

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
January 27, 2015  
Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Evan Clark, John Hill and Corey Sullivan; Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (9)  
**ABSENT:** None (0)

President Willingham called the meeting to order at 7:18 p.m.

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

*President Willingham asked if there was anyone wishing to address Council on this issue. Seeing none, he closed the public hearing at 7:19 p.m.*

**3.0 Items for Discussion:**

**3.1 Presentation:** 2014 Citizen Satisfaction Survey

Planning Director Tim Youmans presented the results from the 2014 Citizen Satisfaction Survey and how they compared to the results in 2008 and 2011. He also provided a benchmark as to how the City compared within the region. He stated overall the satisfaction results are a little down from 2011 but Winchester does rate well when compared to the East Coast Region and the United States as a whole.

**3.2 R-2015-05:** Resolution – Support of the Handley Board of Trustees’ resolution that revises and updates their term structure within their by-laws

City Manager Eden Freeman stated staff received a request from the Handley Board of Trustees to modify the term expirations to prevent the loss of historic knowledge when a member goes off the board. This does require the approval of City Council.

Vice-President McInturff moved to forward R-2015-05 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**3.3 O-2014-29:** AN ORDINANCE TO AMEND SECTION 16-5 OF THE WINCHESTER CITY CODE PERTAINING TO CURFEW VIOLATIONS

Police Chief Kevin Sanzenbacher presented an update on the ordinance brought before Council in July 2014 to increase the age of the curfew from 15 to 17 years

old and provided statistics on the total juvenile arrests over the last two years. Chief Sanzenbacher also presented the proposal to hold activities for the teenagers to do including a scheduled dance at the Boys & Girls Club at the Douglass Learning Center. He stated if the first dance goes well, there will be four dances held over the year.

Councilor Clark suggested amending the ordinance to all juveniles up to the age of 18 years old.

Vice-Mayor Veach stated he spoke with four classes at the schools and the students were very supportive of having a curfew. He asked what the DMV regulations on a curfew were. He also expressed his support for providing activities.

Vice-President McInturff stated he did a ride along with four different officers and talked to about 7 or 8 more. Three of the officers said the curfew is used as a tool to have the ability to talk to the kids on the street and not arrest them. He does think there is some room for parental or guardian responsibility here. He asked if the officers would use this as a warning or would there be an educational opportunity first. Chief Sanzenbacher stated there would be an educational component done first.

Councilor Sullivan asked if the previous activity was related more to the summer time or is it just as bad now. Chief Sanzenbacher stated the department was able to put those problems to bed very quickly.

President Willingham gave an example of going to a movie after work and expressed his concern that Council is approving an expansion to cover everybody when there are only specific issues. Chief Sanzenbacher stated he understands the concern but thinks the officer would use their judgment in that case. This would also provide a record of who was out in a certain neighborhood in case something does go wrong.

President Willingham asked if the warning would go to the parents or the child. Chief Sanzenbacher stated the warning would go to the parents.

Councilor Clark moved to forward O-2014-29 with the amendments to increase the age to 18 years old, require the parents be contacted and the officer use their discretion to issue a warning or if charges should be placed. *The motion was seconded by Councilor Hill then defeated 4/5 with City Councilor Kevin McKannan; Mayor Elizabeth Minor; Councilor Corey Sullivan; Vice-Mayor Les Veach; President John Willingham voting in the negative.*

Councilor Clark moved to forward O-2014-29 with the age of 17 years old, require the parents be contacted and the officer use their discretion to issue a warning or if charges should be placed. *The motion was seconded by Mayor Minor then passed 6/3 with Councilor Corey Sullivan; Vice-Mayor Les Veach; President John Willingham voting in the negative.*

**3.4 R-2015-04:** Resolution – Expression of Support for the Goals of the Addiction Action Committee

Chief Sanzenbacher stated the City has been dealing with a heroin addiction problem in the region for the last couple of years and has been working with the Addiction Action Committee to address this issue. He presented the request for Council to adopt the committee's goals and to commit to help deal with this issue. He stated the budget impact is unknown at this point but it would eventually require some staff support to help with grants and other administrative issues. He also requested this become a part of the strategic plan.

Councilor Clark moved to forward R-2015-04 to Council. *The motion was seconded by Vice-President McInturff then unanimously approved by voice-vote.*

**3.5 CU-14-761:** Conditional Use Permit – Request of Lawton Saunders on behalf of North Loudoun Renovations, LLC for ground floor apartments at 317 South Cameron Street (*Map Number 193-1--K-14*) zoned Central Business District (B-1) with Historic Winchester District Overlay (HW)

Planning Director Tim Youmans presented the request to allow for 11 ground floor apartments at 317 South Cameron Street. He stated three of the units would be in the main part of the building on Cameron Street and the rest would be in the back addition. There would be seven 1-bedroom and four 2-bedroom apartments.

Councilor Hill asked how the parking will be dealt with. Mr. Youmans stated the property is in the 100% parking exemption area but the applicant is proposing seven off street parking spaces.

Vice-President McInturff moved to forward CU-14-761 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**3.6 CU-14-757:** Conditional Use Permit – Request of Painter-Lewis, PLC on behalf of Long Term Care Properties, LLC for Nursing and Rehabilitation Facility and Corridor Enhancement Certificate of Appropriateness for the square footage and roof pitch of the proposed building at 940 Cedar Creek Grade (*Map Number 249-1-2*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay

Mr. Youmans presented the request for a nursing and rehabilitation facility on Cedar Creek Grade. The proposal is for a single level building with seven wings serving 120 beds. The applicant is requesting a Certificate of Appropriateness for the square footage and the roof pitch of the proposed building.

President Willingham asked if any considerations have been made to reduce the traffic impact. Mr. Youmans stated staff did receive an updated traffic analysis

and the area did not warrant any changes at this time but staff will continue to monitor the traffic.

Vice-President McInturff moved to forward CU-14-757 to Council. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

**3.7 O-2015-02:** AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY RZ-14-628

Mr. Youmans presented the proposal to establish the Planned Unit Development overlay zoning to establish the nursing home use at 380 Millwood Avenue by right instead of by grandfathering it. The PUD overlay will allow the applicant to expand the building to spread out the population at the facility and bring the rooms up to today's standards.

Councilor Clark moved to forward O-2015-02 to Council. *The motion was seconded by Councilor Hill then unanimously approved by voice-vote.*

**3.8 O-2015-03:** AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- -7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-663

Mr. Youmans presented the rezoning request to allow for a 170 unit apartment complex across from the new John Kerr Elementary School on Meadow Branch Avenue. He provided a description of the building elevations and apartment layouts including the buffering provided between the apartments and the Glen Burnie property. The applicant has provided a fiscal impact analysis on the schools but did not provide a proffer for what would happen if the number of school aged children would go over the amount estimated in the analysis. The project does not comply with the Comp Plan in regards to the age restriction.

Vice-President McInturff asked if the southern entrance onto Meadow Branch was a right in/right out. Mr. Youmans stated it has to be a full cut out of the median for the school buses to go north and south.

Vice-President McInturff asked how long it will take to complete the project from start to finish. He understands the Green Circle will not be able to be completed after this is done. Mr. Youmans stated the Green Circle will be constructed by the City as part of the Meadow Branch construction.

Vice-Mayor Veach asked Mr. Youmans to elaborate on the commercial property to the north of the school. Mr. Youmans stated the nine acre area will to be

used for business offices, restaurants, and shopping. There are some uses that are now prohibited from the rezoning such as firearm sales.

Vice-Mayor Veach expressed his concerns regarding the dollar figure per student, the number of students, the definition of market rate, and the use of the HUD financing program mentioned in the proposal.

Councilor Wiley asked how the Museum of the Shenandoah Valley stands with the proposal. Mr. Youmans stated he had a meeting with MSV and the developer that ended with an agreement to provide screening and buffering in trade for MSV providing the use of trails.

Councilor Wiley stated he would like to have more information on the HUD program requirements and the history on the money in the proffer.

Councilor Hill asked if there is any concern from Sacred Heart School. Mr. Youmans stated the relationship seems to be good.

Councilor Clark stated none of the comparable apartment complexes are next to an elementary school. He thinks the number will be higher for the attractiveness of having a school across the street. He also did not see any information in the documents on who is paying for the traffic light. Mr. Youmans stated the traffic light cost is included in the local and revenue sharing funds that will pay for the Meadow Branch Avenue improvements.

Councilor Sullivan stated he likes the concept, the targeted market, and the renderings but is confused as to why there are reasons for school age children not to live there but the request is to lift the age restriction.

Councilor McKannan requested a delineation on the apartments being market rate but the rents not. He asked how the income restrictions will be enforced.

President Willingham asked what the total amount of commercial space square footage is being proposed with Jubal Square and is it comparable to this project. Mr. Youmans stated it is not comparable. There will be a larger amount near this project than with Jubal Square along Valley Avenue.

President Willingham requested a one page tutorial on the HUD program. He also asked what the difference is in the number of total units allowed in Medium Density compared to High Density. Mr. Youmans stated with the PUD overlay, it is closer to 18 units per acre compared to 6.4 units in the Medium Density.

President Willingham asked what market rate is and if it refers to the materials, the rent or the fixtures. Ty Lawson, the property owner's representative, stated it is market rate on all of those levels. It was stricken because they thought it was redundant but they would be happy to add it back in the rents portion.

President Willingham stated the proffer doesn't define market rate and asked for clarification to understand exactly what that means.

President Willingham asked if there is a proffer to mitigate the fiscal detriment caused if the number of students goes up. Mr. Lawson stated he thinks the commercial will help drive the revenue because of the market they are targeting. The Patz study is also ultra conservative that calculates everyone driving average cars or eating out on an average rate but it is still tax positive.

Vice-President McInturff stated he would like more clarification on market rate as well. He does not agree with the concept of empty nesters and school aged children. It is tough to comprehend that 170 units will only have 13 students. The threat of having single family homes does not scare him. He stated he is not comfortable with this right now.

Mayor Minor moved to request O-2015-03 be brought back to the next work session with the clarification items as requested by Council tonight. *The motion was seconded by Vice-Mayor Veach then unanimously approved 9/0.*

#### **4.0 Monthly Reports**

##### **4.1 Finance Department**

#### **5.0 Adjournment**

Mayor Minor moved to adjourn the meeting at 9:40 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*