

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, February 19, 2008 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

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

Ex Officio & Staff: Youmans, Moore, Walsh, & Griffin

Frederick County Liaison: Absent

ABSENT: None

VISITORS: J. David Griffin, Evan Wyatt, Wayne Lee, James Justice, Jimmie Funk, David McLaughlin, Peter Killion, John Lewis, Jerry Fletcher

CALL TO ORDER: Chairman Masters called the meeting to order at 3:00pm.

APPROVAL OF MINUTES:

Mr. Weber, seconded by Mr. Willingham, moved to approve the minutes of the January 15, 2008 meeting as presented. The motion passed on a vote of 7-0-0.

CORRESPONDENCE

There was a revised agenda including:

1. Staff reports for Text Amendment TA-07-14.
2. Item 4B RZ-08-03 under New Business addition Motion to Initiate on site plans.
3. Item 4C RZ-08-04 under New Business addition Motion to Initiate a rezoning for lots on Roosevelt Blvd and Papermill Rd.
4. Item 4E RZ-08-04 under New Business addition Administrative Authorizations on site plans.
5. Item 4G the Statistical Report for 2007.

CITIZEN COMMENTS

None

REPORT OF FREDERICK COUNTY LIAISON

COMMITTEE APPOINTMENTS

Chairman Masters went over appointments. They were assigned as follows:

EDC – Mr. Adams
EDA – Chairman Masters
Parking – Mr. Weber
OTDB – Mr. Willingham

She announced that the Frederick County Liaison post will be every other month and rotated as follows:

March – Mr. Talley
May – Mr. Shore
July – Mr. Weber
Sept – Mr. Sublett
November – Mr. Willingham

PUBLIC HEARINGS

RZ-07-14 AN ORDINANCE TO CONVENTIONALLY REZONE APPROXIMATELY 2.00 ACRES OF LAND FROM INTENSIVE INDUSTRIAL, M-2 DISTRICT TO COMMERCIAL INDUSTRIAL, CM-1 DISTRICT AT 2609 PAPERMILL ROAD (*Section 291, Double Circle 1, Lot 9*), ZONED INTENSIVE INDUSTRIAL, M-2 DISTRICT. The Comprehensive Plan calls for light industrial use.

Mr. Youmans presented the request to conventionally rezone (without proffers) the former Bauserman Oil parcel located to the north of the UAW Lodge on old PaperMill Rd and south of the existing Cavalier Kitchens facility across E. Tevis Street to the north. The proposed rezoning would expand the CM-1 zoning district along the east side of the CSX railroad.

Mr. Youmans continued to explain how the request would extend the existing CM-1 zoning district that extends along the east side of the CSX railroad from E. Cedarmeade Avenue up to E. Tevis St excluding this property. The rezoning to CM-1 would result in the elimination of any Intensive Industrial (M-2) zoning in close proximity to the Frederick Douglass Elementary School site on the west side of the CSX railroad. The Comprehensive Plan Land Use Chapter (last updated in 1999) specifically calls out the subject area for light industrial use rather than heavy industrial.

Mr. Jerry Fletcher, 39499 Golden Springs Court, who is the owner of the property, stated that he was available for questions.

Chairman Masters closed the public hearing.

Mr. Willingham felt that the rezoning makes sense.

Mr. Talley expressed that the move from heavy industrial would be good for the city.

*Mr. Willingham, seconded by Mr. Talley motioned to forward Rezoning **RZ-07-14** to City Council recommending approval because the scaling back of heavy industrial zoning is consistent with the Comprehensive Plan and the proposed CM-1 zoning supports economic development.*

Chairman Masters asked if there were any comments on the motion.

The motion was then unanimously approved by voice-vote. 7-0

RZ-08-01 - AN ORDINANCE TO CONDITIONALLY REZONE 0.203 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT TO CENTRAL BUSINESS, B-1 DISTRICT AT 419 NORTH CAMERON STREET (*Section 173, Double Circle 1, Block L, Lot 10A*) AND 21 CLARK STREET (*Section 173, Double Circle 1, Block L, Lot 8*), ZONED COMMERCIAL INDUSTRIAL, CM-1 DISTRICT. The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre.

Mr. Youmans presented the request to rezone to B-1 the subject parcels that are currently CM-1. The applicant intends to reuse the existing structure for church use. A proffer is included that would limit any future conversion to residential use to no more than 4 units on 419 N. Cameron St and no more than 2 units on 21 Clark St.

Mr. Youmans explained that the lots are zoned CM-1 and 419 N. Cameron St is the first property along the west side of N. Cameron St outside of the Historic District (HW) overlay district. Zoning Text Amendment TA-04-01 extended the parking exemption northward along N. Cameron St to just south of the 419 N. Cameron St property.

He explained that the Comprehensive Plan calls for light industrial use, but the recent trend has been to rezone the N. Cameron Street corridor in this area to allow for adaptive mixed use in a manner that is not constrained by the “suburban” zoning standards associated with the CM-1 district that are inconsistent with the existing urban development form in this area of the City. While this proposal is inconsistent with the Comprehensive Plan recommendation for light industrial use, it does offer an opportunity to stimulate economic activity in this blighted area of the City.

Jimmie Funk of Cross Junction explained that Patton’s Furniture had previously used this building as a warehouse but had to close it due to increased traffic that prevented them from being able to load and unload.

Chairman Masters closed the public hearing.

Mr. Talley asked if zoning would allow the church to have outdoor activities or if they would have to come back for that later.

Mr. Youmans explained that by the time they provide the required off-street parking, there wouldn't be any room for outdoor activities.

Chairman Masters asked if they were in the parking exempt district.

Mr. Youmans stated that they are not.

Mr. Shore asked if there was a necessity to provide parking right now.

Mr. Youmans stated that they would have to provide parking in order to establish church use.

Chairman Masters continued by saying that parking would be shown on a site plan not on a rezoning application.

*Mr. Talley, seconded by Mr. Weber motioned to forward Conditional Rezoning case **RZ-08-01** to City Council recommending approval as proffered because the proposed B-1 zoning supports economic development and is consistent with changed conditions and zoning along the N. Cameron Street corridor.*

Chairman Masters asked if there were any discussion on the motion.

Mr. Adams stated the even though it is inconsistent with the current Comprehensive Plan, it is consistent with the discussions on the revision of the plan.

The motion was then unanimously approved by voice-vote. 7-0

Chairman Masters asked for a moment to say farewell to Mr. Ed Farrell, reporter of the Winchester Star, as he will be moving to Seattle, Washington. She wished him luck.

RZ-08-02 AN ORDINANCE TO CONDITIONALLY REZONE 0.6069 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL, MR DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT 630 SNYDER LANE (*Section 329, Double Circle 1, Lot 14*), ZONED MEDIUM DENSITY RESIDENTIAL, MR DISTRICT. The Comprehensive Plan calls for low density residential use with commercial use immediately to the East.

Mr. Moore presented the request, stating the rezoning would facilitate expansion of the existing Creekside Station commercial center along the West side of Valley Avenue in the South end of the City and represents the last remaining MR-zoned parcel of land previously improved with a single family residence along Snyder Lane. An extensive list of proffers helps to ensure that the development of this parcel would be unobtrusive to surrounding properties, including the Kernstown Battlefield immediately to the West. The request is consistent with a previously approved rezoning (case RZ-03-01) of property directly to the North and also bordering the Kernstown Battlefield property.

Mr. Moore made note of a Proffer Statement entitled “JOLEEN L.C. REZONING, Tax Map Parcel #329-((1))-14, 0.6069± Acres” dated January 7, 2008, revised February 5, 2008 and revised February 14, 2008 and the fact that it outlines five associated proffers.

Mr. Moore stated that this request is consistent with the previously approved rezoning of land to the North which was also identified in the Comprehensive Plan for residential use. Like the previous rezoning, the use of this land in a very restrictive commercial manner as herein proposed would actually offer the potential for less impact on the adjacent battlefield than that which might occur with residential use of the site. The proffers ensure that, whoever owns the commercial land long term, there are binding restrictions upon the array of land uses and the qualitative aspects of development.

Evan Wyatt of Greenway Engineering added that Mr. Graber has provided the quit-claim deeds for not only himself but the adjoining residents. He stated that he was available for questions.

Chairman Masters closed the public hearing.

Mr. Weber stated he has no concerns about the rezoning but he did have a question as to how the gating on Snyder Lane would work regarding access to the adjoining properties.

Mr. Wyatt explained that the two properties, Warren and Opequon Properties do not physically connect to Snyder Lane, but on paper the properties do have right of access. He stated that if either property wanted to develop an entrance Mr. Graber would afford them key access to the gate.

Mr. Adams expressed his concern with preserving the battlefield. He asked who would be responsible for maintaining the property.

Mr. Wyatt explained that the proffer states “property owner” in case the property is ever sold it would require the current owner to be responsible for the maintenance.

Mr. Weber, seconded by Mr. Adams motioned to forward conditional rezoning RZ-08-02 to City Council recommending approval subject to the proffers in the Proffer Statement dated January 7, 2008, revised February 5, 2008 and revised February 14, 2008 and subject to the buffering and barrier gating as depicted on the exhibit entitled “Creekside Station Conceptual Land Use Plan” prepared by Greenway Engineering and dated January 8, 2008, because the rezoning represents good planning practice by expanding opportunities for economic growth of the City in a suitable area while also protecting the value of the adjacent historic properties.

Chairman Masters asked if there were any discussion on the motion.

Mr. Adams expressed his approval of this rezoning to make it consistent to the adjacent property.

The motion was then unanimously approved by voice-vote. 7-0

CU-08-01 Request of David McLaughlin for a Conditional Use Permit for a Bed & Breakfast Inn at 616-618 South Loudoun Street (*Section 213, Double Circle 1, Block B, Lots 6 and 7*) zoned Residential Business, RB-1 District with Historic Winchester, HW District overlay.

Mr. Moore presented the request is for Conditional Use Permit (CUP) approval per Section 7-2-17 of the Zoning Ordinance to establish a Bed & Breakfast Inn in the existing structure at 616-618 South Loudoun St.

He further stated that the applicant has restored the property over the past twenty years. Other than possible signage, no alteration to its current state is planned or necessary for its conversion of use to a B&B. Its scale and architectural treatments have been preserved during the restoration. The structure has been restored to a four-bedroom, two-bath single-family home. The property could currently be utilized as a short-term rental home, however breakfast could not be served and single family home occupancy standards, particularly those pertaining to familial relationships, would create difficulties in renting the separate bedrooms to unrelated persons.

Mr. Moore concluded by saying that the applicant has already applied for and been granted a variance for required off-street parking by the Board of Zoning Appeals in Case BZA-07-21. As a condition of the variance, the BZA requested that Council consider imposing conditions “related to the routine monitoring of on-street parking impacts within the neighborhood” if a CUP is granted.

David McLaughlin, the applicant and owner stated that there was a question that went unanswered at the worksession concerning escape routes which he felt was easily answered. He explained that Richard Nelson, Building Inspector told him that he would need windows or skylights on the third floor and that all windows in the house should open easily. He continued by saying that on the second floor there is a window that opens up to a gently sloping roof which could be used to get to the backyard. He stated that the third floor consists of a full bathroom, hall and bedroom. Skylights 24” wide and 5’ long that open straight up have been installed, one in the bathroom, one in the hall and two in the bedroom. To escape a capable person could climb out onto the roof onto the roofs of the connecting properties.

Mr. McLaughlin provided pictures to the Commissioners showing the escape routes. He stated that he has climbed down from his roof several times but he is not saying that it would be easy for a young child or elderly person. He showed the Commissioners a copy of a passed inspection that was performed after the renovations were complete.

Chairman Masters closed the public hearing.

Chairman Masters explained that one of the big questions that need to be asked is what number of overnight guests should be allowed in the house including the applicant and his wife if they choose to stay overnight as well.

Mr. Talley felt that the request for 11 occupants is reasonable; however that is taking into consideration the 3rd floor bedroom. He asked if the inspection report presented by the applicant would be sufficient enough to go on at this point or should this item be tabled until one can be done.

Mr. Moore clarified that there are requirements for a skylight to be considered an escape route, one being that the opening can only be 44” above the floor. He continued by saying that modifications could be made if the skylight doesn’t meet the requirement such as putting in another skylight or window that meets the requirements or simply not use the third floor as a bedroom.

Mr. Adams asked if the bathroom would be usable.

Mr. Moore stated that yes it could be and that the bedroom area could be used as anything other than sleeping space.

Mr. Shore stated that the inspection report references an occupancy number of 14 and it shows the fire/escape access as being ok. He said that it stands to reason that the 3rd floor was probably used in that calculation.

Mr. Moore stated that the Building Inspector has not performed the Change of Use inspection so there is no determination that the skylight meets the requirements at this time.

Mr. Shore asked if the inspection is performed and the skylight fails inspection, would that make the Commissions decision null and void.

Mr. Youmans stated that the Commission could approve a higher number but once the inspection is done that would determine the actual number. He continued by saying that after the inspection is complete, the applicant could do improvements that would get him back to the number approved by the Commission.

Mr. Adams asked what the difference is between the inspection that was performed and the Change of Use inspection that has yet to be performed.

Mr. Moore stated that he is not familiar with what the Change of Use inspection entails. It depends on the type of use being converted to.

Mr. Adams asked Mr. McLaughlin what the purpose of the inspection was.

Mr. McLaughlin explained that it was for general occupancy as a rental property.

Chairman Masters expressed her concern about safety, saying every bedroom requires a window.

Mr. Moore stated that the inspection presented shows 4 useable bedrooms.

Mr. Youmans stated that if the inspection was done as a rental, single family residence not a Bed & Breakfast, the inspection would be different.

Mr. Willingham asked if it would have to have been noted on the present inspection that the 3rd floor couldn't be used as a bedroom.

Mr. Youmans explained that it would depend if they considered it grandfathered in.

Mr. Sublett asked how many bedrooms excluding the third floor are in the house.

Mr. McLaughlin stated that there are 3 bedrooms on the second floor.

Mr. Sublett asked if 3 is the maximum number of bedrooms if the third floor isn't approved.

Mr. McLaughlin stated that there are parlors on the first floor that can be made into bedrooms but he wouldn't allow it.

Mr. Sublett expressed his acceptance of 11 occupants stating that 3 bedrooms seemed reasonable.

Chairman Masters asked if the wording should be changed to "people in the house" instead of "guests".

Mr. Sublett felt that Mr. McLaughlin wouldn't sell a room at his bed & breakfast and put 5 people in there, that's not the clientele he's trying to attract but there might be exceptions.

Mr. Adams felt that 11 occupants are reasonable.

Mr. Weber asked if there has been any changes to the property since the inspection, same number of rooms then and now.

Mr. McLaughlin stated that there have been no changes.

Mr. Talley asked if Mr. McLaughlin came up with the escape route or if the inspector suggested it.

Mr. McLaughlin explained that Richard Nelson suggested an escape route and across the rooftops could be easily done by an able body.

Mr. Youmans explained that building code requires an escape route and an area of refuge; it doesn't have to be down on the ground.

Chairman Masters stated the question is if everyone is comfortable to move this ahead without having the building inspector report.

Mr. Willingham asked if it is approved would it go in front of City Council.

Chairman Masters said it would.

Mr. Willingham, seconded by Mr. Shore motioned to forward CU-08-01 to City Council recommending approval subject to the following conditions:

1. Review at the end of one year after conversion of use, in particular to examine on-street parking impacts;
2. Approval of a Certificate of Occupancy for change of use by the Building Official;
3. Occupancy to be limited to a maximum of 11 overnight occupants at any one time;
4. Approval and recordation of a minor subdivision plat to consolidate the two separately platted parcels prior to conversion of use to a Bed & Breakfast Inn;
5. Conformance with Board of Architectural Review procedures and receipt of Certificate(s) of Appropriateness for any proposed exterior changes;
6. The owner taking into consideration the concerns of neighbors and addressing them as they may come up; and,
7. Expiration of the CUP upon any future conversion of use or change of ownership.

The approval of the CUP is recommended because, as conditioned, the use 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 motion was then unanimously approved by voice-vote. 7-0

CU-08-02 Request of Napoli's Delicatessen for a Conditional Use Permit for a Neighborhood Convenience Establishment at 1206-1210 Valley Avenue (*Section 212, Double Circle 1, Block O, Lot 2*) zoned Limited High Density Residential, HR-1 District.

Mr. Youmans presented the request for limited restaurant use as a neighborhood convenience establishment in the first-floor former art gallery space at 1210 Valley Avenue which is in the same structure as the current Napoli's Delicatessen at 1206 Valley Avenue. The portion of the mixed use structure at 1206 Valley Avenue is currently limited to retail deli under the grandfathering provisions of the Zoning Ordinance dating back to when it operated as Shickle's Market. The provision of tables and chairs in the former art gallery space being proposed for internal connection to the deli would be characterized as restaurant use and could only be permitted with a conditional use permit in the HR-1 District.

The applicant is proposing to make use of the Neighborhood Convenience Establishment provisions to expand the deli operation into a combination deli and limited restaurant operation

wherein customers could choose to sit at the tables in the 1210 Valley Avenue building area. As outlined in his January 8, 2008 letter, the applicant would not be providing waiter service and no alcoholic beverage would be served or sold at the establishment. Mr. Peter Killion, owner of Napoli's, also indicates that customers would be selecting and purchasing their food at the deli counter and would be using paper & plastic utensils. The establishment would not be opened after 6:00pm and would not open before 6:00am. Local art would continue to be displayed at 1210 Valley Avenue.

The applicant has submitted photos of the exterior of the building which is not proposed to change. Floor plans dated 1/4/08 have been submitted showing five tables and a customer restroom. No significant changes are proposed for the structure as viewed from the public street.

Peter Killion, owner of Napoli's at 1206 Valley Ave, stated that he hasn't gotten any complaints while passing out the required adjoining property owners letter, that it in fact increased business because they didn't know the store was there.

Chairman Masters closed the public hearing.

Mr. Sublett asked why the hours would be limited from 6am to 6pm.

Mr. Killion stated that those are the current business hours. He doesn't want to be open any longer; he is there 12 hours as it is.

Mr. Sublett questioned whether or not the hours would limit the opportunity for growth. He felt 8pm was more reasonable.

Chairman Masters agreed with Mr. Sublett. She felt that making the closing time 8pm would give Mr. Killion more flexibility. That it would prevent him from having to come back and ask for a change. She asked if 10pm is unreasonable.

Mr. Youmans stated that there was one neighbor that came at the beginning of the meeting stating that since Mr. Killion is not asking to sell alcohol and there is a 6pm closing time that there was no reason for him to stay for the meeting because he had no problem with that. He continued by saying that reading in the newspaper that the Commission changed the time to 10pm would maybe cause that neighbor to have issue but that 8pm seems to be reasonable.

Mr. Willingham suggested 9pm as a compromise stating that he doesn't want to limit the applicant if he decides to change his hours.

Mr. Sublett felt that keeping it limited to 6pm would send a negative message to possible new business owners.

Chairman Masters stated that 8pm is being generous. She continued by saying that the concerned neighbor Mr. Griffin handed her a piece of paper before he left stating no alcohol sells as a condition, that he didn't say anything about the time.

Mr. Youmans explained that Mr. Griffin did mention to him his approval of the hour restriction as well.

Mr. Willingham explained that he said 9pm because this urban concept would allow people to visit the store later in the evening, after work for early morning needs such as milk or lunch packing items.

Mr. Adams asked about once a day trash removal in whether it was removed in the morning or evening.

Mr. Killion explained that the trash is removed from the building daily and placed into a large bin outback that is then picked up once a week.

Mr. Adams stated that daily trash removal doesn't mean removing it from the building but removing it from the premises.

Mr. Youmans continued by saying that in the warmer months you wouldn't want food waste cooking outside in the heat.

Mr. Adams again asked when the daily trash pick up occurs.

Mr. Youmans answered by saying that those specifics haven't been discussed.

Chairman Masters reminded everyone that if it gets a recommendation then the pick up has to be daily.

Mr. Willingham suggested that it be twice a week because there is a condition that states that if the neighbors did complain that it could be revised.

Mr. Youmans explained that the change in pick up is necessary now because the customers will be consuming the food on site and throwing away leftovers, the storage of the leftovers becomes an issue.

Mr. Willingham, seconded by Mr. Sublett motioned to forward CU-08-02 to Council recommending approval of approximately 500 square foot of neighborhood convenience establishment subject to the following:

- 1) Trash removal of all food wastes to occur twice a week;
- 2) No sale or serving of alcoholic beverage;
- 3) The seating area at 1210 Valley Avenue to operate in conjunction with the existing deli at 1206 Valley Avenue consistent with the applicant's January 8, 2008 letter;
- 4) Tables, chairs, benches, or other accommodations for on-premise consumption of food or beverage provided only in the area of 1210 Valley Avenue shown on the 1/4/08 floor plan with the exception of one small table and two chairs also being permitted on the front porch;
- 5) Hours of operation to be no earlier than 6:00am and no later than 9:00pm;
- 6) The applicants taking into consideration the concerns of neighbors and addressing them as they may come up; and,
- 7) Staff review and approval of the related site plan including adequate off-street parking;

The approval of the CUP was recommended because, as conditioned, the use 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 motion was then unanimously approved by voice-vote. 7-0

OLD BUSINESS

TA-07-06 Motion to Initiate – AN ORDINANCE TO AMEND ARTICLE 18, GENERAL PROVISIONS, OF THE WINCHESTER ZONING ORDINANCE, PERTAINING TO THE USE AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT, AND PERTAINING TO OFF-STREET PARKING REQUIREMENTS ON RESIDENTIALLY USED AND OCCUPIED PROPERTIES

In the absence of Mr. Diem, Mr. Youmans presented the revised staff report limiting the height of recreational vehicles that can be parked in front and corner-side yards to 60” or less (average height above surrounding grade), reducing the visual impact and possibility of obstructing views. This height allowance would include most low profile fishing boats, pop-up travel trailers, watercraft vehicles on trailers, and all-terrain vehicles with trailers.

The second aspect of this text amendment proposal is to minimize the amount of land disturbance and environmental impacts of vehicles parking on unimproved surfaces. An increasing number of residential properties are becoming less attractive as a result of vehicles parking on unimproved surfaces. Mud and dirt have replaced manicured lawns and landscaping and ruts that are created from tires become attractive breeding areas for mosquitoes.

Mr. Youmans explained that the Commission is being asked to decide whether the 60” or 80” standard should be applied to RV’s being parked in the front or corner-side yard.

Mr. Moore presented photographs to depict what this amendment would remedy.

Mr. Sublett stated that the intent of the Ordinance is to avoid mud, dirt and ruts that parking on the grass leaves behind. He suggested that 80” is more reasonable because his pickup is more than 70” tall. He stated that you can’t tell someone that they can park their truck in front of their house but not their boat that’s the same height.

Chairman Masters asked that if the true intent is to keep people from parking their RV’s on their lawns then what’s to prevent them from parking their car there.

Mr. Youmans stated that the ordinance states that any vehicle parked in the yard has to be on an improved surface.

Chairman Masters asked about a possible family member parking their RV at a house for a few weeks.

Mr. Youmans explained that zoning enforcement relies heavily on complaints. Once a complaint is received a 30 day notice of violation will be issued, so if they leave within those 30 days the person probably wouldn’t get cited by the city.

Mr. Sublett, seconded by Mr. Willingham motioned to initiate TA-07-06.

The motion was then unanimously approved by voice-vote. 7-0

TP-08-02 Recommendation to Council: Winchester Medical Center 1840 Amherst St –
Extension of Temporary Permit #07-08

Chairman Masters recused herself.

Mr. Willingham, seconded by Mr. Weber motioned to recommend to Council temporary extension of the permit for TP-08-02.

The motion was then approved by voice-vote. 4-2-1 (This motion was approved at the worksession. Mr. Sublett and Mr. Shore were absent)

Administrative Authorizations

- 1) **SP-07-49** James B Justice 500 Block N Cameron St former Zeropak
Mr. Willingham, seconded by Mr. Weber motioned to approve SP-07-49.
The motion was then unanimously approved by voice-vote. 7-0

- 2) **SP-07-50** Painter-Lewis 2711-2729 Valley Ave Stutzman Body Shop
Mr. Sublett recused himself.
The Commission reviewed the 3 options for parking lot lighting. Mr. Youmans reiterated his concerns about lighting on the building spilling out across the rear property line to adjacent residences.
Mr. Willingham, seconded by Mr. Shore motioned to approve SP-07-50 using the wall mounted lights, as shown in lighting Exhibit 1.
The motion was approved by voice-vote. 5-1-1 (Mr. Talley was against the motion)

- 3) **SP-08-04** OWPR Inc 1415 Amherst St Fred Co Schools Admin
Office Annex
Mr. Willingham, seconded by Mr. Adams to approve SP-08-04.
The motion was then unanimously approved by voice-vote. 7-0

NEW BUSINESS

SV-08-01 Recommendation to Council: AN ORDINANCE TO VACATE AND CONVEY TO FREDERICK COUNTY SCHOOLS THE EXCESS RIGHT OF WAY AT THE TWO DRIVEWAY ENTRANCES TO JAMES WOOD MIDDLE SCHOOL AT 1313 AMHERST ST

Mr. Youmans presented the recommendation stating that the schools is requesting that the City vacate the right-of-way at the two driveway entrances. In return they will dedicate a right-of-way to the City.

Mr. Sublett asked if there will be a sidewalk along with a bike path that will continue down that side of the road.

Mr. Youmans explained that there has been talk of putting in a sidewalk but its been decided that it be put on hold until the bigger project (Annex) is complete.

*Mr. Willingham, seconded by Mr. Weber to recommend to Council SV-08-01.
The motion was then unanimously approved by voice-vote. 7-0*

RZ-08-03 Motion to Initiate: AN ORDINANCE TO CONVENTIONALLY REZONE 0.09 ACRES OF LAND FROM COMMERCIAL INDUSTRIAL, CM-1 DISTRICT WITH HISTORIC WINCHESTER, HW DISTRICT OVERLAY TO CENTRAL BUSINESS, B-1 DISTRICT WITH HISTORIC WINCHESTER, HW DISTRICT OVERLAY AT 421 NORTH CAMERON STREET (*Section 173, Double Circle 1, Block L, Lot 5*). The Comprehensive Plan calls for light industrial use. B-1 zoning permits densities ranging from 30-68 units per acre. The proposed rezoning is to eliminate an isolated CM-1 zone that will remain subsequent to rezoning of surrounding properties.

*Mr. Weber, seconded by Mr. Adams motioned to initiate RZ-08-03.
The motion was then unanimously approved by voice-vote. 7-0*

RZ-08-04 Motion to Initiate: AN ORDINANCE TO CONVENTIONALLY REZONE 10.894 ACRES OF LAND FROM EDUCATIONAL, INSTITUTIONAL AND PUBLIC USE, EIP DISTRICT, HIGH DENSITY RESIDENTIAL, HR DISTRICT AND INTENSIVE INDUSTRIAL, M-2 DISTRICT TO HIGHWAY COMMERCIAL, B-2 DISTRICT AT PROPERTY NOW OR FORMERLY KNOWN AS 2400 ROOSEVELT BOULEVARD, 2402-2404 ROOSEVELT BOULEVARD, 2417 PAPERMILL ROAD AND 2479 PAPERMILL ROAD (*N/F Section 271, Double Circle 4, Lots 20A and 21A and Section 291, Double Circle 1, Lots 2 and 3*). The proposed rezoning is to facilitate the planned extension of Hope Drive and to facilitate economic redevelopment in the area.

Mr. Youmans presented the proposed rezoning showing the affected area on the overhead. He stated that this kind of action is what was anticipated in the processes of rezoning from EIP.

Mr. Adams suggested making the remaining EIP section; where the church is located, B-2 as well.

Mr. Youmans said that it could be done.

*Mr. Willingham, seconded by Mr. Talley to initiate RZ-08-04 to include changing the remaining EIP(the church) section to B-2 as well.
The motion was then unanimously approved by voice-vote. 7-0*

OTHER DISCUSSION

COMPREHENSIVE PLAN ADVISORY COMMITTEE DISCUSSION

Mr. Youmans suggested that some parameters be set before having the formal members appointed, other than the four that have already been appointed by City Council.

Chairman Masters asked that the list be made available to the Commissioners to be discussed in the next worksession because she doesn't feel that there will be a meeting with the advisory committee prior to that.

Mr. Youmans stated that it may be important to have the advisory committee there to hear the remaining data presented by staff.

Mr. Willingham asked when the next meeting will be held.

Mr. Youmans stated it will be next Tuesday at 7pm.

Mr. Willingham asked that those suggestions be emailed to the members on Wednesday.

Mr. Youmans added that the last organized presentation is tentatively scheduled for March 4 at 7:30am.

ANNUAL REPORT

Mr. Youmans presented the highlights of the Annual Statistical Report.

ADJOURN

With no further business to discuss, the meeting was adjourned at 5:46pm.

Susan Masters, Chairman

