

PLANNING COMMISSION
MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, November 20, 2012 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

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

PRESENT: Chairman Dave Shore and Commissioners Jennifer Beatley, Stephen Slaughter, and John David Smith. Commissioner Carroll “Beau” Correll, Jr arrived late. (5)

ABSENT: Vice-Chairman William Wiley and Commissioner Kevin McKannan (2)

EX-OFICIO: Councilor John Tagnesi and City Manager Dale Iman

FREDERICK CO LIAISON: Commissioner Kevin Kenney

STAFF: Planning Director Tim Youmans, Planner Will Moore, and Zoning & Inspections Director Aaron Grisdale

VISITORS: Larry Belkin, Dora Chapman, Ron Mislowsky

APPROVAL OF MINUTES

Commissioner Beatley moved to approve the minutes of the October 16, 2012 regular meeting as presented. The motion was seconded by Commissioner Smith.

Motion passed 4-0.

CORRESPONDENCE

Mr. Youmans stated that a revised agenda was provided that included the addition of item 4A2 – site plan for the Glaize property.

Commissioner Correll arrived at 3:02 pm.

CITIZEN COMMENTS

None.

REPORT OF FREDERICK COUNTY PLANNING COMMISSION LIAISON

Chairman Shore introduced Commissioner Kevin Kenney of the Frederick County Planning Commission. Commissioner Kenney reported that there was a light agenda at the Commission's last meeting. It included an ordinance amendment pertaining to the extractive manufacturing district, a comprehensive plan amendment to add land in Middletown and around Lord Fairfax Community College to the SWSA, and review of the Commission's by-laws.

PUBLIC HEARINGS

- A. **CU-12-489** Request of Dora Chapman for a conditional use permit for conversion of ground floor nonresidential use to residential use at 116 East Cork Street (*Map Number 193-01-P-34A*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Mr. Youmans reviewed the request for conversion of former ground-floor office space to residential use. This request applies to the eastern portion of an attached structure at 114 and 116 E. Cork St where the separately-owned property at 114 E. Cork St is already a dwelling unit on the ground floor. The structure has an exterior appearance that resembles a two-family dwelling with front porches and walls painted two separate colors abruptly meeting where the common property boundary runs down the middle of the structure. The door and window openings are typical of a dwelling rather than a commercial storefront. The building currently has a doorway to directly oriented to E. Cork St. No bedrooms are proposed on the ground floor. The Planning Director has determined that this segment of E. Cork Street does not represent a major commercial street and would suggest that City Council could find the one ground-floor residence to be as suitable as nonresidential reuse.

Chairman Shore opened the public hearing

Mr. Larry Belkin of 436 N. Braddock Street asked why there was a suggested condition pertaining to no ground floor bedrooms.

Mr. Youmans explained that it this was consistent with the applicant's proposed floor plan, plus there has been a historic concern with Council regarding having bedrooms at street level in converted space in the B-1 District.

Chairman Shore closed the public hearing.

*Commissioner Smith moved to forward **CU-12-489** to City Council recommending approval per Sections 9-2-16 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 based upon City Council finding that the proposed ground-floor residential unit is as suitable or preferable to other permitted uses on the ground floor and is subject to the following:*

- 1. Adequate floodproofing of the portion of the structure proposed for conversion in accordance with the applicable flood map designation, as determined by the City Engineer; and,*
- 2. Conformity with the floor plans depicting one two-bedroom dwelling with no bedrooms on the ground floor.*

The motion was seconded by Commissioner Correll.

Motion passed 5-0.

Commissioner Correll left the meeting at 3:10 pm.

B. 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

Chairman Shore stated that the Commission had inadvertently omitted the public hearing during its discussion of this amendment last month.

Mr. Grisdale reviewed the request and indicated that changes had been incorporated as suggested by the Commission last month.

Chairman Shore opened the public hearing.

No one spoke regarding the amendment.

Chairman Shore closed the public hearing.

Commissioner Beatley stated that the amendment makes sense to her.

Commissioner Beatley moved to forward TA-12-473 to Council recommending approval as contained within Draft 3, dated 11/13/12.

The motion was seconded by Commissioner Smith.

Motion passed 4-0.

OLD BUSINESS

A. 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.

Chairman Shore stated that the applicant is asking for the item to be tabled as he has not yet completed the studies that were requested by the Commission.

Commissioner Slaughter moved to table RZ-12-405 until the December meeting at the applicant's request.

The motion was seconded by Commissioner Beatley.

Motion passed 4-0.

NEW BUSINESS

A. Administrative Approvals:

- 1) **SP-12-542** 145 E. Tevis St PHR+A Chuck E. Cheese restaurant

Mr. Moore reviewed the site plan request; Mr. Ron Mislowsky was available for questions.

Commissioner Slaughter moved to grant administrative authorization for SP-12-542. The motion was seconded by Commissioner Smith. Motion passed 4-0.

- 2) **SP-12-571** 302-306 N Cameron St PHR+A Glaize & Bros Redevelopment

Mr. Moore reviewed the site plan request; Mr. Ron Mislowsky was available for questions.

Commissioner Smith moved to grant administrative authorization for SP-12-571. The motion was seconded by Commissioner Beatley. Motion passed 4-0.

ADJOURN

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

Dave Shore, Chairman