

**PLANNING COMMISSION
MINUTES**

The Winchester Planning Commission held its regular meeting on Tuesday, February 19, 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 3:00 p.m.

PRESENT: William Wiley, Stephen Slaughter, Jennifer Beatley, David Smith, Beau Correll, Dave Shore (6)

ABSENT: Kevin McKannan

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

FREDERICK CO. LIAISON: Kevin Kenney

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

VISITORS: Assistant City Manager Doug Hewett, Ben Pelletier, Robert Cocker, William Hutchinson

APPROVAL OF MINUTES

Page One (1) under Nomination and Election of Officers, paragraph three (3), Vice Chairman Slaughter needs to be changed to read Chairman Wiley.

Page five (5) under Old Business, RZ-12-405, reference to public hearing needs to be amended to read, "Vice Chairman Slaughter opened for public comments" as there was no public hearing on the matter.

Commissioner Shore moved that the minutes of January 15, 2013, meeting be approved as amended. The motion was seconded by Commissioner Slaughter.

Motion passed 6-0.

CORRESPONDENCE

Mr. Youmans advised that the Board has a revised agenda and that changes are as follows: 1) One (1) site plan, **SP-13-56**, for Administrative approval; 2) revised staff report for Item 2B, **TA-13-35**, under Public Hearings; and 3) revised proffer statement and copies of the rules and regulations, which were just provided to the City via email yesterday, for Item 3A, **RZ-12-405**, under Old Business.

CITIZEN COMMENTS

None.

REPORT OF FREDERICK COUNTY PLANNING COMMISSION LIAISON

Commissioner Kenney advised that there has not been a Frederick County Planning Commission meeting recently; however, the Board of Supervisors and the Planning Commission attended a retreat on February 9th with featured speakers from the Oakcrest Companies. The speakers addressed market trends and future forecasts of Frederick County and the city of Winchester. They also advised that building permits the last three (3) years have been relatively flat – averaging between 265 and 285 per year.

Commissioner Kenney also stated that the County is looking at urban centers at four (4) locations within the County mainly in the south and eastern locations. He added that they discussed and implemented

their Comprehensive Plan. Finally, he stated that the Frederick County Planning Commission has a full agenda of their next meeting with one (1) CUP expansion, two (2) public hearings, and 1 rezoning.

PUBLIC HEARINGS

- A. **CU-13-15** Request of Benjamin Pelletier on behalf of Shenandoah Personal Communications, LLC, for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and a microwave dish at 799 Fairmont Avenue (*Map Number 153-01-2*) zoned Limited Industrial (M-1) District.

Mr. Grisdale reviewed the request to remove six existing antennas and replace with nine new antennas as well as add a microwave antenna as part of an upgrade of existing telecommunications facilities at the tower located on the National Fruit property at 799 Fairmont Avenue. He stated that approval of the request 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. As such, staff is recommending a favorable recommendation from the Planning Commission with three (3) 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 with ninety (90) days once the equipment is no longer in active use; and 3) submit a bond guaranteeing removal of facilities should the use cease.

Chairman Wiley opened the public hearing

Ben Pelletier, representative of the applicant, stated he was available for any questions or concerns.

Chairman Wiley closed the public hearing

Commissioner Smith moved that the Commission forward CU-13-15 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 nor be injurious to adjacent properties or improvements in the neighborhood. 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 with ninety (90) days once the equipment is no longer in use; and,*
- 3. Submit a bond guaranteeing removal of the facilities should the use cease.*

The motion was seconded by Commissioner Beatley.

Motion passed 6-0.

- B. **TA-13-35** An Ordinance to amend sections 14-5, 18-7, 18-15, 21-3, and 23-8 of the Winchester Zoning Ordinance pertaining to administrative review, special regulations pertaining to the primary and secondary downtown assessment districts, obstruction of right-of-way, civil penalties and fees.

Mr. Moore advised of the proposal to amend and clarify the zoning Ordinance as it pertains to the use of sidewalks/public right-of-way in the Primary and Secondary Downtown Assessment Districts and associated processes and fees for applying for such use. He addressed the February 18, 2013, draft of the amendments and stated that the Old Town Development Board does endorse the revision and clarification to an administrative approval process in order to better streamline the process for applicants. Additionally, the Downtown Manager recommended the migration to a “per day” fee for outside vendors.

Discussion was made as it pertains to non-profits and charities stating whether there will be an exception or waiver of the fee to which response was given that there is nothing formally written. Also, it was said that the proposed change does not clarify who the applicant will meet with and it does not give a time frame for disposition.

Chairman Wiley opened the public hearing

Chairman Wiley closed the public hearing

Commissioner Slaughter moved to forward to City Council with recommendations as it pertains to non-profits, charities, and fees and clarification as to time frame.

The motion was seconded by Commissioner Beatley.

Motion passed 6-0 with attached recommendations to afford an exemption of the fee for charities and non-profits.

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) and CE District Overlay. The comprehensive Plan calls for Commercial 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. *The public hearing was closed and decision tabled at the October 16, 2012, meeting. Decision was tabled at applicant's request at the November 20th and December 18, 2012, meetings and tabled by the Commission at the January 15, 2013, meeting.*

Chairman Wiley secluded himself and Vice Chairman Slaughter took over this part of the meeting. Mr. Youmans gave the staff report and indicated the February 18, 2013, revisions distributed. A brief discussion was made concerning these new changes and to advise that Mr. Deskins was able to look at the site and make recommendations on the fiscal impact analysis.

Vice Chairman Slaughter asked that the applicant come forward and address the Board. Mr. Cocker spoke about the development and the plans and stated that he looks forward to a favorable recommendation from the Board. He advised that he has spoken with neighbors to address their concerns and questions. He further stated that this is a market-grade complex and is a positive for the development of the area.

There were concerns about revenue, additional expenses to the City, and that the project does not fall within the Comprehensive Plan.

Commissioner Correll moved to forward to City Council recommending approval. The motion was seconded by Commissioner Smith.

Voice vote was made with 3-2-1 (Chairman Wiley abstained).

Motion passed 3-2.

At this time, Vice Chairman Slaughter turned the meeting back over to Chairman Wiley.

NEW BUSINESS

A. Administrative Approval:

1. **SP-13-56** 443 N. Loudoun Street – William Hutchinson – Multifamily Conversion

Applicant William Hutchinson addressed the Board and explained his plans for the property. Parking requirements and guidelines were discussed and Mr. Moore advised the Board that parking is to be hard surface but a waiver can be made for the particular use.

Commissioner Slaughter moved to grant an administrative approval. The motion was seconded by Commissioner Shore.

Motion passed 6-0.

ADJOURN

With no further business to discuss, the meeting was adjourned at 4:30 p.m.