

**PLANNING COMMISSION MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, June 17, 2014, at 3:00 p.m. in Council Chambers, Roush City Hall, 15 N. Cameron Street, Winchester, Virginia.

**CALL TO ORDER:** Chairman Wiley called the meeting to order at 3:00 p.m.

**PRESENT:** Chairman Wiley, Vice-Chairman Slaughter, Commissioner Loring, Commissioner Smith, Commissioner Shickle

**ABSENT:** Commissioner McKannan, Commissioner Beatley

**EX-OFFICIO:** Councilor Tagnesi, Interim City Manager Gerhart

**FREDERICK CO. LIAISON:** Absent

**STAFF:** Tim Youmans, Aaron Grisdale, Catherine Clayton

**VISITORS:** Mark Smith, Rick Brown, Dwight Allen

**APPROVAL OF MINUTES:**

Chairman Wiley called for additions or corrections to the minutes of May 20, 2014. Hearing none, he called for a motion. Commissioner Smith moved to approve as submitted. Commissioner Shickle seconded the motion. Voice vote was taken and the motion passed 5-0.

**CORRESPONDENCE:**

None.

**CITIZEN COMMENTS:**

None.

**REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:**

None.

**PUBLIC HEARINGS – NEW BUSINESS:**

**CU-14-334** Request of Windy Hill, LLC, for a conditional use permit for multifamily dwellings at 443 Millwood Avenue (Map Number 233-08-40A) zoned Highway Commercial (B-2) District. **(Mr. Grisdale)**

Mr. Grisdale presented the staff report stating that the request is for a revised CUP approval of multifamily use on the upper level of the existing building housing Goodwill on the ground floor. The applicant is proposing 5 two-bedroom dwelling units in newly added space on the second floor of the building. He added that this is a change to a previously approved CUP for the same property for 5 one-bedroom dwelling units. The applicant’s request is consistent with the New Urbanism recommendation of the Comprehensive Plan and the close proximity to Shenandoah University makes it attractive as an option for off-campus student housing. The proposed five apartments on the upper level represent a good reuse of underutilized floor space. He also addressed the issues of parking and the requirement

for a waiver to allow for a 12.7% green space requirement instead of the required 18%. Mr. Grisdale concluded by stating that staff is favorable to this proposal and is available for questions.

*Chairman Wiley called for questions from the Commission.*

Commissioner Slaughter asked to clarify the green space requirement to which Mr. Grisdale reiterated that it is 12.7% instead of 18%.

### **Chairman Wiley Opened the Public Hearing**

Mark Smith, applicant/owner, explained the change in elevation and stated that there were some structural issues that made it necessary to make the changes. The open space is the same as was originally approved and there will be no change to that. Since there is a little more space, the 2-bedroom units will be logical because there have been a number of inquiries from the University students for housing. He concluded by stating that he is requesting a favorable recommendation on the project.

*Chairman Wiley called for questions from the Commission. Hearing none, he asked if anyone else would like to speak.*

Dwight Allen, 1462 Graystone Terrace, addressed the Commission and stated that he had raised some issues of concern with Mr. Smith about parking, noise, and lighting. He added that he was assured that there would be 5 spaces in the Goodwill lot for the tenants. The lighting, he was told, would not be any more than what is already there. He also expressed concern over the noise and trash and said that he would like to have some assurances that he and other residents will be afforded their privacy and quiet. He stated that there will have to be some accommodations made for the residents of the single family homes that are located right next to the project.

### **Chairman Wiley Closed the Public Hearing**

*Chairman Wiley called for discussion from the Commission.*

Commissioner Loring stated that possibly they could add a third condition to the motion to have the applicant install screening.

Commissioner Shickle said that at the work session they discussed traffic flow and parking and that the proposal does meet all of the requirements without any variances to the requirements. Mr. Grisdale said the only part that is deficient is the green space, that it will need a waiver but that the project does meet the requirements for parking. Commissioner Shickle then said that she understands concerns that it is unlikely that the residents of the units will never have guests so there will likely be a time when there will be an increase in use. She also said that she agrees with Commissioner Loring to add a condition in regard to the screening.

Commissioner Smith said that he is not quite sure about the screening and what it would do to help. He said if that is something that was agreed upon earlier then maybe they can work that out. What staff has put forward has no mention about the need for screening, he does not see that it is necessary. If it becomes an issue down the line, he feels sure there would be enough complaints and criticism to

warrant something being done at some point. He concluded by saying that he does not feel it is something that the Commission needs to add.

Commissioner Slaughter asked which house is in question and Mr. Grisdale pointed it out on the overhead picture. He asked if there is anything planned for the screening issue. Mr. Smith, applicant, responded that with the previous application, he met with the neighbor and they spoke about how to screen that and this is the reason that there will be no windows on the back side. As far as the balcony on the left, there could be some type of screening installed to help. Mr. Smith said that he will speak with the citizen and that they will work with him. Commissioner Slaughter then said that, in general, it is a good project and that there is always a problem with developing a property and existing properties but overall he has no problem with the application.

Chairman Wiley said that he concurs with Commissioner Slaughter but he still has a problem with the traffic issue. Current traffic is already an issue in that area and he is not in favor of this application because of that issue but that everything else is okay.

*Chairman Wiley called for a motion.*

*Commissioner Smith moved to forward CU-14-334 to City Council recommending approval per Section 8-2-20 of the Zoning Ordinance to add five (5) two-bedroom apartments 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 the following:*

- 1. Close adherence to the submitted elevations, and floor plans; and,*
- 2. Staff review and approval of an updated site plan, including a waiver of green space to allow 12.7% where a slightly higher amount would otherwise be required.*

*Commissioner Slaughter seconded the motion. Roll call vote was taken and the motion passed 4-1 (Chairman Wiley).*

**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)**

In Mr. Moore's absence, Mr. Youmans said this is a simple, straight-forward proposal in that it only affects the title of an existing section pertaining to corridor enhancement districts revisions, specifically the subsection of the corridor enhancement chapter that pertains to Fairmont Avenue, Millwood Avenue, and currently, North Loudoun Street. There would be revisions to the one-way versus two-way traffic flow downtown, specifically Braddock Street and Cameron Street being converted from one-way to two-way traffic. That now allows traffic to flow south on Cameron Street and it brings people down to where the George Washington hotel is and where a number of services are also located. It would be appropriate to add Wyck Street and North Cameron Street from Wyck Street down to the existing boundary of the local historic district in to this title so that when the Ordinance comes forward for rezoning to establish the Fairmont Avenue district, we will most likely include Wyck Street and North Cameron Street between Wyck and the northern boundary of the historic district. Staff does

recommend approval and there is a draft Ordinance included. It is consistent with the Comprehensive Plan and represents good planning practice.

*Chairman Wiley called for questions from the Commission.*

**Chairman Wiley Opened the Public Hearing**

No one to speak.

**Chairman Wiley Closed the Public Hearing**

*Chairman Wiley called for a motion.*

*Commissioner Loring moved to forward TA-14-275 as identified in "Draft 1 – April 30, 2014," to City Council recommending approval because Wyck Street and North Cameron Street are now part of a major tourist access corridor leading into the Historic District.*

*Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 5-0.*

**Amendment to Winchester Comprehensive Plan 2011** – the proposed revisions are primarily focused in the West Central Planning area and include, but are not limited to, potential location of a new John Kerr Elementary School and other land use recommendations along the planned extension of Meadow Branch Avenue. **(Mr. Youmans)**

Mr. Youmans said that by State and City Codes, the Planning Commission is tasked with preparing a Comprehensive Plan and any amendments to the Plan. This amendment represents a limited revision to the full version that was adopted by City Council on May 10, 2011, and focuses on changes in recommended land use along the unbuilt portions of Meadow Branch Avenue. There have been some opportunities for public discussion and input and at the May 22, 2014, public input session, there were numerous concerns as to what would happen to Meadow Branch Avenue, particularly the built portion, between Handley Avenue and north of Buckner Drive where Meadow Branch currently terminates in the Meadow Branch North subdivision. This is the formal public hearing which is just one (1) of two (2) public hearings required by State Code anytime a locality amends its Comprehensive Plan so you are specifically soliciting input on the particular amendment to the Ordinance. Then the recommendation would be on the upcoming City Council work session if today's meeting yields a recommendation and then Council would hold a public hearing, presumably July 8, 2014.

The existing Comprehensive Plan includes Chapter 11 which breaks out the City in to ten (10) planning areas and includes some graphic representations of conceptual designs for some of the areas where redevelopment is encouraged. It also includes the area in between the Meadow Branch North area and the built portion of the four (4) lane divided Meadow Branch Avenue between Amherst Street and Merrimans Lane. Instead of a redevelopment, it is really a development concept for this area and the current Comprehensive Plan called for a "New Urbanism" type of development with the buildings clustered up close to the four (4) lane divided roadway. There was no proposal for public facilities in this area and that is one of the primary reasons why we need to have an amendment to our Comprehensive Plan. With the introduction of the John Kerr Elementary School decision by School Board and City Council to approve the Comprehensive Agreement, which is the guiding document in terms of the public/private proposal to construct the school there, and to construct Meadow Branch Avenue and the

Green Circle Trail. In 2005, there was a rezoning of the Smith property and the Moffett property. It was a conditional rezoning request with proffers with the development plan and a lot of that as far as the Smith property was fairly close to what is represented here.

Important under State Code are the provisions that talk about how the Comprehensive Plan guides the general or approximate location and character of every feature shown on the Plan and specifically, it speaks to the issue of not constructing public buildings or structures, i.e., elementary schools, unless the general or approximate location character extent of that feature has been submitted and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan. This is where we run in to a problem because the Comp Plan is totally silent on the introduction of a public facility out along Meadow Branch Avenue. In the Comprehensive Plan, we have a character map instead of a future land use map which specifically makes reference to the illustrative redevelopment scenario and calls out separately, civic and institutional or park uses. Where the existing John Kerr is located at the end of Jefferson Street and also Handley High School, Glen Burnie property and Sacred Heart church and school, all of these fall into the civic or institutional land use. What needs to happen here is that we need to change a portion of the area to accommodate and anticipate the new John Kerr School. This change also encompasses a 3.3 acre area, owned by DBL Holdings, that was not part of the rezoning in 2005. Additionally, Meadow Branch Avenue has been shifted to follow along the eastern boundary of the site, up close to Sacred Heart church where previously there was a land bay in that area and a more straight line alignment of Meadow Branch Avenue. Relevant statements in the Comprehensive Plan specifically call out limited construction of thoroughfares such as Meadow Branch Avenue from its current terminus out to Route 50/Amherst Street. It specifically talks about locating public uses in locations that enhance the livability in the City. This general provision was not specifically identified in the area which is the west central area of Chapter 11. There are some other relevant statements such as reducing the conversion of taxable property and provisions for implementing the walkable community provision specifically getting children to and from school safely, reducing the dependency on private automobile use, and lastly, the completion of the Green Circle Trail.

Among the substantive changes to the Plan that are being requested as a result of this, we are specifically making some text amendments to language that is under the goals for Parks and Rec in the West Central area and specifically talking about accommodating the Green Circle Trail on either the west or east side of Meadow Branch Avenue and specifically calling out the suggested spur to the Glass Glen Burnie property for the network of private trails that are being proposed on that site. Another change is the Safe Route to School recommendation to eliminate the reference to John Kerr School since it is no longer going to be there behind John Handley High School. A few other changes, we are now suggesting that this discussion about location of public land uses be included to specifically come in to this West Central area where the school is now being proposed and to also identify the closure of John Kerr at its current location on Jefferson Street and to consider reuses of that property, although it is not City of Winchester land, it is Handley Board of Trustee's land, so there is only so much the City can do in terms of guiding the land use there. None the less, it does warrant calling it out as part of this amendment. Some other changes under this West Central area, there is specific reference to the Ridgewood Orchard property as well as specific reference to the proposal for the construction of John Kerr School as spelled out in the Comprehensive Agreement. The other change is with the redevelopment concept to call out the Central portions of the site as being appropriate for the school itself and, the portion north of that, be appropriate for commercial uses, specifically planned uses such as offices and retail. That the South portion of the Ridgewood Orchard site be best suited for low and medium density clustered residential development which would be most of the Moffett property as compared to the Ridgewood Orchard property and then the middle portion would be appropriate for the types of uses such as luxury condo

units, high- and mid-rise retirement housing, and assisted living. He concluded by stating that he would be glad to answer any questions on this portion of the presentation.

*Chairman Wiley called for questions from the Commission.*

Commissioner Slaughter said that it appears that the existing site for the Sacred Heart Church is overlaid in the redevelopment site, would it be appropriate to carve that out as civic/institutional to which Mr. Youmans said that it would be appropriate so that the existing playground on land owned by the Richmond Catholic Diocese not be shown on redevelopment land.

Commissioner Loring asked if the road layout for Meadow Branch envisioned to be much like it is now on the southern part where it is divided with a healthy median to which Mr. Youmans said that it is proposed to be four (4) lane divided however, the exact details are not called out but it would be in the area of a 12- to 16-foot wide median.

*Chairman Wiley then asked Mr. Youmans to make the presentation about the history of the Meadow Branch area.*

Mr. Youmans said that during the public input session, there were a number of residents who expressed concerned about what is going to happen to the existing portion of Meadow Branch Avenue as an outcome or potential impacts associated with the school going out there and the construction of Meadow Branch Avenue going through the Ridgewood Orchard and Moffett properties. The history is long and complicated. Basically 30 years before Meadow Branch subdivision was even envisioned, there was a roadway and it has gone through a number of name changes from Southern Loop to Apple Blossom Drive to Meadow Branch Avenue. When the discussion began in the 1990s of possibly extending Jubal Early Drive out through Frederick County to Route 37 where the overpass is for Merrimans Lane; that is the time frame, around '94, when this portion of Jubal Early was renamed Meadow Branch. There have been at least 30 years prior to the actual Meadow Branch subdivision being constructed where there have been plans in the Comprehensive Plans called out the roadway as a major thoroughfare, including 1958, 1974, 1982, and 1988. In 1988, Mr. Shockey formally submitted a rezoning request for the nearly 300 acre PUD which included Meadow Branch North as well as Meadow Branch South and, specific to that, it talks about Jubal Early drive being four (4) lane divided urban parkway and it depicts the divided road connecting up through there. This is the information that brings forward the information that was presented to the Planning Commission, City Council and residents in that area in 1988 specifically in conjunction with the subdivision and site plans. Jubal Early Drive from the transportation plan that was adopted as part of the PUD rezoning, specifically calls out Jubal Early Drive as a four (4) lane divided parkway, controlled access, high capacity facility which will eventually link Valley Avenue with Amherst Street. The area of greatest concern to the residents that front directly on Meadow Branch Avenue is the section between Seldon and Handley where homes are on both the west and east sides. When this was originally approved, there were eight (8) lots along the west side, including the corner lot at Armistead Street and Meadow Branch Avenue, and there were seven (7) more lots to the south of that. On the other side it was originally approved with seven (7) lots between Seldon Drive and Johnston Court. This is what was approved by Council with the four (4) lane divided roadway. Over time, there were subdivisions to consolidate those 15 lots into fewer lots. Over time, there have been revisions that have resulted in fewer lots rather than more lots. Today there are four (4) homes on the west side of Meadow Branch Avenue that have frontage directly to the roadway. On the east side, you have three (3) houses that have access directly to Meadow Branch Avenue. Mr. Youmans said that there are a lot of concerns about what happens if the roadway gets stripped off and

parking is lost. What is important to understand is that there never was the anticipation of parking along the roadway when it was designed. The entire width was intended to be two (2) lanes in each direction. When you get farther north, none of the lots front directly on the spine for the four (4) lane divided urban parkway as it was approved with the development of Meadow Branch North. As we come forward, Meadow Branch Avenue is still identified in the formal MPO Long Range Plans, including the one that adopted in 2005, which is the 2030 Long Range Plan, specifically calls out Meadow Branch Avenue as an urban four (4) lane divided roadway and then most recently, the 2035 MPO Plan again calls it out as four (4) lane divided roadway but goes further to identify average daily projected traffic volume of between 20- and 30,000 vehicles in the year 2035. In summary, Meadow Branch Avenue features include that it has all along been designated as a four (4) lane divided roadway with a 25mph speed limit; anticipated high volume of traffic with a prohibition to thru trucks which will be continued, and as we get in to the summer months, Mr. Eisenach, Public Services Director, will be working on developing different scenarios on how traffic accommodations can be made. It is known that this is an issue that will have to be resolved in terms of stop conditions at intersections and there most likely will be many but which ones will be four (4) way stops versus which ones will be two (2) way stops are issues that are beyond today's discussion and debate. Today's discussion is focused on an amendment to the Comp Plan for the unbuilt portion rather than a public hearing on whether there should be stop signs here or there or two (2) lane versus four (4) lane on the existing part.

*Chairman Wiley called for questions or discussion from the Commission.*

Commissioner Slaughter complimented Mr. Youmans for the public input session and the thorough information presented today.

#### **Chairman Wiley Opened the Public Hearing**

Several residents spoke at length to express their concerns about the lack of parking, excessive traffic, high rates of speeds, and the increased potential for accidents. They said that the current traffic counts should be looked at and taken in to consideration and that the speed limit should only be 25 and nothing higher. They also said that safety should be a major consideration especially with a school being built in the area; Meadow Branch Avenue should not be four (4) lanes as it will ruin the town and their property values. One resident asked if the road was even necessary. It was also said that the road is not wide enough to safely accommodate bicycles and traffic and have the utility company utility boxes there also.

*Chairman Wiley reiterated that the public hearing today is about putting the school in to the Comprehensive Plan at that location and that the Commission is hearing the public comments but in terms of the road, the layout, and the speed, the Commission is not making that decision today. The Commission is speaking in terms of the school board and listening to the public in terms of the road and the impacts to the community.*

#### **Chairman Wiley Closed the Public Hearing**

*Chairman Wiley called for discussion from the Commission.*

Commissioner Slaughter said that there are two (2) separate issues, the amendment to the Comprehensive Plan and the site of the school and the fact that there is no language about the road.

The Commission understands and can appreciate everyone's concerns and comments; however, the Commission does not have the authority to decide on the road.

Perry Eisenach, Director of Public Services, said that they understand everyone's concerns and then he advised that there will be an Open House sometime in August to look at options for the existing section of Meadow Branch and how that is going to be handled. He also said that they will look at the detailed design for the Meadow Branch extension but they do want to talk about them both at the same time. He added that they do want to hear the public's input and concerns and then this issue will go to City Council in September and it will ultimately be up to City Council whether it is a two (2) lane or four (4) lane road. There will be a process for that and everyone will receive plenty of notice.

*Chairman Wiley said that the Commission appreciates the feedback.*

Commissioner Loring said that he understands what the City is going to do next but asked if the Commission can acknowledge the comments about safety in what the Commission sends to City Council.

*Chairman Wiley said that it can be a consideration and then he called for a motion. He then asked Mr. Youmans if the way the Commission will do this is to authorize a motion to amend the Comprehensive Plan as noted.*

Mr. Youmans said that there is a recommendation on the bottom of page 8 and the resolution is on page 9 and that there are some specific things in the draft resolution speaking to a copy of the Plan amendment certified to the governing body as this is something that is called out in State Code. It is the adoption of a resolution to amend the 2014 Comprehensive Plan specifically. There are some other things there that are required there which were acknowledging in the recital such as the posting of the recommended changes on the website, the holding of the public hearing today, and the second recital stating the purpose of guiding and accomplishing a coordinate, adjusted and harmonious development of the City.

Commissioner Smith said that there were a few things from the work session that were to be added. One was number six (6) from Chapter 11, "locate public land uses in locations that enhance the livability of the City and facilitate the placement of institutional uses in locations that support the social, spiritual, and health needs of the community." He said that thought the "civic" was going to be added. Mr. Youmans said that staff can do that before it gets re-advertised to Council.

Chairman Wiley asked if there were any other changes. He then said that there was the one change from the Smith property to Ridgewood Orchard property. Mr. Youmans said that the other thing was removing the redevelopment designation from the Sacred Heart playground as a refinement to the Character Map and also adding the word "civic" in Chapter 3 and every other occurrence for consistency.

Commissioner Slaughter said that what the Commission will be sending to Council is limited to just these documents and these changes to which Chairman Wiley said that is correct. Commissioner Slaughter then said that there is no document for land use other than the Character Map and that there will be no changes recommended. He then said that it is important to have discussion because the Comprehensive Plan is an important document. He concluded by stating that he is willing to support with the changes.

*Commissioner Slaughter moved to approve the resolution with the following changes:*

- *Change language from Smith property to Ridgewood Orchard property*
- *Change the Character Map that depicts Sacred Heart property from redevelopment site to civic/institutional/park*
- *Incorporate the word “civic” in the Land Use paragraph six (6) and all other appropriate sections of the Comprehensive Plan*

*Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-0.*

**PUBLIC HEARING – Continued:**

**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)

Mr. Youmans advised that the applicant, once again, has requested that the application be continued as they are still pursuing the access easement.

*Chairman Wiley advised that the public hearing remains open and continues until next month’s public hearing. He then called for a motion.*

*Commissioner Shickle moved to table CU-14-166 until the July 15, 2014, meeting. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-0.*

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

A. Administrative Approval(s) (Mr. Moore):

1. Minor subdivisions (May 2014)
  - (a) MS-14-312 679, 683 Berryville Avenue - Seiler – boundary line adjustment

Mr. Youmans stated that this is two (2) single family residential lots on the south side of Berryville Avenue with a garage structure in the rear. The applicant wants to adjust the boundary line so that the entire garage structure is on one (1) single lot.

**ADJOURN:**

With no further business and by unanimous vote, the meeting adjourned at 4:33 p.m.