CITY OF ROANOKE PLANNING COMMISSION
November 9, 2020 – 1:30 p.m.
AGENDA

I. Call to Order and Welcome:

Welcome to the November 9, 2020, meeting of the City Planning Commission. This public hearing will be conducted by electronic communication means due to the COVID-19 pandemic disaster. Planning Commission members are meeting without a quorum physically present in one location and City staff is coordinating this public meeting remotely. Citizens interested in viewing this public hearing may do so by following the meeting on Facebook Live, where it is being streamed.

If you have registered to speak on a particular matter, when the public comment portion of the application has started, please wait to be recognized in turn. Staff will enable your ability to speak and you will need to “ unmute” your settings at the same time. Please state your name and residential address so that the Commission’s Secretary may record the proceedings accurately. As is best practice, Applicants, Representatives, and Speakers will have audio capability only (no video). All persons shall be afforded an opportunity to speak and state their views concerning all aspects of these matters.

II. Approval of Agenda: November 9, 2020

III. Approval of Minutes: October 12, 2020

IV. Unfinished Business:

None.

V. New Business:

a. Application by Les Bowers and Brad Bowers for Upper Church, LLC, for street closure at the end of the 400 block of Church Avenue SE adjacent to 9 properties identified as 0 Church Avenue SE, bearing Official Tax Map Nos. 4011119, 4011120, 4011121, 4011122, 4011502, 4011503, 4011504, 4011505, and 4011506, respectively, creating a new terminus along a line perpendicular to Church Ave SE starting at the northeast corner of Official Tax Map No. 4011506.
b. Application by Kunal Joshi and Jordana Anderson for Morning Rays, LLC, to rezone property located at 1801 Patterson Avenue SW and 2 parcels identified as 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1312914, 1312913, and 1312912, respectively, from MX, Mixed Use District, to INPUD, Institutional Planned Unit Development District, with a condition, and to rezone property located at 1729 Patterson Avenue SW and 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1212309 and 1212310, respectively, from INPUD, Institutional Planned Unit Development District, with a condition, to MX, Mixed Use District, and repeal the single condition related to operational use proffered as part of a previous rezoning. The proposed land use for property located at 1801 Patterson Avenue SW and 2 parcels identified as 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1312914, 1312913, and 1312912, respectively, is group care facility, halfway house, and the proposed land use for property located at 1729 Patterson Avenue SW and 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1212309 and 1212310, respectively, is any use permitted within the MX District.

c. Proposed amendments to Chapter 36.2, Zoning, of the Code of the City of Roanoke, (1979), as amended, by amending and reordaining, adding or deleting code sections to update, clarify and make the City’s zoning ordinance easier to use for its citizens, and to make the City’s zoning ordinance consistent with state code.

VI. Other Discussion

VII. Adjourn
To: Chair and Members of the Planning Commission  
Meeting: November 9, 2020  
Subject: Application by Les Bowers and Brad Bowers for Upper Church, LLC, for street closure at the end of the 400 block of Church Avenue SE adjacent to 9 properties identified as 0 Church Avenue SE, bearing Official Tax Map Nos. 4011119, 4011120, 4011121, 4011122, 4011502, 4011503, 4011504, 4011505, and 4011506, respectively, creating a new terminus along a line perpendicular to Church Ave SE starting at the northeast corner of Official Tax Map No. 4011506.

Summary:

Staff recommends approval with conditions for the vacation of the end of the 400 block of Church Avenue SE. The vacation would not create an inconvenience, and the application is consistent with the City’s Comprehensive Plan and the Belmont Fallon Neighborhood Plan. The proposed vacated street section will be incorporated into the adjoining properties.

Application Information:

- **Request:** Vacate the end of the 400 block of Church Avenue SE  
- **Applicant:** Les Bowers and Brad Bowers for Upper Church, LLC  
- **City Staff Person:** Wayne Leftwich, Senior City Planner  
- **Official Tax Nos.:** Adjacent to Official Tax Map Nos. 4011119, 4011120, 4011121, 4011122, 4011502, 4011503, 4011504, 4011505, and 4011506  
- **Site Area:** 6,803 square feet  
- **Relevant Plans:** *Belmont Fallon Neighborhood Plan, 2003*  
- **Filing Date:** August 10, 2020
Background:

The western end of the 400 block of Church Ave SE has ended in a dead end since the construction of Interstate 581. The properties at the end of the street are vacant and are now owned by Upper Church, LLC. The dead end overlooks downtown, and the adjacent properties are often afflicted with loitering and littering. In addition, dumping of trash often occurs along the steep slope on the north side of Church Avenue SE. As a result, the applicant frequently has to clean up in order to maintain the property at the end of the 400 block of Church Avenue SE. The applicant has installed some fencing to stop the flow of people onto private property and they have followed up with AEP and the City to maintain street lights to keep the area safe. However, the loitering and littering along the adjacent properties is still a burden to the property owners.

Proposed Use/Development:

Les Bowers and Brad Bowers for Upper Church, LLC, propose to have the end of Church Avenue SE vacated so that they can incorporate the street into their other properties (Official Tax Map Nos. 4011119, 4011120, 4011121, 4011122, 4011502, 4011503, 4011504, 4011505, and 4011506) and install a fence around the properties to prevent trespass, littering, and dumping. The end of the street is approximately 6,803 square feet in area and is assessed at $8,164. The applicant has agreed to pay the value of the property and will combine the properties in a way to ensure frontage for all properties created.

Considerations:

The primary consideration in vacating a public right-of-way is any inconvenience that the vacation may create.

Impact of Street Vacation to Public Accessibility:

Church Avenue SE dead ends on the western portion of the 400 block and does not provide access to other streets or other properties other than the vacant properties owned by Upper Church, LLC.

Impact of Street Vacation to Public Services:

The proposed vacation does not impact delivery of any City services or services from utility companies.
Consistency with Comprehensive Plan:

Vision 2001-2020, the City of Roanoke Comprehensive Plan, supports maintaining neighborhood character.

The Belmont Fallon Neighborhood Plan does not specifically addresses street closures but does identify issues the applicants are trying to address by closing the street as noted below.

<table>
<thead>
<tr>
<th>Policy/Action</th>
<th>Plan</th>
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</thead>
<tbody>
<tr>
<td>Appearance and security: The priority component of revitalization is making the neighborhood clean and safe.</td>
<td>Belmont Fallon Neighborhood Plan¹, pg. 41</td>
<td>The area of Church Avenue SE is frequently plagued with loitering and litter.</td>
</tr>
<tr>
<td>Litter and graffiti: Adopt a zero-tolerance policy on litter and graffiti.</td>
<td></td>
<td>The sight has issues with graffiti and litter.</td>
</tr>
<tr>
<td>Eliminate vagrant “camps”: The city, VDOT (state), Norfolk Southern, and other property owners should close off access to hiding places for vagrants. Restrict access to underpasses, garages, overgrown lots, and vacant structures.</td>
<td></td>
<td>The owners of the adjacent property wish to restrict access onto their vacant lots by constructing a fence enclosing their combined properties.</td>
</tr>
<tr>
<td>Regularly inspect alleys, streets, and properties and coordinate quick cleanup of problem areas</td>
<td></td>
<td>The vacation of the end of the street will assist in the cleanup of this area.</td>
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</tbody>
</table>

Belmont Fallon Neighborhood Plan puts an emphasis on improving the safety and cleanliness of properties in the neighborhood to help encourage revitalization. The vacation of the end of the 400 block of Church Avenue SE will help the owners of the adjacent property to restrict unnecessary access to their properties and help them support the cleanliness and safety of the neighborhood.

Comments on Application:

Public Utilities:

Roanoke Gas was amenable to the vacation stating that no service lines or mains run between the properties.

The Western Virginia Water Authority was amenable to the vacation stating that a 20 foot public waterline easement is required for the right of way to be vacated.

¹ Belmont Fallon Neighborhood Plan, City of Roanoke, 2003
No comments were received from Cox Cable, Verizon, and Appalachian Power Company.

City Departments:

All City Departments are amenable to the vacation.

Planning Commission Work Session:

No comments.

Public Comments:

The Southeast Action Forum, Inc., sent a letter of support and appreciation for the applicant’s interest in beautifying SE Roanoke.

Conclusions and Recommendations:

The application is consistent with the City’s Comprehensive Plan and the Belmont Fallon Neighborhood Plan and would not create an inconvenience to residents in the area. Staff recommends vacation of the right-of-way as requested subject to the following conditions:

1. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Such plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

2. Prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall, as consideration pursuant to §15.2-2008, Code of Virginia (1950), as amended, for the vacated right-of-way, either give to the Treasurer for the City of Roanoke a certified check or cash in the amount of $8,164.

3. Upon meeting all conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
4. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk’s receipt, demonstrating that such recordation has occurred.

5. If the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance will be null and void with no further action by City Council being necessary, unless extended by the Agent for the Planning Commission for an additional six (6) months prior to the end of the twelve (12) month period.

Ian D. Shaw, PE, AICP, CZA
Planning Commission Agent

Distribution:
Robert S. Cowell, Jr., City Manager
W. Brent Robertson, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Timothy Spencer, City Attorney
Laura M. Carini, Assistant City Attorney
Les Bowers
Brad Bowers
APPLICATION
STREET OR ALLEY VACATION

To: Office of the City Clerk
Fourth Floor, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011
Phone: (540) 853-2541 Fax: (540) 853-1145

All submittals must be typed and include all required documentation and a check for the filing fee.

Application is hereby submitted for street or alley vacation for the property located at:

Location and description of street or alley to be closed:
The proposed street vacation is at the end of Church Avenue between Parcel 4011506 and Parcel 4011122. Upper Church LLC owns the properties on both sides of Church Ave.

Proposed use of vacated street or alley: We would like to fence off the property to provide a safer working environment for the employees of Tim Technologies, while keeping our property clean and trash free. At this time, there is no development plan.

Name of Applicant/Contact Person: Les/Brad Bowers

Mailing Address: 326 Tazewell Ave, Roanoke, Va, 24013

Telephone: ( ) 3455940 Fax: ( ) 344-6872 E-mail: bradbowers@timetecnologies.com

Applicant(s) signature(s):
NOTES:
1. OWNERS OF RECORD: CITY OF ROANOKE
2. LEGAL REFERENCE: DEED BOOK 195, PAGE 3, HIGHWAY PLANS: 0581-128-070,c501
3. TAX MAP NUMBER: N/A
4. PROPERTY MAY CONTAIN UNDERGROUND UTILITY SERVICE LINES.
5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH.
July 29, 2020

Dear Mr. Bowers,

Thank you for sharing information about your Church Avenue street vacation proposal with our Southeast Action Forum (SEAF) board members. We appreciate that you have taken this extra step to allow our board members the opportunity to provide input on your project before submitting it to the City of Roanoke for approval.

You have maintained occupation of your property in Southeast for many years, despite ongoing challenges such as litter and theft. To address such problems, you have developed a plan of action to fence in your property and the proposed Church Avenue area in order to continue to improve Church Avenue, making it safer and more visually appealing.

You do have the support of the SEAF board for your Church Avenue street vacation proposal. We are thankful for your interest in beautifying SE Roanoke and hopeful that the City of Roanoke will approve your proposal.

Should you have any further desire for input or collaboration from the SEAF board, please feel free to contact me anytime.

Regards,

Sunni Purviance
President, Southeast Action Forum Inc.
To: Chair and Members of the Planning Commission
Meeting: November 9, 2020
Subject: Application by Kunal Joshi and Jordana Anderson for Morning Rays, LLC, to rezone property located at 1801 Patterson Avenue SW and two parcels identified as 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1312914, 1312913, and 1312912, respectively, from MX, Mixed Use District, to INPUD, Institutional Planned Unit Development, with a condition, and to rezone property located at 1729 Patterson Avenue SW and 0 Patterson Avenue SW, bearing Official Tax Map Nos. 1212309 and 1212310, respectively, from INPUD, Institutional Planned Unit Development, with a condition, to MX, Mixed Use District and repeal the single condition related to operational use and proffered as part of a previous rezoning adopted through the enactment of Ordinance No. 40033-090214.

Summary:

Staff recommends approval. The Amended Application No.2 is consistent with the City’s Comprehensive Plan, Hurt Park/Mountain View/West End Neighborhood Plan and Zoning Ordinance as the subject property will be developed and used in a manner appropriate to the surrounding area.

Application Information:

Request: Rezoning to Planned Unit Development with a Proffered Condition (1801, 0, and 0 Patterson Avenue SW)
Rezoning and Amendment of Proffered Conditions (1729 and 0 Patterson Avenue SW)

Applicant: See owners listed below

Owners: Kunal Joshi and Jodi Anderson, Morning Rays, LLC
Richard Winstead, Winstead Estate Management

Agent: Not Applicable

City Staff Person: Katharine Gray, Land Use and Urban Design Planner

Address: 1801, 0, and 0 Patterson Avenue SW (hereafter 1801 Patterson)
1729 and 0 Patterson Avenue SW (hereafter 1729 Patterson)
Official Tax Nos: 1312914, 1312913, and 1312912 (1801 Patterson) & 1212309 and 1212310 (1729 Patterson), respectively
Site Area: +/-0.6888 acre and +/-0.5170 acre, respectively
Relevant Plans: Hurt Park/Mountain View/West End Neighborhood Plan
Proposed Land Use: Group care facility, halfway house (1801 Patterson)
Uses as allowed in zoning district (1729 Patterson)
Future Land Use: Office and Residential Mix
Filing Date: Original Application: July 27, 2020
Amended Application No. 1: August 24, 2020
Amended Application No. 2: September 24, 2020

Background:

The initial application filed by Kunal Joshi and Jodi Anderson focused solely on the property at 1801 Paterson Avenue. Following concerns raised in the Planning Commission work session, the applicants worked with their neighbor, Richard Winstead, to expand the application to cover the properties on each side of 18th Street.

The properties at 1801 and 1729 Patterson Avenue SW were built as single family homes in the early part of the 1900’s on the northwestern and northeastern corners of Patterson and 18th Street SW. After World War II many homes in the area were converted to multifamily dwellings. In 2005, a section of the neighborhood along Patterson Avenue that contained these large homes was rezoned to allow for residential and office use to spur appropriate redevelopment in the area.

Both houses have had many uses over time. 1801 Patterson Avenue SW is located on the northwestern corner of Patterson Avenue and 18th Street. Most recently, the house at 1801 Patterson was occupied as an office by Blue Ridge Behavioral Health and then vacant before receiving a special exception and certificate of occupancy for a group care facility, congregate home for the elderly in 2014. The number of residents was limited to eight in the certificate of occupancy. The new owner desires to operate a group care facility, halfway house within the existing developed building and site. However, the MX, Mixed Use District does not permit this use on the parcels.

1729 Patterson Avenue SW is located on the northeastern corner of Patterson Avenue and 18th Street. The house at 1729 Patterson was occupied as an office by Blue Ridge Behavioral Health from the mid-1990s and then, in 2007, the property use was changed to a group home. In 2011 the property use was changed to office. And, in 2014 the property was rezoned to INPUD, with a condition, to allow a group care facility, halfway house.
As a halfway house has not been established on the property, the owner now desires to have the property rezoned back to MX to allow the broader range of uses permitted within the MX District on the parcels.

In summary, the owners of the 1801 Patterson desire to rezone from MX District to INPUD, with a condition, for a group care facility, halfway house. The required development plan shows no proposed changes to the existing buildings and site development on the property. At the same time, the owners of 1729 Patterson have proposed to rezone from INPUD, with a condition, to MX. This action would effectively switch the existing zoning for the properties on each sides of the street.

**Proposed Use/Development:**

The subject property at 1801 Patterson was most recently used as a group care facility, congregate home for the elderly. The property use will change to a halfway house if the rezoning to planned unit development is approved. The exterior of the building is subject to H-2 Historic District Guidelines and no changes are currently proposed. The parking on the existing property will remain.

The subject property at 1729 Patterson is currently zoned INPUD specifically for a halfway house. The proposed change would preclude a halfway house in the future and allow for the range of uses permitted in the MX District. The exterior of the building is subject to H-2 Historic District Guidelines and no changes are currently proposed.

**Proffered Conditions:**

The applicant is requesting that the following proffered condition be adopted as it pertains to 1801, 0 and 0 Patterson Avenue SW, Tax ID Nos. 1312914, 1312913, 1312912:

1. There will be 16 or fewer residents living on the property at any given time and there will be rotating staff 24 hours a day.

The applicant is requesting that the following proffered condition regarding 1729 Patterson Ave and 0 Patterson Avenue, enacted by Ordinance No. 40033-090214 be repealed as it pertains to Official Tax Nos. 1212309 and 1212310:

1. There will be no more than eight (8) residents living on the property at any given time and there will be a staff person on the premises in a separate dwelling.
Considerations:

Compatibility with Surrounding Land Uses:

The property is located along the mixed-use corridor of Patterson Avenue SW just before the street changes to commercial zoning to the west as shown on the attached zoning map except. The majority of the uses in the two block area surrounding the properties are single and multifamily residential dwellings.

- To the north are vacant parcels, single-family detached dwellings, and two-family dwellings.
- To the east are single-family detached dwellings and two-family dwellings
- To the south are single family detached dwellings, two-family dwellings, and multi-family dwellings with Urban Flex zoning beyond.
- To the west are single-family detached dwellings and two-family dwellings
- with general commercial and industrial zoning beyond.

The future land use plan from the Hurt Park/Mountain/View/West End Neighborhood Plan designates this area for office and residential mix.

Applicability/Appropriateness of Proposed Zoning District:

The purposes of the INPUD District are to encourage harmonious development of institutional uses and mixed-use campus developments, to provide flexibility for creative development, to minimize potential negative impacts of institutional uses on neighboring uses, and to recognize the special complexity and interrelationships of land uses and activities in these institutional complexes.

The purpose of the MX District is to accommodate residential uses, office uses, and support services within the same district. The intent of the district is that no retail sales uses be permitted and that the district facilitates a harmonious mixture of office and residential uses. The regulations of the district are intended to protect the character and scale of such a mixed-use development pattern by permitting low-intensity development at a scale that recognizes and respects residential patterns of development.

The PUD plan for the property on the northwestern corner of Patterson Avenue and 18th Street confirms that the existing development pattern on the three parcels will remain. The change to MX District of the property at the northeastern corner of Patterson and 18th Street assures uses and development in keeping with the other mixed-use zoning of the Patterson Corridor.

Availability of Other Property:

There are no other properties in the immediate vicinity, other than those in the rezoning request, that are zoned for a halfway house and would allow this type of development.
Consistency with Comprehensive Plan:

Both *Vision 2001-2020* and the *Hurt Park/Mountain View/West End Neighborhood Plan* recognize the need for the redevelopment for existing uses and sites to serve the needs of citizens and to support health and human services to support citizen needs. Simultaneously, the plans caution against concentration of public assisted housing and shelters in any given part of the City.

The existing halfway houses within the City of Roanoke are located at:
- 1729 Patterson Avenue SW
- 1109 Franklin Road SW
- 801 Shenandoah Avenue NW
- 3003A Hollins Road NE
- 402 4th Street SE
- 2017 S Jefferson Street

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<tr>
<td>NH P5. Housing choice. The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City. Concentration of federally subsidized, assisted or affordable housing will be discouraged.</td>
<td>Comprehensive Plan¹, pg. 40</td>
<td>The housing options within the overall rezoning request remain the same as the halfway house moves to the northwest corner of Patterson Avenue and 18th Street while the property on the northeast corner will now have the same zoning uses and development standards as the remainder of the corridor.</td>
</tr>
<tr>
<td>NH P8. Publicly-assisted housing. Publicly-assisted housing efforts and shelters will be of the highest quality that enhances neighborhoods. Publicly-assisted housing and shelters will be equitably distributed in all parts of the region.</td>
<td>Comprehensive Plan, pg. 41</td>
<td>There are a number of existing transitional housing and subsidized housing developments in the neighborhood. However, within the overall zoning change proposed, only one halfway house will exist in this location, moving from the northeast corner to the northwest corner of Patterson Avenue and 18th Street.</td>
</tr>
<tr>
<td>PE P9. Health and human service agencies. Roanoke will support a range of health and human services to meet the needs of Roanoke’s citizens.</td>
<td>Comprehensive Plan, pg. 84</td>
<td>Services to provide adequate transitions for citizens recovering from substance abuse addiction are important to the City and supported by the comprehensive plan.</td>
</tr>
</tbody>
</table>

¹ *Vision 2001-2020*, City of Roanoke, 2001
² *Hurt Park/Mountain View/West End Neighborhood Plan*, City of Roanoke, 2003
Policy/Action | Plan | Applicability to matter
---|---|---
Community Design Actions: Encourage office-residential mix: Change zoning to allow mixed office and residential uses in the H-2 District on Patterson Avenue and in West End to encourage rehabilitation, adaptive reuse, and preservation of large, historic houses. | *Hurt Park/Mountain View/West End Neighborhood Plan*², pg. 42. | The existing buildings on the properties are governed by the H-2 District and any proposed changes to the historic buildings would require ARB approval.

Residential Development Policies: Diversity of Housing Options: Hurt Park, Mountain View and West End should have a balance of single and multifamily housing. Given the current housing stock, development of more multifamily low-income housing should be discouraged. | *Hurt Park/Mountain View/West End Neighborhood Plan*, pg. 42. | The proposed change would keep the existing uses amongst the properties in large existing buildings on the site, just changing which uses are located on which property.

### Comments on Application:

**Planning Commission Work Session:**

Several items were discussed at the Planning Commission work session. The more technical items discussed were: corrections needed within the application, the desire for a clearer description of the treatment/support, level of care proposed versus what is provided in other areas of the City, etc.

Also discussed was the concern about the number of residents within the facility, having two hallway houses on adjacent parcels within one neighborhood, and the proximity of other halfway houses within the overall community.

The applicant amended their application to include the parcels on both sides of 18th street to address the issue of concentrating services in one area and to address the other previously noted concerns.

**Interdepartmental Comments:**

General comments were provided from the Western Virginia Water Authority; Fire; and Planning Building and Development Departments related to: water and sewer design requirements; fire code, building, subdivision, and zoning code requirements; and the permitting process.

**Public Comments:**

Holly Silvers, 1706 Patterson Avenue SW, stated that she and several surrounding property owners were opposed to the addition of yet another treatment facility in their neighborhood.
The Mountain View Neighborhood Association, in response to the original application focused solely on 1801 Patterson Avenue, stated that the neighborhood supports social work and human services; however, they do not support the over concentration of such services within any one neighborhood. The neighborhood is currently witnessing a revival with the 13th Street streetscape improvements, Roanoke River Greenway, Vic Thomas Park, Black Dog Salvage, improved water quality in the Roanoke River that allows recreational opportunities, Maker Mart, West End Center, Freedom First Credit Union, LEAP community kitchen, Mountain View Rec Center, a community garden, and more. The existing services at 1729 Patterson Avenue, 824 Campbell Avenue, and 706 Campbell Avenue are already a lot within one community. Although the neighborhood thinks that supporting recovery from substance abuse is important, there is already enough of that use type within the neighborhood and they do not support the rezoning.

The Mountain View Neighborhood Association, in response to Amended Application No. 2, stated that they met and discussed the project and no longer have consensus as a group. As such, they have decided to take no action as a group and leave the decision on the rezoning up to the Planning Commission and City Council.

Conclusions and Recommendations:

The principal consideration is whether the proposed rezoning is consistent with the Vision 2001-2020 and the Hurt Park/Mountain View/West End Neighborhood Plan. The proposed change allows for the existing zoning uses on the two opposite corners of Patterson Avenue and 18th Street to be switched to the opposite sides of the corner. Effectively, the zoning for the overall parcels remains the same with only the location of the exact zoning district changed. This allows for a needed halfway house service to be provided to the community without increasing the potential number of such facilities in the immediate neighborhood.

Ian D. Shaw, PE, AICP, CZA
Planning Commission Agent

Enclosure: Attachment A, Zoning District Map

Distribution: Robert S. Cowell, Jr., City Manager
              W. Brent Robertson, Assistant City Manager
              Chris Chittum, Director of Planning Building & Development
              Timothy Spencer, City Attorney
              Laura M. Carini, Assistant City Attorney
              Kunal Joshi and Jodi Anderson, Morning Rays, LLC
              Richard Winstead, Winstead Estate Management
ATTACHMENT A
ZONING MAP EXCERPT
1801, 0, and 0 Patterson Avenue SW, and 1729 and 0 Patterson Avenue SW
OFFICIAL TAX MAP NOS. 1312914, 1312913, and 1312912
and 1212309 and 1212310, respectively
Zoning Amendment Application

Department of Planning, Building and Development
Room 170, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730

Filing Date: 9.24.2020

Request (select all that apply):

☑ Rezoning, Not Otherwise Listed
☑ Rezoning, Conditional
☑ Rezoning to Planned Unit Development
☐ Establishment of Comprehensive Sign Overlay District

Submittal Number: Amended Application #2

☑ Amendment of Proffered Conditions
☐ Amendment of Planned Unit Development Plan
☐ Amendment of Comprehensive Sign Overlay District

Property Information:

Address: 1801 Patterson Ave Roanoke VA 24016
          0 Patterson Ave SW
          1729 Patterson Ave Roanoke VA 24012
          0 Patterson Ave

Official Tax No(s.):
1312914, 1312911, 1312912
1212309, 1212310

Existing Zoning:
☑ My Use (1801 Patterson
Without cond. 0 Patterson, 0 Patterson)
□ INPD W/cond (1729 Patterson
0 Patterson)

Requested Zoning:
☑ INPD (1801 Patterson
W/cond 0 Patterson, 0 Patterson)
□ MX USE W/out cond (1729 Patterson
0 Patterson)
□ Without Conditions
□ With Conditions
□ Planned Unit Development

Ordinance No(s), (if applicable): 40033-090214

Proposed Land Use: Group Care Facility
Hattway House

420 Pearls View Dr
Moneta VA 24121

Phone Number: 540-400-7341

E-mail: Jody75@verizon.net
rwinedt9955@aol.com

Property Owner Information:

Name: Kunal Joshi, Jordana Anderson (Morning Rays)

Address: __________________________________________

Property Owner's Signature: __________________________

Applicant Information (if different from owner):

Name:                                                                                     Phone Number:          

Address:                                                                                   E-mail:              

Applicant's Signature: ___________________________________________________________________

Authorized Agent Information (if applicable):

Name:                                                                                     Phone Number:          

Address:                                                                                   E-mail:              

Authorized Agent's Signature: ___________________________________________________________
(b) Applicant’s Written Narrative:

a. Description of the Proposed use and Development of the Property:

Jordana Anderson and Kunal Joshi have formed Morning Rays, LLC and have purchased the property at 1801 Patterson Ave, Roanoke VA 24016. The current zoning is Mixed Use, MX, without conditions. The proposed zoning is INPUD, Institutional Planned Unit Development. The proposed use is group care facility, halfway house. The intended purpose of this purchase is to create a Department of Behavioral Health and Disabilities or DBHDS licensed, low intensity treatment facility, coded as an ASAM (American Society of Addiction Medicine), 3.1 level of care.

This facility is primarily to provide structure and guidance for people who have come out of a substance abuse treatment facility or who are currently being treated for a substance use disorder and who meet the criteria for low intensity treatment and housing. A typical client would be someone who has completed 30 days of treatment at a facility such as Mt. Regis and who is in need of continued treatment, guidance and support at a lower level of care. This level of care is now called Transitional Living. The goal of this intermediate level of care is to increase chances of success in long term recovery and indeed, the only predictive measure for success in recovery is the length of time spent in treatment. The goal is to teach each individual how to be productive members of society while living in the community. We foresee the average length of stay as being from 4 to 6 months. We will be working from day one to establish individualized treatment plans which will meet the client where they are at and will help with various objectives in achieving independence and long-term success. The mission statement, philosophy and daily schedule is attached. We are seeking an R4 certificate of occupancy which allows for 16 individuals.

This service will include case management, intensive outpatient programming, group therapy, individual therapy, and medication management. We will have a psychiatrist on staff as well as the medical director, Dr. Joshi. Some of these services may be provided in conjunction with services offered at 706 Campbell Ave where we offer outpatient services and they would be part of a continuum of care. The development of the property will be contained to the interior of the building. There will be no exterior modifications nor any additional exterior development of the property or adjacent lots.

The property at 1801 Patterson is currently zoned as Mixed Use. Section 36.2-314 says “The purpose of the MX District is to accommodate residential uses, office uses, and support services within the same district. The intent of the district is that no retail sales uses be permitted and that the district facilitates a harmonious mixture of office and residential uses. The regulations of the district are intended to protect the character and scale of such a mixed-use development pattern by permitting low-intensity development at a scale that recognizes and respects residential patterns of development.” “The
purposes of the INPUD District are to encourage harmonious development of institutional uses and mixed-use campus developments, to provide flexibility for creative development, to minimize potential negative impacts of institutional uses on neighboring uses, and to recognize the special complexity and interrelationships of land uses and activities in these institutional complexes.”

There are several uses that both zones allow simultaneously. These are: dwelling, multifamily (to include 10 or fewer dwelling units); group home; medical clinic; office, general or professional, office, general or professional, large scale; live-work unit; mixed-use building; studio/multimedia production facility; personal service establishment, not otherwise listed in this table; community center; park or playground; community garden; daycare center, adult; fire, police or emergency services; government offices or other government facility, not otherwise listed; library; museum; parking, off-site; utility distribution, basic; wireless telecommunications facility, small cell on existing structure; wireless telecommunications facility, stealth; and accessory uses, not otherwise listed in this table.

We intend to use this property as a group care facility, halfway house. We are simultaneously seeking an R4 certificate of occupancy to include 16 or fewer residents at any one time.

We understand that the property located adjacent to 1801 Patterson Ave, 1729 Patterson Ave, is already zoned as an INPUD. We are also aware that having two INPUD’s zoned so closely together with both being specified as a group care facility, halfway house, has raised concerns in the community. We have therefore spoken with the owner of 1729 Patterson Ave, Mr. Richard Winsted and he has agreed to simultaneously request a rezoning to MX use which would address any community concern regarding the density of facilities which treat substance abuse in the area. The current tenants at 1729 Patterson will be vacating the premises by the end of September as their lease has terminated.

We are deeply aware of the community concern as well as the concerns as to how this would impact property values. We are suggesting that the current proposition of switching the uses of 1729 and 1801 Patterson Ave would not impact the community as it would virtually be identical to the zoning that is now in place. We have read the comprehensive city plan and are acknowledging that it expressly discouraging a density of substance abuse treatment facilities in one area. With the rezoning of 1729 Patterson Ave back to MX use, we are suggesting that the opportunity for community growth such as offices or apartments will be realized while eliminating the intensity of treatment facilities in one area.

b. Justification of the Change:

We are aware of the growing issues with both opiate addiction and overdoses in the Roanoke and surrounding areas. Overdose deaths have continued to climb, and they have doubled since the current Coronavirus pandemic in the Roanoke area. There are currently no 3.1 levels of care available anywhere
in the Valley. This level of care allows for treatment as well as housing while the individual becomes a stable, productive member of the community. The lack of housing for individuals while they attempt to gain a foothold in early recovery is one of the biggest deficits in the current attempts to treat addiction and as noted, the combination of housing, along with structured treatment, outside of the Department of Corrections, is non-existent in the Roanoke area.

The usage of this building has historically included providing community based social services including Blue Ridge Behavioral Healthcare when this property was entitled The Ingram House as well as when a special exception to provide elderly care in a group home setting was granted in 2016. The applicants are not deviating in general from prior usages of this property and we are increasing the level of accountability to the community, to the city, and to the state.

We also acknowledge that at one time, the 24016-area hosted three residential treatment facilities operated by Blue Ridge Behavioral Healthcare. These were Shenandoah Recovery which was a 30-day inpatient facility, Multilodge which was a 90-day program and Hegira House which was located at 1435 Patterson Avenue and which was an 18 month long intensive treatment program. These programs were lost when Medicaid stopped funding substance abuse treatment approximately 2 decades ago. Due to the Affordable Care Act and the national opiate epidemic, substance abuse treatment is again available and desperately needed. The need is evident, and we believe that every community has a responsibility to its members to identify and address these needs. We understand that people suffering from mental health and substance abuse issues present potential problems to any community and the toll on society is staggering. We understand that there is resistance to inviting these problems into one’s community. We are suggesting that these problems already exist in the community and that they can be addressed objectively, compassionately, and directly.

c. Effect of the Proposed Amendment on the Surrounding Neighborhood:

There is no perceived change to the surrounding area or neighborhood that would be brought about by the proposed amendment. The property in question consists of 2 additional lots one of which contains 30 parking spaces and one of which is an empty field. The applicants will not be changing any traffic patterns nor will there be a significant increase in the use of the public roadways. The applicants suggest that this will invigorate the community and will only enhance the southwest area of Roanoke.

d. Availability of Other Similarly Zoned Properties in the General Area and in the City:
The property at 1729 Patterson is designated INPUD, Institutional Planned Unit Development and the use is group care facility, halfway house. The certificate of occupancy allows for 8 people. Although the treatment of substance abuse is allowed at 1729 Patterson Ave, it is not being provided.

Bethany Hall is located at 1109 Franklin Road and it is a residential treatment facility for women, and it is one of the only facilities that focuses primarily on pregnant women. The fact that it treats substance abuse makes it similar to what is being proposed at 1801 Patterson Ave, but Bethany Hall provides a higher level of care, allowing residents to meet a 3.5 ASAM level of care which is more intensive. It does not serve men.

The Dorcus House at 801 Shenandoah Ave is a 35-bed re-entry program for men coming out of the state prison system and is zoned as a Group Care Facility/ Halfway House Continuation of a legally established nonconforming use. It does not provide substance abuse treatment nor does it focus primarily on residents who live and work in the Roanoke area.

The applicants believe that we are providing a unique service and that it is a service that is desperately needed. We will be staffed by professionals 24 hours a day and we have both a psychiatrist and a doctor on staff. We have no relationship with the department of corrections, and we will serve people from the community. We will also provide jobs and our goal is to help the community. We understand the fears about crime and drugs, and we believe that people can recover and become productive responsible members of the very community in which they live. There are no other 3.1 levels of care in Roanoke city or county and we believe that other communities will look to this neighborhood as examples of progress and hope. It is out honor and privilege to start this community-based living facility at 1801 Patterson.

e. Relationship of the Proposed Amendment to the City’s Comprehensive Plan and the applicable Neighborhood Plan:

It is understood that a new Comprehensive Plan is underway. The current plan actually provides a picture of 1801 Patterson Avenue and it says "While people moved from traditional neighborhoods to outlying suburbs during the last half of the 20th Century, many people are now seeking out these older neighborhoods for their sense of community, physical attractiveness, and convenience. As more people begin to reject long commutes, over reliance on the automobile, and the lack of community that go along with conventional suburban development, neighborhoods such as Hurt Park, Mountain View and West End are ripe for revitalization. Vision 2001-2020 promotes the development of "neighborhoods as villages," with a compact urban form accompanied by village center commercial uses that encourage pedestrian activity and a sense of community. Promoting the characteristics of traditional neighborhood
design that exist in Hurt Park, Mountain View and West End is key to the revitalization of neighborhoods throughout the City.

The portion of Patterson Avenue in the H-2 District is proposed for a mix of office and residential uses. Currently the base zoning of this area is RM-2. By allowing offices in addition to residential uses, the market will be open to a greater range of opportunities. Offices usually produce a greater rate of return than residential properties, and they are not intrusive upon the residential character of an area. The population of Hurt Park, Mountain View, and West End has remained steady with only a slight increase since the 1990 Census. The area experienced substantial increases in the number of younger and middle age populations, while the number of younger adults and the elderly decreased.

Within the traditional development pattern of the Hurt Park neighborhood is the H-2 Neighborhood Preservation District along both sides of Patterson Avenue from the middle of the 1300 block to 19th Street. Most of the houses on this street are large, mansion-like structures that were originally built for Norfolk and Western executives early in the 20th Century. On the northern side of the street, some of them still feature stone retaining walls with steps and walkways from the sidewalk. The lots on Patterson Avenue are larger than in the rest of the area. The Hurt Park Housing Development is the only major apartment complex in the area.”

The applicants understand the current Comprehensive City Plan discourages similar types of mental health and substance abuse services being in close proximity to one another and we suggest that proximity to a similar setting hardly seems a justification to thwart treatment efforts especially in a part of the city which is well known for its prolific substance use issues. We are acknowledging the need to identify and treat residents in their own backyard. We believe that we can make a difference and the presence of the proposed facility will only enhance and invigorate the West End/Hurt Park District. It is our goal to allow people to become productive members of the society in which they live. It is our belief that people do recover and that they give back in ways which are profoundly invigorating and healing to the community.

The Comprehensive Plan also states that: The portion of Patterson Avenue in the H-2 District is proposed for a mix of office and residential uses. Currently the base zoning of this area is RM-2. By allowing offices in addition to residential uses, the market will be open to a greater range of opportunities. Offices usually produce a greater rate of return than residential properties, and they are not intrusive upon the residential character of an area.

Rezoning Patterson Avenue to a mix of residential and office uses will allow more flexibility to enable revitalization.”
The applicants suggest that the rezoning of 1801 Patterson Ave will do just that. We intend to provide a place of business that will provide job opportunities to those in the community and that will increase the value and the sense of community to the Hurt Park District. We will look to employ approximately 10 individuals from the community including peer support specialists, case managers, residential aids and groundskeeping. We also intend to collaborate with existing agencies in the area such as the health department, TAP, churches, financial planning, DMV, etc., to help in providing services for the residents. As notes above, we will also be providing psychiatric and minimal medical treatment to our residents with doctors’ offices located on premises.

In specific regarding Patterson in the current city plan:

“Patterson Avenue is in the heart of the area and is an arterial street that connects 24th Street to Campbell Avenue and downtown. It is a large boulevard that measures 70 feet wide with 40 feet of pavement for most of its stretch between Campbell and 13th Street. West of 13th Street it is 100 feet wide with 40 feet of pavement. Along this section of the street, the additional right-of-way consists of sidewalks and 20-foot wide planting strips. As a central point of the neighborhood and a highly visible street, the function and appearance of Patterson Avenue is crucial to the area’s revitalization and is a high priority in this plan.”

The applicants are invested in maintaining the integrity of this historic landmark while providing landscaping and upkeep that is congruent with city planning. The city plan also recommends offering a diversity of housing options while discouraging low income multifamily housing. It encourages home ownership. It is part of our agenda to provide financial counseling to our residents and to collaborate with local businesses to provide economic opportunities to our residents including home ownership. We also reiterate that the housing opportunity that we offer is unique to this area and it will blend into the community. The plan states that it would be beneficial to “Change zoning to allow mixed office and residential uses in the H-2 District on Patterson Avenue and in West End to encourage rehabilitation, adaptive reuse, and preservation of large, historic houses.” We intend to do just that.

(c) Concept/ Development Plan

Please find a copy of the development plan for 1801 Patterson Avenue Roanoke VA 24016. There are no proposed changes to the existing plat. The plat attached will be left exactly as it is now with any and all changes made exclusively to the interior of the building. The plat attached meets the requirements for a planned unit development according to Ordinance 36.2-326. We do not anticipate any change in the
traffic flow as we will be housing no more than 16 people most of whom will be using public transportation. The number of staff working at the facility will not impact traffic flow and the 30 space parking lot adjacent to the building will be more than adequate so there will be no need for on street parking.
(d) Written Proffers To Be Adopted

The applicant hereby requests that the following proffered conditions be adopted as they pertain to 1801 Patterson Ave, Tax ID No’s 1312914, 1312913, and 1312912:

1. There will be 16 or fewer residents living on the property at any given time and there will be rotating staff 24 hours a day.
Proffered Conditions to be Repealed:

The applicant hereby requests that the following proffered conditions regarding 1729 Patterson Ave and 0 Patterson Ave, enacted by Ordinance No. 40033-090214 be repealed as it pertains to Official Tax No.’s 1212309 and 1212310:

1. There will be no more than eight (8) residents living on the property at any given time and there will be a staff person on the premises in a separate dwelling.
To: Honorable Mayor and Members of City Council
Meeting: August 18, 2014
Subject: Application by Transitional Options for Women to rezone property located at 1729 and 0 Patterson Avenue, S.W., bearing Official Tax Nos. 1212309 and 1212310, respectively. The application is to rezone the property from MX, Mixed Use District, to INPUD, Institutional Planned Unit Development District, with a condition.

Recommendation

The Planning Commission held a public hearing on Tuesday, August 12, 2014. By a vote of 6 - 0 the Commission recommended approval of the rezoning request, finding Amended Application No.2 is consistent with the City’s Comprehensive Plan, Hurt Park/Mountain View/West End Neighborhood Plan, and Zoning Ordinance as the benefits of the program provides an important service to meet the needs of Roanoke’s citizens.

Application Information

<table>
<thead>
<tr>
<th>Request:</th>
<th>Rezoning to Planned Unit Development and Proffered Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Winstead Estate Management, LLC</td>
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<tr>
<td>Applicant:</td>
<td>Transitional Options for Women</td>
</tr>
<tr>
<td>Authorized Agent:</td>
<td>N/A</td>
</tr>
<tr>
<td>City Staff Person:</td>
<td>Katharine Gray, Land Use and Urban Design Planner</td>
</tr>
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<td>Site Address/Location:</td>
<td>1729 and 0 Patterson Avenue SW</td>
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<tr>
<td>Official Tax Nos.:</td>
<td>1212309 and 1212310</td>
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<tr>
<td>Site Area:</td>
<td>0.517 acres</td>
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<tr>
<td>Existing Zoning:</td>
<td>MX, Mixed Use District</td>
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<td>Proposed Zoning:</td>
<td>INPUD, Institutional Planned Unit Development District</td>
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<td>Existing Land Use:</td>
<td>Office</td>
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<tr>
<td>Proposed Land Use:</td>
<td>Group care facility, halfway house</td>
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<tr>
<td>Neighborhood Plan:</td>
<td>Hurt Park/Mountain View/West End Neighborhood Plan</td>
</tr>
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<td>Specified Future Land Use:</td>
<td>Office &amp; Residential Mix</td>
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<td>Filing Date:</td>
<td>Original Application: May 01, 2014</td>
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<td></td>
<td>Amended Application No. 1: June 09, 2014</td>
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<td></td>
<td>Amended Application No. 2: July 01, 2014</td>
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Background

The property was built as a single family home in the early part of the 1900's. The area declined after World War II and many homes in the area were converted to multifamily uses. In 2005, a section of the neighborhood along Patterson Avenue that contained large homes was rezoned to allow for residential and office use to spur appropriate redevelopment in the area. It was occupied as an office by Blue Ridge Behavioral Health from the mid-1990s and then, in 2007, the property use was changed to a group home. In 2011 the property use was changed to office.

In September of 2011, the Hurt Park/Mountain View/West End Neighborhoods were selected as the targeted area for focused revitalization. The development of a Neighborhood Revitalization Strategy Area (NRSA) plan for the West End Community was designed to promote the long-term strength and stability of this older area of Roanoke with a high concentration of low income households, low homeownership, high number of renters, large number of vacant properties, and derelict structures. The plan identifies strategies to revitalize the West End target area which include increasing the homeownership rate through rehabilitation and new construction, rehabilitating owner-occupied housing, enhancing neighborhood business opportunities, and promoting employment opportunities.

During this time, Roanoke City police implemented an innovative program to address drug and crime problems in the area. Chief Perkins indicated that recidivism remains a significant issue in the City and in this neighborhood. Addressing recidivism of residents is a critical factor in revitalization of the neighborhood.

The applicant met with planning staff to discuss rezoning the property to allow for a group care facility, halfway house.

In May 2014, the applicant filed an application to rezone the property to Institutional Planned Unit Development District to allow for a group care facility, halfway house. The proposed development plan depicts existing building locations on the parcel and associated site development. The applicant submitted subsequent applications in the following months addressing staff and Planning Commission comments.

The original application was deemed to not have enough information for staff to adequately evaluate the proposal. A subsequent amended application had proffered conditions that staff and the City Attorney's office determined to be unenforceable. Therefore, the public hearing to consider the application was delayed until the August Planning Commission meeting.

Planned Unit Development Plan

The development plan included in the application is binding on the development of the property. All development must be in substantial conformance with the
development plan and other pertinent elements of the zoning ordinance. The development plan depicts the existing buildings and site development.

Considerations

The subject property is currently used as an office. The property use will change to a halfway house if the rezoning to planned unit development is approved. The exterior of the building is subject to H-2 Historic District Guidelines and no changes are currently proposed. The parking on the existing property will remain.

Surrounding Zoning and Land Use:

<table>
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<tr>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North RM-1, Residential Mixed Density District</td>
<td>Dwelling, single-family detached</td>
</tr>
<tr>
<td>South MX, Mixed Use District</td>
<td>Dwelling, single-family detached and Dwelling, two-family</td>
</tr>
<tr>
<td>East MX, Mixed Use District</td>
<td>Dwelling, two-family and Dwelling, single-family detached</td>
</tr>
<tr>
<td>West MX, Mixed Use District</td>
<td>Office, general or professional</td>
</tr>
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</table>

Compliance with the Zoning Ordinance:

The purposes of the INPUD District are to encourage harmonious development of institutional uses and mixed-use campus developments, to provide flexibility for creative development, to minimize potential negative impacts of institutional uses on neighboring uses, and to recognize the special complexity and interrelationships of land uses and activities in these institutional complexes.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Both Vision 2001-2020 and the Hurt Park/Mountain View/West End Neighborhood Plan recognize the need for the redevelopment for existing uses and sites to serve the needs of citizens and to support health and human services to support citizen needs. Simultaneously, the plans caution against concentration of pubic assisted housing and shelters in any given part of the City. The Hurt Park/Mountain View/West End neighborhood is an area that is undergoing tremendous positive change after years of neglect and decline. The type of development that occurs in this area during this time of transition is critical to the long term health of the neighborhood. Relevant policies and action items in the Comprehensive Plan include:
Housing Choice. The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City. Concentration of federally subsidized, assisted or affordable housing will be discouraged. The City will recommend ways to overcome impediments to fair housing by identifying barriers to housing choice, encouraging fair housing education to the community, challenging housing discrimination, and requiring affirmative marketing of developments using City funds.

Publicly-assisted housing. Publicly-assisted housing efforts and shelters will be of the highest quality that enhances neighborhoods. Publicly-assisted housing and shelters will be equitably distributed in all parts of the region.

Health and human service agencies. Roanoke will support a range of health and human services to meet the needs of Roanoke's citizens.

The need for services to provide adequate transitions for citizens being released from a correctional facility is critical to provide opportunities for these individuals and is important to the City and is supported by the comprehensive plan. The Comprehensive Plan also specifically speaks to not concentrating subsidized housing and shelters into one area, but to instead spread it throughout the City. The location of this group care facility, halfway house in this particular neighborhood further concentrates this type of shelter/service into one area of the City as there are a number of existing transitional housing developments in the neighborhood such as Red Shield Lodge at the Salvation Army, RAM House, Samaritan Inn. There are also a number of subsidized housing units within the neighborhood, such as the Hurt Park townhouse development operated by the Roanoke Redevelopment and Housing Authority and other scattered housing units. However, the Planning Commission believes the need for the facility outweighs concern regarding this concentration.

The Hurt Park/Mountain View/West End Neighborhood Plan recognizes that this area is an area of transition. What was once a premier residential area of Roanoke became a place with a high concentration of low income households, low homeownership, high number of renters, large number of vacant properties, and derelict structures. Major issues identified through the neighborhood planning process include attracting more homeowners, improving the area's appearance, infrastructure improvements, and zoning changes that would encourage the development of vacant lots and rehabilitation of substandard structures. Relevant policies and action items in the Neighborhood Plan include:

Community Design Actions:

- Encourage office-residential mix: Change zoning to allow mixed office and residential uses in the H-2 District on Patterson Avenue and in West End to
encourage rehabilitation, adaptive reuse, and preservation of large, historic houses.

Residential Development Policies:

- Diversity of Housing Options: Hurt Park, Mountain View and West End should have a balance of single and multifamily housing. Given the current housing stock, development of more multifamily low-income housing should be discouraged.

The principal consideration is whether the proposed rezoning and proffered development plan and conditions are consistent with Vision 2001-2020 and the Hurt Park/Mountain View/West End Neighborhood Plan. The existing office building has been a part of the neighborhood for many years and the Commission believes that the need for the conversion of the building to a halfway house would not have a negative impact on the surrounding neighborhood by concentrating this type of service into one area of the City.

Public Comment Summary

A letter from Hurt Park Neighborhood Association supporting the halfway house was and is included in the application.

A letter from Mountain View Neighborhood Association was submitted in opposition to the rezoning application in April, June, and August. The main concern was related to concentrating transitional homes into the area would be detrimental to attracting new homeowners and businesses.

Staff was notified that the Roanoke Neighborhood Advocates voted to send a letter on behalf of Mountain View Neighborhood Association regarding the applicant misrepresenting the views of the Mountain View neighborhood in their application.

An email from Dallas Powell listed concerns for the proposed halfway house lowering the quality of the tenant in his surrounding properties in an irreversible way.

Planning Commission Work Session

- Provide information about the number of people in residence at one time versus what would be allowed under the current zoning

Applicant Response to Staff, Public, and Planning Commission Comments

The applicant has submitted amended applications addressing staff comments.
Planning Commission Public Hearing Discussion:

Six people spoke during the public hearing in regards to the proposed planned unit development plan. Jim Crawford, Mountain View Neighborhood Association, spoke in opposition to the application for his neighborhood group. The concerns were related to concentrating transitional homes into the area would be detrimental to attracting new homeowners and businesses. Jimmy Cook, Hurt Park Neighborhood Alliance, spoke in favor of the application for his neighborhood group. Four others spoke for themselves in favor of the application. Those in favor of the application spoke to the great need for such a facility for women in the Roanoke area, the need for second chances for people returning to society from prison, and that such a facility would not create a problem in their neighborhood.

Mark Futrell
Vice-Chair
City Planning Commission

cc: Chris Morrill, City Manager
    R. Brian Townsend, Assistant City Manager
    Chris Chittum, Director of Planning Building & Development
    Ian D. Shaw, Planning Commission Agent
    Daniel J. Callaghan, City Attorney
    Steven J. Talevi, Assistant City Attorney
    Richard Winstead, Winstead Estate Management, LLC
    Dorothy Owsley, Transitional Options for Women
STATEMENT OF CONFLICT OF INTEREST

I, Raphael Ferris, state that I have a personal interest in agenda item A.4 regarding request of Transitional Options for Women to rezone property located at 1729 and 0 Patterson Ave. SW, because I have a property in the area that the applicant may have an interest in acquiring.

Therefore, pursuant to Virginia Code Section 2.2-3112, I must refrain from participation in this matter. I ask the City Clerk to accept this statement and ask that it be made a part of the minutes of this meeting.

Witness the following signature made this 18th day of August, 2014.

[Signature]
(SEAL)
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

The 2nd day of September, 2014.

No. 40033-090214.

AN ORDINANCE to amend § 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain properties within the City, subject to a certain condition proffered by the applicant.

WHEREAS, Transitional Options for Women has made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the properties located at 1729 and Zero Patterson Avenue, S.W., bearing Official Tax Map Nos. 1212309 and 1212310, respectively, rezoned from MX, Mixed Use District, to INPUD, Institutional Planned Unit Development, subject to a certain condition;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on August 18, 2014, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City’s Comprehensive Plan, and the matters presented at the public hearing, finds that the public
necessity, convenience, general welfare and good zoning practice, require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described properties should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that Official Tax Map Nos. 1212309 and 1212310, located at 1729 and Zero Patterson Avenue, S.W., respectively, be, and are hereby rezoned from MX, Mixed Use District, to INPUD, Institutional Planned Unit Development, subject to a certain condition proffered by the applicant, as set forth in the Zoning Amendment Amended Application No. 2 dated July 1, 2014.

ATTEST:

Stephanie M. Moore Reynolds
City Clerk.
ATTACHMENT A
ZONING MAP EXCERPT
1801, 0, and 0 Patterson Avenue SW, and 1729 and 0 Patterson Avenue SW
OFFICIAL TAX MAP NOS. 1312914, 1312913, and 1312912
and 1212309 and 1212310, respectively
To: Chair and Members of the Planning Commission
Meeting: November 9, 2020
Subject: Proposed amendments to Chapter 36.2, Zoning, of the Code of the City of Roanoke, (1979), as amended, by amending and reordaining, adding or deleting code sections to update, clarify and make the City’s zoning ordinance easier to use for its citizens, and to make the City’s zoning ordinance consistent with state code.

Summary:

Staff recommends approval of the proposed amendments. The Planning Commission should make a positive recommendation to City Council.

Background:

Since the adoption of the current zoning code in December 2005, seventeen amendments have been adopted to ensure the code remains a relevant tool for implementing the City's comprehensive plan.

The proposed amendments make four general changes:

1. Replace the current Bus passenger terminal or station use, which is permitted by right in the CG district and by special exception in the D district with a new use, Transit station, defined as a publicly operated use, and proposed to be permitted by right in the D, I-1, MXPUD, INPUD, and IPUD districts.
2. Exempt fences, walls, and small buildings that are currently exempt from building permit requirements from the requirement to receive a zoning permit. These structures are still subject to the various standards in the zoning ordinance.
3. Consolidate a number of specific uses into existing broader uses (e.g., Tattoo parlor becomes part of a personal service establishment).
4. Expand temporary construction activity to include the temporary provision of government or public services facilities for the duration that a permanent facility is under construction or during an emergency.
The *Proposed Zoning Ordinance Amendments*, enclosed as Attachment A, provides a description of each proposed change.

These amendments were developed by planning staff and initiated by motion of the Planning Commission at its regular meeting on October 12, 2020.

**Considerations:**

The basis for the change from the *Bus passenger terminal or station* use to the *Transit station* use is rooted in the City’s comprehensive plan, *Vision 2001-2020*, that recognizes the need for an integrated multimodal transportation network. *Vision* also notes the City will participate in regional transportation planning, including transit, through the Metropolitan Planning Organization (MPO). The Roanoke Valley Transportation Planning Organization (RVTPO) serves as the MPO for the Roanoke area. The RVTPO has prepared and adopted several plans that identify and emphasize the need for the regional transit facility to be based on a hub with the primary transfer point located in downtown. As transit operations expand, other transfer facilities will likely be provided at other activity centers in the valley. Citations from the relevant planning documents are summarized in the table below.

<table>
<thead>
<tr>
<th>Planning Documents</th>
<th>Supporting Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive plan policies regarding transit facilities</td>
<td>The Infrastructure: Transportation, Technology, Utilities section of <em>Vision 2001-2020</em> contains the following policies:</td>
</tr>
<tr>
<td></td>
<td>• <strong>IN P1. Regional transportation planning.</strong> Roanoke will participate in regional transportation planning through the MPO to appropriately develop regional plans that support compact urban development, discourage sprawl, and emphasize multi-modal forms of transportation that prioritize facilities for bicycles, pedestrians, rail, and transit as well as accommodate automobiles. Cooperative planning on the local, regional, and state levels should include design features that maintain or improve connectivity of streets while maintaining neighborhood integrity and minimizing negative visual and noise impacts.</td>
</tr>
<tr>
<td></td>
<td>• <strong>IN P2. Transportation system.</strong> Roanoke will provide a transportation system that is an integrated, multi-modal network of automobile, bicycle, pedestrian, and transit facilities. Interconnected street systems should be encouraged in new development and be maintained in existing development. New roadways through existing urban areas should be designed to minimize impact on the City’s urban fabric and complement Roanoke’s neighborhoods.</td>
</tr>
<tr>
<td>Planning Documents</td>
<td>Supporting Policy</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Support for Change in Regional Transportation Planning Documents</td>
<td>RVTPO Roanoke Transit Vision Plan</td>
</tr>
<tr>
<td></td>
<td>• Long-range plan for future transit service, transit coverage and transit operations - demand at 6 years, 14 years, 25 years</td>
</tr>
<tr>
<td></td>
<td>• Recommended large facility in the center of the region in downtown and smaller transfer facilities in the region developed over time to support regional network</td>
</tr>
<tr>
<td>Valley Metro Transit Development Plan – 2018</td>
<td>• Recommends route adjustments/service improvements/new routes – relies on a downtown hub</td>
</tr>
<tr>
<td></td>
<td>• Top capital improvement is a new downtown transit center</td>
</tr>
<tr>
<td>Valley Metro Comprehensive Operational Analysis:</td>
<td>• Short-term service improvements to be implemented before Transit Vision Plan</td>
</tr>
<tr>
<td></td>
<td>• Recommends variant of the hub system or relocating the bus station within downtown to reduce congestion</td>
</tr>
<tr>
<td>Vision 2040: Roanoke Valley Transportation Plan – 2017 (amended regularly)</td>
<td>• Long-range plan with specific projects and budgets identified - the Bus Transit Facility – Valley Metro included as a priority project</td>
</tr>
</tbody>
</table>

Permitting a Transit station use in the D, I-1, MXPUD, INPUD, and IPUD districts allows for implementation of the comprehensive plan and the regional transit plans.

There is an important distinction between the existing and proposed regulatory approaches. Under the current zoning code, a “bus passenger terminal or station” could be operated by any entity, public or private. With the proposed amendment, “transit station” is defined in a way that limits operation to a public transit agency. Such limitation triggers additional layers of review:

- Public hearing related to appropriation of funds and adoption of the budget and Capital improvement program.
- Public hearing to purchase property.
- National Environmental Policy Act (NEPA) review.
- Section 106 review for impact on historic resources.
- Federal Transit Authority (FTA) requires analysis of noise and vibrations associated with transit facilities.
- Planning Commission review and recommendation to City Council on the design of public projects.
Planning Commission Work Session:

Many essential government facilities such as fire, police or emergency services, government offices, libraries, schools, and railroad passenger terminals are permitted by right in districts where the transit station use is proposed to be added. Making a public transit agency’s transit station a by-right use in certain nonresidential districts would be consistent with the manner in which essential public facilities are considered, as shown in the Summary of Government Related Land Use, enclosed as Attachment B.

Most of the discussion at the work session was related to the Transit Station use and more specifically related to noise assessment and abatement measures, and how other government related uses are permitted (i.e., by right or by special exception).

Part of the NEPA documentation, as described above, focuses on determining the effects of noise and vibration associated with the project. Each federal oversight agency has crafted their own methodology and best practices to suit their industry. In terms of transit facilities, the Federal Transit Administration (FTA) has adopted the Transit Noise and Vibration Impact Assessment Manual dated September 2018. The manual provides a set of guidelines for evaluating the effects of noise and vibration of a proposed transit facility on surrounding areas. In addition, the manual provides guidelines on the mitigation strategies if the noise and vibration is expected to impact surrounding areas. The sound assessment and abatement measures are site specific based on type of transit operation and nearby land uses rather than a generic set of standards. A site-specific analysis is more appropriate than a generic standard when assessing noise impacts.

Many essential government facilities such as fire, police or emergency services, government offices, libraries, schools, and railroad passenger terminals are permitted by-right in districts where the transit station use is proposed to be added. Making a public transit agency’s transit station a by-right use in certain nonresidential districts would be consistent with the manner in which essential public facilities are considered.

With respect to the amendment regarding permit requirements for certain types of work, the proposed amendments will exempt fences, walls, and small storage buildings from the requirement to obtain a permit. Such work is already exempt from a building permit requirement. The change will introduce consistency between the building code and the zoning code as well as lift a regulatory requirement placed on relatively minor work. Citizens installing fences, walls, and outbuildings will still be subject to the rules of the zoning code.
Certain uses in the use tables that are marked for deletion have been deemed overly specific and will simply be included within the scope of other listed uses.

The activities permitted as temporary construction activity are expanded to include temporary government or public services facilities so that essential services can be provided while a permanent facility is under construction or during a time of emergency.

Public Comment:

Two emails have been received supporting the amendment to allow a *Transit station* in downtown by-right.

The first comments on the need for transit to help youth reach downtown for various activities, such as those offered at Mill Mountain Theater, and to specifically provide transportation options for students at the Community High School.

The second focusses on equity issues related to the need of transit riders to be able conveniently reach a range of destinations. With downtown as the largest destination, a transit facility needs to be conveniently located in downtown. The comments note that a modern transit facility in downtown highlights Roanoke's growth, progress, and vitality.

Conclusions and Recommendations:

Staff recommends approval as the proposed Zoning Ordinance amendments address changes in state code, respond to recent case law, and otherwise update the zoning ordinance to produce better development outcomes for the City of Roanoke.
## Attachment A:

### Proposed Zoning Ordinance Amendments

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Issue</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Tables</td>
<td>Error in footer(s)</td>
<td></td>
</tr>
<tr>
<td>36.2-311 – Use table for residential districts</td>
<td>Consolidating specific uses with more general categories</td>
<td>Delete pet grooming as permitted use in RA PUDs</td>
</tr>
<tr>
<td>36.2-315 – Use table for multiple purpose districts</td>
<td>Make a bus station a permitted use in downtown</td>
<td>Added a new use – Transit Station, permitted by right in D. Deleted the current bus station use</td>
</tr>
</tbody>
</table>
|                                           | Consolidating specific uses with more general categories | Deleted:  
  - Blood bank and plasma center (becomes laboratory, dental, medical, optical)  
  - Employment or temporary labor center (becomes business serve establishment)  
  - Office, general or Professional, large scale (becomes office, general or professional)  
  - Flea Market, indoor (becomes retail sales)  
  - Body piercing establishment (becomes personal service establishment)  
  - Dry Cleaning and laundry pick up station (becomes personal service establishment)  
  - Internet sales establishment (becomes retail sales)  
  - Janitorial services establishment (becomes business service establishment)  
  - Pet grooming (becomes personal service establishment)  
  - Tattoo parlor (become personal service establishment) |
<table>
<thead>
<tr>
<th>Code Section</th>
<th>Issue</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.2-315 – Use table for industrial districts</td>
<td>Consolidating specific uses with more general categories</td>
<td>Deleted:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Office, general or Professional, large scale (becomes office general or professional)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Pet grooming;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Dry Cleaning and laundry pick up station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Internet sales establishment (becomes retail sales)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Janitorial services establishment (becomes business service), uses</td>
</tr>
<tr>
<td>Permit a Transit Station in I-1</td>
<td>Added a new use – Transit Station, permitted by right in I-1</td>
<td></td>
</tr>
<tr>
<td>Fix error in footnote</td>
<td>Changed “residential” reference to “industrial”</td>
<td></td>
</tr>
<tr>
<td>36.2-315 – Use table for planned unit development districts</td>
<td>Consolidating specific uses with more general categories</td>
<td>Deleted:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Blood bank and plasma center (becomes Laboratory, dental, medical, or optical)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Office, general or Professional, large scale (becomes office general or professional)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Dry Cleaning and laundry pick up station (becomes personal service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Pet grooming (becomes personal service)</td>
</tr>
<tr>
<td>Permit a Transit Station in PUDs</td>
<td>Added a new use – Transit Station, permitted by right in all PUD districts</td>
<td></td>
</tr>
<tr>
<td>Add accessory apartment as permitted use by-right in MXPUD (currently S) and in IPUD</td>
<td>Added accessory apartment as uses permitted by-right in MXPUD and IPUD</td>
<td></td>
</tr>
<tr>
<td>Sec. 36.2-405. – Bed and breakfast, homestay, and short-term rental establishments</td>
<td>Allow an entire dwelling unit to be used as a homestay on a multi-unit property (e.g., a duplex) provided the owner/leaseholder resides at the property during guest stays.</td>
<td>Revised supplemental regulations to specify one homestay per property and that the owner/leaseholder shall occupy the property during guest stays.</td>
</tr>
<tr>
<td>Code Section</td>
<td>Issue</td>
<td>Resolution</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sec. 36.2-410. - Fences, walls, arbors, and trellises</td>
<td>4 feet height is a standard stocked fencing material. With removal of permitting requirement for fences, it is likely that homeowners will use readily available material for projects – avoid code enforcement issues.</td>
<td>Change maximum fence in a front yard from 3’-6” to 4’</td>
</tr>
<tr>
<td>Sec. 36.2-429. - Temporary uses</td>
<td>Need to accommodate temporary government facilities</td>
<td>Expand temporary construction activities to include Temporary Government or Public Services Facility,</td>
</tr>
<tr>
<td>Sec. 36.2-522. - Zoning permits</td>
<td>Permitting for fences and small structures is time consuming and we don’t inspect</td>
<td>Revise so no permit required</td>
</tr>
<tr>
<td>Sec. 36.2-647. - Buffering and screening</td>
<td>Inconsistency with mechanical screening for residential uses</td>
<td>Updated table 647-1</td>
</tr>
<tr>
<td>Sec. 36.2-652. - Minimum parking.</td>
<td>Remove parking standards for uses that have been deleted</td>
<td>Table 652-2 updated</td>
</tr>
<tr>
<td>Definitions</td>
<td>New Transit station use</td>
<td>Deleted Bus passenger terminal or station and add Transit station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revise Bus maintenance, including repair and storage term</td>
</tr>
<tr>
<td></td>
<td>Blood bank/laboratory</td>
<td>Delete Blood bank or plasma center use and revise definition of Laboratory, dental, medical, or optical</td>
</tr>
<tr>
<td></td>
<td>Employment or temporary labor service</td>
<td>Delete and incorporate in Business service establishment definition</td>
</tr>
<tr>
<td></td>
<td>Tattoo parlor/body piercing establishment</td>
<td>Delete specific uses and incorporate in Personal service establishment definition</td>
</tr>
<tr>
<td></td>
<td>Dry cleaning and laundry pick up station</td>
<td>Delete and incorporate in Personal service establishment definition</td>
</tr>
<tr>
<td></td>
<td>Flea Market</td>
<td>Revise to reflect outdoor use only</td>
</tr>
<tr>
<td>Code Section</td>
<td>Issue</td>
<td>Resolution</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td>Kennel</td>
<td>Acknowledge pet grooming as an accessory use</td>
<td></td>
</tr>
<tr>
<td>Pet grooming</td>
<td>Delete specific use and incorporate in personal service establishment</td>
<td></td>
</tr>
<tr>
<td>Zoning Ordinance Use Classification</td>
<td>RA</td>
<td>R-12</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----</td>
<td>------</td>
</tr>
<tr>
<td>Bus maintenance, including repair and storage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Community center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational facilities, business school or nonindustrial trade school</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational facilities, college/university</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Educational facilities, elementary/middle/secondary</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Educational facilities, industrial trade school</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Educational facilities, school for the arts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exhibition, convention, or conference center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire, police, or emergency services</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Government offices or other government facility, not otherwise listed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park or playground</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, indoor</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation, outdoor</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sports stadium, arena, or coliseum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training facility for police, fire, or emergency services</td>
<td>P</td>
<td>S</td>
</tr>
</tbody>
</table>

**Attachment B: SUMMARY OF GOVERNMENT RELATED LAND USES**

Chapter 36.2-36 Zoning