

Minutes of the Planning & Development Committee
April 28, 2009

DRAFT

PRESENT: Vice-Mayor Michael Butler; Councilor Evan Clark, John Hill, Milt McInturff, Les Veach and John Willingham; Vice-President Art Major; Mayor Elizabeth Minor (8)

ABSENT: President Jeff Buettner (1)

Vice-President Major called the meeting to order at 5:32 p.m then turned the meeting over to Mayor Minor to make a special presentation to the Mayor of Winchester, England and his wife.

Approval of Minutes - Councilor Evan Clark moved to approve the March 24, 2009 minutes as presented. *The motion was seconded by Mayor Minor then unanimously approved by voice-vote.*

Closed Session – At 5:41 p.m., Vice-President Major asked for a motion to convene into closed session for consultation with legal counsel pursuant to Virginia Code §2.2-3711.A(7) and for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body §2.2-3711(3) and for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community §2.2-3711(5) and for discussion of a personnel matter §2.2-3711(1).

The motion was made by Vice-Mayor Butler and seconded by Councilor Clark then unanimously approved by voice-vote.

Upon returning at 6:22 p.m., each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

MEMBER	VOTE
Vice-Mayor Butler	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President Major	Aye
Councilor McInturff	Aye
Mayor Minor	Aye
Councilor Veach	Aye
Councilor Willingham	Aye
President Buettner	Absent

Items for Discussion -

a. Ward 1

- i. Request of Goodfellows, LLC for a conditional use permit for nightclub use at 821 North Loudoun Street (Map Number 134-5-6) zoned Highway Commercial (B-2) District. **CU-09-04**

Zoning Administrator Vince Diem stated the request is for a nightclub use at 821 North Loudoun Street. The previous CUP for nightclub use was not renewed for various reasons. Since then, the applicant has attended several meetings with city departments. The fire marshal will conduct a follow up investigation this week. No criminal activity has occurred at the location since the March meeting. The decision to revoke the ABC license is being appealed. Nightclub use does not require an ABC license but most locations are more successful with one.

Councilor Veach moved to send the request forward to Council. *The motion was seconded by Councilor Willingham then unanimously approved by voice-vote.*

b. Ward 2

- i. Request of Celebrating Patsy Cline, Inc. for a conditional use permit for a museum at 608 South Kent Street (Map Number 213-1-M-17) zoned Limited High Density Residential (HR-1) District. CU-09-03

Planning Director Tim Youmans stated the request is for a private museum in the high density residential district as allowed in the recently passed ordinance. The applicant has been successful in providing temporary parking in the adjacent property to the rear on Pall Mall Street. Visitors coming by personal vehicle could use the curb side parking but staff and tour busses will use the additional parking. No significant changes will be made to the house. The applicant wants to keep it as close to the condition as when Patsy Cline lived there.

Vice-President Major stated the house is only about 900 square feet and asked what the required number of parking spaces be if it was not a museum. Mr. Youmans stated the required number would be 9 spaces. The requirements are based on use group. A museum would have a smaller number of visitors per hour than a retail use.

Councilor Willingham expressed his concern that the applicant would have to come back before council to extend the hours if needed. Mr. Youmans stated the hours were recommended by the applicant.

Councilor Willingham moved to amend condition #3 to allow museum use to begin no earlier than 10:00 a.m. and no later than 6:00 p.m. *The motion was seconded by Vice-President Major than unanimously approved by voice-vote.*

Councilor Willingham moved to forward the amended version of the proposal to City Council. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*

Other Items

- a. 2010 Census Partnership Agreement – Tim Youmans, Planning Director

Mr. Youmans stated in 1990 and in 2000, City Council formed a local promotion committee and the Census Bureau has asked us to do it again for the 2010 census. April 1, 2010 is Census Day.

Vice-Mayor Butler asked if the committee would be an advocacy group to support the census. Mr. Youmans confirmed it would be. He stated there has been some news reports stating some Hispanic groups are planning to boycott the census which would affect the dollars received to the city. The bureau will only use short forms instead of the longer questionnaires.

Vice-Mayor Butler requested a resolution be created to move forward to Council.

- b. OTDB Board Membership Composition – Karen Helm, OTDB Director

Ms. Helm stated Frederick County currently has a position on the board but no longer wants to be a member. The OTDB would like to request a member from Shenandoah University to serve and help with their mission. Steve Northcutt has resigned his position and is no longer in the community. The board is asking that Dave Spence be appointed to fill the unexpired term.

City Attorney Anthony Williams stated the request to change the membership from Frederick County to Shenandoah University needs to come in the form of a text amendment. The resignation needs to come in the form of a written resignation to make it official. He will work with Ms. Helm to draft the amendment and a letter to Mr. Northcutt requesting an official resignation.

c. Historic Winchester District Design Guidelines Discussion – Vince Diem, Zoning Administrator

Mr. Diem requested the approval to move forward with revising the Historic District Guidelines with the assistance of a member of the Board Architectural Review, Planning Commission, Old Town Development Board, Preservation of Historic Winchester, and David Edwards, the city's representative from the Virginia Department of Historic Resources. He would like to schedule the first meeting in a couple of weeks from now.

Councilor Willingham suggested a member of the Economic Development Authority also be included to balance the scales so everyone has buy in.

After further discussion, it was decided that one person from each of the before mentioned boards and one council member will serve on the committee. Councilor Veach volunteered to serve.

Mr. Williams recommended a resolution to create the committee be sent forward for approval.

Vice-President Major suggested Mr. Diem serve as the chairperson of the committee.

d. Discussion of Off Street Parking Modifications – Vince Diem, Zoning Administrator

Mr. Diem stated this was an opportunity to pass along any feedback identified in the last 30 days since the last meeting when the modifications were presented.

Vice-Mayor Butler stated this is a monstrous document with a tremendous amount of material. He recommended putting it on the agenda to look at fully next month.

e. Zoning Survey Results Summary – Vince Diem, Zoning Administrator

Mr. Diem stated the staff report summarized the survey results as well as the percentage of responses received. The results will serve as a lense for staff to move forward on how text amendments will appear in the future with conjunction with the Comprehensive Plan. Some of the items that came out of the survey have already been incorporated in the off street parking modification.

f. Chairmen Butler stated interviews for the BAR vacancy were held before the meeting and he would like to present the name of Don Crigler to be sent forward for appointment.

Vice-President Art Major moved to forward the name of Don Crigler to Council. *The motion was seconded by Councilor Veach then unanimously approved by voice-vote.*

- g. Chairman Butler announced that Aaron Gridale who worked in Mr. Diem's office will be deployed to Operation Iraq Freedom. Mr. Gridale is a graduate of UVA, a First Lieutenant in the Guard, and one of our city employees who will be deployed and deserves recognition.

Adjourn

Councilor Willingham moved to adjourn the meeting at 7:04 p.m. *The motion was seconded by Councilor Clark then unanimously approved by voice-vote.*