

Annual Report of the Planning Commission

City of Waynesboro, Virginia

September 1, 2001

Through

August 31, 2002

TABLE OF CONTENTS

LIST OF MEMBERS AND STAFF	Page 3
LIST OF MEETING DATES.....	Page 4
INTRODUCTION	Page 5
REVIEW OF YEAR’S ACTIVITIES	Page 6
In General	Page 6
Localized/Generally Routine Planning Actions	Page 7
Major Impact Planning Decisions	Page 10
SUMMARY	Page 20
LIST OF CONDITIONAL USE PERMITS, PRELIMINARY SUBDIVISIONS, REZONINGS, AND ZONING ORDINANCE AMENDMENTS.....	Page 21-22
GOALS 2001-02	Page 23
Tables	Page 25-26
Appendix	Page 27-28

**Waynesboro Planning Commission
Members & Terms of Office
2001-2002**

Lemuel E. Irvin (Council Liaison)	09/01/00 - 06/30/02
Reo B. Hatfield (Council Liaison)	07/01/02 - 06/30/04
Randolph W. McGann, Jr. *	09/01/97 - 08/31/02
Portia Bass	09/01/98 - 08/31/03
C. Webber Payne	09/01/99 - 08/31/04
Jack E. Plummer	09/01/00 - 08/31/04
Harold B. Stepp	09/01/01 - 08/31/05
William C. Moulton	09/01/01 - 08/31/05

* succeeded by Harry L. Colman, September 1, 2002

Planning Department Staff

Joseph B. Yount III, City Attorney/Director of Planning
D. James Shaw II, AICP, City Planner (*resigned June 2002*)**
Kay C. Roetto, Administrative Secretary

Vanessa Horbaly, 2001-2002 Legal Intern (graduated May 2002)
Lise Adams, 2002-2003 Legal Intern (began August 2002)

** succeeded by Brian J. Haluska, September 1, 2002

**Waynesboro Planning Commission
Meeting Dates
September 1, 2001 - August 31, 2002**

September 10, 2001 *
September 10, 2001 **
September 18, 2001
October 9, 2001 *
October 9, 2001 **
October 16, 2001
November 13, 2001 *
November 20, 2001
December 10, 2001 *
December 18, 2001
January 14, 2002 *
January 22, 2002 φ
February 11, 2002 *
February 11, 2002 **
March 11, 2002 *
March 19, 2002
July 8, 2002 *
July 16, 2002 φ
July 16, 2002
August 8, 2002 **
August 12, 2002 *
August 20, 2002

* Joint public hearings

** Special meetings

φ Special unofficial meetings (presentations requested by applicants)

INTRODUCTION

Established by the City Council, the Waynesboro Planning Commission is responsible for forwarding planning activities which will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the city's inhabitants.

Statutory Basis, Terms. Section 6 of the City Charter, Article X Chapter 2 of the City Code, and Section 15.2, Article 3 of the Code of Virginia set forth the ways in which Planning Commissions shall function as the official body planning for the future growth and development of a locality. Planning Commissions must have between five and fifteen members appointed by the governing body. There are seven members of the Waynesboro Planning Commission, all of whom are registered voters of the City and one of whom is a member of the Council.

Planning Commissioners are eligible to serve two consecutive four-year terms. Previous Commissioners were limited to one five-year term. Those serving on February 25, 2000, were eligible for reappointment to a four-year term when their five-year terms expired.

The relevant sections of City Code (Sections 2-41 and 2-341 through Section 2-346) are attached as APPENDIX # A. The Council member appointee is appointed for a two-year term at the biennial reorganizational meeting of the City Council.

Responsibilities. The responsibilities of the Waynesboro Planning Commission include (1) preparing a Comprehensive Plan and Amendments to the Plan, subject to approval by the City Council; (2) advising City Council on proposed conditional use permit and zoning ordinances and amendments; (3) advising City Council on proposed subdivisions; (4) considering and advising City Council on other items relating to the development of the City; and (5) submitting an annual report to the City Council.

Commissioners generally complete and are urged to enroll in the Virginia Certified Planning Commissioners Program to receive continuing education helpful to them in meeting their planning responsibilities.

REVIEW OF YEAR'S ACTIVITIES

In General

On September 10, 2001, the Commission held a brief annual reorganization meeting and unanimously re-elected William C. Moulton as chair and Portia Bass as vice-chair. Commissioners were advised that in connection with action affecting all council-appointed volunteer bodies, City Council had changed the Planning Commission members' term length from five to four years and changed the term limitation provision from one five-year term to two consecutive four-year terms.

At its September 18 regular meeting the Commission paid tribute to the heroes and victims of the September 11 Attack on America.

Throughout the year members of the public were welcomed to the meetings and cordially invited to speak. Special guests were formally acknowledged, including former Commissioner Ann Hutchens (September 18); Augusta County Planning Commissioner Jennie Garner (December 18), who attended as part of her planning certification course; Augusta County Supervisor Tom Sikes (October 9), who attended the joint hearing on the Chinquapin area telecommunications tower; and many others, including members of the Waynesboro City Council who frequently attended regular and special Commission meetings on critical issues during the year.

After the Commission approved its 2000-2001 Annual Report, the chair formally presented it to City Council at the latter's regular meeting on October 22. Council formally accepted the report and expressed its appreciation for the significant volunteer work the Commissioners generously performed for the City.

During the course of the year the Commission worked with Planning Staff to facilitate their procedures. Commissioners requested that staff notify them of upcoming public hearing items prior to the sites being posted with signs, a policy Commissioners felt would enable them to answer citizen questions more precisely during the period prior to the mailing out of the agendas and staff reports.

On December 18 the Commission was formally notified that the Tree Streets and Port Republic Road neighborhoods had received Virginia historic district designation from the Virginia Department of Historic Resources and had been recommended to the United States Department of the Interior for inclusion on the

National Register of Historic Places. The Commission had worked closely with staff and volunteer groups from both neighborhoods in preparing these important applications.

Localized or Generally Routine Planning Actions

As usual, in addition to more demanding matters, the Commission met its legal responsibility to consider and render opinions on routine localized, generally non-controversial planning matters, all of which it accorded the same careful attention and consideration as it rendered in more time-consuming items that engendered extended community discussion and controversy.

Rezoning: On October 16 the Commission considered a rezoning request to change the zoning on a vacant derelict house and adjacent unimproved lot at 1413 Broad Street from single family (RA-3) use to (C-4) which would allow residential, professional, and service use. Although staff had recommended that the proposal be denied, broad support of neighbors and recognition that development limited by the proffers included in the request would most likely prevent the property from further deterioration and preclude it from inviting vandalism and threatening public safety, the Commission recommended approval.

After a joint public hearing on November 13, at which no opposition was voiced, the Commission recommended approval of rezoning three adjacent lots and a dwelling from general dwelling to light industrial to allow Vector Industries, Inc. to expand its sheltered workshop operation.

Virginia Panel Corporation requested a rezoning from general business to light industrial of 3.556 acres to allow expansion of its manufacturing facility across 140 New Hope Road. Residential property abutted the tract. The applicant proffered that the premises, if rezoned, would be used exclusively for unobtrusive inside manufacturing operations with exterior use limited to parking, employee recreation, and landscaping. Other proffers included increased setbacks, above-code requirements for building aesthetics and construction, attractive pavement surface treatment, landscape buffering, and reduced exterior lighting. After minimum public comment and no serious opposition at the November 13 public hearing, the Commission considered the matter on November 20 and recommended approval, after receiving applicant's assurance that the expansion was crucial to continued operation of the business in Waynesboro.

After a joint public hearing on March 11, the Commission recommended that Council rezone a small portion of a mixed-zoned lot from industrial to residential to conform with the remainder of the parcel at 1040 Albemarle Avenue.

Mixed Use Requests: No speakers appeared at a September 10 joint public hearing on a conditional use permit request to allow residential and commercial mixed use in a general business zone at 305 East Main Street. Eight days later the Commission recommended approval without comment conditioned on the applicant (Sibole Properties LLC) submitting detailed renovation plans and abiding by the same.

Application by a veterinarian to obtain a conditional use permit to allow installation of a residential apartment on the second floor of an existing pet grooming facility in the Coyner Commercial Park at 101 Lucy Lane failed to obtain a favorable recommendation from the Commission after objection was raised by the developer who feared adverse impact on future commercial lot sales. While Commissioners recognized the possibility that future state legislation might require an employee to be on veterinary hospital premises around the clock and that the applicant might desire to house future interns in the proposed apartment, they noted that the requested permit would allow an apartment to be used as a public rental unit and expressed a feeling that despite nearby apartment complexes, the site in question was known by applicant at time of his purchase to be an integral part of a commercial park.

Floodplain Development: No opposition was raised to a homeowner's request to construct an attached garage to his residence at 512 Arch Avenue in the floodplain. The Commission recommended approval at its September 18 meeting after the applicant presented a certified flood elevation certificate along with sketches of the proposed addition. Applicant demonstrated awareness of code requirements they would have to follow. Staff had noted that granting the request would neither increase the number of residents in the floodplain nor exacerbate flood conditions in the area.

In November the City Manager's request for a conditional use permit to allow grading and fill in the floodplain at 250 South Wayne Avenue in connection with the renovation of the old city building and its augmentation with a judicial annex demonstrated that the City itself must comply with its own ordinances. After ascertaining that the floodplain portion of the property would only be used for parking, that a recently-acquired existing building in the floodplain on the site

would be razed, and that the new courts addition itself will not be located in the floodplain, the Commission recommended approval of the request.

After the Little League concession stand in Ridgeview Park had been heavily damaged by arson, the Commission cooperated with efforts to accelerate its rebuilding in time for the spring season by holding a special meeting after the February 11 joint public hearing and recommending that City Council grant the necessary conditional use permit to allow the concession stand to be enlarged and reconstructed on its site in the flood plain.

A minor development incursion in the flood district was required for the Silver Creek Planned Unit Development proposal, and although a conditional use was recommended for this by the Commission, the major contention regarding that tract concerned the nature of the development itself. (See below.)

Nonconforming Use Expansion: A non-conforming industrial building located beside a railroad and relatively isolated from the residences in the residential district it shared at 5020 White Bridge Road was granted a conditional use to allow its expansion after proffering that extensive buffering would be installed to shield it more definitively from homes in the area.

Manufactured Home Placement: Atypically, during the year only one request was received to allow location of a manufactured home on an existing residential lot located in the northeast corner of the city in an area where there were numerous other such residences. The permit was granted on condition that onsite abandoned dilapidated structures be removed and a variance from street frontage requirements be granted by the Board of Zoning Appeals.

Central Downtown District Actions: No public opposition was generated by a request heard in November to use a vacant commercial building in the central downtown business district at 204 Arch Avenue as a storefront church. Staff had recommended denial or at the very least a four-year sunset clause that would provide for automatic expiration of any such permit. This recommendation sprang from staff's fear that the city's ongoing efforts at downtown revitalization might be hindered by allowing church use of a vacant downtown storefront that might otherwise be used to generate retail traffic six or more days a week. Assured by the applicant that the congregation viewed its occupancy of the building as a temporary measure at best, a Commission majority recommended approval with a two-year expiration date. In fact, the congregation vacated the premises several months thereafter and the permit expired.

A similar request by New Harvest Church to expand its office and conference room to the circa 1830 historic landmark building adjacent to its existing store-front church at 533 West Main Street drew little opposition because it was an extension of an existing conditional use. In addition, approval was viewed as a means of enabling this growing congregation to meet its long range goal of constructing its own sanctuary outside the downtown business district and likewise as a means of helping preserve the long-vacant historic structure through the congregation's proposed occupancy.

Major Impact Planning Decisions

(1) Pratt's Run Residential and Commercial Rezoning and Preliminary Subdivision

The first of several major land use decisions impacting large vacant tracts along the Lew Dewitt Boulevard corridor returned to the Commission's attention on September 10 when it held reconvened joint public hearings on requests to rezone a majority of a 78 acre tract from single family to more dense residential districts in connection with the proposed Pratt's Run subdivision west of Lew Dewitt.

In an effort to make the proposal more acceptable, the applicant had met in the interim with staff and now proffered to withdraw the request for more intense RB-2 multifamily residential dwellings and commit most of the acreage proposed for that density to permanent open space, greenways, and stormwater detention. The applicant also proffered binding covenants and restrictions for the other proposed residential rezonings to help maintain neighborhood continuity and appropriate transition as the zoning changed within the proposed Pratt's Run subdivision. These proffers limited lot width and number of units per building; set square footage, minimum roof pitch, and quality construction requirements; prohibited vehicular and other outside storage; and provided architectural review of any exterior modifications including color changes. The developers agreed to explore the potential for a regional stormwater management facility on the site.

Recognizing that members of the land use advisory committee prior to the adoption of the current Comprehensive Plan had recommended that the property remain undeveloped due to perceived moisture of the land and presence of wildlife, the Commission understood that development on the tract could not be prohibited

as long as it conformed with applicable law and existing zoning. Refuting media and public claims that the property in question was largely marshy wetland, applicant's engineers assured the Commission that neighboring property but not the proposed rezoned area possessed such characteristics and that no wetlands existed on the property in question. Stated fears of increased runoff affecting downstream properties were allayed by staff and engineer assurances that the retention pond had been oversized so as to exceed state standards for developing the proposed site. The Commission recognized that 158 buildings could be constructed under present zoning but only 139 would be built under the proposal, which would create a greater building density in some areas but preserve more area as open space overall. Maximum anticipated population of the subdivision would be reduced from 437 to 380 by dedicating portions to duplexes and townhouses instead of developing the entire tract as single family detached dwellings.

Realizing that under state law the City lacks the authority to impose environmental impact fees for this type of development and that staff review must consider the developer's rights; applicable state, federal, and local law; environmental considerations; demands on community facilities; and other relevant factors in addition to the Comprehensive Plan, staff reported that in this case staff believed that the developer by his design and proffers had insured that the standards of the Plan would be met. Specifically germane were recognition of the great development potential of land along Lew Dewitt Boulevard, a major transportation route, and evidence that developer was insuring that standards of the comprehensive plan would be met.

A related request that nearly nine acres of the same tract fronting on four-lane Lew Dewitt Boulevard be rezoned as commercial was likewise accompanied by proffers limiting building size; restricting use to professional office and retail; restricting signs, buildings, and site plans to a unifying style subject to architectural review; and requiring at least half the parking to be constructed so as not to be visible from or oriented to Lew Dewitt Boulevard. Adjoining property was commercial. A preliminary subdivision plat accompanied the Pratt's Run rezoning requests.

The Commission formally addressed the Pratt's Run applications at its regular meeting of September 18, 2001. Members of the public expressed opposition to the proliferation of apartments and multi-family development in general in Waynesboro, fear of flooding and runoff after the development is completed, and belief that the tract in fact contained wetland areas and should be

inspected by the federal Environmental Protection Agency prior to any development.

Staff addressed the issue of wetlands and Karst areas, asserting that investigation of the property revealed no sinkholes, potential for groundwater contamination, or evidence of wetlands; stated that before final subdivision plat approval, detailed construction plans would be required that would include stormwater retention, utilities, roads, as well as additional geologic survey work on the site; agreed that if wetlands existed on the property, it would be illegal to disturb them without appropriate mitigation; and noted that local wetlands investigations are conducted not by the EPA but by the Staunton office of the Army Corps of Engineers and the district Natural Resource Conservation Service in Verona.

After considering what could be erected by right on the property under its current zoning, hearing statements that the anticipated number and types of people occupying the proposed townhomes would likely have less economic impact on city services than if the property were developed as single family, and noting that the required detention area had been doubled in size to help alleviate stormwater runoff, and recognizing the proffers the applicant had made, the Commission recommended approval of the residential and commercial rezoning requests, with one member abstaining because of a potential conflict of interest.

Further public input concerned the proposed preliminary subdivision plat itself. Traffic concerns focused on staff assurance that a traffic study yet underway would require necessary improvements on Lew Dewitt Boulevard including deceleration lanes, entrances, exits, and other improvements. The Commission recommended approval of the preliminary plat by a vote of six to one with the Vice Chair voting in opposition due to concern over the potential adverse environmental impact and many unanswered questions she had regarding the subdivision. Subsequently, at the Commission's October 9 special meeting, staff confirmed that the Army Corps of Engineers had advised the city that there were no wetlands on the Pratt's Run property and presented the Commissioners with that report.

(2) Chinquapin Area Tower Request

A highly controversial application by Project Development Services to construct a telecommunications facility (cell phone tower) on commercial property at 190 Chinquapin Drive drew extensive opposition from residents of the adjacent Chinquapin subdivision located in Augusta County, as well as from the nearby

owner of the Iris Inn, itself located in Waynesboro. The Iris Inn and other properties on North Delphine Avenue were zoned commercial and contained commercial structures, but irrespective of zoning the city's telecommunications ordinance allows cell phone towers to be placed by conditional use permit only.

Staff recommended that the request be approved with numerous conditions designed to insure the structural integrity and improve the visual impact of the tower, suggesting that it be constructed of wood or a wood-toned concrete or steel, built so as to extend no more than 36 feet above the surrounding tree line not above the ridgeline to the east, and hold only streamlined designed wood or neutral color antennae.

The initial public hearing, held on September 10, was forced to be readvertised and held again on October 9 due to failure of the city to notify several adjoining property owners of the first hearing. A large contingent of concerned county residents from the Chinquapin subdivision and others in opposition to the request spoke at each hearing, and at the intervening regular Commission meeting on September 18, at which time citizens from Chinquapin relayed a request from the Augusta County supervisor of the adjacent area (Wayne Magisterial District) that the Commission table the matter until its mid-October meeting to allow them to meet with the county official. Declining to do so, the Commission nonetheless agreed to hold a special meeting two hours prior to the next City Council meeting on September 24, in hopes that the county official could be accommodated with a meeting and at the same time allowing the Commission time to make its recommendation to Council in advance of the latter's meeting. The aforementioned requirement that Council readvertise the matter and hold a second public hearing on October 9 obviated the need for the Commission to hold such a special meeting on September 24.

At the October 9 joint public hearing, in addition to vocal opposition from the neighbors, an independent engineering report on the proposal that had been commissioned by Augusta County was presented and the Wayne District supervisor spoke, admitting that the proposed site had been recommended as the best available choice but expressing concerns with the dynamics and aesthetics of the proposed tower. The chair read into the minutes a letter sent the Commission by a resident unable to attend the hearing. Following extensive public comment, the Commission convened its own special meeting in the adjacent conference room, recognizing that the public had been given full opportunity to speak at the immediately preceding joint public hearing and opening the floor to questions of the applicant by individual commissioners. The applicant stressed that alternative

locations as suggested at the hearings were inadequate to provide the desired capacity, coverage, or handoff to the nearby landfill tower and that locating on the Wildlife Center property would (due to terrain considerations) require a tower likely exceeding 199 feet in height with mandatory strobe lighting much less desirable than the proposal for the Elkins land. Staff confirmed that the independent evaluation procured by Augusta County confirmed that use of the proposed alternate sites would leave gaps in coverage that would be rectified by approving the application as requested.

Staff and the Commission reviewed maps that were provided with Atlantic Technology's evaluation which compared coverage on the proposed Chinquapin site, which shows full coverage for Waynesboro, versus coverage that would be provided by the Overnight Tower, which would include a large gap around the interstate. The Commission ascertained that applicant had no interest in expanding the site in the future and received a briefing from staff reminding them that the 1996 Federal Telecommunications Act requires any decision by a locality to deny such a request to be in writing and supported by substantial evidence contained in the written record. The Commission voted unanimously to recommend that Council approve the request with the conditions proposed by staff, and the report and recommendation was immediately returned to City Council for the latter's consideration during the council meeting still in progress.

(3) Control of Junk Car Urban Blight

The City's broadbased effort to eliminate the perceived urban blight of numerous used car lots that did not violate junk yard code prohibitions but nonetheless drew widespread public complaint as an intrusion on main thoroughfares and nearby residential neighborhoods came to the attention of the Planning Commission on December 10, when joint public hearings were held on an interlocking package of four ordinances amending numerous chapters of the City Code and designed to strengthen the City's ability to enforce regulations with regard to inoperative vehicles at commercial locations. Although only two of these ordinances were directly applicable to the zoning ordinance, City Council sensed the significance of insuring that the offensive would be effective and referred all four ordinances to the Planning Commission after December 10 joint public hearings.

At these hearings and the December 18 Commission meeting little public support was voiced for the Code changes, although staff and officials noted that they had received many demands for such empowerment and enforcement over the

years. A citizen did call for stricter enforcement of existing ordinances regulating operative vehicles in residential areas. The principal public input on the proposed new changes came from used automobile dealers who would be heavily impacted if the changes were approved. They discussed the lengthy legal process required to sell or remove a stored unclaimed vehicle, defended the lack of screening from view as a means of preventing after-hours theft and vandalism, urged that the proposed provisions be somewhat compromised, but generally promised to abide by the new provisions if they were enacted. The Building Inspector and the City Attorney/Director of Planning each addressed the Commission, explaining the effort that staff had undertaken to bring comprehensive and effective regulation to a problem that had generated many complaints. They emphasized that the interlocking ordinances would not unduly impact on desirable businesses but merely affect their method of operations in a manner similar to that effectively used by many other Virginia localities.

The City Planner stressed that the ordinances had been developed at the direction of the city manager in response to complaints of private citizens as well as business people who want to see commercial districts improved and who view automobiles graveyards as a detriment to attracting desirable businesses. He reiterated that the ordinances essentially sought to define automobile graveyards, give the city greater regulation in commercial zones, and effectively provide remedies for violations. The Commission questioned staff extensively on plans for effective enforcement of the ordinances. Abuses and complaints lead to development of the ordinances to allow more control as stipulated by state code but only to businesses in operation after June 26, 1970. The Commission expressed frustration that there were not more concerned citizens here supporting the ordinances, especially inasmuch as so many people had complained on the problems.

(4) Silver Creek Planned Unit Development

In early January the Commission schedule included the first of many meetings regarding proposed development of the old Booker farm, a 52.649-acre tract zoned RA-1 and RA-2 Single Family Districts marked by several milestones in local history besides the beginning of an intense controversy. The tract, acquired by an out-of-town developer by foreclosure, had remained vacant for a decade or more thereafter and after preliminary private discussion with City planning staff, the owner's local consulting engineers submitted companion applications for conditional use permits. One was relatively routine, requesting permission to construct an access road that skirted a half acre of the flood district.

The other was a request of first impact in that for the first time a developer was requesting to develop land in Waynesboro as a planned unit development rather than simply in accordance with its applicable single family zoning.

Most adjoining property owners and many people in the City would have preferred to see the property remain undeveloped, but City Council showed no interest in purchasing it for park or conservation use, and without support from local government, concerned citizens found none or limited opportunities for public or private grant monies that might be used to prevent the property's development. PUD development had perceived advantages and disadvantages. It allowed 31 additional dwelling units to be built on the property, some of them attached townhouse condominiums. On the other hand, by law it would insure that at least forty percent of the property was preserved as greenspace, a requirement that would not be applicable if the tract were developed as single family lots.

The opening salvo in what became a hotly disputed battle was scheduled to occur at the joint public hearing on January 14, but the developer requested that the matter be tabled until February 11, and requested that the Commission host a public forum on the matter in the interim on January 22 to give the applicant an opportunity to present the plans and discuss them with surrounding neighbors and concerned citizens. Neighbors at the meeting commended the Planning Department and the rest of the City staff for their hard work and dedication to ensuring that this development meets all of the requirements of the City Code and the surrounding neighborhood. At the same time they expressed serious concern that Belvue Road will be extended into the new subdivision and be used as a primary access road into and out of the development.

The unofficial informational meeting, hosted by the Commission Chair, drew an extensive attendance, including members of Council. After requesting that no questions be directed to Council or Commission members, the Chair announced guidelines for speakers, who were invited to question the applicant's representatives or otherwise comment on the proposal. An informal procedure was followed, but due to the large number present, each speaker was limited to two minutes with the understanding that additional comments would be accepted after each individual desiring to speak had been recognized initially.

Following a joint public hearing at which considerable opposition was heard, the Commission voted by a 4 to 2 vote on March 19 that the request be denied and forwarded its recommendation to City Council. The ordinance was introduced on March 25, but on April 8, the night on which Council was scheduled to take its

final vote on the matter, the applicant withdrew both applications “in consideration of the City Staff report and the recommendation of the Planning Commission,” advising Council that the applications would be resubmitted at a later date.

This was done in June, and a new joint public hearing was held July 8 on the revised requests. The developer agreed to widen the segment of Bookerdale Road between Silver Creek Drive and Lew Dewitt Boulevard to 24', an offsite improvement not as wide as originally requested by the City but representing a compromise that the owner and the City had reached. In addition, proffers regarding the subdivision layout and quality of construction and housing demonstrated higher standards than on the original submission.

Opposition at the public hearing was less extensive than previously but addressed many of the same objections. Three major points of discussion pervaded the meetings. First, it was recognized that the tract was already zoned for a single-family development of 122 units and that the developer could not legally be required to make any offsite improvements if he elected that course. Second, an argument in favor of the planned unit development was that even though the added density would allow 153 units, a full forty percent of the tract would be maintained as greenspace under code requirements for that alternative. Third, although the developer never agreed to such an option, neighborhood fears that Silver Creek Drive would generate a heavy traffic load by serving as a convenient cut-through from nearby neighborhoods to the interstate led to demands that the development be punctuated midway with cul-de-sacs with gated greenway accessibility between them for emergency use. Fourth, all parties seemed to agree that if sufficient funding were available, the property was suited for publicly-owned preservation as a conservation area, but the City Council felt it had higher priorities for funding, and citizen activists found grants were unavailable absent participation by the City in funding such a purchase. Finally, the Commission was left with the option of deciding whether or not single family subdivision development with minimum reservation of public greenspace was preferable to planned unit development with forty percent of the acreage so reserved as greenspace and developer's commitment to widen the potentially narrow section of Bookerdale Road.

At the regular July 16 Commission meeting the Commission heard further input regarding Silver Creek but concluded that a favorable recommendation was appropriate and endorsed Waynesboro's first planned unit development, conditioned as recommended by staff and with the added requirement that speed bumps be installed to impede fast traffic through Silver Creek Drive to the extent allowable by law and prudent engineering standards. The Commission tempered

its endorsement by a resolution asking City Council to explore seriously with the owner of the Silver Creek tract the feasibility of acquiring the property through grants or otherwise for conservation as undeveloped green space or for other appropriate public use.

(5) Wal-Mart Rezoning

By far the most controversial land use issue to face Waynesboro during the year concerned the request that 17.5 acres of the Carflo Farms property west of Rosser Avenue be rezoned from residential to commercial for consolidation with adjacent Coyner Commercial Park property as the site for a 183,917 square foot Wal-Mart Supercenter. A large crowd attended the July 8 joint public hearing and time limitations prevented some members of the public from fully expressing their concerns.

Recognizing this, the Commission agreed to schedule a special two-hour informational session prior to its regular July 16 meeting for the express purpose of providing a further forum at which Wal-Mart representatives could hear and respond to neighborhood concerns. The special session drew another overflow audience and was attended by a majority of City Council as well, but the Chair deferred public questioning of Commissioners and Councilmembers and successfully monitored an intensive dialogue between concerned citizens and Wal-Mart representatives. The latter group, including the Company's Virginia real estate manager and agent, as well as its consulting engineer and traffic study engineer, stated that they were present to address concerns raised at the July 8 public hearing and listen to neighborhood issues. Speakers from the area impacted by the request and members of the general public again addressed in detail such issues as traffic safety concerns due to increased traffic on Rosser Avenue; the close vicinity of Ladd School; questions on the site selection process and why the Outlet Village site was not selected; perceived adverse effects to residents of Woodlyn Court; cut-through traffic into residential areas; parking of trucks and truck traffic in general, including number of trucks daily; adverse aesthetic aspects, including architectural design, signage and lighting; ingress and egress from Rosser and suggestions to explore putting entrance on Lew Dewitt Boulevard; additional safety concerns concerning children in the neighborhood; landscape buffering; and water runoff.

The special meeting adjourned ten minutes before the Commission's regular meeting, half of which was devoted to a continuation of the Wal-Mart discussion and half to the Silver Creek planned unit development issue. Wal-Mart presented a

slide depiction of its proposed project, addressing the such issues as store appearance and design, visual and lighting, lighting impact, landscaping and buffering; noise; traffic concerns, proposed stoplights, traffic increase, concerns of residents of Tiffany Drive and Woodlyn Court, Ladd Elementary School, and the projected economic impact on Waynesboro in general. During the presentation, Wal-Mart representatives fielded questions from the audience, and many citizens elaborated on their concerns and reasons for opposition, concerned that the request violated the Comprehensive Plan and would otherwise prove harmful to other Waynesboro businesses and residents in the vicinity of the site. Citizens argued for delay in the process to allow the Planning Commission and staff more time to research the issues involved and asked that a visual impact study or independent financial analysis be provided before any Commission or Council vote on the issue. The Commission Vice Chairman asked that an environmental visual impact study be concluded before action. Because time constraints left numerous issues unresolved, the Commission offered to hold a second special meeting to hear further input before making its recommendation to Council.

The Commission again considered the Wal-Mart rezoning at a special meeting on August 8 which allowed both sides to discuss possible compromises and further explored the divisive issues. The Executive Director of the Greater Augusta Chamber of Commerce reported on the Chamber's telephone survey which showed 76% in favor of Wal-Mart, 12% opposed and 12% undecided. Truck traffic and possible relocation of the truck entrance received considerable attention. Support from downtown business owners and other citizens did not equal the neighborhood opposition but was more in evidence than at previous meetings. The Chair indicated that he had personally discussed the safety and traffic issue with the city's Director of Emergency Operations who saw no problem with the proposal. Although at the conclusion of the meeting the Commission voted five to two to recommend that Council approve the rezoning, a companion resolution asked Council to work with Wal-Mart in considering a plethora of still-unresolved issues in hopes the parties would reach a compromise that would see Wal-Mart constructed on the site while ameliorating some of the major citizen concerns. These matters included consideration of an alternate truck entrance; aesthetic concessions on signage, lighting and general appearance; moving signage; constructing the store below the sight line; and numerous others.

IN SUMMARY

The primary motivating factor that impels the Commission in its efforts on behalf of Waynesboro is a determination to encourage public participation in local government in general and municipal planning in particular. Every effort is made to stimulating citizen involvement in an open, public process. Commissioners are available to hear from their constituents at all times and vigorously seek to maximize attendance at their meetings. Commission leaders and members render themselves available to press and other media to inform public opinion as to pending planning matters and work closely to with staff to achieve this end.

The past year demonstrated this overarching goal more distinctly than ever before, as the Commission voluntarily sponsored special informational meetings on numerous occasions to insure that all voices were heard on what in some cases proved to be the major planning issues of recent years. Insistent on accommodating the public on what was often a difficult and demanding schedule, the Commissioners proved ready to work long hours on extra occasions in order to bring to the forefront vital community concerns that citizens felt compelled to voice to the Commission and Council.

This diligent effort to open the planning process to all citizens in no way diluted the Commission's own responsibility for its actions and recommendations. On the contrary, its members probed the issues in depth and often worked behind the scenes with staff and applicants to improve an application or resolve a point in contest. In short, the Commission reached its conclusions by applying its best collective judgment to matters before it only after exhausting all avenues to ascertain the relevant factors surrounding an issue and to hear all voices desiring to express an opinion. The result was in all cases well-informed and well-intentioned, and Council benefited from the recommendations the Commission rendered.

CONDITIONAL USE PERMIT APPLICATIONS 2002-03

1. Don Sibole, Sibole Properties, owner, to allow mixed residential and commercial use in a C-2 General Business District at 305 East Main Street. #C-01-12, *approved*.
2. George Ferreira, Jr. and Victoria L. Ferreira, owners, to allow construction of a garage in the floodplain at 512 Arch Avenue. #C-01-13, *approved*.
3. Gary Summers of Project Development Services, and Jeffrey T. and Joan R. Elkins, owners, to allow construction of a telecommunications facility at 190 Chinquapin Drive. #C-01-14, *approved*.
4. Rev. Melvin Bragg, Full Gospel Church, tenant, to allow operation of a church in a C-3 Central Business District at 204 Arch Avenue. #C-01-16, *approved*.
5. City of Waynesboro, owner, to allow grading and fill in the floodplain at 250 South Wayne Avenue and 239 Market Avenue. #C-01-11, *approved*.
6. City of Waynesboro, owner, to allow replacement and enlargement of concession stand in floodplain at Ridgeview Park, Magnolia Avenue. #C-02-2, *approved*.
7. Jimmy G. Fisher, owner, to allow placement of a manufactured home at 1400 Malcolm Avenue. #C-02-1, *approved*.
8. Dr. John B. Dunlap and Victoria J. Dunlap (Animal Health Care Center) owners, to allow mixed residential and commercial use in a C-2 General Business District at 101 Lucy Lane. #C-02-3, *denied*.
9. Paul D. Bosserman, owner, to allow expansion of a non-conforming use (existing industrial use) in an RA-1 Single Family District at 5020 White Bridge Road. #C-02-4, *approved*.
10. John McNair & Associates, for Balmar, Inc., owner, for a Planned Unit Development to be known as Silver Creek Planned Unit Development on 53.649 acres located off Bookerdale Road, and an associated conditional permit to allow development of the entrance road partially in the floodplain. #C-02-6 and #C-02-7. *The Commission initially recommended denial of the request on March 19, 2002; applicant then withdrew request prior to the next Council meeting. Plan was subsequently revised and resubmitted and the Commission recommended approval of the revised plan on July 16, 2002, and was approved by the City Council on August 12, 2002.*
11. Pastor Gene Arey for New Harvest Church, tenant, and Thomas Spicuzza, owner, to allow expansion of an existing conditional use permit at 533 West Main Street to be used as church office and conference room. #C-02-8, *approved*.

PRELIMINARY SUBDIVISION PLATS 2001-02

1. Pelham Partners, LLC, owner, residential subdivision (Pratts Run Subdivision) off Lew Dewitt Boulevard. *#S-01-8, approved with conditions.*

REZONING APPLICATIONS 2001-02

1. Pelham Partners, LLC, owner, 9.531 acres from RA-1 Single Family to RA-2 Single Family District, and 30.312 acres from RA-1 Single Family to RB-1 General Dwelling District, to be part of Pratts Run Subdivision location off Lew Dewitt Boulevard. *#R-01-1, approved.*
2. Draft Building Company, owner, 8.604 acres fronting on Lew Dewitt Boulevard from RA-2 Single Family District to C-2 General Business District. *#R-01-2, approved.*
3. Tom Shumate, agent for Tim Merritt, owner, from RA-3 Single Family District to C-4 Summit Square Professional and Service District, 1413 West Broad Street. *#R-01-3, approved.*
4. Vector Industries, Inc., contract purchaser, Donna D. Lucas, owner, from RB-1 General Dwelling to M-1 Light Industrial District, property at 901 Fairfax Avenue. *#R-01-4, approved.*
5. Virginia Panel Corporation, contract purchaser, and Leon Harris, et. al, owners, property between Ivy Street and New Hope Road from C-1 Local Business District to M-1 Light Industrial District. *#R-01-5, approved.*
6. Tom Shumate, agent for Robert H. and Geneva H. Lee, owners, portion of property at 1040 Albemarle Avenue from M-2 Heavy Industrial to RB-1 General Dwelling District. *#R-02-1, approved.*
7. C. Lee Warfield, III, Insignia Thalhimer, contract purchaser, for Carflo Farm, LC, LLC, owner, 17.5 acres of a 101.7 acre tract from RA-1 Single-Family District to C-2 (General Business District) to be used with adjoining C-2 property for a proposed Wal-Mart supercenter north of the intersection of Rosser Avenue and Tiffany Drive. *#R-02-2; Commission considered at their regular meeting on July 16, 2002, and at a special meeting on August 8, 2002, at which time the Commission recommended approval to Council. Council subsequently approved request on August 26, 2002.*

ZONING AND OTHER ORDINANCE AMENDMENTS 2001-02

1. In December 2001, the Commission recommended to City Council approval of amendments to Chapter 38 "Nuisances", Chapter 82 "Traffic and Vehicles" and Chapter 98, "Zoning," regarding regulation of junkyards and automobile graveyards and control of visible exterior storage of inoperable vehicles.

PLANNING COMMISSION GOALS 2002-2003

1. REVISE ZONING ORDINANCE AND ZONING MAP

Because of auxiliary assignments regarding greenway and downtown revitalization grants, work on additional historic districts, and a staff vacancy, the planning department staff did not complete the revised zoning ordinance, although partial amendments had rectified the most pressing needs highlighted at the time the Comprehensive Plan was adopted. A complete reorganization of the zoning ordinance, to be delivered before calendar year's end, was two-third's complete by August 31.

Work on revising the zoning map will begin prior to year's end, as soon as the GIS system has been installed. It is anticipated that this work will be accomplished in-house using the expertise of the new municipal planner, who is experienced in the field. Prior discussions with the Shenandoah Valley Planning District in late 2001 revealed that they would be in position to assist with the work by June 2002, but at that time a staff vacancy and the immediately following filing of the Wal-Mart rezoning and Silver Creek reapplication left the department unable to work with the District during the summer of 2002.

Besides addressing the overlay districts, the revision of the zoning code and map is expected to consist largely of reorganization to facilitate their use by the public. Review and approval by the Commission and Council are not anticipated to be lengthy processes since the revisions will directly reflect the Comprehensive Plan that was adopted by both bodies.

2. COMPREHENSIVE PLAN REVISION

During the latter part of 2002 staff will also work to assemble updated statistical information and proposed text updates for the new Comprehensive Plan which will be presented for review by citizen committees appointed by City Council from citizen volunteers. These committees, working in tandem with the Commission and staff, will recommend revisions to the Plan which, after formal Commission review, will be sent to Council with Commission and staff recommendations. It is recommended that the Commission involve the public in the process to the fullest extent practical, presumably holding in-ward citizen meetings and other informational sessions as the Commission deems necessary.

The revised Comprehensive Plan should be submitted to City Council, if possible, by November 2003.

3. COMMISSION TRAINING

The Planning Commission will continue to urge all members to complete their training and development, availing themselves within such budget constraints as Council may impose of continuing planning education offered by the Virginia Chapter of the American Planning Association, the Virginia Citizens Planning Association, the Virginia Cooperative Extension at Virginia Tech, and other appropriate agencies.

4. CITIZEN CONCERNS

As outlined in the foregoing Summary section, page 20, the Commission's primary goal will remain to inform and involve the public in land use issues and decisions. Every effort will be made to notify the public of matters the Commission is considering and to give the public maximum opportunity to make its collective and individual feelings heard.

5. COOPERATION

The Commission stands ready to accept any referrals it may receive from City Council or to work cooperatively with other agencies of city government or public/private partnership organizations to protect the quality of life, promote the economic viability, and preserve the environmental and historical assets of Waynesboro through responsible attention to public planning.



**Applications for Conditional Use Permits
September 1, 2001 – August 31, 2002**

File Reference	Applicant	Request	Location	Staff Recommendation	Commission Recommendation/Date	Council Action/Date
C-01-12	Don Sibole, Sibole Properties	Mixed Use in C-2 district	305 E. Main St.	Approval	Approval 9/18/01	Approved 10/9/01
C-01-13	George Ferreira, Jr. & Victoria L. Ferreira	Construction of garage in floodplain	512 Arch Ave.	Approval	Approval 9/18/01	Approved 10/9/01
C-01-14	Gary Summers, Project Development Services, and Jeffrey T. & Joan R. Elkins, owners	Construction of telecommunications facility	190 Chinquapin Dr.	Approval	Approval 10/9/01	Approved 10/22/01
C-01-16	Rev. Melvin Bragg, Full Gospel Church	Operation of a church in C-3 district	204 Arch Ave.	Limited Approval	Approval 11/20/01	Approved 12/10/01
C-01-11	City of Waynesboro	Grading & fill in floodplain	250 S. Wayne Ave. & 239 Market Ave.	Approval	Approval 11/20/01	Approved 12/10/01
C-02-2	City of Waynesboro	Enlargement of concession stand in the floodplain	Magnolia Ave. (Ridgeview Park)	Approval	Approval 2/11/02	Approved 2/25/02
C-02-1	Jimmy G. Fisher	Manufactured home	1400 Malcolm Ave.	Approval	Approval 2/11/02	Approved 2/25/02
C-02-3	Dr. John B. & Victoria J. Dunlap (Animal Health Care Center)	Mixed use in C-2 district	101 Lucy Lane	Denial	Denial 3/19/02	Denied 4/8/02
C-02-4	Paul D. Bosserman	Expansion of non-conforming use in RA-1 district	5020 White Bridge Rd.	Approval	Approval 3/19/02	Approved 4/8/02
C-02-6 & C-02-7	John McNair & Associates, for Balmar, Inc.	Planned unit development & construction in floodplain (Silver Creek Planned Unit Development)	Bookerdale Rd.	Approval	* The Commission initially recommended <u>denial</u> of the request on March 19; applicant then withdrew request prior to the next Council mtg. Plan was subsequently revised & resubmitted and the Commission recommended <u>approval</u> of the revised plan on July 16.	Approved 8/12/02
C-02-8	Pastor Gene Arey for New Harvest Church	Expansion of existing conditional use for church offices	533 W. Main St.	Approval	Approval 8/20/02	Scheduled for 2 nd reading 9/9/02

**Preliminary Plats
September 1, 2001 – August 31, 2002**

File Reference	Applicant	Subdivision Name/ # of Lots	Location	Staff Recommendation	Commission Recommendation/Date	Council Action/Date
S-01-8	Pelham Partners LLC	Pratts Run/203 lots (residential & commercial)	Lew Dewitt Blvd.	Approval	Approval 9/18/01	Approved 10/9/01

**Applications for Rezoning
September 1, 2001 – August 31, 2002**

File Reference	Applicant	Request	Location	Staff Recommendation	Commission Recommendation/Date	Council Action/Date
R-01-1	Pelham Partners, LLC	9.531 acres from RA-1 to RA-2 & 30.312 acres from RA-1 to RB-1	Lew Dewitt Blvd.	Approval	Approval 9/18/01	Approved 10/9/01
R-01-2	Draft Building Company	8.604 acres from RA-2 to C-2	Lew Dewitt Blvd.	Approval	Approval 9/18/01	Approved 11/26/01
R-01-3	Tom Shumate, agent for Tim Merritt	From RA-3 to C-4	1413 W. Broad St.	Denial	Approval 10/16/01	Approved 11/13/01
R-01-4	Vector Industries, Inc.,	From RB-1 to M-1	901 Fairfax Ave.	Approval	Approval 11/20/01	Approved 12/10/01
R-01-5	Virginia Panel Corporation	From C-1 to M-1	Property between Ivy St. and New Hope Rd.	Approval	Approval 11/20/01	Approved 12/10/01
R-02-1	Tom Shumate, agent for Robert H. & Geneva H. Lee	From M-2 to RB-1	Portion of property at 1040 Albemarle Ave.	Approval	Approval 3/19/01	Approved 4/8/02
R-02-2	C. Lee Warfield, III, Insignia Thalhimer	17.5 acres from RA-1 to C-2	Portion of property north of intersection of Tiffany Dr. & Rosser Ave. to be acquired by Wal-Mart	Approval	Approval 8/8/02	Approved 8/26/02

Sec. 2-41. Volunteer advisor term limits.

- (a) Except as otherwise further limited by provision of state code or city charter, or where explicitly required by state law or city charter to the contrary, no individual appointed by city council to a volunteer advisory board, commission, authority, or agency shall be eligible to serve on such body for more than two consecutive four-year terms in addition to less than one-half of a complete term in the instances when an individual has been appointed to fill a vacant portion of a term (the portion filled to run as of the date of said appointment).
- (b) Consecutive full terms completed or in progress at the effective date of this section shall each be deemed as single terms (for the purpose of determining whether or not an appointee has completed one-half or more of a term), whether or not their length under previous code or other provisions were four years, more, or less.
- (Ord. No. 2000-7, 2-14-00)

**ARTICLE X. PLANNING
COMMISSION***

***Charter reference(s)**--Comprehensive plan authorized, approval and recordation of subdivision plats, § 5(7); zoning commission, § 6(6); city plan, advisory city planning commission, § 66.

Cross reference(s)--Subdivisions, ch. 74; zoning, ch. 98.

Sec. 2-341. Composition; appointment of members.

The number of members of the city planning commission shall be seven, all of whom shall be appointed by the council, one of whom shall be a member of the council, and the remaining members shall be qualified voters of the city.
 (Code 1964, § 2-101)

Sec. 2-342. Appointment and term of members.

The terms of office of the members, other than the member of the council shall be four years. On or before September 1, 2000, the appointment to fill the vacancy expiring on August 31, 2000, shall be made for a term of four years, beginning September 1, 2000, to expire August 31, 2004. On or before September 1, 2001, the appointments to fill the vacancies expiring on August 31, 2001, shall be made for a term of four years, beginning September 1, 2001, to expire August 31, 2005. On or before September 1, 2002, the appointment to fill the vacancy expiring on August 31, 2002, shall be made for a term of four years, beginning September 1, 2002, to expire August 31, 2006. On or before September 1, 2003, the appointment to fill the vacancy expiring on August 31, 2002, shall be made for terms of four

years, beginning September 1, 2003, to expire August 31, 2007. Thereafter, all terms shall run for four years beginning on the September 1st which is the effective date of appointment.

Vacancies occurring on the commission shall be filled by council for the unexpired portion of the term.

(Code 1964, § 2-102; Ord. No. 2000-7, § 11, 2-14-00)

Sec. 2-343. Removal of members.

Any member, other than the member of the council, may be removed for inefficiency, neglect of duty or malfeasance in office.

(Code 1964, § 2-103)

Sec. 2-344. Vacancies.

Any vacancy occurring in the membership of the city planning commission shall be filled by the council for the unexpired term as provided in section 2-341.

(Code 1964, § 2-104)

Sec. 2-345. Officers.

The members of the city planning commission, at the first meeting of such commission held after September 1 of each year, shall elect from the members, excluding the member of council, a chairman and a vice-chairman, who shall serve annual terms as chairman and vice-chairman, respectively, until their successors are duly elected and qualified.

(Code 1964, § 2-105)

Sec. 2-346. Meetings.

(a) The regular meeting of the city planning commission shall be monthly at 7:00 p.m. on the Tuesday following the third Monday of each month, in the council chamber or in such other place and at such other time and date as may be designated by the chairman of the meeting, at least 12 hours prior to the proposed date, place, and time of such meeting and only after written notice to the members of the commission at least 12 hours prior to such meeting stating the purpose therein served personally or left at the usual place of business or residence of such member. However, meetings may be held without notice, provided all members of the city planning commission attend and consent to such meeting. Upon a majority vote of all members, the monthly meeting may be dispensed with or postponed. The city planning commission shall be automatically adjourned at 10:00 p.m. at each regular or called meeting, unless the meeting is continued upon the recorded affirmative vote of members present with not more than two members objecting to continuing the meeting.

(b) The city planner or other city administrative staff member designated by the city manager shall serve as the clerk of the city planning commission. The clerk or a designated substitute clerk from the city planning department shall attend all meetings of the city planning commission with the right to take part in the discussion but without the right to vote.

(Code 1964, § 2-105.1; Ord. No. 2001-5, 2-12-01)