

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, May 21, 2013, at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

CALL TO ORDER Chairman Wiley called the meeting to order at 3:01p.m.

PRESENT: William Wiley, Dave Shore, Martha Shickle, Stephen Slaughter Jr., Jennifer Beatley, David Smith and Beau Correll (7)

ABSENT: None (0)

EX-OFICIO: Councilor John Tagnesi

FREDERICK CO. LIAISON: Kevin Kenney

STAFF: Tim Youmans, Will Moore, Aaron Gridale, Jim Deskins, Tyler Schenck and Carolyn Barrett

VISITORS: Richie Pifer, Charles Salamone, Gail Engel

APPROVAL OF MINUTES

Commissioner Shore moved to approve the minutes of the April 16, 2013 meeting as submitted. Commissioner Smith seconded the motion.

Motion passed 7-0.

CORRESPONDENCE

Mr. Youmans advised the commission that there was a revision to the agenda under Item 3 New Business for **SP-13-279** to present the site plan for the Taylor Hotel and request administrative authorization. Mr. Deskins will make the presentation. Mr. Youmans also noted the receipt of the May 17, 2013 version of the fiscal and economic impact analysis, revised proffer statements and updated development plan.

CITIZEN COMMENTS

None.

REPORT OF FREDERICK COUNTY PLANNING COMMISSION LIAISON

Commissioner Kenney advised the commission that Frederick County has had two meetings since the last Planning Commission meeting. May 1, 2013 meeting was for rezoning in the western and northern parts of the county for land preservation. May 10, 2013 was for rezoning B1 to B2 on Fairfax Pike to encourage more neighborhood type businesses. Rezoning for medical cottage units was also discussed. The units would provide room for people who don't have space in their homes to give care to family members in need. A traffic study and road improvement plans for the county were also discussed. They will not have a meeting June 4.

PUBLIC HEARINGS

A. **RZ-13-196** AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE (Map Numbers 251-01-27-A, 251-01-31-A, AND 251-04-01-A) FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY. (Mr. Youmans)

Mr. Youmans said that the applicant has requested the item be tabled to address deficiencies in the application and provide more time for review of materials recently received. They could proceed with the public hearing or close it. He advised against closing so matter could continue without having to re-advertise. Chairman Wiley suggested moving forward on holding the public hearing to get feedback and do some Q&A then proceed from there. Mr. Youmans gave a screen presentation and summary of items. Mr. Deskins made comments about expenditures.

Chairman Wiley asked for questions from the Commission. Mr. Slaughter asked about the traffic analysis study. He also asked if applicant can request corridor enhancement zoning. Mr. Correll asked about assumptions of how many school children would be living in planned apartment units. Other members asked about elevation, buffers and landscaping.

Chairman Wiley opened the Public Hearing.

Richie Pifer, one of the property owners, addressed the Commission and reiterated the request for tabling. Mr. Pifer stated that he just received the fiscal impact and time was needed to go over the information. He believed the development would be a great benefit to the Winchester community and he is willing to work with the commission.

Chairman Wiley acknowledged that there were no other speakers.

Commissioner Correll moved to table the public hearing and discussion and action until the next meeting. Commissioner Beatley seconded the motion

Voice vote was taken and the motion passed 7-0.

B. **CU-13-211** REQUEST OF KKE PROPERTIES LLC FOR A CONDITIONAL USE PERMIT FOR CONVERSION OF GROUND FLOOR NONRESIDENTIAL USE TO RESIDENTIAL USE AT 24 WOLFE STREET, UNIT 6 AND 26 WOLFE STREET, UNIT A (MAP NUMBER 193-01-C-8) ZONED CENTRAL BUSINESS (B-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY. (Mr. Moore)

Mr. Moore summarized the request.

Chairman Wiley asked for questions from the Commission. There was discussion about beginning a process to identify sections or areas that might be appropriate for conversion from commercial to residential which would be more consistent with the strategic plan to attract more people to live downtown.

Chairman Wiley opened the Public Hearing.

Gail Engel, representative for KKE Properties. She stated that unit 26A facing Wolfe Street has been renovated several times. Ms. Engel believes they can get great tenants and have good people in downtown. One of the commissioners stated he was on the fence and believed it would be better to have it as commercial. Another stated that the owners have made a big commitment to the property and that should be taken into consideration.

Chairman Wiley closed the Public Hearing.

Commissioner Shore moved to forward CU-13-211 to City Council recommending approval because the use, as proposed: should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood; should not be injurious to adjacent properties or improvements in the neighborhood; and, is as suitable as, or preferable to, other permitted uses on the ground floor. The approval is subject to the following:

- 1. Adequate flood proofing of the portion of the structure proposed for conversion in accordance with the applicable flood map designation, as determined by the City Engineer;*
- 2. Landscaping in the form of retaining the rooftop garden terrace, some foundation planting, flower boxes, and/or contribution to the OTDB for landscaping within the public right of way in the general area in conjunction with BAR review and recommendation of required green area per Section 19-5-6.3a of the Zoning Ordinance;*
- 3. Conformity with the submitted floor plans; and,*
- 4. The unit shall be subject to the Rental Housing Ordinance program within the City of Winchester.*

Seconded by Commissioner Correll.

Roll call vote was taken and motion passed unanimously 7-0.

C. CU-13-176 Request of Charles Salamone on behalf of AT&T Mobility for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and equipment at 103 East Piccadilly Street (Map Number 173-01-P-6) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (Mr. Grisdale)

Mr. Grisdale outlined the request using illustrations.

Mr. Smith asked if there was any way antennas could be shared or unused antennas be utilized.

Chairman Wiley opened the Public Hearing

Charles Salamone, representative of AT&T, spoke on behalf of the applicant. There are a number of factors that go into a site when being looked at such as height of building and service area. To answer Mr. Smith's question, he stated that it depends on the carrier and where the service area is they are trying to project.

Chairman Wiley closed the Public Hearing

Discussion – none

Commissioner Slaughter moved to forward CU-13-176 to Council recommending approval because the use, as proposed, 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 recommended approval is subject to the following conditions:

- 1. Submit an as-built emissions certification after the facility is in operation;*
- 2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;*
- 3. Submit a bond guaranteeing removal of facilities should the use cease.*

Commissioner Beatley seconded the motion.

Voice vote was taken and the motion passed 7-0.

D. TA-13-198 AN ORDINANCE AMENDING ARTICLES 18 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR TRANSMITTING AND RECEIVING FACILITIES AND TOWERS AND FEES FOR TELECOMMUNICATIONS FACILITIES AND RE-ADVERTISEMENT FEES. (Mr. Grisdale) – STAFF REQUESTS ITEM TO BE TABLED

Mr. Grisdale stated staff is doing additional revisions to proposed language in regards to fees to bring proposal in line with what is authorized in the state code.

Commissioner Correll asked what specifically is being done. Mr. Grisdale replied the code of Virginia allows the city to collect fees to cover costs of advertising and review. The processing costs for staff etc. are being revised to accurately reflect that cost. Commissioner Correll commented that he is concerned about the continued discussion of the fee increase and that the city has lost thousands of dollars in revenue. He hopes that the issue will be wrapped up at the next meeting.

It was moved by Commissioner Shore to table CU-13-198 until updated language can be provided from staff. Seconded by Commissioner Smith.

Voice vote was taken and the motion passed 7-0.

3. NEW BUSINESS

A. Administrative Approval(s) (Mr. Moore):

1) **SP-13-265** 116 Bruce Dr., Painter-Lewis, 7-81 Auto Body

Mr. Moore presented the site plan. A waiver is requested for an overhead door oriented toward Bruce Drive. No concerns or objections were noted regarding the waiver request.

Commissioner Correll moved to grant Administrative Approval of SP-13-265 as submitted. Commissioner Smith seconded the motion.

Voice vote was taken and motion passed 7-0.

2) **SP-13-266** 25 W Piccadilly St., DFC Architects, Joe's Steakhouse

Mr. Moore presented the site plan.

Commissioner Dave Shore moved to grant Administrative Approval of SP-13-266 as submitted. Commissioner Correll seconded the motion.

Voice vote was taken and motion passed 7-0.

3) **SP-13-279** 119, 121-129 N. Loudoun St., EDA, Taylor Hotel

Chairman Wiley abstained from this case. Mr. Deskins made comments about the plans. Mr. Smith and Mr. Slaughter asked questions and several members made comments.

Commissioner Shore moved to grant Administrative Approval of SP-13-279 as submitted. Commissioner Shickle seconded the motion.

Voice vote was taken and motion passed 6-0-1.

4. ADJOURN

With no further business to discuss, the meeting was adjourned at 4:45pm.

William Wiley, Chairman