

**PLANNING COMMISSION
WORK SESSION AGENDA
September 1, 2015 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall**

1. Presentation- Kernstown Area Plan by Michael Ruddy, Deputy Director of Frederick County Planning and Development Department
2. Review agenda for September 15, 2015 regular meeting
3. Committee reports
4. Status of projects pending Council approval
5. Announcements

**PLANNING COMMISSION
AGENDA
September 15, 2015- 3:00 PM
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

- A. **TA 15-441** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM, AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS. **(Mr. Grisdale)**
- B. **RZ-15-421** AN ORDINANCE TO REZONE APPROXIMATELY 16.4 ACRES OF LAND CONTAINING APPROXIMATELY 96 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; AS DEPICTED ON AN EXHIBIT ENTITLED: "NATIONAL AVE PROPOSED CE DISTRICT" PREPARED BY WINCHESTER PLANNING DEPARTMENT ON 6/23/2015. **(Mr. Crump)**

3. PUBLIC HEARINGS – Continued

4. NEW BUSINESS

- A. **SV-15-448** AN ORDINANCE TO VACATE A PORTION OF COMMERCIAL STREET RIGHT OF WAY AND CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET AND 206 WEST WYCK STREET. **(Mr. Youmans)**

5. OLD BUSINESS

6. OTHER BUSINESS

- A. **Admin. Approvals- Sites Plans (Mr. Crump)**
 - 1) SP-15-460- New- 3127 Valley Ave- Creekside Pro-Physical Therapy.
 - 2) SP-15-493- Major- 2350 S. Pleasant Valley Road- Murphy USA Gas Station (Walmart Site)

7. ADJOURN

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, August 18, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER:

PRESENT: Chairman Slaughter, Commissioner Smith, Commissioner Wolfe, Commissioner Tagnesi

ABSENT: Vice-Chairman Loring, Commissioner Shickle, Commissioner Fieo

EX OFFICIO: City Manager Freeman

FREDERICK CO. LIAISON: Commissioner Kenny

STAFF: Tim Youmans, Aaron Grisdale, Josh Crump, Erick Moore, Carolyn Barrett

VISITORS: Michael Alharmoosh , Gwen Hoopes

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of July 21, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

CORRESPONDENCE:

Tim Youmans stated there was a revised agenda. The only addition to the draft is line item 6A #3, an additional administrative authorization for the Chick-Fil-A drive-thru at 2230 South Pleasant Valley Road. There are revised staff reports for two cases – Item 2A, **CUP-15-383** and an e-mail from the resident at 701 Kennedy Drive and Item 2B, **CUP-15-388** with an e-mail from the property owner at 805 South Braddock Street.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

The County has not had a meeting this month. There will be a meeting tomorrow evening with one action item –a waiver of a subdivision request at Jackson’s Retreat. There are some discussion items concerning condominiums and storage facilities.

PUBLIC HEARINGS:

CUP-15-383 Request of ANS Property LLC for a Conditional Use permit for extended stay lodging at 2649 Valley Avenue (Map Number 290-06- -1) zoned Highway Commercial District (B-2) with Corridor Enhancement District Overlay zoning.

Mr. Crump stated the applicant is intending to convert the hotel into extended stay lodging. He outlined the request from the applicant and the updated renderings of the kitchen units and floor plans. There

has been a hotel on the site since the 1970's. The applicant would like to cater more towards people traveling for business purposes. There are also future plans for repairs to be made to the parking lot and landscaping. Mr. Crump read the definition for extended stay lodging. He also talked about going through the checklist for the application. Taxes on the property are up-to-date. There have been citizen comments about safety. Mr. Crump checked with the police department and found there had been a significant number of calls in the past four years. A condition has been added which states that after a certain number of calls, the applicant will be required to submit a security facility management plan for review by the police chief.

Commissioner Wolfe asked if the property owners anticipate raising the rates to offset the costs once the renovations are complete. Mr. Crump said that would be a question for the applicant. Chairman Slaughter asked about the conditions for the six month review, was it a one-time review or every six months. Mr. Crump said it was a one-time review. Mr. Youmans said it would hinge upon what was found at six months. Chairman Slaughter asked if they were compliant at six months then would there be any subsequent reviews unless there were complaints. Mr. Crump said it would have to be determined by the police chief. Mr. Youmans said there were general parameters in the zoning ordinance that could trigger a review in terms of possible action by City Council to revoke the conditional use permit. Mr. Grisdale said if there identified items of any conditional use permit then it can be recommended that it go back to City Council for review.

Commissioner Shickle asked about property security and if there was a possibility of creating more buffering between the residences and the hotel. Mr. Crump said it could be looked at it when they bring in a new site plan for review.

Chairman Slaughter opened the public hearing

Michael Alharmoosh, 2649 Valley Avenue, stated the property was acquired in January 2015. The objective is to cater to business travelers. People want a nice, clean place to stay in. The property has close to five acres and a lot of greenery. There will be more landscaping between the hotel and the residential area behind it. There will be two gated entrances requiring a card to enter. Cameras will be installed around the property. There will be office staffing from 7:00am to 10:00pm. According to the police, they have had fewer calls since the property was taken over. The rates will be comparable to what they are charging at their Brookfield property. The smallest room is 360 square feet and the largest is about 500 plus square feet. The rooms have been remodeled with new furniture, flat screened TV, kitchen, cable and Internet. There is a plan to create a business center and possibly a spa.

Chairman Slaughter closed public hearing closed

Chairman Slaughter asked if the ordinance was the same as the one Mr. Grisdale was working on several months ago. Mr. Grisdale said it was a separate item.

Commissioner Tagnesi said there is a limited amount of extended stay facilities in the city and he would recommend this for approval.

*Commissioner Tagnesi made a motion to forward **CUP -15-383** to City Council recommending approval per Sections 8-2-19 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. *Weekly maid service provided for all 76 units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,*
2. *A typical floor plan to be submitted to City staff showing kitchen facilities are provided for all 76 units; and,*
3. *No occupancy of any individual(s) shall be for a period of longer than 9 months within a 12 month period; and,*
4. *No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the facility within a thirty day continuous period, after which a facility security management plan shall be submitted to and approved by the Chief of Police; and,*
5. *A six month review of compliance with the permit shall be conducted by staff. Any substantial issues of noncompliance shall cause the CUP to be brought back to City Council for modification or revocation of the permit; and,*
6. *Staff review and approval of the required site plan.*

Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

CUP-15-388 Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC for a Conditional Use permit for a single-family detached dwelling at 2413 Valley Avenue (Map Number 270-03- -13) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning.

Mr. Crump stated that the staff report was updated on August 17, 2015. He outlined the changes made in the update and the motions available. The first floor would be business and the second floor residential. The upstairs tenant is planning on opening an acupuncture office in the near future.

Commissioner Tagnesi asked if it would qualify as a medical facility. Mr. Youmans said it would not, it would be a home occupation. Chairman Slaughter asked if another type of business wanted to come in and occupy the first floor, could that be done. Mr. Crump said the conditional use permit was just for the single family residence use.

Chairman Slaughter opened the public hearing

Chairman Slaughter closed the public hearing

*Commissioner Wolfe made a motion to forward **CUP -15-388** to City Council recommending approval per Sections 8-2-11 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. *Staff review and approval of the required site plan.*
2. *The parking improvements as shown in the site plan are completed prior to the issuance of the Certificate of Occupancy.*

Commissioner Shickle seconded the motion. Voice was taken and the motion passed 4-0.

SD-15-384 Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. for a preliminary subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District.

Mr. Youmans reviewed the details of the request. The property is not in any overlay district. The applicant would like to subdivide it into nine townhouse lots and one common area. Because it is more than three lots, it constitutes a major subdivision and a public hearing is required at the review phase. An e-mail from Danny Ambrose on Braddock Street expressed concerns about parking and the emergency snow route. Mr. Crump said it was actually a phone conversation and he had relayed the information in an e-mail. The applicant is providing more than the required parking.

Commissioner Tagnesi asked if there were any handicap parking spots on South Braddock Street. Mr. Youmans said he was not aware but they are generally on a request basis from the police department. Commissioner Shickle asked questions about the parking spaces that will be made available. Mr. Youmans spoke about the parking requirements and what is planned.

Chairman Slaughter asked about what ensures that two bedroom units are built according to the renderings. Mr. Youmans said none however; they would need to adhere to the lot requirements when they apply for building permits. Chairman Slaughter asked how trash was going to be handled. Mr. Youmans said it would probably be handled by each unit.

Chairman Slaughter opened the public hearing

Chairman Slaughter asked John Barker where residents would keep trash cans. He said the homes would have patio areas in the back where the cans can be stored.

Gwen Hoopes, 17 West Pall Mall Street, asked for assurance from the City that on-street parking was going to occur. It is a very congested area and she has trouble finding parking and so do other residents. Parking is already an issue with homes and businesses taking up parking spaces. It is too crowded. She is surprised that the City requires only four parking spaces for the development. She is happy that the corner is going to be developed but thinks the City needs to look for assurances on the parking.

Chairman Slaughter closed the public hearing

Commissioner Shickle asked if there was no development planned, would people know they could park there. Mr. Youmans said there was going to be 20 spaces total for the 9 unit development.

*Commissioner Shickle moved that the Commission approve Preliminary Subdivision **SD-15-384** and forward Final Subdivision **SD-15-384** to City Council recommending approval with a waiver of the green space requirement as shown on the plans. The recommendation is subject to staff review and approval of the Deed of Dedication and HOA documents, including an annual budget for maintenance of common elements.*

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.

TA-15-376 An ordinance to amend and reenact Articles 1, 17, 18 and 21 of the Winchester Zoning Ordinance pertaining to definitions; nonconforming structures; permit requirements for family day homes; powers, procedures, and ex parte communications of the Board of Zoning Appeals; and violations and penalty.

Mr. Grisdale stated this was a publicly initiated zoning ordinance text amendment that has been presented over the past couple of months. There are some changes to the Board of Zoning Appeals and family day homes.

Chairman Slaughter opened the public hearing

Chairman Slaughter closed the public hearing

*Commissioner Tagnesi moved that the Planning Commission forward **TA-15-376** with a favorable recommendation because the ordinance as presented provides for good planning practice in ensuring that the City's Zoning Ordinance is consistent with mandatory provisions of the Code of Virginia.*

Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

NEW BUSINESS:

SV-15-406 An ordinance to vacate a portion of an alley right of way between 328 and 400 Highland Avenue and convey it to the owner(s) of 400 Highland Avenue.

Mr. Youmans reviewed the details of the ordinance request. There are no objections from adjoining property owners. From a planning standpoint, there is no reason why vacation of the alley would conflict with any long range plans.

Commissioner Tagnesi asked if it would be possible to get something in writing from the property owner who said he did not want the alley. Mr. Youmans said City Council would review it between first and second readings and it would be confirmed. Commissioner Tagnesi asked about the charge of fifty cents. Mr. Youmans said it would be up to City Council to determine the compensation. There are no guidelines as to what is charged. Commissioner Shickle asked questions about ownership of the property. Mr. Youmans clarified who the property would be conveyed to.

*Commissioner Shickle made a motion to forward **SV-15-406** to City Council recommending approval of vacation and conveyance of the subject alley to the owner of 400 Highland Avenue to be assembled into that property because the request does not conflict with the Comprehensive Plan.*

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.

Resolution to initiate **RZ-15-421** An ordinance to rezone approximately 16.4 acres of land containing approximately 96 parcels, either in full or in part, to be included in the Corridor Enhancement (CE) District; as depicted on an exhibit entitled: "National Avenue Proposed CE District" prepared by Winchester Planning Department on June 23, 2015.

Mr. Youmans reviewed the resolution. There was a public information meeting with a small turnout the week before. Most people were more concerned about the roundabout. There were some questions about code enforcement.

*Commissioner Shickle made a motion to initiate **RZ-15-421**.*

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.

TA-15-441 An ordinance to amend and reenact articles 1, 7, 8, 9, 10, 11, 12, 13 and 18 of the Winchester Zoning Ordinance pertaining to the definition of brewery, distillery, microdistillery, microbrewery, nanobrewery, tasting room and winery, parking requirements and use standards.

Mr. Grisdale reviewed the ordinance amendment. There have been questions over the years about the types of uses listed.

Commissioner Shickle asked about special event uses.

*Commissioner Wolfe made a motion that the Planning Commission initiate **TA-15-441** per the attached resolution.*

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.

OLD BUSINESS:

None

OTHER BUSINESS:

SP-15-426 – Minor revision – 555 Adams Drive, Five Star Auto Spa.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-426** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

SP-15-422 – Major revision – 715 South Braddock Street, Old Town Commons.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-422** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

SP-15-451 – Minor revision – 2230 South Pleasant Valley Road, Chick-Fil-A double drive thru.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-451** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

ADJOURN

With no further business before the Commission, the meeting adjourned at 4:21 p.m.

TA 15-441 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM, AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS.

REQUEST DESCRIPTION

This is a staff drafted ordinance to amend and expand the allowable use provisions for brewery, distillery and related uses within the Zoning Ordinance and various commercial and industrial districts.

STAFF COMMENTS

Presently in the Zoning Ordinance *Breweries* are explicitly approved in only the CM-1, M-1, and M-2 districts. This is the result of an ordinance amendment that was adopted by City Council in 2007. It is possible with other provisions in the ordinance for limited brewing or distilling operations provided the operations meet provided processing/manufacturing provisions in the Zoning Ordinance. However, in the purpose of clarity, staff believes it would be appropriate to fully and clearly provide definitions, use allowances and use standards in the Zoning Ordinance for several commercial and industrial zoning districts. With the rising trends of artisan and craft breweries throughout the country, it is appropriate for the City to proactively plan and provide use provisions for zoning districts where they may be appropriate.

The proposed ordinance provides distinctions for various types of alcohol manufacturing and processing operations with the most intensive uses permitted in the industrial districts and the smaller scale uses allowed within commercial districts.

DESCRIPTION	LR	MR	HR	HR1	RO1	RB1	B1	B2	CM1	M1	M2	PC	EIP	HS	MC	HE1
Brewery	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Distillery	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Microdistillery	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	-
Microbrewery	-	-	-	-	-	-	P	P	P	P	P	C	-	-	-	-
Nanobrewery	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	-
Tasting Room	-	-	-	-	-	p*	p*	p*	p*	p*	p*	p*	-	-	-	-
Winery	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-
P – Permitted By-Right / C – Conditional Use																
* Tasting Rooms permitted by-right as a subordinate use to a brewery, distillery, microdistillery, microbrewery, nanobrewery, or winery.																

The thresholds for the different classifications of breweries and distilleries are based off of the licensing and production thresholds of Virginia Alcohol Beverage Control.

<u>Facility Type</u>	<u>Production Capacity</u>
Brewery	Typically over 10,000 barrels per year
Microbrewery	More than 500 but less than 10,000 barrels per year
Nanobrewery	No more than 500 barrels per year
Distillery	Typically over 5,000 gallons per year
Microdistillery	No more than 5,000 gallons per year

The ordinance includes parking provisions for these types of operations by including a blended requirement acknowledging the typical low intensity parking required with manufacturing and processing uses: 1 space per 2000 square feet. Higher parking requirements are included, with a standard that is comparable to restaurants, for facilities that include tasting rooms: 1 space per 100 square feet of public floor area.

In addition to providing clearer definitions and use allowances, the ordinance amendment provides for basic use provisions for these types of operations. These use provisions include:

- All manufacturing, brewing, and/or bottling associated with breweries and distilleries must occur within a fully enclosed building.
- No outdoor storage of materials shall be permitted.
- All loading and unloading docks should be oriented away from public streets whenever feasible.
- Any brewery or distillery providing entertainment must meet the requirements of entertainment establishments.

RECOMMENDATION

Staff recommends initiation of this zoning ordinance amendment.

A possible motion could read:

MOVE the Planning Commission forward **TA-15-441** with a favorable recommendation because the ordinance as presented provides for good planning practice by providing clear definitions, use parameters and additional use allowances providing for increased business opportunities.

RESOLUTION INITIATING AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM, AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS.

TA 15-441

WHEREAS, the Zoning Ordinance serves the general purpose of promoting the health, safety, or general welfare of the public; and,

WHEREAS, the Zoning Ordinance exists, in part, to encourage economic development activities that provide desirable employment and enlarge the tax base; and,

WHEREAS, the proposed amendment will provide for additional economic development opportunities in commercial and industrial districts in the City of Winchester while promoting health, safety, and general welfare of the public;

AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 7, 8, 9, 10, 11, 12, 13 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BREWERY, DISTILLERY, MICRODISTILLERY, MICROBREWERY, NANOBREWERY, TASTING ROOM, AND WINERY, PARKING REQUIREMENTS, AND USE STANDARDS.

15-441

Draft 1 – (08/03/15)

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

**ARTICLE 1
DEFINITIONS**

SECTION 1-2. DEFINITIONS.

- 1-2-12.1 BREWERY: The land and buildings containing an industrial use which **typically** brews and produces **over 10,000 barrels per year of** ales, beers (as defined within §4.1-100, Code of Virginia, as amended), and/or similar beverages on site for sale and distribution. A brewery may not be established or operated in any residential dwelling unit. **Such facilities may include a tasting room or retail space to sell the products to patrons on site.**
- 1-2-28.3** **DISTILLERY – A facility that typically produces more than 5,000 gallons per year of distilled alcoholic beverages or spirits and may include the intake of grains, fruits, sugars or other products, their fermentation, distilling, aging, and bottling. Products may include liquors, liqueurs, brandies, etc. Such facilities may include a tasting room or retail space to sell the products to patrons on site.**
- 1-2-64.1** **MICRODISTILLERY – Any place or premises wherein alcoholic beverages or spirits are produced, not to exceed 5,000 gallons per year, generally referred to as a craft, boutique or artisan distillery. Such facilities may include an on-site tasting room or retail space to sell the products to patrons on site.**
- 1-2-64.2** **MICROBREWERY – A facility where beer is manufactured and packaged that produces more than 500 but less than 10,000 barrels of beer per year. Such facilities may include a tasting room or retail space to sell the products to patrons on site.**
- 1-2-67.2** **NANOBREWERY – A facility wherein up to 500 barrels of beer is manufactured and packaged per year. Such facilities may include a tasting room or retail**

space to sell the products to patrons for on-site or off-site consumption. No bottling or canning shall be performed on site.

1-2-91.1 TASTING ROOM – Any place or premise licensed by Virginia Alcohol Beverage Control and operated by an alcohol beverage manufacturer wherein alcoholic drinks are provided to customers to sample on-site. Such facilities may or may not include an option for customers to purchase containers of alcohol for off-site consumption.

1-2-94.3 WINERY – A facility where wine, as defined in Section 4.1-100 of the Code of Virginia, is manufactured and packaged. Such facilities may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.

ARTICLE 7

RESIDENTIAL BUSINESS DISTRICT – RB-1

SECTION 7-2. USES REQUIRING A CONDITIONAL USE PERMIT.

7-2-25 Microdistilleries or nanobreweries no larger than 2,000 gross square feet.

ARTICLE 8

HIGHWAY COMMERCIAL DISTRICT - B-2

SECTION 8-1. USE REGULATIONS.

8-1-53 Microdistillery, microbrewery, nanobrewery, or winery.

ARTICLE 9

CENTRAL BUSINESS DISTRICT – B-1

SECTION 9-1. USE REGULATIONS.

9-1-46 Microdistillery, microbrewery, nanobrewery, or winery.

ARTICLE 10

COMMERCIAL INDUSTRIAL DISTRICT – CM-1

SECTION 10-1. USE REGULATIONS

10-1-13 Industrial uses. (1/14/03, Case TA-02-10, Ord. No. 003-2003; 6/12/07, Case TA-07-01, Ord. No. 2007-19)

- a. Distributing plants, parcel delivery, ice and cold storage plant, and food commissary, and bakery or catering establishment, ~~and brewery.~~
- b. Carpenter or cabinet shop.
- c. Contractors' equipment storage yards or plants, or rental equipment commonly used by contractors.
- d. Laundry, cleaning, and dyeing works, and carpet and rug cleaning.
- e. Machinery sales and service.
- f. Machine shop, metal fabrication shop, or welding shop, excluding punch press and drop hammers exceeding forty (40) ton rated capacity.
- g. Monumental stone works.
- h. Plant nurseries or greenhouses.
- i. Public utility service yard.
- j. Retail lumberyard, including only incidental mill work.
- k. Upholstery shop.
- l. Brewery, distillery, microdistillery, microbrewery, nanobrewery, and winery.**

**ARTICLE 11
LIMITED INDUSTRIAL DISTRICT – M-1**

SECTION 11-1. USE REGULATIONS

- 11-1-8 Distribution plants, parcel delivery, ice and cold storage plant, and food commissary or catering establishment, ~~and brewery.~~ (6/12/07, Case TA-07-01, Ord. No. 2007-19)
- 11-1-32 Brewery, distillery, microdistillery, microbrewery, nanobrewery, and winery.**

**ARTICLE 12
INTENSIVE INDUSTRIAL DISTRICT – M-2**

SECTION 12-1. USE REGULATIONS

- 12-1-13 Distribution plants, parcel delivery, ice and cold storage plant, and food commissary or catering establishment, ~~and brewery.~~ (6/12/07, Case TA-07-01, Ord. No. 2007-19)
- 12-1-42 Brewery, distillery, microdistillery, microbrewery, nanobrewery, and winery. Such facilities may not incorporate a restaurant as principal part of their operations.**

**ARTICLE 13
PLANNED DEVELOPMENT**

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

- 13-2-3 USE REGULATIONS. Structures, not exceeding eight thousand (8,000) gross square feet of floor area, nor containing drive-thru facilities other than one ATM

for banks and financial institutions, or land to be used shall be for one or more of the following uses:

13-2-3.17 Microdistillery and nanobrewery.

13-2-4 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

13-2-4.12 Microbrewery and winery.

**ARTICLE 18
GENERAL PROVISIONS**

18-6-5. AMOUNT OF OFF-STREET PARKING REQUIRED.

18-6-5.1 The off-street parking required by this Article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this Article: (9/12/89, Case TA-89-01, Ord. No. 022-89; 4/10/90, Case TA-89-14, Ord. No. 012-90; 7/8/97, Case TA-97-05, Ord. No. 016-97; 10/13/09, Case TA-09-89, Ord. No. 2009-27; 6/8/10, Case TA-10-111, Ord. No. 2010-19; 7/10/12, Case TA-12-187, Ord. No. 2012-20)

Table 18-6-5.1

Non-Residential Uses: Industrial Uses		
Generally		1 for each 400 sq. ft. of office space; plus 1 for each 2 employees; plus 1 for each company vehicle stored on-site
Storage or warehouse		1 for each 2,500 sq. ft. of GFA
<u>Brewery, Distillery, Microdistillery, Microbrewery, Nanobrewery, Winery</u>		<u>1 for each 2000 sq. ft.; plus 1 for each 100 sq. ft. of public floor area if tasting room included</u>

SECTION 18-25. BREWERIES AND DISTILLERIES.

For the purposes of this section the terms breweries and distilleries include all types of such facilities including *Breweries, Distilleries, Microbreweries, Microdistilleries, Nanobreweries, and Wineries.*

- A. All manufacturing, brewing, and/or bottling and canning associated with breweries and distilleries must occur within a fully enclosed building.**
- B. No outdoor storage of materials shall be permitted.**

- C. All loading and unloading docks should be oriented away from public streets whenever feasible.
- D. Any brewery or distillery providing entertainment, must meet the requirements provided for entertainment establishments in Section 18-24.

18-19-4 Permitted home occupations shall not in any event include (1/14/14, Case TA-13-493, Ord. No. 2013-41):

- Bookstores or motion picture theaters
- Animal hospitals and kennels
- Bed and breakfast homestays and boarding houses
- Massage therapy (other than strictly a home office used for record keeping)
- Motor vehicle sales, repair, equipment installation, and similar activities
- Pet Daycare, training or grooming exceeding care of more than one (1) pet at a time, excluding those of the tenant of the dwelling unit
- Private Clubs or Lodges
- Restaurants
- Tourist Homes
- Vehicle towing, demolishing, or salvaging
- Brewery, distillery, microbrewery, microdistillery, nanobrewery, winery

RZ-15-421 AN ORDINANCE TO REZONE APPROXIMATELY 16.4 ACRES OF LAND CONTAINING APPROXIMATELY 96 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; AS DEPICTED ON AN EXHIBIT ENTITLED: "NATIONAL AVE PROPOSED CE DISTRICT" PREPARED BY WINCHESTER PLANNING DEPARTMENT ON 6/23/2015.

REQUEST DESCRIPTION

This publicly sponsored rezoning request is to apply the Corridor Enhancement (CE) District to approximately 16.4 acres (part or all of 96 parcels) comprising land along National Avenue, a key tourist entry route connecting to Virginia State Route 7 Corridor and Exit 315 of Interstate 81. The standards and guidelines for the National Avenue CE Overlay District were unanimously approved by Council on April 12, 2005, and are intended to protect and promote major tourist access routes in the City.

AREA DESCRIPTION

The area of this rezoning (depicted within the blue outline in the image below) is primarily along National Avenue corridor beginning at the intersection of North Pleasant Valley Rd and Berryville Avenue and continues westward along both sides of National Avenue including the new traffic circle to East Piccadilly Street.



The underlying zoning of the affected area is majority zoned Limited High Density (HR-1) Residential District with a mix of Highway Commercial (B-2) District and Central Business (B-1) District. The corridor is mostly residential use, with single family, single family attached, and multifamily dwellings. A large stretch of National Avenue also includes EIP zoned land which is the Winchester National Cemetery.

The following parcels are to be rezoned:

Number	Street	Current	Proposed
209	N EAST LANE	B1	B1(CE)
211-213	N EAST LANE	B1	B1(CE)
212	N EAST LANE	HR1	HR1(CE)
214	N EAST LANE	HR1	HR1(CE)

Number	Street	Current	Proposed
215	N EAST LANE	HR1	HR1(CE)
219	N EAST LANE	HR1	HR1(CE)
221	N EAST LANE	HR1	HR1(CE)
223	N EAST LANE	HR1	HR1(CE)
255	EAST STREET	HR1	HR1(CE)
208	E FAIRFAX LANE	HR1	HR1(CE)
232	E FAIRFAX LANE	HR1	HR1(CE)
236	E FAIRFAX LANE	HR1	HR1(CE)
237	E FAIRFAX LANE	HR1	HR1(CE)
238	E FAIRFAX LANE	HR1	HR1(CE)
239	E FAIRFAX LANE	HR1	HR1(CE)
241	E FAIRFAX LANE	HR1	HR1(CE)
243	E FAIRFAX LANE	HR1	HR1(CE)
245	E FAIRFAX LANE	HR1	HR1(CE)
247	E FAIRFAX LANE	HR1	HR1(CE)
300	NATIONAL AVE	HR1	HR1(CE)
301-303	NATIONAL AVE	HR1	HR1(CE)
302	NATIONAL AVE	HR1	HR1(CE)
305	NATIONAL AVE	HR1	HR1(CE)
306	NATIONAL AVE	HR1	HR1(CE)
307	NATIONAL AVE	HR1	HR1(CE)
310	NATIONAL AVE	HR1	HR1(CE)
311	NATIONAL AVE	HR1	HR1(CE)
314	NATIONAL AVE	HR1	HR1(CE)
315	NATIONAL AVE	HR1	HR1(CE)
316	NATIONAL AVE	HR1	HR1(CE)
317	NATIONAL AVE	HR1	HR1(CE)
319	NATIONAL AVE	HR1	HR1(CE)
320	NATIONAL AVE	HR1	HR1(CE)
321-323	NATIONAL AVE	HR1	HR1(CE)
322	NATIONAL AVE	HR1	HR1(CE)
324-326	NATIONAL AVE	HR1	HR1(CE)
325	NATIONAL AVE	HR1	HR1(CE)
327	NATIONAL AVE	HR1	HR1(CE)
329-331	NATIONAL AVE	HR1	HR1(CE)
333-335	NATIONAL AVE	HR1	HR1(CE)
339	NATIONAL AVE	HR1	HR1(CE)
340	NATIONAL AVE	HR1	HR1(CE)
342	NATIONAL AVE	HR1	HR1(CE)
344	NATIONAL AVE	HR1	HR1(CE)
346-348	NATIONAL AVE	HR1	HR1(CE)
347	NATIONAL AVE	HR1	HR1(CE)
349	NATIONAL AVE	HR1	HR1(CE)

Number	Street	Current	Proposed
350-352	NATIONAL AVE	HR1	HR1(CE)
351	NATIONAL AVE	HR1	HR1(CE)
355	NATIONAL AVE	HR1	HR1(CE)
356	NATIONAL AVE	HR1	HR1(CE)
357-359	NATIONAL AVE	HR1	HR1(CE)
358	NATIONAL AVE	HR1	HR1(CE)
360	NATIONAL AVE	HR1	HR1(CE)
364	NATIONAL AVE	HR1	HR1(CE)
365	NATIONAL AVE	HR1	HR1(CE)
366	NATIONAL AVE	HR1	HR1(CE)
368	NATIONAL AVE	HR1	HR1(CE)
370	NATIONAL AVE	HR1	HR1(CE)
371	NATIONAL AVE	HR1	HR1(CE)
374	NATIONAL AVE	HR1	HR1(CE)
375	NATIONAL AVE	HR1	HR1(CE)
377	NATIONAL AVE	HR1	HR1(CE)
378	NATIONAL AVE	HR1	HR1(CE)
381	NATIONAL AVE	HR1	HR1(CE)
382	NATIONAL AVE	HR1	HR1(CE)
384	NATIONAL AVE	HR1	HR1(CE)
386	NATIONAL AVE	HR1	HR1(CE)
388	NATIONAL AVE	HR1	HR1(CE)
401	NATIONAL AVE	EIP	EIP(CE)
402	NATIONAL AVE	HR1	HR1(CE)
406	NATIONAL AVE	HR1	HR1(CE)
410	NATIONAL AVE	HR1	HR1(CE)
416	NATIONAL AVE	B2	B2(CE)
421	NATIONAL AVE	HR1	HR1(CE)
422	NATIONAL AVE	B2	B2(CE)
423	NATIONAL AVE	HR1	HR1(CE)
425	NATIONAL AVE	HR1	HR1(CE)
428-432	NATIONAL AVE	B2	B2(CE)
440-442	NATIONAL AVE	B2	B2(CE)
446	NATIONAL AVE	B2	B2(CE)
501	NATIONAL AVE	HR1	HR1(CE)
503	NATIONAL AVE	HR1	HR1(CE)
505	NATIONAL AVE	HR1	HR1(CE)
507	NATIONAL AVE	HR1	HR1(CE)
509	NATIONAL AVE	HR1	HR1(CE)
511	NATIONAL AVE	HR1	HR1(CE)
212-214	E PICCADILLY STREET	B1	B1(CE)
216	E PICCADILLY STREET	B1	B1(CE)
222	E PICCADILLY STREET	B1	B1(CE)

Number	Street	Current	Proposed
226	E PICCADILLY STREET	B1	B1(CE)
228-232	E PICCADILLY STREET	B1	B1(CE)
231	E PICCADILLY STREET	B1	B1(CE)
236	E PICCADILLY STREET	B1	B1(CE)
302	E PICCADILLY STREET	HR1	HR1(CE)
304	SMITHFIELD AVE	HR1	HR1(CE)

COMMENTS FROM THE PLANNING DEPARTMENT

The Comprehensive Plan calls for guiding the physical form of development along key tourist entry corridors leading into the City’s core historic district by utilizing a combination of standards and guidelines. In 2013, City Council adopted a Strategic Plan which called for City Gateway Beautification in order to improve designated “city gateways” and to meet the goal of Creating a More Livable City for All. One gateway that was identified was the National/Piccadilly/East Lane intersection. A realignment project for this intersection was proposed and approved in 2014 for a roundabout design as a traffic calming device and gateway enhancement for the corridor. Work began on the roundabout in May 2015 and completed in August 2015, the National Avenue roundabout was completed. City staff felt with the opening of the roundabout, this was an opportune time to implement the National Avenue Corridor Enhancement.

Council has previously approved CE Districts for Berryville Avenue, Valley Avenue, Amherst Street, Cedar Creek Grade, and portions of S. Pleasant Valley Rd and E. Cork Street. Other CE Districts for which standards and guidelines are already adopted, but for which the overlay rezoning has not taken place include: Millwood Avenue, Fairmont Avenue, and N. Loudoun Street. The overlay CE zoning for the northernmost section of Valley Avenue has not been adopted yet either.

THE DISTRICT

Corridor Enhancement Overlay Districts provide guidelines and regulations for building aesthetics and site features; **it does not change the underlying zoning that regulates land use.** Some examples of CE standards include: building orientation, roof treatments, wall treatments, and placement of mechanical units. It guides any proposed exterior changes or new construction on a mixture of commercial and residentially-used land. The attached map depicts the specific boundaries of the district. Information outlining the standards and guidelines specific to National Avenue are available in the Planning Office as well as on the City’s website. There is also a matrix offering a general overview of the CE District provisions citywide.

DEVELOPING THE BOUNDARY

The boundary was developed to include all properties fronting upon the State Route 7 corridor between the portion already included in the Berryville Avenue CE district on the east end and the existing Historic Winchester (HW) District on the west end. Some properties along E. Fairfax Lane were included as well since they are within the viewshed for tourists entering into the historic district along the Rte 7 corridor.

Along the north side of National Avenue, the proposed CE districts extends back between 150 and 160 feet from National Avenue in most areas. This generally coincides with the rear lot line of most parcels although the rear area of the commercially-zoned Smalts property is not included as well as two deeper residential lots further to the west of Smalts.

Along the south side of National Avenue, the proposed district extends approximately 116 feet which is generally in line with the rear property lines adjoining rear alleys in most cases, including those adjoining

Jolley Lane (a public alley). The portion of National Cemetery included within the district coincides with the 116 foot depth applicable to the residential properties to the east and west. This places the cemetery office building within the district, but only a small portion of the cemetery otherwise. National Cemetery itself is a National Register historic resource which draws visitors to the community and further warrants protections offered with the CE district overlay zoning. A state historic marker on the opposite side of the street denotes the location of the Out-lot purchased by George Washington in conjunction with his purchase of an In-lot in the downtown area.

CITIZEN COMMENTS

Staff held a public information session on Thursday August 13, 2015 and received a couple of inquiries, but nobody has expressed either strong support or opposition to the specific overlay zoning request.

RECOMMENDATION

A favorable motion could read:

MOVE, that the Commission forward Rezoning **RZ-15-421** to City Council recommending approval because the request is consistent with the Comprehensive Plan and protects and promotes the aesthetic character and functionality of a major tourist access corridor leading into the designated local (HW) and National Historic Winchester District, and as such, represents good planning practice.

RESOLUTION RZ-15-421
NATIONAL AVENUE CORRIDOR ENHANCEMENT DISTRICT

September 15, 2015

WHEREAS, the Planning Commission resolved at its August 18, 2015 meeting to initiate the rezoning of this land as a publicly sponsored rezoning; and,

WHEREAS, it is in the interest of the City to protect and promote the aesthetic character and functionality of major tourist access corridors leading into the local and national Historic Winchester District; and,

WHEREAS, it is in the interest of the City to promote the general welfare of the community by attracting visitors and generating business through heritage tourism-based economic development; and,

WHEREAS, it is the interest of the City to enhance the overall appearance of the City's corridors, while improving access along the corridors through increased walkability and interconnectivity; and,

WHEREAS, the City has recently undertaken a major capital improvement project to realign National Avenue, North East Lane, and East Piccadilly Street, including the installation of a roundabout as part of the National Avenue Gateway Project; and,

WHEREAS, the Common Council unanimously adopted provisions for the Corridor Enhancement Overlay District on April 12, 2005; and,

WHEREAS, the Common Council adopted in the City's FY2016 Strategic Plan, a goal to promote and accelerate revitalization of catalyst and other areas throughout the City of Winchester; and,

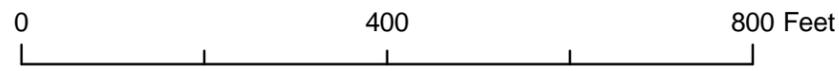
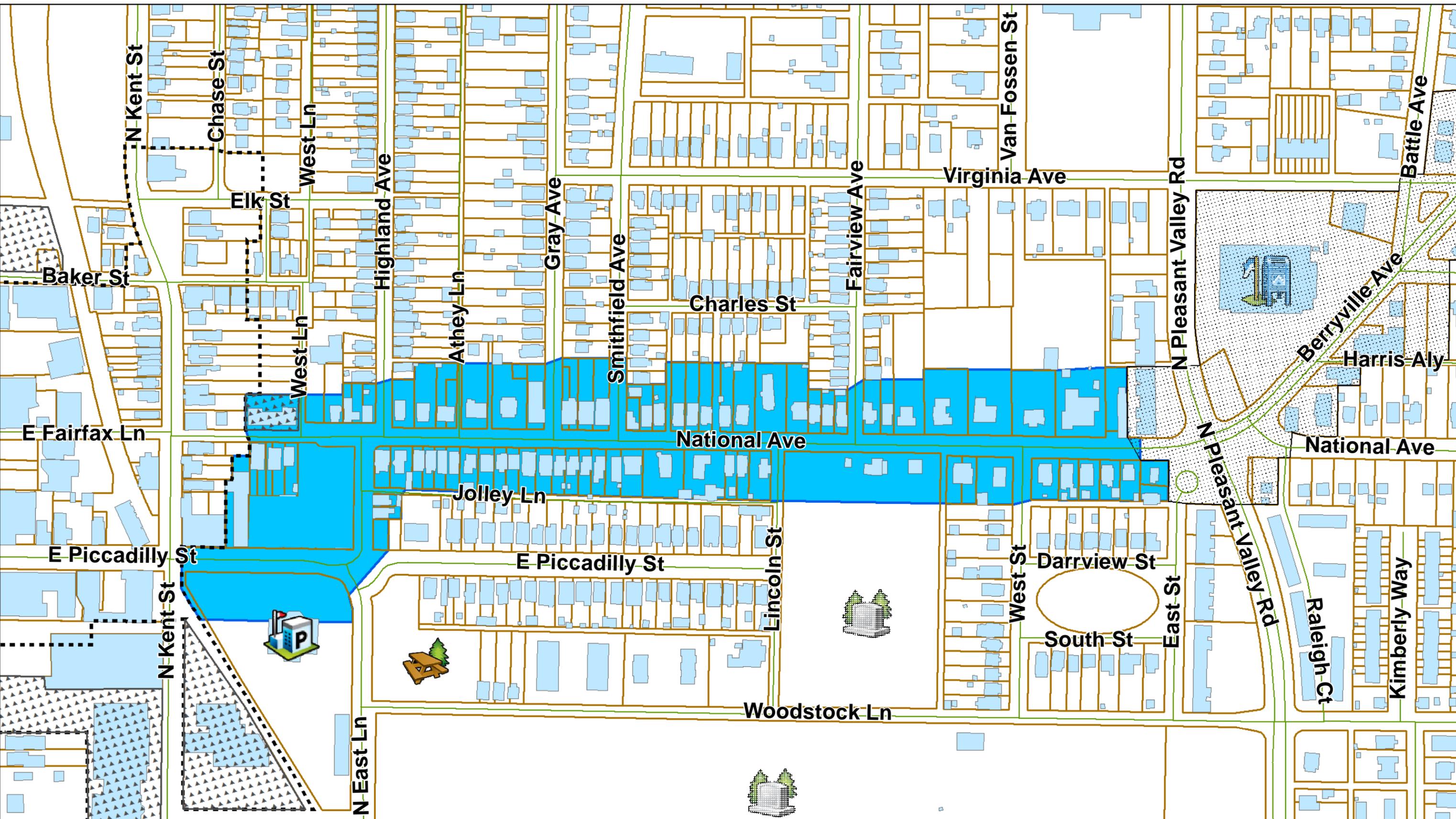
WHEREAS, the Planning Commission has studied the existing physical development, land use, zoning, topography, and view sheds of the National Avenue Corridor from North Kent Street to East Street; and,

WHEREAS, the Planning Commission has identified properties along the National Avenue Corridor from North Kent Street to East Street that are suitable for inclusion in the Corridor Enhancement District; and,

WHEREAS, the City held a Public Information Meeting on August 13, 2015, pertaining to the proposed National Avenue CE District.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby initiates the following rezoning:

AN ORDINANCE TO REZONE APPROXIMATELY 16.4 ACRES OF LAND CONTAINING APPROXIMATELY 96 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; AS DEPICTED ON AN EXHIBIT ENTITLED: "NATIONAL AVE PROPOSED CE DISTRICT" PREPARED BY WINCHESTER PLANNING DEPARTMENT ON 6/23/2015.



National Ave Proposed CE District

-  Conditional
-  CE- Berryville
-  Historical District
-  CE- National



Prepared on:
6/23/2015

SV-15-448 AN ORDINANCE TO VACATE A PORTION OF COMMERCIAL STREET RIGHT OF WAY AND CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET AND 206 WEST WYCK STREET.

REQUEST DESCRIPTION

The request from Green Chemical Company, Inc is to vacate and convey a short segment of public right-of-way off West Commercial Street.

AREA DESCRIPTION

The subject vacation and property to the south of W. Commercial Street is zoned Limited Industrial (M-1) District. The adjoining properties to the north of W. Commercial Street are zoned Commercial Industrial (CM-1) District. Uses include a fruit packing warehouse and a commercial brewery.



STAFF COMMENTS

Mr. Ben Butler, applicant for the property owner, has provided a letter dated August 4, 2015 addressed to the Planning Director, Tim Youmans, outlining the request for the right-of-way vacation. Since there are no significant public safety issues, staff is agreeable to the proposed vacation and conveyance and find it would be acceptable for City Council to consider vacating the small portion of public right-of-way and conveying it to the owners of the subject property.

City Council would need to appoint viewers to determine what, if any, inconvenience would result to affected property owners. The Comprehensive Plan does not call for any changes in the area that would necessitate eliminating or retaining the excess right-of-way.

Council would need to determine what compensation should be received from the grantee of this City property. In the past, land conveyances in commercial districts have typically associated with alternative land being dedicated as public right-of-way (e.g. Spring Street) or have been in the range of two dollar and fifty cents (\$2.50) up to about ten dollars (\$10.00) per square foot of land conveyed. The recently approved Roberts Street conveyance was at \$2.50. The Green Chemical Company property adjoining the proposed vacation is currently assessed at \$5.00 per square foot. A Minor Subdivision would also be required to assemble the vacated area into the adjoining property at 151 Commercial Street.

RECOMMENDATION

Based upon the input from relevant City officials, staff recommends that the right-of-way be vacated and conveyed as part of a joint ordinance. A favorable recommendation from the Commission could read: **MOVE**, that the Planning Commission forward **SV-15-448** to City Council recommending approval of vacation and conveyance of the subject right-of-way to the owner of 143 West Commercial Street and 206 West Wyck Street to be assembled into the adjoining properties because the request does not conflict with the comprehensive plan.

AN ORDINANCE TO VACATE A PORTION OF COMMERCIAL STREET RIGHT OF WAY AND
CONVEY IT TO THE OWNER(S) OF 143 WEST COMMERCIAL STREET AND 206 WEST WYCK STREET
SV-15-448

WHEREAS, the Common Council has received a request of Mr. Benjamin M. Butler on behalf of Green Chemical Company, Inc., for the City of Winchester, owners of certain public right-of-way along West Commercial Street, to vacate and convey a portion of public right-of-way to Green Chemical Company, Inc. depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc."; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain individuals as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 *et. seq.*, respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of September 15, 2015, recommended approval of this action; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from discontinuing the right of way so long as the necessary easements are established; and,

WHEREAS, the applicant is the property owner of 143 West Commercial Street and 206 West Wyck Street immediately adjacent to the south side of the public right of way proposed to be vacated and conveyed; and,

WHEREAS, the City of Winchester, owner of the public right-of-way along West Commercial Street proposed to be vacated and conveyed has no objection to the vacation and conveyance to the owner at 143 West Commercial Street and 206 West Wyck Street; and,

WHEREAS, the Common Council has agreed to convey the vacated right of way to the applicant for **Two Dollars and Fifty Cents (\$2.50)** per square foot subject to the applicant establishing all necessary easements to the City of Winchester to be depicted upon a survey plat.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the public right of way depicted on the July 2, 2015 exhibit entitled "Exhibit Showing Proposed Boundary Line Adjustment of Green Chemical Company, Inc." be vacated and conveyed to Green Chemical Company, Inc. subject to the applicant establishing necessary easements to the City of Winchester.

BE IT FURTHER ORDAINED that this ordinance shall not take effect until such time as the purchaser has secured City approval of an approved Minor Subdivision plat depicting the easements and the required assemblage of the vacated area in with those certain adjoining parcels of real estate owned by the applicant at 143 West Commercial Street and 206 West Wyck Street , with the sale price for the vacated area being **Two Dollars and Fifty Cents (\$2.50)** per square foot. The City Attorney is directed to prepare a deed for this conveyance and the City Manager is directed and authorized to execute all documents and take all actions necessary to carry out this Ordinance.