

## PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, September 17, 2013, 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:** William Wiley, Kevin McKannan, David Smith, Beau Correll, Martha Shickle

**ABSENT:** Stephen Slaughter, Jr., Jennifer Beatley

**EX-OFICIO:** Councilor Tagnesi

**FREDERICK CO. LIASON:** Kevin Kenney

**STAFF:** Tim Youmans, Will Moore, Aaron Gridale, Catherine Clayton

**VISITORS:** Barbara Swink, John Barker

### APPROVAL OF MINUTES:

*Chairman Wiley called for corrections to the minutes of the August 20, 2013, meeting. Hearing none, he called for a motion. Commissioner Correll moved to approve the minutes as submitted. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed, 5-0.*

### CORRESPONDENCE:

Mr. Youmans advised that he had no correspondence.

### CITIZEN COMMENTS:

None.

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

Commissioner Kenney advised that the Frederick County Planning Commission had no meeting on September 4, 2013; however, at the August 21<sup>st</sup> meeting they had a rezoning for Madison Village off of Route 522 South, a height requirement to raise, the height requirements are EM, M-1, M-2 districts and a revision to the Ordinance based on developmental rights, transferrable rights that can be done in the County. He advised that there will be a meeting tomorrow evening, September 18, 2013.

### PUBLIC HEARINGS:

**RZ-13-430** AN ORDINANCE TO REZONE 0.46 ACRES OF LAND AT 317 SOUTH CAMERON STREET (*Map Number 193-01-K-14*) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL

**BUSINESS (B-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY.  
(Mr. Moore)**

Mr. Moore presented the staff report and stated that this request is to rezone the property containing the 1845 former City Jail. He further stated that the Comprehensive Plan identifies the property as a redevelopment site and calls for a specific land use action to “(r)elocate the detox and court services from the old jail to less disruptive sites and to reuse the historic building for a public or private use more compatible with the area.” Mr. Moore advised that the Economic Development Authority is the applicant for the rezoning request which is intended to facilitate “appropriate housing development to serve targeted populations such as young professionals and empty nesters”. Mr. Moore stated that the current RB-1 zoning only permits development up to 35 feet in height whereas the B-1 zoning would allow for development up to 75 feet in height. Additionally, there are no proffers associated with this rezoning application. He completed his presentation by advising that, while potential redevelopment scenarios would likely include preservation of the historic jail building on the front part of the site, the rear addition is likely to be considered for demolition to provide for infill redevelopment. Additionally, any structures that would be demolished would first have to receive approval from the Board of Architectural Review or the Virginia DHR and that the reviews necessary for obtaining a COA or Historic Preservation Certificate provide a mitigating factor for potential adverse impacts of new tall structures under the proposed B-1 zoning.

*Chairman Wiley called for questions from the Commission.*

Commissioner McKannan asked if the brick structure surrounding the property is basically the property line to which Mr. Moore responded that it is. Mr. Moore also stated that there is a public alleyway that is unimproved at this time that runs just on the backside of the wall.

Commissioner Correll then stated that the City does need to update its housing stock but given its unique location, if the Planning Commission and Council approve this rezoning, are we giving up on a future detox center here in the City. Mr. Moore stated that he believes that he is not in a position to answer the question. He did state however, that he knows that Council specifically wants that use removed from this property. As far as the future of bringing back a detox center, whether in cooperation with the surrounding County or not, that would be a policy decision for City Council.

Councilman Tagnesi stated that the company says they have 45 days to make a decision but what if they decide they do not want to purchase this building. Mr. Moore advised that there is nothing with this rezoning that ties to that potential development so the Commission needs to look at this rezoning without that in mind. You need to look at potential impacts that could arise, if any, from simply rezoning it from RB-1 to B-1. Again, B-1 would allow for a wider array of commercial uses than RB-1. While we recognize that both the Economic Development Authority and the developer have a good history with redevelopment projects, particularly in the downtown area, we have nothing tying that contract to this rezoning.

Commissioner Smith stated that this gives us more flexibility with the rezoning. Mr. Moore stated that it is the potential rezoning of the property that would provide more flexibility for future uses than what is more constrained in the residential-business district.

### **Chairman Wiley opened the Public Hearing**

Barbara Swink, 516 S. Cameron Street, addressed the Commission and stated that her property is two (2) blocks north of the subject property. She stated that she is concerned about the fact that there is no parking now and that this property is not being required to provide parking. She further opined that in the event that it would have 20 apartments, there could be 40 vehicles or more flooding the surrounding streets. She stated that in her block on South Cameron Street, she often cannot find a place to park. She advised that there have been times that she has had to go down a block to find a place to park. She further added that she is concerned about the influx of vehicles and the additional need for parking and the fact that is being provided.

### **Chairman Wiley closed the Public Hearing**

*Chairman Wiley called for discussion from the Commission.*

Commissioner Correll questioned whether the developer is required to offer a plan for parking to which Mr. Moore stated that a site plan would be required for redevelopment of the property and if off-street parking is provided, it would be a part of that site plan. However, this is an area where Council has designated as exempt from being required to provide off-street parking so, regardless of the use, there is no requirement to provide off-street parking.

Commissioner Correll then asked if there is a mechanism for people in the area to get together to petition for a certain area to be permitted parking to which Mr. Moore stated yes, there is. It can be petitioned to the Police Chief to designate an area for permitted parking and to set up the criteria to issue those permits.

*Hearing no further discussion, Chairman Wiley called for a motion. Commissioner Smith moved to forward **RZ-13-430** to City Council recommending approval as depicted on an exhibit titled “Rezoning Exhibit, RZ-13-430, Prepared by Winchester Planning Department, September 3, 2013” because the proposed B-1 zoning will facilitate redevelopment to a use more compatible with the area consistent with the land use action called for in the Comprehensive Plan.*

*Commissioner Correll seconded the motion.*

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

### **NEW BUSINESS:**

**TA-13-488 AN ORDINANCE TO AMEND AND REENACT SECTION 22-2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO REFERRAL TO AND ACTION BY THE PLANNING COMMISSION ON REZONINGS AND ZONING TEXT AMENDMENTS. (Mr. Youmans)**

Mr. Youmans advised that there are no additional changes to the draft Ordinance, Draft 1 dated September 4, 2013. This is our effort to become more consistent with the explicit language in State Code as to when a rezoning or text amendment is referred to the Planning Commission and to change the maximum amount of time by which the Commission must refer the recommendation on to the elected body, changing it from our present standard of 90 days to the statutory 100 days in the State Code. He stated that the Commission does have the staff report and that the only thing he would emphasize is that under the current system you could only table an item one time because anything more than that would put you over the 90 day limit. Whereas with the amended Ordinance, you would be afforded 100 days.

*Chairman Wiley called for questions from the Commission.*

Commissioner McKannan stated that it seems as though they could table an item twice to which Mr. Youmans responded that that is the upper limit but we are certainly not advocating that. However, it is certainly possible especially if an application still has outstanding issues because this gives the Commission the ability to consider it.

*Hearing no additional comments or questions, Chairman Wiley called for a motion to initiate.*

*Commissioner Shickle moved to initiate TA-13-488. Commissioner Correll seconded the motion. Voice vote was taken and the motion passed 5-0.*

Administrative Approvals (**Mr. Moore**):

**SP-13-412** 3153 Papermill Road, Alamo Market, Jim Testa

Mr. Moore presented the applicant's request and explained the scope of the project.

*Chairman Wiley called for a motion.*

*Commissioner McKannan moved to approve SP-13-412. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed, 5-0.*

**SP-13-476** 181 Battaile Drive, entrance and drainage revisions, Trex Company

Mr. Moore presented the applicant's request and explained the scope of the project. Part of the property is proposed for acquisition to facilitate the Monticello Street extension and bridge over the railroad. Only limited work cleaning up a drainage ditch is proposed in this area. Staff will relay this to the applicant, who is the tenant of the property, so they are aware of the possible acquisition before making those improvements.

*Chairman Wiley called for a motion.*

*Commissioner Smith moved to approve SP-13-476. Commissioner Correll seconded the motion. Voice vote was taken and the motion passed, 5-0.*

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 3:35 p.m.

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William Wiley, Chairman