

**PLANNING COMMISSION
MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, March 19, 2013, at 3:00 p.m. in the Council Chambers, Roush City Hall, 15 North Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Wiley called the meeting to order at 3:00 p.m.

PRESENT: William Wiley, Stephen Slaughter, David Smith, Beau Correll, Dave Shore (5)

ABSENT: Jennifer Beatley, Kevin McKannan (2)

EX-OFFICIO: Councilor John Tagnesi, City Manager Dale Iman

FREDERICK CO. LIAISON: Gary Oates

STAFF: Tim Youmans, Will Moore, Aaron Grisdale, Catherine Clayton (4)

VISITORS: Lawton Saunders, Melissa Hynes

APPROVAL OF MINUTES

Commissioner Shore moved to approve the minutes of the February 19, 2013, meeting. Commissioner Slaughter seconded the motion.

Motion passed 5-0.

CORRESPONDENCE

Mr. Youmans advised the Commission that the only correspondence is the revision to TA-13-138, which is item 3.A. on the agenda. He advised that Mr. Grisdale has prepared a revised version of the draft Ordinance dated today.

CITIZEN COMMENTS

None.

REPORT OF FREDERICK COUNTY PLANNING COMMISSION LIAISON

Commissioner Oates advised the Commission that coming will be a review of some of their standards and various groups for camping ordinance. It will be a busy session.

PUBLIC HEARINGS

A. **CU-13-60** Request of Deuk Yeon for a conditional use permit for a neighborhood convenience establishment at 501 North Loudoun Street (*Map Number 153-01-D-9*) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay. (**Mr. Grisdale**)

The item had been withdrawn by the applicant prior to the meeting.

B. **CU-13-85** Request of Glaize Properties for a conditional use permit for conversion of ground floor nonresidential use to residential use at 110 East Fairfax Lane (*Map Number 173-01-S-1*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (**Mr. Youmans**)

Commissioner Correll abstained and removed himself from the case.

Mr. Youmans advised that nothing has changed from the work session. It is a conditional use because it is a conversion of the entire building, including the ground floor, from a non-residential use to a residential use. It requires approval by Council and a finding by himself that that section of Fairfax Lane is not a major commercial street. Based upon that, the Commission can recommend that Council find the use, as proposed, is as favorable or more favorable, as the non-residential reuse.

Mr. Youmans stated that there is a proposal underway for residential mixed use elsewhere on the site where the ground floor was proposed for commercial use along the corner of Cameron and Fairfax with six (6) multi-family units on the upper floor. He then reviewed the plans as submitted and stated that generally Council does not want to see ground floor residential right up close to the street but particularly does not like to see the bedroom portion right out front. Review of the courtyard area from the approved Site Plan was given as well, giving this a general idea as to how this single family rental unit fits into the larger mixed use development project. Review of two possible recommendations was then given.

Chairman Wiley asked for discussion or questions from the Commission.

Question was raised as to whether there have been a lot of these types of conversions. Mr. Youmans responded that the most comparable to this one is the conversion from non-residential to single family home on Piccadilly; however, there have not been a lot of them.

Chairman Wiley opened the public hearing.

Mr. Lawton Saunders, representative of Glaize Properties, addressed the Commission and explained the project adding that this is the first phase.

Questions were raised about the parking situation and if there is a possibility to flip the design and place the first floor bedroom toward the rear where the kitchen is proposed.

Chairman Wiley closed the public hearing.

Commissioner Shore stated that he does not really have an issue with the downstairs bedroom because Mr. Saunders advised that there will be shutters on the window. Commissioner Slaughter stated that the downstairs bedroom is really his only concern but that he thinks it is okay. Chairman Wiley stated that changing the site from existing use to residential use is difficult to conceptualize but that it is a step in the right direction.

Commissioner Shore moved that the Commission forward CU-13-85 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:

- a. *Conformity with the floor plans depicting a two-bedroom dwelling with no more than one bedroom on the ground floor.*

Commissioner Smith seconded the motion. Motion passed 4-0-1 (with Commissioner Correll abstaining).

NEW BUSINESS

A. **TA-13-138** Review/Initiation of AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, AND FEES (**Mr. Grisdale**)

Mr. Grisdale addressed the Commission as it pertains to the proposed changes and clarifications to the Ordinance. He advised of revisions submitted in Draft 2 dated March 19, 2013, which was distributed this date prior to the start of the meeting.

Chairman Wiley asked for discussion from the Commission.

Concern was raised as it pertains to violations, civil penalties, criminal penalties, amounts, time frame, and restrictions. Additionally, Commissioner Correll was concerned about multiple signs and administration of the ordinance and felt as though maybe the Commission should look to remove some restrictions. Commissioner Smith stated that there is a lot of information that has just been given that needs to be considered. Commissioner Wiley stated that the Commission does in fact need to finish this; however, he would have no problem tabling it.

Mr. Grisdale stated that the draft before the Commission today, should the Planning Commission initiate it, does not mean that it is the final draft that the Commission would have to consider at next month's public hearing. There will be opportunity for continued revisions up until the public hearing is conducted.

Chairman Wiley stated that it really should not be tabled but Commissioner Smith states that he feels uncomfortable with rushing this through. Commissioner Slaughter stated that he did not feel as though there was anything major but does agree that it would be good to have some time. He also stated that he feels it is a good start and that the Commission could work with it.

Chairman Wiley called for a motion.

Commissioner Slaughter moved to have the Planning Commission initiate TA-13-138, Draft 2, dated March 19, 2013, of AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, AND FEES.

Commissioner Shore seconded the motion.

Motion passed 5-0.

B. **TA-13-146** Review/Initiation of AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS (**Mr. Grisdale**)

Mr. Grisdale addressed the Commission stating there have been no revisions to this text amendment since last week.

Commissioner Slaughter stated that on this text amendment he has concerns about the future and the amount of mixed use that will be seen and does not feel as though he could support a “By Right” at this time. Commissioner Correll agrees and stated that he believes that the verbiage is arbitrary and too vague to initiate. There are too many subjective standards. Commissioners Smith and Shore both agree.

Chairman Wiley called for a motion.

Mr. Youmans stated that the Commission does not really have to take any action, they can just deny it because it is on the draft agenda for the work session.

No action was taken at this time.

C. Administrative Approval(s):

SP-13-137 25 E Boscawen St Design Concepts Graichen Building

Will Moore addressed the Commission with the conceptual plans for this project stating that the proposed project is to continue commercial space on the ground floor and have three (3) apartments on each of the two (2) upper floors. They have successfully obtained a Green Space recommendation from the Board of Architectural Review. Also, the owner is proposing to donate either one (1) or two (2) trees to the City to be planted on the property here at City Hall or if not, someplace at the City’s choosing.

Commissioner Shore moved to grant administrative approval to SP-13-137. Commissioner Smith seconded the motion. Motion passed 5-0.

ADJOURN

With no further business to discuss, the meeting was adjourned at 3:40 p.m.