

PLANNING COMMISSION
MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, June 19, 2012 at 3:01 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Shore called the meeting to order at 3:01 p.m.

PRESENT: Chairman Dave Shore, Vice-Chairman William Wiley, and Commissioners Kevin McKannan, Stephen Slaughter Jr., Jennifer Beatley, David Smith and Beau Correll (7)

ABSENT: None (0)

STAFF: Planning Director Tim Youmans, Planner Will Moore, Acting Director Zoning & Inspections Aaron Grisdale, Secretary Paula Le Duigou, City Manager Dale Iman

Approval of Minutes

Commissioner Smith moved, seconded by Commissioner Slaughter, to approve the May 15, 2012 minutes as presented. The motion passed unanimously.

Correspondence

Mr. Youmans pointed out the revised agenda items that were updated or added.

Citizen Comments

Chairman Shore announced that there would be no public hearing concerning Millwood Avenue at this meeting, but if any citizens wished to speak concerning this case, this was their opportunity.

Mr. JT Creamer, Jr. of 705 Omps Drive, reiterated that he is not speaking against Shenandoah University, but that he wished that he had thought of asking Council, Planning Commission and EDA to give him 1000 feet of Millwood Avenue, and see how fast he would have heard no. He said that he had great concerns with the affect this would have on the traffic coming into the City.

Mr. Creamer stated that he is against giving away the land and that Council does not have the right to give it away as it does not belong to Council nor anyone else but to the Citizens of Winchester.

Mr. Creamer said that he understood that the Planning Commission had a job to do to make sure that everything fell into place and meet the City's criteria for proper planning. He said that it bothered him that he had not seen any opposition to the plan.

Mr. Creamer said that all the flipping and flopping of land exchanges was beyond his comprehension. He said that what really bothered him about all the flip flop of land and giving something away was the land that Shenandoah wanted to take away from the park to build a storm water basin. He asked where that was in initial phase for the citizens to comment on.

Mr. Creamer stated that when there was talk of putting the ball field in the park, Council heard loud and clear what the citizens wanted.

Mr. Creamer said that he didn't know what was needed to have Council hear the citizens' feelings about closing Millwood Avenue.

Mr. Creamer questioned how all of this fell into place, particularly with the storm drain part that was not announced at the outset.

Chairman Shore asked Mr. Youmans when the next series of public hearings would be. He asked if they would be done at the City Council level.

Mr. Youmans said there would be mandatory public hearings at City Council with notices to adjacent property owners as well as an ad taken out in the Winchester Star. Mr. Youmans believed that the earliest meeting date would be July 17, 2012.

Mr. Iman stated that there would be three public hearings.

Chairman Shore thanked Mr. Creamer for his remarks and closed the Citizen Comment period.

Report of Frederick Co Planning Commission Liaison

Mr. Chris Mohn said that the Planning Commission met on June 6 to consider a kennel conditional use permit which was recommended for approval. He said that the Commission also heard a number of Ordinance amendments, and that overall the agenda was light. He pointed out that he was not present at the meeting and was relaying information second hand.

Mr. Mohn stated that the next regular meeting was July 18.

NEW BUSINESS

SV-12-261 AN ORDINANCE TO VACATE AN UNIMPROVED PORTION OF SPRING STREET RIGHT-OF-WAY AND CONVEY IT TO THE ADJACENT PROPERTY OWNER(S)

Mr. Youmans referred to the revised language on page 3 of the staff report based on comments that were made at the work session the previous week. He said that the essence of the revisions was to eliminate specific recommendations in the draft motion as to how the vacated Spring Street ROW, if vacated, would be conveyed.

Mr. Youmans stated that there were two separate requests being made and he would summarize the area once.

Mr. Youmans said that the revised language states that it isn't up to the Planning Commission to determine how the land is divided, but whether the vacation is consistent with the Comprehensive Plan.

The original request by JDC Winchester LLC entails vacating the public street purpose for the entire unimproved section of Spring Street adjoining the south side of Ms. Ann Deaner's property at 1467 Greystone Terrace. In a letter dated June 8, 2012, the applicant amended the request by JDC Winchester LLC to request vacating the public street purpose and conveying to JDC Winchester just the south half of the unimproved section of Spring Street.

The portion of unimproved Spring St between the applicant's property and 1467 Greystone Terrace has Medium Density Residential (MR) zoning on the north half and Conditional B-2 zoning on the south half. Ms. Deaner's existing property as well as all of her neighbors' properties along Greystone Terrace have

MR zoning. The newly platted, but unimproved portion of Spring St extending through the JDC Winchester LLC (JDC) property is conditional B-2 zoning as is the vacant JDC property along both sides of the platted right-of-way.

This vacation and conveyance request as well as the one requested by Mr. Allen at 1462 Greystone Terrace are logical 'next steps' in an extended process to realign Spring Street away from its present-day connection with Greystone Terrace and instead connect to the signalized intersection with S. Pleasant Valley Rd near Taco Bell and Kmart. The JDC Winchester LLC conditional rezoning (RZ-11-274) was approved by City Council on August 9, 2011 and specifically referenced proffers dated August 4, 2011 and a Rezoning Exhibit dated August 4, 2011.

The Rezoning Exhibit from the August 2011 rezoning for JDC serves as the base drawing for this proposed street vacation and conveyance request. It depicts the proffered Greystone Terrace cul-de-sac which would need to be constructed. Unlike the Allen request, this vacation and conveyance request does not need to be conditioned upon development of the JDC property.

The JDC Rezoning Exhibit conceptually depicts a driveway layout within the portion of unimproved Spring St proposed for vacation and conveyance to Ms. Deaner. Ms. Deaner is not required to follow this concept plan, but she does have a garage/shed that presently is oriented to the grassy area comprising unimproved Spring St in this area.

A vacation and conveyance of this subject 50-foot wide portion of Spring St would need to be conditioned upon establishing utility easements for existing utilities situated within the existing public right-of-way and for any needed drainage. This includes City utilities such as water and sewer. There is not a survey of the subject area prepared at this point, but the 50-foot wide segment appears to be 150 feet long, thus containing 7,500 square feet. Therefore, the south half of that segment of Spring Street proposed for conveyance to JDC Winchester would amount to 3,750 square feet.

Council has utilized a figure of fifty cents per square foot on previous residentially zoned right-of-way conveyances and higher amounts for some, but not all commercial conveyances. At the March 27, 2012 work session, City Council considered the terms of conveyance of the property adjacent to Mr. Allen's property and suggested a sale price of fifty (50) cents per square foot for both the residential and commercial portions of Spring St. Staff recommends the use of internal viewers on this request.

The vacation of this portion of Spring Street is consistent with the Comprehensive Plan and with the conditional rezoning of the JDC property in 2011. JDC has expressed interest in acquiring the south half of it for screening and buffering of the future commercial development. Staff recommends that part or all of the south half be conveyed to JDC Winchester and that the north half and maybe part of the south half (as called out in SV-12-265) be conveyed to Ms. Deaner. While JDC Winchester LLC and Ms. Deaner are the only adjoining property owners to logically consider conveying the vacated right-of-way to, the disposition of the vacated right of way between the two interested parties is not something that the Planning Commission needs to focus on. That decision can be left to City Council.

At Chairman Shore's direction, Mr. Youmans moved to the next request.

SV-12-265 AN ORDINANCE TO VACATE AN UNIMPROVED PORTION OF SPRING STREET RIGHT-OF-WAY AND CONVEY IT TO THE ADJACENT PROPERTY OWNER(S)

The original request by Ann Deaner entails vacating the public street purpose for the entire unimproved section of Spring Street adjoining the south side of her property at 1467 Greystone Terrace. This is the same full segment of Spring Street right of way originally requested by JDC Winchester LLC. That request (SV-12-261) was subsequently amended to only apply to the south half of the right of way. Staff has suggested that Ms. Deaner consider amending her request to vacate the public street purpose and conveying to her just the north half of the unimproved section of Spring Street.

The portion of unimproved Spring St between the applicant's property and the vacant property at 222 Spring Street owned by JDC Winchester LLC has Medium Density Residential (MR) zoning on the north half and Conditional B-2 zoning on the south half. Ms. Deaner's existing property as well as all of her neighbors' properties along Greystone Terrace have MR zoning. The newly platted, but unimproved portion of Spring St extending through the JDC Winchester LLC (JDC) property is conditional B-2 zoning as is the vacant JDC property along both sides of the platted right-of-way.

This vacation and conveyance request as well as the one requested by Mr. Allen at 1462 Greystone Terrace are logical 'next steps' in an extended process to realign Spring Street away from its present-day connection with Greystone Terrace and instead connect to the signalized intersection with S. Pleasant Valley Rd near Taco Bell and Kmart. The JDC Winchester LLC conditional rezoning (RZ-11-274) was approved by City Council on August 9, 2011 and specifically referenced proffers dated August 4, 2011 and a Rezoning Exhibit dated August 4, 2011.

The Rezoning Exhibit from the August 2011 rezoning for JDC serves as the base drawing for this proposed street vacation and conveyance request. It depicts the proffered Greystone Terrace cul-de-sac which would need to be constructed. Unlike the Allen request, this vacation and conveyance request does not need to be conditioned upon development of the JDC property.

The JDC Rezoning Exhibit conceptually depicts a driveway layout within the portion of unimproved Spring St proposed for vacation and conveyance to Ms. Deaner. Ms. Deaner is not required to follow this concept plan, but she does have a garage/shed that presently is oriented to the grassy area comprising unimproved Spring St in this area.

A vacation and conveyance of this subject 50-foot wide portion of Spring St would need to be conditioned upon establishing utility easements for existing utilities situated within the existing public right-of-way and for any needed drainage. This includes City utilities such as water and sewer. There is not a survey of the subject area prepared at this point, but the 50-foot wide segment appears to be 150 feet long, thus containing 7,500 square feet. The competing proposal by JDC Winchester for the south half of this segment of Spring Street amounts to 3,750 square feet. If Ms. Deaner amends her proposal to request just the north half, then she would also receive 3,750 square feet of land to assemble in with her residential lot. In an email sent to the City Planning Director on June 12th, Ms. Deaner expressed her desire to acquire the mowed portion of the right of way situated to the north of the existing rail fence. This would represent over three quarters of the existing right of way.

Council has utilized a figure of fifty cents per square foot on previous residentially zoned right-of-way conveyances and higher amounts for some, but not all commercial conveyances. At the March 27, 2012 work session, City Council considered the terms of conveyance of the property adjacent to Mr. Allen's property and suggested a sale price of fifty (50) cents per square foot for both the residential and commercial portions of Spring St. Staff recommends the use of internal viewers on this request.

The vacation of this portion of Spring Street is consistent with the Comprehensive Plan and with the conditional rezoning of the JDC property in 2011. JDC has expressed interest in acquiring the south half of it for screening and buffering of the future commercial development. Staff recommends that at least the north half be conveyed to Ms. Deaner and that part or all of the south half (as called out in SV- 12-261) be conveyed to JDC Winchester. While JDC Winchester LLC and Ms. Deaner are the only adjoining property owners to logically consider conveying the vacated right-of-way to, the disposition of the vacated right of way between the two interested parties is not something that the Planning Commission needs to focus on. That decision can be left to City Council.

Commissioner Slaughter asked for clarification about what would happen to the vacations if this did not take place.

Mr. Youmans said that Council could elect to do nothing and it would still remain a public ROW, or they could vacate the public street purpose but not proceed with the conveyance and it would become City land. He said that that was a possibility if the two parties could not agree to the satisfaction of City Council, or it could go through the vacation and await a subsequent ordinance to dispose of the public land.

Mr. Youmans said that the third option is that the parties do agree to a mutually acceptable solution, proceed forward to City Council and Council passes an ordinance to vacate the ROW and convey portions to the adjoining property owners.

Commissioner McKannan said that essentially they were putting the ball in the Council's court to decide what would be done.

Mr. Youmans agreed.

Commissioner Slaughter moved that the Commission forward SV-12-261 to City Council recommending approval to vacate the subject Spring Street right of way with conditions because the request is consistent with the Comprehensive Plan and the recent rezoning of the JDC Winchester LLC property calling for the realignment of Spring Street. The recommendation is subject to:

- 1. Establishment of utility easements for existing utilities situated within the existing public right-of-way including City utilities such as water and sewer, as well as any easements for needed drainage (both surface and subsurface); and,*
- 2. Submission and approval of a Minor Subdivision and recordation of a plat depicting the portion of vacated right-of-way that City Council agrees to convey to JDC to be assembled in with the lot at 222 Spring Street.*

Commissioner McKannan seconded the motion. The motion passed unanimously.

Commissioner Wiley moved that the Commission forward SV-12-265 to City Council recommending approval to vacate the subject Spring Street right of way with conditions because the request is consistent with the Comprehensive Plan and the recent rezoning of the JDC Winchester LLC property calling for the realignment of Spring Street. The recommendation is subject to:

- 1. Establishment of utility easements for existing utilities situated within the existing public right-of-way including City utilities such as water and sewer, as well as any easements for needed drainage (both surface and subsurface); and,*

2. *Submission and approval of a Minor Subdivision and recordation of a plat depicting the portion of vacated right-of-way that City Council agrees to convey to Ms. Deaner to be assembled in with her lot at 1467 Greystone Terrace.*

Commissioner Beatley seconded the motion. The motion passed unanimously.

SV-12-302 AN ORDINANCE TO VACATE PORTIONS OF MILLWOOD AVENUE RIGHT-OF-WAY AND CONVEY IT TO THE ADJACENT PROPERTY OWNERS

Commissioner Beatley excused herself from this case.

Mr. Youmans stated that he had not updated the staff report but he pointed out that on page 9 there is an assumption that City Council approved the resolution pertaining to the geometry roadway plan. He said that that was done but the staff report was written after Council acted upon it.

Referring to the overhead screen, Mr. Youmans outlined the subject property.

Mr. Youmans pointed out that it was not up to the Planning Commission to make a recommendation concerning the disposal of the subject property.

The request is to vacate portions of Millwood Avenue public right of way and convey the areas to private property owners to assemble in with their adjoining properties. If the vacation is approved, then the majority of Millwood Avenue right of way between Jubal Early Drive and Apple Blossom Drive would be conveyed to Shenandoah University to assemble in with land that SU owns on both sides of the roadway. A small portion adjoining the Beltone property would be assembled in with the Beltone property.

The request also includes vacating a portion of Millwood Avenue near the Edwards Village and Sheetz property on the west side of Millwood Avenue and assembling in with the property housing Edwards Village.

The subject segments of Millwood Avenue adjoin property in three different zoning districts. The stretch of Millwood between Jubal Early Drive and Apple Blossom Drive abuts Highway Commercial (B-2) zoned property along the south where Beltone and the Vickers Communication Center are situated within the triangle formed by Millwood-Jubal Early-Apple Blossom. A separately platted Shenandoah University property out in front of the Ohrstrom-Bryant Theater and a second university-owned property along the north side of this stretch of Millwood are zoned Higher Education (HE-1). The easternmost portion of Millwood Ave proposed for vacation is situated east of Abrams Creek and abuts Highway Commercial (B-2) land that Shenandoah University owns and uses for parking purposes.

University Drive and the adjoining Jim Barnett Park property between the O-B Theater and the former Armory is zoned Education, Institution and Public (EIP). The Edwards Village property adjoining the strip of Millwood Ave proposed for vacation and conveyance in that area is zoned Highway Commercial (B-2). There is no Corridor Enhancement (CE) District overlay in this area although a portion of the subject area falls within the Abrams Creek Floodplain (FP) District.

The request for vacation and conveyance is outlined in a letter (see attached) dated June 5, 2012 from Shenandoah University President Tracy Fitzsimmons. The letter includes reference to the Technical Review Committee which includes representatives from the City and Shenandoah University and which was tasked with reviewing materials from the consultants hired by SU to prepare a geometric roadway design plan. That plan was on the June 12, 2012 Council meeting agenda for consideration of a resolution

endorsing the geometry plan and encouraging SU to continue addressing the non-traffic design issues such as aesthetic improvements and access issues associated with Jim Barnett Park.

The applicant's letter also notes the numerous roadway and Green Circle Trail improvements that are proposed for construction by SU in conjunction with the vacation/conveyance request. While not specifically noted in the letter, a new right-in/right-out entrance would be proposed along Jubal Early Drive for access to/from the Hampton Inn and KFC restaurant. The University would be covering the expense of all improvements and dedicating some new right of way as depicted on the Millwood Avenue Public Improvement Plan exhibit included with the vacation/conveyance request. These improvements would be in lieu of compensating the City on either a per-square-foot or lump sum basis for the 64,326 square feet (1.48 acres) of land requested for conveyance from the City to the University. After netting out the 7,404 sq. ft. of land for a continuous right-turn lane on Jubal Early and the 4,131 sq.ft. of land for new University Drive right of way, the net acquisition of land by the University totals 52,791 sq.ft. (1.21 acres).

Smaller conveyances are also included with the University's request. This includes 2,265 sq.ft. of Millwood Ave right of way proposed for conveyance to J.L Megale & T.N. Liverman LLC (the owners of the Beltone property) and 1,753 sq. ft. of Millwood Ave to FLC & Brothers Rebel, Inc. and FLC & Brothers Motel, Inc. (the owners of Edwards Village).

Separate, but related to this Vacation & Conveyance request is a proposal to relocate University Drive within the area of Jim Barnett Park situated between the O-B Theater and the former Armory. Shenandoah University is proposing to establish stormwater management improvements on the portion of parkland not otherwise encumbered by the new segment of University Drive or the remaining private roadway network across parkland that would need to be retained in order to provide interparcel access for the Beltone property which would otherwise lose full left- and right-turn access to/from existing Millwood Avenue. The plans for landscaping and interparcel access in this area have not been fully developed yet.

Significant improvements to public safety, particularly for bike and pedestrian modes of transportation are included with the project. The new signalized intersection of Millwood and University Dr will include a safe crossing point for the Green Circle Trail. The project links the existing trail to this crossing and also extends the trail down the west side of Millwood Avenue (currently Apple Blossom Drive) in front of the Hampton Inn.

Safety is also enhanced consistent with the City's adopted Comprehensive Plan by the conversion of full driveway accesses to instead being right-in/right-out only. Reconfigured access for the Allen Properties parcels (motel and office building) as well as the Edwards Village and Sheetz properties is included by means of interparcel access connecting to the new signalized intersection at University Drive and Millwood Ave.

Extensive easement agreements will need to be negotiated in conjunction with the proposed vacation and conveyance proposal. Letters of support have been received from most of the owners of affected property. There are small dedications of public right of way across from the new University Drive intersection that are proposed in order to facilitate the new intersection design. There is also a small amount land dedication to the City from Mayflower Apple Blossom LP (the owner of the small parcel containing the Apple Blossom Mall sign within the triangle north of Jubal Early Drive).

City Council approved the resolutions pertaining to the geometry roadway plan, and the Commonwealth Transportation Board approved the modification to access limit lines along Jubal Early Drive and a request for conveyance of VDOT-owned right of way.

Commissioner Carroll asked what specifically was going in the spot of the vacation.

Mr. Youmans said the University was updating a landscaping and master plan, so at this time there is not a specific proposal.

Mr. Youmans stated that if the section of Millwood Avenue is vacated today, there will still need to be access easements for the Belltone property, the Simon mall sign property, and the University's communication center, so a good portion of the right of way will still exist as travel way, but as a private road maintained by Shenandoah University instead of the City.

Commissioner Carroll stated that in the proposal, it appeared that safety was an overarching thing. He asked if there had been any study done as to what a new turn movement would do and if it would impact traffic or safety in a negative way.

Mr. Youmans said that there had been a detailed analysis in terms of the existing and projected traffic volumes with and without the change and specifically with the scenario that calls for the continuous right turn lane.

Mr. Youmans said that there has also been detailed engineering done in terms of traffic movement and a newly signalized intersection and better alignment of University Drive.

Commissioner Correll stated that he knew that there had been studies done concerning traffic flow, but had there been any extrapolation as to how that would affect any potential increases in traffic accidents for example, or anything of the like.

Mr. Youmans said that there had been study of it in terms of the reduction of the likelihood, and that is what this is based on, the estimation of the reduced conflict points.

Mr. Youmans, referring to the overhead PowerPoint, outlined the area of Apple Blossom Drive and Millwood Avenue and the traffic patterns. He said that the proposed changes would improve safety in this area, and remove the confusion that occurs for tourists as they attempt to negotiate this major merge point into the City.

Commissioner Carroll asked if there was a wealth of accidents in the University Drive/Millwood Avenue area.

Mr. Youmans said that the study had included a three year analysis of the types of crashes that occurred in the entire study area.

Commissioner McKannan asked Mr. Youmans what the time frame was for the completion of University Drive/Millwood Avenue.

Mr. Youmans said that that was unknown at this time. Mr. Youmans stated that there was a portion of Millwood Avenue that VDOT claimed it owned instead of the City and one of the resolutions was to initiate that process of securing that ROW from the Commonwealth.

Mr. Youmans said that the Commonwealth also controlled an access restriction line along the boundary of Jubal Early Drive so introducing a turning lane there, and a right in/right out, between the Hampton Inn and Kentucky Fried Chicken, required specific action of the Commonwealth's Transportation Board.

Mr. Youmans stated that with all of those moving parts, they do not know the timeframe of when that would occur. He said that the agreement between the University and the City would call out something longer than one year time frame which is what the State allows in a ROW vacation. If the property owner does not proceed with the project within the twelve month period, the State code speaks to a voiding of the ordinance.

Mr. Youmans stated that it was known that it would take more than one year for the University to implement all of this, so Council will decide beyond one year how much time that want to allow for all of this to occur.

Commissioner McKannan stated that essentially all of these other pieces would have to fall into place before Millwood would be closed down.

Mr. Youmans said that was correct and that he didn't want to speak in the terms of the logistics, and that obviously there would be a point where there will be barricades but as to the exact sequencing of events, generally it will be the ability to come into the City either on Millwood or Jubal Early Drive.

Commissioner McKannan asked Mr. Youmans what will happen if all the pieces aren't in place after one year.

Mr. Youmans said that the agreement can become void, but all the conditions and stipulations as far as who does what, is being drafted into the agreement with the University.

Mr. Youmans stated that the University was able to secure letters from all of the adjoining property owners who are affected by this, and were received by City Council.

Mr. Youmans referred to the overhead PowerPoint to outline other smaller properties that would be involved in the request and who would have to dedicate land.

Chairman Shore asked Mr. Youmans to remind the Commission what elements of the Comprehensive Plan apply to this request.

Mr. Youmans referenced President Fitzsimmons letter that could be found in the packet on page 12.

In this letter were three bullets that spoke to the elements in the Comprehensive Plan, which Mr. Youmans explained to the Commission.

Chairman Shore stated that that, in his opinion, was the only focus that the Commission needed to address, whether or not this plan is doing that. He said that if it is, then the Commission should approve the request.

Chairman Shore said that he understood that others had thoughts and ideas about this process, but as Planning Commissioners these were the only things that they were being asked to do.

Commissioner Correll stated that the Comprehensive Plan also contains a map of future areas and asked if it were true that the map specifically references the subject area for development.

Mr. Youmans said that it calls it out as a redevelopment area, but not all of it.

Commissioner Carroll asked Mr. Youmans to show the Commission the portion that is called out for redevelopment on the overhead PowerPoint.

Mr. Youmans pointed the area out to the Commissioners.

Mr. Moore added the map shows a different physical alignment than exists today. He said that while the physical alignment in the character map is not exactly what is being proposed in this request, it does show that there is a call for a different alignment than is existing, so there is also consistency in that the Plan is calling for an adjustment.

Mr. Youmans said that beyond that the MPO recently adopted the updated long range transportation plan which included the City's endorsement of what Shenandoah University is specifically calling for here, which is yet another document subsequent to the 2011 adoption of the Comp Plan, the updated MPO Plan specifically references the proposal by Shenandoah University.

Commissioner Slaughter stated that this was a complicated plan and many factors that go into the decision making that Council will have to weigh. He said that he appreciated Mr. Creamer's thoughts as he alluded to come of those. But as far as the Commission is concerned, we are looking at the Comprehensive Plan and how this relates to what is being proposed.

Commissioner Slaughter said that while no plan is ever perfect, he sees is that there is much to gain in terms of the Comprehensive Plan and very little lost. He said that if he were to look at the before and after of this request, the after is much more desirable and he would be inclined to support this request.

Commissioner Smith moved that the Commission forward SV-12-302 to City Council recommending approval with conditions because the request is consistent with the Comprehensive Plan. The recommendation is subject to:

- 1. Establishment of access easements and utility easements for existing utilities situated within the existing public right-of-way including City utilities such as water and sewer, as well as private service utilities including electric, telephone, gas, and CATV, and easements for needed drainage (both surface and subsurface);*
- 2. Compliance with an Agreement between the City and Shenandoah University outlining the roadway and other improvements to be undertaken by the University in lieu of compensation otherwise to the City for the conveyed right of way; and,*
- 3. Submission and approval of a Minor Subdivision and recordation of a plat depicting the vacated right-of-way being assembled in with the adjoining properties*

Commissioner Wiley seconded the motion.

Commissioner Carroll stated that as the Planning Commission they are charged with the statutory duty of health, safety, welfare and convenience. He said that right now there is no specific plan as to how SU plans to redevelop this area and what will be in place there. He does not feel that it will alleviate the issues.

The motion passed (5-1-1) with Commissioner Carroll opposed, and Commissioner Beatley abstaining.

Motion to recommend granting an exception per Section 8-1 of the Land Subdivision Ordinance to provide relief of the driveway spacing standards in Section 2-2-32.1 for a right-in/right-out driveway along E. Jubal Early Drive between S. Pleasant Valley Rd and Apple Blossom Drive.

Commissioner Beatley excused herself from this case.

Mr. Youmans, referencing items on the overhead screen, stated that along Jubal Early Drive to the West, there is a proposal to create a right in/right out serving the Hampton Inn property and KFC restaurant. He said that in doing so, it would not meet the subdivision standards for 300 foot spacing between the closest right of way to the east (Apple Blossom Drive) nor would it meet the 300 foot standard from the proposed driveway opening to the west where Pleasant Valley Road and Jubal Early Drive is.

Mr. Youmans said that there is provision in the land subdivision ordinance that allows Council to grant exceptions of those dimensional requirements based upon a written recommendation from the Planning Commission. He said that there is no requirement to hold a public hearing at either Planning Commission or City Council level. Mr. Youmans said that this was designed so that it could be heard on a case by case basis.

Mr. Youmans stated that staff would not support a request for full access turns, which means that it would require a left hand turn toward I-81 or lefts from Jubal Early Drive to come into the site. He said that because this is a right in/right out with no break in the median, staff will support it.

Mr. Youmans said that this request had been before the Planning Commission about 12 years ago and at that time recommended approval.

Mr. Youmans referred to the overhead to outline the area being discussed.

Mr. Youmans stated that the reason they are seeking this action from Council is because the distance is short of the required 300 feet. He said that this is part of the larger Millwood Avenue conversion but also something that had been presented in an isolated fashion many years ago.

Mr. Youmans said that there was no staff report for this and that the Commission could motion both to support this and forward to City Council or not.

Chairman Shore asked for clarification for the term used in the last action concerning something that the State maintains is their right. He asked what the term was that Mr. Youmans used.

Mr. Youmans said that staff is requesting a modification to the access restrictions which VDOT secured when Jubal Early Drive was originally Apple Blossom Drive; there were restrictions for any private driveways to come off, other than where it was already existing.

Mr. Youmans said that along the entire stretch from Perkins to Pleasant Valley Road there are no driveway cuts except for the one serving the existing site located at the old Gillam Lumber, which is a right in/right out turn with no median cut.

Chairman Shore said that he had driven that stretch of road and he wondered how many rear end accidents there could be, especially initially, as people get used to the new traffic pattern. He asked if that was of any concern to the City.

Commissioner Slaughter stated that he was concerned about people trying to make a left on to South Pleasant Valley.

Mr. Youmans said that VDOT would be scrutinizing the safety aspect of this request very closely before they grant permission.

Referring to the overhead photo, the Commission and Mr. Youmans discussed the traffic pattern of the area.

Mr. Youmans stated that they envision this access serving people who need to go to the Hotel and KFC from Interstate 81, rather than people trying to get to the interstate.

Commissioner Wiley moved, seconded by Commissioner McKannan, recommended granting an exception per Section 8-1 of the Land Subdivision Ordinance to provide relief of the driveway spacing standards in Section 2-2-32.1 for a right-in/right-out driveway along E. Jubal Early Drive between S. Pleasant Valley Rd and Apple Blossom Drive.

The motion passed (6-1) Commissioner Beatley abstained.

Resolution to initiate: **TA-12-227 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF AND APPOINTMENT OF THE ZONING ADMINISTRATOR.**

City Manager Iman said that the City is in the process of recruiting a Zoning Administrator and part of that process is to review all ordinances relative to the Zoning Administrator position. He said that while doing this, they found areas of the code that were deserving of attention.

City Manager Iman said that this proposed amendment would address two issues that have been overlooked in the past. He said that one part would change the appointment authority for the Zoning Administrator position from City Council to the City Manager. City Manager Iman said that this was consistent with the Council Manager form of government that is followed in the City of Winchester and also consistent with the appointment of all other department directors and staff of City.

City Manager Iman stated that it also addresses the antiquated language that says that the Zoning Administrator may serve without compensation. He said that this is very old language and is not consistent with current practices; therefore it would be wise to deal with it by deleting it.

Commissioner Slaughter moved, seconded by Commissioner Smith, to initiate AN ORDINANCE TO AMEND AND REENACT ARTICLES 1 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF AND APPOINTMENT OF THE ZONING ADMINISTRATOR.

The motion passed unanimously.

Discussion – Corridor Enhancement Districts

Mr. Youmans referred to the overhead graphic of the CE that was presented at the worksession the prior week, outlining the current district and the proposed new districts.

Mr. Youmans stated that the Commissioner requested guidance on priorities for the Districts, and staff suggested since the intent of the overlay zoning is to specifically address corridors of significant tourism access.

Mr. Youmans recommended that the Millwood Avenue corridor not be included in the new district at this time due to the request of Shenandoah University.

The Commissioners discussed the pros and cons of implementing a CE district for Millwood Avenue before the Shenandoah University request was finalized.

City Manager Iman stated that he was probably responsible for Mr. Youmans request in delaying because he felt that the timing was not good. He said that his thought process was that people can only deal with so much controversy, change, and meetings at one time and will become less receptive to any possible changes and will turn themselves off.

City Manager Iman felt that addressing a new CE district now, with more debate and discussion, would be counterproductive.

City Manager Iman said that the realignment project likely would not begin before this time next year, so it would be an ongoing process and he would like to see the area settle and see how the road system looks then come back and do the enhancement district. He felt that this was a better approach and address Berryville Avenue where they know they have work to do as well.

City Manager Iman said that he didn't see it as a big issue as both corridors needed to be addressed and that it was just a matter of timing.

Commissioner Slaughter asked if by going through with the CE, they would then be able to hold peoples feet to the fire to hold up to the standard, which in turn may make people more supportive of the project as a whole.

City Manager Iman said that it could be hard to tell and didn't know.

Chairman Shore asked if the City had any input on the aesthetics?

City Manager Iman said that Shenandoah was just getting to know what the boundary lines would look like, in terms of the property they would have to work with for landscaping and beautification. He said that that was the next phase and that this discussion has come up at the Council level and they are very interested in seeing the final design, and they are fairly comfortable that the University will do the right thing.

City Manager Iman said that Council will hold Shenandoah to the fire and make sure they do it. He said that there is a development agreement in the process that will address many of those issues.

Chairman Shore asked if there was any agreement with SU and the City concerning large scale buildings.

City Manager Iman said that he was not aware of any.

Chairman Shore asked Mr. Youmans if there were any agreements.

Mr. Youmans said no.

Chairman Shore said that that was where he saw that having a corridor enhancement district in place would be helpful.

Commissioner Carroll asked if there was a way to divide the Millwood area up and set standards to act as a test. He said that it seemed that there was less of a notice issue since there were fewer adjoining property owners.

Mr. Youmans agreed that there were fewer property owners in that segment because of the complicating factor of the Millwood diversion. He said that once they get to it, it won't take anywhere near as much time as the Berryville corridor.

Commissioner Carroll asked about the process and time frame this would take. Mr. Youmans explained this to him.

Chairman Shore said that he felt they were spinning their wheels because they know what the City Manager's position is, which the City's position is so he felt it was time to move on.

Chairman Shore asked the Commissioner's if staff could move ahead with Berryville Avenue, to which they agreed.

Commissioner Carroll felt that it would be better to address this matter sooner rather than later.

Mr. Youmans stated that staff would come back next month

Discussion – Temporary Sign Provisions

Mr. Youmans gave the Commissioners a matrix of the existing sign provisions and explained it to them.

Mr. Grisdale stated that this was a discussion worth starting as it was difficult to enforce. He said that banners were not addressed outside the CE district and it made it hard so he would like to see an overall consistent plan to include the historic district.

Commissioner Slaughter suggested creating a booklet to share with applicants outlining the regulations, making it more difficult for them to plead ignorance.

Mr. Youmans stated that there was a brochure for businesses in the Planning & Zoning office.

Mr. Youmans stated that something that was across the board was that signs were not permitted in the right of way.

Mr. Youmans defined what the right of way was and the difficulty it can present to the inspectors when they are removing them.

City Manager Iman said that one tool that he had seen useful in addressing signs; for the most part the sign industry is full of nice people who try to make a nice product, but it isn't always the case. He said that if you can incorporate language into an ordinance that puts the responsibility on the sign company it's effective.

City Manager Iman said that it's effective because the City keeps in touch with the sign companies; Mr. Grisdale had recently sent a notice to a sign company about wind socks. He said that the sign companies will keep putting them out as long as there is no responsibility on their end.

City Manager Iman said that while most are responsible, it will not address everything because there are a lot of signs that people just buy and put out. He said that if a hook can be placed in the ordinance it would help keep the sign companies in compliance.

Commissioner Wiley suggested looking at other jurisdictions for ideas.

City Manager Iman suggested looking at the APA as well.

Chairman Shore said that when he had served on the BAR that signs companies would produce signs that were too big or just not appropriate colors for the historic district.

Commissioner Slaughter asked if there were any complaints from the business community about the current guidelines.

Mr. Grisdale said no, the only comments that staff here are about signs in the CE district, along Valley Avenue, because banner sizes and such are more restrictive.

Mr. Grisdale said that his key focus would be the quantity and size limitation per property.

Chairman Shore asked Mr. Youmans what the next step was.

Mr. Youmans said that staff would come to work session with a proposal/analysis to see if they are heading in the right direction.

Mr. Youmans said that they would concentrate on the B-1 District, and the B-2, CM-1, M-1, and M-2.

ADJOURN

With no further discussion, the meeting was adjourned at 4:40 p.m.

Dave Shore, Chairman