

PUBLIC HEARINGS

CU-07-01 Request of Dale A. Massey for reapproval of a conditional use permit for a nightclub at 125 East Piccadilly Street zoned Central Business, B-1 District with Historic Winchester, HW overlay.

Mr. Youmans reviewed the request for reapproval of an existing nightclub use within the Piccadilly's (aka Piccadilly Brew Pub) restaurant on both the lower and upper levels of the building. Mr. Youmans stated that police calls during the past twelve month period indicate that the nightclub is operating within the parameters of Condition #4 of the original approval. While there were 41 police calls indexed to this property during 2006, eight of these calls pertained to events such as vehicle stops outside of the establishment. Eleven of the calls were for building alarms. There were only four assault or fight calls. Mr. Youmans also stated that there have been no complaints made to Planning & Zoning from adjacent property owners regarding the nightclub use.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request.

There were no comments made in reference to the request.

Chairman Masters closed the public hearing.

Mr. Willingham, seconded by Mr. Shore moved to forward **CU-07-01** to City Council recommending approval for of nightclub use within the existing restaurant because the continued use, 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 approval is subject to the following: (1) Review and renewal every three years; (2) The applicant taking into consideration the concerns of all the neighbors and address them as they come up; (3) A maximum of fourteen (14) nights per month of amplified music; (4) A maximum of four (4) valid police calls per month, after which private security is required and/or the permit may be subject to revocation; (5) Strictly obeying all local and state laws especially those pertaining to ABC licensing and payment of meals tax; (6) Nightclub use to end no later than 1 AM on Saturday and Sunday mornings and Midnight on weekdays; and, (7) The CUP expires automatically if the nightclub: changes ownership; changes to another use; or, ceases for more than one year. The motion passed on a vote of 6-0-0.

SD-07-01 Request of Painter-Lewis, PLC for preliminary subdivision approval of 5 lots in the Glen Lea Subdivision at 445 Fairmont Avenue zoned Low Density Residential, LR District.

Mr. Youmans reviewed the request for preliminary approval to further subdivide off four additional single-family lots from an oversized lot in the Glen Lea Subdivision. The lots would front along the south side of W. North Avenue west of the former railroad right of way and along the east side of Glen Lea Court. No new streets are proposed.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request.

Mr. John Lewis was present at the meeting to answer questions.

Mr. Jay Dowling of 410 Glen Lea Court expressed concerns about Glen Lea Lot 19 having a West North Avenue address and to the orientation of a house that may be built on the lot. Mr. Youmans stated that the lot has two addresses available as it is a corner lot with two street frontages. The address used would depend on the orientation of a structure that might be built upon the lot. Chairman Masters stated that the Commission has no purview as to the orientation of the proposed house and that it is a matter between the owner and HOA.

Chairman Masters closed the public hearing.

Mr. Shore, seconded by Mr. Weber moved to approve the preliminary subdivision subject to staff review and approval. The motion passed on a vote of 6-0-0.

RZ-07-02 AN ORDINANCE TO CONVENTIONALLY REZONE AN APPROXIMATELY 2.0 ACRE PORTION OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 1944 VALLEY AVENUE ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for both industrial and commercial uses in this area.

Mr. Youmans reviewed the request to unconditionally approve a rezoning from intensive industrial to highway commercial for a two-acre front portion of the existing O'Sullivan Films parcel just south of the Winchester & Western RR crossing on Valley Avenue. The majority of the site is encumbered with a manmade pond.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request.

Mr. Patrick Sowers of PHR&A was present at the meeting to answer questions.

Chairman Masters closed the public hearing.

Mr. Weber, seconded by Mr. Willingham moved to forward rezoning request **RZ-07-02** to City Council recommending approval subject to the proffers in the Proffer Statement dated February 19, 2007 because the request could support economic development and is somewhat consistent with the general recommendations for commercial use along Valley Avenue as shown in the Comprehensive Plan. The motion passed on a vote of 6-0-0.

RZ-06-02 AN ORDINANCE TO REZONE APPROXIMATELY 39 ACRES CONTAINING APPROXIMATELY 47 PARCELS OF LAND, EITHER IN FULL, OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT, CE DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 300 FEET OF, THE VALLEY AVENUE RIGHT OF WAY. The Comprehensive Plan calls for urban design guidelines for private development along corridors leading into the City and within the City center. The Proposed CE District does not affect the land use of a property. Instead, the district regulates building aesthetics and site features for major tourist access routes leading to the City's Historic District.

Mr. Youmans reviewed the request to apply the Corridor Enhancement (CE) District to approximately 39 acres (part or all of 47 parcels) comprising the middle (second of three) segments of land along the historic Valley Avenue (U.S. Rte 11) Corridor. The CE Overlay District, which was unanimously approved by Council on April 12, 2005, is intended to protect and promote major tourist access routes in the City.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request.

Mrs. Helen Burgoyne of the 1200 Block of Valley Avenue was present at the meeting and expressed concern about the Corridor Enhancement District because she did not know what the regulations were.

Mr. Mike Door of 1719 Valley Avenue was present at the meeting and raised questions about the boundaries of the Corridor Enhancement District. Mr. Door questioned why the rear property of the Coca-Cola Plant was not included in the CE District. Mr. Youmans stated that the rear of the property was not included because the Coca-Cola property is actually nine (9) lots instead of just one, and that the rear of the property is not visible from the Valley Avenue right-of-way.

Mr. TJ Kremer Jr., on behalf of 1936-1936 ½ Valley Avenue, expressed concern about the Corridor Enhancement District and stated that the only difficulty he finds with the district is when a site plan needs to be submitted. Chairman Masters stated that a site plan would need to be submitted anytime a property was going to be drastically changed.

Chairman Masters closed the public hearing.

Mr. Weber, seconded by Mr. Talley moved to forward Rezoning **RZ-06-02** to City Council recommending approval because the request is consistent with the Comprehensive Plan and protects and promotes the aesthetic character and functionality of major tourist access corridors leading into the designated local and national Historic Winchester (HW) District as well as to historic and cultural sites such as Kernstown Battlefield, and as such, represents good planning practice. The motion passed on a vote of 6-0-0.

SUBDIVISION

SD-07-01 Request of Painter-Lewis, PLC for final subdivision approval of 5 lots in the Glen Lea Subdivision at 445 Fairmont Avenue zoned Low Density Residential, LR District.

Mr. Willingham, seconded by Mr. Weber moved to forward Subdivision **SD-07-01** to City Council recommending approval subject to staff review and approval. The motion passed on a vote of 6-0-0.

ADMINISTRATIVE AUTHORIZATIONS

SP-07-05 – Adams-Legge, 2321 Legge Blvd.

At the February 17, 2007 Work Session, Mr. Talley, seconded by Mr. Weber moved to authorize administrative approval. The motion passed on a vote of 6-0-0.

SP-06-49 – Amit Properties, Middle Road

At the February 17, 2007 Work Session, the Commissioners recommended that a public hearing would be held for this site plan.

OTHER DISCUSSION

Pre-application discussion regarding 696 N. Loudoun St site reuse- Mr. Sullivan

Mr. Sullivan was present at the meeting to answer questions. Mr. Sullivan stated that the building would be used to re-condition cars.

The Commission discussed the property and concerns were raised about the overhead doors. After further discussion, the Commissioners saw no reason why the building could not be used. However, the Commission suggested that Mr. Sullivan get a survey of the property to see where the public right-of-way is.

Discussion of draft boundaries for the Berryville Ave Corridor Enhancement District. Motion on Resolution to initiate as **RZ-07-03**

Mr. Youmans reviewed the draft boundaries for the Berryville Avenue Corridor Enhancement District. Mr. Youmans stated that the boundaries have not changed since the last time the Commission met.

Mr. Willingham, seconded by Mr. Weber moved to initiate the boundaries for the Berryville Avenue Corridor Enhancement District. The motion passed on a vote of 6-0-0.

Motion on Resolution to initiate **TA-07-01** pertaining to Breweries

Mr. Youmans reviewed the request for a text amendment pertaining to Breweries.

Mr. Weber, seconded by Mr. Shore moved to initiate a resolution to initiate Text Amendment **TA-07-01** pertaining to breweries. The motion passed on a vote of 6-0-0.

ADJOURN

Mr. Weber, seconded by Mr. Willingham moved to adjourn the meeting at 4:31p.m.

Susan Masters, Chairman