

**PLANNING COMMISSION
MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, July 21, 2009 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Masters, Adams, Talley, Shore, Weber (5)
ABSENT: Sublett and Wiley (2)
STAFF: Moore, Diem, Van Diest
VISITORS: None

CALL TO ORDER

Chairman Masters called the meeting to order at 3:01 p.m.

APPROVAL OF MINUTES

Commissioner Weber moved to approve the minutes of the June 16, 2009 meeting as presented. The motion was seconded by Commissioner Adams.

Motion passed 5-0

CORRESPONDENCE

Planner Will Moore presented a revised diagram for draft 7 of the text amendment regarding Minimum Required Off-Street Parking.

CITIZEN COMMENTS

None

REPORT OF FREDERICK COUNTY LIAISON

A Frederick County Liaison was not present at the meeting.

PUBLIC HEARING – Continued

A. TA-09-89 AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MINIMUM REQUIRED OFF-STREET PARKING

Zoning Administrator Vince Diem stated the text amendment came about to address the concerns that change of use in existing buildings should not be held to the higher stringent parking requirements. Some of the provisions include requiring no additional parking or requiring a minimum of 80% of the required off-street parking depending on the change in use and whether or not an enlargement of the existing structure is required. The amendment also provides for administrative approvals due to space limitations not permitting additional parking, available on street parking, and additional parking requiring the partial or whole demolition of an existing structure. In looking at the City's attempt to

go green, staff is also considering increasing the uses for time shared parking arrangements, changing specific parking ratios with the current change in uses, and changing or expanding the current parking exempt area. Bonuses or a percentage of reductions for areas in proximity to Transit stops are also being considered.

Mr. Moore presented a proposal to change and expand the current parking exempt area in the city. The current parking exempt ordinance lists particular streets and sections of streets by text. Part of the goal is to create a boundary outlining the exempt area and include this as a graphic. The new parking district "A" would consist of the current exempt area with slight extensions on the west (Boscawen Street) and south sides. The new parking district "B" would be a 50% exempt area extending south in the RB-1 and B-1 districts and westward along the B-1 district toward the Amherst corridor.

Mr. Diem stated once this amendment is complete, staff could work in a separate effort towards setting a maximum cap on parking to address concerns discussed at previous meetings.

Mr. Shore asked what was meant by this.

Mr. Diem explained that some Commissioners had asked that staff look into not only revisions to the minimum amount of off-street parking required, but also the possibility of regulating the maximum amount to avoid massive amounts of paving.

Chairman Masters announced that the public hearing was still open from last month and asked if anyone wished to address the Commission on this matter.

No one spoke regarding the proposed amendment.

Chairman Masters closed the public hearing.

Chairman Masters asked if there is a limit to the number of reductions that would prevent it from getting to zero parking required. Mr. Moore stated that the reductions are generally cumulative, although there are certain limitations in the cumulative reductions available in Section 18-6-6.3.

Chairman Masters asked the Commission and staff for their thoughts about the Planning Director's ability to waive requirements as compared to the Planning Commission.

Mr. Moore stated that the question was previously asked of Planning Director Tim Youmans and that he had stated he was comfortable with the proposal based upon the criteria called for in considering waivers.

Commissioner Adams asked what would happen if there were no Director of Planning. He stated it appears that everything is moving toward streamlining the process, but he wants to make sure someone is there to provide the authorization.

Mr. Moore stated that Council would most likely appoint an interim Director in the absence of a permanent one.

Commissioner Shore expressed his concern that, although it may not happen anytime soon, eliminating parking will put more stress on the residential areas. Citizens will not want to park two blocks from their house because the businesses are using the on street parking.

Mr. Diem explained that a small business owner with limited capital is not going to want to go through a site plan and paving a parking lot on a new business. If we are trying to be business friendly, this might help ease the process for those who want more of a turn key operation. As the business becomes more successful, the owner may want to move to a new location with more parking or where it can be created.

Chairman Masters asked, as an example, if the White Property storage could be changed into a restaurant.

Mr. Moore stated that regardless of its location in the proposed 50% exemption area, this particular property would probably benefit from the complete exemption in providing additional parking that is provided for changes of use as outlined on the first page of the ordinance.

Commissioner Shore stated that in order to become more business friendly, we are becoming more residential unfriendly.

Commissioner Weber asked as to the rationale of including the Amherst Street corridor.

Mr. Moore stated that it was following the western extension of the B-1 district along Boscawen and Amherst streets, although some Commissioners comments have now indicated that they would prefer it to not extend so far to the west.

Chairman Masters asked how much of a hurry there was to send this to Council.

Mr. Diem stated that Council assumed it would take 3-4 months when they initiated it and sent it to the Commission in June.

Chairman Masters stated that she would like to table it and revisit it again next month because this is a huge undertaking.

Commissioner Weber moved to table the text amendment until the next meeting. The motion was seconded by Commissioner Shore.

Motion passed 5-0

NEW BUSINESS

A. Motion to Initiate - TA-09-87 AN ORDINANCE TO AMEND SECTION 18-1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CERTIFICATES OF OCCUPANCY FOR BUSINESSES AND HOME OCCUPATIONS

Mr. Diem stated that it has recently been discovered that a number of businesses within the City have either failed to remit payment for their assessments or other tax-related fees, while continuing to maintain an active business license and Certificate of Occupancy for Business or Home Occupation. Individually, the sum of revenue owed to the City may be insignificant; however, the cumulative total of the amounts owed to the City by businesses operating in a similar manner is noteworthy. As we look at the expenditures in the city and where we can cut back, we also need to look at revenue shortfalls. This amendment will help to address the shortfalls. There is legislation in the Code of Virginia to support the amendment.

Commissioner Weber moved to initiate the text amendment and place it on the August 2009 agenda for public hearing, as it represents good planning practice and establishes equitable processes and requirements for all business and home occupation owners/properties. The motion was seconded by Commissioner Adams.

Motion passed 5-0

B. Administrative Authorization:

1) **SP-09-65** Artz & Associates 2275 Valor Dr Valor View Shopping Center

Commissioner Weber moved to grant authorization to SP-09-65. The motion was seconded by Commissioner Shore

Motion passed 5-0.

ADJOURN

With no further business to discuss, the meeting adjourned at 4:05 p.m.

Susan Masters, Chairman