

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, October 16, 2007 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Planning Commissioners: Chairman Masters. Commissioners Sublett, Shore, Weber, Adams, and Willingham.

Ex Officio & Staff: Youmans, Moore, Diem, Van Diest

Frederick County Liaison: Charley Triplett

ABSENT: Commissioner Talley

VISITORS: Lynn Koerner, Tucker Conaboy, Niki Adhikusuma, Kevin McKew

Chairman Masters called the meeting to order at 3:00 p.m.

Mr. Weber, seconded by Mr. Adams, moved to approve the minutes of the September 18, 2007 meeting. The motion passed unanimously by voice-vote.

CORRESPONDENCE

There was a revised agenda to include items 4b and 4c. Revised staff reports were also submitted for items 2a and 2c along with additional information for item 4b.

CITIZEN COMMENTS

Upon hearing none, Chairman Masters clarified the Handley High School bus lane was not a public hearing item for today. Again, no one came forward for citizen comments.

REPORT OF FREDERICK COUNTY LIAISON

Mr. Triplett had no report to present.

PUBLIC HEARINGS

- A. **CU-07-07** Request of Shenandoah Mobile Company for a Conditional Use Permit to construct a wireless communications tower at 1921 South Loudoun Street zoned Commercial Industrial, CM-1 District.

Mr. Youmans presented the proposal. He stated the antennas will be inside of the support structure instead of an array of panels on the outside as originally presented at

the work session. No changes have been made to the staff report since the work session. All possible means have been exhausted for sharing space on other carriers' poles. He added the applicant has submitted a letter of intent for additional carriers to use this pole. Mr. Youmans stated the request is for the pole and the antennas. There will also be an opaque fence and evergreen trees around the base of the tower for screening. The pole will be located at the rear of the property away from South Loudoun Street. Staff recommends forwarding the request to Council for approval.

Lynn Koerner, contractor for Shentel, stated Mr. Youmans covered everything sufficiently but he was available to answer any questions.

Chairman Masters clarified that at the work session everything on the agenda is reviewed for understanding. It was reported in the Winchester Star that conceptual approval were made at the work sessions. She stated that is incorrect and confirmed that no decisions are made at the work sessions.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request. Seeing none, the public hearing was closed.

Mr. Adams asked if the pole will appear like a flag pole with the antennas located inside. Mr. Koerner confirmed it would but it would not have a flag on it. Mr. Adams asked if the pole is adaptable for a flag and Mr. Koerner confirmed it is.

Mr. Sublett asked if any additions will be on the outside or inside. Mr. Koerner stated that additional antennas could be located on the inside by adding them through access panels.

Mr. Adams asked Mr. Youmans if we are still requiring a bond for removal like on previous cell phone towers. Mr. Youmans stated it is done on some that have a visual impact, but not on all towers. Mr. Adams asked if it is needed here. Mr. Youmans stated that given the limited impact, staff did not require it.

Mr. Willingham, seconded by Mr. Weber, moved to forward Conditional Use Permit **CU-07-07** to City Council recommending approval as depicted on the submitted tower elevation dated **10/10/07** subject to staff review and approval of the site plan. The motion is based upon a finding that proposal as submitted will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposal; will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood; and the applicant has demonstrated compliance with the provisions of Section 18-2-1.2 for new cell tower proposals. *The motion was unanimously approved by voice-vote.*

- B. **CU-07-08** Request of Caldwell and Santmyer, Inc. for a Conditional Use Permit for a structure exceeding an 8,000 square foot footprint and having roof pitches less than

otherwise permitted by right at 110 Keating Drive zoned Low Density Residential, LR District with Corridor Enhancement, CE District Overlay zoning.

Mr. Youmans presented the proposal. He stated a Conditional Use Permit is required based on less of a roof pitch than called for and a footprint that exceeds 8000 square feet. Staff recommends supporting the project due to low visibility because of the lay of the land.

Tucker Conaboy of Caldwell and Santmyer was present for any questions. He also stated the size of the parcel is 16 acres so the building will not overwhelm it.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request. Seeing none, the public hearing was closed.

Chairman Masters stated the project works very well even with the changes to the Corridor Enhancement District. This is a 1950's structure and a pitched roof would overwhelm it.

Mr. Weber stated he agrees with Chairman Masters. He also stated the whole project as presented is well done.

Mr. Adams stated the Conditional Use Permit process with the Corridor Enhancement district give us flexibility. He agreed with the application.

Mr. Weber, seconded by Mr. Adams, moved to forward Conditional Use Permit **CU-07-08** to City Council recommending approval as depicted on the submitted architectural elevations and floor plans dated October 2, 2007 subject to staff review and approval of the site plan. The motion is based upon a finding that proposal as submitted will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposal; will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood; and, will conform to the purposes and the expressed intent of the Corridor Enhancement Ordinance. *The motion was unanimously approved by voice-vote.*

C. **SP-07-43** Request of Greenway Engineering for site plan approval for commercial use at 2725 South Pleasant Valley Road zoned Commercial Industrial, CM-1 District.

Mr. Moore presented the proposal by giving a description of the surrounding area and the site plan. He stated the Planning Commission reviewed the plan briefly at the last meeting but wanted to have a public hearing before making a decision. Mr. Moore stated the driveway spacing for the entrance is 113 feet instead of the required 125 feet. The applicant is requesting shared access with the adjacent properties but has not received the response from one of the properties. Although staff supports a favorable motion, we have provided two possible motions for consideration.

Niki Adhikusuma of Greenway Engineering was present to answer any questions. He stated they would go with either motion the Commission made.

Chairman Masters opened the public hearing.

Chairman Masters asked if there was anyone wishing to speak in reference to the request. Seeing none, the public hearing was closed.

Mr. Weber asked how much time is left on the 30 days given for the responses. Mr. Moore stated that today is the first day.

Mr. Adams stated we could have an answer by next month. Mr. Moore agreed and stated that we could also have an answer by next week and the two draft motions gave the Commission the flexibility to approve contingent upon the shared access being rejected.

Mr. Youmans stated he was actually somewhat glad the trailer park did not agree to the shared access due to eventual changes. It would be a better arrangement on the other side. He stated staff's position is to move forward.

Chairman Masters stated she likes the concept of inter-parcel access. As traffic and use of Pleasant Valley grows, it will be beneficial to everyone.

Mr. Shore, seconded by Mr. Weber, moved to approve SP-07-43 with approval of a driveway spacing exception to permit a driveway approximately 113 feet north of the adjacent entrance subject to the following: 1) A rejection of shared access to the property to the North being received, or a 30 day period without response from the adjacent property owner having elapsed; 2) Establishing an access easement for future shared access to one of the adjacent properties; 3) Recordation of right-of-way dedication as called for on the plans; and 4) Staff review and approval.

Mr. Adams stated that regardless of whether the shared access is rejected or accepted, the driveway location is what the City wants and it is beneficial to the City and that is why he is in favor of it.

The motion was unanimously approved by voice-vote.

OLD BUSINESS

- A. **SP-07-39** Request of Patton, Harris, Rust and Associates for site plan approval for site improvements at John Handley High School located at 425 Handley Boulevard zoned Educational, Institutional and Public Use, EIP District.

Mr. Youmans presented a revised site plan that would allow a cut of a 1-2 foot strip into the property for the bus lane and an 8-foot sidewalk. He stated staff feels the applicant has addressed all of the concerns voiced at the previous meeting and has presented a more favorable plan.

Mr. Adams asked if the revised site plan saves the trees. Mr. Youmans stated one would need to be removed by the curb but the three mature evergreen trees would not need be removed.

Mr. Weber asked when exploring the options for the proposal, did the school try to figure out some way to lessen the number of student cars that come there or is it just everyone is allowed to drive when they feel like driving.

Chairman Masters stated that she was not sure that is what they are here to talk about. She stated that they are here to talk about is the bus pull off lane. She thinks it is by right. When it was tabled last month for the reasons given, the school did indeed come back with a good plan.

Mr. Weber stated that the Commissioners did say we were tabling the motion at the last meeting in order to give the school administrators an opportunity to explore all of the options. He was just asking whether or not any of those options had been explored, that's all.

Mr. Youmans stated the Mr. Kevin McKew was present and may answer that if the chairman requires, but this revision does specifically address the concerns that came up at the last meeting about unauthorized curbside parking in this area by defining it strictly for buses.

Mr. Adams stated that he would rather see two feet cut out instead of ten feet. He thought the school system has proposed a much better improvement of what they originally saw. He stated he was very vocal in his opposition to whether the school has properly planned this out. In responding to Mr. Weber's observations, he stated he knows Handley has restricted parking now because the trailers take up at least a third of the parking lot. They have limited the number of parking permits that they give out. It may be something to consider in the future in order to minimize the impact of additional parking space on campus and additional carving out of land. Mr. Adams stated that in his perspective, he doesn't care if it is by right. It still is subject to review and approval by the Planning Commission, and that Handley High School, as mentioned last month, is a jewel and it is one jewel that is going to remain as opposed to being carved away. What is proposed this time is a lot better and he is in agreement with this plan, but he thinks the school system can still do more in order to protect Handley.

Mr. Weber, seconded by Mr. Sublett, moved to approve the Handley Blvd bus pull-off area and sidewalk revisions as depicted on the October 5, 2007 revised version of Site Plan SP-07-39, subject to staff review and approval. *The motion was unanimously approved by voice-vote.*

NEW BUSINESS

A. Resolution to Initiate Accessory Structure Height Amendment (TA-07-08)

Mr. Diem stated that as was discussed at the work session, the idea of incorporating the review of the BAR was initiated through the BAR chairperson Lawton Saunders but he

has not received a response collectively from the BAR. The initial reaction from the chair was positive but that it did not necessarily represent the BAR as a whole. He stated he anticipates further discussion this Thursday at the BAR meeting. In the best interest of the Planning Commission, Mr. Diem requested tabling the resolution until the next scheduled public hearing.

Mr. Adams, seconded by Mr. Weber, moved to table the resolution until we hear the BAR's response. The motion was unanimously approved by voice-vote.

B. Discussion of Inoperable Vehicle Amendment (TA-07-07)

Mr. Diem stated the city code and zoning ordinance are not in line with each other and some work needs to be done to bring them up to state code in regards to inoperable vehicles. He stated this will require a two-pronged effort to address the City Code chapter with City Council and to address the zoning ordinance. He wanted to bring the information before the Planning Commission to introduce the idea that the Zoning and Inspections office is prepared to assume appropriate responsibility of inoperable vehicle enforcement.

Chairman Masters confirmed this is information only. Mr. Diem stated that she is correct and that he could see it as a public hearing item in November as well.

Mr. Adams stated that since this addresses the policing powers of the City of Winchester and the public safety issues, we would not be grandfathering people who may have a number of inoperable vehicles located at their residences at this time. Mr. Diem stated that is correct. He added there is one specific item of grandfathering that would apply that exists in the language of the state code.

Chairman Masters confirmed that this is the first time the commissioner have seen this and it was not presented at the work session. Mr. Diem stated that is correct.

It was decided that this will be brought to the work session next month.

C. Administrative Authorizations

Before the administrative authorizations began, Mr. Youmans reminded the commissioners that the next work session for the Comp Plan will be held on October 23rd at 7:30 a.m. in the Exhibit Hall.

Mr. Youmans stated there will also be a special meeting and work session for Council on October 23rd at 5:30 p.m. Mr. Youmans will be presenting on Roundabouts at the work session.

1) SP-07-47 Valley Engineering MOBII parking/190 Campus Blvd

Mr. Willingham, seconded by Mr. Weber, moved to grant administrative authorization for SP-07-47. *The motion was unanimously approved by voice-vote.*

- 2) **SP-07-48** Greenway Eng. HN Funkhouser bldg additions/2150 S Loudoun St

Mr. Adams, seconded by Mr. Weber, moved to grant administrative authorization for SP-07-48 with the following conditions: 1) site plan approval will not be granted until such time that a site plan is submitted with regards to the non-complying parking area used by Papermill Place, 2) no building permits related to this site plan will be issued until the site plan for the non-complying parking area is approved, and 3) no certificate of occupancy will be issued for any structures related to this site plan until site plan improvements for the non-complying parking area are complete,. *The motion was unanimously approved by voice-vote.*

- 3) **SP-07-49** James B Justice Zeropak/500 block N Cameron St

Mr. Weber, seconded by Mr. Adams, moved to grant administrative authorization for SP-07-49. The motion was passed 5-0-1 with Mr. Shore abstaining.

- 4) **SP-07-51** Painter-Lewis Shoup parking lot/19-25 S Braddock St

Mr. Willingham, seconded by Mr. Weber, moved to refuse the administrative authorization and to require a public hearing to be held. *The motion was unanimously approved by voice-vote.*

- 5) **SP-07-52** Montgomery Eng. Elite Settlements/802 S Braddock St

Mr. Shore, seconded by Mr. Weber, moved to grant administrative authorization for SP-07-52. *The motion was unanimously approved by voice-vote.*

ADJOURN

With no further business to discuss, Mr. Willingham moved to adjourn at 4:50 p.m. The motion was seconded by Mr. Weber then unanimously approved by voice-vote.

Susan Masters, Chairman