



CITY OF WAYNESBORO PLANNING COMMISSION
Regular Meeting, Tuesday, November 19, 2019
7:00 pm

Council Chambers, Charles T. Yancey Municipal Building
503 West Main Street

**PLANNING
COMMISSIONERS**

Shannon Boyle
Chair

Stephen Arey
Vice-chair

Michael Gibson

Noelle Owen

Sarah Severs

W. Lowrie Tucker

Bobby Henderson,
Council Rep.

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**FUTURE SCHEDULED
MEETINGS:**

City Council
Business Meeting
Monday, November 25, 2019
7:00 pm

Planning Commission
Regular Meeting/
Public Hearing
Tuesday, December 17, 2019
7:00 pm

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AGENDA

1. Call to order. Pledge of allegiance.
2. Review and approval of minutes of regular meeting held October 22, 2019.
3. Approval of agenda.
4. Citizen comment period – limited to 4 minutes per speaker, for issues not listed as an agenda item.
5. A public hearing on a request by Walter Aguilera to change the zoning of 308 N Charlotte Ave, City Tax Map 46-1-21-24A & 25 from RG-5 (General Residential) to L-B (Local Business).
6. Public hearing on a Zoning Text Amendment to Chapter 98, Article 4 allowing short-term rentals in accessory apartments.
7. Public hearing on a Zoning Text Amendment to Chapter 98, Article 5 Section 5.5.3 allowing LED lighting.
8. Follow-up on land use plan update in the Basic City area and neighborhood plan in the Port Republic Road neighborhood.
9. Other Business/Commissioners' Correspondence and Communication.
10. Adjournment.

Thank you for attending. Citizen comments are invited and welcomed during the meeting's citizen comment period. For those with special needs, please contact the Planning Department at 942-6604 for any accommodations required at least 3 days prior to the meeting you wish to attend. Assistive listening devices available.

The Planning Commission of the City of Waynesboro, Virginia, held a regular meeting on the 22nd day of October, 2019, at 7:00 P.M., in Council Chambers, Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia:

PRESENT: Commission Members: Shannon Boyle, Chair
Stephen Arey, Vice-chair
Noelle Owen
Michael Gibson
Sarah Severs
W. Lowrie Tucker

City Planner &
Clerk of the Commission: Luke Juday
Kira Johnson

ABSENT: Commission Members: Bobby Henderson, Council Liaison

1. CALL TO ORDER. PLEDGE OF ALLEGIANCE: Meeting was called to order by Chairwoman Boyle who asked everyone to stand for the pledge of allegiance to the flag.

2. REVIEW AND APPROVAL OF MINUTES OF REGULAR MEETING HELD SEPTEMBER 17, 2019: Minutes were approved on a 6-0 vote as moved by Mr. Tucker and seconded by Mr. Gibson.

3. APPROVAL OF AGENDA: Mr. Arey moved to accept the agenda for October 22, 2019, Mr. Tucker seconded, and it received a 6-0 vote.

4. CITIZEN COMMENT PERIOD- LIMITED TO 4 MINUTES PER SPEAKER, FOR ISSUES NOT LISTED AS AN AGENDA ITEM: None.

5. PUBLIC HEARING ON A CONDITIONAL USE PERMIT APPLICATION (CUP 19-001) FROM IVETTE P. PINTOR TO ALLOW A MOBILE HOME IN A RG-5 (GENERAL RESIDENTIAL) DISTRICT AT 1015 GARDNER STREET, CITY TAX MAP #28-2-6-3. Mr. Juday presented the application and staff report, adding that staff recommends approval.

Ms. Pintor introduced herself. Mr. Tucker asked how long it would take to get done. Ms. Pintor explained that she has a permit for demolition and that should be done in a couple of weeks.

Ms. Severs asked whether everything demolished would be removed. Ms. Pintor responded that it will.

Mr. Arey clarified that the intention of the applicant is to move the currently owned manufactured home stationed in Crimora. Ms. Pintor confirmed that there is a single-wide unit in Crimora that will be moved to 1015 Gardner St and the plan is to eventually replace it with a double-wide home.

Public hearing was opened, no one spoke and so the public hearing was closed.

Mr. Arey commented that several Commissioners visited the site prior to the meeting. He noted that in the two block area of the proposed site there are four manufactured homes and one mobile home.

Mr. Arey made a motion to approve the request for the Conditional Use Permit to place the manufactured home on property and to allow the replacement of the home with one of equal or better value in the future. Ms. Owen seconded.

The motion was withdrawn by Mr. Arey, and the second withdrawn by Ms. Owen. Mr. Arey rephrased the motion to add a statement to the motion about the long side of the manufactured home being placed parallel to the street. Ms. Owen seconded, it passed with a 6-0 vote.

6. PRESENTATION AND APPROVAL OF ANNUAL REPORT: Mr. Juday presented. It was approved by the Planning Commission as motioned by Mr. Gibson and seconded by Ms. Severs.

7. PRESENTATION OF SCHEDULE AND PROCESS FOR UPDATED LAND USE PLAN IN THE BASIC CITY AREA (COMMERCE/CHARLOTTE):

Mr. Juday discussed a timeline to get input on how to proceed.

Ms. Severs asked what the goal of the process was. Mr. Juday responded that it is to gather input from residents and put together a new vision for the area.

Ms. Owen asked if this would replace the 2008 Land Use Plan. Mr. Juday replied that it would for this area.

Mr. Tucker asked how much of the Basic City area we would be focusing on. Mr. Juday responded that we could do it all, or do a smaller area, such as the section west of Delphine, the ward A area.

Mr. Tucker suggested doing some kind of temporary zoning, where people could get a permit for a year or two.

More discussion followed about beautification of the area, what has already been done by the City, etc.

8. DISCUSSION OF ZONING REGULATIONS GOVERNING SHORT-TERM RENTALS AND ACCESSORY DWELLING UNITS. REQUEST TO INITIATE ZONING TEXT AMENDMENT TO AMEND THIS AND OTHER SECTIONS: Ms. Johnson gave brief introduction to Accessory Dwelling Units and the ordinance regulating their construction. The ordinance conflicts with the short-term rental ordinance allowing homestays in ADUs, while the ADU ordinance does not allow homestays for less than 30 days. After some discussion, it was proposed to amend the ADU ordinance to align with the short-term rental ordinance.

9. OTHER BUSINESS/COMMISSIONERS' CORRESPONDENCE AND COMMUNICATION: Ms. Severs expressed health and environment concern about the building on 320 W Main St. Mr. Juday invited everyone to the Russell Museum grand opening on November 1st. Mr. Arey motioned to adjourn and Mr. Gibson seconded.

Meeting adjourned at 8:30 pm.

Luke J. Juday, Clerk



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
REZONING
REZ 19-0001
November 19, 2019**

SUMMARY SHEET

<i>Applicant:</i>	Walter Aguilera
<i>Address/Legal Description:</i>	308 N Charlotte Ave Waynesboro, VA 22980
<i>Total Acreage:</i>	7,982.33 square feet
<i>Tax Map Number:</i>	46-1-21-24A & 25
<i>Real Estate Owner of Record:</i>	Secretary of Housing and Urban Development Shepherd Mall Complex 2401 NW 23 rd St Ste 1D Oklahoma City, OK 73107
<i>Current Zoning:</i>	RG-5 General Residential
<i>Proposed Zoning:</i>	L-B Local Business
<i>Comprehensive Plan Designation:</i>	Medium-density Residential
<i>Attachments:</i>	1. Application
<i>Flood Plain:</i>	No
<i>Enterprise Zone:</i>	No
<i>Action Requested:</i>	Rezone a 7,980 square foot site at 308 N Charlotte Ave from RG-5 (General Residential) to L-B (Local Business).
<i>Authorizing City Code Section(s):</i>	City Zoning Ordinance Section 7.4.
<i>Summary Recommendations:</i>	City staff recommends approval of this rezoning.

1. Nature of Request

The applicant, Walter Aguilera, has requested a rezoning of a 7,980 square foot property located at 308 N Charlotte Ave, city tax map numbers 46-1-21-24A & 25, from RG-5 (General Residential) to L-B (Local Business). In the application, Mr. Aguilera indicated that the building would be used as a barbershop. Mr. Aguilera is a contractor and is currently renovating the property.

2. Background

The subject property is located on Charlotte Avenue in the RG-5 (General Residential) District. The building once housed a barbershop, but is believed to have been vacant for at least a decade.

Surrounding Land Use (see vicinity map)

East: Houses zoned RG-5;

West: Houses zoned RG-5;

North: Blue Ridge Doors, Inc in the Light Industrial (L-I) District;

South: Local Business (L-B) District.



3. Zoning Requirements

As noted, the subject property is zoned RG-5 (General Residential). The purpose of the RG-5 District is to provide for the establishment of higher density residential uses, including single-family detached dwelling, two-family houses, townhouses and multiplexes, compatible with traditional residential neighborhoods.

The L-B Local Business District is established to provide for small-scale commercial uses offering primarily convenience shopping and services for adjacent and nearby residential uses. Proximity to residences requires that commercial operations be low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. The L-B district also allows some residential uses and is meant to be a transitional residential/commercial zone.

4. Review with Respect to the Comprehensive Plan

The City's 2008 Comprehensive Land Use Plan identifies the area as medium-density residential. It is bordered by the "downtown area" and the "Mixed Use D" area along Commerce Avenue. In Mixed Use D, the Comprehensive Plan calls for civic spaces, restaurants, convenience retail, and a variety of residential housing types. The Plan also encourages the preservation of the historic urban fabric through the rehabilitation and reuse of existing buildings. It also calls for new development and redevelopment to be compatible with the size and scale of surrounding buildings.

5. Analysis

Impacts to Adjacent Properties

The request is considered an "upzoning" according to the Zoning Ordinance's hierarchy. This means that the uses allowed in the L-B District may generate more negative impacts than those allowed in the RG-5 District. The uses permitted in the L-B District are meant to be compatible with residences, however.

The blocks adjacent to the site are extremely mixed, containing nearly every category of use. This includes both light and heavy industrial, local business uses, highway-oriented businesses, single-family homes, multi-family homes, and institutional uses. Staff has concluded that this location on a minor arterial is appropriate for a small business, especially one that is proposing to reuse an existing vacant commercial building. The existing mix of uses does not create an expectation on the part of surrounding residences that the area will be free from businesses, nor will this business damage neighboring property values. In this context, it may positively impact property values by removing blight and providing a neighborhood service.

Access and Traffic

A barbershop may create 20-30 additional vehicle trips per day. This is not enough to have a significant impact on Charlotte Avenue, which is a minor arterial road and currently handles 2600 cars per day with no congestion issues. A barbershop will also create a need for at least two parking spaces. The applicant intends to work with the Zoning Administrator to locate these spaces on site.

Utilities

Public water and sewer are available to the subject property. If rezoned, the accommodated use/uses will not generate significant impact to the existing public utilities.

Compatibility with the Comprehensive Plan

While this rezoning is not perfectly aligned with the 2008 Land Use Map, it closely borders areas which are designated for this use. Staff believes that this rezoning accomplishes the larger goals of the Comprehensive Plan, including bringing reinvestment to the Basic City area and providing active and walkable streets in traditional neighborhoods of the City.

6. Conclusion and Recommendations

Staff has concluded that the rezoning is consistent with the larger goals of the Comprehensive Plan, though it is not in line with the 2008 Land Use Map. Staff has also concluded that this rezoning will further the goals of the City of Waynesboro and will cause no adverse impacts to surrounding properties. Staff recommends approval of the rezoning.

cc: Walter Aguilera, applicant
D. James Shaw II, Deputy City Manager
Todd Wood, City Engineer
Laura Martin, Zoning Administrator



ZONING MAP AMENDMENT (REZONING) APPLICATION

Reference City Code Sec. 98-7-4

Application Fee \$350

A.) SITE INFORMATION:

Property Address: 308 N Charlotte Ave.

Tax Map No./Legal Description: 46-1-21-24A

Present Zoning: RG-5 Comprehensive Plan Designation: Medium-Density R

Proposed Zoning:
L-B

Lot Size (Acreage or Square Footage): _____ Present Use: _____

Is property located in any of the following overlay districts? Enterprise Zone Flood Hazard Historic Other _____
(according to FEMA map)

Project Description: (use a separate sheet as necessary):

EXISTING Barbershop and will want to use the building for the same type of business (barbershop) it will be a great location for that purpose will provide barbers services such as cutting, trimming, shampooing and gels shaves.

B.) APPLICANT INFORMATION:

Property Owner of Record: Walter Aguilera (Printed)

Address: 308 N Charlotte ave Waynesboro, VA 22980
(Street Address) (City, State, Zip)

Email Address: _____ Phone #: _____

*Applicant's Name: Walter Aguilera (Printed) Contact Name: Walter Aguilera (Printed)

Address: 623 Highland ave Waynesboro, VA 22980
(Street Address) (City, State, Zip)

Email Address: AguileraWalter504@gmail.com Phone #: 540-699-0910

* If applicant is not property owner of record, the Power of Attorney Form is Required (Form A-2).

FOR OFFICE USE ONLY:

Date Rec'd _____ Fee Paid \$ _____ MS Receipt # _____ Application# _____ Approval Date _____ Not approved

PROCEDURE FOR REZONING REQUESTS

[City Code Sec. 98-7.4]

1. PRE-APPLICATION MEETING

Prior to submitting the application, a pre-application meeting with the Planning Director is required. This meeting will provide basic information on the city's review process including application filing and deadlines. This meeting will also identify expectations for the application materials, level of detail required to recommend approval of the application, and will help identify any problems that could adversely affect review and approval of the application. Contact the Planning Director at 540-942-6604 to schedule a pre-application meeting.

2. DEADLINE

Deadline for application submission is the **First Thursday of the month**.

3. APPLICATION SUBMITTAL REQUIREMENTS

An application for a Zoning Map Request shall not be deemed complete until the following information is provided:

- Application Form.** All owners of the property must sign the petition form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required (Form A-2). Faxed or photocopied signatures will not be accepted.
- Application Fee.** The filing fee is \$350. Checks should be made payable to the "City of Waynesboro".
- Project Description.** A written report must be submitted detailing the nature and extent of the change desired, a statement of justification, and analysis of how the petition satisfies the approval criteria listed below: (Please note PUD rezoning applications have additional requirements.)
 - a. Consistency with the Comprehensive Plan;
 - b. Suitability of the property to support the proposed use;
 - c. Environmental impacts, such as wetlands, streams, and other surface water features; floodplain management; karst geology and other groundwater resources; impoundment failures; steep slopes; and other natural resources;
 - d. Adequacy of existing or proffered public infrastructure, including, but not limited to the following:
 - i. Transportation infrastructure;
 - ii. Public water and sewer infrastructure;
 - iii. Schools;
 - iv. Public Safety; and
 - v. Parks and recreation.
- Concept Plan.** Eight (8) copies of a concept plan or site plan are required. Plans should provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development.
- Plat.** A plat is only required if the rezoning request will result in a "split zoning" on a parcel of record.
- Proffer Statement.** An owner may proffer reasonable conditions including cash, real property, services, land use restrictions and other conditions, in addition to the regulations established in the City Code, sec 98-7-4-10, as part of a petition requesting an amendment to the zoning district regulations or the official zoning district map(s) or a change in zoning of individual parcel(s).

The Planning Director may require additional information at any time during the review process.

3. REVIEW AND LEGISLATIVE APPROVAL OF ZONING MAP AMENDMENTS (REZONINGS)

The Planning, Zoning, Public Works, Fire, Police, and other city departments will review Zoning Map Amendment (ZMA) applications and work with the applicant to resolve problems. Once the application is ready, the Planning Director will prepare a staff report and schedule a public hearing with the Planning Commission. At the public hearing, the Planning Commission will review the public's comments, the application, and the staff report. These inputs will be used to make a recommendation to the City Council on the ZMA application.

To approve a ZMA, City Council must pass an ordinance which requires two separate meetings. At the first meeting, the Council holds its public hearing, receives the staff report and Commission's recommendations, and typically introduces the ordinance. At the second meeting, Council may vote to approve, deny, modify, table, or send the matter back to the Commission for additional consideration. If Council approves the ZMA request, it will attach such conditions as it deems reasonably necessary to ensure the use will be compatible.



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
ZONING TEXT AMENDMENT
ZTA 19-0001
November 19, 2019**

SUMMARY SHEET

<i>Applicant:</i>	Staff requests Planning Commission initiate this text amendment
<i>Affected Properties</i>	These provisions shall apply to all properties in districts where residential uses are permitted
<i>Action Requested:</i>	Amend Chapter 98, Article 4, Zoning Ordinance of the City of Waynesboro
<i>Authorizing City Code Section(s):</i>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<i>Attachments:</i>	1. Proposed Ordinance
<i>Summary Recommendations:</i>	City staff recommends Planning Commission initiate the attached text amendment.

1. Nature of Request

The proposed ordinance would clarify conflicting language from the accessory apartment ordinance (§98-4.6.5) and the short-term rental ordinance (§98-4.2.12). The use of accessory apartments for less than 30 consecutive days is currently restricted in the accessory apartment ordinance, but allowed in the short-term rental ordinance.

2. Background

Earlier this year, an ordinance was passed to regulate the increasingly common practice of short-term rentals, often referred to as “AirBnbs” after a popular booking website. The ordinance clarified the City’s position on the legal status of short-term rentals, permitting them in all legal dwelling units subject to registration and certain restrictions.

Section 4.6.5 of the zoning ordinance governs accessory dwelling units and predates the passage of the short-term rental ordinance. Accessory dwelling units are secondary units in or behind a single-family home. They are often referred to as “in-law suites.” Unlike a duplex, accessory units are designed to be secondary to a larger single-family home. In Waynesboro’s ordinance, homes must be owner-occupied in order to rent out an accessory unit.

In order to clarify the ordinance, staff requests that Planning Commission initiate a text amendment removing the provision that accessory dwelling units may not be rented for periods of less than 30 days.

3. Approval Criteria

In evaluating any proposed zoning text amendment, Section 7.3.8 of the Zoning Ordinance requires the Planning Commission and the City Council to consider the following six criteria (provided in italic below).

- A. *Whether such amendment is consistent with good zoning practice;*
- B. *Public necessity, convenience, and general welfare to the extent such factors are pertinent to the subject matter of the amendment;*
- C. *The extent to which the proposed text amendment is consistent with the Comprehensive Plan and the remainder of this Chapter, including, specifically, the purpose and intent statements of Section 1.5;*
- D. *The extent to which the proposed text amendment represents a new idea not considered in the existing ordinance, or represents a revision necessitated by changing circumstances over time;*
- E. *Whether or not the proposed text amendment corrects an error in the chapter; and*
- F. *Whether or not the proposed text amendment revises the chapter to comply with State or Federal statutes or case law.*

4. Analysis

Accessory dwelling units are defined as a second building on the same lot as a regular single-family house that cannot be bought or sold separately from the main house. They may be attached to the main house (such as a basement apartment), or detached (a smaller cottage in the backyard or dwelling above the garage).

Short-term rentals and homestays have numerous advantages for residents and visitors. They allow home owners to generate additional revenue from their properties, raising the value of homes in the City and incentivizing property owners to invest in the City's housing stock. This contributes to creation of a firm floor in the housing market, a stated goal of the Comprehensive Plan. Likewise, short-term rentals provide a desirable option for visitors to the area and support the City's tourism industry.

The ordinance passed earlier this year ensures the continuation of these benefits by establishing transient lodging as an allowed use in residences. The ordinance also helps to mitigate the negative effects of allowing short-term rentals and homestays. By requiring operators to register and pay lodging tax, the ordinance generates some additional revenue for the City and provides parity for the hotel industry. The ordinance also allows the City to fulfill its obligation to protect health, safety, and welfare by requiring operators to resolve building code violations and ensure that adequate fire safety measures are taken. This creates a low barrier to entry to ensure that properties offered for transient lodging do not become a nuisance.

Accessory dwelling units especially make sense as a location for short-term rental because the owner is present on the property and can directly maintain the unit and police nuisances.

5. Recommendations

The City staff recommends approval of the ordinance as attached.

Cc: D. James Shaw II, Deputy City Manager
Laura Martin, Zoning Administrator
George Fitzgerald, Deputy Fire Marshal

Attachment 1: Proposed Ordinance Change

B. General

1. The owner of the property shall occupy either the primary structure or the accessory apartment as his/her primary residence.
2. Maximum occupancy of accessory dwelling units shall be limited to two persons per bedroom.
3. Accessory apartments shall be built in an architectural style and of materials similar to the principal structure.
4. Accessory apartments shall not be sold separately, and shall not be rented to guests for periods of less than 30 consecutive days.
5. Accessory apartments shall not have a separate electrical meter.



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
ZONING TEXT AMENDMENT
ZTA 19-0002
November 19, 2019**

SUMMARY SHEET

<i>Applicant:</i>	Staff requests Planning Commission initiate this text amendment
<i>Affected Properties</i>	These provisions shall apply to all properties in districts where residential uses are permitted
<i>Action Requested:</i>	Amend Chapter 98, Article 5.5.3, Zoning Ordinance of the City of Waynesboro
<i>Authorizing City Code Section(s):</i>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<i>Attachments:</i>	1. Proposed Ordinance
<i>Summary Recommendations:</i>	City staff recommends Planning Commission initiate the attached amendment.

1. Nature of Request

The proposed ordinance would include LED lights in the site development standards list for approved outdoor lighting sources.

2. Background

The Zoning Ordinance includes guidelines to assure that exterior lights are shielded and do not cast direct light beyond the property line. The current ordinance limits light sources to incandescent, florescent, metal halide, or color corrected high-pressure sodium. Most developers now use LED lights as the main light source.

3. Analysis

As technology advances, specific materials listed in the Zoning Ordinance become outdated. In recent years, LED lighting has become more efficient than other lighting sources. In LED lights more energy is converted into light and less into heat. The lights also require less watt-age to produce the same amount of light, reducing the demand from power plants, reducing the City's electric bill, and decreasing greenhouse gas emissions.

4. Recommendations

The City staff recommends approval of the ordinance as attached.

Cc: Laura Martin, Zoning Administrator

55.5.3. Standards

- A. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium, or LED light sources may be used.
- B. The maximum height for lighting fixtures shall be a maximum of 30 feet within vehicular use areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.

