284 items at their regularly scheduled meeting on the ~~4st~~^{2nd} Thursday of each month following the
285 Planning Commission hearing.
286

287 Section 5 Remote Participation Policy
288

289 The Planning Commission's Policy for Commissioner Remote Participation is found in
290 Appendix IV of these By-Laws.
291

292 ARTICLE VI ORDER OF BUSINESS
293

294 Section 1 Order of Business
295

296 The order of business at regular or special meetings shall be determined by the Chair. The
297 Chair shall keep all members informed on all phases of the responsibilities and duties as are
298 imposed on the Planning Commission by law.
299

300 Section 2 Conduct of Meetings
301

302 All meetings are open to the public unless the Commission is in Executive Session for one or
303 more purposes specified in the Virginia Freedom of Information Act. The order of business shall
304 include the following items:
305

- 306 (a) Meeting called to order;
307
308 (b) Correction and/or approval of the minutes of the previous meeting;
309
310 (c) New business;
311
312 (d) Unfinished business; and
313
314 (e) Reports of Committees.
315

316 Section 3 Presentation of Items
317

318 Any item requested to be brought to the Planning Commission for review must be presented

by the property owner or a representative at the Planning Commission meeting. Any item not having representation will be carried over to the next regularly scheduled meeting. At the discretion of the Chair, the property owner or representative may be granted up to ten minutes for a presentation

After the public hearing is opened, each speaker shall have up to three minutes for their comment. The comment shall be addressed to the subject of the public hearing.

ARTICLE VII COMMITTEES

Section 1 Special Committees

Special committees may be appointed by the Chair for the purpose and terms which the Commission as a body approves.

ARTICLE VIII ACTION ON COMPREHENSIVE PLAN

Section 1 Comprehensive Plan

The adoption of the comprehensive plan or of any part, amendment, extension, or addition, shall be by resolution of the Commission, carried by the affirmative votes of not less than three members of the Commission.

The resolution shall refer expressly to the maps and other descriptive matter intended by the Planning Commission to form the whole or part of the plan and the action as taken shall be recorded on the map, plan, and descriptive matter by the identifying signature of the Chair and Secretary of the Commission. An attested copy or part thereof as adopted and approved shall be certified by the City Council and all administrative agencies affected by the plan.

Before the adoption of the plan or any such part, amendment extension, or addition, the Commission shall hold at least one public hearing, after notice as required by the Code of Virginia, 15.2-2204 is given.

After the comprehensive plan is approved by the Commission it shall be recommended to City Council for its public hearing and review for approval.

ARTICLE IX AMENDMENTS

Section 1 Amendment of Bylaws

These rules of order and procedures known as the Bylaws of the Staunton Planning Commission may be amended by a vote of three of the appointed members of the Planning Commission.

Approved: _____

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Chair, Staunton Planning Commission

Date: _____

Attested: _____
Planning Manager

Date: _____

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APPENDIX I
VIRGINIA FREEDOM OF INFORMATION ACT

DRAFT

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APPENDIX II
GOALS AND OBJECTIVES
STAUNTON PLANNING COMMISSION

DRAFT

STAUNTON PLANNING COMMISSION

Goals and Objectives

GOAL: To promote the orderly and efficient development of the City of Staunton, Virginia, thereby creating a desirable living environment for this and future generations.

GOAL: To serve as an advisory board to the Staunton City Council by being well informed on City programs and services while maintaining and utilizing an up-to-date information base on the City and by maintaining constant communication with City Council in order to be able to effectively assist Council in its determinations.

OBJECTIVES:

1. Prepare an annual report.
2. Participate in the development of the Capital Improvements Program as permitted by State Code.
3. Work on the development of a corridor overlay ordinance.
4. Review and revise the City's sign regulations, with special attention to temporary signs.
5. To improve channels of communication between City Council and the Planning Commission. Toward this end, the following items shall occur:
 - a. Notification of Council work sessions/staff presentations with regards to P & D issues.
 - b. Planning Commission Certification of Council liaison.
 - c. Joint City Council/Planning Commission meetings to review major development issues.
7. Land Development Regulations Project.

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APPENDIX III
CHECKLIST FOR EVALUATING ZONING CHANGES

DRAFT

CHECK LIST FOR EVALUATING ZONING CHANGES

The primary guide for determining which type of zoning is to be on individual properties is the comprehensive development plan. The following considerations should be made by the Staunton City Council and the Staunton Planning Commission before granting zoning changes, as suggested by the American Society of Planning Officials.

LAND SUPPLY

One of the first things to look at is the supply of land of the new classification in other parts of the city. If a man requests creation of a new commercial district, he should be able to prove that there is not enough commercial land already available, just as well located. The fact that he does not own the other land has no bearing whatsoever on the problem. You can actually rob Peter to pay Paul in this situation. By giving the petitioner new value, you take from resent owners of commercial land part of its value.

EFFECT ON SURROUNDING PROPERTIES

Governing bodies should always recognize what a zoning change will do to the surrounding neighborhood. In most cases, they will not be allowed to overlook this, because the neighbors will protest long and loud. They must weigh the advantages and disadvantages of the change to the community (not to the individual owner).

EFFECT ON MUNICIPAL COSTS

Governing bodies must not forget that changing a zoning district may incur additional municipal service costs which they may not be prepared to meet. This is particularly true of a change that increases the density of residential development. They must also recognize that their duty is to the whole taxpayer, not just to the portion of the taxpayer that foots the bill for regular municipal services. That same taxpayer is also footing the bill for school costs, which are not normally part of the municipal government. A school board is completely impotent in the field of community development. It must go along with and pay for the decisions of the governing body.

ALL USES THAT ARE AUTHORIZED

One aspect we find governing bodies most frequently forget is that the type of development, which actually takes place after the zoning change is made, may have no resemblance to that represented by the petitioner. The change may be a request to put in a "flower shop," but when the flower shop is built, it sprouts gasoline pumps, grease racks, and whirligigs. With a change to a new classification comes authorization of every possible use that can be built under that new classification.

PRECEDENT

The governing body must also realize that any zoning change sets a precedent. It is more difficult to resist the second and third requests; soon it becomes impossible to turn down any requests. It is not a legal impossibility, of course, but a moral and political impossibility.

JUSTIFICATION

It is a good rule to require the petitioner to present quite detailed justification for any change he requests. This applies especially to the developer trying to get a site for a shopping center. He is claiming that the governing body was wrong to zone the property for residential purposes, as an example. It should be zoned for his shopping center. Make him prove it. Make him give an accurate and detailed economic analysis, market analysis, and design. A developer stands to make a great deal of money out of a shopping center. He can well afford to spend generously in proving his case.

Finally, it should be stated that governing bodies should understand that they are not in any way forced to amend the zoning ordinance, nor even forced to consider or vote on an amendment. Amending the zoning ordinance is a legislative procedure and whether or not legislation is undertaken is entirely optional.

The attached form is a checklist for the Planning Commission to use in determining answers to the above considerations. It should be noted that the burden of proof for a zoning change should fall basically on the petitioner rather than the local government.

610 **CHECK SHEET FOR ZONING CASES**

611
612 There must be compelling reasons for any zoning amendment which is substantially related to the
613 public welfare and necessity. It is not sufficient that an applicant for an amendment to the Zoning
614 Ordinance merely show that there is no neighborhood objection to a requested amendment; nor
615 is it sufficient that an applicant show that the amendment would enable him to gain a greater
616 profit or income from his property.

617
618 Every zoning amendment should be analyzed about the following:

619
620 A. COMPREHENSIVENESS:

621
622 1. Is change contrary to the established land-use patterns?

623
624 _____

625
626 2. Would change create an isolated district unrelated to similar districts; i.e., is this "spot
627 zoning?"

628
629 _____

630
631 3. Would change alter the population density pattern and thereby increase the load on public
632 facilities (schools, sewers, streets)?

633
634 _____

635
636 4. Are present district boundaries illogically drawn in relation to existing conditions?

637
638 _____

639
640 5. Is the change in conformance with the comprehensive development plan?

641
642 _____

643
644 B. CHANGED CONDITIONS

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646 1. Have the basic land-use conditions been changed?

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648 _____

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650 2. Has development of area been contrary to existing regulations?

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C. PUBLIC WELFARE

1. Will change adversely influence living conditions in the neighborhood?

2. Will change create or excessively increase traffic congestion?

3. Will change seriously reduce the light and air to adjacent area?

4. Will change adversely affect property values in adjacent area?

5. Will change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?

6. Will change constitute a grant of a special privilege to an individual as contrasted to the general welfare?

D. REASONABLENESS

1. Are there substantial reasons why the property cannot be used in accord with existing zoning?

2. Is the change requested out of scale with the needs of the neighborhood or community?

3. Is it impossible to find adequate sites for the proposed use in existing districts permitting such use?

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APPENDIX IV
POLICY FOR COMMISSIONER REMOTE PARTICIPATION

DRAFT

740 **Commissioner Remote Participation for Staunton Planning Commission Meetings:**

- 741
- 742 **1. Purpose and Applicability.** It is the policy of the Planning Commission (PC) that individual
- 743 Commissioners of the PC may participate remotely in PC meetings by electronic means as
- 744 permitted by Virginia Code Section 2.2-3708.3, even in the absence of the Governor having
- 745 declared a state of emergency, when there is a quorum physically assembled at one
- 746 primary or central meeting location. For circumstances when the Governor has declared a
- 747 state of emergency, such as has existed with COVID-19, the requirements of Virginia Code
- 748 Section 2.2-3708.2 must be satisfied. The purpose of this policy is to comply with the
- 749 requirements of Sections 2.2-3708.2 and 2.2-3708.3 of the Code of Virginia to allow for and
- 750 govern remote participation by one or more PC Commissioners in PC meetings by
- 751 electronic communication means in general, outside of an extraordinary situation involving
- 752 a Governor- declared state of emergency. All PC proceedings pursuant to this policy shall
- 753 be conducted in accordance with Virginia Code Sections 2.2-3708.2 and 2.2-3708.3 as
- 754 those statutes, a part of the Virginia Freedom of Information Act, may hereafter be
- 755 amended. This policy shall apply to the entire PC membership without regard to the identity
- 756 of the member requesting remote participation or the matters that will be considered or
- 757 voted on at the meeting.
- 758
- 759 **2. Quorum and Setting Required.** The PC may consider a Commissioner's individual
- 760 request for remote participation by electronic communication means only if a quorum of the
- 761 PC is physically assembled at one primary or central meeting location, and there is an
- 762 arrangement for the voice of the remotely participating PC Commissioner to be heard by all
- 763 persons at such primary or central meeting location. However, in accordance with Virginia
- 764 Code Section 2.2-3708.3, if a member is electronically participating due to a temporary or
- 765 permanent disability, medical condition, or caregiving duties as described in the statute,
- 766 then the member's remote participation shall count towards the quorum as if the member is
- 767 physically present.
- 768
- 769 **3. Notice and Permissible Reasons for Electronic Participation.** PC Commissioner
- 770 participation remotely under this policy shall only be allowed if: on or before the day of the
- 771 meeting, the Commissioner notifies the PC Chair or other presiding officer that the
- 772 Commissioner's inability to attend is due to a temporary or permanent disability or other
- 773 medical condition that prevents the Commissioner's physical attendance or due to a family
- 774 member's medical condition that requires the Commissioner to provide care for the family
- 775 member which prevents the Commissioner's physical attendance at the meeting, or due to
- 776 a personal matter and the Commissioner identifies with specificity the nature of the
- 777 personal matter. A Commissioner may remotely participate in up to three meetings each
- 778 calendar year due to personal matters. A Commissioner's remote participation due to a
- 779 temporary or permanent disability or other medical condition shall not be subject to a
- 780 meeting limitation per calendar year. A Commissioner's remote participation due to a
- 781 family member's medical condition that requires the Commissioner to provide care for the

family member thereby preventing the Commissioner's physical attendance shall not be subject to a meeting limitation per calendar year. The Commissioner requesting to remotely participate in the meeting must state the remote location from which they will participate.

4. **Approval.** Individual participation from a remote location shall be approved unless such participation would violate this policy or applicable law. The Commission shall vote whether to allow such participation and, if approved, the Commission's meeting minutes shall reflect the following: the remote location from which the Commissioner participated, even though the remote location need not be open to the public; if the basis for the remote participation is disability or a Commissioner's or a family member's medical condition, the fact of such; and, if the basis for the remote participation is a personal matter, the specific nature of the personal matter. Upon adoption of a motion to approve the Commissioner's participation by electronic communication means, the Commissioner shall be allowed to fully participate in the meeting by electronic communication means. Before proceeding with the remainder of the meeting, the Commission's Chair shall ask the Commissioner to state their name. The Commission Chair shall then ask the other Commissioners and members of the public in attendance if they can hear the remotely participating Commissioner. The meeting shall not proceed until the remotely participating Commissioner's voice can be heard by all Commissioners and members of the public physically assembled at the meeting location.

5. **Disapproval.** If the Commission votes to disapprove the Commissioner's remote participation because such participation would violate this policy or applicable law, such disapproval shall be recorded in the Commission's minutes with specific reasons cited under this policy and/or under applicable law for the disapproval.