

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, May 19, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Slaughter called the meeting to order at 3:00pm
PRESENT: Chairman Slaughter, Vice-Chairman Loring Commissioner
Smith, Commissioner Tagnesi, Commissioner Fieo
ABSENT: Commissioner Smith, Commissioner Schickle
EX-OFICIO: City Manager Freeman
FREDERICK CO. LIAISON: Commissioner Kenney
STAFF: Timothy Youmans, Aaron Grisdale, Josh Crump, Erick
Moore, Carolyn Barrett
VISITORS: Jennifer Bell, Ron Mislowski, Josh Huff

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of April 21, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-0.

CORRESPONDENCE:

Mr. Youmans stated there was a revised agenda. There was the addition of item 4A, a text amendment pertaining to ground floor residential conversion of existing structures. Also under 6A, administrative authorizations for site plans, 1D the site plan discussed at the work session pertaining to the Meadow Branch Apartments. Staff suggests it might be appropriate for administrative approval. Attached to that are the minutes and revised staff reports for two public hearing items that are listed under 2A and 2B. Chairman Slaughter said they would wait until the next work session to discuss item 4A since Commissioners Smith and Loring weren't present at the previous work session.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

There were two public hearings and two conditional use permits that were tied together. The first was a rezoning on Parks Mill Road corridor for Blue Ridge Soccer. Blackburn Property on Middle Road, which is part of the business friendly agenda, was a rezoning for a conditional use permit to allow for fast tracking the project.

PUBLIC HEARINGS:

TA-15-177 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, 10, 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME IMPROVEMENT DONATION CENTERS DEFINITIONS AND USES.

Mr. Grisdale reviewed the amendment. The intention is to create definition and use provision for home improvement donation centers. It is for centers that accept donations of building supplies, materials and appliances then resell them to the public. Presently, there is no use provision allowing for that type of operation. Staff recommended other districts to include where this use may be appropriate. There is a slight change to the ordinance as presented. It is the removal of some language in the use definition pertaining to limiting the use to charitable organizations. It is the type of use that is going to be regulated, not whether it is for profit or non-profit.

Chairman Slaughter Opened the Public Hearing

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter asked if they allow the general hardware store or home improvement store, why is there a separate definition for this use? Mr. Grisdale said the use is slightly different than a general hardware store or retail operation. It is a two-way exchange of goods. Customers donate materials to the entity conducting the operation as well as the normal retail portion where they are purchasing from the store. This will allow for limited retail operations without opening the door to anything and everything in the retail use provisions. Chairman Slaughter asked if there was a particular district other than B-1 in mind. Mr. Grisdale said there was nothing specific. It was to include possible districts where it would be appropriate and would only be permitted with a CUP.

Commissioner Fieo motioned to forward TA-15-177 to City Council with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for expanded commercial opportunities consistent with the Council's Strategic Plan and the City's Comprehensive Plan. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 5-0.

CUP-15-219 REQUEST OF THE CITY OF WINCHESTER FOR A CONDITIONAL USE PERMIT FOR AMPHITHEATER USE FOR THE TAYLOR PAVILION AT 119 NORTH LOUDOUN STREET (MAP NUMBER 173-01-F-26) ZONED B-1 (HW).

Mr. Crump reviewed the request for the Taylor Pavilion. Staff supports the CUP as part of the rehabilitation of the Taylor Hotel site.

Ms. Bell stated she wanted to reinforce how important she thinks the Taylor Pavilion is for theater use. It has the potential to bring the community out for different events and programming. The hours requested are more restrictive than the current noise ordinance for any kind of performances.

The commissioners asked questions about the noise ordinance and hours requested. Chairman Wolfe asked what the current noise ordinance is. Ms. Bell explained the hours and differences between what they are requesting and what is in place. There was discussion about different types of events, how late they can go, security and clean up.

Chairman Slaughter Opened the Public Hearing

Ron Mislowski spoke in support of the proposal.

Josh Huff of the Bright Box Theater expressed reservations about standardization and continuity between public and city sponsored events. He was also concerned about licensing and audio and decibel levels and compared them to what is allowed at his venue. He is also concerned about part of the pavilion being closed during events and blocking the pedestrian walkway to the Braddock Street garage. He also mentioned a lack of restroom facilities and asked what the City

Chairman Slaughter Closed the Public Hearing

Ms. Bell spoke in response to Mr. Huff's concerns. The Taylor Pavilion does not include the entire space. The public walkway would not be blocked off. The city also maintains three licenses for music in order for people to perform in that area. Any requests for use of the space come through her office. The city does have a decibel meter and does use it to monitor events. Any noise complaints typically come through the police non-emergency number and are dealt with appropriately. The Braddock Street garage has restroom facilities that are open during city events. Private events must find appropriate portable facilities. Ms. Bell's office, as booking agent, has the authority to stop events if any major issues occur.

Commissioner Tagnesi motioned to forward CU-15-219 to City Council recommending approval per Section 9-2-25 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. Use to begin no earlier than 9:00am and end no later than 10:00pm Sunday through Wednesday and begin no earlier than 9:00am and end no later than midnight Thursday through Saturday and on New Year's Eve.*
- 2. All events are coordinated through the Downtown Manager or other City official designated by the City Manager.*

Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 3-2.

OLD BUSINESS:

None.

OTHER BUSINESS:

Administrative Approval(s):

- 1) Site Plan Report
 - a. SP-15-199 New Site Plan – 2525 S. Pleasant Valley Rd. – MPG Retail
Voice vote was taken and the motion passed 5-0.
 - b. SP-15-205 Minor Revision – 2705 S. Pleasant Valley Rd. – Dixie Beverage
Voice vote was taken and the motion passed 5-0.
 - c. SP-15-220 Major Revision – 380 Millwood Ave. – Evergreen Rehab Center
Voice vote was taken and the motion passed 4-0. Chairman Slaughter recused himself.
 - d. New Site Plan – 220 Merrimans Lane/420 Meadow Branch Ave. – Meadow Branch/Ridgewood Orchard Apartments

Mr. Youmans gave a reminder for the Shenandoah Valley Regional Commission's annual dinner is on May 21, 2015 at Lord Fairfax Community College. All members are invited. The speaker will be talking about economic development from a tourism perspective. Commissioner Tagnesi said he and his wife would be attending.

Chairman Slaughter reminded the members that starting in July, they will be meeting on the first and third Tuesdays of the month.

ADJOURNMENT:

With no further business before the Commission, the meeting adjourned at 4:02pm.