PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, May 20, 2014, at 3:00 p.m. in Council Chambers, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER:	Vice Chairman Slaughter called the meeting to order at 3:00 p.m.
PRESENT:	Chairman Wiley, Vice Chairman Slaughter, Commissioner Smith, Commissioner McKannan, Commissioner Beatley, Commissioner Shickle
ABSENT:	Commissioner Loring
EX-OFICIO:	Councilor Tagnesi
FREDERICK CO. LIAISON:	Commissioner Kenney
STAFF:	Tim Youmans, Will Moore, Aaron Grisdale, Catherine Clayton
VISITORS:	Lawton Saunders, Chief Baldwin, Gary Oates, Ron Mislowski, Scott Rosenfeld, Tim Painter

APPROVAL OF MINUTES:

Vice Chairman Slaughter called for additions or corrections to the minutes of April 15, 2014. Hearing none, he called for a motion. Commissioner Shickle moved to approve the minutes as submitted. Commissioner Beatley seconded the motion. Voice vote was taken and the motion passed 5-0 (Chairman Wiley was not in attendance at this time).

CORRESPONDENCE:

Mr. Youmans stated that the Commissioners have received a list of minor subdivisions that have been approved from January through April 2014 which will be discussed under the New Business. Mr. Moore has prepared a graphic associated with the Comprehensive Plan that we will go through to further prepare the Commission for the public input session scheduled for May 22, 2014.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

Commissioner Kenney stated that at their May 7, 2014, meeting the Commission heard one (1) public hearing item, a draft update of the Primary Interstate Road Improvement Plan, which is pretty much unchanged. He said that it was passed and forwarded to the Board. They also had a few discussion items about private streets in the R5 zoning district as there have been some requests that the County have private streets in non-age restricted communities; setback requirements for multi-family residential units to reduce the minimum setback.

Vice Chairman Slaughter turned the meeting over to Chairman Wiley at 3:03 p.m.

PUBLIC HEARINGS – NEW BUSINESS:

SA-14-199 AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS (Mr. Youmans)

Mr. Youmans advised that there are no changes to the staff report and that the subdivision amendment accomplishes a few things that are required by State code with regard to Section 6-6 as it pertains to the Recordation of approved plats. It also accomplishes some desirable changes with regard to productivity by allowing the Subdivision Administrator to approve more than one (1) minor subdivision within a twelve (12) month period which is the change that shows in Section 6-5-3. He concluded by stating that he is available for any questions.

Chairman Wiley called for questions from the Commission.

Chairman Wiley Opened the Public Hearing

No one to speak.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Slaughter moved to forward Subdivision Ordinance Amendment **SA-14-199** to City Council recommending approval because it represents good planning practice. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 6-0.*

CU-14-212 Request of Bravager Enterprises, LLC, for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (Map Number 212-01-H-6) zoned Central Business (B-1) District. (Mr. Moore)

Mr. Moore presented the staff report stating that the applicant seeks approval under Section 9-2-16 of the Zoning Ordinance pertaining to conversion of nonresidential ground floor area to residential use. The request is for conversion of a former barber shop to residential use and it applies to the northern ground floor space in the building. He said that the applicant believes that the subject unit was originally a residential space. The property does not provide for any off-street parking spaces onsite; however, the use as a two-bedroom dwelling would have the same or lower parking requirement associated with it than a commercial use in the space and no impacts were identified. He concluded by stating that he is available for questions.

Chairman Wiley called for questions from the Commission.

Chairman Wiley Opened the Public Hearing

No one to speak.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Smith moved to forward **CU-14-212** to City Council recommending approval per Section 9-2-16 of the Zoning Ordinance because the proposal, as submitted, will 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 approval is based upon City Council finding that the proposed ground-floor residential unit is as suitable or preferable to other permitted uses on the ground floor and is subject to conformity with the submitted floor plan depicting a two-bedroom dwelling. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.*

CU-14-230 Request of Greenway Engineering on behalf of the Winchester SPCA for a conditional use permit for animal shelter use at 111 Featherbed Lane (Map Number 252-01-31A) zoned Commercial Industrial (CM-1) District. (Mr. Grisdale)

Mr. Grisdale presented the staff report stating that the applicant seeks to redevelop the former Impressions Plus site for use as an animal shelter. The *Animal Shelter* use was established as a conditional use in the CM-1 district in 2000, allowing for more than the 25-animal restriction that is otherwise applicable to *Kennels*. He said that the SPCA purchased the subject property with the intention of expanding their services and divide up the incoming pet drop-off at their existing facility and to reorganize the internal building footprint at 111 Featherbed Lane for the out-going pets for the adoption center. Staff is unaware of any issues from surrounding properties or businesses and there are no site improvements 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

No one to speak.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission.

Commissioner Beatley spoke about the concerns that were raised about traffic flow through the area but stated that Mr. Grisdale has established that the parking is adequate to support what the applicant wants to do and that the issue is really with the other property. Mr. Grisdale responded that the property line goes down the middle of the private road, Abrams Creek Drive, and there is sufficient on-site parking to support the proposed use but there were some concerns about on-site storage of materials and things which staff can address with the business on the opposite property there.

Commissioner Shickle asked if there was any further exploration of connecting the two parcels to which Mr. Grisdale said that they have not had any additional conversations but there are representatives from Greenway Engineering here if the Commission would like to inquire from the applicant's perspective.

Commissioner Slaughter said that if there is no site plan, how is there an opportunity to discuss that with the applicant to which Mr. Grisdale said that with that not being a proposal, there is no need for a site plan.

Hearing no other discussion, Chairman Wiley called for a motion.

*Commissioner Beatley moved to forward **CU-14-230** to City 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 recommendation is subject to general conformance with the proposed building interior layout dated April 1, 2014. Commissioner Shickle seconded the motion. Voice vote was taken and the motion passed 6-0.*

CU-14-267 Request of Eugene F. Dearing, III, for a conditional use permit for extended stay lodging at 126 North Braddock Street (Map Number 173-01-F-5) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (Mr. Youmans)

Mr. Youmans presented the staff report stating that there are no changes but the first condition of the draft motion should read four (4) units for maid service instead of just two (2). The ground floor office space in the two-story structure is proposed for conversion from office use to two (2) apartments which would be operated as extended stay lodging. The request only applies to former office space on the ground floor and that the structure does have an exterior appearance that lends itself to either commercial or residential use. A one-bedroom unit is proposed for the front of the first floor and a two-bedroom unit is proposed toward the rear. The applicant has made a commitment to provide weekly maid service and maintenance to ensure that the property is taken care of in a way that is consistent with the intent of an extended stay lodging facility. He concluded by stating that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Beatley asked about the closet on the floor plan that indicates W/D. Lawton Saunders said that is for a washer and dryer to be used as shared laundry service for the units.

Commissioner Shickle said that the action here is for the ground floor but that the Commission is suggesting maid service for all four (4) units. She asked if there can be parking for all four (4) units to which Mr. Youmans responded that staff is suggesting at least two (2) but that the two (2) upstairs units are grandfathered. Commissioner Shickle then asked if it is at least two (2) spaces for the two (2) ground-floor units to which Mr. Youmans said that is correct.

Chairman Wiley Opened the Public Hearing

Lawton Saunders, Saunders Building, representative for Mr. Dearing, said that they have a number of these types of units downtown and they are very successful. They do exactly what they are intended to do because people do not want to be in a hotel. They would rather be downtown and they work very well.

Chairman Wiley called for questions from the Commission.

Commissioner McKannan said that there is only one (1) means of ingress and egress and wondered if that is a fire issue to which Mr. Youmans responded that as long as they have egress through the windows, there is no problem.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission.

Hearing none, he called for a motion.

*Commissioner Slaughter moved to forward **CU-14-267** to City Council recommending approval per Section 9-2-19 of the Zoning Ordinance because the proposal, as submitted, will 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 approval is subject to:*

1. *Weekly maid service provided for all four (4) units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,*
2. *Leasing of at least two (2) parking spaces in the Braddock Street AutoPark or other nearby parking lot to ensure compliance with the requirement for garage or parking space conveniently located to each Extended Stay Lodging unit.*

Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.

TA-14-268 AN ORDINANCE TO AMEND AND REENACT SECTION 18-7-1.7b OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO AREA OF SIDEWALKS AVAILABLE FOR USE IN THE PRIMARY DOWNTOWN ASSESSMENT DISTRICT. (Mr. Grisdale)

Commissioner Smith recused himself.

Mr. Grisdale explained that this text amendment will extend the area of public space available from fifteen feet (15') to seventeen feet (17') unless the fire lane is more restrictive. Staff is still having internal discussions with multiple departments on this issue but the Commission can opt to initiate the Ordinance amendment or not or to revisit this at some point in the future. He said that he would be glad to go in to as much detail about previous discussions as the Commissioners may desire.

Chairman Wiley called for questions from the Commission.

Commissioner Shickle said that if she understands correctly, the options for action would be to initiate or do nothing to which Mr. Grisdale responded that is correct.

Commissioner Beatley then asked what happens if the Commission does nothing, are they grandfathered on their current to which Mr. Grisdale responded no, any business that is currently not in conformance with the fifteen feet (15') standard, unless the Ordinance is changed, they will have to conform to the existing standard.

Mr. Grisdale distributed a map of the downtown area showing the various businesses in relation to the fire lane and explained the flow of the graphic.

Chairman Wiley Opened the Public Hearing

Chief Baldwin said that he has met with some of the Old Town merchants to discuss this issue and to express his concerns as well as those of the Fire Marshal. Additionally, there is a meeting scheduled with staff on Thursday afternoon and he would like to reserve comment on behalf of the fire department until they have additional information.

Chairman Wiley asked Chief Baldwin if he would like to have this matter tabled before he has his meeting to which Chief Baldwin said yes to be fair to the merchants, the fire department, and other City departments involved, he said he would appreciate that gesture.

Chairman Wiley called for questions from the Commission.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission.

Commissioner Slaughter said that based upon what the Commission saw at the work session, clearly there are some safety concerns and based upon what the Chief has said today, he feels that it would be prudent not to do anything until the Commission has more information.

Chairman Wiley said that he agrees and that he typically sides with the Chief because of safety.

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

*Commissioner McKannan moved to table **TA-14-268** for one (1) month. Commissioner Beatley seconded the motion. Voice vote was taken and the motion passed 5-0.*

Mr. Youmans remarked about a point of order, that the case should be removed from the agenda.

Chairman Wiley called for a motion to rescind the previous motion.

Commissioner Shickle moved to rescind Commissioner McKannan's motion. Commissioner Slaughter seconded the motion. Voice vote was taken and the motion to rescind passed 5-0.

Chairman Wiley called for a new motion.

Commissioner Slaughter moved to remove the case from the agenda. Commissioner Shickle seconded the motion. Voice vote was taken and the motion passed 5-0 (Commissioner Smith recused and was absent from the meeting until 3:35 p.m.)

RZ-14-193 AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (Map Number 153-01-J-3) FROM HIGHWAY COMMERCIAL (b-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT. (Mr. Moore)

Mr. Moore presented the staff report and indicated that this is a conventional rezoning request. The applicant wishes to rezone the property to facilitate expansion of the existing business and to offer

additional space for manufacturing and light industrial uses that are not available under the existing B-2 zoning. The Character Map in the Comp Plan calls for Commerce Area Revitalization/Infill for the subject property and surrounding properties on the north side of Commercial Street. He added that the applicant has separately submitted a site plan for a 14,400sf addition to the existing 7,440sf building along with associated site improvements. This plan does not call for a specific use as that would be dependent on the rezoning to CM-1. The associated site plan supports the Character Map designation for revitalization/infill at the property and transportation facilities from the property are convenient. He concluded by saying that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Slaughter asked if there are any uses in the CM-1 zoning that are considered to be undesirable that make sense to proffer out now to which Mr. Moore stated that staff does not really see any. There are slight differences between B-2 and CM-1 but not as measurable as going to the M-1, Light Industrial. We believe that because of the surrounding uses, if this property were abutted with those residential uses we might look at it a little differently but knowing that there is already that CM-1 zoning that surrounds the subject property, we do not see that bringing this in to the CM-1 zoning, regardless of what uses, would have a negative impact on surrounding properties.

Chairman Wiley Opened the Public Hearing

Gary Oates, representative for Construction Management, stated that he is available for questions.

Chairman Wiley Closed the Public Hearing

Chairman Willey called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Slaughter moved to forward **RZ-14-193** to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit, RZ-14-193, Prepared by Winchester Planning Department, May 6, 2014" because the proposed CM-1 zoning is consistent with the Comprehensive Plan Character Map designation for Commerce Area Revitalization/Infill on the north side of Commercial Street. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 6-0.*

PUBLIC HEARING – CONTINUED:

CU-14-166 Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street (Map Number 193-01-T-3) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay.

Mr. Moore stated that the applicant wishes to further table this request for one (1) additional month. They are working with the adjoining property owner to secure an easement that would solidify access to the rear of the property in order to provide a few off-street parking spaces. He requested the Commission allow any member of the audience to speak as the public hearing remains opens.

Chairman Wiley said the public hearing is still open and asked if anyone wants to speak to this matter. Hearing none, he advised that the public hearing remains open and continues until next month's public hearing. He then called for a motion.

*Commissioner Beatley moved to table **CU-14-166** until the June 17, 2014, meeting at the applicant's request. Commissioner Shickle seconded the motion. Voice vote was taken and the motion passed 6-0.*

OLD BUSINESS:

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 DENISTY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY. (Mr. Youmans)

Mr. Youmans advised the Commission that this case has been tabled since the February 18, 2014, meeting and then again in March and again in April. At the end of the timeframe by which the Commission could elect to further table this case, there is some latitude if the applicant specifically requests a tabling to allow him more time to provide information. Last Thursday, the version of the Fiscal Impact Analysis was sent to each member via email and again today, an email was sent with the May 19th update. He said that there is only one (1) change to the report that he is aware of and it is on page 8 where the applicant has removed the lead sentence that references the 3,000 households in the Winchester-Frederick County area, which is the defined market area for this project that would have household incomes of $60,000 or greater. They have kept the sentences; however, that make reference to a much larger number of households in Winchester and Frederick County that have incomes between certain intervals above $60,000. The actual number for market study analysis is probably somewhere between 15- and 18,000 households that have incomes that are greater than $60,000 but that is not really an important topic because what the Commission asked for initially was the fiscal impact analysis not the market analysis with the fiscal impact analysis. Also, another important thing that was requested prior to the work session and shown that the May 13th version was the issue of comparing the net impacts of the doorway arising from the rezoning as compared to the impacts that would be associated with development under the existing CM-1 zoning and the applicant was asked to summarize that. Mr. Youmans read an excerpt from the bottom of page 18 of both the May 15th and the May 19th versions, stating there was reference to the potential financial benefits of a commercial business operating in the current CM-1 zoning in place of the Commerce Street townhouses. Similar studies show that retail sales tax for applicable businesses would generate considerable revenue to the City if such businesses were built on the site. The net present value of this property to the City is higher with the Commerce Street townhouses as this project is ready to begin immediately. Townhomes that are constructed, sold, and occupied have a higher real estate value than a potential business or warehouse not yet built. The real estate taxes and residential personal property taxes available by approving this development will be considerably higher for Commerce Street townhomes compared to the cost of a low revenue opportunity while waiting for another business to offer to build on the site some day in the future. Mr. Youmans said that the applicant was asked for a simple analysis of what might result in terms of revenue to the City of Winchester related to office development. It is unlikely that there would be retail development that far off of the main transportation route although it is not far from South Loudoun Street so more likely it would be something like an office development perhaps comparable to the credit union that is at the corner immediately to the west of this site. Nonetheless, the applicant has not had time to prepare that information but the key to what was just presented is that the applicant is making the case that, in its present condition, the vacant property generates less revenue to the City and, while it does not create any impacts such as school children expenses, it is a better proposal to approve the rezoning to facilitate the 26 townhomes even though there will be those costs associated with a certain number of school-aged children attending public schools. Mr. Youmans said that he still has questions about the impact analysis. The report does identify an average household size

of about 2.88 persons per household and that it is logical to think that two (2) of those persons would be adults and that the other 0.88 are probably children. Then it is just a matter of trying to guess of those 0.88 persons, a little less than one (1) per unit, how many of them would be school-aged. The applicant is suggesting that there would only be six (6) school-age children generated by these 26 townhouse units if the rezoning is approved by City Council. Mr. Youmans said that he questions that because, given the location and the fact that they will be three (3) bedroom units, and because it is not an age-restricted project, six (6) school-age children is not a sound figure with regard to the impacts. The study does do a great job at looking at all of the total costs for the City and at looking at both direct and indirect revenues that would come to the City. We tend to focus on the direct revenues such as real estate taxes and personal property taxes and we do not usually include the indirect ones such as the multiplier effects that are generated by the 75 or so people that might live here in terms of their spending and such. It is hard to know how many of those dollars spent would actually be inside the City of Winchester and thus come to the City. He also stated that no floor plans have been received and that the owner of the property does not want to lock in any commitment and that this is an unknown since the applicant is asking for up to three (3) bedrooms and units as narrow as 16 feet. This makes it hard to evaluate as there are a lot of loose ends. He concluded by reviewing possible motions and saying that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Smith asked if this is the last day that the Commission can act to which Mr. Youmans said that he believes so. The Ordinance was recently amended to afford a little more time. There is a gray area if the applicant specifically asks for the tabling. Commissioner Smith then asked if the applicant can request the project be tabled once or twice to which Mr. Youmans responded that they did request it to be tabled in February, March, and April. Commissioner Smith said that some of the information that the Commission requested still has not come in fully to which Mr. Youmans said that much of it has been received but there has been no response on the floor plans.

Commissioner Beatley asked what change was made to section C as it relates to the over estimation of the revenues. Mr. Youmans responded to just eliminate five (5) words, ‘over-estimate’, ‘revenues’, and ‘and/or’.

Commissioner Shickle said that in regards to the actions of the Commission today, it will go to City Council and there is a clock that will begin again to which Mr. Youmans said yes. He added that because it is a rezoning ordinance, it must go through two (2) readings and it would not proceed directly to a public hearing. It would proceed for a work session review by City Council next Tuesday, May 27th and then it could appear on their agenda for a first reading in June but the public hearing and action on it would be no sooner than July. Commissioner Shickle then asked if Mr. Youmans feels that the unfavorable motion accurately conveys that the Commission is generally supportive of the project but that there are just those remaining details that would be encouraged for Council to review. Mr. Youmans said that the third and fourth conditions are of that nature and the first two (2) are statements that the Commission does not feel is desirable regardless of the outcome.

Chairman Wiley stated that the Commission has already held a public hearing and it is closed.

Mr. Mislowski requested to speak. He said he wanted to clarify the requests that were made to have the project tabled. He said that the first time was because they were not made aware that the fiscal impact was required. He said that as far as the school-aged children, Mr. Youmans did not sign the

report and the consultant is using data from the Winchester City Schools. There has to be some back-up data for the consultant to submit this report. He added that it is not responsible to say that the numbers are right or not and to prove them. He added that it is difficult for them to address that and it is hard to be put in that position. As far as the fiscal impact to the City, the applicant has done what the Commission has requested. The $15,000 per year revenue is about three times what taxes have been paid on this site for the last ten (10) years; it has been used as a storage lot for a contractor. He asked how long the City is going to wait for a potential retail/commercial use of the site and that Mr. Youmans wants to assume a use like the mixed uses on Cedar Creek Grade or Jubal Early Drive. Mr. Mislowski stated that it is difficult to assume that some medical or general office is going to go on this site. He then said that Mr. Youmans wants him to tell the Commission that a use that may go there is better than the use that he (Mr. Mislowski) is proposing and that he does not feel as though that is fair for him to argue against asking to be approved because it is a good proposal. Mr. Mislowski said that this proposal is ready to go. If it is rezoned, he said they will go to the site plan and it will be developed next year probably. How long is the City going to wait for a commercial development to go on the site that has been vacant for ten (10) years. He then added that they have done what was asked as far as the fiscal impact and they are improving the site. This development is not a negative impact to the City fiscally, it is a positive. Take into account the $15,000 per year and consider the total retail benefit which is maybe another $50,000 benefit. He then said that he believes that they have addressed the issue in the fiscal impact analysis. He then stated that they do not know what the footprint of the houses will be. He said that they have proffered for three (3) bedrooms and the only analysis that they have done is for three (3) bedroom units and the building official would have to confirm if it is three (3) bedrooms whether they provide a floor plan or not. He said that he is not sure what the benefit of the floor plan is and that it does not matter if the units have three (3) bedrooms and garages as this has no impact on whether it is 26 townhouses. Whether they submit floor plans or not, there is no change in the dynamic, they have specified that there will be no more than three (3) bedrooms and, if anything, there could be some two (2) bedroom units. He concluded by stating that it is going to be better and he then thanked the Commission.

Commissioner Smith asked if, the applicant provided a floor plan and once they look at the project as it moves on, they can come back and say that they cannot get three (3) bedrooms they can only get two (2) but this is what the layout is going to be just so we have something. Mr. Youmans responded that would be desirable to go from more bedrooms to fewer bedrooms. Mr. Mislowski said that we need to move forward and that they have addressed all of the comments that have been raised.

Chairman Wiley called for discussion from the Commission.

Commissioner Shickle said that there has been a lot of dialogue over the last three (3) months and that the applicant has been pretty responsive with regard to any questions and concerns that have been raised. She also said generally speaking, this is a site that is underutilized and to have an opportunity to do some infill development is a good idea but she wondered if the Commission could recommend to Council to deal more specifically with the school-age children potential and the mix of the two (2) bedroom versus the three (3) bedroom units in order to move this forward. She also said that she can appreciate the challenge of the sequencing of things and that it is difficult to move to the next level without this moving forward and would not like to see things get held up any further without this kind of contrast.

Commissioner Smith asked about item 4 relating to the floor plans and what does the Commission do about it. Chairman Wiley said that it would have to be deleted and the applicant would have to revisit it

at a later time. Mr. Youmans stated that he does not remember a PUD application where there were no floor plans submitted. When it is a PUD you typically have the floor plans whereas if it is a conventional conditional use permit application, you typically do not get the floor plans.

Commissioner Beatley asked where the discrepancy is in regards to the school-age children to which Mr. Youmans said that on page 26 of the staff report, it references the 2.88 persons per unit and they are using a generator for school-age children of 0.22 and that Mr. Mislowski referenced the school figure in the report and that only about 25% of the households have children now and it is expected to decline to 20%. Also, the number in the report includes all households in Winchester and that there are quite a number of households that are single occupant apartments, townhouses, age-restricted or elderly units. You just cannot say that the average in Winchester is now .25 and that this project is only geared to families that have only $60,000 or are on that lower end of the income scale but nonetheless have three (3) bedrooms. These units are going to be extremely attractive to families with more than one (1) child but to be consistent with what Frederick County does, they use in their development impact model, a figure of 0.279. Even doing that, only adding two (2) children more puts the City in the negative. He added that he is not necessarily saying that there will be 23 children out of 26 townhouses but if it is even eight (8), you are in the negative for your impact analysis. Commissioner Beatley said based upon that, this is her concern but that she does believe it is a better plan than what is currently there. The desire to see the floor plans is to determine if they are all going to be three (3) bedrooms and this could be a huge impact to the City from a revenue perspective.

Commissioner McKannan said that he cannot see this location being used as mixed use or commercial and that it makes sense for residential use.

Commissioner Slaughter said that he struggles with this and that he really cannot support it because this is a forever decision and even though something is better than what is currently there, it has to make sense for the long term for the City. This project is very attractive to families with children and although he appreciates what is in the fiscal impact analysis, he has problems with the assumptions that are made there. Just because it is in the report does not necessarily make it factual or that it is accurate as reports are open to interpretation. He said that he believes there will be a lot more children there than what are depicted in the fiscal analysis report. He added that he also has problems with the indirect benefits of revenue and things as such. While it is true that people can come in and spend money, if those people are just coming from another area of the City, then it is not added revenue. The numbers just do not make sense and there are no proffers that negate the impact. He concluded by stating that he wants what is the best use for the limited land that the City has and that a rezoning is not by-right and it is not the best use here.

Commissioner Smith said that it is more attractive to have residential use there than nothing. It could be a positive to Shenandoah University and to the students due to its close proximity.

Chairman Wiley said that he is in favor of the project but that he is concerned about the school-age children impact and the floor plan issue. He added that he would like to see the floor plans but that he does understand from a developer's point of view. He said that he does not really see office or retail and that it does compliment the residential piece behind it.

Chairman Wiley called for a motion.

*Commissioner Shickle moved to forward **RZ-14-35** to City Council recommending approval because the proposed MR (PUD) zoning, supports the expansion of housing serving targeted populations as called out in the Comprehensive Plan. The recommendation is subject to:*

1. *The Proffer Statement dated December 3, 2013, and revised February 14, 2014;*
2. *Adherence with the Development Plan titled "Generalized Development Plan, Commerce Street Townhomes', dated February 4, 2014, with revision dates of February 14, 2014 (Sheet 1) and February 17, 2014 (Sheet 2);*
3. *The single-page document titled 'Commerce Street Townhomes, Design & Development Standards';*

The Planning Commission recommends that City Council approve a waiver of the 5-acre minimum per Section 13-1-4.1 of the Zoning Ordinance to allow a 1.295 acre PUD because the applicant has shown that strict adherence would produce unnecessary hardship that would preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

Commissioner McKannan seconded the motion.

Roll call vote was taken and the motion passed 4-2.

NEW BUSINESS:

A. Resolution to Initiate: **TA-14-275** AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICT **(Mr. Moore)**

Mr. Moore said that this would initiate the Amendment which would then come back to the Commission next month as a public hearing. It is in the best interest of the City to proceed with the rezoning of land in the northern part of the City to be included in the CE District. It is proposed to change the Ordinance to include Wyck and North Cameron Streets with the same standards and guidelines as are in effect for Fairmont Avenue, Millwood Avenue, and North Loudoun Street. He concluded by stating that he is available for questions.

Chairman Wiley called for questions from the Commission. Hearing none, he called for a motion.

*Commissioner Slaughter moved to initiate **TA-14-275**. Commissioner Beatley seconded the motion. Voice vote was taken and the motion passed 6-0.*

B. FY 2015-2019 Capital Improvements Plan **(Mr. Eisenach)**

Mr. Youmans requested the Commission make a motion to favorably forward to City Council.

Chairman Wiley called for a motion.

Commissioner Shickle moved to support and forward to City Council. Commissioner Beatley seconded the motion. Voice vote was taken and the motion passed 6-0.

At 4:27 p.m., Chairman Wiley called for a three (3) minute recess.

At 4:30 p.m., Chairman Wiley reconvened the meeting.

C. Comprehensive Plan Amendment **(Mr. Youmans)**

Mr. Youmans advised of the updated graphic relating to the West Central planning area which is primarily focused on the Meadow Branch Avenue corridor. This is in preparation for the public discussion that is scheduled for Thursday night at 5:00 p.m. in the Exhibit Hall here at City Hall. He briefly reviewed the graphic and the updated vision for Winchester.

Councilor Tagnesi asked if the road that leads to the church is going to be conveyed to the church to which Mr. Youmans responded no, it will not be conveyed. Mr. Youmans said that the idea is to grant an access easement but not to convey ownership.

There was discussion relating to traffic and signage and Mr. Youmans advised that there will be signage installed on the new portion of the roadway and through truck traffic is still prohibited.

Commissioner Slaughter asked who in the public was notified of the upcoming information session. Mr. Youmans advised that the Home Owners' Association at Meadow Branch North, DBL Holdings, Moffett Estate, and those properties within a three hundred (300) feet radius of the subject property.

Mr. Youmans advised that there are no engineered plans yet. The City will be engaging the civil engineering firm in the near future and Mr. Eisenach intends to have a public information session sometime in August.

Mr. Youmans asked if the Commission is comfortable about proceeding to a public hearing next month because the advertising is due soon.

Commissioner Smith asked if the Commission is going to take into account the public comments from the information session to which Mr. Youmans stated that staff will summarize the public feedback and forward to each Commissioner before the June work session.

D. Administrative Approval(s) **(Mr. Moore)**:

1) SP-14-229 940 Cedar Creek Gr Cedar Creek Place Painter-Lewis, PLC

Mr. Moore explained the applicant's proposal for a few minor changes. He said that it is generally consistent with the Development Plan as is required. Scott Rosenfeld advised that they hope to break ground by June with the first phase under roof by winter.

Chairman Wiley called for questions from the Commission. Hearing none, he called for a motion.

*Commissioner Beatley moved to approve **SP-14-229** as submitted. Commissioner Shickle seconded the motion. Voice vote was taken and the motion passed 6-0.*

2) SP-14-280 150 Commercial St Major Properties Construction Mgt, Inc.

Mr. Moore explained the applicant's request. Gary Oates, applicant, elaborated on a few additional aspects of the project.

Chairman Wiley called for questions from the Commission. Hearing none, he called for a motion.

*Commissioner Smith moved to approve **SP-14-280** as submitted. Commissioner Beatley seconded the motion. Voice vote was taken and the motion passed 6-0.*

3) SP-14-281 403 Battaile Dr Storage Solutions Painter-Lewis, PLC

Mr. Youmans and Mr. Moore explained the applicant's request. Tim Painter, applicant, briefly elaborated on some of the work to be done and the phases.

Chairman Wiley called for questions from the Commission. Hearing none, he called for a motion.

*Commissioner Smith moved to approve **SP-14-281** as submitted. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.*

4) Minor Subdivisions (Jan-Apr 2014)

Mr. Youmans stated that Commission members were given the list at the onset of the meeting today.

ADJOURN:

Commissioner Smith moved to adjourn. Commissioner Beatley seconded the motion. Voice vote was unanimous and the meeting adjourned at 5:10 p.m.