

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 11/25/14 (work session) CUT OFF DATE: 11/19/14
12/9/14 (1st reading) 1/13/15 (2nd reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (Map Number 291-03-1) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 1/13/15 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval subject to proffers.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: (Planning Dept)

Handwritten signature of the initiating department director.

11/19/14



APPROVED AS TO FORM:

Handwritten signature and date 11/19/2014, CITY ATTORNEY

APPROVED BY THE BOARD



CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: November 19, 2014

Re: **RZ-14-639** AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (*Map Number 291-03- -1*) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

THE ISSUE:

Conditionally rezone from M-2 to CM-1 the southerly 70-foot wide portion of the Silver Lake LLC property currently housing Noland to allow for this 0.736-acre area to be assembled in with the adjoining vacant lot owned by Silver Lake that is already zoned CM-1 so that it can be enlarged to accommodate a grocery store.

RELATIONSHIP TO STRATEGIC PLAN:

Grow the Economy

BACKGROUND:

See attached staff report

BUDGET IMPACT:

Positive sales tax revenue

OPTIONS:

1. Approve with proffers as recommended by Planning Commission
2. Table request
3. Deny request

RECOMMENDATIONS:

Recommend Option 1

Council Work Session
November 25, 2014

RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (Map Number 291-03- -1) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

REQUEST DESCRIPTION

The request is to conditionally rezone from M-2 to CM-1 the southerly 70-foot wide portion of the Silver Lake LLC property currently housing Noland as outlined in the letter (see attached) from Mr. Tyron S. Powers dated October 6, 2014. The rezoning would allow for this 0.736-acre area to be assembled in with the adjoining vacant lot owned by Silver Lake that is already zoned CM-1 so that it can be enlarged to accommodate a grocery store. The request includes proffers (see attached proffer statement dated October 14, 2014) which would limit use to retail and would only take effect if the related boundary line adjustment between the two parcels is recorded.

AREA DESCRIPTION

The subject portion of the Noland site is zoned M-2 and contains wholesale and warehouse use. Federal Mogul land further to the north was rezoned from M-2 to B-2 in September of 2013 to support commercial revitalization/infill on that 44-acre redevelopment site.

Land to the south and the east is zoned CM-1 and has been developed with retail, restaurant, and service uses. This includes the Bank of Clarke County site which shares access to S. Pleasant Valley Rd and Papermill Rd with the vacant site proposed for grocery store development. Land to the west is zoned M-2 and includes the Cavalier Kitchens site.



STAFF COMMENTS

The Comprehensive Plan calls for Commerce Area Revitalization/Infill in this area. The rezoning to CM-1 is consistent with this vision. The Plan advocates proactively redeveloping property where needed to achieve maximum sustainable potential. The subject portion of the industrial site housing Noland Company is underutilized and is enclosed by an unattractive chain link fence with strands of barbed wire on top that detracts from the emerging national chain retail and restaurant area to the east and south.

The proffer linking the effectuation of the rezoning to the related boundary line adjustment ensures that the rezoning action will not result in split zoning on the existing M-2 property.

RECOMMENDATION

At its November 18, 2014 meeting, the Planning Commission forwarded **RZ-14-639** to City Council unanimously recommending approval as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department, 10-7-2014*" because the request is consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the site. The approval is subject to the proffers in the proffer statement titled "2508 Papermill Road, Winchester, Virginia 22601 Rezoning Request Proffer" dated October 14, 2014.

AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING
RZ-14-639

WHEREAS, the Code of Virginia provides that one of the purposes of Zoning Ordinances is to facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, the adopted Comprehensive Plan calls for Commerce Area Revitalization/Infill on the site and the Winchester Strategic Plan includes as a goal to grow the economy as part of the long term vision for the City of Winchester; and,

WHEREAS, Intensive Industrial (M-2) zoning of the site is inconsistent with the predominant commercial land use along South Pleasant Valley; and,

WHEREAS, the Planning Commission forwarded the request to Council on November 18, 2014 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department, 10-7-2014*" because the request is consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the site; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein designated is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Intensive Industrial (M-2) District to Commercial-Industrial (CM-1) District:

Approximately 0.736 acres of land at 2508 Papermill Road as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department 10-7-2014*". The rezoning is subject to the proffers in the proffer statement titled "2508 Papermill Road, Winchester, Virginia 22601 Rezoning Request Proffer" dated October 14, 2014.

October 6, 2014

City of Winchester, Virginia
Zoning Administrator
15 North Cameron Street
Winchester, VA 22601

Re: Rezoning of Property
2508 Papermill Rd
Winchester, VA 226010
Tax Map 301((5)) Parcel 3 Deed Book 316 Pg. 429
291

To Whom It May Concern,

On behalf of MGP Retail Consulting please find the attached Rezoning Application and supporting documents requesting rezoning of the referenced property. MGP is in the process of developing this property with construction of a grocery store (Concept Site Plan and ALTA survey attached). The property is currently zoned CM-1 (which is preferred). However, the development also requires a boundary line adjustment which has been agreed upon with the adjacent property owner and will be adjusted with approval through the City of Winchester at a later date. The adjacent lot is currently zoned M-2 and requires rezoning to CM-1 to match the zoning of the development lot. Therefore, this rezoning will be based on a proffer condition that the boundary line adjustment has been accepted and recorded by the City of Winchester.

Sincerely,
AECOM

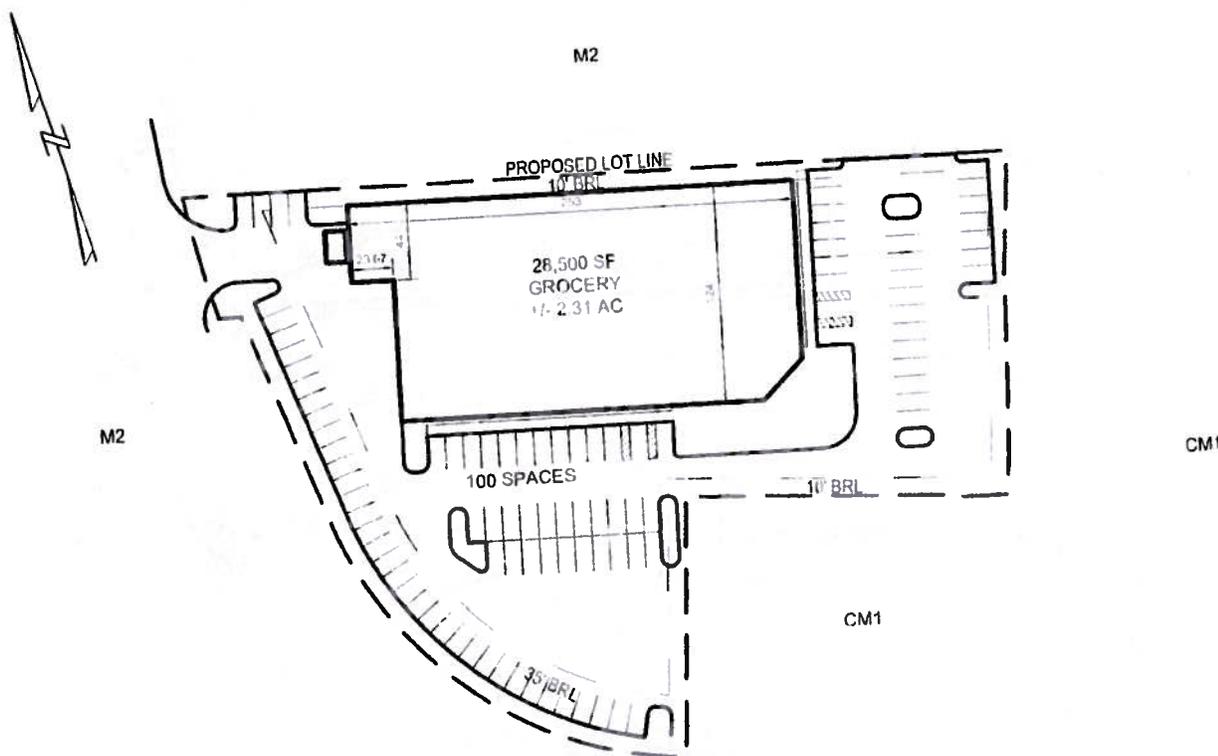


Tyron S Powers
Project Manager

Enclosures: Rezoning Application
List of adjacent property owners
ALTA Survey
Concept Site Plan
Application Fee (\$1,600)

Copy to: Victor Guerrero, MGP
Richie Wilkins
AECOM
Correspondence File

RZ-14-639

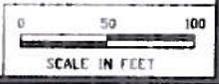


BRL = BUILDING RESTRICTION LINE
 SWM = STORMWATER MANAGEMENT
 TO CONSIST OF AN UNDERGROUND
 PIPE STORAGE SYSTEM

WINCHESTER
 CONCEPT SITE PLAN
 CITY OF WINCHESTER, VA
 10-08-14



RZ-14-639



**2508 PAPERMILL ROAD, WINCHESTER, VIRGINIA 22601
REZONING REQUEST PROFFER
(Conditions for this Rezoning Request)**

**Tax Map Number: Tax Map 291 ((3)) Parcel 1
Owner: Silver Lake LLC – James R. Wilkins III
Applicant: MGP Retail Consulting**

October 14, 2014

Property Information

The undersigned applicant hereby proffers that in the event the Common Council of Winchester (Council) shall approve the rezoning of ± 0.736 acres of 2508 Papermill Road, Winchester, VA 22601 from M-2 into CM-1, then development of the subject property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

Any and all proffers and conditions accepted or binding upon the aforementioned property, as a condition of accepting these proffers, shall become void and have no subsequent affect.

Site Plan Improvements

The undersigned applicant, who is acting on behalf of the owners of the above described property, hereby voluntarily proffers that, if the Council of the City of Winchester approves the rezoning, the undersigned will provide:

1. **Proposed Use:**
 - If this rezoning is accepted, the proposed use shall be limited to retail development.
2. **The proposed rezoning of the approximately 0.736 acres of Tax Parcel 291-3-1 from M-2 into CM-1 shall only be considered valid upon the acceptance and recordation of a minor subdivision (boundary line adjustment) plat showing the combination of the 0.736 acres and Tax Parcel 291-5-3.**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the Applicant and Owner. In the event the Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the City of Winchester Code.

Respectfully submitted,

PROPERTY OWNER

By: [Signature] Date: 1/10/14

STATE OF VIRGINIA, AT LARGE

COUNTY/CITY OF Winchester, To Wit:

The foregoing instrument was acknowledged before me this 11th day of October, 2014 by Jane R. Perkins, III

My Commission expires Mar 30, 2017

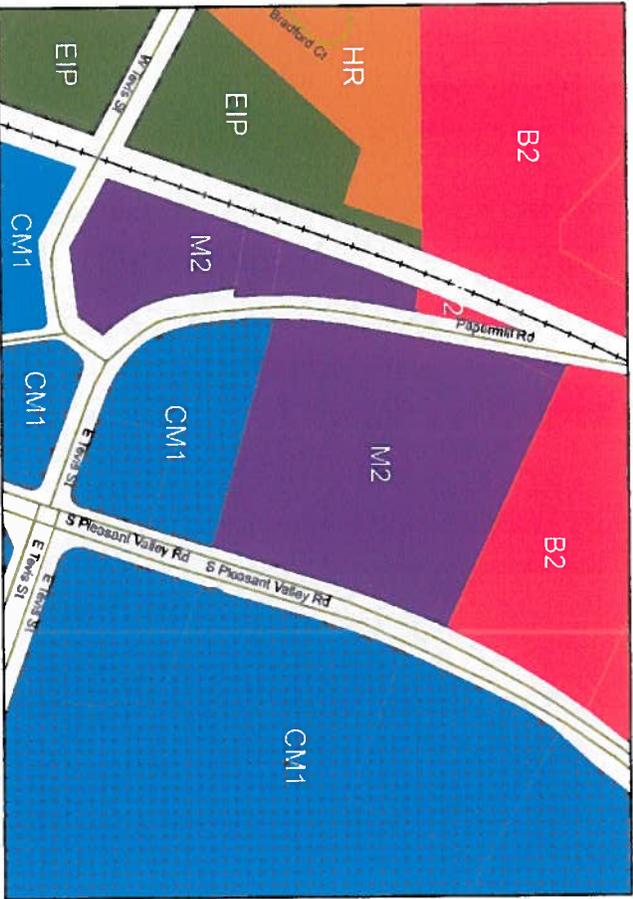
Notary Public Cindy Grove

CINDY GROVE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #184054

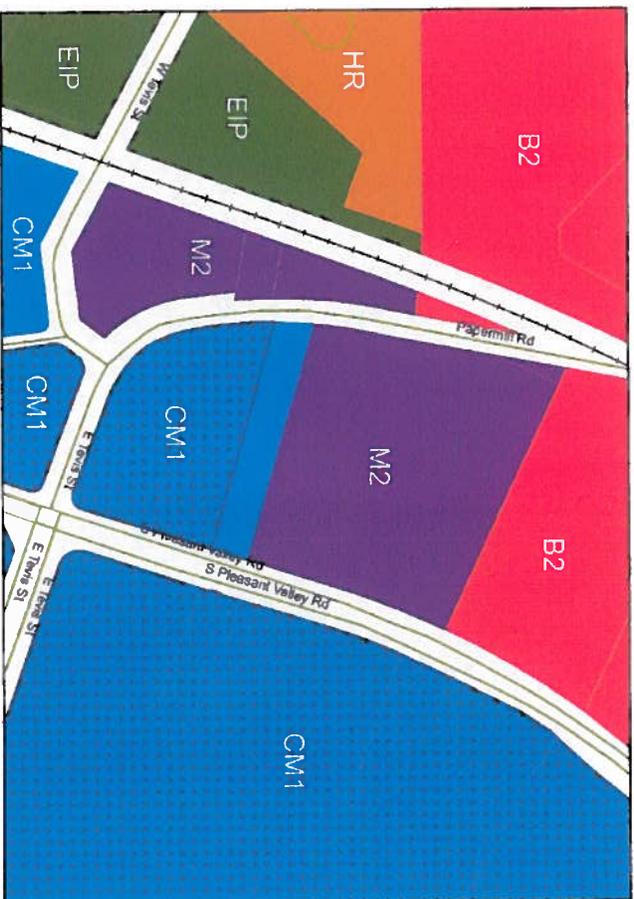
REZONING EXHIBIT

RZ-14-639

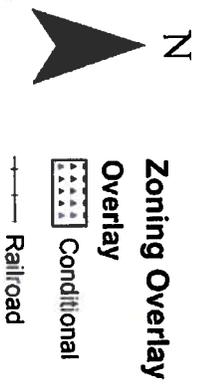
PREPARED BY WINCHESTER PLANNING DEPARTMENT
10-07-2014



EXISTING
INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING
FOR 2508 PAPERMILL ROAD



PROPOSED
COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING
FOR 2508 PAPERMILL ROAD



- Zoning Overlay**
-  Conditional
- Zoning MZONE**
-  B2 Highway Commercial District
 -  CM1 Commercial Industrial District
 -  EIP Education, Institution and Public Use District
 -  HR High Density Residential District
 -  M2 Intensive Industrial District