

## PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, February 17, 2015, at 3:00 p.m. in the Fourth Floor Exhibit Hall, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

**CALL TO ORDER:** Chairman Slaughter called the meeting to order at 3:00 p.m.  
**PRESENT:** Chairman Slaughter, Vice Chairman Loring, Commissioner Shickle, Commissioner Wolfe, Commissioner Tagnesi, Commissioner Fieo  
**ABSENT:** None  
**EX-OFFICIO:** City Manager Freeman  
**STAFF:** Timothy Youmans, Aaron Grisdale, Josh Crump, Catherine Clayton  
**VISITORS:** Patrick Sowers, Gregory Jones, Greg Frye, Ronald Putnam, Chad Lee, Jeannie Will, Thomas Jordan, Bill Stern, Rick Miller, Michael Grabowski\

### APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of January 20, 2015. Hearing none, he called for a motion. Commissioner Shickle moved to approve the minutes as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0.

### CORRESPONDENCE:

Mr. Youmans advised that beginning with page 25 in the packet, staff has included the driveway exhibit as well as copies of correspondence from citizens expressing comments concerning the rezoning request for Linden Drive. Additionally, he advised that staff has included a third possible motion on page 15 for the rezoning.

### CITIZEN COMMENTS:

None.

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

Commissioner Kenney advised that they adopted new By-Laws; discussed Capital Improvement plan; a rezoning request to change from B1 to B2; introduction of farm breweries; discussion on R4 permitted uses; use of alternative pavers; and their February 21, 2015, retreat.

### PUBLIC HEARINGS:

**TA-14-770 AN ORDINANCE TO AMEND AND REENACT SECTION 18-8-7 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FREESTANDING AND BUILDING MOUNTED SIGNS PERMITTED IN THE RO-1 DISTRICT. (Mr. Grisdale)**

Mr. Grisdale presented the staff report stating that this is a privately sponsored text amendment to modify signage opportunities for properties in the Residential Office (RO-1) district. The applicant is proposing to increase the sign allowances for properties that obtained a conditional use permit for building footprint in the Corridor Enhancement (CE) district (Section 14.2-6.10). The applicant desires that allowances be provided to enable a larger amount of proportionate signage for larger structures. The existing CE standards included in Article 14.2 will still apply for such properties within the zoning overlay, including a prohibition on internally illuminated signage and requirements that the new freestanding signage be a monument style and be of a design consistent with the main building's design. He concluded by stating

that staff believes it is good planning practice and that the change is consistent with the intent of the RO-1 district and supports this request.

*Chairman Slaughter called for questions from the Commission.*

Vice Chairman Loring asked about the limitation of the two size options. Mr. Grisdale said that an applicant can have up to the 50 square feet of signage of building mounted signage. He also said that it can be multiple signs up to the aggregate of 50 square feet but in terms of freestanding signs, it would just be one of the two options. Chairman Slaughter asked if this is by-right to which Mr. Grisdale responded yes, it is by-right for those having gone through the conditional use permit process with Planning Commission and City Council. Additionally, it would go through the Corridor Enhancement certificate of appropriateness and sign permit application review processes.

### **Chairman Slaughter Opened the Public Hearing**

### **Chairman Slaughter Closed the Public Hearing**

*Chairman Slaughter called for discussion from the Commission. Hearing none, he called for a motion.*

*Commissioner Tagnesi moved to forward TA-14-770 to City Council with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for appropriate and proportional signage options for larger buildings in the Residential Office district. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 6-0.*

**RZ-15-07 AN ORDINANCE TO REZONE 6.29 ACRES OF LAND AT 304 THROUGH 332 LINDEN DRIVE (Map Number 130-6- -16 to Map Number 130-6- -23) AND 352 THROUGH 470 LINDEN DRIVE (Map Number 130-6- -1 to Map Number 130-6- -11) FROM LOW DENSITY RESIDENTIAL (LR) DISTRICT ZONING TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT ZONING. (Mr. Youmans)**

Mr. Youmans presented the staff report stating that the request would conditionally rezone the land from LR to HR which would either allow the previously approved 19 single-family detached dwellings to be built on the existing 19 vacant lots or it would allow up to 34 townhouse dwellings and 2 single family detached dwellings to be built as outlined in the statement of justification from the applicant. The properties are split into two separate land bays with the northernmost 11 lots in land bay 1 being single family lots and the southernmost 11 lots would be 1 single family detached and 10 age-restricted units. Land bay 2 consists of 8 single family lots with 1 lot being limited to single family detached use and the remaining 7 lots developed either as 7 single family detached units or subdivided further to allow up to 14 townhouse units. The applicant has proffered that the site development shall be limited to a maximum of 2 single family detached units and 34 townhouse units with shared driveways to the townhouse units. No traffic or fiscal impact analysis was requested as the ordinance does not specifically provide for this in conjunction with a non-PUD rezoning such as this one. As in the past, there are concerns associated with erosion and stormwater runoff impacting the homes to the rear of these lots. Extensive erosion control and stormwater management requirements were engineered to minimize any potential impacts and these provisions would stay in place unless specifically approved for change by the City Engineer. Mr. Youmans also said that there has been some concern and comment as it relates to age-restricted housing. He said that the City can legally do it because it is in the proffer and if accepted by the City, it becomes law. He concluded by stating that staff has distributed copies of letters from concerned residents and that staff included a third possible motion for the Commission to consider.

*Chairman Slaughter called for questions from the Commission.*

Vice Chairman Loring asked how to enforce the age-restriction on the housing. Mr. Grisdale said that essentially when the City receives a complaint, an inspector will go out to verify, speak with the owner, and check the code and then follow the procedures as warranted. Commissioner Wolfe said that it seems hard and asked how staff would handle if the house is sold or willed to someone to which Mr. Grisdale said that occupancy violations are more difficult to enforce but not impossible. Chairman Slaughter asked if there would be restrictions on the deed to which Mr. Youmans said yes there will be.

Commissioner Tagnesi asked if this request fails, is it the intention of the applicant to build the single family dwellings to which Mr. Youmans said that this a by-right development and that he would defer to the applicant for response.

Vice Chairman Loring said that he has a concern about the shared driveways and parking. Mr. Youmans said that they can be problematic if someone is parked in the driveway but 30 feet is adequate if the driveway is not obstructed. Vice Chairman Loring asked if street parking is permitted. Mr. Youmans said that it is permitted as long as the street is not posted.

### **Chairman Slaughter Opened the Public Hearing**

Patrick Sowers, Pennoni Associates, representative of the applicant, said that they have heard the concerns of the residents and advised that they are requesting to have the application tabled for 60 days to allow time to fully prepare a complete response with a revised proffer statement.

Chairman Slaughter asked Mr. Sowers if they plan to have a public comment session during the 60 days if the Commission tables the request to which Mr. Sowers said yes.

Gregory Jones, 340 Linden Drive, expressed his concerns and said that the residents of the area do not want townhouses and that most purchased their homes with the understanding that there would be single family dwellings. He also commented that shared driveways are not suited in the neighborhood and that there is no homeowners association to police the age-restriction on the properties in question and that it should not be the responsibility of the other residents.

Greg Frye, 111 W. North Avenue, said that he has 2 investment properties on George Street and that he has had to spend thousands of dollars because of water issues coming from the properties on Linden Drive. He further said that this is spot zoning and it should not be allowed.

Ronald Putnam, 319 George Street, expressed concern about the lack of proper drainage and water issues. He further added that there should only be single family detached dwellings permitted and that the builder should be required to install a French drain system to offset the drainage and water problems that already exist.

Chad Lee, 1624 Whittier Avenue, stated that townhouses will bring down the property value of his home and others in the neighborhood and he said that only single family homes should be allowed.

Jeannie Will, 1633 Whittier Avenue, expressed concern about the age-restriction and the enforcement of it. Mr. Youmans said that the restriction is on the occupancy and not the ownership. Ms. Will then expressed concern over the newspaper article that said the developer will build inferior homes if they are forced to only build single family dwellings.

Thomas Jordan, 348 Linden Drive, said that he objects to the rezoning and that there will be an increase in traffic and crowding of vehicles on the street. He then said that they need to widen Linden Drive if they are going to allow on-street parking.

Bill Stern, 1637 Whittier Avenue, stated that the townhouse units will devalue his property and that he is concerned about the water runoff. He concluded by saying that the neighborhood needs to stay the way it is now.

Rick Miller, 336 Linden Drive, stated that it needs to stay single family dwellings but that he would like to see the development complete. He said that townhouses will devalue the ambiance of the neighborhood.

Michael Grabowski, partner in the development, spoke about smaller footprint dwellings and that with the townhouse proposal, stormwater issues will have to be addressed whereas with the 19 single family dwellings, the developer does not have to deal with stormwater management. He also said that they intend to sell top-end homes/units.

*Chairman Slaughter stated that the Commission will keep the Public Hearing open if the Commission tables the applicant's request. He then explained the role of the Planning Commission to the public.*

*Chairman Slaughter then called for discussion from the Commission.*

Commissioner Wolfe said that there are 2 or 3 to-be-built homes already advertised for sale to which Mr. Grabowski said that they are trying to gauge the market. Commissioner Tagnesi commented on the average price of houses on George Street. Commissioner Fieo stated that he is concerned about the shared driveways and the increase of on-street parking causing safety issues. Commissioner Shickle said that she has no comment. Vice Chairman Loring expressed concern about the management of age-restricted housing and about the shared driveways.

Mr. Youmans said that there have been some concerns about water pressure to which Ms. Henshaw, City Engineer, stated that there should not be a problem with water pressure. Chairman Slaughter asked Ms. Henshaw about stormwater issues. Ms. Henshaw stated that there are new stormwater standards in place and that the applicant cannot let any water runoff from the lots for multi-family units.

Commissioner Shickle then asked if staff will advise the Planning Commission of any community meetings. Mr. Youmans advised that only two Commissioners could attend. Commissioner Shickle said that possibly staff could attend and report back to the Commission. Chairman Slaughter asked the applicant to notify staff of any community meetings to which Mr. Sowers said that he would certainly do that.

Chairman Slaughter then said that it is helpful when issues are addressed in proffers as it makes it clearer for the Commission.

*Hearing no other discussion, Chairman Slaughter called for a motion.*

*Commissioner Fieo moved to table RZ-15-07 until the April 21, 2015, regular meeting to allow adequate time for the applicant to address the comments and concerns that City staff identifies and to allow staff to fully review the revised documents and exhibits. Vice Chairman Loring seconded the motion. Voice vote was taken and the motion passed 6-0.*

#### **OTHER BUSINESS:**

Chairman Slaughter stated that if anyone has topics for the retreat, to please forward them to staff.

#### **ADJOURNMENT:**

With no further business before the Commission, the meeting adjourned at 4:17 p.m.