

**PLANNING COMMISSION
MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, August 21, 2012 at 3:01 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER

PRESENT: Commissioner William Wiley, Chairman Dave Shore, Commissioner Kevin McKannan, Stephen Slaughter Jr., Commissioner Jennifer Beatley, Commissioner David Smith and Commissioner Beau Correll

ABSENT: None

STAFF: Planning Director Tim Youmans, Planner Will Moore, Director, Zoning & Inspections Aaron Grisdale and Secretary Paula Le Duigou

GUESTS: Kevin Kenney, Frederick County Liaison for Chris Mohn

Approval of Minutes

Commissioner Beatley moved, seconded by Commissioner Smith to approve the June 19, 2012 minutes as presented. The motion passed unanimously.

Commissioner McKannan moved, seconded by Commissioner Slaughter, to approve the July 17, 2012 minutes as presented. The motion passed unanimously.

Correspondence

Mr. Youmans explained that there had been a revision to the agenda.

Citizen Comments

None

Report of Frederick Co Planning Commission Liaison

Mr. Kevin Kenney, for Mr. Chris Mohn, reported that at the last meeting of the Frederick County Planning Commission, four items were on the agenda. Two of the items were of ongoing development plans, one submitted by Greenway Engineering for a 24 lot subdivision to be located in the Kernstown area, where they will be eliminated curb and gutter and stormwater runoff utilizing bio-cell technology and permeable pavers. He said that this would be one of the first projects like this in the County.

Mr. Kenney said that the second master development plan that had come in was a commercial development at Commonwealth Court and the Gander Mountain area.

Mr. Kenney stated that the planning committee had completed the initial EDAS plan, which is the business development advancement study, to be used as a tool to attract new business and to work with

new business coming in from the state and federal level. Their hope is to streamline the approval process for site plans in an effort to make it more competitive in the marketplace.

Mr. Kenney stated that they are also working on an urban center report designating four distinct areas for urban growth in the county. He said that these areas, 20-30 years down the road, they are looking at the type of development that is commonly seen in the Fairfax/Reston areas where you have commercial and retail development on the lower level, with apartment rentals and traditional condos on the upper levels.

Commissioner Slaughter added that he attended the meeting and what they had been discussing was very similar to what the City's Planning Commission had been discussing in relation to mixed use design and walkable communities. He said that it was interesting how both jurisdictions were thinking similarly.

PUBLIC HEARINGS

RZ-12-353 AN ORDINANCE TO REZONE 1.48 ACRES OF LAND AT 302-304, 320, AND 326-330 NORTH CAMERON STREET AND 110 EAST FAIRFAX LANE (*Map Numbers 173-01-S-1, 2, 3 & 4*) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY.

This request entails rezoning four contiguous Glaize & Bro properties including those comprising the former Valley Lumber operation from CM-1 to B-1, leaving the overlay Historic Winchester District in place. The subject area represents the entire block bound by N. Cameron St, Baker La, the CSX railroad, and E. Fairfax La. The change to B-1 is intended to promote mixed use including residential use which is not permitted under the current CM-1 zoning. No proffers are included with the request.

The site and all land to the north, west, and south of the subject site is zoned B-1. The Laurel Center property to the north was conditionally zoned from CM-1 to B-1 in 2007 with proffers. Uses in the area include institutional, commercial and governmental uses. Former industrial uses on the subject sites and the B-1 zoned Glaize properties immediately to the south were originally oriented to the railroad immediately to the east. The lot to the north is scheduled for construction of the Laurel Center as a combination shelter, office and multifamily structure consisting of three floors. That rezoning was approved subject to a proffered general development plan assuring architectural compatibility with the surrounding historic structures.

Land directly across Cameron St comprises the Our Health Complex, including a large green area between the buildings at the north and south ends of the block. Land further north on the west side of Cameron St was conditionally zoned B-1 with HW Historic District overlay as part of the Snapp Foundry historic rehab project. That site currently houses the City's Social Services department and the Housing Office. Land to the east across the CSX railroad yard, is zoned RB-1 and contains residential uses including older residential structures and newer single-family detached homes constructed by Habitat For Humanity.

The current Comprehensive Plan calls for change in this area as part of a Commerce Revitalization/Infill Area. The rezoning is consistent with the recent trend to extend B-1 zoning northward along both sides of the N. Cameron St corridor. The existing CM-1 zoning was established to support uses that historically relied upon railroad sidings, including the long-established Glaize Lumber Company. The rezonings on the west side of N. Cameron St represent an orderly progression northward. This rezoning, eliminates the 'leapfrog effect' of B-1 on the Laurel Center site north of the CM-1 zoning that has up to now remained in place in this 300 block along the east side of Cameron St.

The applicant outlines the ‘intended’ use of the vacant properties in a letter dated June 26, 2012 from Philip Glaize and Richard Helm of Glaize and Bro. Properties to the Planning Commission. The stated intent is to allow for the conversion of the vacant buildings to mixed use of residential and retail or service use as envisioned in the Comprehensive Plan. Current B-1 provisions would preclude ground-floor conversion to residential use other than with CUP approval by City Council.

The owners secured approval from the Board of Architectural Review (BAR) to demolish some of the existing structures in the block on December 1, 2011. That approval included approval to demolish the building known as 110 E. Fairfax Lane (in the southeast corner of the block) and the structure known as 320 N. Cameron St (a frame storage building adjoining the CSX railroad in the middle of the block). After lengthy discussion, the BAR granted a certificate of appropriateness for demolition of the shed appendages to the rear of the structure on the east (rear) end of 326-330 N. Cameron St as identified at the BAR meeting, and to provide upon return to the Board, a structural report on 326-330 North Cameron Street, minus the demolished sheds.

Since no generalized development plan has been proffered with the rezoning request, it is unclear how many of the other existing buildings the owner plans to demolish to make way for redevelopment. There is also no proffer specifying what if any parameters would be proposed to guide new residential structures which could be up to 75 feet in height by right.

The applicant does not propose any proffers to mitigate potential impacts caused by the rezoning. The properties are currently within the HW historic district and any further demolition or new construction or renovation would require BAR approval (unlike the Laurel Center property to the north). In terms of potential stormwater impacts, the subject site adjoins the CSX railroad right-of-way which is a defined drainage area (“canyon”) for a very large area at the north end of the City. During many storms, the area is subject to flooding which concentrates along Kent Street to the south between Piccadilly St and the drain inlets at Town Run just south of E. Boscawen St. Introducing residential use would invoke greater green area requirements than those applicable to the former nonresidential use. Traffic and parking impacts are generally not evaluated since the site is exempt from off-street parking requirements. There is existing curbside parking and the N. Loudoun parking garage is one block to the west.

From a fiscal and social impact standpoint, it is difficult to evaluate the impacts of an unconditional rezoning to B-1. If the property, for example, is developed for low-income housing, which is conceivable given the concentration of public and non-profit services in the vicinity catering to the needs of such population, then there could be a potential conflict with one or more of City Council’s goals for attracting population with increased median income.

The rezoning of these properties to support redevelopment of arguably blighted vacant structures for any use would presumably represent an improvement. Continued industrial use would be less compatible with the expanding residential use envisioned for downtown. The Commission should to determine whether or not potential impacts, particularly those associated with unknown quantities and qualities of residential units are properly addressed.

Chairman Shore opened the public hearing.

With no comments forthcoming, Chairman Shore closed the public hearing.

Commissioner McKannan said that he had no doubt that what could potentially go on this site could be worse than what is all ready there.

Chairman Shore asked staff what other alternatives there were that could involve proffers and a possible generalized development plan.

Mr. Youmans said that that was what the plan on page 3 of the staff report represented and was utilized with the Laurel Center. He said that that plan did pre date the updated comprehensive plan which strongly advocated the infill and redevelopment City wide, but specifically in the downtown area.

Mr. Youmans said that in 2007 Council was more leery of unbridled residential development downtown and so it was clear as far as how many residential units were proposed with the Laurel Center. He said that he felt that this was very consistent with the present day comprehensive plan and clearly calls for change in this area, but what is being said is that whatever form the plan takes is up to the BAR to review and improve.

Chairman Shore stated that there are checks and balances then in the process.

Commissioner Smith said that if they were going to increase or extend the B-1 district, wouldn't it be prudent to include the Winchester Towers so that this new area won't appear like an island.

Mr. Youmans stated that Winchester Towers is all ready in the B-1 district. He then showed the Commission what area was all ready included in the B-1 district on the overhead map.

Commissioner Correll asked staff if they were aware of any potential use that may be proposed later and may be inconsistent with the Comp plan.

Mr. Youmans said no, and that beyond what the applicant stated in their letter, he had no clue, but presumably it was to support the residential mixed use because that was the one use that they could do. He said that most office/retail/restaurant would otherwise be allowed by right in CM-1 as much as they are allowed by right in B-1.

Mr. Youmans said that it was really the residential component that was enabled by the rezoning.

Commissioner McKannan asked if the Commission would look at a site plan next.

Mr. Youmans said yes, but that they needed to understand that at that point as long as they meet the standards for B-1 and as long as they secure a certificate of appropriateness from BAR, there isn't a lot of leeway.

*Commissioner McKannan moved that the Commission forward Rezoning **RZ-12-353** to City Council recommending approval because the proposed B-1 zoning, supports redevelopment, and represents better planning than maintaining the existing CM-1 zoning.*

Commissioner Correll seconded the motion.

The motion passed unanimously.

CU-12-360 Request of Greenway Engineering on behalf of the Winchester-Frederick-Clarke SPCA for a conditional use permit for expansion of animal shelter use at 115 Featherbed Lane (*Map Number 252-01-30*) zoned Commercial Industrial (CM-1) District.

Chairman Shore offered congratulations to Mr. Moore on his appointment to the Old Town Development Board.

The request is for a conditional use permit to allow for redevelopment of the current SPCA site, to include a new 7500sf building, relocated dog run, and expanded parking.

The site and all surrounding lots on the south side of Featherbed Lane are zoned CM-1. Land to the east and the south contain office, retail and automotive service uses. Land to the west contains a printing business. The north side of Featherbed Lane has CM-1 zoning across from the subject site and to the west containing retail uses and B-2 zoning to the east containing restaurant uses. A large portion of the subject site closest to Featherbed Lane is within the Abrams Creek Floodplain.

Animal Shelter was established as a conditional use in the CM-1 District in 2000, allowing for more than the 25-animal restriction that is otherwise applicable to Kennels. Such facilities are required to be no closer than 500 feet from any residential district. The closest residential district is along Glaize Ave to the northwest, approximately 675 feet away.

The SPCA received a CUP for the shelter in 2001 (CU-01-01) and subsequent revised CUPs for additions in 2003 (CU-03-02) and 2008 (CU-08-09). The 2008 revision also included the addition of an outdoor dog run. The initial and subsequent CUPs were both conditioned upon 1) site plan approval and, 2) if the SPCA moves or ceases operation, the facility shall not be converted to a private kennel containing more than 25 animals.

This application represents a complete redevelopment of the facility on the existing site, to include demolition of most of the existing structures and dog run, a new 7,500sf building, a relocated dog run, and an expanded parking area. The applicant states that the new facility will allow the SPCA to expand services for shelter, care, and adoption of animals and accommodate the growing communities in which it serves.

Staff is unaware of any issues that surrounding properties and businesses have had with the current operation, to include the last several years since the outdoor dog run was introduced. The primary area of concern with the application is the expansion of parking area into the identified floodplain. The applicant notes that the City is currently conducting a floodplain study along Abrams Creek and that coordination is being made to incorporate the proposed plan into the study to ensure compliance. The City Engineer is currently waiting on detailed plans from the applicant to move forward with the study. If the CUP is approved, the City Engineer will closely review any proposed improvements in the floodplain in conjunction with the related site plan.

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified 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.

Chairman Shore opened the public hearing

With no comments forthcoming, Chairman Shore closed the public hearing

Commissioner Slaughter asked how the animals would be cared for during the remodel and demolition.

Mr. John Tyson, applicant, stated that the new structure would be built first and then the animals would be transferred while the old building was being demolished.

Commissioner McKannan asked what the sizes of the existing structures on the property were, specifically the old home and the structure that housed the animals now.

Mr. Tyson stated that the house was about 2000 square feet and the current shelter was 3400 square feet.

*Commissioner Wiley moved the Commission forward **CU-12-360** to City Council recommending approval because the use, as proposed, should 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 recommendation is subject to:*

- 1. General conformance with the proposed building elevations and site plan concept dated July 9, 2012, except that minor deviations may be permitted to ensure compliance with floodplain requirements;*
- 2. Staff review and approval of the related site plan; and,*
- 3. If the SPCA moves or ceases operation, the facility shall not be converted to a private kennel containing more than 25 animals.*

Commissioner Beatley seconded the motion.

The motion passed unanimously.

NEW BUSINESS

Administrative Approval - **SP-12-428** - 1001 East Cork Street.

Mr. Moore presented the request for the Commission's review.

Commissioner Slaughter moved, seconded by Commissioner McKannan, to grant administrative approval.

The motion passed unanimously.

ADJOURN

With no further business to discuss the meeting was adjourned at 3:42 p.m.