

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, January 19, 2016, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER:

PRESENT: Vice Chairman Loring, Commissioner Wolfe, Commissioner Fieo, Commissioner Tagnesi

ABSENT: Chairman Slaughter, Commissioner Smith

EX OFFICIO: City Manager Freeman (absent)

FREDERICK CO. LIAISON: Commissioner Kenney (absent)

STAFF: Tim Youmans, Aaron Grisdale, Josh Crump, Carolyn Barrett

VISITORS: Vince Diem, Suellen Knowles, Stan Corneal, Brian Bayliss, Kathleen Hamlin

ELECTION OF OFFICERS:

Mr. Youmans called for nominations for Chairman. Commissioner Fieo nominated Commissioner Slaughter for Chairman and Commissioner Loring as Vice Chairman. Commissioner Tagnesi seconded the nomination. Hearing no other nominations, Mr. Youmans closed the nominations.

Mr. Youmans then called for a motion to elect Commissioner Slaughter as Chairman and Commissioner Loring as Vice Chairman. Commissioner Fieo moved to elect as nominated for 2016. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed unanimously.

At this time, Mr. Youmans relinquished control of the meeting to Vice Chairman Loring.

APPROVAL OF MINUTES:

Vice Chairman Loring called for corrections or additions to the minutes of December 15, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

CORRESPONDENCE:

Mr. Youmans noted the revised agenda packet with updated staff reports for **RZ-15-718**, **CUP-15-719** and **CUP-15-723**.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

None.

PUBLIC HEARINGS:

RZ-15-718 An ordinance to rezone 0.1366 acres at 18 East Clifford Street (Map Number 193-01-L-13) from residential business (RB-1) District with Historic Winchester (HW) zoning overlay to conditional central business (B-1) district with Historic Winchester (HW) zoning overlay. (Mr. Youmans)

Mr. Youmans presented the updated staff report which eliminated comments regarding payment of taxes. The property owner is now up-to-date. There is further information regarding proposed proffers and a revised motion. 14 East Clifford Street is the address of the accessory structure which straddles the property line separating the zoning districts. Both properties are in the Historical District. The request will bring 18 East Clifford Street into the same zoning district as 14 East Clifford Street. The proffers included eliminating the possibility of the applicant coming to City Council to request multi-family units with more than two bedrooms. There is also a height restriction limiting any new construction to a 50 foot maximum height limit. The Board of Architectural Review has approved removal of the accessory structure. The applicant intends to develop the rear portion with a multi-family structure with ground level parking.

Commissioner Tagnesi asked if the property owner decided to make a three-bedroom unit instead of two, would he have to come back to the Planning Commission. Mr. Youmans said yes and that it would be a proffer amendment and it would have to go through the public hearing process. Vice Chairman Loring clarified that the intent was to combine the two lots, tear down the rear building, keep the front building and build a multi-story residential building. Mr. Youmans confirmed that was the intention. Commissioner Wolfe asked if 18 East Clifford Street would be rented. It could be sold independently if the lots were combined. Mr. Youmans said it was already being rented out as two units. This request would add additional rental units.

Vice Chairman Loring opened the public hearing

No one spoke during the public hearing

Vice Chairman Loring closed the public hearing

Vice Chairman Loring called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Tagnesi made a motion to forward **RZ-15-718** to City Council recommending approval of the rezoning request as depicted on an exhibit entitled "Rezoning Exhibit RZ-15-718 Prepared by Winchester Planning Department, January 5, 2016" because the proposed B-1 (HW) zoning supports neighborhood stabilization and the expansion of housing serving targeted populations. The recommended approval is subject to the signed proffer statement offered by the applicant in a document titled "RZ-15-718 Conditional Rezoning." Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed 4-0.*

CUP-15-719 Request of Stanley C. Corneal on behalf of Fort Loudoun Properties, LLC for a Conditional Use Permit for the repair and maintenance of a nonconforming structure (Map number 173-01-L-1) at 2-8 Peyton Street zoned High Density Residential (HR) District. (Mr. Grisdale)

Mr. Grisdale outlined the request of the applicant to renovate a non-conforming structure. The property currently has 16 residential units and the lot is less than one acre. The use of the structure is a legal non-conforming use. Additionally, the structure does not meet some of the required front, side and rear yard setbacks but is allowed to continue in its current use. The zoning ordinance allows the property owners to perform routine maintenance on the property up to 35 percent of the replacement cost during a 12 month period. If that is going to be exceeded than it requires additional review via the conditional use permit. All renovations will be contained within the existing footprint of the building.

Commissioner Fieo asked if the applicant is applying for Federal Historic Tax Rehabilitation Credits, does that mean none of the facades will change. Mr. Grisdale replied that the owner was still exploring the details on how the renovation will be structured on the inside. The facades could potentially change; staff did not have details at this time.

Vice Chairman Loring asked if the landscaping and parking would change. Mr. Grisdale replied that there may be some enhancements to improve the overall aesthetics of the property but there were no specific details yet. Vice Chairman Loring asked what would happen if the City Council did not approve the application and was there any precedent in the city for projects like this one. Mr. Grisdale said City Council modified the non-conforming ordinance and increased the threshold for what property owners were allowed to do by-right in terms of maintenance. There had not been any other applications to take advantage of that provision at this point. Vice Chairman Loring asked if there had been any feedback and Mr. Grisdale said no, staff had not heard from any citizens.

Vice Chairman Loring opened the public hearing

Suellen Knowles, 28 Peyton Street, said she had asked for rezoning of her plot back in 2010 and it was granted. She asked if the access to the Fort Loudoun Apartments was going to remain off Fort Loudoun Street. She also asked if all of the parking for the people that live there would be accommodated on the premises. Mr. Grisdale said there would not be any changes to entrance points off public streets. There is existing parking and any new or expanded parking would have to comply with current parking requirements and there were some parking areas already grandfathered in. There was discussion about the private alley and access behind the property and some previous issues with a trash service.

Stan Corneal said the alley would not be shut off from public use. There is a new trash service that does not use the alleyway. The units might be combined and then parking would be reduced. The facades will stay the same. There is a requirement for a handicapped unit which is still being planned out.

Vice Chairman Loring closed the public hearing

Vice Chairman Loring called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Fieo made a motion to forward **CUP-15-719** 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. The recommended approval is subject to the following conditions:*

- 1. Building permits for the proposed improvements must be submitted within twelve (12) months from the date of Council approval.*

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.

RZ-15-720 An ordinance to conditionally rezone 1.683 acres at 205, 209, 225 and 229 Linden Drive (Map number 149-02-A, lots 17, 18, 19, 20) from Low Density Residential (LR) district to Conditional Medical Center (MC) district (Mr. Youmans)

Mr. Youmans reviewed the request to rezone four properties on Linden Drive to support expansion of the medical center campus. The rezoning is consistent with a request from 2008. He also reviewed the proffers being made by the applicant concerning property lines and traffic.

Vice Chairman Loring asked if it was just the rezoning being approved and not the road or the garage. Mr. Youmans said that was correct.

Vice Chairman Loring opened the public hearing

Brian Bayliss of 286 Linden Drive asked if the east side of Linden Drive would eventually go commercial. Mr. Youmans said yes, up to a point. Mr. Bayliss spoke about drainage issues on Linden Drive and that it should be addressed if more pavement gets put in. There was discussion about the current green space and the drainage in that area and what improvements may be made.

Vice Chairman Loring closed the public hearing

Vice Chairman Loring called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Wolfe made a motion to forward **RZ-15-720** to City Council recommending approval subject to conformance with the general layout and phasing as depicted on the exhibit entitled "Winchester Medical Center, Main and Lakeside Development Precincts MC - Master Plan" prepared by Valley Engineering Surveying Planning, dated December 7, 2015, AND subject to proffers offered by the applicant in the document titled "Proffer of Conditions Related to the Rezoning Request, Winchester Medical Center, Inc., dated December 3, 2015". Approval is recommended because the request, as proffered, adequately addresses potential impacts associated with the rezoning, represents good planning practice in the master planned growth of the medical center campus, and is consistent with the Comprehensive Plan. Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed 4-0.*

CUP-15-723 Request of Kathleen E. Hamlin on behalf of MK Boscawen, LLC for a Conditional Use Permit for ground floor apartments at 212-214 West Boscawen Street (Map number 172-01-C-3-2) zoned Central Business (B1) district with Historic Winchester (HW) zoning overlay (Mr. Crump)

Mr. Crump reviewed the updated staff report for the request. The applicant would like to renovate the ground floor into livable space. Three residential units are planned. Commissioner Fieo asked if there were two individual buildings on one lot. Mr. Crump said yes. Commissioner Fieo asked if they could disturb the sidewalk. Mr. Youmans said the City has approved foundation plantings in the public right of way in many applications. Commissioner Fieo asked if planters were allowed and Mr. Youmans said yes.

Commissioner Tagnesi asked if the last time they had sent something with a bedroom on an adjacent sidewalk to City Council, was it approved. Mr. Youmans said Council had expressed their dislike. They

do not want what was previously a non-residential front area of a building to become a private bedroom with direct public view from the sidewalk. Commissioner Tagnesi said if they had not approved it before, would they do so this time. Mr. Youmans said the plan was to have living space in the front and the bedroom in the back. Commissioner Wolfe said planters could be moved or not kept up. Mr. Crump said the Board of Architectural Review would look into that.

Vice Chairman Loring opened the public hearing

Kathleen Hamlin clarified the drawings shown. One of the entrances will be removed. They are still in the planning stages for the floor plans as they are not applying for building permits yet. There are no plans to do anything with 212 West Boscawen Street. There is no useful space in the downstairs. The second floor apartment mentioned is on the 214 side.

Commissioner Tagnesi noted that the motion included conformity with submitted floor plans. He asked if they should approve it or table until floor plans are received. Mr. Crump said if the applicant could provide floor plans, it could be forwarded on to Council. If they need more time, it can be tabled. Mr. Youmans said if the applicant could provide plans the next day then it could be approved.

Vice Chairman Loring closed the public hearing

Vice Chairman Loring called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Fieo made a motion to forward **CUP-15-723** to 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:*

- 1. General conformity with submitted floor plans as revised to shift "Apartment #1" bedroom to the rear of the unit;*
- 2. Staff review and approval of the related site plan, to include a recommendation from the Board of Architectural Review on the proposed waiver of the minimum 30% green area.*

Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

NEW BUSINESS:

None

OLD BUSINESS:

None

OTHER BUSINESS:

Admin approvals – Site plans

SP-15-705 Commissioner Wolfe moved to approve. Commissioner Tagnesi seconded. Voice vote was taken and the motion passed 4-0.

SP-15-751 Commissioner Tagnesi moved to table. Commissioner Fieo seconded. Voice vote was taken and the motion passed 4-0.

ADJOURN

With no further business before the Commission, the meeting adjourned at 4:32pm.