



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
REZONING
ZMA 21-012
September 21, 2021**

SUMMARY SHEET

Applicant:	City of Waynesboro Planning Commission
Address/Legal Description:	Numerous properties, list attached
Total Acreage:	Numerous properties, list attached
Tax Map Number:	Numerous properties, list attached
Real Estate Owner of Record:	Numerous properties, list attached
Current Zoning:	H-B (Highway Business)
Proposed Zoning:	L-B (Local Business)
Comprehensive Plan Designation:	Medium Density Residential
Attachments:	1. Notice of public hearing listing all properties and owners.
Flood Plain:	No
Enterprise Zone:	Yes, Downtown Zone
Action Requested:	A general rezoning of parcels on the east of N. Popular Avenue along North Avenue, Ohio Street, and New Hope Road from H-B, Highway Business, to L-B, Local Business.
Authorizing City Code Section(s):	City Zoning Ordinance Section 7.4.
Summary Recommendations:	City staff recommends approval of this rezoning.

1. Nature of Request

The Planning Commission of the City of Waynesboro is proposing a general rezoning of parcels on the east side of N. Popular Avenue along portions of North Avenue, Ohio Street, and New Hope Road. The rezoning would affect mostly residential uses, and would change the zoning from H-B (Highway Business) which does not permit residential use, to L-B (Local Business) which does.

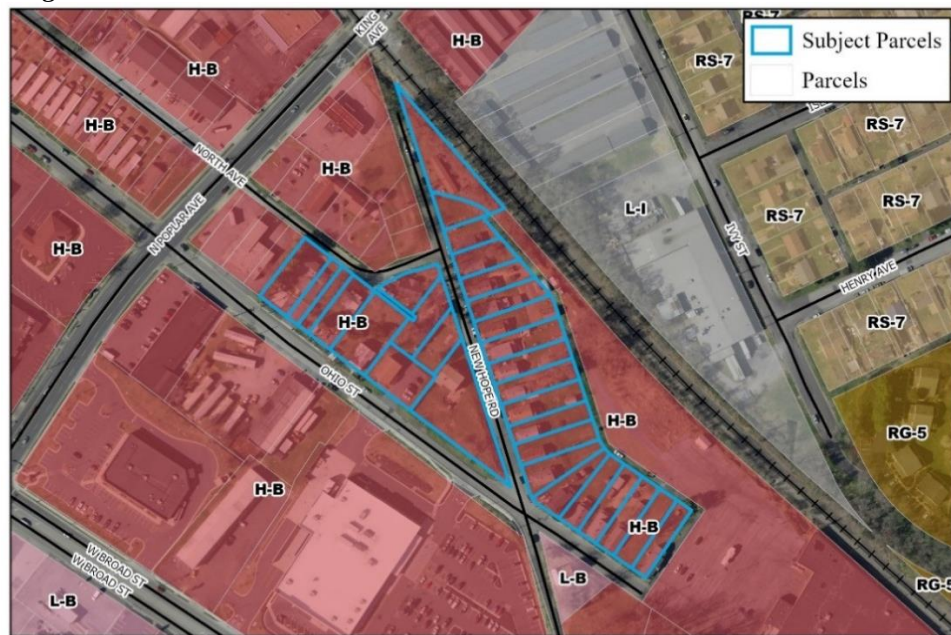
2. Background

The area in which the subject parcels are located was brought to the attention of the Planning Commission during the public hearing considering the rezoning request for 1017 New Hope Road, ZMA 21-008, from H-B (Highway Business) to L-B (Local Business) to allow for residential use. Several parcels adjacent to this rezoning are also used primarily for residential use and do not conform with the Comprehensive Land Use Plan's designation as Medium Density Residential. The Planning Commission voted to direct the Planning Department to initiate a rezoning of the subject parcels from H-B (Highway Business) to L-B (Local Business) in order to allow the use of the subject parcels as single-family residential by-right but not preclude potential future business uses.

Surrounding Land Uses



Existing Zoning



Problems with the existing condition

Most of the parcels identified on the above map are being used for residential use. There is one business, Debbie's Hair Design, identified as well. The current zoning, H-B (Highway Business), does not permit residential uses by-right with the exception of upper-story residential. As a result, most of these parcels are non-conforming. This may cause the property owners problems when they need to sell their residences, renovate, or re-build for residential use. These problems could include issues obtaining financing by the owners or potential buyers if they are planning to continue using the property for residential use. In addition, should the property be vacant for two or more years, the property owner could not resume its use as a residence or rebuild the home if destroyed.

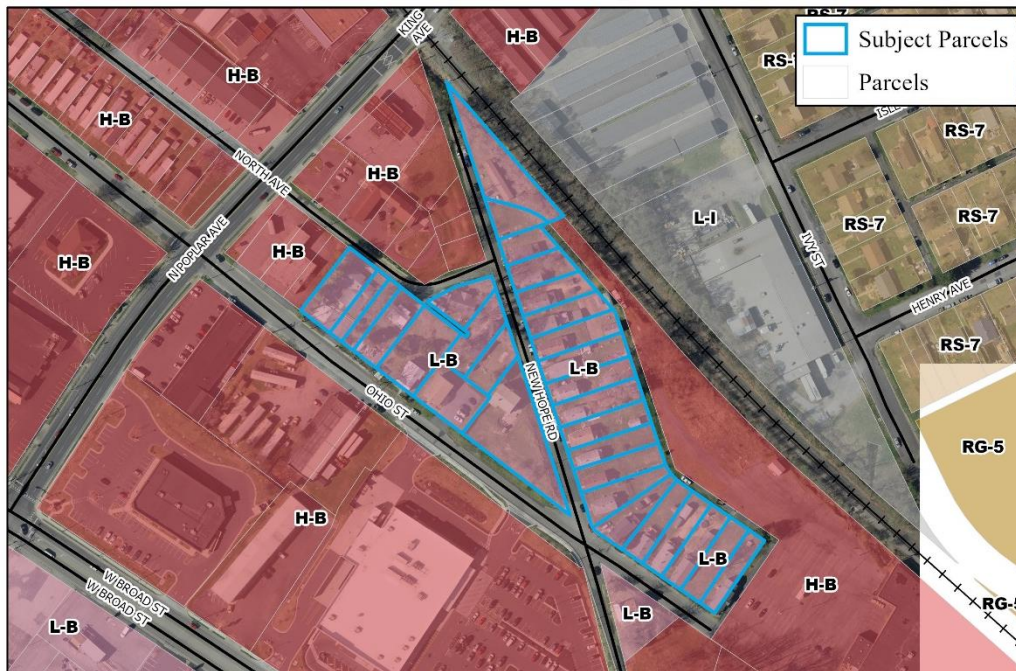
Rezoning the subject parcels to L-B (Local Business) would remedy this issue. Multiple residential uses are allowed by-right within the L-B district including single-family detached and duplexes. However, the L-B zone would not prohibit businesses from locating on these parcels in the future, though the zone would allow for less intense uses than the H-B (Highway Business) district.

3. Zoning Requirements

As noted above, the subject parcels are currently zoned H-B (Highway Business). This district was established to provide for the development of offices, hotels, service uses and similar businesses relying on close proximity to major transportation routes. Development in the H-B district is generally auto-oriented and the district is intended for parcels fronting on major arterials and highways like Broad Street.

The L-B (Local Business) district is meant to provide for small-scale commercial uses offering primarily convenience shopping and services for adjacent and nearby residential uses. The district is meant for lower intensity commercial operations that are unobtrusive and complement the surrounding neighborhood. Development that does take place in these districts should place a low demand on public services, transportation, and utilities. Since the subject parcels are not located on a major arterial or highway, the L-B zoning designation would be more appropriate.

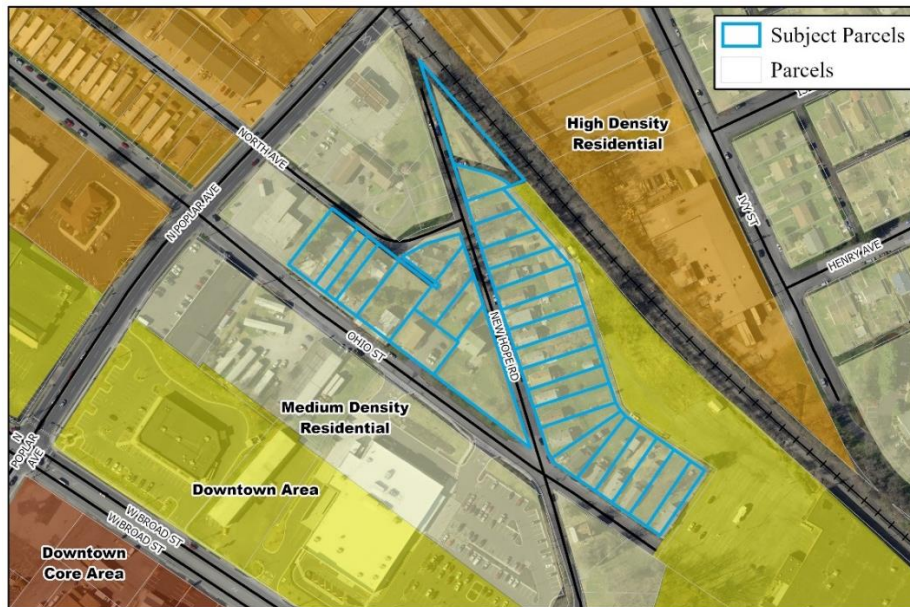
Proposed Zoning



4. Review with Respect to the Comprehensive Plan

This neighborhood is one of the largest areas in the city whose zoning does not match the City’s 2008 Comprehensive Land Use Plan’s designation. The Land Use Map designates this area as “Medium Density Residential.” Nearly all of the subject parcels fall within the Medium Density Residential land use type, which complies with the Land Use Map’s designation, but the entire area is zoning for H-B (Highway Business). Rezoning the subject parcels to L-B (Local Business) brings these parcels closer to conforming with the Land Use Map, by allowing residential uses by-right, and more appropriately zones these parcels for potential future uses since they do not front on a major arterial or highway.

Land Use Map



5. Analysis

Impacts to Adjacent Properties

This rezoning request would be considered a “downzoning” according to the Zoning Ordinance’s hierarchy. Rezoning the subject parcels to L-B (Local Business) would lessen the intensity of allowed uses. Though still a business district, the subject parcels are primarily residential with one business (on Ohio Street). There is no anticipated impact on adjacent properties as a result of this rezoning.

Access and Traffic

There is no anticipated increase in traffic because this rezoning is not part of a proposed change of use or new project. This rezoning does reduce the intensity of development possible on the subject parcels, which results in a net decrease in the property owners’ entitlements to generate traffic.

Utilities

All necessary utilities are present in this location.

6. Conclusion and Recommendations

Staff recommends approval of this application. This rezoning addresses the non-conforming residential uses that are currently present in this area bringing those parcels more in line with the 2008 Comprehensive Land Use Plan’s designation. Additionally, there are not any anticipated negative impacts on the subject parcels or adjacent properties.

As noted, this area’s current uses and zoning do not align with the Land Use Map’s designations. Long term, Planning Commission may want to reconsider the future land use designations and the long-term vision of this area between Broad Street and the railroad tracks when the Land Use Map is next updated.

cc: Shannon Boyle, Chair of the Planning Commission
D. James Shaw II, Deputy City Manager
Todd Wood, City Engineer
Laura Martin, Zoning Administrator

List of Parcels

Tax Map No.	Name	Physical Address
35-6-4A, 5	Karius M. and Ashley Kiracofe	1216 North Ave
35-6-3, 4	Keith Cameron O'Hanlon	1200 North Avenue
35-6-2	Harold A. Davies	1157 Ohio Street
35-2-17	Debra Langley	1145 Ohio Street
35-2-16	Olegario Yanez Duarte and Yazmin Ceron Duarte	1128 New Hope Road
35-2-19	Olegario Yanez Duarte and Yazmin Ceron Duarte	1142 New Hope Road
35-2-18	Olegario Yanez Duarte and Yazmin Ceron Duarte	1138 New Hope Road
35-6-1	William O. and Deborah C. Graves, II	1100 North Ave.
35-9-40	Gerardo Reyes Lopez and Stephanie Nicole Morris	1149 New Hope Road
35-9-38, 39	Lois E. Bradby c/o Lynn Fisher	1145 New Hope Road
35-9-37	Claude W. and Vera M. Gibson	1141 New Hope Road
35-9-36	Russell Lee Metz, Sr.	1137 New Hope Road
35-9-35	Donald E. Nicely	1133 New Hope Road
35-9-34	Sarah A. Barrack	1129 New Hope Road
35-9-33	Terry M. Brooks, II	1125 New Hope Road
35-9-32	Trader LLC	1121 New Hope Road
35-9-31	Larry D. and Francis L. Royer Sr.	1117 New Hope Road
35-9-30	Richard and Marcia Childress	1113 New Hope Road
35-9-29	April D. Drumheller	1109 New Hope Road
45-14-28	Wells Enterprises LLC	1105 New Hope Road
45-14-27	Joseph E. and Martha M. Taylor, Jr.	1101 New Hope Road
45-14-26	Galen A. and Alice A. Heatwole, Jr.	1029 Ohio Street
45-14-25	Marsha D. Noble	1025 Ohio Street
45-14-24	Bruse E. Stone	1021 Ohio Street
45-14-23	Henry W. and Patricia M. Barker, Jr.	1017 Ohio Street
45-14-22	W O Group LC	1013 Ohio Street
45-14-21	Jose Estrada Zurita and Maria Guadalupe Almanza Cruz	1009 Ohio Street