

**MINUTES  
STAUNTON PLANNING COMMISSION  
November 16, 2023  
5:30 p.m.  
City Council Chambers**

**PRESENT:**           **Judith Wiegand, Chair  
Adam Campbell  
Daniel Hansen  
Joseph Mills**

**ABSENT:**           **Jessica Robinson, Vice Chair**

**ALSO PRESENT:** **Rodney Rhodes, Senior Planner  
Tim Hartless, City Planner  
Michele Edwards, Council Liaison  
Kiley Kesecker, Clerk of Council**

Chair Judith Wiegand called the November 16, 2023 meeting of the Staunton Planning Commission to order.

**APPROVAL OF MINUTES**

Mr. Hansen moved to approve the minutes of the October 19, 2023 Planning Commission meeting as amended with the edits proposed by Ms. Wiegand.

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

Ms. Robinson	absent	Mr. Mills	aye
Mr. Hansen	aye	Ms. Wiegand	aye
Mr. Campbell	aye		

**NEW BUSINESS**

**3-A) Consideration of a Final Plat for Winnbrook, Section 6, Creating the Final Nine Lots of the Development**

Mr. Hansen recused himself from the dais due to professional affiliation with the developer.

Mr. Hartless stated that Winnbrook is a single-family residential development located on New Hope Road near its intersection with Interstate 81. In April 2003, City Council approved a rezoning of the property from R-1, Low Density Residential District to R-2, Low Density Residential District Conditional. The conditional zoning retained the same density as the previous zoning for the overall tract. The proffered items from the rezoning are:

1. Minimum lot width of 85 feet at front setback.
2. Minimum lot depth of 135 feet.
3. Minimum lot area of 12,000 sq. ft.

4. There shall be no more than 76 single family lots.
5. Several uses in standard R-2 have been removed, such as housing boarders upon review, golf courses, plant nurseries, cemeteries and not-for-profit social uses.

A preliminary plat containing 76 single-family lots with a minimum lot area of 12,000 square feet was approved in August 2003

The proposed section six contains the final nine lots of the development and includes an extension of Wexford Street. The new lots will all have frontage on the Wexford extension which has not yet been constructed. Public water and sewer for this section have already been constructed, but have not yet been accepted by the City Engineer. The developer intends to submit a bond for the cost of the public infrastructure improvements. This will allow the final plat to be approved and the lots created prior to construction of the public street, and acceptance of all infrastructure.

The *City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Future Land Use Map, designates this area as Low Density Residential, and the approved Winnbrook single-family development is in compliance with this designation.

The final plat is in general conformance with the approved preliminary plat from 2003 and all requirements of the zoning and subdivision ordinances.

Ms. Wiegand asked if commissioners had any questions for staff.

Commissioners had no questions or comments.

The public hearing was opened.

Representing Balzer & Associates and the developer, Jim Day was present to answer questions from the Commission.

Commissioners had no questions.

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

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Campbell moved that Planning Commission recommend approval of the Final Plat for Winnbrook, Section Six, with the following condition:

1. Prior to the plat being placed on a City Council agenda, the developer must submit a bond to the City Engineer in the amount of \$200,000 for the cost of public infrastructure.

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

Mr. Hansen	recused	Mr. Campbell	aye
Ms. Robinson	absent	Ms. Wiegand	aye
Mr. Mills	aye		

Mr. Hansen returned to the dais.

**3-B) Public Hearing and Consideration of a Request by LGP Realty Holdings, LP and Quick Properties, LLC, to Vacate a Portion of Undeveloped Public Right-of-Way Identified as 4,236 Square Feet Lying in an Area Between Churchville Avenue and 1200 and 1210 Churchville Avenue**

Mr. Hartless stated that LGP Realty Holdings, LP, and Quick Properties, LLC, are seeking to vacate an undeveloped portion of Churchville Avenue public right-of-way, between 1200 and 1210 Churchville Avenue and the developed Churchville Avenue. The area was platted in Augusta County in 1917 as part the Staunton Park Addition, and was annexed into the city in 1948. In 2011, a similar vacation was approved for a portion of undeveloped right-of-way in front of the, then proposed, CVS Pharmacy located in the next block at 1310 Churchville Avenue.

Staff has reviewed the request and has identified no issues. This portion of right-of-way is unused by the city and there are no plans to ever utilize this area in the future. 1210 Churchville Avenue has been developed as a Shell fueling station and the fuel canopy encroaches into the undeveloped right-of-way. By vacating this portion of undeveloped right-of-way, that encroachment issue would be resolved.

Ms. Wiegand asked if commissioners had any questions for staff.

Mr. Hansen asked if there are any public utilities in the area. Mr. Hartless stated that there is a public sewer line and the city will be reserving an easement that will be in the ordinance that is brought before the Council for their approval.

Commissioners had no further questions.

The public hearing was opened.

Jason Brost, attorney representing the applicant, was present to answer questions from the Commission.

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

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Hansen moved that Planning Commission recommend approval of the application to vacate that portion of undeveloped public right-of-way identified as 4,236 square feet lying in an area between Churchville Avenue and 1200 Churchville Avenue and 1210 Churchville Avenue, with the condition that a public utility easement be reserved in the vacated area if needed.

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

Mr. Campbell	aye	Mr. Mills	aye
Mr. Hansen	aye	Ms. Wiegand	aye
Ms. Robinson	absent		

**3-C) Public Hearing and Consideration of a Request by Max Nunez to Vacate a Portion of Unaccepted Alley Lying Between 316 Hamrick Street and 1015 Peck Street, 1019 Peck Street, and 1025 Peck Street**

Mr. Hartless stated that Max Nunez is seeking to vacate an undeveloped alley lying between the rear of three properties facing Peck Street and one property fronting on Hamrick Street. The area was annexed into the city in 1905, and the alley appears to have been platted sometime between 1929 and 1949. In July 2023, Mr. Nunez purchased what was then addressed as 1019A Peck Street which contained two lots that have since been readdressed as 1025 Peck Street and 316 Hamrick Street. Mr. Nunez proposes to construct a single-family dwelling on 316 Hamrick Street, but the property does not front on a developed street. Since extending Hamrick Street for the construction of only one dwelling would be cost prohibitive, Mr. Nunez proposes to access the property from Hamrick Street via an access easement. In order for staff to approve this situation, the alley must be vacated.

Staff has reviewed the request and has identified no issues. Only the eastern portion of the alley, which connects to undeveloped Hamrick Street would be vacated, and the western portion connecting to Thompson Street would remain. The subject section of alley does not appear to be used by any of the adjacent property owners. Vacation of this alley has no impact on useability of any of the other alleys or undeveloped streets in the area.

Ms. Wiegand asked if commissioners had any questions for staff.

Commissioners had no questions.

The public hearing was opened.

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

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Mills moved that Planning Commission recommend approval of the application to vacate, a portion of unaccepted alley lying between 316 Hamrick Street and 1015 Peck Street, 1019 Peck Street, and 1025 Peck Street.

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

Mr. Mills	aye	Ms. Robinson	absent
Mr. Hansen	aye	Ms. Wiegand	aye
Mr. Campbell	aye		

**3-D) Public Hearing and Consideration of a Request by Labrehab at Windy Oaks, LLC, to Add Six Parcels of Land Totaling 46.5 acres to the M. O. Carr Agricultural-Forestal District**

Mr. Hartless stated that Labrehab at Windy Oaks, LLC, has requested to add 45.56 acres of land to the city’s Agricultural-Forestal Districts. The property consists of six parcels and is located on the southwest quadrant of the intersection of VA Route 262 and US Route 250. The properties

were acquired over a period between 2021 and 2022 and are contiguous to other properties in Augusta County, which the applicant owns and uses for agricultural purposes.

City staff conducted a review of the proposed addition, identifying one issue. Currently, Staunton City Code Section 18.95.020 (2) requires that a parcel of land contain at least 20 acres. Staff has proposed an amendment to the Staunton City Code that, if approved, would remove this requirement. Section 15.2 4305 of the Code of Virginia requires that land to be added to an Agricultural- Forestal District must be within one mile of the existing district. The distance from the nearest parcel of land to be added to the district to the nearest point of the existing M. O. Carr District is less than one mile. When it was created in 1997, the M. O. Carr District contained over 200 acres, but in September 2003 and January 2004, lands were withdrawn from the district to create the Carrsbrook Planned Residential Development. As a result, the M. O. Carr District no longer has a core of 200 acres; however, the district was properly created and may continue, even though it no longer meets the 200 acre core requirement. During its review, staff examined how the area could develop under the current zoning with current conditions. The following areas of concern were identified that would hinder development:

#### Water and Sewer

The area is not served by City of Staunton water or sewer. Water and sewer would need to be extended approximately 1,350 feet and 850 feet respectively, along Churchville Avenue in order to serve these properties. The extension of public water and sewer is typically done by, and at the expense of, the developer.

#### Streets

Churchville Avenue (Route 250) - The property has approximately 350 feet of frontage on Churchville Avenue; however, the frontage is adjacent to the Route 262 south bound entrance ramp. It would be challenging, if not impossible, to obtain an entrance permit for a new street entrance onto Route 250.

Woodrow Wilson Parkway (Route 262) – Route 262 is a limited access highway owned and maintained by the Virginia Department of Transportation (VDOT). VDOT does not allow private driveways on Route 262 and it would be extremely difficult to get approval for a new entrance and exit ramp this close to Churchville Avenue.

#### Zoning

One parcel (PID 11554 consisting of 0.93 acres) is residual land left from the construction of Route 262 and is zoned B-1, Local Business District Conditional, while the remaining 44+ acres are zoned R-2, Low Density Residential. The R-2 District allows for development of single-family homes with a maximum density of 4.9 units per acre. The B-1 Conditional District is a special zoning given to John Jackson in 2000 so that he could relocate his auto repair shop due to the construction of Route 262. Parcel 11554 is residual land from the parcel that was split by the right-of-way acquisition for construction of Route 262.

#### Potential by-right Development

Option 1 - Currently, the six parcels could be developed with one single-family dwelling on each parcel, accessed from Churchville Avenue via an access easement. Each dwelling must have its own individual easement and may not share an easement with another property, which would result in six dwellings with six separate driveways all terminating at Churchville Avenue.

Option 2 - A developer could build a new public street through the properties and replat the property into new lots. Each lot would need to be at least 8,750 square feet. Water and sewer would need to be extended (water 1,350 feet and sewer 850 feet) west along Churchville Avenue, under the bridge where Route 262 crosses Route 250, and then extended down the new street to serve each lot. These improvements would be borne by the developer.

#### Comprehensive Plan

*The City of Staunton, Virginia, Comprehensive Plan 2018-2040*, Land Use and Development Guide, Future Land Use map, designates the northern portion of this property as planned business and the southern portion as low density residential. Both designations create challenges given the lack of water and sewer, and minimal street frontage.

#### Surrounding Uses

Uses to the east within the City of Staunton are the J & D Automotive property, vacant residentially zoned land, and some single-family dwellings that are part of the Crosscrest Development.

Uses to the west within Augusta County are what appear to be single-family dwellings and agricultural uses.

The Agricultural-Forestal Advisory Committee met on September 27, 2023, to consider the request. The Committee reviewed the request based on criteria contained in 15.2 4306 of the Code of Virginia. After consideration, the Advisory Committee unanimously voted to recommend approval of the request on a 5-0 vote.

Ms. Wiegand asked if commissioners had any questions for staff.

Mr. Campbell asked if this is something that could be looked at with the upcoming Comprehensive Plan amendment of potentially adjusting the designated future land use in the area, since there are significant constraints to that type of development. Mr. Rhodes agreed that that it would be a good idea to perhaps designate something that is more appropriate based on those restrictions to development.

Commissioners had no further questions.

The public hearing was opened.

Applicant Eric Obaugh was present to answer questions from the Commission.

Commissioners had no questions.

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

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Campbell moved that the Planning Commission recommend approval of the addition of six parcels to the M. O. Carr Agricultural-Forestal District.

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

Ms. Robinson	absent	Mr. Campbell	aye
Mr. Hansen	aye	Ms. Wiegand	aye
Mr. Mills	aye		

**3-E) Public Hearing and Consideration of a Request by Tyrone Kirkland, Contract Purchaser, to Rezone 809 Jones Street from I-2, Heavy Industrial District, to R-2, Low Density Residential District**

Mr. Rhodes stated that Tyrone Kirkland, contract purchaser of 809 Jones Street, is requesting a rezoning of the property from I-2, Heavy Industrial District, to R-2, Low Density Residential District. The vacant property contains approximately 10,000 square feet and is situated between Jones Street and Patton Street, with frontage on both streets. This property is within the neighborhood known as Uniontown.

City staff conducted a review of the proposed rezoning and noted several items of concern. The subject property does not currently meet sewer availability requirements. Options for acquiring sewer service include extending public infrastructure to serve the property, or applying for a septic drain field through the Virginia Department of Health (VDH) if public sewer is still not available at the time of development. Secondly, while the property meets the minimum area and public street frontage requirements of the R-2 District, it does not appear to have the minimum lot width (70 feet) to be developed with a single-family dwelling. The city recently completed a Neighborhood Action Plan for the historic community of Uniontown. It was noted during this process that some of the lots in the community would not meet the minimum requirements of the city’s Low Density Residential Districts. Therefore, one of the proposed action items is to develop a new residential zoning district tailored to Uniontown’s specific and unique needs. The Planning Commission is scheduled to conduct a public hearing on adopting the Uniontown Neighborhood Action Plan as an addendum to the Staunton Comprehensive Plan and will begin their review of draft of a new zoning district for Uniontown. Staff anticipates that the city will conduct public hearings early in 2024 on a new zoning district and a mass rezoning of properties within the community.

Surrounding zoning is all I-2, Heavy Industrial District to the north, south and east, with I-1, Light Industrial District to the west across Patton Street. The area consists of single-family dwellings and vacant land.

The Generalized Land Use and Development Guide, Future Land Use Map *Staunton, Virginia, Comprehensive Plan 2018 – 2040*, designates this area as Medium Density Planned Residential; however, based on input from the Uniontown Steering Committee, the pending Neighborhood Action Plan recommends a Low-Density Planned Residential designation.

Ms. Wiegand asked if commissioners had any questions for staff.

A brief discussion took place, and Commissioners agreed that it would be more appropriate to table the item instead, allowing time for more information to be provided both by the applicant and the city in regards to the proposed mass rezoning of the area.

Commissioners had no further questions.

The public hearing was opened.

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

Mr. Hansen moved to table the item until the January 18, 2024 meeting, allowing the applicant either more time to provide more information, and/or the city to continue looking at the proposed mass rezoning.

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

Mr. Mills	aye	Mr. Hansen	aye
Mr. Campbell	aye	Ms. Wiegand	aye
Ms. Robinson	absent		

**3-F) Public Hearing and Consideration of a Request by the City of Staunton to Amend the City of Staunton, Virginia, Comprehensive Plan 2018- 2040, to Include Changes that are Necessary to Reflect the Recently Completed Uniontown Neighborhood Action Plan**

Mr. Rhodes stated in 2022, Staunton City Council appropriated funding from the American Rescue Plan Act (ARPA) to pay the costs associated with creating a Neighborhood Action Plan for the community of Uniontown. The planning firm of EPR, P.C was chosen as the consultant for the project and the city began working with them in February of 2023. A Steering Committee was assembled consisting of residents, property owners, and other interested stakeholders to create a Neighborhood Action Plan for the historic community of Uniontown. The planning process included six steering committee meetings and a community survey that identified concerns, vetted goal statements, and asked for specific ideas for moving Uniontown forward. Additional information on the community’s past and vision for the future was received at a Building Bridges event honoring Uniontown’s past. Staff and the Steering Committee reviewed multiple revisions of the Neighborhood Action Plan. The Plan was presented at the Planning Commission’s August 17, 2023 meeting and City Council’s August 24, 2023 meeting. Upon receiving the presentation, City Council directed the Planning Commission to conduct a public hearing on the Uniontown Neighborhood Action Plan to be included as an addendum to the City of Staunton Comprehensive Plan. Staff has also prepared an update to the Future Land Use map and incorporated various objectives into Chapter 1 – *Goals and Objectives* to address the action items noted in the Uniontown Neighborhood Action Plan.

There are four main goals to the action plan, which were presented with actions associated with each goal.

- Goal A – Reinvestment**
- Goal B – Sense of Community**
- Goal C – Preservation**
- Goal D – Reestablishing Connections**

Ms. Wiegand asked if commissioners had any questions for staff.

Commissioners had no questions.

The public hearing was opened.

Barbara Lee, 904 Rockway Street, thanked Mr. Rhodes and the Commission for listening to their input and moving forward with the project.

Cynthia Crawford, 408 Ann Street, asked if Anthony Street is included in the project. Mr. Rhodes answered that Anthony Street is within the boundaries, as discussed with the Steering Committee.

Zach Lewis, 904 Rockway Street, asked if the bridge across the train tracks is going to be included in the plan. Mr. Campbell stated that one of the action items under the “reestablishing connections” goals is to examine options at the former National Avenue bridge site.

Ray Scher, 1801 King Street, stated he is hopeful that the city is generous with the plan and the funds to make it work.

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

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Campbell moved that the Planning Commission recommend approval of the Uniontown Neighborhood Action Plan as an addendum to the City of Staunton Comprehensive Plan 2018-2040, the proposed changes to the Future Land Use map and the new proposed objectives under Chapter 1 – Goals and Objectives.

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

Mr. Hansen	aye	Mr. Mills	aye
Ms. Robinson	absent	Ms. Wiegand	aye
Mr. Campbell	aye		

**3-G) Introduction to an Amendment to Title 18, Zoning, of the Staunton City Code to add Chapter 18.47, Traditional Residential Development District, to Address the Specific and Unique Needs of Uniontown**

Mr. Rhodes stated that during the development of the Uniontown Neighborhood Action Plan, a physical neighborhood analysis was conducted. It noted that although the community preferred R-2, Low Density Residential District designation, a significant number of the existing lots would not accommodate the minimum area and/or width requirements. The R-2 Low Density Residential District requires the following:

- Minimum Lot Area – 8,750 square feet
- Minimum Lot Width at the Front Building Line – 70 feet

Rezoning lots in a way that does not meet these requirements would be problematic. Furthermore, meeting the standard dwelling setbacks (front, side, and rear) could also be difficult for existing small lots, potentially requiring the issuance of variances before the lots could be developed. Therefore, in order to accommodate the community’s desire for a low- density, single-family zoning district, the Uniontown Neighborhood Action Plan recommended that the city adopt a new

residential zoning district tailored to meet the specific needs of Uniontown. This aligns with the following objective in the Comprehensive Plan:

“Improve flexibility in older neighborhoods and redevelopment areas by examining lot size, set back, and parking requirements.” Parking requirements have previously been reviewed and addressed in zoning text amendments.

At the Planning Commission’s August 17, 2023 meeting, upon receiving the Uniontown Neighborhood Action Plan, the Commission authorized staff to proceed with drafting amendments to Title 18 Zoning of the Staunton City Code, to consider a new zoning district to accommodate the residential characteristics that are currently in Uniontown.

Ms. Wiegand asked if commissioners had any questions for staff.

Mr. Campbell stated that a maximum front setback might be considered since the amendment is going to be aimed at more traditional, smaller lot neighborhoods. Mr. Rhodes stated that they will be looking into that, as well as a survey and lot width analysis, as part of the mass rezoning process.

A brief discussion ensued about lot size, community character, mobile homes, and tiny homes.

Mr. Rhodes stated that Staff will bring a revised version of the ordinance back before the Commission for review, before scheduling a public hearing.

Commissioners had no further questions.

### **OLD BUSINESS**

There was no old business to discuss.

### **OTHER BUSINESS**

There was no other business to discuss.

### **UPDATE ON ACTIONS OF CITY COUNCIL**

Mr. Rhodes stated that since the last meeting of the Planning Commission, City Council took the following actions:

- Approved the final plat for Old South section four, that will now be named South View.
- Approved a rezoning of approximately 105 acres in Stanton Crossing from B-2 to I-1.
- Approved the zoning text amendment to section 18.95 Agricultural- Forestal District, removing the minimum lot size to be added to the district.

### **MATTERS FROM THE PUBLIC**

Mason, representing a local Cub Scout troop, asked what the role of the Planning Commission is in the city. Mr. Campbell explained the roles and functions of the Commission.

Ray Scher, 1801 King Street, expressed the importance of remembering the leadership of the proposed Uniontown project came from the people of Uniontown.

**ADJOURNMENT**

Ms. Wiegand stated the next Planning Commission meeting would be held on December 21, 2023.

Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:49 p.m.



Kiley A. Kesecker  
Clerk of Council