

0-2015-13

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/26/15, CUT OFF DATE: 5/20/15
6/9/15 (1st Reading) 6/23/15 (2nd Reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-15-177 - AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS. (Proposal will create a definition and district use provisions for Home Improvement Donation Centers.)

STAFF RECOMMENDATION:

Adopt the text amendment.

PUBLIC NOTICE AND HEARING:

Public hearing required with 2nd reading on 6/23/2015.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously forwarded with favorable recommendation.

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 Planning Director, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: [Signature] 5/20/2015
(Zoning and Inspections)



APPROVED AS TO FORM:

[Signature] 5/20/2015 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: May 26, 2015
Re: TA-15-177 - AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS. (*Proposal will create a definition and district use provisions for Home Improvement Donation Centers.*)

THE ISSUE:

Create definition and use provisions for *Home Improvement Donation Centers*. The result of this amendment will create a specific use definition for centers where building supplies, materials, appliances and related materials are donated and resold to the public.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 – Promote and accelerate revitalization of targeted areas throughout the city.

BACKGROUND:

Originally the applicant discussed allowing this use in the Limited Industrial (M-1) district. Presently, there is not a use provision in the M-1 district that will allow for this style of use. The closest available use classification is a *Retail Lumberyard*. Following discussions with staff, the applicant decided to sponsor a zoning text amendment. After initial discussions with staff, the ordinance amendment was modified and expanded beyond the M-1 district to include the Highway Commercial (B-2), Central Business (B-1) and Commercial Industrial (CM-1) districts. The use is proposed to be permitted by-right in the M-1, B-2, and CM-1 districts and permitted with a conditional use permit in the B-1 district. Staff believes this type of proposed use is slightly unique and distinct from general retail services such as a hardware store and related uses in that the customer traffic and interaction with the business is two-way: goods are both brought to the site to be donated as well as merchandise is purchased on-site and removed from the customer. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the text amendment
- Adopt the text amendment with modifications
- Decline to adopt the text amendment

RECOMMENDATIONS:

The Planning Commission unanimously recommended approval.

TA-15-177 AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS (*Proposal will create a definition and district use provisions for Home Improvement Donation Centers.*)

REQUEST DESCRIPTION

This is a privately sponsored zoning ordinance text amendment intended to create definition and use provisions for *Home Improvement Donation Centers*. The result of this amendment will create a specific use definition for centers where building supplies, materials, appliances and related materials are donated and resold to the public.

Originally the applicant discussed allowing this use in the Limited Industrial (M-1) district. Presently, there is not a use provision in the M-1 district that will allow for this style of use. The closest available use classification is a *Retail Lumberyard*. Following discussions with staff, the applicant decided to sponsor a zoning text amendment. After initial discussions with staff, the ordinance amendment was modified and expanded beyond the M-1 district to include the Highway Commercial (B-2), Central Business (B-1) and Commercial Industrial (CM-1) districts. The use is proposed to be permitted by-right in the M-1, B-2, and CM-1 districts and permitted with a conditional use permit in the B-1 district.

STAFF COMMENTS

Staff has met with the applicant prior to submitting this application and supports the current proposal. The *Home Improvement Donation Center* use in the M-1, B-2, and CM-1 districts is consistent with the types of uses permitted by-right within each of those districts. In the B-1 district, the use would only be permitted with a conditional use permit, which would allow the Planning Commission and City Council to evaluate such uses on a case by case basis and mitigate any potential negative impacts. Staff believes this type of proposed use is slightly unique and distinct from general retail services such as a hardware store and related uses in that the customer traffic and interaction with the business is two-way: goods are both brought to the site to be donated as well as merchandise is purchased on-site and removed from the customer.

RECOMMENDATION

At their May 19, 2015 meeting, the Planning Commission unanimously forwarded **TA-15-177** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for expanded commercial opportunities consistent with Council's Strategic Plan and the City's Comprehensive Plan.

AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING
ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME
IMPROVEMENT DONATION CENTERS

TA 15-177

Draft 3 – 5/18/2015

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

**ARTICLE 1
DEFINITIONS**

1-2-48.1 **HOME IMPROVEMENT DONATION CENTER – A facility in which building supplies, materials, appliances and related materials are donated and resold to the public.**

**ARTICLE 8
HIGHWAY COMMERCIAL DISTRICT - B-2**

SECTION 8-1. USE REGULATIONS.

8-1-53 **Home Improvement Donation Center**

**ARTICLE 9
CENTRAL BUSINESS DISTRICT – B-1**

SECTION 9-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

9-2-27 **Home Improvement Donation Center**

**ARTICLE 10
COMMERCIAL INDUSTRIAL DISTRICT - CM-1**

SECTION 10-1. USE REGULATIONS.

10-1-44 **Home Improvement Donation Center**

**ARTICLE 11
LIMITED INDUSTRIAL DISTRICT - M-1**

SECTION 11-1. USES REGULATIONS.

11-1-32 **Home Improvement Donation Center**