

## PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, September 16, 2014, at 3:00 p.m. in Council Chambers, Roush 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:** Vice Chairman Slaughter, Commissioner Smith, Commissioner McKannan, Commissioner Loring, Commissioner Shickle, Chairman Wiley

**ABSENT:** None

**EX-OFFICIO:** Councilor Tagnesi

**FREDERICK CO. LIAISON:** Commissioner Kenney

**STAFF:** Tim Youmans, Aaron Grisdale, Josh Crump, Catherine Clayton

**VISITORS:** Tim Painter, Lawton Saunders, Lori Lievre, Dan Troup, Dale Barley

### APPROVAL OF MINUTES:

Vice Chairman Slaughter called for additions or corrections to the minutes of August 19, 2014. Hearing none, he called for a motion. Commissioner Smith moved to approve as submitted. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-0.

### CORRESPONDENCE:

Mr. Youmans advised that Commission members have received several updated staff reports and a new agenda that has been changed to add a suggested Administrative Approval for Site Plan 14-577 for 1675 S. Pleasant Valley Road. He added that this is the revision for the reuse of the former K-Mart site. The staff reports that were revised pertain to items 2C and 2D under the Public hearing portion of the agenda.

### CITIZEN COMMENTS:

None.

### REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

Commissioner Kenney advised that they did not have a regular meeting on September 3<sup>rd</sup> but that they did have a work session with planning staff and some of the members of the Board of Supervisors concerning the Russell 150 property. The applicant wants to have it rezoned to a R4 district and it will be called Heritage Commons. It will significantly increase the number of units from approximately 300 residential up to about 1200 residential units, 700,000sf commercial space, 100,000sf retail space and 600,000sf of office space. It is a very complicated and long rezoning and at the end of the day, it went back to the developers and staff to keep working at it before it comes back before the Planning Commission again.

**PUBLIC HEARINGS – New Business:**

**A. TA-14-477** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 18, AND 19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS OF GROUP HOME; PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES; PERMITTING, NOTIFICATION REQUIREMENTS, AND APPEAL PROCEDURES FOR FAMILY DAY HOMES; AND SITE PLAN EXPIRATION TIMELINES. **(Mr. Grisdale)**

Mr. Grisdale presented the staff report stating that this is a publicly sponsored text amendment that will bring the City's Zoning Ordinance into conformity with State Code, following legislative updates. Following review of our Zoning Ordinance and comparing it with the enabling provisions in the Code of Virginia, several areas were identified as in need of revision. There have been several revisions to the enabling legislation passed by the General Assembly pertaining to zoning regulations over the past several years. This ordinance addresses four areas that need some minor revisions. Staff does recommend approval and he concluded by stating that he is available to answer any questions.

*Vice Chairman Slaughter called for questions from the Commission.*

Commissioner Loring asked if this will bring us completely in concert with State Code to which Mr. Grisdale said yes, specifically with these four areas.

*Hearing no other questions, Vice Chairman Slaughter called for a motion.*

*Commissioner Smith moved to forward TA-14-477 with a favorable recommendation because the amendment, as proposed, presents good planning practice by ensuring the City's Zoning Ordinance is up to date and consistent with current provisions within the Code of Virginia.*

*Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-0.*

**B. CU-14-485** Request of EFD Investments, LLC, for a Conditional Use Permit for extended stay lodging at 132 N. Braddock Street (Map Number 173-01-F-6 - > <01) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. **(Mr. Youmans)**

(Chairman Wiley arrived at 3:10 p.m.)

Mr. Youmans presented the staff report stating that this is a request for a Conditional Use Permit under Section 9-2-19 of the Zoning Ordinance pertaining to extended stay lodging. The ground floor vacant and retail spaces and the two second-floor apartments in the two-story structure are proposed for conversion to a four-unit extended stay lodging facility. The Tudor Revival structure has an exterior appearance that lends itself to either commercial or residential use and it already contains two apartments on the upper level of the building. The door and window openings are more typical of a multifamily structure rather than a retail storefront. The building currently has a single recessed doorway directly oriented to North Braddock Street providing access to all spaces within the building. The applicant does propose to provide weekly maid service and owner maintenance to ensure that the property is taken care of in a way consistent with the intent of an extended stay lodging facility. A similar type of extended stay lodging facility was approved by City Council for the building just to the south at 126 N. Braddock Street. He concluded by stating that he is available for questions from the Commission.

*Vice Chairman Slaughter called for questions from the Commission. Hearing none, he asked if the applicant or representative is present to speak.*

Lawton Saunders, representative for the applicant, approached and stated that Mr. Youmans presented the request quite well and that he is available for questions.

*Vice Chairman Slaughter called for questions from the Commission.*

### **Vice Chairman Slaughter Opened the Public Hearing**

### **Vice Chairman Slaughter Closed the Public Hearing**

*Vice Chairman Slaughter called for discussion from the Commission.*

Commissioner McKannan said that there really is not a lot to discuss if it is going to be like the last request that has already been passed.

*Hearing no other discussion, Vice Chairman Slaughter called for a motion.*

*Commissioner Loring moved to forward CU-14-485 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 the following:*

- 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 four (4) 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.*

(Chairman Wiley resumed leadership of the meeting at 3:14 p.m.)

**C. RZ-14-490 AN ORDINANCE TO REZONE 7.7076 ACRES OF LAND AT 940 CEDAR CREEK GRADE (Map Number 249-01- -2 - > <01) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH PLANNED DISTRICT DEVELOPMENT (PUD) OVERLAY AND PARTIAL CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY. (Mr. Youmans)**

Mr. Youmans presented the revised staff report stating that the applicant is requesting again to change the underlying and overlay zoning of a large tract of mostly vacant land at the western limits of the City along the north side of Cedar Creek Grade. The request would change the zoning from B-2/PUD with proffers and some Corridor Overlay along Cedar Creek Grade frontage to B-2 with proffers and full CE overlay zoning restored. The prior rezoning last year (RZ-13-500) rezoned the tract from RO-1/CE to B-2/PUD (and some CE) subject to proffers. The proposal restores the Corridor Enhancement (CE) overlay zoning to the entire tract from the scaled back current extent which only applies to the first 125 feet

back into the site from Cedar Creek Grade. The request proposes to eliminate any Planned Unit Development (PUD) overlay zoning across the site. As such, no Development Plan depicting building layout, building elevations, floor plans, etc., are available for scrutiny as part of the rezoning evaluation. The revised proffers now specifically call for an assisted living and skilled nursing facility. Therefore, the Commission and Council can evaluate the request with the knowledge that no other use permitted in the B-2 District could be situated there. In a letter to the Planning Director dated September 15, 2014, Timothy Painter of Painter-Lewis, PLC, applicant for the owner (Scott Rosenfeld-Cedar Creek Place, LLC) has provided a revised proffer statement explaining the proposed rezoning, specifically the proposed commercial use as a nursing home and assisted living facility (approximately 120 beds), a trip generation report of the proposed use, and details of the entrance location of the site. Since this is a conditional rezoning request, the applicant has voluntarily submitted proffers to mitigate potential impacts arising from the rezoning of the property from B-2 (PUD/CE) to B-2 (CE). The updated trip generation study was prepared and submitted to the City on September 15, 2014, and the analysis indicates that the nursing home/assisted living facility would generate fewer trips than the current zoning for the 132 apartments as well as lower counts than what the previous RO-1 zoning would allow for office development. Generally, the average trips per weekday are estimated to be 282, with weekday peak hours having 21 trips and a weekday afternoon peak of 27 trips. For Saturdays, it is estimated to have 250 trips per day, with the peak hour of 50 trips. For Sundays, it is estimated to have 240 trips per day, with the peak day of 41 trips. The applicant has proffered access to the site from Cedar Creek Grade roadway at approximately the same location as the current private entrance of the Horton property. The existing entrance shall be removed and become a joint entrance for the Horton property and the nursing home facility. The entrance shall consist of VDOT standards for commercial entrances. Additionally, the applicant is no longer proposing a 5-foot wide walking trail with exercise stations that would have become part of the local trail system "for use by the residents." Lastly, the project phasing has changed to show that it will be constructed in one phase. Mr. Youmans concluded by stating that staff supports rezoning for the proposed use as stated in the revised proffer and we do not feel that the application needs to be tabled any longer as they have clarified the information regarding the use, that the whole project will be done in one phase, and have clarified by eliminating the proffers associated with the residential recreational amenities on the site. He said that as a single assisted living facility they would still have to meet requirements such as open space and recreational amenities but they would not be things that would be proffered for the public's use. He closed by saying that he is available for questions.

*Chairman Wiley called for questions from the Commission.*

Commissioner Smith asked where they are proposing to build the facility to which Mr. Youmans advised that without the PUD proposal, the applicant does not have to show a development plan, so at this point, we do not know where it will be. Mr. Youmans said that it is a less-specific rezoning in terms of the physical layout but it is a very specific conditional rezoning now in terms of the land use being just the one (1) facility. Commissioner Smith then stated that the cover letter mentioned that the project is to be built in one (1) phase but it did not say anything about additional buildings. Mr. Youmans said that he read somewhere that there may be subsequent buildings proposed and perhaps Mr. Painter could clarify that. Commissioner Smith then asked about the trip generation study and questioned whether it includes staff, medical and emergency services because normally there are three (3) shifts of staff coming in and out. Mr. Youmans said that he believes it does but, again, Mr. Painter could better address that. Mr. Youmans added that the standard that was used is the bed count but it is based upon total traffic coming and going regardless if they are visitors, employees or residents. Mr. Youmans said to clarify, on page 1 of the applicant's letter it reads in part, "Generally, this development shall consist of

one large nursing home building with up to three detached assisted living facilities proposed..." so they are actually making it a proffer in the general sense.

Commissioner McKannan said to clarify that it will be 120 total beds for the combined services which means all of the outlying buildings to which Mr. Youmans said that is correct.

Commissioner Loring said to clarify, they are going from eight (8) buildings to four (4) but that there might be more in the future to which Mr. Youmans responded that the information in the applicant's letter addresses it, that there would not be just one (1), there would be four (4) and based upon the statement regarding phasing, it sounds as though all four (4) buildings would be built at once. Commissioner Loring then commented that there is no site plan yet so right now the Commission is just looking at the rezoning and not necessarily the site plan. Mr. Youmans said that there is no development plan that depicts the layout because there is no PUD proposed with this rezoning.

*Chairman Wiley called for further questions for Mr. Youmans.*

### **Chairman Wiley Opened the Public Hearing**

Tim Painter, Painter-Lewis, PLC, representative for the applicant, said that the main building will be nearly centered on the property and there will not be any more than a total of four (4) buildings on the property. He added that with this type of use, traffic generation is much less than originally proposed and that he is available to answer any questions.

Commissioner McKannan asked what type of feedback has been received by Mr. Painter from the Horton's and the residents to which Mr. Painter responded that the Horton's are fine and they have agreed to maintain an easement and he has not heard from anyone else. Commissioner Smith asked what Mr. Painter means when he says he has not heard from anyone else to which Mr. Painter stated that he has not contacted anyone but that the owner has reached out to some of the neighbors and he does not know the results of the discussions.

Chairman Wiley asked if the traffic study was done just through Mr. Painter's office or was it used from some other place. Mr. Painter said that it was done through his office and it was based upon the number of beds. Commissioner Smith asked about the traffic study and the impact on residents of late night emergency services. Mr. Painter stated that there will be proper means of ingress and egress with one coming off of Cedar Creek Grade and connecting with Stoneleigh.

Councilor Tagnesi asked about the green space and what the applicant meant about keeping it. Mr. Painter said that they intend to maintain the green space as proffered.

*Chairman Wiley called for other public comment.*

Lori Lievre, 2301 Stoneleigh Road, said that she believes her question has been addressed but she wants to confirm that once the rezoning occurs, the only use of the land will be this use and nothing more. Chairman Wiley stated that is correct because the applicant has given a proffer that states the nursing and assisted living facility will be the only type of use. Ms. Lievre then said that her only other question or concern was pertaining to the height of the buildings but she said that it sounds like that will be a different process. Mr. Youmans responded that there will be a site plan stage but that the indication received is that the assisted living facility will probably not be as tall as the originally proposed

structures. Mr. Youmans added that in regard to some of the other adjoining property owners, Mr. Molden, who has the Summerfield properties to the rear, was aware of the change and he indicated that he has no problem with it. Commissioner McKannan stated that it will be limited to what is allowed in the Corridor Enhancement district to which Mr. Youmans responded that is correct.

*Chairman Wiley called for any other public comment.*

### **Chairman Wiley Closed the Public Hearing**

*Chairman Wiley called for discussion from the Commission.*

Commissioner McKannan said that he is more comfortable with the request now than last week especially since they are going from 132 apartments to 120 units and now being an assisted living facility instead of something that the Commission did not know what was happening. He added that he is much more inclined to support the project now versus a week ago. Commissioner Slaughter said that he agrees. Commissioner Loring said that it is helpful to him to know that the buildings will be clustered primarily in the center of the property and have managed open space around them. Commissioner Smith said that he has no problem with the rezoning but that the only concern he has is that he would have liked to have received the information sooner than what the Commission did with the proffer statement and actually know what is going there. Commissioner Shickle said that she agrees with Commissioner Smith.

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

*Commissioner Slaughter moved to forward RZ-14-490 to City Council recommending approval of the rezoning as depicted on an exhibit entitled "Rezoning Exhibit RZ-14-490, Prepared by Winchester Planning Department, September 2, 2014" because the proposed B-2 (CE) zoning facilitates the connection of Stoneleigh Drive to Cedar Creek Grade, and provides for commercial space in support of the Commerce Revitalization/Infill character designation in the Comprehensive Plan. The recommendation is subject to adherence with the revised submitted proffers dated September 11, 2014.*

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

**D. SD-14-532** Request of the City of Winchester for preliminary subdivision approval for a subdivision right-of-way dedication for Meadow Branch Avenue at 200 Merrimans Lane (Map Number 149-01-7-A), and 470 Merrimans Lane (Map Number 169-01- -5), zoned Conditional Highway Commercial (B-2) District, Education, Institution and Public Use (EIP) District, Medium Density Residential (MR) District, Low Density Residential (LR) and Residential Business (RB-1) District. **(Mr. Youmans)**

Mr. Youmans presented the revised staff report stating that this is a request of the City of Winchester for preliminary subdivision approval for a subdivision right-of-way dedication for Meadow Branch Avenue. The request is for preliminary approval of a six (6) lot subdivision and the dedication of Meadow Branch Avenue as a four (4) lane divided roadway through the current Ridgewood Orchard and Moffett Farms properties. A third property, owned by DBL Holdings, is not included in this subdivision since it is not traversed by the new public street, but will be included in a subsequent Minor Subdivision. Two other minor boundary line adjustments include one with the Lum residential property next to the

school site to account for an encroachment and a boundary line adjustment with the Sacred Heart property to eliminate a narrow strip of land between the new road and the Sacred Heart property. The land included in the subdivision entails a variety of zoning designations. The 33.4 acres of land currently owned by Ridgewood Orchard was rezoned at the September 9<sup>th</sup> City Council meeting. The driving force behind this subdivision of three privately-owned parcels is the need to create the 9.34-acre elementary school site that will front along the west side of newly constructed Meadow Branch Avenue. The plats for the initial Major Subdivision depict the Ridgewood Orchard property being subdivided into just three lots- one 12.66-acre elongated lot on the east side of the Meadow Branch Avenue right-of-way, and two lots on the west side of the roadway. The northerly lot on the west side contains 10.74 acres and includes the wedge of remaining LR land that will presumably be subdivided away from the larger portion of the site that was rezoned B-2. The southerly lot on the west side contains 6.4 acres, all of which will become part of the school site (with the exception of a small area conveyed to Lum). In addition to the 9.34-acre school site assemblage of the DBL Holdings property, the Ridgewood Orchard property is scheduled to be subdivided in to three (3) parcels. Dedication of land for Meadow Branch Avenue across the Ridgewood property has been proffered in 2005 as part of the conditional rezoning but has since been incorporated into the C&S PPEA proposal wherein the developer is contributing the right-of-way and the City and the PPEA partner are splitting the cost of building the 4-lane divided public roadway. The City is utilizing Virginia Revenue-Sharing funds for the public portion of the construction costs wherein state tax monies are matched with local dollars on a 50-50 basis. The local dollars are the funds from the developer. Today's public hearing is not about whether the existing portion of Meadow Branch Avenue should be two lanes or four lanes but it is important in terms of trying to identify what is proposed within the boundaries of this subdivision. The construction details of the newly proposed stretch of Meadow Branch Avenue were presented to the public at an open house held at City Hall on Thursday, August 28, 2014. The design is still subject to Council approval following presentation by staff at a Council work session on September 23<sup>rd</sup> and action (possibly concurrent with the Subdivision review) by Council in October. The preliminary plans depict a right-in/right-out (RI/RO) driveway serving the northern portion of the 7.39-acre Moffett land on the east side of the street. This area is otherwise served by full access, 4-way intersection at the southern end of the subject parcel and the distance between this RI/RO driveway and the median crossing at the south school entrance is less than the 300-foot minimum required per the Land Subdivision Ordinance (LSO), Section 2-2-32.1 for Category III streets. Drainage and storm water management are still being designed and those details will be provided with Final Subdivision review by City staff. Topographic plans for Meadow Branch Avenue have now been submitted showing existing and proposed grading. The grade of the road fairly closely follows the grade of most of the Moffett property and the southerly and northerly ends of the Ridgewood property. In the area between Sacred Heart church and the proposed B-2 land on the Ridgewood site, there is some cut on the Sacred Heart (east) side and upwards of 6-7 feet of fill on the west side as the road curves up the hill toward the school site. Details for water, sewer, and other utilities can be reviewed by City staff. Some utilities, such as water and sewer across the Moffett property, are not scheduled to be installed with the roadway project. Staff recommends that the Commission evaluate the initial subdivision layout and identify any concerns that need to be communicated back to the engineers and surveyors. The Planning Commission should hold the required public hearing on the preliminary subdivision and then consider a motion forwarding the Final Subdivision recommendation to City Council. He concluded by stating that he is available for any questions.

*Chairman Wiley called for questions from the Commission.*

Commissioner Loring asked if there will be dedicated turn lanes for each of the access points to which Mr. Youmans said that there will be opposing left turn lanes and it will be side street conditions for future roadways or driveways that come to that, there will be no stopping for traffic on Meadow Branch Avenue.

Commissioner Smith asked about the required distance between traffic lights and what the speed limit will be. Mr. Youmans stated that the minimum distance on a Category III street is 300-feet and the speed limit will be posted at 25mph just like existing Meadow Branch Avenue. The prohibition for thru trucks will also be maintained.

Commissioner Slaughter expressed concerned about the sidewalk conditions and the Green Circle Trail being right up against the road. He said he feels it is a potential safety hazard and asked if there is any way to create a buffer between the Green Circle Trail in that area. Perry Eisenach, Director of Public Utilities, stated that the City will not be using the entire right-of-way on the side and we cannot do anything on the west side because of the retaining wall. On the east side, we are trying to work with the homeowners' association to try to get some separation there. Commissioner Loring asked about guardrails to which Mr. Eisenach responded that there has to be a guardrail on the west side because of the drop-off. Commissioner McKannan said as a follow-up, assuming you are not able to strike an agreement with the HOA, what type of distance are you looking at to where it would fall in to the bottom category. Mr. Eisenach responded that it is about 300 to 400 feet.

Chairman Wiley advised of a point of clarification for protocol stating that the public hearing is preparing to start and that City Council will hold a work session, which is not a public hearing. Mr. Youmans responded that City Council work sessions are never public hearings. Mr. Youmans further advised that with major subdivisions, state law requires that the Planning Commission hold a public hearing at the preliminary subdivision stage, which is where we are today, and then the Planning Commission will act separately on the final subdivision recommendation to City Council. When it gets to City Council, Council will review it in a non-public hearing fashion at their work session, presumably on September 23, 2014, if the Planning Commission forwards the final subdivision today. It would then go on to the October 14<sup>th</sup> meeting for a motion by City Council to either approve or disapprove the final subdivision. It is not like a Conditional Use, Rezoning, or Text Amendment where there is a public hearing at the elected body stage, it is only here today. That does not mean that City Council cannot take input from the public because at the beginning of every work session and every regular session, they do have public comments so someone could speak about the item but City Council would not be soliciting public input as part of a formal public hearing.

Commissioner Shickle said that the public hearing today is not specifically about the decision relating to the two-lanes versus four-lanes to which Mr. Youmans said that is correct. Commissioner Shickle asked if City Council would be soliciting additional citizen comments beyond what has already occurred to which Mr. Youmans responded that he does not want to speak for City Council regarding what they will or will not do regarding the debate about the existing section of Meadow Branch Avenue. Mr. Youmans also said that there was a letter to the editor in the local newspaper recently stating that the Planning Commission had recommended certain things but of course, the Planning Commission has not done that. There has not been any action by this body to advocate or recommend against two- versus four-lanes on the existing section. The decision of City Council on that separate matter is related to this one because it affects that 600-foot transition area. If City Council does recommend Option 2, which is the four-laning of existing Meadow Branch Avenue, then there is no need for the two-lane transition area in to the Moffett property where the unbuilt portion of Meadow Branch Avenue is but there are some

other things that would need to be accounted for, namely how to accommodate the Green Circle Trail and the sidewalk and a little bit of an issue with realigning the existing portion of Meadow Branch Avenue North as it approaches Buckner Drive. It is unrelated but it does have some connection with the construction.

Commissioner Smith said that in a situation such as this, where do the public hearing comments get included. Mr. Youmans said that typically during the staff presentation at the City Council work session, staff would indicate whether or not there was citizen input from the Planning Commission public hearing and what that input was. Mr. Youmans also said that Councilor Tagnesi is here and will be able to clarify to City Council what has been said. He also said that he would like to clarify why City Council does not have a public hearing on subdivisions. It is because under Virginia law, a subdivision is what is called a ministerial act, meaning if an applicant meets all of the requirements laid out in the Subdivision Ordinance, the applicant/developer should expect that approval would be given for the subdivision. In contrast, a rezoning would be a discretionary act. Even if an applicant had all of the proffers in place and a complete application, they could still get rejected by the elected body because City Council has the discretion to say that they do not want to rezone the property. They cannot do that with a subdivision. That is why public sentiment on the subdivision is not accommodated as much as it is on something like a rezoning or conditional use.

Commissioner McKannan asked Mr. Youmans to touch on the pros and cons of either moving forward or not moving forward with the final subdivision action. Mr. Youmans explained that the Planning Commission acting on both the preliminary and the final subdivision at the same time has been customary practice of the Planning Commission. It is just that we get so few major subdivisions; it has been so many years since we had one. If the Planning Commission chooses not to act on both, we are looking at being another 1 to 1 ½ months behind schedule. We think we can still make up time following this subdivision action and keep the school project on the time frame that is necessary. The site plan is the last thing that needs to happen with the school project beyond this subdivision. Mr. Youmans added that since we are behind the approved timeline, he is hesitant to have the Planning Commission table the application today. There really is nothing that would give reason to hold the application up for yet another month.

### **Chairman Wiley Opened the Public Hearing**

Mr. Youmans clarified for the public that Mr. Painter was hired by the City to perform the work on the Meadow Branch Avenue roadway project and Mr. Mislowsky of Pennoni Associates is actually working with Ridgewood Orchard and with Moffett Farms.

Councilor Tagnesi asked if the road that is designated at the traffic light that will go to Sacred Heart church will be paved and who will be responsible for maintaining it. Mr. Eisenach said that is something that will have to be worked out between Sacred Heart and Ridgewood Orchard. The City will not be involved.

Dan Troup, Buckner Drive, said that he is the President of the HOA, and that he hopes that they can work something out with the City. He stated that he is supportive of City staff's recommendation of the stripping of Meadow Branch Avenue between Handley Avenue past Buckner Drive for Option 1 and the reduction of truck traffic. Dale Barley, Rodes Circle, also stated that he supports Option 1 with two lanes only because it is very important for safety purposes to keep it a two-lane road. Other public comments concerned safety and how the road would transition from the new school district to the residential area

and whether the Meadow Branch extension is going to be commercial on the east side and residential on the west side. Mr. Youmans responded that to the north and the south is existing low density residential zoning but to the northwest, City Council did approve the conditional B-2 Highway Commercial zone and there are restrictions on the uses there and it does have design standards that mimic the corridor enhancement standards for the Amherst Corridor overlay district but it is not actually in the corridor enhancement district.

### **Chairman Wiley Closed the Public Hearing**

*Chairman Wiley called for discussion from the Commission.*

Commissioner McKannan asked about the Planning Commission's ability to make a recommendation regarding the portion of the street from Buckner to Handley. Mr. Youmans stated that he would suggest waiting until City Council asks for it. Planning Commission recommendation is not something that the Commission is tasked with in terms of State Code, the Zoning Ordinance, or the Subdivision Ordinance. In reality, it is more of an operational issue in terms of how they allocate the use of existing pavement than it is a long-range planning issue but there is a lot of overlap in terms of how it impacts the transition zone. Mr. Youmans said that he felt it best to let the City Council have the informative work session and perhaps some of the Commissioners could attend to see what has been identified by staff.

Commissioner Smith stated that if the City is about 1 ½ months behind the more favorable motion for the final subdivision could subsequently move it forward as opposed to the preliminary to which Mr. Youmans said yes and that if the Commission does not do both, there will be another month or so added on.

*Hearing no other comments, Chairman Wiley called for a motion.*

*Commissioner Loring moved to approve the preliminary subdivision (SD-14-532) depicting right-of-way dedication for Meadow Branch Avenue and three lots on the Ridgewood Orchard property at 200 Merrimans Lane as well as two lots on the Moffett Farms property at 470 Merrimans Lane. The recommendation is subject to approval of the construction drawings by City staff and review and approval of the deed of dedication by the City Attorney.*

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

### **PUBLIC HEARINGS – Continued**

None.

### **NEW BUSINESS:**

**SD-14-532** Request of the City of Winchester for a final subdivision recommendation to City Council for a subdivision right-of-way dedication for Meadow Branch Avenue at 200 Merrimans Lane (Map Number 149-01-7-A), and 470 Merrimans Lane (Map Number 169-01- -5), zoned Conditional Highway Commercial (B-2) District, Education, Institution and Public Use (EIP) District, Medium Density

Residential (MR) District, Low Density Residential (LR) and Residential Business (RB-1) District. (Mr. Youmans)

*Chairman Wiley called for a motion.*

*Commissioner Smith moved to forward final subdivision (SD-14-532) to City Council recommending approval of the subdivision depicting right-of-way dedication for Meadow Branch Avenue and three (3) lots on the Ridgewood Orchard property at 200 Merrimans Lane as well as two (2) lots on the Moffett Farms property at 470 Merrimans Lane. The recommendation is subject to approval of the construction drawings by City staff and review and approval of the deed of dedication by the City Attorney.*

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

**OLD BUSINESS:**

None.

**OTHER BUSINESS:**

**A. Administrative Approval(s):**

1. **SP-14-577** 1675 S. Pleasant Valley Road parking space modification

*Commission Shickle moved to approve. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.*

**ADJOURN:**

With no further business before the Commission, the meeting adjourned at 4:37 p.m.