

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, August 25, 2016
7:30 p.m.
Council Chambers

PRESENT: **Carolyn W. Dull, Mayor**
 Ophie A. Kier, Vice Mayor
 Erik D. Curren
 James J. Harrington
 R. Terry Holmes
 Andrea W. Oakes
 Walter J. Obenschain

ALSO PRESENT: **Stephen F. Owen, City Manager**
 Steven L. Rosenberg, Deputy City Manager
 Douglas L. Guynn, City Attorney
 Linda L. Little, Clerk of Council

Mayor Dull called the meeting to order. The Pledge of Allegiance was recited in unison.

MAYOR'S REPORT

The Mayor read the following proclamation and presented it to Dr. Pamela Fox, President of Mary Baldwin College.

Mary Baldwin University
175th Anniversary

WHEREAS, Augusta Female Seminary was founded in Staunton, Virginia in 1842, by Rufus Bailey, with the support of the First Presbyterian Church of Staunton, Virginia; and

WHEREAS, among the first group of students was 12-year-old Mary Julia Baldwin, who had lost both of her parents, suffered a facial deformity and was known to classmates as a shy girl with largeness of spirit; and

WHEREAS, in 1863, when no men were available because of the Civil War, Mary Julia Baldwin became principal of and led the seminary until her death in 1897; and

WHEREAS, for over 34 years, Mary Julia Baldwin more than kept the school going, founding the first music conservatory in the south and introducing university-level study; and

WHEREAS, in 1895, the trustees renamed the school "Mary Baldwin Seminary" and, in 1916, it became a junior college; and

WHEREAS, in 1923, the name was changed to Mary Baldwin College, when the institution became a four-year college; and

WHEREAS, in 1976, Mary Baldwin College acquired the campus of the former Staunton Military Academy, a legacy commemorated continuously by the corps of cadets of the College's

Virginia Women's Institute for Leadership (VWIL), which carries the Staunton Military Academy flag; and

WHEREAS, in 1977, the first Adult Degree Program in Virginia was established on the College's campus and is now offered online and through regional centers throughout the Commonwealth of Virginia; and

WHEREAS, in 1985, the College established its Program for the Exceptionally Gifted, the only radical acceleration college program for girls who skip all or some of high school and begin college as young as age 12 or 13; and

WHEREAS, in 1992, the first master's degree—the Master of Arts in Teaching—was offered by the College; and

WHEREAS, in 1995, VWIL was formed, in partnership with the Commonwealth of Virginia, and remains the only all-female corps of cadets in the nation; and

WHEREAS, in 2001, in partnership with the American Shakespeare Center, the College launched the graduate Shakespeare and Performance program; and

WHEREAS, in 2012, Heifetz International Music Institute relocated to the College; and

WHEREAS, the College, in 2014, opened its Murphy Deming College of Health Sciences in a state-of-the-art facility on a new branch campus in Fishersville, Virginia; and

WHEREAS, the College has hosted a chapter of Phi Beta Kappa, the nation's oldest and most respected society honoring accomplishment in the liberal arts, since 1971; and

WHEREAS, throughout its history, the College has inspired students from vibrantly diverse backgrounds and continues to serve one of the most diverse student populations in the nation; and

WHEREAS, the College is the first women's college to host a chapter of Omicron Delta Kappa, the national leadership honor society; and

WHEREAS, Mary Baldwin College will become Mary Baldwin University on August 31, 2016, reflective of the school's status as an institution offering multiple degree options at the baccalaureate, master's, and doctoral levels, and operating on two campuses, at regional centers throughout the state, and online; and

WHEREAS, on the same date, Mary Baldwin University will commence a year-long celebration of the institution's 175th anniversary; and

WHEREAS, the celebration will conclude on May 22, 2017, on the occasion of the University's 175th commencement, during which the institution's first doctoral degrees will be awarded.

NOW, THEREFORE, BE IT PROCLAIMED that I, Carolyn W. Dull, Mayor of Staunton, on behalf of the Council of the City of Staunton, Virginia, acknowledge and celebrate the 175th anniversary of Mary Baldwin College and recognize the College on the occasion of its change from Mary Baldwin College to Mary Baldwin University, befitting of an institution that makes

such a significant contribution to the educational, cultural and civic life of our city, our state and our nation.

Dated this 25th day of August, 2016.

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little

Linda L. Little, Clerk of Council

Dr. Fox thanked Council and noted that Mary Baldwin College is an integral part of the City of Staunton and Staunton will remain vital to Mary Baldwin University.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

There were no additional items by members of Council.

APPROVAL OF MINUTES

Ms. Oakes moved to approve the work session and regular meeting minutes of July 28, 2016.

The motion was seconded by Mr. Holmes and carried unanimously as follows, with Dr. Harrington abstaining due to his absence from that meeting:

Ms. Oakes	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Mr. Obenschain	aye
Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	abstain		

REGULAR MEETING

A. Mary Baldwin College Presentation on Transition to University Status

Mr. Steve Owen, City Manager, introduced Ms. Crista Cabe, Mary Baldwin College's Senior Vice President for University Relations, who shared with Council details of the College's transition to university status.

B. Public Hearing and Consideration of a Request by Scott E. Sorrels and the City of Staunton to Rezone 2 W. Hampton Street, 10 W. Hampton Street, 10A W. Hampton Street, 14 W. Hampton Street, 18 W. Hampton Street, and 712 Nelson Street from B-1, Local Business District, to R-3, Medium Density Residential District

Mr. Tim Hartless, City Planner, stated that the common theme for the rezonings tonight is rezoning existing non-conforming uses. He stated that Scott E. Sorrels and the City of Staunton are requesting to rezone six properties located on the south side of W. Hampton Street from B-1, Local Business District, to R-3, Medium Density Residential District. This area contains five structures that are residential in character and use, with small lot size and the placement of buildings typical of other residences built during this time, i.e. located close to the front of the parcel.

The purpose of the rezonings is to adjust the zoning classification of the properties to reflect their existing uses, so that the properties are no longer non-conforming. The "Generalized Land Use and Development Guide," *Staunton, Virginia Comprehensive Plan 2010 – 2030*, designates these properties as Medium Density Residential with a density of up to four to 20 units per acre and Light Industrial, with no density shown. Because of the size of the lots proposed to be rezoned and the residential character of the majority of the adjacent parcels, the lots are better suited to a R-3, Medium Density Residential District, classification to encourage their continued residential use.

At the Planning Commission public hearing, no one spoke in opposition to the request. The Planning Commission, based on the proposed rezonings' compliance with the *Comprehensive Plan* and consistency with good zoning practice, unanimously recommended approval of the proposed rezonings from B-1, Local Business District, to R-3, Medium Density Residential District.

Vice Mayor Kier asked about the increase of residential units in this area and his concern regarding traffic and parking.

Mr. Hartless stated that currently with the B-1, Local Business District, zoning there is no limit to density and residential use on the second floor of the building is permitted by right with no limit to the number of apartments. He further stated that in an R-3, Medium Density Residential District, the number of units permitted is dependent upon the size of the lot, and in these cases, all are small lots which would be limited to single family dwellings only.

The Public Hearing was opened.

There being no one present to speak to this matter, the Public Hearing was closed.

Ms. Oakes moved that City Council approve the rezoning and adopt the proposed ordinance, as presented.

The motion was seconded by Dr. Harrington and carried unanimously as follows:

Vice Mayor Kier	aye	Mr. Obenschain	aye
Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	aye	Ms. Oakes	aye
Dr. Curren	aye		

Ordinance No. 2016-24

**AN ORDINANCE TO REZONE
FROM B-1, LOCAL BUSINESS DISTRICT
TO R-3, MEDIUM DENSITY RESIDENTIAL
VARIOUS PARCELS WITH DESIGNATED
W. HAMPTON STREET AND NELSON STREET ADDRESSES
IN THE CITY OF STAUNTON, VIRGINIA**

WHEREAS, upon review, the Planning Department staff ascertained that apparently as part of the 1969 comprehensive rezoning of the City, the zoning of properties with the following

designated street addresses ("Parcels") were zoned B-1 Local Business District under the provisions of the Staunton City Code (the "Code"); and

2 W. Hampton Street	PIN 2853
10 W. Hampton Street	PIN 7074
10A W. Hampton Street	PIN 7075
14 W. Hampton Street	PIN 7076
18 W. Hampton Street	PIN 413
712 Nelson Street	PIN 8597

WHEREAS, upon further review, the Planning Department staff ascertained that the Parcels are currently developed as residential use, constituting a non-conforming use under current B-1, Local Business District zoning under the Code; and

WHEREAS, the current B-1 Local Business District zoning has caused or may cause one or more property owners associated with such Parcels and/or their prospective purchasers complications in obtaining mortgage financing or modification of the buildings for their existing non-conforming business use; and

WHEREAS, the rezoning to R-3, Medium Density Residential of the Parcels is consistent with the Staunton, Virginia 2010–2030 Comprehensive Plan; and

WHEREAS, given the Staunton, Virginia 2010–2030 Comprehensive Plan reflects priorities such as to redevelop older, high density areas within the City where infrastructure already exists, enables and encourages more compact, mixed use designs, takes steps to preserve the architectural character of older neighborhoods that may not be included under the "historical" category, but are sufficiently important to the look and feel of the city, especially pre-and post-WWII neighborhoods, protect historic structures in changing areas, and support the expressed desire for Staunton's future, conserve and/or protect the City's natural resources, historic character, and scenic qualities, and, therefore, such rezoning would be in the public interest; and

WHEREAS, the Planning Commission of the City of Staunton has considered the matter and recommended rezoning; and

WHEREAS, these recitals are an integral part of this ordinance; and

WHEREAS, this matter has been properly advertised, heard and considered.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that each of the Parcels shall be and is **HEREBY REZONED** from B-1, Local Business to R-3, Medium Density Residential.

Introduced: August 25, 2016

Adopted: August 25, 2016

Effective: August 25, 2016

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little

Linda L. Little, Clerk of Council

C. Public Hearing and Consideration of a Request by Great Marsh Enterprises, LLC to Rezone 22 Grasty Street from B-1, Local Business District, to R-2, Low Density Residential District

Mr. Hartless stated that Great Marsh Enterprises, LLC is requesting to rezone 22 Grasty Street from B-1, Local Business District, to R-2, Low Density Residential District. Initially, staff thought that this property consisted of two separate lots, 22 Grasty Street and 41 Bagby Street. Staff has since determined that the two lots were combined in 1969, and became one lot with an address designation of 22 Grasty Street. The City's real estate records have since been updated to reflect the combination of the two lots. The property is located on the southeast corner of the intersection of Grasty Street and Bagby Street. The use of the property is single family dwelling.

The purpose of the rezoning is to adjust the zoning classification of the property to reflect its existing use, so that the property is no longer non-conforming. The "Generalized Land Use and Development Guide", *Staunton, Virginia Comprehensive Plan 2010 – 2030*, designates this property as Low Density Residential, with a density of up to one to five units per acre and Light Industrial, with no density shown.

At the Planning Commission public hearing, no one spoke in opposition to the request. The Planning Commission, based on the proposed rezoning's compliance with the *Comprehensive Plan* and consistency with good zoning practice, unanimously recommended approval of the proposed rezoning of 22 Grasty Street from B-1, Local Business District, to R-2, Low Density Residential District.

The Public Hearing was opened.

There being no one present to speak to this matter, the Public Hearing was closed.

Dr. Harrington moved that City Council approve the rezoning and adopt the proposed ordinance, as presented.

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

Mayor Dull	aye	Mr. Holmes	aye
Dr. Harrington	aye	Ms. Oakes	aye
Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye		

Ordinance No. 2016-20

**AN ORDINANCE REZONING
FROM B-1, LOCAL BUSINESS DISTRICT
TO R-2, LOW DENSITY RESIDENTIAL DISTRICT
THAT CERTAIN PROPERTY LOCATED AT THE SOUTHERN CORNER OF THE
INTERSECTION OF GRASTY STREET AND BAGBY STREET
(PARCEL IDENTIFICATION NUMBER 101081), WITH STREET ADDRESS OF
22 GRASTY STREET, IN THE CITY OF STAUNTON, VIRGINIA,
AND SHOWN AS LOT A ON THE AUGUST 19, 1969, CRAWFORD AND FUNK, C.L.S.,
"MAP REVISING NELLE H YOUNT'S LOTS,"**

WHEREAS, by deed dated January 26, 2000, recorded as Instrument Number 000000282 in the Clerk's Office of the Circuit Court for the City of Staunton, Virginia, Great Marsh Enterprises, LLC appears to have acquired from Jane M. Meador a certain lot and all improvements located at the southern corner of the intersection of Grasty Street and Bagby Street (Parcel 101081), with street address of 22 Grasty Street, in the City of Staunton, Virginia,

WHEREAS, such lot is shown as Lot A on the August 19, 1969, Crawford and Funk, C.L.S., "Map Revising Nelle H Yount's Lots", accompanying the deed dated June 26, 1970, between Nelle H. Yount, widow, and Henry B. Meador, recorded in the Clerk's Office of the Circuit Court for the City of Staunton, Virginia, in Deed Book 175, page 48;

WHEREAS, such lot previously was shown on the City of Staunton assessment and GIS records as two parcels, specifically identified as PID 5325 and 5326;

WHEREAS, the City of Staunton, however, upon further review of deeds, including specifically the deed dated June 26, 1970, with accompanying plat, as recorded in Deed Book 175, Page 48, in the Clerk's Office of the Circuit Court for the City of Staunton, Virginia, has administratively amended its records to reflect one lot and assigned new PID 101081 for such lot;

WHEREAS, Great Marsh Enterprises, LLC has applied to the City of Staunton for a zoning classification change of the property now treated as one lot and now designated as PID 101081 from B-1, Local Business District to R-2, Low Density Residential District under the provisions of the Staunton City Code; and

WHEREAS, the Planning Commission of the City of Staunton has properly heard the matter and recommended the proposed rezoning; and

WHEREAS, this matter has been properly advertised, heard and considered.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Staunton, Virginia that such property, designated as PID 101081, is **HEREBY REZONED** from B-1, Local Business District to R-2, Low Density Residential District, under provisions of the Staunton City Code.

Introduced: August 25, 2016

Adopted: August 25, 2016

Effective: August 25, 2016

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little

Linda L. Little

Clerk of Council

D. Public Hearing and Consideration of a Request by the City of Staunton to Rezone from B-1, Local Business District, to R-3, Medium Density Residential District, 701 and 703 Grubert Avenue, 904 and 1114 Churchville Avenue, 700 and 701 A Street,

701, 703, and 708 B Street, 707 C Street, 702 and 704 D Street, 2103, 2201, and 2205 Poplar Street, and 837 and 839 Springhill Road

Mr. Hartless stated that this rezoning is the first of three proposed by the City of Staunton in furtherance of the Planning Commission's efforts to address zoning conflicts on legally nonconforming residential properties throughout the City. He noted that Council will recall that historic and long term nonconforming residential parcels in areas zoned for business, professional or industrial uses exist in many areas of the City. Planning and Inspections staff, in the past, addressed conflicts between current zoning designation and residential parcels by rezoning parcels to reflect their actual and long term use or issuing special use permits. The continuing residential use of a large percentage of these parcels is currently supported by the *Recommended Land Use Map* included in the *2010-2030 Comprehensive Plan*. Accordingly, in 2012, with staff support, the Planning Commission commenced a comprehensive approach to rezone these parcels to a zoning district more accurately reflecting their use, consistent with the recommendations in the *Comprehensive Plan*.

The first such rezoning was approved by Council in 2013, and addressed properties in areas along West Beverley Street, Trenary Street, Stoneburner Street, Hamrick Street, Thompson Street, Austin Avenue, Plunkett Street, S. Waverley Street, N. Waverley Street, First Street, Bellevue Street, Gray Avenue, Beverley Court, Noon Street and Chestnut Street. Council approved the second such rezoning in 2014, in areas along Locust Avenue and N. Sheets Street. Since that time, staff has updated its mapping and analysis of the location and configuration of the City's nonconforming residential parcels. The update informs City staff members as they continue to address the problems associated with the current zoning designation of some parcels, including the inability to expand or rebuild structures. Based on the updated analysis, staff has most recently recommended to the Planning Commission consideration of proposed rezonings in an area including properties along Englewood Drive, Shutterlee Mill Road, Churchville Avenue, Poplar Street, A Street, B Street, C Street, D Street, and Springhill Road. In one portion of this area, staff has recommended rezonings of properties on Grubert Avenue, Churchville Avenue, A Street, B Street, C Street, D Street, Poplar Street, and Springhill Road from B-1, Local Business District, to R-3, Medium Density Residential District.

In February, notification letters were mailed to subject and adjacent property owners informing them of the Planning Commission's consideration of such proposed rezonings. Property owners were invited to attend a public meeting held on March 14, at the Staunton Public Library, to learn more about the rezonings. At the meeting, City staff and members of the Planning Commission presented information and answered questions. Approximately 25 individuals attended. Since mailing the notification letter and holding the public meeting, staff has been contacted by the owners of two properties, located at 843 Springhill Road and 1118 Churchville Avenue, who have requested that their respective properties be excluded from the proposed rezonings. The revised map reflects these requests.

At the Planning Commission public hearing, on July 21, three individuals had questions concerning the proposed rezonings; however, no one spoke in opposition to the request. The Planning Commission, based on the proposed rezonings' compliance with the *Comprehensive Plan* and consistency with good zoning practice, unanimously recommended approval of the proposed rezonings.

Dr. Curren asked about the two property owners who wanted their properties removed from this rezoning.

Mr. Hartless indicated that the property owners intended to convert the structures to business use.

The Public Hearing was opened.

There being no one present to speak to this matter, the Public Hearing was closed.

Dr. Curren moved that City Council approve the rezoning and adopt the proposed ordinance, as presented.

The motion was seconded by Vice Mayor Kier and carried unanimously as follows:

Dr. Harrington	aye	Ms. Oakes	aye
Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye		

Ordinance No. 2016-22

AN ORDINANCE TO REZONE FROM B-1, LOCAL BUSINESS TO R-3, MEDIUM DENSITY RESIDENTIAL VARIOUS PARCELS WITH DESIGNATED STREET ADDRESSES OF GRUBERT AVENUE, CHURCHVILLE AVENUE, A STREET, B STREET, C STREET, D STREET, POPLAR STREET, AND SPRINGHILL ROAD IN THE CITY OF STAUNTON, VIRGINIA:

WHEREAS, upon review, the Planning Department staff ascertained that apparently as part of the 1969 comprehensive rezoning of the City the zoning of properties with the following designated addresses ("Parcels") was changed to B-1, Local Business under the provisions of the Staunton City Code (the "Code"):

701 Grubert Avenue	PIN 1708
703 Grubert Avenue	PIN 1710
904 Churchville Avenue	PIN 7546
1114 Churchville Avenue	PIN 4866
700 A Street	PIN 2596
701A Street	PIN 776
701 B Street	PIN 23
703 B Street	PIN 5872
708 B Street	PIN 4869
707 C Street	PIN 5058
702 D Street	PIN 1709
704 D Street	PIN 1711
2013 Poplar Street	PIN 4484
2201 Poplar Street	PIN 4868
2205 Poplar Street	PIN 11269
837 Springhill Road	PIN 2737
839 Springhill Road	PIN 7274

WHEREAS, upon further review, the Planning Department staff ascertained that the

Parcels are currently developed in residential use, constituting a non-conforming use under current B-1, Local Business zoning under the Code;

WHEREAS, the current B-1, Local Business zoning has caused or may cause one or more property owners associated with such Parcels and/or their prospective purchasers complications in obtaining mortgage financing or modification of the buildings for their existing non-conforming residential use;

WHEREAS, the Staunton, Virginia 2010–2030 Comprehensive Plan recommends rezoning of the Parcels from B-1, Local Business to R-3, Medium Density Residential;

WHEREAS, given the Staunton, Virginia 2010–2030 Comprehensive Plan reflects priorities such as to redevelop older, high density areas within the City where infrastructure already exists, enables and encourages more compact, mixed use designs, takes steps to preserve the architectural character of older neighborhoods that may not be included under the “historical” category, but are sufficiently important to the look and feel of the city, especially pre–and post–WWII neighborhoods, protect historic structures in changing areas, and support the expressed desire for Staunton’s future, conserve and/or protect the City’s Natural resources, historic character, and scenic qualities, and, therefore, such rezoning would be in the public interest.

WHEREAS, the Planning Commission of the City of Staunton has considered the matter and recommended the rezoning; and

WHEREAS, these recitals are an integral part of this ordinance; and

WHEREAS, this matter has been properly advertised, heard and considered.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Staunton, Virginia, that each of the Parcels shall be and is **HEREBY REZONED** R-3, Medium Density Residential.

Introduced: August 25, 2016

Adopted: August 25, 2016

Effective: August 25, 2016

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little

Linda L. Little, Clerk of Council

E. Public Hearing and Consideration of a Request by the City of Staunton to Rezone from B-1, Local Business District, to R-3, Medium Density Residential District Conditional, 1726 and 1752 Englewood Drive

Mr. Hartless stated that this rezoning is the second of three rezonings proposed by the City of Staunton in furtherance of the Planning Commission’s efforts to address zoning conflicts on legally nonconforming residential properties throughout the City.

The subject area includes properties along Englewood Drive, where staff has recommended rezonings from B-1, Local Business District, to R-3, Medium Density Residential District Conditional.

During the rezoning process, staff was contacted by the owner of one property, located at 1736 Englewood Drive, who requested that his property be excluded from the proposed rezonings. The revised map reflects this request.

At the Planning Commission public hearing, on July 21, no one spoke in opposition to the request. The Planning Commission, based on the proposed rezonings' compliance with the *Comprehensive Plan* and consistency with good zoning practice, unanimously recommended approval of the proposed rezonings.

Mr. Obenschain asked if there was a difference in the real estate taxes between residential and business.

Mr. Hartless indicated that he understands the City Assessor assesses the property as it is being used and in these cases they are being used as dwellings.

The Public Hearing was opened.

There being no one present to speak to this matter, the Public Hearing was closed.

Mr. Holmes moved that City Council approve the rezoning and adopt the proposed ordinance, as presented.

The motion was seconded by Dr. Harrington and carried unanimously as follows:

Dr. Curren	aye	Vice Mayor Kier	aye
Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	aye		

Ordinance No. 2016-23

**AN ORDINANCE TO REZONE
FROM B-1, LOCAL BUSINESS TO
R-3, MEDIUM DENSITY RESIDENTIAL CONDITIONAL
VARIOUS PARCELS WITH DESIGNATED STREET ADDRESSES OF
ENGLEWOOD DRIVE IN THE CTY OF STAUNTON, VIRGINIA**

WHEREAS, upon review, of the Planning Department staff ascertained that apparently as part of the 1969 comprehensive rezoning of the City the zoning of properties with the following designated addresses ("Parcels") was changed to B-1, Local Business under the provisions of the Staunton City Code (the "Code"):

1726 Englewood Drive	PIN 4003
1752 Englewood Drive	PIN 2508

WHEREAS, upon further review, the Planning Department staff ascertained that the

Parcels are currently developed in residential use, constituting a non-conforming use under current B-1, Local Business zoning under the Code;

WHEREAS, the current B-1, Local Business zoning has caused or may cause one or more property owners associated with such Parcels and/or their prospective purchasers complications in obtaining mortgage financing or modification of the buildings for their existing non-conforming residential use;

WHEREAS, the Staunton, Virginia 2010–2030 Comprehensive Plan recommends rezoning the Parcels to R-3, Medium Density Residential Conditional;

WHEREAS, given the Staunton, Virginia 2010–2030 Comprehensive Plan reflects priorities such as to redevelop older, high density areas within the City where infrastructure already exists, enables and encourages more compact, mixed use designs, takes steps to preserve the architectural character of older neighborhoods that may not be included under the “historical” category, but are sufficiently important to the look and feel of the city, especially pre– and post–WWII neighborhoods, protect historic structures in changing areas, and support the expressed desire for Staunton’s future, conserve and/or protect the City’s Natural resources, historic character, and scenic qualities, and, therefore, such rezoning would be in the public interest.

WHEREAS, the Planning Commission of the City of Staunton has considered the matter and recommended the rezoning; and

WHEREAS, these recitals are an integral part of this ordinance; and

WHEREAS, this matter has been properly advertised, heard and considered.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Staunton, Virginia, that each of the Parcels shall be and is **HEREBY REZONED** from B-1, Local Business to R-3, Medium Density Residential Conditional.

AND BE IT FURTHER ORDAINED that all of the provisions of Chapter 18.30, “R-3, Medium Density Residential District,” of the Title 18, the Zoning Code of Staunton, apply, except that the provisions of Section 18.30.020, “Permitted Principal and Accessory Uses and Structures,” shall be limited solely and strictly to:

1. Any use permitted in an R-1 and/or R-2, Low Density Residential District;
2. Two-family dwellings; and
3. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

AND BE IT FURTHER ORDAINED THAT otherwise all other provisions of Chapter 18.30, “R-3, Medium Density Residential District,” shall apply as may be applicable to two-family dwellings.

Introduced: August 25, 2016
Adopted: August 25, 2016
Effective: August 25, 2016

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little
Linda L. Little, Clerk of Council

F. Public Hearing and Consideration of a Request by the City of Staunton to Rezone from B-1, Local Business District, to R-2, Low Density Residential District, from Dual B-1, Local Business District, and from R-4, High Density Residential District, to R-2, Low Density Residential District, 616 and 618 Gypsy Avenue, 820, 824, 826 and 846 Springhill Road, 1717, 1727, 1731, 1737, 1739 and 1743 Englewood Drive, and 1771, 1771A, 1775, 1779, 1801 and 1801A Shutterlee Mill Road

Mr. Hartless stated that this rezoning is the third of three rezonings proposed by the City of Staunton in furtherance of the Planning Commission's efforts to address zoning conflicts on legally nonconforming residential properties throughout the City.

The subject area includes properties along Gypsy Avenue, Springhill Road, Englewood Drive and Shutterlee Mill Road, where staff has recommended rezonings from B-1, Local Business District, Dual B-1, Local Business District, and R-4, High Density Residential District, to R-2, Low Density Residential District.

At the Planning Commission public hearing, on July 21, one individual had questions concerning the proposed rezonings; however, no one spoke in opposition to the request. The Planning Commission, based on the proposed rezonings' compliance with the *Comprehensive Plan* and consistency with good zoning practice, unanimously recommended approval of the proposed rezonings.

The Public Hearing was opened.

There being no one present to speak to this matter, the Public Hearing was closed.

Mr. Holmes moved that City Council approve the rezoning and adopt the proposed ordinance, as presented.

The motion was seconded by Dr. Harrington and carried unanimously as follows:

Mr. Obenschain	aye	Mayor Dull	aye
Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	aye	Dr. Curren	aye
Vice Mayor Kier	aye		

Ordinance No. 2016-21

**AN ORDINANCE TO REZONE DESIGNATED PARCELS
FROM B-1, LOCAL BUSINESS TO R-2, LOW DENSITY RESIDENTIAL
AND FROM DUAL B-1, LOCAL BUSINESS AND R-4, HIGH DENSITY
RESIDENTIAL TO R-2, LOW DENSITY RESIDENTIAL
AND FROM R-4, HIGH DENSITY RESIDENTIAL
TO R-2 LOW DENSITY RESIDENTIAL
CERTAIN PROPERTIES ON GYPSY AVENUE, SPRINGHILL ROAD,
SHUTTERLEE MILL ROAD AND ENGLEWOOD DRIVE IN THE CITY OF
STAUNTON, VIRGINIA**

WHEREAS, upon review, the staff of the City's Planning Department staff ascertained that apparently as part of the 1969 comprehensive rezoning of the City, the zoning of certain designated properties located on Gypsy Avenue, Springhill Road, and Englewood Drive (Parcels) were changed to B-1, Local Business and, as to certain parcels, a dual zoning of B-1, Local Business and R-4, High Density Residential, and one parcel to R-4, High Density Residential, under provisions of the Staunton City Code (the "Code");

WHEREAS, upon further review, the Planning Department staff ascertained also that the Parcels actually are currently developed in residential use, constituting a non-conforming use under current B-1, Local Business zoning under the Code;

WHEREAS, the complete or partial current B-1, Local Business zoning of the Parcels has caused or may cause one or more property owners associated with the Parcels, and/or their prospective purchasers, complications in obtaining mortgage financing or modification of the buildings for their existing non-conforming residential use;

WHEREAS, given that the Staunton, Virginia 2010–2030 Comprehensive Plan reflects priorities such as to redevelop older, high density areas within the City where infrastructure already exists, enables and encourages more compact, mixed use designs, takes steps to preserve the architectural character of older neighborhoods that may not be included under the "historical" category, but are sufficiently important to the look and feel of the city, especially pre-and post-WWII neighborhoods, protects historic structures in changing areas, and supports the expressed desire for Staunton's future, conserve and/or protect the City's Natural resources, historic character, and scenic qualities, and, therefore, rezoning of the Parcels would be in the public interest;

WHEREAS, the Staunton, Virginia 2010–2030 Comprehensive Plan recommends rezoning of the Parcels to R-2, Low Density Residential;

WHEREAS, the current zoning and the proposed rezoning as to each designated parcel are as follows:

DESIGNATED PROPERTY	PIN #	CURRENT ZONING	REZONING
616 Gypsy Avenue	11094	B-1 Local Business	R-2 Low Density Residential
618 Gypsy Avenue	1147	B-1 Local Business	R-2 Low Density Residential
820 Springhill Road	7178	B-1 Local Business	R-2 Low Density Residential
824 Springhill Road	3483	B-1 Local Business	R-2 Low Density Residential
826 Springhill Road	8478	B-1 Local Business	R-2 Low Density Residential
846 Springhill Road	1146	B-1 Local Business	R-2 Low Density Residential
1717 Englewood Drive	10709	B-1 Local Business	R-2 Low Density Residential
1727 Englewood Drive	7564	B-1 Local Business	R-2 Low Density Residential
1731 Englewood Drive	5700	B-1 Local Business	R-2 Low Density Residential
1737 Englewood Drive	7576	B-1 Local Bus & R-4 Res	R-2 Low Density Residential
1739 Englewood Drive	3691	B-1 Local Bus & R-4 Res	R-2 Low Density Residential
1743 Englewood Drive	8761	R-4 High Density Res	R-2 Low Density Residential
1771 Shutterlee Mill Rd.	1493	R-4 High Density Res	R-2 Low Density Residential

1771A Shutterlee Mill Rd.	12108	R-4 High Density Res	R-2 Low Density Residential
1775 Shutterlee Mill Rd.	4754	R-4 High Density Res	R-2 Low Density Residential
1801A Shutterlee Mill Rd.	12421	R-4 High Density Res	R-2 Low Density Residential
1801 Shutterlee Mill Rd.	1234	R-4 High Density Res	R-2 Low Density Residential
1779 Shutterlee Mill Rd.	4254	R-4 High Density Res	R-2 Low Density Residential

WHEREAS, the Planning Commission of the City of Staunton has considered the matter and recommended the rezoning; and

WHEREAS, this matter has been properly advertised, heard and considered; and

WHEREAS, these recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Staunton, Virginia, that each of the Parcels shall be and is **HEREBY REZONED** R-2, Low Density Residential.

Introduced: August 25, 2016

Adopted: August 25, 2016

Effective: August 25, 2016

s/Carolyn W. Dull

Carolyn W. Dull, Mayor

ATTEST: s/Linda L. Little

Linda L. Little, Clerk of Council

G. Consideration of Revised Memorandum of Agreement for Community Action Partnership of Staunton, Augusta, and Waynesboro (CAPSAW)

Mr. Steve Owen, City Manager, stated that in 2009, the Community Action Partnership of Staunton, Augusta, and Waynesboro (CAPSAW) was designated by the Governor of Virginia as the community action agency to serve the residents of Staunton, Augusta County, and Waynesboro. CAPSAW was likewise designated by the governing bodies of those localities through a memorandum of agreement (MOA).

CAPSAW administers funds made available through the Federal Community Services Block Grant, the State Community Services Block Grant, the federal Temporary Assistance to Needy Families (TANF) program, and required matching funds provided by the localities within the service area, including Staunton, Augusta, and Waynesboro. CAPSAW periodically assesses community needs, annually receives applications for funding from community human services agencies, and provides funding to agencies delivering services and programs aimed at identified human services needs.

CAPSAW is governed by a board comprised of local elected officials or their representatives, elected representatives of the indigent population of the region, and representatives of business, civic, and religious organizations.

The original 2009 MOA remains in effect and reflects organizational and operational elements that are no longer applicable or preferable to maintain. Accordingly, a revised MOA has been developed and presented for Council's consideration. The revised MOA is being considered by the governing bodies of Waynesboro and Augusta County as well.

The revisions to the MOA are summarized as follows:

- Eliminates references to the Shenandoah Valley Office on Youth and reliance on that agency or agency's employees for supervision, approval or administrative support.
- Clarifies that the City of Waynesboro Finance Department will function as fiscal agent.
- Includes language to provide that CAPSAW can receive funding other than that originating from federal, state and local governments.
- Confirms that board members may originate from the local business sector.
- Clarifies board terms.

In FY 2017, CAPSAW anticipates receipt of \$326,400 in various state and federal funds. The member localities will contribute \$110,000 in the aggregate. Staunton's share is \$26,650.

Ms. Oakes moved that the proposed revised memorandum of agreement be approved and the City Manager be authorized to execute the document with such modifications and in final form as approved by the City Attorney.

The motion was seconded by Dr. Curren and carried unanimously as follows:

Mr. Holmes	aye	Dr. Harrington	aye
Ms. Oakes	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Mr. Obenschain	aye
Mayor Dull	aye		

Matters from the City Manager

The City Manager had nothing to report.

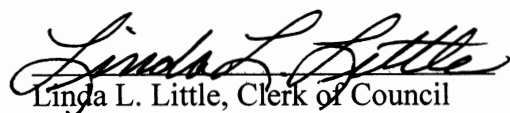
Matters from the Public

Ms. Doris Fretwell, 228 Meadowbrook Road, stated Public Works Department employees have viewed her property and have a plan to control the erosion from storm water.

Mr. Carl Hensley, 226 Meadowbrook Road, stated that as long as the zoning board does not have to meet until after the state restrictions are removed, he is okay with that.

Adjournment

There being no further business to come before Council, the meeting adjourned at 8:25 p.m.


Linda L. Little, Clerk of Council