



ORDINANCE NUMBER 2013-65

AN ORDINANCE REZONING PROPERTIES AT 1090 ALBEMARLE AVENUE (TAX MAP NUMBER 74-1-18A), 1094 ALBEMARLE AVENUE (TAX MAP NUMBER 74-1-18B) AND 1096 ALBEMARLE AVENUE (TAX MAP NUMBER 74-1-18C), WAYNESBORO, VIRGINIA FROM H-I (HEAVY INDUSTRIAL) DISTRICT TO RG-5 (GENERAL RESIDENTIAL) DISTRICT

WHEREAS, upon application of the City, public hearings were held by the Waynesboro Planning Commission and City Council pursuant to notice thereof as required by Section 98-7.4 of the Code of this City and Sections 15.2-2204 and 15.2-2205 of the Code of Virginia, both as amended, and

WHEREAS, it appears that the proposed rezoning of 1090 Albemarle Avenue (tax map 74-1-18A), 1094 Albemarle Avenue (tax map 74-1-18B), and 1096 Albemarle Avenue (tax map 74-1-18C) from H-I (Heavy Industrial) to RG-5 (General Residential) is consistent with good zoning practice, is justified by the public necessity, convenience, and general welfare, and is in accord with the comprehensive plan of the City; and

WHEREAS, the property owner of 720 Sidney Avenue (Tax Map number 74-1-E) opposed the rezoning of his property from H-I (Heavy Industrial) District to L-I (Light Industrial) District as proposed by the City.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that the properties at 720 Sidney Street (Tax Map number 74-1-E) and 740 Sidney Street (Tax Map number 74-1-G) shall remain an H-I (Heavy Industrial) District, but that the properties located at 1090 Albemarle Avenue (Tax Map number 74-1-18A), 1094 Albemarle Avenue (Tax Map number 74-1-18B), and 1096 Albemarle Avenue (Tax Map number 74-1-18C) shall be rezoned from H-I (Heavy Industrial) District to RG-5 (General Residential) District, all in accordance with the application (#13-099) and the attached staff report dated July 16, 2013.

INTRODUCED: ON AUGUST 12, 2013 BY MR MIKE HARRIS
ADOPTED: ON AUGUST 26, 2013
EFFECTIVE: SEPTEMBER 5, 2013

/s/ Julia Bortle
CLERK

/s/ Bruce Allen
BRUCE ALLEN, MAYOR



August 27, 2013

Mayor

Bruce Allen
(Ward B)
333 Shore Road
540-451-0217

Vice Mayor

Timothy Williams
(Ward A)
418 Dinwiddie Avenue
540-942-3471

Council

Frank Lucente
(At Large)
2125 Pickett Road
540-949-6186

Jeff Freeman
(Ward C)
136 James Avenue
540-476-3264

Mike Harris
(Ward D)
830 S Ellison Lane
540-569-6612

Rev. Mark McCoy, Pastor
St. James Baptist Church
1094 Albemarle Avenue
Waynesboro, VA 22980

Elder Ronny Holly, Sr., Pastor
Massie Memorial Church of God in Christ
1096 Albemarle Avenue
Waynesboro, VA 22980

Congratulations, on August 26, 2013, the Waynesboro City Council approved the application and ordinance granting a rezoning of properties at 1090 Albemarle Avenue (Tax Map No. 74-1-18A), 1094 Albemarle Avenue (Tax Map No. 74-1-18B), and 1096 Albemarle Avenue (Tax Map NO. 74-1-18C), Waynesboro, from H-1 (Heavy Industrial) District to RG-5 (General Residential) District.

Enclosed is a copy of the approved ordinance and the excerpt from the Council meeting showing this approval.

Note that you may need to apply for additional zoning or building permits. Please contact the Building and Zoning Department at 540-942-6628 for more information before you begin construction or the use.

Regards,

Julia Bortle, CMC
Clerk of Council

cc Director of Planning
Zoning Administrator/Building Official
City Engineer
City Assessor



WAYNESBORO CITY COUNCIL
MEETING EXCERPT

At a Regular Business Meeting of the City Council of the City of Waynesboro, Virginia, held on the 26th day of August, 2013, at the time and place established by the City Council for such meetings, at which the following members were present and absent for the matter referred to below:

PRESENT: Bruce Allen, Mayor
Tim Williams, Vice Mayor
Frank Lucente, Councilman
Jeff Freeman, Councilman
Mike Harris, Councilman

ABSENT: None

the following ordinance, having been the subject of a Regular Business Meeting of the City Council held on August 26, 2013 was duly approved by the affirmative votes of all present members of the City Council, the ayes and nays being recorded in the draft minutes of such meeting as shown below:

| <u>MEMBER</u> | <u>VOTE</u> |
|---------------------------|-------------|
| Bruce Allen, Mayor | Aye |
| Tim Williams, Vice Mayor | Aye |
| Frank Lucente, Councilman | Aye |
| Jeff Freeman, Councilman | Aye |
| Mike Harris, Councilman | Aye |

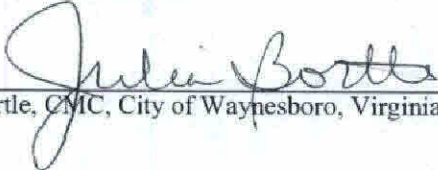
CONSENT AGENDA:

Mr. Harris moved, seconded by Mr. Freeman, to adopt the Consent Agenda as presented. Mr. Lucente requested that item "a" be removed for separate consideration. With no further comments, the consent agenda, minus item "a" was adopted with affirmative votes from Council members Allen, Williams, Lucente, Freeman, and Harris, as presented:

- c) Second consideration/adoption of an ordinance request by the City of Waynesboro to rezone properties at 1096 Albemarle Ave (Tax Map Number 74-1-18C) and 1090 Albemarle Ave (Tax Map Number 74-1-18A &B) from H-1 (Heavy Industrial) District to RG-5 (General Residential) District. (2013-65)

The undersigned Clerk of Council of the City of Waynesboro, Virginia, certifies that the foregoing constitutes a true and correct extract from the draft minutes of a regular meeting of the Council of the City of Waynesboro, Virginia, held on the 26th day of August, 2013. WITNESS my signature and seal of the City of Waynesboro, Virginia, this 27th day of August, 2013.

(SEAL)


Julia Bortle, CMC, City of Waynesboro, Virginia



Waynesboro City Council Agenda Briefing

| | | |
|---|--|--|
| Meeting Date: | August 12, 2013 | Staff/Council Member(s): Michael Barnes, Planning Director |
| Agenda Item # | | |
| Ordinance# | 2013- | |
| Department: | Planning | |
| Subject: | A proposal by city staff to rezone properties at 720 Sidney Street (Tax Map 74-1-E) and 740 Sidney Street (Tax Map 74-1-G) from H-I (Heavy Industrial) to L-I (Light Industrial) and to rezone properties at 1090 Albemarle Avenue (Tax Map 74-1-18A), 1094 Albemarle Avenue (Tax Map 18B) and 1096 Albemarle Avenue (Tax Map 74-1-18C) from H-I (Heavy Industrial) to RG-5 (General Residential). | |
| Attachments | <ol style="list-style-type: none">1. Planning Commission Recommendation2. July 16, 2013 Staff Report3. Draft Ordinance | |
| Planning Commission Recommendation | The Planning Commission recommends approval of the rezoning for parcels 74-1-18A, 18B, and 18C, and recommends that parcels 74-1-E and 74-1-G remain as H-I (Heavy Industrial) District. | |

Background:

City staff initiated this rezoning after discussions with two historically African-American churches on Albemarle Avenue. St. James Baptist Church has been in its current location since 1917. Massie Memorial Church of God in Christ purchased its land in the early 1950's. The churches are part of a 3.6 acre site that has been zoned H-I (Heavy Industrial) as far back as staff can find records. The other properties on the site are a former bakery owned by Jim Critzer and an approximately 2 acre, oddly-shaped piece of vacant land owned by William Drumeller, which is currently being offered for sale and marketed for commercial development. This entire area does not appear to have ever been part of a larger H-I district or to have ever held any heavy industrial uses. It is surrounded largely by single family homes in an RG-5 (General Residential) district. Furthermore, the H-I District does not allow churches or commercial uses. Based on these facts, staff proposed rezoning this area because the H-I zoning is incompatible with adjacent uses, inconsistent with current and historic uses, and inconsistent with the comprehensive plan.

The proposed rezoning would move the churches to RG-5 (General Residential) District to match the rest of Albemarle Avenue. It would also rezone the two properties on Sidney Street to L-I (Light Industrial) to allow for a broader range of less intense and more compatible uses. The two churches voiced strong support for the rezoning and Mr. Critzer supported it as well. Staff tried numerous times to contact Mr. Drumeller but were unsuccessful.

Several days before the Planning Commission meeting, and after the staff report was written and sent to the Commission, staff finally managed to contact Mr. Drumeller. He voiced strong opposition to the rezoning of his land. On July 16th, 2013, a public hearing was held and public comments were received. The Planning Commission voted 6:0 to recommend that the churches along Albemarle Avenue be rezoned to RG-5, but the Commission did not feel that it was wise to rezone Mr. Drumeller's property because of his opposition. Furthermore, since Mr. Critzer's property is so closely tied to Mr. Drumeller's property, the Commission felt that it too should

