

PUBLIC HEARINGS

RZ-07-04 AN ORDINANCE TO CONVENTIONALLY REZONE 0.158 ACRES OF LAND FROM LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT TO EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT AT 305 EAST PICCADILLY STREET ZONED LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND TO CONVENTIONALLY REZONE 1.14 ACRES OF LAND FROM LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND HIGH DENSITY RESIDENTIAL, HR DISTRICT TO EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT AT 314 WOODSTOCK LANE ZONED LIMITED HIGH DENSITY RESIDENTIAL, HR-1 DISTRICT AND HIGH DENSITY RESIDENTIAL, HR DISTRICT. The Comprehensive Plan calls for expansion of neighborhood parks and playgrounds and recreation programs.

Mr. Moore reviewed the request. He stated that the request is to recommend approval of a rezoning of the house on E. Piccadilly Street just east of Timbrook Park (that the City recently purchased) as well as rezoning all of the existing Timbrook Park into the EIP District. He added that the zoning change would allow conversion of the house to an office and community room for City Parks and Recreation programs.

Mr. Moore stated that the subject parcels are located at the intersections of E. Piccadilly Street, North East Lane and Woodstock Lane and that there are several existing zoning districts which converge in this general area. The subject parcels are 305 E Piccadilly St (the house) which is currently zoned HR-1 and 314 Woodstock Lane (the existing Timbrook Park) which is currently split-zoned, with the northern portion HR-1 and the southern portion HR. The land to the north contains single family dwellings along E Piccadilly Street and single family and multifamily dwellings along Woodstock Lane. Mr. Moore stated that to the south is the existing EIP-zoned Mount Hebron Cemetery and the land to the West is zoned B-1 and includes the Timbrook Public Safety Center.

Mr. Moore presented the Planning Department's comments on the request. He stated that the Comprehensive Plan calls for expansion of neighborhood parks and playgrounds and recreation programs. The February 26, 2006 request letter indicates that EIP zoning is currently in place for other community parks in the City, including Whittier, Douglas, Friendship, Overlook and Weaver. He added that the inclusion of the existing Timbrook Park into EIP zoning would be a logical extension of the existing EIP zoning to the South, as seen on the rezoning exhibit RZ-07-04 dated April 9, 2007. In addition, the inclusion of the adjacent parcel and dwelling at 305 E Piccadilly Street would allow this property, recently acquired by the City, to be converted to office space intended to serve for youth programming and community meeting space.

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 stated that the request seemed to be straightforward and that it brings this park into functionality with the zoning for the other City parks.

Mr. Adams, seconded by, Mr. Weber, moved to forward the Rezoning **RZ-07-04** to City Council recommending approval because expansion of neighborhood parks and playgrounds and recreation programs is consistent with the Comprehensive Plan. The motion passed on a vote of 5-0-0.

CU-07-03 Request of Montgomery Engineering Group, Inc. for a Conditional Use Permit for a structure having roof pitches less than otherwise permitted by right at 3003 Valley Avenue zoned Highway Commercial, B-2 District with Corridor Enhancement, CE District overlay zoning.

Mr. Moore reviewed the request. He stated that the request is to recommend approval of a CUP for a newly constructed pre-owned vehicle sales & service facility on land that Saturn purchased just north of the existing dealership. The building will have a flat roof.

Mr. Moore presented a description of the area along with a graphic of the existing Saturn dealership. He stated that the subject property, as well as land to the North, South, and East is zoned B-2 with CE District Overlay. The parcel immediately to the North contains both an existing dwelling and an auto service shop. The Property to the East of Valley Avenue includes Renner Motors used auto sales and some existing, grandfathered single-family dwellings. To the South and wrapping around the West of the property is the existing Saturn dealership and single family dwellings in the LR-zoned Battle Park Estates subdivision.

Mr. Moore presented the comments from the Planning Department. He stated that the auto sales and service uses are by right in the B-2 District and as such are not, in themselves, subject to the CUP Process. He added that the CUP is necessary as the property is located in the Valley Avenue Corridor Enhancement District and the new building is proposed to have a flat roof. The CUP request was submitted in conjunction with a site development plan for the property and includes proposed elevations and floor plans. He explained that the front elevation depicted on Sheet A1 shows the flat roof line is to be broken with a pitched façade spanning approximately 21 feet of the 43 foot wide building, with flat sections on either side. The applicant has indicated the intent is to make this new building compatible with the existing Saturn dealership, thus fulfilling a major intent of the overlay zoning. All other aspects of the CE District, including building design elements and site access, appear to be met with the application

Chairman Masters opened the public hearing.

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

Mr. Ben Montgomery was present at the meeting answer questions. The main concept is to match with the existing building. It is important to the owner that there is a clear identity that goes between the two buildings.

Chairman Masters closed the public hearing.

Mr. Shore, seconded by, Mr. Weber, moved that the Commission forward Conditional Use Permit **CU-07-03** to City Council recommending approval as depicted on the submitted architectural review elevations (with revisions dated 2/28/07) and subject to staff review and approval of the related site plan.

Mr. Adams commented that the Corridor Enhancement can show compatibility with the existing building with the use of color/signage. If the Commission was really pushing Corridor Enhancement they could say that they must be a pitched roof on both buildings. He stated that he preferred to see a pitched roof on both buildings; however, he plans to vote in favor of the request because they are in the process of relaxing the standards.

Chairman Masters stated that she was in agreement with Mr. Adams' statement.

The motion passed on a vote of 5-0-0.

SD-07-03 Request of Patton Harris Rust & Associates for preliminary subdivision approval for a 6 lot subdivision at 201 E. Tevis Street zoned Commercial-Industrial, CM-1 District and Residential-Office, RO-1 District.

Mr. Moore reviewed the request. He stated that the request is to grant preliminary approval of a Major Subdivision extending E. Tevis Street further east to the proposed I-81 overpass and creating five lots on the north side which would become the Shoppes at Tevis and creating one larger lot on the south side of Tevis. Mr. Moore added that the same request is on the agenda for Final Subdivision approval as well.

Mr. Moore presented a description of the subject area. He stated that the majority of the site and all the land to the north and west is zoned CM-1, however, the southernmost 200-foot wide swath of the site is conditionally zoned RO-1. The RO-1 zoning was established with the 1997 rezoning as a transition area to the adjacent Medium Density, MR zoned Wea-Villa neighborhood south of the run. He added that a small Limited Industrial, M-1 District is situated along the north side of Bruce Drive to the southwest of the site. Interstate 81 borders the site to the east.

Mr. Moore stated that the land uses in the adjacent area include the Winchester Station commercial center to the west and the Home Depot Center to the north, while single family homes exist to the south of the site along the north side of Longview Avenue. A mix of nonconforming residential and commercial uses exists on the narrow lots in the M-1 district along the north side of Bruce Drive to the southwest. Mr. Moore added that the recently subdivided CM-1 parcel to the west along the south side of E. Tevis Street was recently approved by the Planning Commission for a TGI Friday's restaurant.

Mr. Moore presented the comments from the Planning Department. He stated that the plan calls for a 28.48-acre main parcel on the north side of E. Tevis Street extended. This parcel will

contain the majority of the buildings comprising The Shoppes at Tevis. Four outparcel lots ranging in size from 1.28 acres up to 1.5 acre are also proposed along the north side of E. Tevis Street. These lots will likely contain freestanding restaurants and/or banks. Mr. Moore stated that a 2.9 acre, 80-foot wide strip of land is being dedicated to the City and improved as the right of way for the easterly extension of E. Tevis Street. The location has been coordinated with the developers of the Russell 150 land on the east side of I-81 in Frederick County. All of the remaining acreage south of E. Tevis Street is shown as a single parcel that will likely be subdivided in the future.

Mr. Moore stated that the main comment from the City staff is that the Subdivision Plan and Profile drawings should be revised to show the inclusion of a raised landscape median consistent with that built in conjunction with the Winchester Station project as consistent with the adopted 2030 Long-Range Transportation Plan prepared by the Win-Fred MPO. The roadway plans include left-turn lanes at three locations. These are (1) Legge Blvd; (2) a central private entrance crossover situated approximately 470 feet east of Legge Blvd; and (3) an eastern private entrance crossover situated approximately 550 feet west of the I-81 right of way boundary (where a bridge is proposed). The distance between the central crossover and the eastern one is approximately 345 feet, so all crossovers proposed along the Category III Street fully comply with the 30 foot minimum driveway spacing standard in the Subdivision Ordinance.

Mr. Moore stated that the entrances along Legge Blvd. serving the 28.48 acre commercial center site north of the E. Tevis Street are not yet depicted on the subdivision plans and will probably be determined with the site plan that is pending submission from the engineer working for Trout, Segall & Doyle, the company purchasing the Glaze land and developing the Shoppes at Tevis commercial center.

Mr. Moore stated that the applicant needs to provide an itemized cost estimate for the proposed public improvements and needs to post surety if any of the lots are to be recorded prior to completion of all of the public improvements. A Deed of Dedication and list of Covenants and Restrictions also needs to be submitted for City Attorney review per the Subdivision Ordinance. In addition, a Community Development Authority (CDA) has been formed to cover the expenses associated with constructing the bridge over I-81. An additional tax will be levied upon the owners of these subdivided lots to reimburse the CDA for the costs of the public improvements.

Chairman Masters opened the public hearing.

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

Ron Mislowsky of PHR&A was present to answer questions.

Chairman Masters closed the public hearing.

Chairman Masters stated that other items that have to be presented is the estimated cost of the itemized proposed public improvements and the deed of dedication and list of covenants and

restrictions need to be given to the City attorney. With those things in hand they would meet the criteria to move forward.

Mr. Misloswky said he would have the draft deed before going before the Planning and Development Committee at the end of April.

Mr. Adams asked if there was still inter-parcel access to the four outparcels. Mr. Mislowsky replied that he thought the deed will have cross easements over all the lots as was done at Winchester Station. The access discussed last week was from lot 2c to 2d they will share the driveway that goes back to the development beyond Home Depot. There would not be any other access points along Tevis Street. Mr. Adams asked, with regard to the other road, if individuals coming out would be able to go left and right and straight and if individuals would have two lane access in and two lane access out. Mr. Mislowsky replied that the site plan will show it, but he believes it to be at least three lanes. Mr. Moore added that the subdivision request shows the entrances along E Tevis Street as these will be constructed as part of the public street. The entrances along Legge Blvd, as well as circulation on the site will be part of the site plan which is being prepared by a separate engineering firm.

Mr. Weber asked if the CDA has been informed of the expansion of I-81 Construction and if the expansion over I-81 was part and parcel of this project. Mr. Mislowsky stated that, that project is a county project and is part of the Russell 150 Project and this land formed the CDA and is funding the bridge.

Mr. Weber, seconded by, Mr. Willingham, moved that the Commission approve the preliminary subdivision **SD-07-03** subject to the following: 1) Inclusion of a raised landscaped median in E. Tevis Street consistent with that built in E. Tevis Street adjacent to the Winchester Station project; 2) Itemized cost estimate for the proposed public improvements; 3) Deed of Dedication and list of Covenants and Restrictions for City Attorney review; and, 4) Staff review and approval of the final plans and plats. The motion passed on a vote of 5-0-0.

SD-07-03 Request of Patton Harris Rust & Associates for final subdivision approval for a 6 lot subdivision at 201 E. Tevis Street zoned Commercial-Industrial, CM-1 District and Residential-Office, RO-1 District.

Chairman Masters stated that this was not a public hearing.

Mr. Moore stated that the applicant has requested the Commission consider forwarding a recommendation regarding final subdivision approval to Council at this time.

Mr. Willingham, seconded by, Mr. Shore, moved the Commission forward subdivision **SD-07-03** to City Council recommending approval subject to: 1) Inclusion of a raised landscaped median in E. Tevis Street consistent with that built in E. Tevis Street adjacent to the Winchester Station project; 2) Itemized cost estimate for the proposed public improvements; 3) Deed of Dedication and list of Covenants and Restrictions for City Attorney review; and, 4) Staff review and approval of the final plans and plats. The motion passed on a vote of 5-0-0.

OLD BUSINESS

None

NEW BUSINESS

SV-07-01 AN ORDINANCE TO VACATE PORTIONS OF IMPROVED N. CAMERON STREET AND E. PICCADILLY STREET RIGHTS OF WAY AND CONVEY THEM TO THE OWNER(S) OF THE ADJACENT PROPERTY AT 200 N. CAMERON ST.

Mr. Moore reviewed the request description. He stated that the request is to vacate a narrow strip of public right of way along the N. Cameron Street frontage and portions of the E. Piccadilly Street frontage of the Winchester Towers building to provide area outside of the current walls of the 4-story building to support new walls that would carry the load for a planned vertical expansion of the building and conversion to luxury apartments or condos on the upper floors as part of a major redevelopment project known as The Sovereign.

Mr. Moore presented a description of the subject area. He stated that the subject site, which is not in the primary or secondary assessment districts, is at the NE Corner of N. Cameron and E. Piccadilly Streets, all adjacent land is zoned B-1 with historic district overlay.

Mr. Moore presented comments from the Planning Department. He stated that the exact amount of area needed for additional construction is not known at this time; however, there is a 2.8 foot side concrete overhang between the ground floor commercial space and the second floor level that already projects out into the public rights of way on both frontages. The width of the needed area would probably be equal to or less than the amount of this existing aerial encroachment.

In addition, Mr. Moore stated that the most critical are of vacation would be at the SW corner of the site where the public street intersection is. This is the area where the existing sidewalks are the narrowest and where pedestrian traffic would presumably be the heaviest. The 7.8 foot width of the sidewalk between Cameron Street and the SW corner of the building would be widened by designing a sidewalk bump-out similar to that done along Boscawen Street with the Town Run project since there is a bay of curbside parking in this area. The Cameron St sidewalk widens out to 9.9 feet at the NW corner of the building. The building extends 119.3 feet along Cameron Street. He added that the Piccadilly Street frontage does not lend itself to a sidewalk bump out since the right turn lane for westbound vehicles wishing to turn north on Cameron St is immediately adjacent to the curb. The existing sidewalk is at least 9.9 feet wide in this area, however, so there is some room to narrow the width of the sidewalk is necessary. Vacation and conveyance of right of way would not be needed on the eastern 47 feet or so of the E. Piccadilly Street frontage where a one-story replacement structure is proposed.

He stated that the area of vacation and conveyance could be limited to the minimum needed to facilitate the vertically expanded building wherein the revised right of way line would jut in and out around new walls and columns or could be defined more generally as a consistent width strip. A plat depicting the request needs to be prepared. The ordinance should be conditioned

among commencing and subsequently completing the project within a defined period of time. The ordinance should also be contingent upon the applicant reconfiguring the Cameron St. curb line to incorporate the sidewalk bump out. Council needs to establish a sale price for the conveyed area also.

Chairman Masters stated that the one word that stuck out is “possible”, she asked what happens if the project does not occur. Does the city get the sidewalk back? Mr. Deskins replied that if the project does not occur the sidewalk would convey back to the city. Chairman Masters requested that the above information be inserted into the motion.

Mr. Adams added that he sees this as a very exciting redevelopment project and it helps with the Cameron Street Corridor. He asked what the City was advertising as the vacation, it seems it would be better to have a fixed amount. Mr. Moore added that there was no specific width advertised, just a narrow strip that will be subject to an approved plat. He added that the applicant has indicated that he could do what he needed within those 2.8 feet. Mr. Moore suggested that possibly one of the conditions in the motion could be that there would be no more than a 3 foot vacation. Mr. Adams asked if that would limit City Council to 3 feet and Mr. Moore replied that it would just be a recommendation. Mr. Adams asked what a reasonable period of time to expect the project to be started in. Mr. Deskins replied that two years would be reasonable and could be included in the recommendation to Council. Chairman Masters stated that two or three years would be reasonable.

Mr. Adams, seconded by, Mr. Weber moved that the Commission forward Right of Way Vacation & Conveyance request **SV-07-01** to City Council recommending approval with conditions that the vacated right of way not exceed more than a three foot strip and that the project be commenced within two years of approval, otherwise, the right of way reverts to the City. The motion passed on a vote of 5-0-0.

Recommendation to Council Regarding the Capital Improvement Program (CIP)

Mr. Adams drafted a statement to the members of City Council and Other Interested Parties. Mr. Adams read the statement to the Commissioners. It stated that the Planning Commission reviewed the five-year CIP Plan and found that it is consistent with the Comprehensive Plan and recommends approval of the Five-Year Capital Improvement Plan. He added that the Planning Commission did not attempt to prioritize each individual project which was listed, but, as a general guide the Planning Commission prioritized the projects as follows: 1) Transportation and Traffic Control; 2) Buildings and Infrastructure; 3) The remaining projects.

Mr. Willingham seconded by, Mr. Weber, moved to forward the recommendation to Council. The motion passed on a vote of 5-0-0.

Mr. Weber added that Mr. Adams had done an excellent job of summarizing the Planning Commissions recommendation.

Discussion Regarding Text Amendments to Corridor Enhancement District Standards

Mr. Moore presented the draft revisions to the standards and guidelines. The first revision included the words “and development incentives”. The second revision kept in mind the concerns the Valley Avenue residents had in terms of the requirement to place the HVAC unit in the rear of the house. It was revised so that placement would be permitted in side yards and that exceptions may be accepted for equipment in the front or corner side yards when fully screened from street view.

Mr. Adams asked if exceptions made for the mechanical equipment would be through a Conditional Use permit. Mr. Moore replied that a Conditional Use permit would not be required as drafted, rather this could be administratively approved by the Planning Director with the Corridor Enhancement Application.

Mr. Adams asked if it would be possible to replace the word “accepted” with administratively approved.

Mr. Willingham inquired as to the percentage of development incentives. Mr. Moore replied that there are four different sections drafted where a developer could use the development incentives where, for example, 3% percent might not seem like a lot for one section, but when taken as a whole adds up. There was no real basis for the numbers other than looking at the best case scenario where the developer would look into all the incentives; Mr. Youmans wanted to keep the number at desirable level. Regarding the minimum 35% commercial in mixed-use projects, Mr. Moore stated that staff wanted to make sure there was still a significant commercial aspect in these commercial corridors. There was no firm foundation for the 35 percent. He specifically mentioned the Molden Project which is one floor commercial and two floors residential and they have a center area with some commercial use on the bottom. Chairman Masters inquired as to whether this would preclude the underlying zoning which will have retail on the first floor and residential on the second floor. Mr. Deskins stated that this was just a matter for discussion.

Mrs. Griffin left the meeting at 4:00pm.

Chairman Masters stated that this would be a good discussion to raise at the next work session. Mr. Moore replied that staff wants to make sure they are on the right track and the work session would be a good place to discuss this issue. Mr. Adams asked if the Commission needed to make a motion. Mr. Weber stated no, that the minutes would reflect that this will be discussed further at the upcoming work session.

Administrative Authorizations

SP-07-10 Westminster Canterbury Revision- 300 Westminster Canterbury Drive

At the April 10, 2007 Work Session, Mr. Weber, seconded by Mr. Shore, moved to authorize administrative approval. The motion passed on a vote of 5-0-1, with Chairman Masters having abstained from discussion and voting.

SP-07-13 Shoney's/Five Guys Revision- 1347-1365 Berryville Ave
At the April 10, 2007 Work Session, Mr. Adams, seconded by Mr. Talley, moved to authorize administrative approval. The motion passed on a vote of 6-0-0.

Mr. Ours left the meeting at 4:00pm.

SP-07-14 High End Auto Revision- 2970 Valley Ave

Mr. Moore presented the request to the Commission. Mr. Shore, seconded by, Mr. Weber moved to authorize administrative approval. The motion passed on a vote of 5-0-0.

OTHER DISCUSSION

ADJOURN

With no further business to discuss, the meeting was adjourned at 4:04 pm.

Susan Masters, Chairman