

**PLANNING COMMISSION  
MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, October 16, 2012 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

**POINTS OF ORDER**

**PRESENT:** William Wiley, Dave Shore, Kevin McKannan, Stephen Slaughter Jr., Jennifer Beatley, David Smith and Beau Correll (7)  
**ABSENT:** None (0)  
**STAFF:** Tim Youmans, Aaron Grisdale and Paula Le Duigou (3)

**Approval of Minutes**

The minutes of the September 18, 2012 regular meeting were not available and will be presented for approval at the next meeting.

**Correspondence**

Mr Youmans noted that there were no changes to agenda. He noted correspondence received via email subsequent to the work session was distributed to the commissioners at the beginning of this meeting.

**Citizen Comments**

None

**Report of Frederick County Planning Commission Liaison**

No representative of Frederick County was present.

**PUBLIC HEARINGS**

**RZ-12-405** AN ORDINANCE TO CONDITIONALLY REZONE 7.74 ACRES OF LAND AT 940 CEDAR CREEK GRADE FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY.

Commissioner Wiley noted that he would be abstaining on this item due to a business relationship on the project. He stepped down from his seat as Vice Chairman.

Mr Youmans presented the staff report. The Comprehensive Plan calls for Commerce Revitalization/Infill in this area and for the connection of Stoneleigh Drive to Cedar Creek Grade.

PUD overlay allows for consideration of up to 18 dwelling units per acre. He referred to images on screen including an image of the Character Map from the adopted Comprehensive Plan. Mr. Youmans referred to proffer statement and the applicant's letter in the agenda packet. He made reference to the correspondence received for Mr. Ty Lawson, the applicant's counsel, regarding impacts on schools and an analysis of school age children

Mr. Youmans discussed the 6 areas of the proffer statement including Storm water management. He noted that a Fiscal Impact analysis had not been done and recommended that it be done by the applicant. He explained that if the applicant chose to do by-right office use instead of high density residential use that there could be more traffic generated on the 7.75 acre site. Mr. Youmans noted that he and Public Services Director Perry Eisenach had met with the applicant and talked about traffic impacts and what should be included in a study.

Mr. Youmans noted the Willow Run project on the adjoining parcel in the County and the opportunity to work with the developer of that property for alternative access to Cedar Creek Grade. He noted meeting with Frederick County Transportation Planner John Bishop and that there was no known date for the development because they have not started to do it because of the economy.

Commissioner McKannan asked about the Willow Run proffers and whether the traffic signal at Birchstone and Cedar Creek Grade would actually be required after the 200<sup>th</sup> residential unit. if they would guarantee the installation of signal. Mr Youmans clarified that VDOT has to decide if the traffic signal is warranted.

Commissioner Slaughter asked about mixed use on the tract which would be more consistent with the Comprehensive Plan that otherwise calls for Commerce.

Commissioner Beatley inquired about the comparison to Pemberton Village and Stuart Hill with regard to how many 3 bedroom units were proposed. She also asked about the number of parking spaces proposed. Mr. Youmans noted that 273 parking spaces were proposed. Commissioner Beatley also asked about turning over the proposed park to the City.

Chairman Shore asked if the applicant had talked to the Parks & Rec Department about this proposal.

Mr. Ty Lawson, on behalf of the applicant, responded to some of the questions that the Commissioners had. He referred to the Willow Run project and the possible effects on traffic impact. From a use perspective, he noted that the proposed HR zoning fits in well with the surrounding development and was not sure that office would do as well and it would be in the middle of residential development.

Mr. Tim Painter, engineer on behalf of the applicant, commented on the recreational uses and mentioned that he had talked with Brad Veach and discussed the proposed uses in the public park out along Cedar Creek Grade.

*Chairman Shore opened the public hearing*

Trevor Crabtree of 2305 Stoneridge Rd expressed concern with parking and traffic access to Cedar Creek Grade. He inquired about overflow parking and where apartment residents and park users will park. Mr Youmans noted that no parking is proposed on the entry road and that they were proposing two parking spaces per unit which is more than the minimum required by Zoning Ordinance. Mr. Crabtree wondered if they would lose parking on Stoneridge Rd.

Lori Lievre of 2301 Stoneridge Rd expressed safety concerns about the intersection at Cedar Creek Grade and Stoneridge Rd. She inquired about the right turn lane and also mentioned concerns about whether they would be looking at the tennis court and rec center. She wanted trees there. Mr. Youmans noted that an evergreen buffer was shown on the plan. Ms. Lievre noted additional traffic safety concerns and said that they have had multiple accidents already in their yard since they live at the corner.

Scott Juergens of 2308 Stoneridge Road expressed concerns about traffic and about Stoneridge Rd being used as a major cut through for church traffic on Sundays. He felt that offices would be better if they create less traffic.

Lynn Beightol of 2300 Stoneridge Rd expressed concerns about church traffic, and apartment rentals devaluing properties. He noted that he supported office development and strongly objected to what they were trying to do. He also questioned the estimate on the number of parking spaces that would be typical of office development if the full tract was developed with offices.

Ann Casey (Cranston) of 2111 Stoneleigh Dr expressed concerns of cut through traffic with many cars cutting through Orchard Hill. She felt that more rentals would devalue property. She also noted that Willow Run will happen but that we don't know when.

Lynn Beightol of 2300 Stoneridge Rd spoke again expressing concern about seeing a 4-story apartment building from his home in Harvest Ridge across Cedar Creek Grade and wanted to know about a height limit. Mr Youmans clarified that under the proposed PUD, the applicants can propose their own standards.

AJ Lievre of 2301 Stoneridge Rd expressed safety concerns about the intersection at Cedar Creek Grade and Stoneridge Rd adjacent to his home.

Tervor Crabtree of 2305 Stoneridge Rd spoke again inquiring about the posting of signs concerning parking by permit only. Mr. Youmans noted that the specific process for permit parking is outlined in City Code.

Sharon Wells of 2102 Stoneleigh Dr asked if they have to extend Stoneleigh Drive to Cedar Creek Grade. Mr. Youmans responded that it is called for in the Comprehensive Plan, but that City Council doesn't have to follow the Comprehensive Plan in every respect. He noted the history of Stoneleigh Drive not being extended as a public street with the Summerfield Apartments project back many years ago.

Jim Horton of 908 Cedar Creek Grade expressed concerns as an adjoining property owner with respect to the need for a buffer between the newly proposed apartment buildings and his home to the east. He raised concerns about his property having been partly rezoned to RO-1 by the City in the 1990's leaving the back of his property still in the HR zoning district and how he was told that he could not have apartments on his property. Mr. Youmans mentioned that the requested PUD overlay, together with the proposed HR underlying zoning, gives a premium density not otherwise available under just HR by itself. He encouraged Mr. Horton to schedule a separate appointment to discuss the impacts of zoning on his own property.

*With no further comments forthcoming, Chairman Shore closed the public hearing*

The Commissioners discussed the rezoning and debated potential traffic, fiscal, school, and aesthetic impacts. They also debated whether the proposed rezoning was acceptable given the

recommendations as to land use called out in the Comprehensive Plan. The Commissioners expressed interest in having both a traffic impact analysis and a fiscal impact analysis undertaken by the applicant.

Robert Coker, the applicant on behalf of Valley View Management, LLC noted that he would be glad to meet with concerned neighbors and had planned to hold a meeting with them as part of the process to seek rezoning.

Councilman Tagnesi, who resides in the Harvest Ridge Subdivision, expressed his feeling that the Planning Commission should consider the need for a traffic signal at the Stoneridge Rd/Stoneleigh Dr and Cedar Creek Grade intersection.

The Commissioners debated tabling the motion to allow time for the applicant to come back with the desired studies. Mr. Youmans reminded the Commission of the relevant State statutes that limit how long a rezoning request can be tabled without the applicant's support. He suggested that the Commission table until the November meeting.

Commissioner Smith expressed concern about the Commission getting too personalized in their objections and concerns about the development.

Commissioner Correll felt that they should include opportunities for more discussion once the additional information about traffic and fiscal impacts are available. Mr. Youmans noted that the public hearing had been closed but that it was up to chair if he wants to allow additional comments from the public.

*Commissioner McKannan moved that the Commission table **RZ-12-405***

*Commissioner Correll seconded the motion.*

*The motion to table passed 5-1-1 with Commission Smith opposed and Commissioner Wiley abstaining .*

Chairman Shore explained to those present what the process was for a rezoning as it works its way through Planning Commission for a recommendation and then on to City Council for the ultimate decision.

*Commissioner Wiley returned to his seat on the Commission*

**TA-12-473 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1 AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE DEFINITION OF DONATION DROP-OFF BOXES AND SITING PROVISIONS RELATED THERETO**

Mr. Grisdale presented the staff report for the publicly-sponsored text amendment. He referred to draft language included in the agenda packet as reviewed by the Commission at the work session last week and as initiated by the Commission at the October Commission meeting.

Commissioner Correll applauded his efforts at how to stop these boxes that are not maintained. He thinks it a good step; however he does not see why we need it to be this hard since it includes charities. He expressed concerns that the ordinance as proposed treats the charitable ones the same as the for profit ones.

There was continued debate and questions and answers between the Commissioners and staff.

**NOTE: The required public hearing for this item was not conducted at the October 16<sup>th</sup> meeting.**

Commissioner Correll indicated his desire to form a motion that includes changes to the language contained in the staff draft version presented to them. Specifically he indicated creating a section “h) Sections a, b, f, and g shall not be applicable to properly maintained donation drop-off boxes installed by local charitable or religious places of worship, placed on other properties with permission.”

*Commissioner Correll made a motion to amend the text amendment with his proposed new language adding the subsection “h.”*

*Commissioner McKannan seconded the motion.*

Commissioner Slaughter inquired if staff was supportive or opposed to the proposed language.

Mr. Grisdale indicated that overall he is not opposed to the amendment as presented, but would like to have sections B and G not included in the exemptions under subsection H. He stated that having the minimal, no-cost zoning permit requirement in all situations will enable staff to adequately enforce the proposed ordinance in all situations.

*Commissioner Smith made a motion to table the item. There was no second to the motion. The motion failed due to the lack of a second to the motion.*

*Commissioner McKannan offered a friendly amendment to strike items ‘B’ & ‘G’ from the list of exceptions that would apply to charitable organizations.*

*Commissioner Correll moved to accept the friendly amendment and forward to council as proposed with newly revised language. Commissioner McKannan seconded the motion.*

*The motion passed 6-1 with Commissioner Smith opposed.*

## **NEW BUSINESS**

A. The following administrative approvals were acted upon:

- 1) **SP-12-510** 801 Cedar Creek Gr Painter-Lewis PLC parking improvements

*Commissioner Smith moved to grant administrative approval. Commissioner Wiley seconded the motion. The motion passed unanimously.*

- 2) **SP-12-512** 1820 Valley Ave Painter-Lewis PLC City National Bank

*Commissioner Slaughter moved to grant administrative approval. Commissioner Beatley seconded the motion. The motion passed unanimously.*

- 3) **SP-12-513** 2200 S Pl Valley Rd Kimley-Horn & Assoc. Merchant's Tire & Auto  
(540 Adams Dr)

*Commissioner Wiley moved to grant administrative approval. Commissioner Smith seconded the motion. The motion passed unanimously.*

**ADJOURN**

With no further business to discuss the meeting was adjourned at 5:47 p.m.