

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, March 20, 2007 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Planning Commissioners: Talley, Masters, Weber, Willingham,
Adams, Sublett, Shore, Griffin

Ex Officio & Staff: Youmans, Moore, Deskins, Helm,
Eisenach, Jackson, Diem

Frederick County Liaison: Absent

ABSENT: Frederick County Liasion

VISITORS: Stan Corneal, Chris Hurz, Mike Artz,

Chairman Masters called the meeting to order at 3:00 pm.

Mr. Weber, seconded by, Mr. Willingham moved to approve the minutes of the February 20, 2007 meeting. The motion passed on a vote of 7-0-0.

Chairman Masters requested to note in the minutes that following the February 28, 2007 informational session the decision was made by a consensus of the Commissioners via phone poll to hold off advertising the rezoning for the northern third of the Valley Avenue Corridor Enhancement District. The Public Hearing on that rezoning would have otherwise happened at the March 20, 2007 meeting. Mr. Talley, seconded by Mr. Shore, moved to approve the above amendments concerning the February 28th Informational Session. The motion passed on a vote of 7-0-0.

CORRESPONDENCE

There was a revised agenda which included 3A-3: Administrative Authorization for SP-07-04 2970 Valley Avenue -High End Auto- Sales/Service.

Two other items were added under New Business, one of those being Corridor Enhancement District Applications and the other being Perry Eisenach's presentation of CIP Plan.

CITIZEN COMMENTS

None

COMMITTEE APPOINTMENTS

Mr. Weber was appointed as an advisory member to the Winchester Parking Authority. All Commission Members will take on the responsibility of liaisons to the Frederick County Planning Commission. Mr. Adams was appointed as a voting member to the Winchester-Frederick County Economic Development Commission. Chairman Masters was appointed liaison to the City of Winchester Economic Development Authority and Mr. Shore was appointed liaison to the Old Town Development Board.

REPORT OF FREDERICK COUNTY LIAISON

None

PUBLIC HEARINGS

CU-07-02 Request of Scott B. Weaver for a conditional use permit for multifamily dwellings within an existing structure at 1-3 South Loudoun Street (*Section 193, Double Circle 1, Block D, Lot 3*) zoned Central Business, B-1 District with Historic Winchester, HW overlay.

ACTION: Forwarded to Council with conditions

Mr. Youmans reviewed the request to establish eight apartments on the upper two floors of the Weaver Building at the southwest corner of Boscawen Street and the Old Town Mall. Commercial uses on the ground floor are allowed by right. Mr. Youmans reported that the applicant has provided very good floor plans and elevations as required for Conditional Use Permits.

Mr. Youmans stated that in terms of occupancy, the applicant intends for the units to be non age-restricted. A trash storage area is not identified, but there is a small open passage along the west end of the structure that could provide for some trash storage.

Mr. Youmans stated that the applicant has provided good information on an earlier iteration of the plan pertaining to Floor Area Calculations and Density Computations. Mr. Youmans went on to explain that this particular project qualifies for a number of density bonuses. These include bonuses for: Economic Impact; Historic Preservation; Elevator access to at least 70% of the apartments; and, location in Primary Assessment District. When the bonus density is added to the base density, the total adjusted density equals 9.6 units. Therefore, Mr. Youmans stated that the 8 units proposed are within the permitted range.

Mr. Youmans stated that the one provision that the applicant is not meeting within the bounds of the subject site is the Green Area provision for residential use. The residential use on the upper floors requires a maximum of 896 square feet of green space. The BAR

is authorized to permit the applicant to fulfill part of the entire Green Space requirement with improvements to public open space as identified by the OTDB. Mr. Youmans stated that Mr. Weaver has agreed to give a contribution to improvements on the mall and that Mrs. Helm would work with him to flesh out the plans.

Chris Hurz, Superintendent/Developer was present to answer questions. He stated that when he began work on the building three years ago it was in derelict condition and that since then they have been taking out trash and giving the building a structural overhaul.

Mrs. Griffin arrived at the meeting at 3:20 pm.

Chairman Masters opened the public hearing.

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

Stan Corneal, local property owner on the mall, applauded Mr. Weaver for the project. He stated that this was exactly what downtown needs and that he hopes this will be an example for other property owners in that district.

Mike Artz, of Artz and Associates, stated that it was encouraging to see redevelopment on the downtown mall which will provide an opportunity for affordable housing and commercial and residential vibrancy in the area.

Chairman Masters closed the public hearing.

Mr. Talley questioned whether the basement would be used and Mr. Youmans stated that it would be utilized as mechanical or storage space.

Chairman Masters stated that she thought that every bedroom must have an outside window and it doesn't appear that the unit on the front southern side has one. Mr. Youmans stated that as long as there is a means of egress out of the bedroom he thought it was up to code, but he would have to check with Mr. Nelson to confirm this.

Chairman Masters asked Mrs. Karen Helm, Director of the Old Town Development Board, if her board has considered any green space needs in the Old Town Area. Mrs. Helm stated that the board should know their plans in a couple of months and that had just met with the Streetscape designers today. Chairman Masters asked who ultimately decides the green space. Mr. Youmans responded that it would go through the Planning & Development Committee and then to Council. Chairman Masters stated that she would like to stay informed on the green space requirements in Old Town and how it is being handled in order to be knowledgeable on future decisions in this area.

Mr. Adams commented that it was encouraging to see that bonuses and incentives developed by the City are paying off. He stated that this was an exciting revitalization for the city and that the bonuses accrued are appropriate. The only drawback lies with the lacking of parking in downtown.

Mr. Adams, seconded by, Mr. Talley moved, that the Commission forward the Conditional Use Permit request **CU-07-02** to City Council recommending approval as depicted on the submitted floor plans because the 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 was subject to the following: 1) The applicant making a contribution to off-site green area improvements identified by the OTDB or securing a waiver of Green Area from the BAR; 2) The applicant providing a document identifying occupancy limitations and lease restrictions; and, 3) The applicant indicating provisions for trash storage/collection and maintenance of common areas; and, 4) Staff Review and Approval of documents and provisions set forth in numbers two and three. The motion passed on a vote of 7-0-0.

SP-06-49 Request of Artz and Associates for site plan approval of office use at 2313 Middle Road (*Section 270, Double Circle 3, Lot 35*) zoned Highway Commercial, B-2 District.

ACTION: Approved with driveway spacing exception and conditions

Mr. Youmans reviewed the request for approval of a one story 19,040 square foot commercial building with a 77-space parking lot. An exception of driveway spacing standards is also needed to permit the entrance to be closer than otherwise required between this entrance and an existing one to the east.

Mr. Youmans stated that the main purpose for holding a public hearing on this project is to allow the Commission to consider a driveway spacing exception and secondly to allow the adjacent residential property owner to have an opportunity to comment on the commercial project.

Mr. Youmans first addressed the driveway spacing exception. He stated that the existing site is about 165 feet wide and the driveway spacing standards would require 175 feet of spacing along Middle Road where the speed limit is 35 mph. The adjacent driveway is very close to the subject site. The applicant needs to attempt to secure an inter-parcel access easement from the one adjacent commercial site before the Commission can authorize the separate direct entrance. Mr. Youmans stated that staff supports the separate driveway, and also suggests aligning the entrance near the center of the frontage to allow for more convenient and safer access. The resulting separation would amount to about 75 feet and the applicant will need to establish an access easement to one of the adjacent lots for future inter-parcel access.

Mr. Youmans also stated the other reason for a public hearing is that the commercial development is adjacent to a single-family residence in the LR District. The proposed building will have all of the tenant space facing away from the residence. Mr. Youmans added that the Zoning Ordinance requires a screen along the entire boundary and that the applicant is proposing a 6-foot high board on board fence with the finished side facing to the residence. The rear building will be imbedded into the hillside. In addition, lighting

from the parking lot should not impact the adjacent residence because the parking is situated to the east.

Chairman Masters asked if there was anyone available to speak on behalf of the applicant on this issue.

Mike Artz, of Artz and Associates stated that he contacted the adjacent property owner whom said no to the shared access. Mr. Artz said that they had originally intended for the entrance to be further to the west in order to meet the spacing requirements. Per request of Mr. Youmans they relocated the entrance to its current location for safety reasons.

Chairman Masters opened the public hearing.

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

Chairman Masters closed the public hearing.

Chairman Masters asked if the cars going downhill will be able to see. Mr. Artz replied that the line of vision should be better now that the entrance has been moved.

Mr. Weber expressed concern that turning traffic from opposite directions would run the risk of turning into each other. Mr. Youmans stated that this should not be a problem due to the widening of Middle Road.

Mr. Willingham, seconded by Mr. Adams moved, that the Commission approve Site Plan **SP-06-49** with approval of a driveway spacing exception to permit a driveway approximately 75 feet west of the adjacent commercial entrance subject to the following: 1) Establishing access easements for future shared access to the adjacent properties; and 2) Staff review and approval. The motion passed on a vote of 7-0-0.

TA-07-01– AN ORDINANCE AMENDING ARTICLES 1-2, 10-1, 11-1, AND 12-1 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY.

ACTION: Forwarded to Council recommending approval.

Mr. Diem presented the request and stated that City Staff has discovered that there are currently no definitions within the Zoning Ordinance pertaining to Brewery or for manufacturing of such. He added that there was an interest in creating an industrial establishment within the City, which would be defined as a Brewery. The definition of a Brewery would be consistent with the definition as found in the Code of Virginia. A Brewery would only be permitted by right within the Commercial Industrial, Limited Industrial and Intensive Industrial Districts. There are no conditional use permit

provisions being proposed which would otherwise allow a Brewery to exist in any other district.

Chairman Masters opened the Public Hearing.

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

Chairman Masters closed the public hearing.

Mr. Weber had a question as to the wording in the "Draft I" dated 1/22/07. It was clarified that the word "meads" was a certain type of beer.

Mr. Talley asked whether the product would be consumed on site. Mr. Diem stated that it would more than likely be a separate use and it would probably be classified as an accessory restaurant use to the larger establishment.

Mr. Talley, seconded by, Mr. Weber moved that the Commission forward **TA-07-01** to City Council recommending approval as contained in the attached "Draft 1", dated 01/22/07 because the amendment clarifies the provisions for this use and thus represents good planning practice. The Motion passed on a vote of 7-0-0.

OLD BUSINESS

None

NEW BUSINESS

Administrative authorization was given to **SP-07-08** 145 Baker St – Habitat for Humanity – Office/Warehouse. At the March 13, 2007 Work Session, Mr. Weber, seconded by Mr. Adams, moved to authorize administrative approval. The motion passed on a vote of 6-0-1, with Mr. Shore having abstained from discussion and voting.

Administrative Authorization was given to **SP-07-09** at 901 Amherst St – Museum of Shenandoah Valley for a Terrace. At the March 13, 2007 Work Session, Mr. Weber, seconded by Mr. Adams, moved to authorize administrative approval. The motion passed on a vote of 7-0-0.

Mr. Youmans requested that the Commission move to item B on the agenda *The Report on Corridor Enhancement District application approvals*. Mr. Youmans referred the Commission to the attachments which included the first five Corridor Enhancement proposals all for which Certificates of Appropriateness were issued.

Chairman Masters requested that the Commission put the Berryville Avenue Corridor Overlay on hold until they have re-examined the ordinance, since Berryville Avenue, like the upper portion of Valley Avenue includes a residential area.

Mr. Adams, seconded by, Mr. Willingham moved to delay the implementation of Corridor Enhancement Rezoning on Berryville Avenue until the Commission can reconsider the text amendments. The motion passed on a vote of 7-0-0.

Mr. Youmans introduced Perry Eisenach, Public Services Director and team leader. Mr. Eisenach reviewed the Capital Improvement Program with the Commissioners. He stated that the first three pages are broken down by team and lists all the CIP projects for the next five years. Mr. Eisenach stated that all projects on the CIP Plan will remain but if funding is unavailable their priority may change. On the last two sheets Mr. Eisenach listed the Transportation Projects for the next two years that are currently on the table for possible funding. On the last sheet Mr. Eisenach listed other miscellaneous General Fund projects that are currently being proposed. He stated that a Staff CIP Committee composed of a couple members from each team looked at each project and if they were life safety hazards they scored high because they needed immediate attention. Mr. Eisenach added that the bus garage and the Green Circle scored high because they were getting federal grant money for the garage that must be matched with City funds.

Mr. Youmans stated that it was not necessary to rank each item at this meeting. Chairman Masters stated that in the past they have ranked each project in terms of value and forwarded it to City Council. Chairman Masters added that she did not want to hold up the process another month but she was also not comfortable as a representative of the citizens, with quickly ranking items and not giving them a closer look.

Mr. Weber asked for clarification of what the Planning Commission is expected to do and why is it that everything on the list stays on the list and how is it decided that everything stays on there. Mr. Eisenach stated that he was assuming that every item will stay on the list, but City Council makes the final decision and can pull any one of the items off. He is assuming that they will not do that because so much staff time was invested and there is justification for every project on the list, but it may be some time before some projects get funded. Mr. Weber asked if the entire package that the Planning Commission sees get presented to Council. Mr. Eisenach stated that Council would see what is presented to the Commission.

Mr. Youmans stated that this was just an opportunity for the Commission to make a recommendation and comment on projects that are not consistent with the City's vision or Comprehensive Plan.

Mr. Deskins added that he met with City staff last week and felt that everything that was on the list was worthy of being on the list. Transportation issues were highlighted because it was deemed as a priority as established at City Council's retreat.

Mr. Adams stated that much of the information was not relevant to the Planning Commission review such as servers, copiers, bobcats etc. It may be beneficial to the City but the Planning Commission couldn't take a position on some of the things. Mr. Deskins added that some things have to be recorded as a Capital Item or they can't be purchased.

Mr. Shore asked if the Council gave guidelines for the list and if these items were in the realm of the budget or if they were more of a wish list. Mr. Eisenach stated that they knew all of the items couldn't be funded but it is up to City Council to prioritize. City Council asked for the needs so that they could be more informed.

Mr. Sublett asked what the timetable was and how much lead time the Commission had and whether the plan needed to move forward today. Mr. Eisenach stated that he did not know. Chairman Masters stated that they needed time to look through the list and understand the items as they relate to the Comprehensive Plan. Mr. Eisenach offered to provide more information at the next work session and be available for questions until then. Mr. Adams stated that the next work session would be suitable to continue to discussing the plan.

SP-07-04 2970 Valley Ave – High End Auto – Sales/Service

Mr. Youmans stated that no public hearing was required because it already went to the Board of Zoning Appeals and adjacent property owners had the chance to speak out. This just authorizes staff to approve it administratively.

Mr. Weber, seconded by Mr. Shore moved to administratively approve SP-07-04. The motion passed on a vote of 7-0-0.

OTHER DISCUSSION

Mr. Adams stated that he did not like getting some of the information with no time to review it and that it would be helpful to get the information the Friday before the work session to know what the projects are more than twenty minutes prior to the work session. Mr. Youmans stated the deadlines for the public hearings are well in advance and he can get the list of those hearings to the members ahead of time.

Mr. Adams also expressed interest in possibly doing a ride-along like the Board of Zoning Appeals does, to see the properties first hand. Mr. Youmans stated that they used to do a ride-along and can start again if there was an interest in doing so.

Chairman Masters stated that after the worksession they had seven days to look over the information and drive around town and look at the properties. She stated that the point of the worksession was to share ideas, get the materials and learn. It is best to come to the worksession with an open mind. In addition, having the information before hand might lead to too much decision-making at the worksession.

Mr. Sublett stated that having the information in advance may streamline the process at the worksession because the Commissioners will be able to make more informed queries. Chairman Masters reiterated that decisions are not made at the worksession because it was designed for the Commissioners to get the materials, discuss them and then go home and study them. She also expressed concern that at the worksession there was no public

input allowed. There should be no opinions formed and decisions made until the citizens are heard at the actual meeting.

Mr. Weber stated that possibly no additions could be made after the worksession because part of the problem occurs when new information is presented at the actual meeting. Mr. Shore stated that what Tim does to expedite the process of additional items is good because he is being responsive to the citizens needs.

Chairman Masters stated that the Commission would not hold Mr. Youmans to getting the information to the Commissioners early. Mr. Youmans stated that he would aim to email staff reports out on the Wednesday before the worksession and hand deliver one hard copy to Mr. Weber. If the Wednesday before was not possible he would have it by the Friday before.

Mr. Shore asked if the Secretary position had been advertised. Mr. Deskins stated that the City was on a hiring freeze and he obtained special permission last week to advertise the position internally. Mr. Deskins stated that he was looking at making internal operations more efficient through cross training and reduce staff where possible.

ADJOURN

Mr. Adams, seconded by, Mr. Willingham moved to adjourn the meeting at 4:57pm.

Susan Masters, Chairman