

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, June 21, 2011 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Adams called the meeting to order at 3:00 pm.

PRESENT: Chairman Adams, Vice-Chairman Shore, Commissioners Beatley, McKannan, Slaughter, Talley, and Wiley (7)
ABSENT: None (0)
EX-OFICIO: Councilor Tagnesi and City Manager O'Connor
FREDERICK CO LIAISON: Commissioner Mohn
STAFF: Youmans, Moore, Diem and Walsh
VISITORS: Stephen Arnold, Richie Pifer, Tim Painter, Dale Massey, Ty Lawson, Blanca Lopez, Mary Baldwin, Ferdinand Myer and Clark Neff.

APPROVAL OF MINUTES

Commissioner Talley moved to approve the minutes of the May 17, 2011 meeting as presented. The motion was seconded by Vice-Chairman Shore and approved unanimously..

CORRESPONDENCE

An addendum packet was presented that included the following:

- Item 2A RZ-11-274 – revised staff report, draft ordinance & proffer statement
- Item 2B CU-11-272 – revised staff report
- Item 2D CU-11-289 – revised staff report

CITIZEN COMMENTS

None

REPORT OF FREDERICK COUNTY LIAISON

Commissioner Mohn of the Frederick County Planning Commission stated that several items were reviewed at the last Commission meeting. The Commission considered a review for the Round Hill storage water tank and found it in conformance with Comprehensive Plan. Requests for a telecommunications tower and rezoning for quarry located in Clearbrook were tabled. In August, the Commission will be ready for a kick-off meeting for the eastern Frederick County land use plan for the Redbud and Shawnee Districts.

PUBLIC HEARINGS

A. RZ-11-274 AN ORDINANCE TO CONDITIONALLY REZONE 1.06 ACRES OF LAND AT 201 SPRING STREET (*Map Number 233-08-41*), INCLUDING A PORTION OF VACATED RIGHT-OF-WAY, FROM MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT; AND TO REVISE PROFFERS ASSOCIATED WITH CONDITIONAL B-2 ZONING AT 222 SPRING STREET (*Map Number 253-01-8A*). The Comprehensive Plan calls for new commercial development with safe and convenient access while preserving the character of housing in the adjacent Greystone Terrace subdivision.

Mr. Youmans presented the request which was a combination of a newly proposed conditional rezoning from residential to commercial of a vacant tract of land situated between the rear of two Greystone Terrace residential lots and the CSX railroad, along with a modified list of proffers associated with land at 222 Spring Street which was conditionally rezoned from residential to commercial back in 2000.

None of Spring Street adjoining the southern boundary of the Deaner/Neff and Allen residential properties on Greystone Terrace has been proposed for vacation and conveyance to date. The plan still calls for these areas to be vacated and replaced with a standard cul-de-sac at the southern terminus of Greystone Terrace, with no non-emergency vehicular connection between Greystone Terrace and the newly aligned Spring Street connecting down to the signalized intersection of Pleasant Valley Rd at the K-Mart entrance.

The 4.7 acre parcel (222 Spring St) that is the subject of revised proffers formerly contained the Shokes residence and had been conditionally rezoned to B-2 by City Council on March 14, 2000. Land immediately to the south of that property comprises a 3.09 acre parcel which is unconditionally zoned B-2 and is also owned by JDC. This B-2 zoned parcel has approximately 138 feet of frontage along S. Pleasant Valley Rd between the B-2 zoned K-Mart and Jiffy Lube sites. The Winchester Wheels lot and the Jiffy Lube lots to the east are already zoned B-2 as is the Horizon GoodWill Industries site to the northeast. Land across the CSX railroad to the west is zoned CM-1 and contains industrial uses along the east side of Commerce Street.

The applicant voluntarily agreed to a number of proffers which directly relate to and mitigate the impacts of commercial land use adjacent to the adjacent residential neighborhood. Other proffers directly address the potential traffic impacts caused by additional traffic generation and interconnectivity of Spring Street with Millwood Avenue and S. Pleasant Valley Road.

The rezoning now incorporates the northern half of the former Spring Street right-of-way and the 0.8-acre property north of former Spring Street. The second major change is that the proposed rezoning specifically references commercial developments connecting to the recently dedicated Spring Street right-of-way rather than the securing of an ingress/egress easement across a part of the Kmart property in order to provide access at the signalized intersection on Pleasant Valley Road.

Chairman Adams opened the public hearing.

Ty Lawson, attorney representing the applicant, explained that this request is consistent with the Comprehensive Plan. Revisions were made based on comments made at the June worksession. The applicant is willing to install plantings for screening, even install and opaque fence. He stated that he was available for questions.

Clark Neff a resident of Greystone Terrace stated that the residents of the neighborhood have not had an opportunity to review this proposal. At a glance, it did not appear to have proffers concerning dumpsters,

parking buffer or restrictions on building area depicted on this plan. He asked to see a 50 ft buffer behind the houses. Originally, it was discussed that section of property would remain green space. What is being requested has changed a lot from the last request.

Chairman Adams closed the public hearing.

Commissioner Wiley asked if there was any way to flip the cul-de-sac to the west so that there would be more room for it. As it is, it is a tight fit.

Mr. Lawson explained that green area would be affected if the cul-de-sac is changed. The current plan would minimize the impact on existing trees.

Tim Painter of Painter-Lewis PLC, added that there is nothing to say that it cannot be changed. This way was less of an impact on trees and greenspace.

Chairman Adams stated that the original rezoning had the 50 ft no build buffer 75 ft no parking buffer and 100ft building height restriction. It seemed that the residents are losing 75 ft. He asked what the residents got in return.

Mr. Youmans stated that they will be losing 25ft of the 75ft no parking buffer. They will be getting restrictions on building that did not exist before but parking would be allowed. The proffers would double the setback for structures. The initial plan would have allowed a structure to be built within 25 ft of the building line.

Chairman Adams stated that when fences are not maintained, they fall down. He asked who would be in charge of maintenance.

Mr. Youmans explained that it could be made a condition of the site plan. However, if destroyed by emergency personnel it would be city's responsibility to rebuild it.

Chairman Adams stated that it was clear that this area was intended for commercial development. The proffers would minimize the impact on the residents.

Commissioner Slaughter moved that the Commission forward RZ-11-274 to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-11-274, Prepared by Winchester Planning Department, June 13, 2011" because it inadequately protects adjacent residential property as worded in the attached proffers received June 21, 2011, and as depicted on the attached rezoning exhibit entitled "Exhibit "B" Rezoning Proffer Exhibit, Winchester Marketplace, JDC Winchester, LLC" prepared by Painter-Lewis, P.L.C. and dated May 9, 2011 and revised June 21, 2011.

The motion was seconded by Commissioner Talley

Motion passed 7-0.

- B. CU-11-272** Request of Blanca Lopez dba Perlita's Mexican Restaurant for a conditional use permit for nightclub use at 101 Weems Lane (*Map Number 271-04-101*) zoned Highway Commercial (B-2) District.

Mr. Moore presented the request to expand the use and occupancy of an existing restaurant to include activities consistent with the definition of nightclub at 101 Weems Lane.

Within her letter May 9, 2011, Ms. Lopez expressed her interest in operating a nightclub within the existing Perlita's Mexican Restaurant. She requested to operate the nightclub use on Thursday and Sunday nights until midnight, and on Friday and Saturday nights until 2:00AM. Other nightclub permits approved in the immediate vicinity include Buffalo Wild Wings at 5 Weems Lane and Mi Ranchito Restaurant at 2018 S. Loudoun St. Neither of these permits included conditions pertaining to the number of nights per week for nightclub use and both required the nightclub use to end no later than 1:30am on any night. This request differs somewhat in that there are residential uses in closer proximity.

Staff requested input from the Police Department, Treasurer and Commissioner of Revenue on the request. The Treasurer has indicated no issue with the request. As of June 14, 2011, staff is still awaiting responses from the Police and COR.

Chairman Adams opened the public hearing.

Blanca Lopez, owner of Perlita's pointed out on the floor plan where the entertainment would be set up. She asked that the request be approved.

Mary Baldwin, a resident of Jigsaw Place, explained that the area around the restaurant is mostly residential, stating that noise would be a problem. She brought with her signatures of other residents opposing the request. The area used to be called Drug Alley and feared that this type of use would bring back those elements. Children ride their bikes through there and residents like to enjoy their homes in the evenings. She also feared that having the nightclub there would prevent her from getting potential renters.

Chairman Adams closed the public hearing.

Mr. Moore pointed out that all houses adjacent to Perlita's are in B-2, Highway Commercial District and are non-conforming. Jigsaw Place is a couple of blocks from the subject property.

Chairman Adams added that nightclub use means amplified music after 10PM. The restaurant has been selling alcohol for some time and this request would not change that.

Vice-Chairman Shore moved that the Commission forward CU-11-272 to 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. Review after six months and re-approval every three years thereafter;*
- 2. The applicant taking into consideration the concerns of all of the neighbors and addressing them as they come up;*
- 3. A maximum of three (3) criminal offense police calls per month within or attributable to the establishment, after which the permit may be subject to revocation;*
- 4. At no time shall the sound emanating from the use as measured from an outside wall or party wall exceed 75 dBA;*
- 5. All windows and exterior doors to remain closed during nightclub use and no aspects of nightclub use to occur outside the building;*
- 6. Nightclub use to end no later than midnight Sunday through Thursday, and no later than 1:30AM Friday night/Saturday morning and Saturday night/Sunday morning;*
- 7. Strict compliance with all local and state laws, especially those pertaining to ABC licensing and payment of meals tax, admissions tax, and annual business licenses;*

8. *The CUP expires automatically if the nightclub use ceases for more than one year. If the business changes ownership the CUP is subject to review; and,*
9. *The applicant is responsible for cleaning up the area around the business after closing and maintaining it free of litter and debris.*

The motion was seconded by Commissioner Wiley.

Motion passed 7-0.

C. RZ-11-276 AN ORDINANCE TO REZONE A 0.82 ACRE PORTION OF LAND AT 1804-1850 ROBERTS STREET FROM LIMITED INDUSTRIAL (M-1) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT.

Mr. Youmans presented the request to rezone, without proffers, the western portion of the parcel currently known as 1804-1850 Roberts Street along the north side of W. Jubal Early Drive. The rezoning from M-1 to B-2 would allow for incorporating the undeveloped area into the adjoining vacant land for development as a commercial center.

The Comprehensive Plan calls for interconnected commercial development using right-in/right-out access to W. Jubal Early Drive. The applicant intended to resubdivide the subject area such that it would be carved off of the current property and assembled in with 1811 Roberts Street, a redevelopment tract to the west that will be known as Roberts Street Plaza. That property would be served by a right-in/right-out connection to westbound Jubal Early Drive. The commercial development would also be interconnected with 1804-1850 Roberts Street and have access to Bellview Avenue.

Commissioner McKannan recused himself.

Chairman Adams opened the public hearing.

Richie Pifer stated that Mr. Youmans explained it well, he had nothing to add. He stated that he was available for questions.

Chairman Adams closed the public hearing.

Commissioner Slaughter stated that it is his understanding that the existing lot already has access to Jubal Early. He asked about the new design and if VDOT would be handling it.

Mr. Youmans explained that VDOT controls the access restrictions to the street. Right in/right out access had already been negotiated.

*Commissioner Wiley moved that the Commission forward rezoning request **RZ-11-276** to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-11-276, Prepared by Winchester Planning Department, June 13, 2011" because it is consistent with the newly adopted Comprehensive Plan and supports economic development.*

The motion was seconded by Vice-Chairman Shore

Motion passed 6-0 (Commissioner McKannan abstained).

D. CU-11-289 Request of Dale Massey dba Piccadilly's Public House & Restaurant for renewal of a conditional use permit for nightclub use, to include the addition of outdoor entertainment, at 121-125 East Piccadilly Street (*Map Numbers 173-01-P-7 & 8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Mr. Moore presented the request for renewal of an existing conditional use permit for nightclub use at 125 E. Piccadilly St. Additionally, the applicant was requesting expansion of the scope of the permit to allow for outdoor entertainment in the newly constructed patio area at 121 E Piccadilly St.

The applicant indicated in writing to both renew the existing conditional use permit and to request the addition of outdoor entertainment in the patio and deck area. The applicant indicated that he is in the process of purchasing the property where the outdoor uses are located from the current owner. He requests the outdoor entertainment aspect for special events no later than 11:00PM on weeknights and no later than midnight on weekends.

The business has operated nightclub use with an approved conditional use permit since 2005, to include one previous renewal.

This application is the first to request the allowance for outdoor entertainment during hours that constitute nightclub use. The business has hosted outdoor entertainment during earlier hours recently, and staff is unaware of any complaints regarding those events.

Staff requested input from the Police Department, Treasurer and Commissioner of Revenue on the request. The Treasurer has indicated no issue with the request. As of June 14, 2011, staff is still awaiting responses from the Police and COR.

Chairman Adams opened the public hearing.

Dale Massey explained that customers seem to enjoy being outside. They have had a good response so far. The idea is to have low key bands, a couple times a month.

Commissioner Shore asked if he had spoken with the owners of the George Washington Hotel.

Mr. Massey stated that they have a good relationship. They will not have an issue with the noise unless the guests are disturbed. He did not foresee that being a problem with his choice of music.

Commissioner Wiley asked if Mr. Massey would have issue with the three (3) month trial period. He stated that he would not.

Chairman Adams asked if ten (10) nights would be acceptable.

Mr. Massey stated that he did not foresee using that many. Ten (10) would be acceptable.

Chairman Adams closed the public hearing.

Commissioner Wiley stated that based on the establishments history, they are the perfect business to use as a model to see if outdoor entertainment will work. Three (3) months would be ideal because that will conclude the duration of the season.

Vice-Chairman Shore moved that the Commission forward CU-11-289 to 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. Review after three months and re-approval every three years thereafter;
2. The applicant taking into consideration the concerns of all of the neighbors and addressing them as they come up;
3. A maximum of four (4) criminal offense police calls per month within or attributable to the establishment, after which the permit may be subject to revocation;
4. A maximum of 10 nights per month of outdoor entertainment;
5. Outdoor entertainment to end no later than 11:00PM Sunday through Thursday, and no later than midnight on Friday and Saturday nights;
6. During outdoor activity, at no time shall the sound emanating from the use as measured from any point outside the subject property exceed 95dBA;
7. Indoor entertainment to end no later than midnight Sunday through Thursday, and no later than 1:30AM Friday night/Saturday morning and Saturday night/Sunday morning;
8. During indoor entertainment, at no time shall the sound emanating from the use as measured from an outside wall exceed 75 dBA;
9. During indoor entertainment, all windows and exterior doors to remain closed and no aspects of nightclub use to occur outside the building;
10. Strict compliance with all local and state laws, especially those pertaining to ABC licensing and payment of meals tax, admissions tax, and annual business licenses;
11. The CUP expires automatically if the nightclub use ceases for more than one year. If the business changes ownership the CUP is subject to review; and,
12. The applicant is responsible for cleaning up the area around the outside the business after closing and maintaining it free from litter and debris.

The motion was seconded by Commissioner Wiley

Motion passed 7-0.

Commissioner Wiley left the meeting.

E. TA-11-303 AN ORDINANCE AMENDING ARTICLE 15.1, STATEMENT OF INTENT AND ARTICLE 18, SECTION 18-8-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BUILDING MOUNTED SIGNS IN THE MEDICAL CENTER DISTRICT

Mr. Diem presented the request to modify both the Statement of Intent pertaining to the Medical Center (MC) District; and, the building mounted sign provisions for the MC District.

The Zoning Ordinance provisions pertaining to the Medical Center (MC) District, as well as, building mounted signage standards for the MC District have existed, with few modifications, since the late 1980's, when they were originally adopted. The initial set of standards for the MC District were the result of a privately-sponsored text amendment submitted by the Frank D. Cox Planning firm, located in Charlottesville, Virginia.

Obviously, the past 25 years have been represented by dramatic changes to the provision of healthcare and the physical development of the medical center campus located in the City of Winchester. As an example, the main hospital structure has continued to expand horizontally and vertically within that time; yet, remains inter-connected as one, large contiguous structure for interior mobility. The current Zoning Ordinance standards limit the amount of building mounted signage to no more than 100 square feet for each public street frontage. There are two key issues at stake with the existing ordinance language. First, the increased footprint of the building does not allow for any increase in building mounted signage; and,

secondly, the hospital only has two public street frontages, at best, if both Amherst Street and SR37 were considered. The access road that encircles the facility is a privately-owned and maintained street, which would not be considered as public street frontage under the current ordinance standards.

In an effort to address the inadequacy and ineffectiveness of these current standards, the Winchester Medical Center/Valley Health has contracted the services of FMG Design Group, Houston, TX for professional consultation and ordinance revision. The proposed amendments address the applicability of standards by further defining the Medical Center District within the Statement of Intent portion of Article 15.1; as well as, establish an improved building mounted signage allocation, which is based on *Effective Building Frontage* and *Actual Building Frontage*.

To further demonstrate their proposal, the applicant has included diagrams which are intended to be incorporated into the Zoning Ordinance for ease of understanding and more consistent interpretation. The applicant has also categorized allowable building mounted signage area, in relationship to sight distances, horizontally and vertically. Essentially, the proposal would allow for a brand or logo on the 24 - tallest portions of the building for increased visibility from further distances, while recognizing that major portions of the building should be recognized by their individual roles within the campus facility. Additionally, significantly smaller areas of signage would be allowed for the lower portions of the building that will be more apt to be identified by persons walking to and from the facility after parking their vehicles in an adjacent surface lot or garage structure.

Within their letter of intent, dated May 24, 2011, the applicant acknowledged the purpose of their proposal *“to facilitate the increased visitor and patient population...Increased safety, loss of stress and general vehicular and pedestrian traffic control can be greatly assisted with the Sign Standards Update.”* The Zoning & Inspections Administrator agrees.

Chairman Adams opened the public hearing.

Ferdinand Myer, the sign designer, explained that at a million plus square feet, the task of helping patients find where they need to go is a huge one. The idea is to break the campus up into a north and south section, using a sort of marquee sign to highlight the major sections and smaller directional signs to help navigate the campus. He explained that proper signs can mean the difference of life or death on a medical campus. Even local residents of Winchester have complained of getting lost trying to get to their appointments.

Chairman Adams closed the public hearing.

Commissioner Talley stated that considering the size of the campus improvements could be made.

Chairman Adams stated that he had no issue with the signage because the primary purpose is safety. However this text amendment required one motion to adopt the signage and the Statement of Intent. He explained that one (1) medical center is all the city will have; he did not see a justification to change the existing Statement of Intent.

Mr. Myer stated that it was his understand that it was needed because all other districts have required that sort of information. He was satisfied with eliminating those changes.

Commissioner Talley moved that the Commission forward TA-11-303, as identified in Draft 1, dated May 23, 2011, to City Council recommending approval, of the text amendments to Article 18, Section 18-8-9.1 of the Winchester Zoning Ordinance as the proposed modification will ensure safer vehicular traffic circulation, avoid confusion, added stress and delay; and, thus represents good planning practice. The Commission recommended denial of Article 15.1 Statement of Intent.

The motion was seconded by Commissioner Beatley

Motion passed 6-0.

F. TA-11-125 AN ORDINANCE TO AMEND SECTIONS 4-1, 4-2, 5-1, 5-2, 5.1-1, 5.1-2, 7-1, 7-2, 9-1, and 9-2; AND, ADOPT ARTICLE 13.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO COTTAGE HOUSING DEVELOPMENT DESIGN STANDARDS AND USE PROVISIONS

Mr. Diem presented the request to amend the Winchester Zoning Ordinance to incorporate provisions that would establish an opportunity for progressive development of undeveloped parcels within certain zoning districts to allow for expanded variety and choices of housing types in the City, while promoting sustainability.

Earlier this year, during the National Smart Growth Conference held in Charlotte, North Carolina, the Zoning & Inspections Administrator attended a worksession that focused on small house designs, pocket neighborhoods, and cottage housing types. Considering the limits of development and constrained potential for expanded residential housing opportunities, the Zoning & Inspections Administrator is proposing that this concept be formally adopted by the City of Winchester.

The strengths associated with Cottage Housing developments include: the ability to increase dwelling unit density, without increasing overall occupancy; the utilization of existing utilities and infrastructure without having to extend streets or utility service lines to newly expanded areas; the concept will not rely on pushing residential neighborhoods further away from the core downtown area; persons attracted to this type of housing choice will include young professionals and retired persons seeking smaller housing choices, without sacrificing quality of life; and, previously underutilized and undevelopable land can be redeveloped for additional housing choices and opportunities.

The weaknesses associated with Cottage Housing developments may include: less on-street parking readily available to the cottage neighborhood, as most parking will likely be provided at an identified off-street site within the limits of the development; shared open space with neighbors which may or may not be desired by all; cottage house designs are typically smaller in size and are limited to the number of persons that would occupy them (may not be suitable for large families); and, the developments may either require the assemblage of vacant parcels, or the utilization of vacant land that had historically been considered “common greenspace” enjoyed by neighboring property owners, albeit privately-owned.

The opportunities for Cottage Housing developments are generally limited to only those zoning districts specifically identified in the following text amendment proposal. However, several opportunities exist within the city to develop parcels that were previously considered inaccessible or land-locked for residential development, due to a lack of public street frontage. The City of Winchester has an opportunity to progressively enable a new concept in housing types for this region, as the idea has generally been applied and successfully adapted to in the Pacific Northwest.

The threats to Cottage Housing developments are perhaps more of a private-developer nature, as there is unknown data regarding the marketability of this housing type in the region. However, in conversations with Realtors and private citizens, there is some amount of public sentiment in support of the concept.

Mr. Diem read in a letter from the Director of the Disabled Veterans Community for Housing, recommending approval.

Chairman Adams opened the public hearing.

No one spoke regarding the amendment.

Chairman Adams closed the public hearing.

Commissioner Talley liked the idea. He stated however that he understood that it was more for the developer than the Commission to say whether they were handicap accessible.

Mr. Diem explained that they could be single story or story a loft but code requires that they be ADA compliant. It made the most sense to have the organization partner with a developer.

Commissioner Talley moved that the Commission forward TA-11-125 as identified in Draft 3, dated April 13, 2011, City Council recommending approval as the use provisions and development standards will further the objectives of promoting sustainability, increasing property values, and creating diversity in housing choices for residents in the City. All of which, represents good planning practices and is consistent with the proposed Comprehensive Plan objectives.

The motion was seconded by Commissioner McKannan

Motion passed 6-0.

3. OLD BUSINESS

A. TA-11-204 AN ORDINANCE TO AMEND AND REENACT SECTION 18-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME OCCUPATIONS

Referred back to the Planning Commission by City Council at its May 24, 2011 work session.

Mr. Diem shared a letter forwarded to Mr. Youmans by Janet Lizack opposing the amendment.

Mr. Diem explained that this item was referred back to the Commission by Council after they had an opportunity to review it at their last worksession. Modifications were made so Council wanted to give the Commission an opportunity to be familiar with those modifications and provide an opinion.

The modifications would require a CUP allowing no more than (1) other employee on the premises at a time, Off-street parking for three (3) vehicles be provided in addition to whatever is required by the Ordinance, and the square footage requirement for the accessory structure has been removed.

Commissioner Beatley asked if employees are limited to one (1) at any given time, why are three (3) off-street parking spaces needed.

Mr. Arnold explained that a client based business would need a space for the employee and clients to prevent traffic or use of other off-street parking in the area.

Commissioner Talley stated that he went to applicant's residence. Looking at this property there is more than adequate off street parking. It is directly across from Blue Ridge Electric, south of him is the old G&M Music building and a repair place is beside that. After seeing the area, he was more willing to approve this text amendment as long as each request could be reviewed on a case-by-case base.

Commission Slaughter explained that even with the changes proposed, this would still be opening a can of worms. There would be a flood of applications and CUP's seem to get passed more than they get denied, when if this situation there should be a very small number of approvals.

Chairman Adams was in agreement with Commissioner Slaughter. Having employees no longer constituted a home occupation. Neighbors do not want to see a parking lot outside their window.

Mr. Arnold stated that he does not want neighborhoods to be inundated with cars he just wanted to be able to build his business enough to allow him to move into a commercial space, but now that it is just not possible. An intermediate step is needed to allow businesses to grow. Renting a space and hiring people hoping that it will work may work with other occupations but not music lessons. Most business for him is from word of mouth and has grown slowly. He stated that moving to an accessory structure adding one (1) employee was a logical and reasonable progression.

Chairman Adams stated that moving the accessory structure is what he would consider a small change. Adding employees shows that the business has progressed beyond a home based business.

Commissioner McKannan agreed with Mr. Arnold, stating that an intermediary step is needed for more home based businesses to succeed, especially in this economy. There are commercial spaces available but people are just trying to make ends meet.

Mr. Arnold stated that being able to add an employee could increase revenue and allow more commercial properties to be rented. Limits could be put on having that one (1) employee but it could allow small businesses to grow enough to allow them to rent the space needed.

Commissioner Slaughter apologized for standing in the way of Mr. Arnold's business succeeding but this amendment would also apply to businesses that see multiple clients in the course of a day. In his opinion, there were too many potentially negative aspects regarding this amendment.

Commissioner Shore stated that in the past the Commission's denials have been disregarded by City Council. He suggested recommending something that would work which may be the accessory structure or having just one (1) employee.

Chairman Adams stated that making a motion to deny this amendment and possibly have the City initiate an amendment to add the accessory structure.

Commissioner Talley stated that he hated to see the empty commercial spaces but he also hated to see someone strangled in their attempt to succeed when requests could be reviewed on a case-by-case base.

Commissioner Slaughter moved that the Commission forwarded TA-11-204 to City Council recommending denial, as the proposed text amendment will create an opportunity for a change of use of a residential structure; thus, potentially and adversely affecting the overall quality of life and overall character of the district.

The motion was seconded by Commissioner Beatley.

Motion passed 4-2 (Commissioners Talley and McKannan in opposition).

4. NEW BUSINESS

A. Administrative Authorization:

1) **SP-11-343** Painter-Lewis PLC 1000-1004 Valley Ave Handley Crossing
Vice-Chairman Shore moved to grant administrative authorization for SP-11-343, subject to Tree
Commission approval and consolidation of the multiple properties. The motion was seconded ny
Commissioner Talley. Motion passed 6-0.

ADJOURN

With no further business to discuss, the meeting was adjourned at 5:50PM.

Nate Adams, III, Chairman