

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, February 18, 2014, at 3:00 p.m. in Council Chambers, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Wiley called the meeting to order at 3:00 p.m.
PRESENT: Chairman Wiley, Commissioner Slaughter, Commissioner Beatley, Commissioner McKannan, Commissioner Smith
ABSENT: Commissioner Shickle (home ill)
EX-OFICIO: Councilor Tagnesi
FREDERICK CO. LIAISON: Commissioner Kenney
STAFF: Tim Youmans, Will Moore, Aaron Gridale, Catherine Clayton, Kelly Henshaw
VISITORS: Andrew Nicholson, Susan Rhodes, Ron Mislowsky

ELECTION OF OFFICERS:

Mr. Youmans advised the Commission that since there was no meeting in January, the Commission must elect officers. He asked for nominations for Chairman. Commissioner Beatley nominated current Chairman Wiley. Mr. Youmans then called for nominations for Vice Chairman. Commissioner McKannan nominated Commissioner Slaughter. Hearing no other nominations, Mr. Youmans asked the Commission if they wanted to vote by slate or individually. All Commissioners agreed to vote by slate. Voice vote was taken and both nominees were elected upon unanimous vote.

CHAIRMAN'S COMMENTS:

Chairman Wiley stated that Committee Appointments were discussed in the Work Session and that the Commission can go further in to it at the retreat. Chairman Wiley then reminded the Commission of the Retreat to be held on Saturday, February 22, 2014, from 9:00 a.m. until 12:00 noon on the fourth floor of City Hall.

APPROVAL OF MINUTES:

Chairman Wiley called for additions or corrections to the minutes of December 17, 2013. Hearing none, he called for a motion. Commissioner Slaughter moved to approve the minutes as submitted. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 5-0.

CORRESPONDENCE:

Mr. Youmans advised the Commission that they have received revised material for the rezoning case, RZ-14-35, stating that it is a further revision to the revision that was sent on Friday, February 12th. He also said that included is the revised development plan which indicates a February 14th revised date on the front sheet and then a February 17th revision yesterday for the

elevations. Mr. Youmans added that there is a correspondence regarding the conditional use application, CU-13-646.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

Commissioner Kenney stated that the Frederick County Planning Commission held its last meeting on February 5th adding that they had a public hearing on a conditional use permit for a public garage in the Back Creek Magisterial District. He said that they also had a waiver request for a reduction in setback for a telecommunications tower; looked at a revised master development plan for a subdivision in the Kernstown area; they revised a master development plan for Snowden Bridge for line of sight for some screening setback; and heard Committee reports. He also stated that on February 8th, the Commission held its retreat at the Holiday Inn to allow the Commission the opportunity to get their “game plan” in order for the coming year.

PUBLIC HEARINGS:

CU-13-646 Request of Feliciano Romero, dba Puerto La Union Restaurant, for a conditional use permit for an Entertainment Establishment at 2832-2834 Valley Avenue (*Map Number 310-07-40*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

Mr. Grisdale presented the staff report and advised the Commission that the applicant intends to add occasional weekend entertainment to his restaurant and since this use is located within 200 feet of a residentially zoned parcel, a conditional use permit is required. He added that the proposed use would involve bringing in entertainment during the weekends on Friday, Saturday, and/or Sunday between the hours of 5:00 p.m. and 1:30 a.m. to allow for the expansion of restaurant operations involving the hosting of various events such as birthday parties, baptisms, wedding receptions, company gatherings, and family reunions. The applicant has proposed to operate on Sundays until 1:30 a.m. (Monday morning) which is a deviation from the General Standards of 18-24; however, after speaking with the applicant, the normal cutoff time of 11:00 p.m. on Sunday is okay with him. He then said that staff is recommending approval with a few conditions. He concluded by stating that he would be happy to answer any questions the Commission may have.

Commissioner Beatley reiterated, for clarification, that the applicant is fine with the change in Sunday hours to 11:00 p.m., which would be compliant with the general standards. Mr. Grisdale said yes, that is correct.

Chairman Wiley Opened the Public Hearing

Mr. Andrew Nicholson, commercial property manager for Aikens Management, addressed the Commission and spoke about an addendum to the lease between the Aikens Management Company and the applicant. He advised the Commission that Mr. Romero agreed to and signed the addendum that states he can only have private parties, not a nightclub open to the public. He asked the Commission to consider the landlord's restrictions.

Chairman Wiley Closed the Public Hearing.

Chairman Wiley called for discussion from the Commission.

Chairman Wiley stated that he appreciates that information, however, that appears that it is between the tenant and the landlord. He added that as long as the applicant abides by the conditional use permit, whatever they do outside of that is between them, but that he does appreciate the information.

Commissioner Smith said that he is caught off-guard somewhat because what the City puts into place and what the landlord puts into place are two different matters. If the City grants the conditional use permit, he will need to follow the guidelines of the City.

Commissioner Slaughter clarified that it is the lessee, who is the applicant and not the landlord who applied for this conditional use permit. Mr. Grisdale advised that this is something that is fairly common where the tenant may apply but the property owner does have to sign off on the application as well. Commissioner Slaughter then asked if the applicant (lessee) holds the conditional use permit to which Mr. Grisdale responded that the conditional use permit is associated with the property and it is not transferrable should this business move to another location. Commissioner Slaughter then asked if, for example, another business came in to this location, do they have access to the conditional use permit. Mr. Grisdale responded that under the current conditions, yes they would; the new business could carry on with this conditional use permit. Commissioner McKannan then added that the owner is further restricting what could be done on the property, so that would be completely reasonable. Chairman Wiley said to be clear, it does not take away from the landlord but the matter is in regard to the applicant coming before the City for approval of the conditional use application.

Chairman Wiley called for further discussion. Hearing none, he called for a motion.

Commissioner Slaughter moved to forward CU-13-646 to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

- 1. Maintain full compliance with Entertainment Establishments minimum standards outlined in Section 18-24 of the Winchester Zoning Ordinance; and*
- 2. The CUP shall expire if the use does not commence within one (1) year of approval, the use ceases for at least one (1) year, or the use of the property changes to another use permitted in the district.*

Commissioner Smith seconded the motion.

Voice vote was taken and the motion passed 5-0.

CU-14-47 Request of Susan S. Rhodes for a conditional use permit for a home occupation in an accessory structure at 364 Parkway Street (*Map Number 214-05-I-1-37*) zoned Medium Density Residential (MR) District.

Mr. Grisdale presented the staff report and advised the Commission that this is the first application under the newly adopted revisions to the Zoning Ordinance allowing for consideration of use of accessory structures in conjunction with home occupations. He added that Ms. Rhodes is seeking to utilize a portion of the detached garage as an artist's studio, including an electric kiln. He advised that the applicant says that there will be no signs, no onsite sales, no teaching/tutoring, and no employees. Mr. Grisdale said that he did consult with the Building Official who advised that no additional inspections or code implications arise with the use as proposed. He concluded by saying that he is available for questions.

Chairman Wiley called for questions from the Commission.

Chairman Wiley Opened the Public Hearing.

Ms. Susan Rhodes, applicant, addressed the Commission and stated that she is available to answer any questions the Commission may have.

Chairman Wiley Closed the Public Hearing.

Chairman Wiley called for discussion from the Commission.

Hearing none, Chairman Wiley called for a motion.

Commissioner Smith moved to forward CU-14-47 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 the following condition:

- 1. No customers, students, or pickup of merchandise are permitted onsite.*

Commissioner Beatley seconded the motion.

Voice vote was taken and the motion passed 5-0.

RZ-14-35 AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (*Map Number 252-01-2*) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT

TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY.

Mr. Youmans presented the revised staff report dated this date, February 18, 2014, adding that this has evolved from the Work Session last week. The development plan is now a two (2) page plan because it includes the elevations that were most recently submitted along with some notes pertaining to the number of proposed bedrooms in some of the units that are only 16 feet wide. Mr. Youmans stated that this is an area that has no residential along that segment of Commerce Street but it does back up to a Medium Density Residential neighborhood along both sides of Glaize Avenue just to the south. He reiterated that the 2.57 acres is considerably below the 5-acre minimum called out in Section 13-1-4.1 of the Zoning Ordinance; however, the Ordinance allows for the Commission to recommend, and City Council approve, a waiver of the 5-acre minimum when the applicant can show adherence would produce unnecessary hardship and preclude development. Mr. Youmans said that the applicant submitted voluntary proffers to mitigate potential impacts arising from the rezoning of the property with the latest proffer statement dated February 14, 2014. The potential impacts from this rezoning would be the removal of tax-generating commercial development with residential use, which could have some impacts on public education expenditures. The applicant does proffer to contribute \$300 per townhouse unit to the City in lieu of up to 10% public parkland. Mr. Youmans suggested that the Commission should advise as to whether or not to require a Fiscal Impact Analysis but staff does not believe that a Traffic Impact Analysis is necessary since Commerce Street has adequate capacity to handle the traffic.

In regard to the site development and buffering, the plan calls for a six (6) foot high opaque fence and specifically calls out deciduous trees, six (6) foot in height with evergreens at a minimum of four (4) feet in height. The storm water management aspect can be addressed during the site plan review.

There have been no floor plans submitted and there are few proffers addressing design quality. Mr. Youmans added that the Development Standards sheet depicts rear driveways which suggest rear-entry garages although a Design & Development Standards sheet notes that the garages are optional. In the absence of a floor plan, bedroom placement and design are questionable. The Design & Development Standards sheet notes that the lots and the interior of the townhouse units would have a 20-foot minimum width but then adds that up to half of the units may have a 16-foot minimum width. In the High Density Residential (HR) District where townhouses are allowed by right, the required minimum townhouse lot width is 22 feet adding that the applicant should demonstrate how the proposed PUD provides exceptional design to warrant exceptions to the minimum standards that should apply. Staff feels that there was a lot of information that came in late and staff did not have time to adequately evaluate it. He concluded by saying that he is available for questions.

Chairman Wiley called for questions from the Commission.

Chairman Wiley reiterated that the Commission received answers to the screening and buffering issues. He said that he believes it would be prudent to give a value recommendation to Council so we do not want to deliver a package for vote up or down without getting all the answers. He

added that his concern is in the floor plan from the applicant's side. It is his understanding that the applicant is not going to build these, rather they are just planning to get the zoning approval and then sell them quickly. His concern for the applicant is that if they are going to give the floor plan, they are going to pigeon-hole themselves into a type of floor plan that might not be marketable to a particular buyer. He said that the driving issue here is the three (3) bedrooms. Mr. Youmans said yes particularly in regard to the fiscal impact analysis. Chairman Wiley said that whether or not there is a floor plan, the Commission needs to know how many bedrooms.

Commissioner Slaughter asked what the reasoning is of a PUD versus a HR rezoning. Mr. Youmans said that it gives them the flexibility to do a New Urbanism development where the units are up closer to the street so it creates a more urban streetscape and it allows them to have the parking in the back which is something that is very desirable in terms of design. Commissioner Slaughter asked if they could still do this in the HR with conditions. Mr. Youmans stated that the front setback would change and they would have to be 30- or 35-foot back. Commissioner Slaughter asked if they had the 30-foot in the front would it eliminate the parking in the back or could they still do both. Mr. Youmans said that they could probably still do both but it would reduce the green buffer that is between the parking area and the single family homes on Glaze Avenue. He added that you are dealing with property that does not allow any residential use today so part of the justification for converting to residential use is to show that it is something that is consistent with the Comprehensive Plan and that it adds to the quality of residential development in the City. He said that the PUD does require more upfront effort but it also allows for changes. Commissioner Slaughter said that the PUD becomes more of a negotiation then in a sense to which Mr. Youmans said yes it does. Commissioner Slaughter said that in a sense the City is giving up or allowing more flexibility but there is supposed to be a give-back and the City is supposed to get more things in return and even though there is some enhanced landscaping, setbacks in front, and driveways in the back, it seems that the City is missing what they normally would expect to get out granting a PUD and the flexibility of it; is that fair to say. Mr. Youmans said that it is a double-edged sword in that the applicant is trying to give his client as much flexibility as possible by saying that they may do garages but that they do not want to be locked into doing garages; that they want to go with a 20-foot average unit but that they also want to be able to reduce it down to a 16-foot unit and that they may only put two (2) bedrooms in a 16-foot unit but they want the flexibility to put three (3). He added that after a while you start accumulating all of the worst case scenarios then it gets to a point where you have to ask yourself is this really a project that warrants approval or is it starting to get to a point that all of the possible lowest efforts lead you to thinking that maybe it is not the best project for this site. Commissioner Slaughter said that as far as the fiscal impact, if all of the townhouses end up with two (2) children in them, it would be a very severe negative for the City as far as the cost. Mr. Youmans said that in the absence of a fiscal analysis he cannot answer that because he does not know what the assessed value of the units would be but that is what would really drive the expenditure and the net impact on the City. He added that these are vinyl-sided townhouses that are not necessarily high-end construction as compared to an office building or retail space but it is a hard call because the property has sat for many years with the current CM-1 zoning and it has not attracted that type of commercial development so it is hard to say that yes we would be better off leaving it CM-1. It is kind of a combination of zoning and marketing. Commissioner Slaughter then said that some of these have come in with the argument of whether three (3) bedrooms make sense and the concern of school-age children but a key component to

that is whether re-development is going to spur growth in our area and if it is going to help adjacent properties, so where is that argument here. Are we going to know if it helps those existing properties and are we going to see adequate economic growth that may offset the risks of this potential project. Mr. Youmans said that it is in close proximity to the South Loudoun transit route so from that standpoint it is a good location for high density residential and it is not too far from the park and Quarles Elementary School. As far as the location, it is not a bad site and it backs up to Glaize Avenue residential so it is probably a better use than say contractor or light industrial use so it is a step in the right direction. He added that he does not have an issue with residential use of this property. It is just a matter of whether the PUD package is good enough that we don't want to see a fiscal impact analysis to make sure that it is not a drag on the City from a fiscal impact standpoint.

Commissioner Beatley said that they do not specify how many three (3) bedroom units they plan versus two (2) bedrooms. Mr. Youmans said that in the Standards and Specs they say up to 26 units could be three (3) bedrooms. It changed on the development plan that was sent out last Friday but now it says that all of the 16-foot wide units could have three (3) bedrooms also.

Councilor Tagnesi asked if the applicant has any objection to preparing a fiscal impact analysis. Mr. Youmans said that he has not discussed it with the applicant and that it is something that really should come from the Planning Commission and then forward to Council.

Chairman Wiley Opened the Public Hearing.

Ron Mislowsky, Pennoni Associates, addressed the Commission and spoke of the negatives of the HR zoning. He advised that originally they had it laid out as a HR project with 26 units and allowing for the 35-foot setback. He said this did not make any sense to them because you cannot put driveway entrances off the public street which is not allowed according to the Ordinance. He then said that this development meets the requirements and that they are doing something that the City wants. As to the fiscal impact, the Comprehensive Plan says to encourage development and reuse of obsolete, light industrial property along Commerce Street and South Loudoun Street. He added that it seems to him that in talking with the client and Jim Deskins, they are doing something that the City wants according to the Comprehensive Plan. He said that they are providing the residential portion of that mixed use area and that this development meets the requirements set forth in the Comprehensive Plan. He also said that they are doing everything that the City wants and requires them to do and that he does not really see a need for a fiscal impact analysis because he does not know what it will show. They have made a cash proffer and there will be no phasing, the project will be completed at one time. He said that he does not understand why it matters about the floor plan and that his client is not willing to give up the option of having three (3) bedrooms. He then asked the Commission to make a favorable recommendation and give some flexibility with the widths of the units and to support the waiver.

Chairman Wiley asked if the architect feels comfortable that three (3) bedrooms will fit in a 16-foot wide unit. Mr. Mislowsky said yes with one (1) on the ground floor and two (2) on an upper floor.

Commissioner Slaughter asked if there is a preference from the applicant's point of view that if the Commission cannot get a favorable recommendation if they table it or pass it on with an unfavorable recommendation. Mr. Mislowsky said that if it is being tabled for a floor plan, he is unsure if he can bring that back because it is making assumptions about garages. Commissioner Slaughter asked about the fiscal impact analysis. Mr. Mislowsky said that the fiscal impact analysis is going to say that there is a fiscal impact and there will be some cost to the City no matter what. Commissioner Slaughter said that is the point of the fiscal impact analysis, the City needs to know how much. It is a rezoning and there is no substantial cash proffer, which is not required, but the City cannot have a cash-negative cost to the benefit of the property owner. It does come down to how much that fiscal impact analysis is going to be. It is an important piece of information from the City's standpoint. Mr. Mislowsky asked if it matters at all to the Commission that this is what the Comprehensive Plan is telling them to do. If the fiscal impact analysis is so important should that not have been something that was looked at in the Comprehensive Plan. Commissioner Slaughter said that he cannot speak to that. Although there are pieces of the project that fit with the Comprehensive Plan does not mean that the project should automatically be rezoned. Mr. Mislowsky said that if the Commission feels the fiscal impact analysis is so important, then he guesses the Commission should table it; however, that is not what Mr. Youmans read in his tabling motion.

Councilor Tagnesi stated that the school board advertises that each student costs \$12,000 per year to the City on average. That is the fiscal impact that the City is looking at. What is this building going to do to offset that \$12,000 per student that has the potential to move in to there? Mr. Mislowsky said that saying that he has to offset the \$12,000 per year per student is not reasonable. Councilor Tagnesi said that there are assumptions that have to be made when doing a fiscal impact analysis and they would like to hear Mr. Mislowsky's assumptions. Councilor Tagnesi stated that if the Commission does not ask for it, chances are that the City Council will.

Mr. Youmans said that for clarification, he did, just today, suggest that the issue of the 16-foot wide units with three (3) bedrooms would be something that you might want to cite as a reason for tabling this. The other thing is that yes, the reuse of the site is called out in the Comprehensive Plan, however, the Comprehensive Plan does call these redevelopment sites out first and foremost for mixed use and that is how you get more of the balancing of the revenue and expenditures.

Chairman Wiley Closed the Public Hearing.

Chairman Wiley called for discussion from the Commission. He then asked if there is any way that the Commission can pull the data from two (2) other recent projects to weigh how a fiscal impact analysis will necessitate a fiscal impact analysis for this project. Mr. Youmans said that the implications of those analyses are contingent more on the side of town, West side of the City or the East side of the City and not the number of bedrooms. Also, they were multi-family rentals and these are town houses with the potential of being owner/occupied. Commissioner Smith thought that the Commission was under the agreement that for each project they would have guidelines. So there is no fiscal impact analysis and no traffic study because of where it sits, at least if it is put in with a statement explaining its need or lack thereof. Mr. Youmans explained that the staff report does call out the traffic study and why it is not needed

and it also calls out the potential need for a fiscal impact analysis to be done. He added that based upon the three (3) bedrooms per unit that the fiscal impact analysis should be done and we should take a worst case scenario look. Commissioner McKannan said that the fiscal impact analysis is important and it is something that needs to be addressed to the applicant for their benefit.

Commissioner Slaughter stated that on a PUD, it is up to the Planning Commission whether we do one or not so the applicant is not really going to know until it gets to the Commission. Mr. Youmans said that is why he raised that issue because until the Commission meets, he is not authorized under the Zoning Ordinance to require one, only the Planning Commission and Council are. Commissioner Slaughter then said that the PUD is the most complicated rezoning and it may take a little longer to get through than normal. He then asked about the RB-1 zoning and whether it would have accomplished what is trying to be done in the PUD. Mr. Youmans said that the big issue with changing the underlying zoning to the RB-1 is if you look at the intent of the RB-1 district, the intent is to talk about areas that are adjacent to the Historic District. With this being so far removed from the Historic District, it did not fulfill the intent of that district. In terms of the HR, it probably could have been considered but the applicant pointed out some of the problems with that like the driveways. Chairman Wiley said that this is not spot zoning; this is blending in with what is in front of it and what is behind it.

Commissioner Beatley commented that, to her, it is not clear that it is or will be marketed to professionals. It seems that its close proximity to an elementary school and the fact that it is all three (3) bedroom units, may attract families and, given that, there are no floor plans that clearly identify how many are two (2) bedroom and how many are three (3) bedroom. I believe we have to deal with the fiscal impact because without that, we do not have enough information. She further said that the analysis will take in to account the \$300 they did offer and show how that will offset the impact. Mr. Youmans said that is correct and that the applicant did a good job at explaining the 10% open space requirement which is actually up to 10%, not a minimum of 10%.

Commissioner Slaughter asked if there were any PUDs that were not required to have a fiscal impact analysis completed. Mr. Youmans noted Stone Crest Village and Westminster-Canterbury. They were age-restricted and so the big public expense there of public education was not a factor with both of those PUDs.

Commissioner Slaughter said that he cannot do his job and recommend this to Council with a positive recommendation because there are too many questions and in his mind, is the fiscal impact analysis because he would like to see what kind of costs there will be and whether the benefits of this project are going to help outweigh the costs.

Commissioner Beatley said that she is in favor of having a fiscal impact analysis completed and submitted.

Commissioner McKannan also said that he is in favor of having a fiscal impact analysis.

Commissioner Smith said that he is not in favor of having the fiscal impact analysis completed because the project is too small to have any negative impact. He said that even though there is a

school nearby, where this development is located around a bunch of warehouses, he could not see that families with children would want to live there because of its location.

Chairman Wiley said that he believes the fiscal impact analysis is needed because of the potential impact on the school system but the size and scope of the project may not warrant floor plans.

Commissioner Beatley said that the Commission did have a fiscal impact analysis in the other cases and that they understood what revenue would be coming in and also that they were rentals.

Mr. Youmans said that the thing to keep in mind with both of those other projects is that a large percentage of those projects were stipulated as two (2) bedrooms only not three (3), so if you look at the absolute number of units in those other projects that were specifically requested to be two (2) bedroom plus den or three (3) bedroom, it really was in the range of what we are looking at now.

Chairman Wiley stated that they have addressed the screening and buffering and then asked if everyone is satisfied.

Commissioner Slaughter said that he hears what Chairman Wiley is saying on the floor plan but the concern is the fact that they are asking for a reduced width and that makes the floor plan more important to see if it is going to fit. He then asked Mr. Youmans why staff is concerned about the floor plan. Mr. Youmans advised that PUD means Planned Unit Development and we do not have any unit design here. He added that it is difficult to know what the development is here without that information. He further stated that he is less concerned about that as he is about the impacts on public education because if each of these 26 units did have two (2) school children, at 18 kids per classroom, that is quite a few additional classrooms and it is an outrageous construction cost, far less annual operating costs, for just one (1) additional classroom at our public schools.

Commissioner Slaughter said that if he is making the list of what is to be requested of the applicant, we need a fiscal impact analysis and floor plans. Is there anything else that needs to be included? Mr. Youmans said that he thinks that everything has been hit upon.

Chairman Wiley called for a motion.

Commissioner Slaughter moved to table RZ-14-35 until the next regular meeting (March 18th) to allow the applicant to prepare materials such as a fiscal impact analysis and possible floor plan that would help the Commission and City Council evaluate the merits of allowing 3-bedroom units and up to half of the townhouse units to be as little as 16 feet wide.

Commissioner Beatley seconded the motion.

Voice vote was taken and the motion to table passed 4-1 (Smith).

NEW BUSINESS:

A. Resolution to initiate: **TA-14-33 AN ORDINANCE AMENDING ARTICLE 14.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FLOODPLAIN REGULATIONS (Mr. Grisdale)**

Mr. Grisdale presented the staff report stating that this is a publicly sponsored text amendment pertaining to revision of the City's existing floodplain provisions. The proposed changes involve additional language that was recommended by the Virginia Department of Conservation and Recreation following a site visit and discussion involving the City's existing regulations and procedures. He said that the recommended areas of change include the following:

- The inclusion of the enabling authority for the Floodplain Ordinance (14.1-1)
- Additional definitions for terms used in Article 14.1 (14.1-7-11 through 14.1-7-16)
- Clarifying information about the designation and duties of the Floodplain Administrator (14.1-8 through 14.1-9)
- Clarifying an ordinance reference (14.1-15-6) to an earlier section of the floodplain ordinance.

He added that the bulk of this proposed amendment involves clarifying the appointment and duties of the Floodplain Administrator: the City Engineer. The proposed language codifies the existing duties and practices of the City into the Zoning Ordinance to ensure continuity for the future as well as provide guidance to citizens, developers and businesses for proposed work in the established floodplain districts. He then said that he is available for questions and he introduced Kelly Henshaw, City Engineer and Floodplain Administrator.

Chairman Wiley spoke about the drastic increase to everyone's flood insurance.

Ms. Henshaw advised that in 2012, there was a Federal Act passed by Congress that had as its purpose to fully realize the cost of flood insurance. Part of the Act says that properties that were built before maps were established, the City's were 1978, are given a highly subsidized rate on their flood insurance until this Act went in to affect. The Act proposed then for every year until the fully realized rate was reached, the premium would increase 25%. She added that there a few buildings in downtown and other places that fall within this gap between the time the Act was passed and the deadline that Congress had set of October 3, 2013. If the building was sold or substantially improved within that time period, they would not be grandfathered with the 25% increase; they would fully realize that increase. She added that she has heard of two (2) different properties that their premiums have just skyrocketed within the year and when the flood insurance policy comes up for renewal, it is automatically the fully realized rate.

Commissioner Smith asked if these are buildings built after 1978 to which Ms. Henshaw stated that they are buildings built before 1978. She added that anything built after 1978, should be assessed the full rate. Commissioner Smith asked what kind of numbers people are looking at. Ms. Henshaw stated that she spoke to a lady on the phone yesterday who is a tenant in the building on Millwood Avenue. She said that the tenant told her that her premium for the year was about \$700 and now it went up to \$3,700 for the year. That is a substantial increase for a small business owner especially when they are not expecting it. Also, the building across from

City Hall that was just redeveloped last year saw an increase from \$1,500 to \$12,000 because it is in the floodway.

Chairman Wiley called for a motion.

Commissioner Slaughter moved to initiate TA-14-33 an Ordinance amending Article 14.1 of the Winchester Zoning Ordinance pertaining to floodplain regulations.

Commissioner Smith seconded the motion.

Voice vote was taken and the motion passed 5-0.

B. Administrative Approvals

- 1) **SP-14-04** 828 Berryville Avenue Navy Federal Credit Union revision Greenway Engineering

Mr. Moore presented the project and said this is a request for authorization of the site plan.

- 2) **SP-14-27** 412 S. Loudoun Street Stone Ridge Development Grey Wolfe, Inc.

Chairman Wiley recused himself.

Mr. Moore presented the project and said that this is a request for authorization of the site plan.

Vice Chairman Slaughter called for a motion.

Commissioner Smith moved to approve SP-14-27as submitted.

Commissioner Beatley seconded the motion.

Voice vote was taken and the motion to approve passed 4-0-1.

OTHER DISCUSSION

Mr. Youmans reminded Commission members that the Retreat will be in the 4th floor Exhibit Hall and asked if any Commissioner has additional items for the agenda. He added that Ms. Shickle suggested a discussion about public impact process. Also the appointment of committee liaisons as mentioned at the beginning of this meeting. He then said otherwise the topics will be the Corridor Enhancement Districts, specifically Fairmont, Millwood, and National and some discussion about the updated Strategic Plan.

ADJOURN

With no further business, the meeting adjourned at 4:43 p.m.