PLANNING COMMISSION
AGENDA
May 20, 2014 - 3:00 PM
Council Chambers - Rouss City Hall

1. **POINTS OF ORDER**
   A. Roll Call
   B. Approval of Minutes – April 15, 2014 regular meeting
   C. Correspondence
   D. Citizen Comments
   E. Report of Frederick Co Planning Commission Liaison

2. **PUBLIC HEARINGS – New Business**
   A. **SA-14-199** AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS **(Mr. Youmans)**

   B. **CU-14-212** Request of Braveger Enterprises, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (*Map Number 212-01-H-6)* zoned Central Business (B-1) District. **(Mr. Moore)**

   C. **CU-14-230** Request of Greenway Engineering on behalf of the Winchester SPCA for a conditional use permit for animal shelter use at 111 Featherbed Lane *(Map Number 252-01-31A)* zoned Commercial Industrial (CM-1) District. **(Mr. Grisdale)**

   D. **CU-14-267** Request of Eugene F. Dearing, III for a conditional use permit for extended stay lodging at 126 North Braddock St *(Map Number 173-01-F-5)* zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. **(Mr. Youmans)**

   E. **TA-14-268** AN ORDINANCE TO AMEND AND REENACT SECTION 18-7-1.7b OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO AREA OF SIDEWALKS AVAILABLE FOR USE IN THE PRIMARY DOWNTOWN ASSESSMENT DISTRICT **(Mr. Grisdale)**

   F. **RZ-14-193** AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (Map Number 153-01-J-3) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT **(Mr. Moore)**

3. **PUBLIC HEARING – Continued**
   A. **CU-14-166** Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street *(Map Number 193-01-T-3)* zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay. **(Mr. Moore)**

4. **OLD BUSINESS**
   A. **RZ-14-35** AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET *(Map Number 252-01-2)* FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY. **(Mr. Youmans)**

5. NEW BUSINESS

A. Resolution to initiate: **TA-14-275** AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS **(Mr. Moore)**

B. FY 2015-2019 Capital Improvements Plan **(Mr. Eisenach)**

C. Comprehensive Plan Amendment **(Mr. Youmans)**

D. Administrative Approval(s) **(Mr. Moore):**

1)	**SP-14-280**	150 Commercial St	Major Properties	Construction Mgt, Inc
2)	**SP-14-281**	403 Battaile Dr	Storage Solutions	Painter-Lewis, PLC
3)	Minor Subdivisions (Jan-Apr 2014)			

6. ADJOURN

SA-14-199 AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS

REQUEST DESCRIPTION

The request would relax the restriction limiting the number of Minor Subdivisions that can be approved for a property within a 12-month period such that more than one administrative approval could be permitted within a 12-month timeframe. The request also brings the local ordinance into compliance with State Code regarding timeframes for recording approved plats.

STAFF COMMENTS

The Land Subdivision Ordinance allows the City Subdivision Administrator to administratively approve Minor Subdivisions which do not entail subdividing parcels into to more than 3 lots fronting upon existing public streets where no new streets or utilities are proposed and existing facilities will accommodate the modification. It also requires that the Administrator make a written report of all minor subdivisions at each regular meeting of the Planning Commission.

Section 6-5-3 of the Land Subdivision Ordinance was amended in 1988 to prohibit the Subdivision Administrator from approving any Minor Subdivision within one year of a prior Minor Subdivision for the same parcel or portion thereof. This outright prohibition on approving Minor Subdivisions within 12 months of a prior Minor Subdivision has been found to be an unnecessary impediment to development approval.

The language in Section 6-6 is proposed to be entirely replaced by new language consistent with updates to Virginia Code Section 15.2 which stipulates a 6-month timeframe for recordation of approved subdivision plats in the land records.

RECOMMENDATION

A favorable motion could read:
MOVE, that the Commission forward Subdivision Ordinance Amendment **SA-14-199** to City Council recommending approval because it represents good planning practice.

AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS

SA-14-199

Ed. Note: The following text represents an excerpt of Sections 6-5 and 6-6 of the Land Subdivision Ordinance that is 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.

SECTION 6-5. MINOR SUBDIVISIONS.

6-5-1 The Administrator may certify a subdivision or re-subdivision as a "minor subdivision" if he**/she** finds that:

6-5-1.1 The proposal is to divide a parcel of land into not more than three (3) lots fronting up an existing street and not involving a new street or the extension of any existing street, street facilities, or utilities; and existing facilities will adequately accommodate the modification; and

6-5-1.2 The proposal will not create a violation of any of the provisions of the Zoning Ordinance; and

6-5-2 If the Administrator finds that the proposed subdivision or re-subdivision meets all the requirements as set forth above and elsewhere in this chapter, he**/she** shall certify the proposed plat as a "minor subdivision", and by affixing a notation to that effect and his signature thereto, grant final subdivision approval. At each regular Planning Commission meeting, the Administrator shall make a written report of all minor subdivisions so classified, certified, and approved for filing.

6-5-3 The Administrator may reject ~~No subdivision of a parcel of land may be~~ approv**al**~~ed~~ **of a subdivision** pursuant to this section within one year after the date of recordation of a minor subdivision plat for such parcel or part thereof **if he/she finds it contrary to good planning practice**. (8-9-88, Case #SA-88-0l, Ord. No. 029-88).

SECTION 6-6. RECORDATION.

~~Unless the subdivider shall record his approved final subdivision plat in the office of the Clerk of Circuit Court for the City of Winchester within ninety (90) days after final approval, said final plat approval shall be null and void. The subdivider or his agent shall, in writing, inform the Administrator of the date on which said final subdivision plat was filed and note the deed book and page number thereof.~~

Unless a plat is filed for recordation in the office of the Clerk of Circuit Court for the City of Winchester within six (6) months after final approval thereof or such longer period as may be approved by City Council, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by City Council or its designated administrative agency, or where the developer has furnished surety to City Council or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved by City Council or its designated administrative agency, whichever is greater.

Planning Commission Item 2B
May 20, 2014

CU-14-212 Request of Braveger Enterprises, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (*Map Number 212-01-H-6)* zoned Central Business (B-1) District.

REQUEST DESCRIPTION
The request is for Conditional Use Permit (CUP) approval under Section 9-2-16 of the Zoning Ordinance pertaining to conversion of nonresidential ground floor area to residential use.

AREA DESCRIPTION
The property is located in the triangular area bordered by South Braddock St, Gerrard St, and Valley Ave. All properties within the triangle are zoned B-1; uses include fast food restaurant, offices, and the Triangle Diner property. Properties further to the north and south are also zoned B-1 and contain a variety of commercial uses. To the west is the EIP-zoned Handley High School property. Properties to the east are zoned HR-1 and contain residential uses.

STAFF COMMENTS
The CUP request for conversion of a former ground floor barber shop to residential use is outlined in a letter from Michael Lessin dated April 4, 2014. This request applies to the northern ground floor space in the building. The building contains three existing apartments; two upstairs and one in the southern ground floor space. The applicant believes that the subject unit was originally a residential space based on the existing floor plan and amenities (inc. a full bath with tub, 2 rooms with closets that were possibly bedrooms, and a full kitchen). Additionally, City assessment records indicate that the building was known to have four dwelling units at one time. Staff met with the applicant onsite and concurs that the use was likely residential previously.

The door and window openings are more typical of a residential building than of a commercial storefront. The interior layout is such that the bedrooms are oriented toward the rear of the building, away from the street. The unit shares a rear porch with the other ground floor unit, which then provides access to a fenced rear yard shared by all four units.

The property does not provide for any off-street parking spaces onsite; however, the use as a two-bedroom dwelling would have the same or lower parking requirement associated with it than a commercial use in the space. The Planning Director has determined that this segment of South Braddock St does not represent a major commercial street and would suggest that City Council could find the ground-floor residence to be as suitable as nonresidential reuse.

RECOMMENDATION
For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

A favorable motion could read:
MOVE that the Commission forward **CU-14-212** to City Council recommending approval per Sections 9-2-16 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is based upon City Council finding that the proposed ground-floor residential unit is as suitable or preferable to other permitted uses on the ground floor and is subject to conformity with the submitted floor plan depicting a two-bedroom dwelling.

-OR-

An unfavorable recommendation should cite:

1. why the proposed ground-floor residential unit is NOT as suitable or preferable to other permitted uses on the ground floor; and/or
2. why the proposal may adversely affect the health, safety or welfare of persons residing or working in the neighborhood or may be detrimental to public welfare or injurious to property or improvements in the neighborhood.

CU-14-212

BRAVAGER ENTERPRISES, LLC
21800 Towncenter Plaza #266A-802, Sterling, VA 20164
Phone 703-661-6100 | Fax 703-722-8689

RECEIVED
APR 7 2014

MEMORANDUM

TO: City of Winchester, City Planning
FROM: Michael Lessin, Managing Director, Bravager
DATE: April 4, 2014
SUBJECT: Change of Use – Commercial to Residential
912/910 S Braddock St (Tax Map 212-I-H-6)

We are the 100% owner of a building located at **912 S Braddock St (Tax Map 212-I-H-6)**. The building is listed as a 4 dwelling unit in the tax records of the City and is located across from Handley High School. The two-story brick building was built in 1946 and consists of Units 1, 2, 3, 4. Three of the four units are currently residential rental apartments. The building contains two doors adjacent to the sidewalk along S Braddock Street. One door is labeled 910 S Braddock, and directly serves Unit 1 (currently a commercial space). The other door is labeled 912 S Braddock and serves a shared hallway serving for the three residential rental apartments -- Unit 2 on the ground level, and then a staircase leading to Unit 3 and Unit 4. ***We believe Unit 1 is most appropriately changed back to residential use.***

Unit 1 (910 S Braddock St) has been used for a number of years as a rented commercial space, most recently housing a barber shop with 2 barber chairs, and was in this use when we purchased the building in November 2009. This is the unit we wish to change back to residential use and offer it as a rental apartment. In preparation for this application, it was inspected by the City of Winchester on April 2 and meets the requirements for residential housing. We believe the Unit was originally a residential space, as it already contains a full bathroom with a building original tub, 2 rooms configured as bedrooms each with closets, and a full kitchen with original 1950's kitchen

cabinets. We do not propose to make any structural changes to the unit in connection with a change of use back to residential.

The rest of the building, consisting of Units 2, 3, 4, has been in use as rental apartments for over 50 years to our knowledge. Unit 2 is a 1 bedroom unit on the ground floor, Unit 3 is a 1 bedroom on the second floor, Unit 4 is a 2 bedroom unit on the second floor.

Parking: Change of use from commercial to residential for Unit 1 will result in less use of on-street parking, as the building contains no off-street parking.

Exterior Appearance: No changes proposed. The building had a barber shop sign when it was in that use. The sign was removed when the barber shop vacated.

Current Status: Vacant and being prepared for residential occupancy. We have experienced high demand for rental apartments for the rest of our building and anticipate high rental demand for this unit.

Thank you for considering our application.

Sincerely,

Michael Lessin
Managing Director

CU-14-230 Request of Greenway Engineering on behalf of the Winchester SPCA for a conditional use permit for animal shelter use at 111 Featherbed Lane *(Map Number 252-01-31A)* zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION
The request is for a conditional use permit to allow for redevelopment of the former Impressions Plus site for use as an animal shelter.

AREA DESCRIPTION
The site and all surrounding lots on the south side of Featherbed Lane are zoned CM-1. Land to the east, west and south contain animal shelter, office, retail and automotive service uses. The north side of Featherbed Lane has CM-1 zoning across from the subject property and B-2 zoning to the northeast. A large portion of the subject site closest to Featherbed Lane is within the Abrams Creek Floodplain.

STAFF COMMENTS
The *Animal Shelter* use was established as a conditional use in the CM-1 district in 2000, allowing for more than the 25-animal restriction that is otherwise applicable to *Kennels*. Such facilities are required to be no closer than 500 feet from any residential district. The closest residential district is along Glaize Avenue to the northwest, approximately 850 feet away.

The SPCA recently purchased the subject property, which is immediately adjacent to their existing facility at 115 Featherbed Lane. The organization intends to expand their services and divide up the incoming pet drop-off to be at their existing facility at 115 Featherbed Lane, and to reorganize the internal building footprint of 111 Featherbed Lane for the out-going pets for the adoption center. There is a second building on the rear of the subject parcel which is currently in use by Habitat for Humanity as their Re-Store.

In 2012, City Council approved a conditional use permit for the SPCA to expand their current footprint at 115 Featherbed Lane, including the demolition of existing structures, constructing a new 7,500sf building, and an expanded parking area. However, this approval was never acted upon and as a result the CUP expired in September 2013.

Staff is unaware of any issues that surrounding properties and businesses have had with the current operation. Presently, there are not any proposed site improvements, and therefore a site plan will not be required with the Planning Department. The structure is located within the floodway and 100-year floodplain. Building elevation information and any required flood-proofing of the structure will be reviewed during the review of the building permit for the interior renovation.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

A favorable motion could read:

MOVE that the Planning Commission forward **CU-14-230** to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommendation is subject to general conformance with the proposed building interior layout dated April 1, 2014.

GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602

Founded in 1971

April 7, 2014

City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, Virginia 22601

RECEIVED
APR 7 2014

Attn: Tim Youmans, Planning Director
Re: Winchester SPCA, 111 Featherbed Lane

Dear Mr. Youmans:

Greenway Engineering Inc. is pleased to present the Conditional Use Permit Application and letter of compliance in accordance with the City of Winchester Zoning Ordinance Section 18-2. The SPCA is a non-for profit organization located at 115 Featherbed Lane in Winchester. SPCA had recently purchased the adjacent property at 111 Featherbed Lane to expand their services and divide up the incoming pet drop-off to be at the current 115 Featherbed Lane property and reorganize the internal building footprint of the 111 Featherbed Lane building for the out-going pets for the adoption center. The 111 Featherbed Lane parcel is identified as TM #252-01-31, is zoned CM-1, and consist of 1.79 acres. The property currently has two existing buildings on the property, the building to the southern end (back) of the parcel is currently being utilized by Habitat Restore while the building to the north fronting on Featherbed Lane is currently vacant (Old Impressions Plus Building) which is the building in subject pertaining to this Conditional Use Permit Request

.

The SPCA is requesting approval from the City of Winchester for a Conditional Use Permit to utilize the Northern Building on the property as an adoption center. The back building use will remain the same as well as the existing features of the property. The CUP request is due to the increasing need for additional space, storage, as well as to expand their services to accommodate the public. This expansion of service to the 111 Featherbed Lane will take the place of the additional space they were hoping to create with a new facility back in 2011 when they applied for CUP #12-360 which is null and voided due to non-activity. Attached are the following:

- Existing Site Conditions Exhibit
- Existing Building Proposed Footprint Uses Exhibit
- Existing Building Elevations (From Original Architectural plans Prepared by David Ganse AIA)
- $500.00 Application Fee Check

Please contact me should you have any questions or comments regarding this submittal.

Sincerely,
Greenway Engineering, Inc.

Jeremy N. Tweedie, Senior Project Manager

CU-14-230

File #2702S/JNT

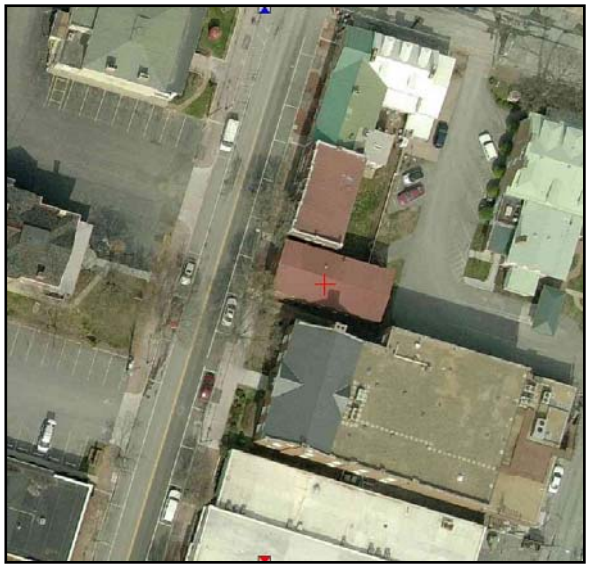
Engineers Surveyors Planners Environmental Scientists
Telephone 540-662-4185 FAX 540-722-9528
www.greenwayeng.com

Planning Commission Item 2D
May 20, 2014

CU-14-267 Request of Eugene F. Dearing, III for a conditional use permit for extended stay lodging at 126 North Braddock Street *(Map Number 173-01-F-5)* zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

REQUEST DESCRIPTION
The request is for Conditional Use Permit (CUP) approval under Section 9-2-19 of the Zoning Ordinance pertaining to extended stay lodging. The ground floor office space in the two-story structure is proposed for conversion from office use to two apartments which would be operated as extended stay lodging.

AREA DESCRIPTION
The property and all adjoining properties along both sides of N. Braddock Street are zoned B-1 with Historic Winchester (HW) overlay District. The site is also located in the Winchester National Historic District and restoration of the circa 1952 structure would likely be eligible for State and Federal Tax Credits. The subject stretch of N. Braddock Street has structures primarily associated with commercial use, including numerous offices and some retail. The site falls within the 100% parking exempt district, although the applicant proposes to lease spaces in the Braddock Street AutoPark.



STAFF COMMENTS
The CUP request for conversion of the ground-floor office space to extended stay lodging use is outlined in a letter from Mr. Dearing of EFD Investments, LLC to the City dated March 4, 2014. This request applies only to former office space on the ground floor of the existing brick structure at 126 N. Braddock Street. The structure has an exterior appearance that lends itself to either commercial or residential use. It already contains two apartments on the upper level of the building. The residentially-scaled door and window openings are typical of a multifamily structure rather than a retail storefront. The building currently has a single recessed doorway directly oriented to N. Braddock Street providing access to all spaces within the building.

There is very little distance between the front of the structure and the public street. The applicant should consider some planter boxes to place out along the front of the building to create some separation between the windows of the front “family room” space and the public sidewalk. One single-bedroom unit is proposed toward the front of the first floor. It does not have a bedroom facing toward the street. A two-bedroom unit is proposed toward the rear of the first floor accessed by a hallway connecting to the front door of the building.

In his letter, the applicant notes the commitment to provide weekly maid service and owner maintenance to ensure that the property is taken care of in a way consistent with the intent of an extended stay lodging facility. Because this is an Extended Stay Lodging proposal (as opposed to a ground-floor residential conversion), there is no provision for the Planning Director to make a determination whether or not the segment of N. Braddock Street represents a major commercial street, thus potentially restricting the ground-floor residential conversion. If proposed as multifamily instead of Extended Stay Lodging, the two ground floor units would not meet the average minimum floor area requirements for neither the one-bedroom unit nor the two-bedroom unit.

Section 1-2-35.1 of the Zoning Ordinance defines 'EXTENDED STAY LODGING' as: *One (1) or more buildings containing individual sleeping rooms, designed for and <u>used primarily by business travelers</u> for more than thirty (30) consecutive days, with <u>garage or parking space conveniently located to each unit.</u> Cooking facilities are provided for each unit. <u>Units are not intended to be primary residences.</u>*

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal **as submitted or modified** will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

A favorable motion supporting the request could read:

MOVE, that the Planning Commission forward **CU-14-267** to City Council recommending approval per Sections 9-2-19 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Weekly maid service provided for the two ground floor units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,
2. Leasing of at least 2 parking spaces in the Braddock Street AutoPark or other nearby parking lot to ensure compliance with the requirement for garage or parking space conveniently located to each Extended Stay Lodging unit.

March 4, 2014

City of Winchester
Planning Commission

Planning Commission Members:

EFD Investments, LLC has a contract to purchase 126 North Loudoun Street. The building currently has two apartments upstairs and the downstairs was last used as an office and is currently vacant. The site is zoned B-1.

This request is for consideration of extended stay lodging, as defined by 1-2-35.1 of the City of Winchester Zoning Ordinance. The two apartments would remain upstairs and the ground floor would be converted to two apartments. As defined these units will be fully furnished units which will be primarily rented to business travelers who are relocating to the area or are in the area for short term assignments.

This use is listed as a conditional use in the B-1 District. We are not requesting any additional variances. Although this location is parking exempt, we propose to lease space in the Braddock Street Parking Garage for use of the tenants to satisfy the requirement that extended stay units have nearby parking available.

The building is in the Historic District and no changes are proposed to the building footprint or exterior. Since this project is eligible for Federal and State Tax Credits, the final design will have to be approved by these agencies.

We believe that this is an appropriate use for the building. Business travelers typically like the fact that they can walk to the Loudoun Mall area to take advantage of the many restaurants and shops. We believe that this project furthers the goal of having people live and shop in the downtown area. We see no negative impact. These units are designed for single adults. Traffic impact will be minimal since in most cases there would be only one or two trips a day resulting from each unit. These units provide for weekly maid service and owner property maintenance which will insure that the property is well taken care of. The completed project will result in an increased real estate tax base as well as generate revenue through the patronization of local shops and restaurants.

Thank you for your consideration.

Eugene F. Dearing III

Eugene F. Dearing III
EFD Investments, LLC

CU-14-267

TA-14-268 AN ORDINANCE TO AMEND AND REENACT SECTION 18-7-1.7b OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO AREA OF SIDEWALKS AVAILABLE FOR USE IN THE PRIMARY DOWNTOWN ASSESSMENT DISTRICT

REQUEST DESCRIPTION

This text amendment would extend the area of public space available for use by businesses abutting the Loudoun St Mall from a maximum of fifteen feet outward from the building to a maximum of seventeen feet.

STAFF COMMENTS

In early 2013, in conjunction with the Loudoun Street Mall improvement project, Section 18-7 of the Zoning Ordinance pertaining to the Primary and Secondary Downtown Assessment Districts was completely rewritten. The area of public space available for use was previously not clearly defined nor regulated.

At the time of the drafting of the Ordinance amendment, the existing café enclosures had been removed and stored by the City so that construction could commence. Staff relied on previously recorded measurements, some of which turned out to be inaccurate, when establishing the current maximum distance of fifteen feet extending outward from the building. Recently, during the current permit renewal season, it was discovered that several (approx. 5) existing café enclosures extend further than the allowable fifteen feet. Absent an amendment to the Ordinance, these businesses would be required to replace or attempt to modify (i.e. cut and weld) their existing enclosures.

The Old Town Winchester Business Association (OTWBA) requested the OTDB recommend a text amendment to accommodate the existing enclosures that extend as far as seventeen feet. The OTDB made such recommendation at its April 3, 2014 meeting.

RECOMMENDATION

MOVE that the Planning Commission forward **TA-14-268** as identified in "Draft 1 – 4/16/14" with a favorable recommendation because the amendment aligns the Ordinance with its original intent to accommodate as many previously existing café areas as possible while still ensuring public safety by requiring the designated fire lane to remain clear of obstruction.

AN ORDINANCE TO AMEND AND REENACT SECTION 18-7-1.7b OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO AREA OF SIDEWALKS AVAILABLE FOR USE IN THE PRIMARY DOWNTOWN ASSESSMENT DISTRICT

TA-14-268

Draft 1 – 4/16/14

Ed. Note: The following text represents an excerpt of the Zoning Ordinance that is 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.*

SECTION 18-7 **SPECIAL REGULATIONS PERTAINING TO THE PRIMARY AND SECONDARY DOWNTOWN ASSESSMENT DISTRICTS.** (4/9/13, Case TA-13-35, Ord. No. 2013-08)

18-7-1 **USE OF SIDEWALKS**.

18-7-1.7 Area Available for Use.

a. Width. For businesses abutting the sidewalk, use of the sidewalk shall not exceed the width of the individual store front.

b. Depth.

1) Primary Downtown Assessment District. No sidewalk area extending more than ~~fifteen (15)~~ **seventeen (17)** feet from **the property line of** the abutting storefront toward the center line of the Mall shall be used. However, in all cases, no use of area within a designated fire lane shall be permitted.

2) Secondary Downtown Assessment District. No sidewalk area closer than five (5) feet to the curb shall be used. However, in all cases, a minimum clear path of travel of three (3) feet must be provided.

Planning Commission Item 2F
May 20, 2014

RZ-14-193 AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (*Map Number 153-01-J-3)* FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT.

REQUEST DESCRIPTION
The request is to rezone the property to facilitate expansion of the existing business and to offer additional space for manufacturing and light industrial uses that are not available under the existing B-2 zoning.

AREA DESCRIPTION
The subject property currently contains the existing business Gear Clean in the former Health Department building on the north side of Commercial St in the block between Pennsylvania Ave and N Loudoun St. Properties directly to the east are also zoned B-2 and contain an auto parts store and motorcycle sales/service in a former branch bank building. Property to the west and north is zoned CM-1 and contain a variety of contractor and storage uses. Property further to the north includes MR-zoned residences along W. Oates Ave. Property to the south and further to the west is zoned M-1 and contain commercial and industrial uses, including equipment sales/service and apple packing and storage.

STAFF COMMENTS
The proposal for a conventional rezoning (without proffers) of the property is outlined in a letter from Greywolfe, Inc. dated March 31, 2014. The letter cites statements from the Comprehensive Plan specific to the North Geographic Planning Area, including the Economic Development objective to "Work with owners and investors interested in developing properties in the city" and the Land Use objective to "Develop a diversified, sustainable industrial base at appropriate locations which are accessible to transportation facilities." Additionally, the Character Map in the Comp Plan calls for Commerce Area Revitalization/Infill for the subject and surrounding properties on the north side of Commercial Street.

The applicant has separately submitted a site plan for a 14,400sf addition to the existing 7,440sf building along with associated site improvements, although the plan does not call for a specific use that would be dependent on the rezoning to CM-1. The associated site plan supports the Character Map designation for revitalization/infill at the property. CM-1 designation could support the land use objective for development of a diversified, sustainable industrial base by allowing for an array of light industrial uses that are not otherwise permitted under the current B-2 zoning. Access to transportation facilities from the subject property is convenient, with US 11 (Loudoun St) and US 522 (Fairmont Ave) only a block removed from the property in either direction.

The nearest residential uses are to the north along W. Oates Ave. There is existing CM-1-zoned land with contractor and storage uses located in between the subject property and these residences. It is unlikely that CM-1 zoning on the subject property could create an additional impact on these residential properties considering the surrounding zoning/uses already in place and the separation from the subject property.

RECOMMENDATION

A **favorable** motion could read:

MOVE the Commission forward **RZ-14-193** to City Council recommending approval as depicted on an exhibit titled "*Rezoning Exhibit, RZ-14-193, Prepared by Winchester Planning Department, May 6, 2014*" because the proposed CM-1 zoning is consistent with the Comprehensive Plan Character Map designation for Commerce Area Revitalization/Infill on the north side of Commercial Street.

-OR-

An **unfavorable** motion could read:

MOVE the Commission forward **RZ-14-193** to City Council recommending disapproval because the application for the proposed CM-1 zoning as submitted: {*pick any or all of the following*}

1. could result in development less desirable than the existing B-2 zoning;
2. lacks measures to sufficiently mitigate potential negative impacts *(should identify such potential impacts)*;
3. (*other potential reasons*)

-OR-

The Commission could alternately **table** the request if potential impacts are identified and the applicant is willing to possibly address such impacts with a revised request.

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Planning Department
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March 31, 2014

Mr. Youmans,

Please find the attached application for a conventional rezoning for Parcel 153-((01))-(J)-3 located at 150 Commercial Street. The property is currently zoned B-2 and the owner, Major Properties, LLC; would like to change the zoning to CM-1.

The Comprehensive Plan identifies this property located in the North geographic area is a prime location to "Work with owners and investors interested in developing" and to "Develop a diversified, sustainable industrial base at appropriate locations which are accessible to transportation facilities". The parcel is also located within the Enterprise Zone.

The owners are submitting site plans to construct an addition to expand their existing business, Gear Clean, and to offer two spaces for manufacturing and office.

There are manufacturing and industrial uses within the CM-1 zoning designation that are not available within B-2.

The impacts on traffic will not change between the uses nor will there any other negative effect for the City. Surrounding properties are already within the CM-1 designation and this change is compatible them.

Thank you,

Gary R. Oates, LS-B, PE
GreyWolfe, Inc.

RZ-14-193

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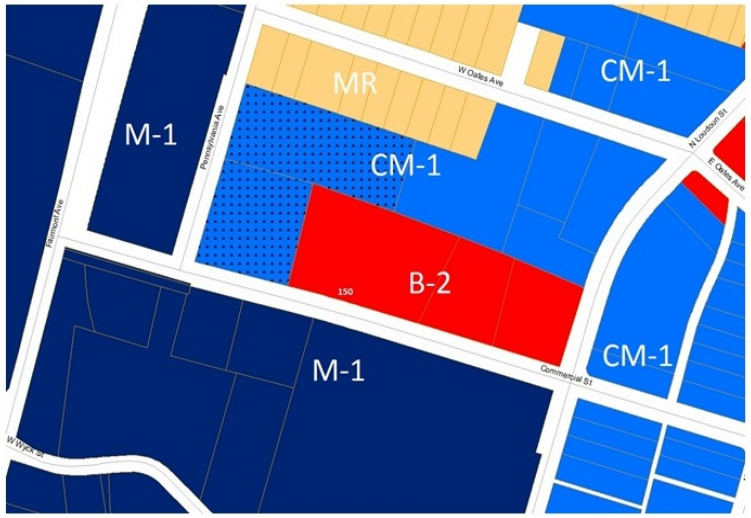
REZONING EXHIBIT

RZ-14-193

PREPARED BY WINCHESTER PLANNING DEPARTMENT

MAY 6, 2014



EXISTING

B-2 ZONING FOR 150 COMMERCIAL STREET

PROPOSED

CM-1 ZONING FOR 150 COMMERCIAL STREET

Conditional Zoning

Planning Commission Item 3A
May 20, 2014

CU-14-166 Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street *(Map Number 193-01-T-3)* zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay.

REQUEST DESCRIPTION
The request is reapproval of an expired conditional use permit for a two-family dwelling on the subject property.

AREA DESCRIPTION
The subject property is located on the east side of South Kent Street, north of the intersection of East Cecil Street. The property is zoned HR-1 with HW overlay, with similarly zoned parcels surrounding it. Surrounding uses include residential dwellings, including single-family and a number of nonconforming two-family dwellings.

STAFF COMMENTS
The applicant originally applied for a conditional use permit (CUP) for a two-family dwelling to replace a vacant, deteriorated single family dwelling located on the subject property in 2009. That application was recommended for approval by the Planning Commission and subsequently approved by City Council on April 13, 2010. The existing structure was subsequently demolished; however, the applicant did not proceed with construction of the two-family dwelling. The CUP expired because the use did not commence within one year of approval.

The design elements of the proposal, including elevations, floor plans (depicting two-bedroom units) and site plan (including two off-street parking spaces) remain unchanged from the original proposal. The applicant previously applied for and received administrative modifications of two dimensional standards: lot width (37.83', where 40' is otherwise required) and side yard (5.83', where 6' is otherwise required). These modifications remain in place. The Board of Architectural Review previously granted a Certificate of Appropriateness (COA) for the design of the new structure, however, that Certificate expired one year from its issuance. The applicant will need to reapply for a COA.

The original approval included 3 conditions as follows:
1) Approval of necessary modifications or variances for lot width and side yard deficiencies;
2) The owner providing an easement at no cost, if deemed necessary and upon request by the City, across a portion of the rear of the property to facilitate the future alignment of the Green Circle Trail. This condition shall be voided if the alignment of the trail terminates to the south of the property; and,
3) Staff review and approval of the related site plan.

Conditions 1 & 2 are no longer necessary. As noted above, the necessary modifications for lot width and side yard were approved and remain valid. The alignment of the Green Circle Trail phase in this area has since been finalized and terminates south of the subject property, so an easement is no longer necessary.

The site plan depicts the provision of two required off-street parking spaces accessed from an unrecorded ingress/egress toward the rear of the property. The plan calls for gravel surfacing of the spaces. Staff requests input from the Commission as to whether a waiver of surfacing and curbing requirements (as depicted) for the spaces and travelway is supported.

A question arose in the April Planning Commission work session as to whether access could be guaranteed if the ingress/egress is unrecorded. The applicant is consulting with an attorney and doing further property research in an attempt to resolve this issue in the near future. **The Commission tabled the application at its April 15, 2014 meeting at the applicant's request. The applicant advised on May 6 that he is in negotiation with an adjoining property owner to obtain a recorded easement and is requesting that the application be tabled for one additional month to allow time to resolve the matter.**

The Commission also indicated a desire to include a walkway connecting from the front of the property to the rear unit access. The applicant is agreeable to this and staff would look for this to be included in the related site plan.

RECOMMENDATION:
A motion to table could read
MOVE that the Planning Commission table **CU-14-166** until its June 17, 2014 meeting at the applicant's request.

RESOLUTION INITIATING AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS

WHEREAS, Article 14.2 of the Zoning Ordinance provides for a Corridor Enhancement (CE) overlay district that is intended to protect and promote the aesthetic character and functionality of major tourist access corridors leading into the designated local and national Historic Winchester (HW) District; and,

WHEREAS, Section 14.2-8 of the Ordinance includes standards and guidelines pertaining to two corridors in the northern part of the City - Fairmont Avenue and North Loudoun Street; and,

WHEREAS, the routing of traffic entering the City from the north end has been revised since the CE District was first enacted in 2005 such that Wyck and North Cameron Streets are now part of the major tourist access corridor; and,

WHEREAS, it is the interest of the City to proceed with the rezoning of land in the northern part of the City to be included in the CE District.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby initiates the following text amendment:

TA-14-275

Draft 1 - April 30, 2014

Ed. Note: The following text represents an excerpt of Article 14.2 of the Zoning Ordinance that is 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 14.2

CORRIDOR ENHANCEMENT DISTRICT – CE

14.2-8 FAIRMONT AVENUE, MILLWOOD AVENUE, ~~AND~~ NORTH LOUDOUN STREET**, WYCK STREET, AND NORTH CAMERON STREET** CORRIDORS