

**PLANNING COMMISSION  
AGENDA  
NOVEMBER 15, 2016 - 3:00 PM  
Council Chambers - Rouss City Hall**

**1. POINTS OF ORDER**

- A. Roll Call
- B. Approval of Minutes
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

**2. PUBLIC HEARINGS – New Business**

- A. **CU-16-559** Request of Ateethi Services LLC for a Conditional Use Permit for extended stay lodging at 2645 Valley Avenue (Map Number 290-04-4A) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning.
  
- B. **SD-16-612** Request of David Lellock on behalf of Ricketts Business Center, LLC for a preliminary subdivision approval and improvements at 12 thru 50 Ricketts Drive (Map Number 252-07- - 3) zoned Commercial Industrial (CM-1) District.
  
- C. **CU-16-616** Request of Laura Schleef on behalf of Acme Real Estate Holdings LLC for a Conditional Use Permit for a pet daycare center at 2100 S Loudoun St (Map Number 272-01-1) zoned Highway Commercial (B-2) District.
  
- D. **CU-16-617** Request of Jay Patel on behalf of Bapa Hospitality LLC for a Conditional Use Permit for extended stay lodging at 1347 Berryville Ave (Map Number 197-02-7B) zoned Highway Commercial District (B-2) with partial Corridor Enhancement (CE) District Overlay zoning.

**3. PUBLIC HEARINGS – Continued**

**4. NEW BUSINESS**

- A. **SV-16-661** AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 601 WOODSTOCK LN and 116 N PLEASANT VALLEY RD AND CONVEY IT TO THE ISLAMIC SOCIETY OF WINCHESTER.

**5. OLD BUSINESS**

**6. ADJOURN**

## PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, October 18, 2016, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

### CALL TO ORDER:

**PRESENT:** Chairman Slaughter, Vice Chairman Loring,  
Commissioner Eaton, Commissioner Fieo,  
Commissioner Wolfe, Commissioner Tagnesi

**ABSENT:** Commissioner Smith

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

**EX OFFICIO:** City Manager Freeman

**FREDERICK CO. LIAISON:** Commissioner Kenney

**VISITORS:** Lynn Koerner, Chris Sahr, Mark Cuppernull, Larry  
Gates

### APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of September 20, 2016. Hearing none, he called for a motion. Vice Chairman Loring moved to approve the minutes as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0.

### CORRESPONDENCE:

Mr. Youmans noted a letter from the attorney for Ateethi Services LLC concerning **CUP-16-559** on behalf of the applicant asking to table the public hearing until next meeting.

### CITIZEN COMMENTS:

Yogesh Patel requested to table case **CUP-16-559** until the next meeting.

### REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

October 5, 2016 meeting included two public hearings. One was a Conditional Use Permit for a cottage occupation for home daycare in Stephens City. The other was a rezoning of .63 acres for Miller Hardware to expand their outdoor storage in Stephens City. Three items for informational discussion: changing right of way widths in family lot subdivisions, they are being reduced so there can be more acreage in a sub-division; discontinuance of non-conforming use verbiage mandated by the code of Virginia; removal of motorcycle repair in B-2 Districts. The next meeting is October 19, 2016.

## **PUBLIC HEARINGS:**

### **NEW BUSINESS:**

B. **CUP-16-559** Request of Ateethi Services LLC for a Conditional Use Permit for extended stay lodging at 2645 Valley Avenue (Map Number 290-04-4A) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning. **(Mr. Grisdale)**

Commissioner Eaton noted there was no crime report. She asked to have one included and be inclusive up to October 18, 2016. Commissioner Fieo stated he would like to see an updated report from the Commissioner of Revenue's office. Commissioner Tagnesi asked about options or percentages for the sizes of the room. Mr. Youmans said Mr. Grisdale would address that at the next meeting.

*Vice Chairman Loring made a motion to table **CUP-16-559** until the November 15, 2016 meeting at the request of the applicant. Motion was seconded by Commissioner Fieo. Voice vote was taken and the motion passed 6-0.*

A. **CUP-16-536** Request Of Lynn Koerner of Shentel on behalf of Valley Proteins for a conditional use permit for a telecommunication facility at 501 West Jubal Early Drive (Map Number 230-04 -1) conditionally zoned Highway Commercial (B-2) District. **(Mr. Crump)**

Mr. Crump reviewed the request and the staff report for the subject parcel. Council had approved a proffer for the site on July 26, 2016. The request includes a 100 foot monopole for a telecommunications facility. There are planned commercial uses across the street from the property. The location for the monopole is in the rear of the property. There is a letter in the packet from the applicant pertaining to the site selection and design proposal. There are evaluation criteria in the Zoning Ordinance that must be met. The plan is to accommodate two other providers. The tower height has a 100 foot threshold. A four foot lightning rod does not account into the height of tower. There will be screening around the compound. An as-built emission certification required is required for health and safety requirements. The local airport expressed concerns with the tower being in line with one of the runways that is two miles away. The airport is requesting a light be installed, however; the FAA has said it does not pose a threat to air traffic. There are four conditions listed in the motion.

Commissioner Wolfe asked if any adjacent property owners had contacted staff. Mr. Crump said one person who owned a nearby office building did call with general questions and they were not opposed to the tower.

Commissioner Eaton said that in the last discussion the talk had been for a building mounted antenna and the potential height was reviewed. Was this the same Shentel tower that was discussed previously and what is the square footage of the compound? Mr. Crump said the applicant had researched a possible building mounted but the proposal all along has been for a 100 foot monopole facility. The enclosure of the

compound was 1,368 square feet and included screening, fencing and support equipment. Adjacent property owners within 300 feet of the subject property had been notified and the required signs were posted.

Commissioner Fieo asked what the intensity of the potential light might be including the wattage and the radiation intensity. Mr. Crump said the applicant may know more about that and noted that the FAA had said the light was not required therefore the applicant was not intending to put one up. Chairman Slaughter clarified that it was the airport asking for a light, not the applicant or the FAA. Mr. Crump said that was correct. Vice Chairman Loring asked if the airport knew the FAA had said the light was not required. Mr. Youmans said staff never got a follow-up from the airport. Commissioner Fieo said the light may be required if the structure is over 856 feet. Commissioner Tagnesi said planes are not circling over that part of the city to land at the airport. An obstruction occurs when an airplane is circling and can't find the runway. He asked if there were children living in the apartments nearby. Mr. Youmans said there may be some. Commissioner Tagnesi said the structure may present an attractive nuisance for little children and it may need some security locks, an alarm or fence. Mr. Crump said there will be a secure fence. Commissioner Eaton asked what the B-2 height restrictions are. Mr. Crump said it was 100 feet and the lightning rod does not count towards that. Commissioner Fieo said his concern was from a safety standpoint. He preferred having a light and it was his understanding that the applicant would put a light up. Vice Chairman Loring asked if the compound would restrict the parking lot. Mr. Crump said it was in a grassy area behind the parking lot and it should not interfere. It does meet the required setbacks.

### **Chairman Slaughter opened the public hearing**

Lynn Koerner spoke about the analysis to determine the location of the structure. A balloon was flown at the height of 100 feet to simulate what the tower would look like from different directions. He furnished a copy of the FAA report stating it met the standards and was not a hazard to navigation. They will voluntarily put a red light up if the Commission and Council ask for it. The tower will be made available for other carriers to use. There will be little to no effect to the surrounding neighborhoods.

Vice Chairman Loring asked what type of light would be put up. Mr. Koerner said it would be a red strobe light. Commissioner Eaton asked about the improved service quality and the current service quality. She noted there were several areas with no service and it seemed like the tower would reduce that for some areas. She asked why it did not cover all areas. Mr. Koerner said if they could have more height, it would give greater coverage. Mr. Sahr said there is never a perfect place to put a tower. They are limited by neighborhood restrictions and regulations.

Vice Chairman Loring asked if there would be a follow-on tower. Mr. Sahr said there are currently no plans. Chairman Slaughter asked if the light could become a nuisance. Mr. Koerner said he lived approximately a quarter mile from a tower. Red lights are designed to go upward not downward and most people don't notice them.

### **Chairman Slaughter closed the public hearing**

Commissioner Tagnesi said if the FAA said a light was required then flight charts would have to be updated to reflect that information. He recommended that a light not be put up. Commissioner Eaton said once the pole goes up, there will be feedback about the height and visual perception of it. From what she could see on the map, the 300 feet adjacent properties did not take into consideration the viewshed of the tower and the extent it goes up. She would like to see greater notification.

Commissioner Tagnesi said if it was going to be a problem then they would have heard from the Airport Authority not the airport manager.

*Commissioner Tagnesi moved that the Commission forward **CUP-16-536** 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; and,*
- 3. Submit a bond at 150% of the estimated equipment removal costs guaranteeing removal of the facilities should the use cease.*
- 4. Staff review and approval of the required site plan.*

*Vice Chairman Mark Loring seconded the motion. Voice vote was taken and the motion passed 5-1.*

**C. RZ-16-562** AN ORDINANCE TO REZONE 0.11 ACRES OF LAND AT 110 LEE ST/312 W CORK STREET (Map Number 192-01-B-5) FROM CONDITIONAL ZONED HEALTH SERVICES (HS) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT. The Comprehensive Plan identifies the property as a redevelopment site and with plans to convert to a single-family residence; it is consistent with the comprehensive plan goals of increasing home ownership and promoting housing to the general population. **(Mr. Youmans)**

Mr. Youmans reviewed the staff report and the history of the property. Staff feels that the request is consistent with the Comprehensive Plan.

Vice Chairman Loring asked if the building was a single family home before being an office. Commissioner Fieo said it was built as an office.

### **Chairman Slaughter opened the public hearing**

Mark Cupernall of 95 Lee Street, said he spoke with his neighbors and the neighborhood is in favor of converting the building to residential.

Tino Peabody, purchaser of property, described the interior of the building and his plans for it.

#### **Chairman Slaughter closed the public hearing**

*Commissioner Fieo made a motion to forward **RZ-16-562** to Common Council recommending approval because the request is consistent with the Comprehensive Plan goal of increasing home ownership and promoting housing to the general population in an area adjoining a stable residential neighborhood. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0.*

D. **CUP-16-563** Request of Larry Yates on behalf of George M. Murphy for a Conditional Use Permit for a private museum located at 705 South Loudoun Street (Map Number 212-1-F-12) zoned Residential Business (RB-1) District. **(Mr. Youmans)**

Mr. Youmans reviewed the staff report. The property is in a residential district that also allows commercial uses. Some of the conditions that were included in the original request are included in this request.

#### **Chairman Slaughter opened the public hearing**

Larry Yates said he had talked to neighbors about the museum. He is ready to operate within the framework of the conditional use permit.

#### **Chairman Slaughter closed the public hearing**

Commissioner Wolfe said that with the conditions provided there was no way the request would adversely affect the health and well-being of the neighborhood.

*Commissioner Wolfe made a motion to forward **CU-16-563** to City Council recommending approval of the Conditional Use Permit to operate the private museum per Section 7-2-4 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 subject to:*

- 1. Review by the Zoning Administrator at the end of three years;*
- 2. Taking into consideration the concerns of all of the neighbors and addressing them as they come up;*
- 3. Museum use to begin no earlier than 9:00am and end no later than 7:00pm on Sunday through Saturday, except for up to four (4) annual fundraisers on either a Friday and Saturday night which may extend up until 11:00pm and require the use of shuttle buses to offset the negative impact of the neighborhood if more than 35 attendees are expected and up to six (6) private receptions on any evening which may extend up to 9:00pm and include no more than 55 attendees; and,*

4. *Employees shall park in the off-street parking spaces during operating hours; and,*
5. *Idling of motorcoaches and other vehicles, other than personal automobiles, on S. Loudoun Street shall only occur out of the travel lanes of the public street and shall occur for the minimum amount of time needed to load and unload passengers, but in no case longer than fifteen (15) minutes.*

*Commissioner Eaton seconded the motion. Voice vote was taken and the motion passed 6-0.*

**E. CUP-16-565** Request of John Nelson on behalf of 32 Valley Ave LLC for a Conditional Use Permit to convert part of the ground floor from nonresidential use to residential use at 914 South Braddock Street (Map Number 212-1-H-7) zoned Central Business (B-1) District. **(Mr. Crump)**

Mr. Crump reviewed the staff report. The building has some commercial uses in it already and the applicant would like to have a legal residential use. There is already a full kitchen and bathroom facilities. The bedroom is located away from the main street. 910 South Braddock Street was given a residential use in 2014 so there is precedent.

Chairman Slaughter asked what the process would be to convert the space back into commercial property. Mr. Youmans said there would have to be a change of use and the CUP would expire. If someone wanted to convert it back to residential, they would have to go through the CUP process again.

#### **Chairman Slaughter opened the public hearing**

No one spoke during the public hearing.

#### **Chairman Slaughter closed the public hearing**

Vice Chairman Loring said his concern was the possibility of a child running out of the front door into the street. Mr. Youmans said it was a one bedroom apartment.

*Commissioner Fieo moved that the Planning Commission forward **CUP-16-565** to City Council recommending approval for Sections 9-2-16 of the Zoning Ordinance 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 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 conditions:*

1. *General conformity with submitted floor plans; and*
2. *A permanent planter in front of window.*

*Vice Chairman Mark Loring seconded the motion. Voice vote was taken and the motion passed 6-0.*

**OLD BUSINESS:**

None.

**OTHER BUSINESS:**

None.

**ADJOURN**

With no further business before the Commission, the meeting adjourned at 4:08pm.

DRAFT

**CU-16-559** Request of Ateethi Services LLC for a Conditional Use Permit for extended stay lodging at 2645 Valley Avenue (Map Number 290-04-4A) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning.

#### REQUEST DESCRIPTION

The applicant is requesting to convert the existing Relax Inn motel facility to extended stay lodging.

#### AREA DESCRIPTION

The subject parcel is located within the Highway Commercial (B-2) zoning district with Corridor Enhancement (CE) district overlay. The properties along Valley Avenue on the south and east are all similarly zoned. Property to the north is zoned Highway Commercial (B-2) with PUD overlay, and properties to the west are zoned low density residential.



#### STAFF COMMENTS

As stated in the applicant's September 1, 2016 letter, the request involves a request for conversion of the existing motel facility to an extended stay lodging facility per Section 8-2-19 of the Zoning Ordinance. Should the conditional use permit be approved, the owners plan to apply for the appropriate change of use and building permits to meet building code requirements for the proposed use. This includes the creation of appropriate cooking and sanitary facilities, installing necessary fire protection, and any other code requirements as called for in the Uniform Statewide Building Code (USBC). Additionally, the business will have 24-hour on-site management present to address day to day issues. Lastly, in the applicant's letter it is stated that they do not believe there will be any changes to the amount of traffic, noise or other factors as a result of this conversion.

Motel use has occurred on the property since the 1940's when the current facility was constructed in Frederick County. Since then the property was included in an annexed area and brought into City limits. The facility consists of two buildings, the long building adjacent to the front entrance containing a majority of the rooms, and a separate building to the rear with additional guest rooms, the motel office, and a manager's suite. There are twenty-one (21) guest rooms in total.

Over the last several years, under both the current and previous owners, the City has documented numerous code violations pertaining to property maintenance, fire, and zoning codes. Furthermore the Commissioner of Revenue's office has had numerous concerns about the accuracy of tax filings over the same period of time.

Included within the code violations identified were occupancy violations pertaining to the length of stay of guests. The current facility is approved as a *Motel*, which is defined in the Zoning Ordinance as: *“One (1) or more buildings containing individual sleeping rooms, designed for and used temporarily by tourists or transients for a maximum of thirty (30) consecutive days, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit. No more than 10 % of the total number of units may be occupied by individuals that exceed the 30 consecutive day maximum occupancy limit up to a maximum of nine (9) consecutive months.”* In several instances over the past several years, the occupancy of the facility has included extended stay guests well over the 10% authorized by code and well over the maximum of nine (9) months of tenancy. As a result of recent code enforcement discussions with the property owner and manager, the owner decided to pursue the conditional use permit in order to continue allowing longer term stays at the facility.

The Comprehensive Plan for the Southwest (SW) geographic planning area states a major objective for the area is to “Proactively redevelop property where needed to achieve maximum sustainable potential.” Further clarifying this objective is the action item: “Redevelop obsolete and blighted commercial properties along Rte 11 such as the three older motel sites and the Simbeck Truck Terminal site.”

Staff has identified both positive and negative considerations with a potential CUP approval. On the positive side, an approval would necessitate certain prescribed building improvements take place thereby ensuring the elimination of unsafe and undesirable living conditions for non-transients, and further ensuring the use is not a detriment to public welfare. Alternatively, there are also issues with adherence to the Comprehensive Plan. As noted above, the Comp. Plan calls for the redevelopment of these obsolete motel sites, and a CUP approval may end up perpetuating this less than desirable use for an extended period of time. Lastly, there are continued compliance concerns pertaining accurate tax filings from the Commissioner of Revenue's office.

Staff received a summary of calls for service from the Police Department which details a disproportionately high number of calls at this facility. A useful metric to determine the impact of these calls is a calls-per-room ratio. A facility with calls greater than 1.0 calls/room is abnormal for a motel/hotel facility. Below is a chart with the number of calls for both police and fire/EMS, and the calculated room ratio:

	<b>Calls for Service</b>	<b>Police Calls / Room Ratio</b>
2014	100	4.76
2015	133	6.33
2016 YTD	109	5.19

During the October Planning Commission work session, one idea was discussed for a possible recommendation of approval for only a portion of the rooms. If the Commission intends to pursue this option, condition #1 will need to be modified.

## RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal 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.

*A favorable motion could read:*

**MOVE**, that the Commission forward **CU-16-559** to Council recommending approval per Sections 8-2-19 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 subject to:

1. Weekly maid service provided for all twenty-one (21) rooms to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences;
2. Submittal of applications for building permits and change of use to the Zoning & Inspections department to ensure compliance with the requirements of the Uniform Statewide Building Code. All necessary permit approvals and inspections must be completed prior to occupancy of the facility as extended stay;
3. Occupancy of each room is limited to the maximum occupancy permitted through the USBC;
4. No occupancy of any individual shall be for a period of longer than nine (9) months within a twelve (12) month period;
5. No more than four criminal police calls, as determined by the Chief of Police, may be attributable to the facility within a thirty day continuous period, after which a facility security management plan shall be submitted to and approved by the Chief of Police;
6. A twelve (12) month review of compliance with the permit shall be conducted by staff. After three (3) years the applicant must seek re-approval of the CUP by City Council, at which time, modifications or revocation of the permit may result of any substantial issues of noncompliance are found in the review.
7. Submission of a redevelopment concept plan to City Planning Department by \_\_\_\_\_ showing consistency with the Comprehensive Plan, and thereby demonstrating the property will be redeveloped in conformity with the Comprehensive Plan.
8. Retention of a staffed on-site lodging manager's office with proper directional signage so as to be easily identified by intended business travelers;
9. Strict compliance with payment of required taxes to the City;

10. Weekly smoke detector inspections by the property manager and annual inspection of the facility by the Fire Marshal's office. Appropriate records shall be kept by the on-site manager to document the required weekly inspections.
11. Revised business license obtained through the Commissioner of Revenue's office upon approval of the CUP and necessary building code changes.
12. Strict compliance with the Virginia Maintenance Code.

-OR-

*An unfavorable motion could read:*

**MOVE**, the Planning Commission forward **CU-16-559** to Council recommending denial because the proposal, as submitted, will adversely affect the health, safety, or welfare of persons residing or working in the neighborhood and be detrimental to public welfare or injurious to property or improvements in the neighborhood, with specific reasons being:

1. The use as proposed, is maintaining an obsolete lodging use and facility which is not consistent with the Comprehensive Plan.
- 2.

-OR-

*Possible Table Motion:*

**MOVE**, the Planning Commission table **CU-16-559**, because of (include any reasons for tabling).

The Law Office of C. Todd Gilbert, PLLC  
ATTORNEY AT LAW

8721 Orkney Grade  
Mount Jackson, Virginia 22842

Please reply to:  
P.O. Box 266  
Woodstock, VA 22664

Phone: (540) 975-2222  
Email: [tgilbert@shentel.net](mailto:tgilbert@shentel.net)  
Web: [toddgilbertlaw.com](http://toddgilbertlaw.com)

September 1, 2016

Mr. Timothy Youmans, Planning Director  
City of Winchester  
Rouss City Hall  
15 North Cameron Street, Suite 318  
Winchester, VA 22601

Re: Application for Conditional Use Permit for Ateethi Services, LLC

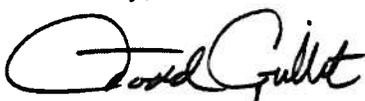
Dear Mr. Youmans:

Attached please find the application of the Ateethi Services, LLC DBA Relax Inn of Winchester for a conditional use permit to operate their facility under a conditional use permit to allow extended stay lodging pursuant to Section 9-2-19 of the Winchester Zoning Ordinance. As you are aware, my client's immediate neighbor, ANS Inn and Suites was recently granted such a permit.

As you will see from the attachments, each unit of the facility will be equipped with a stove, sink, refrigerator, microwave oven, R-2 fire extinguisher, smoke detector and any other extended stay requirement you may have. My client expects no changes to the amount of traffic, noise or other factors to be considered by the Planning Commission. Further, my client's immediate neighbors are largely commercial in nature. Unlike other properties, Relax Inn will have 24-hour on-site management present to address any needs or issues that may arise.

My client believes that this change will allow it to make improvements to the property and to attract a more stable clientele of business people, workers and others who require extended lodging. There is a demand locally for guests who are looking for a small property with a quiet and clean environment. As such, my client believes that the granting of this conditional use permit represents a positive outcome not only for their business but for the City of Winchester as well. We appreciate the consideration of the Planning Commission in this matter.

Sincerely,



C. Todd Gilbert, Esq.



Ann T. Burkholder, Commissioner of the Revenue  
15 North Cameron Street  
Winchester, VA 22601  
Email: commrevenue@winchesterva.gov

Telephone: (540) 667-1815  
FAX: (540) 667-8937  
TDD: (540) 722-0782  
Website: www.winchesterva.gov

To: Aaron Grisdale, Director of Zoning & Inspections  
From: Ann T Burkholder *ATB*  
Date: September 29, 2016

**RE: Request for Conditional Use Permit – Extended Stay  
Relax Inn, 2645 Valley Ave**

This memo is in response to your request for any active issues, history of violations or other considerations relevant to the Planning Commission and City Council in consider of the Relax Inn application for a conditional use permit for extended stay lodging at the facility located at 2645 Valley Ave.

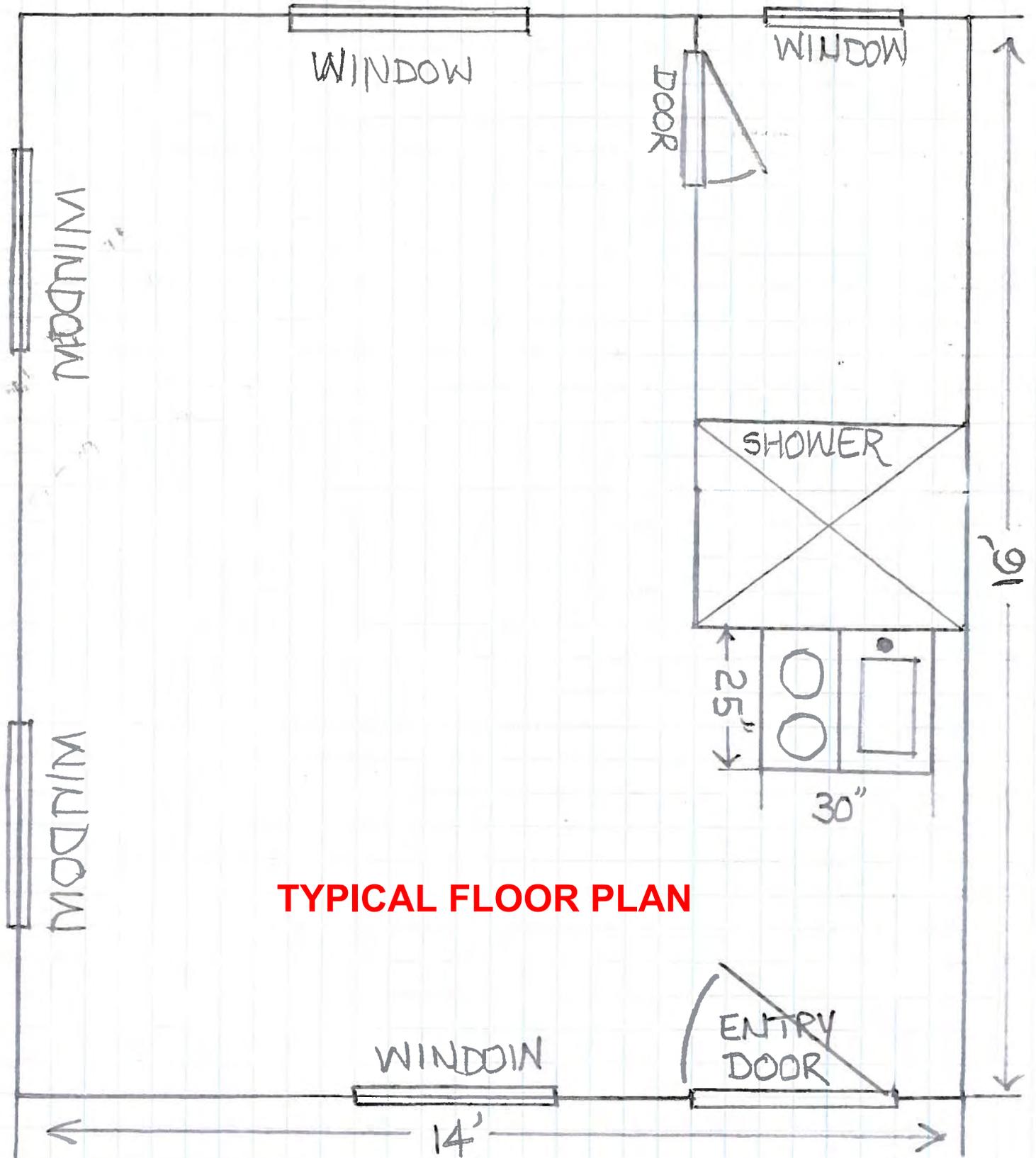
The office of the Commissioner of the Revenue has an extensive history of concerns regarding the accuracy of filings submitted by this business for business tangible personal property; business, professional and occupational license (BPOL) taxes; and transient occupancy excise taxes.

Of these the most notable concerns have related to the accuracy of filing transient occupancy taxes (Motel Tax Return) and the corresponding filings for extended stay residents (Motel Tax Schedule A Return). In the past five years, this office has had reason to conduct several major audits of the business, each of which has revealed inaccurate filings. These problems have risen to the level of legal action.

In recent months, this business has reported only two to three individuals as extended stay residents, yet an employee of the business has reported to another City official that most if not all the available rooms are being used for extended stay residents.

The office of the Commissioner of the Revenue can offer no evidence in support of the conditional use permit request.

ROOM # 10



**TYPICAL FLOOR PLAN**

$\frac{1}{4}'' = 1 \text{ FOOT}$

**SD-16-612** Request of David Lellock on behalf of Ricketts Business Center, LLC for a preliminary subdivision approval and improvements at 12 thru 50 Ricketts Drive (Map Number 252-07- - 3) zoned Commercial Industrial (CM-1) District.

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### REQUEST DESCRIPTION

The request is for subdivision approval of a 2-lot subdivision wherein a single elongated parcel fronting upon S. Loudoun Street is proposed to be split into two separately platted parcels with the new parcel having public street frontage only upon an under-improved section of Shingleton Lane. The subdivision is characterized as a Major Subdivision because public water service needs to be extended to the proposed lot and because the subdivider wishes to seek a number of exceptions to public street improvements on Shingleton Lane.



### AREA DESCRIPTION

The proposal entails subdividing an existing 8.71-acre parcel into two lots. The majority of the developed portion of the existing parcel which includes Ricketts Drive (a private street) along the north side of Abrams Creek would continue to have frontage on S. Loudoun Street and comprise a 6.224-acre parcel. This would continue to house 4 main buildings that have addresses as: 12, 20&22, 24&30&36, and 38 Ricketts Drive. An accessory building at 50 Ricketts Drive is also included at the northwestern (rear) corner of the property.

A 2.486-acre portion of the original parcel, generally situated along the south side of Abrams Creek and fronting along an unimproved portion of Shingleton Lane is proposed to be subdivided off of the parcel and would have an address of 40 Shingleton Lane. While it would not have legal frontage upon S. Loudoun Street, the proposal includes a private access easement extending the full length of Ricketts Drive from S. Loudoun St back to a bridge over Abrams Creek, thus providing desirable vehicular access to the lot.

The portion of the existing parcel to be subdivided off is improved with an existing contractor storage building that does not have public water or sewer service to it. The building and the associated asphalt and gravel yard area was originally approved as an accessory structure for the Ricketts Construction Company. Physical access was also established to Shingleton Lane from the rear contractor yard prior to the City accepting

Shingleton Lane as a public street right of way in conjunction with the Green Frog subdivision creating the parcel now developed with a SVEC electrical substation.

All of the existing subject property is zoned Commercial-Industrial (CM-1) and contains a mix of offices and construction contractor uses. Land to the south and east of the property is also zoned CM-1 and contains an array of commercial and light industrial uses including retail, general and contractor offices, auto services, and personal services. The newly constructed SVEC electrical substation is located directly across from the Shingleton Lane frontage. Land to the north across the Winchester & Western railroad (W&W RR) is also zoned CM-1 and contains a mix of commercial uses including retail, office, and restaurant use fronting along the south side of W. Jubal Early Drive. Land to the west is part of the O'Sullivan Films industrial complex and is zoned Intensive Industrial (M-2).

#### STAFF COMMENTS

The proposed subdivision would allow for separate ownership of the 2.486-acre parcel from the larger multi-building tract extending back between Abrams Creek and the W&W RR. Since the smaller parcel does not have existing public water service and would have legal frontage only upon the deficient Shingleton Lane public right of way, it can only be split off as part of a Major Subdivision application that requires the Planning Commission to hold a public hearing on the Preliminary Subdivision before forwarding the Final Subdivision on to City Council for approval by means of a simple motion (i.e. no public hearing and no resolution nor ordinance required).

The major issue for Planning Commission and City Council to decide on this proposal is how much relief should be afforded the subdivider in the form of exceptions to the minimum standards outlined in the Land Subdivision Ordinance (LSO). Section 8-1 of the LSO reads as follows:

#### **SECTION 8-1. EXCEPTIONS.**

Where the subdivider can show that the strict adherence of any provision of this subdivision Ordinance would cause an unnecessary hardship, Council may approve a departure upon the written recommendation of the Planning Commission.

Key provisions in this section of the LSO is that the applicant needs to make a case demonstrating how strict compliance with minimum subdivision standards would cause "unnecessary hardship" in their opinion. Council can approve the deviations ("departures") only after receiving a written report from the Planning Commission. It is critical that the Commission and Council understand all of the relevant standards before considering such departures.

The applicant has provided an exhibit titled "*Ricketts Business Center, Shingleton Lane, Proposed Improvements to support the subdivision of TM 252-7-3 and future site plan for proposed lot.*" This exhibit (Exhibit A) provides a good overview of what the proposed public street improvements would be, but does not adequately detail what

would otherwise be required if strict adherence with the minimum standards were implemented. For a local Category 1 public street, the minimum standards that would need to be in place or proposed for improvement by the subdivider include the standards outlined in LSO Section 2-2-31 which reads:

2-2-31 STREET, CATEGORY I: A street or road that carries a present or anticipated traffic volume not exceeding 5000 vehicles per day, a maximum grade of 9%, a design speed up to 35 miles per hour, a minimum street width of 36 feet and a minimum right of way width of 50 feet.

Shingleton Lane does have a 50-foot wide right-of way width, but the improved street (travelway) width is grossly deficient to the 36-foot width requirement other than out closest to S. Loudoun Street between the Burke Centre II and the Commonwealth Plaza commercial developments. When the SVEC substation lot was proposed on the Green Frog Subdivision a number of years ago, Council granted relief of many LSO standards because the proposed electrical substation use would not generate very much traffic other than an occasional SVEC service vehicle. Nonetheless, SVEC improved Shingleton Dr with some drainage improvements and some pavement and curb and gutter.

The applicant is proposing some nominal pavement widening, particularly on the south side of the street between the paved and curbed entrance into the substation lot and the private drive at the western end of the street that will ultimately connect out to Weems Lane in the vicinity of Wilson Boulevard. This pavement improvement is depicted on Exhibit A and a note describes it as at least an 11-foot pavement widening with a 2-foot wide shoulder. Exhibit A also notes and depicts some pavement widening with curb and gutter at the proposed entrance into the subject lot at 40 Shingleton Lane.

No sidewalks are proposed along any segment of Shingleton Lane where the LSO would otherwise require at least a 4-foot wide concrete sidewalk on both sides. Likewise, curb and gutter which is required for all public streets is only newly provided at the enhanced driveway opening to 40 Shingleton Lane. There are existing stretches of curb and gutter at the commercial entrances closer to S. Loudoun Street. Storm drains and street lighting are also required per the LSO, but are either absent only the street or deficient to current standards.

Staff supports not undertaking pavement widening beyond (west of) where the proposed driveway entrance into 40 Shingleton Lane is shown since it is unlikely that O'Sullivan would ever want to connect to this public street from the east end of their site. Staff believes that a reasonable minimum is needed to support emergency vehicle access. This is generally in the range of 18-24 foot width of paved travelway. This exists in some stretches, but does not exist in all areas as visible on Exhibit A. Additional input from Public Works and Fire & Rescue is being sought to guide the Planning Commission and Council on these exception requests.

It is reasonable to assume that some street improvements should be left for adjoining property owners to improve when their vacant or under-developed lots are developed or

redeveloped in the future. This would include the CMJ Investments (Battery Mart) lots and the Price's Garage lot along the north side of the street and a possible expansion of the Commonwealth Plaza site out closer to S. Loudoun St.

Depending upon further input from City Engineering, staff also supports not requiring the developer to install public sidewalk and HC ramps along either side of the street, but does believe that some public street lighting would be appropriate. Drainage improvements would be identified as part of a related site plan review process that would be required in conjunction with intensifying the use of 40 Shingleton Lane from the accessory storage use that it has today to a possible contractor office use in the future.

The applicant is providing public water service from S. Loudoun Street westward within the Shingleton Lane public right of way to serve the future use of 40 Shingleton Lane. There would also be at least one fire hydrant provided along that line. The subdivision plan and profile drawings should clearly annotate the location and size of the proposed water line, including a section view of the utility line. By disproportionately funding the installation of the public water line along the full length of the street, there is some basis for the applicant to request relief of other public improvements and have future adjoining lot owners undertake those improvements to a greater degree.

Finally, because the proposed site at 40 Shingleton Lane would also have vehicular access secured along Ricketts Drive by means of a platted and recorded access easement, it is reasonable to assume that a large percentage of the traffic associated with development on that site will use Ricketts Drive where a signalized intersection exists at S. Loudoun Street) instead of Shingleton Lane (which does not have a traffic signal present to safely facilitate turn movements to and from S. Loudoun Street).

#### RECOMMENDATION

Staff recommends proceeding with preliminary subdivision review and discussion at the November 1<sup>st</sup> Commission work session and the required public hearing at the November 15<sup>th</sup> Planning Commission meeting. If the applicant provides adequate justification to support the exceptions requested by the time of the public hearing, then the Commission can take action under 'New Business' on the November 15<sup>th</sup> meeting agenda to forward the Final Subdivision with a written recommendation to City Council as to the departures from strict compliance with the Shingleton Lane public improvements and why they cause an unnecessary hardship for the subdivider.

Possible draft motions include:

A motion to approve the Preliminary Subdivision and consider the Final Subdivision next month could read:

**MOVE**, that the Commission approve Preliminary Subdivision **SD-16-612** and request that the applicant submit detailed justification for the exceptions per Section 8-1 of the Land Subdivision Ordinance for consideration and written recommendation of the Commission to forward to City Council at the December 20<sup>th</sup> Planning Commission meeting. The motion is conditioned upon the following: {list conditions here}

...OR...

A motion to act on both the preliminary and final subdivision could read:

**MOVE**, that the Commission approve Preliminary Subdivision **SD-16-612** and forward Final Subdivision to City Council recommending approval including written support for the exceptions per Section 8-1 of the Land Subdivision Ordinance based upon the detailed justification provided by the applicant. The motion is conditioned upon the following: {list conditions here}

...OR...

A motion to table could read:

**MOVE**, that the Commission table Preliminary Subdivision SD-16-612 to allow the applicant additional time to provide detailed justification of the exceptions per Section 8-1 of the Land Subdivision Ordinance for consideration by the Commission at the December 20<sup>th</sup> Planning Commission meeting.

...OR...

A motion to deny the preliminary subdivision could read:

**MOVE**, that the Commission disapprove Preliminary Subdivision **SD-16-612** because the applicant has failed to adequately justify the exceptions per Section 8-1 of the Land Subdivision Ordinance and because granting the exception will result in development of a parcel that is not served by adequate public street frontage and thus is not consistent with Section 5-1 of the Land Subdivision Ordinance requiring mutual responsibility between the subdivider and the City to divide the land so as to improve the general use pattern of the land being subdivided.

# EXHIBIT A

## Ricketts Business Center Shingleton Lane

Proposed improvements to support the  
subdivision of TM 252-7--3 and future site plan  
for proposed lot.

### Winchester, VA

September 2016

#### NOTES:

Water will be extended to property and a fire hydrant will be provided within right of way.

Shingleton Lane is paved and we have shown dimension from  $\epsilon$  to the existing edge on the northern side of the road.

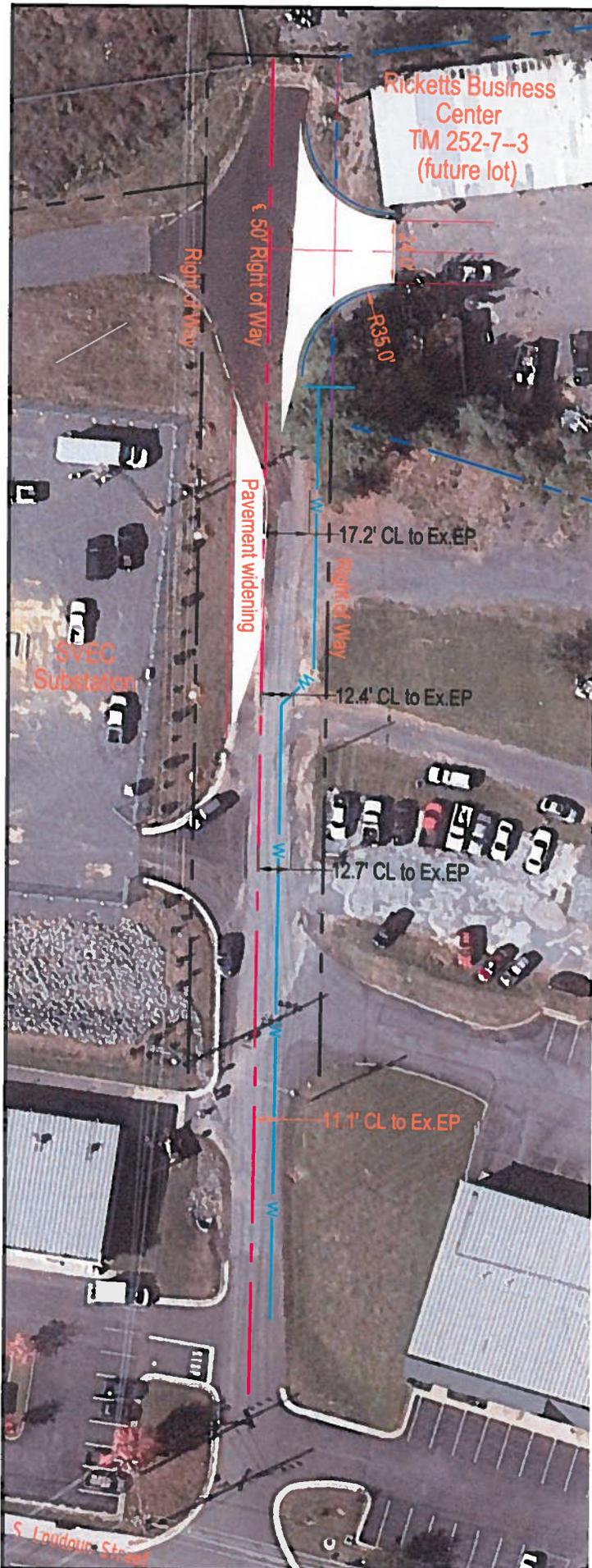
Pavement widening is proposed for the south side of the road. It shall be a minimum of 11' from the  $\epsilon$  of the right of way. A 2' shoulder will be provided and will drain to a grass area or swale.

Entrance to property will have 24' wide pavement with CG-6 for the returns and will have a 35' radius at face of curb.

No sidewalk or handicap ramps are proposed with the site entrance.

Entrance location is approximate and may shift with final site plans.

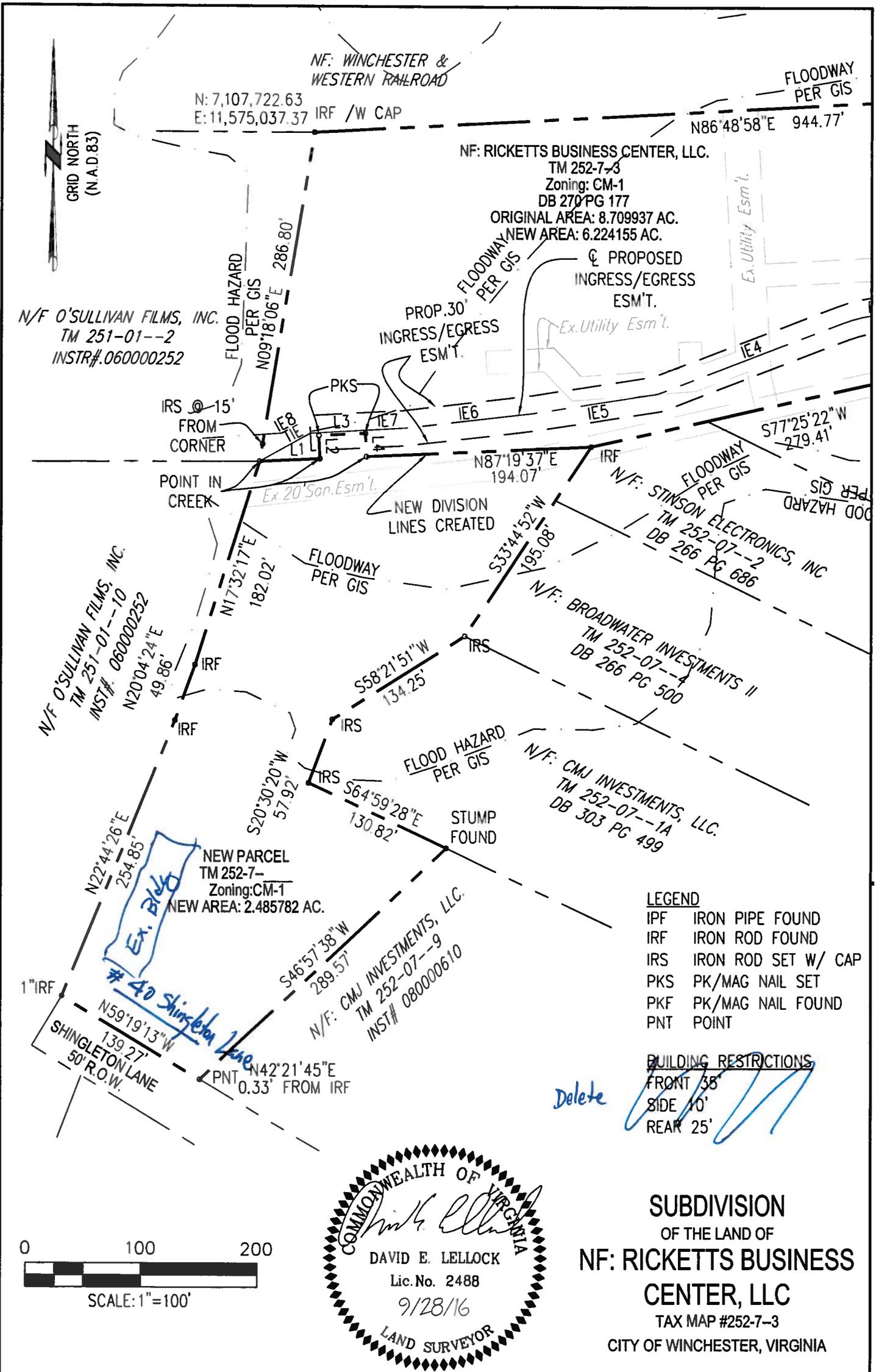
A site plan for the Ricketts property is in the planning stage.



**LELLOCK CONSULTING, PC**

2350 Fifth Street  
Middletown, VA 22645

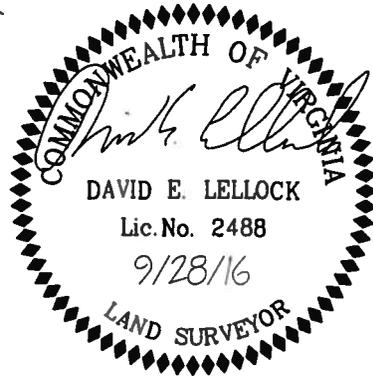
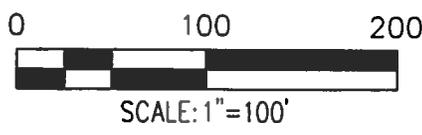
T 540.533.6728  
F 866.680.3364



- LEGEND**
- IPF IRON PIPE FOUND
  - IRF IRON ROD FOUND
  - IRS IRON ROD SET W/ CAP
  - PKS PK/MAG NAIL SET
  - PKF PK/MAG NAIL FOUND
  - PNT POINT

**BUILDING RESTRICTIONS**  
 FRONT 35'  
 SIDE 10'  
 REAR 25'

*Delete*



**SUBDIVISION**  
 OF THE LAND OF  
**NF: RICKETTS BUSINESS**  
**CENTER, LLC**  
 TAX MAP #252-7-3  
 CITY OF WINCHESTER, VIRGINIA

SCALE:	
DATE:	09-28-16
TAX MAP:	252-7--3
DEED BOOK: 270	PAGE: 177
INSTRUMENT:	
DRAWN BY:	DEL
CHECKED BY:	ADH



**LELLOCK CONSULTING, PC**

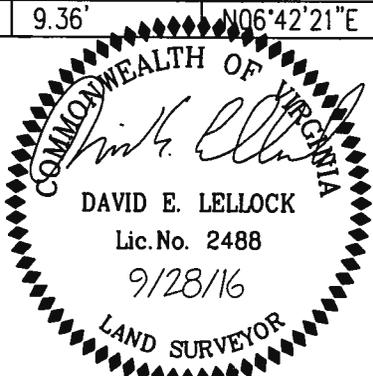
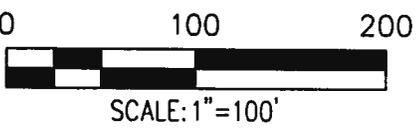
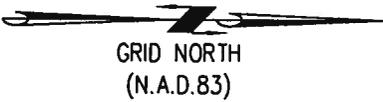
2350 Fifth Street  
 Middletown, VA 22645  
 T 540.533.6728  
 F 866.680.3364

SHEET  
 2  
 OF  
 3  
 2016.002  
 SUB

LINE	BEARING	DISTANCE
L1	N87°19'37"E	51.59'
L2	N02°40'23"W	20.00'
L3	N87°19'37"E	40.00'
L4	S02°40'23"E	20.00'
L5	N89°19'13"W	31.54'
L6	S05°35'15"W	13.64'
L7	S61°02'18"E	13.07'
L8	S22°41'07"E	12.42'

LINE	BEARING	DISTANCE
IE1	N81°43'21"W	35.67'
IE2	S53°31'08"W	115.58'
IE3	N74°40'40"W	167.25'
IE4	S69°02'15"W	171.24'
IE5	S81°06'41"W	108.25'
IE6	S83°20'02"W	111.55'
IE7	S86°47'51"W	81.35'
IE8	S60°47'32"W	49.63'

CURVE	RADIUS	ARC LENGTH	CH. LENGTH	CH. BEARING	DELTA
IE-C1	75.00'	58.59'	57.11'	S75°53'54"W	44°45'31"
IE-C2	70.00'	63.29'	61.16'	S79°25'14"W	51°48'12"
IE-C3	127.50'	80.74'	79.40'	S87°10'48"W	36°17'05"
IE-C4	746.97'	9.36'	9.36'	N06°42'21"E	0°43'06"



**SUBDIVISION**  
OF THE LAND OF  
**NF: RICKETTS BUSINESS**  
**CENTER, LLC**  
TAX MAP #252-7-3  
CITY OF WINCHESTER, VIRGINIA

SCALE:	
DATE:	09-28-16
TAX MAP:	252-7--3
DEED BOOK: 270	PAGE: 177
INSTRUMENT:	
DRAWN BY:	DEL
CHECKED BY:	ADH



**LELLOCK CONSULTING, PC**  
2350 Fifth Street  
Middletown, VA 22645  
T 540.533.6728  
F 866.680.3364

SHEET  
3  
OF  
3  
2016.002  
SUB

**CUP-16-616** Request of Laura Schleef on behalf of Acme Real Estate Holdings LLC for a Conditional Use Permit for a pet daycare center at 2100 S Loudoun Street (Map Number 272-01-1) zoned Highway Commercial (B-2) District.

#### REQUEST DESCRIPTION

The request of Laura Schleef is for approval of a pet day care under section 8-2-10.1 of the Zoning Ordinance.

#### AREA DESCRIPTION

The subject property is located on the west side of South Loudoun Street, between Shingleton and Weems Lane. The property is zoned Highway Commercial (B-2) District. Surrounding properties consist of similar B-2 zoning and commercial uses and a variety of industrial zoned land. To the rear of the property there is Commercial Industrial (CM-1) zoned land as well as Intensive Industrial (M-2) zoned land contacting the H.N. Funkhouser bulk fuel plant.



#### STAFF COMMENTS

The CUP request for conversion of a former auto repair shop to a pet daycare center use, specifically a dog daycare facility, is outlined in a letter from Laura Schleef dated October 3, 2016. A pet daycare center in the Zoning Ordinance is defined as: “An establishment that provides daily care, supervision, and grooming of up to fifty (50) animals at any one time; and, which does not provide for overnight accommodation of animals, as would otherwise be associated with a kennel or animal shelter.” In the applicant’s letter, Ms. Schleef’s outlines the operation for the proposed use and how the request would comply with zoning regulations. Under Section 8-2-10.1, a pet daycare center shall not be within 500 feet of a residential district and animals are not outside during the hours of 7pm to 7am. As indicated in the applicant’s letter, the proposal is not within 500 feet of a residential district and the proposed hours of operation would be from 7am to 7pm Monday through Friday, and 8am to 6pm on Saturday.

The applicant’s proposal notes modifications would be done to the building and site to enhance the operation of the proposed use and to mitigate any potential impacts to the surrounding area. To lessen noise, the applicant will be adding insulation and a drop ceiling to the building’s interior. The exterior will feature two fenced areas proposed with six foot high privacy fencing that will serve as an exercise and temperament evaluation areas (see attached exhibit). Dogs will not be left outdoors for extended periods of the

day and will not be left unattended. A strict cleaning regime and schedule is also outlined in the applicant's letter for the interior and exterior areas. In order to maintain a clean and sanitary facility, the applicant is proposing to install utility sink and washer and dryer to assist in cleaning of the facility.

## RECOMMENDATION

The Comprehensive Plan's character map identifies the subject property as a commerce area revitalization/infill site. In the Comprehensive Plan for the South Central geographic planning area states a major objective for the area is to "Proactively redevelop property where needed to achieve maximum sustainable potential" .

For a conditional use permit to be approved, a finding must be made that the proposal 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.

A favorable motion could read:

**MOVE**, the Planning Commission forward **CU-16-616** to the Common Council of the City of Winchester recommending approval of a Conditional Use Permit to operate the private museum per Section 7-2-4 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 subject to:

1. Review by the Zoning Administrator at the end of three years;
2. The applicant taking into consideration the concerns of all of the neighbors and addressing them as they come up;
3. Use to begin no earlier than 7:00am and end no later than 7:00pm Monday through Friday and 8:00am to 6:00pm Saturday; and,
4. Staff review and approval of the required site plan.

-OR-

An unfavorable motion could read:

**MOVE**, the Planning Commission forward **CU-16-616** to the Common Council of the City of Winchester recommending denial of a Conditional Use Permit to operate the pet daycare per Section 8-2-10.1 of the Zoning Ordinance because the proposal, as submitted, will 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 reasons being:

*(Include any other reason for negative recommendation)*

-OR-

Possible Tabling Motion:

**MOVE**, the Planning Commission table **CU-16-616**, because of  
*(Include any reasons for tabling)*

October 3, 2016

Dear Winchester City Planning Board:

Please consider this letter accompanying the application for Conditional Use for the Doggie Depot of Virginia, LLC in regards to the compliance with Article 18-2 of the Winchester City Zoning Ordinance. The Doggie Depot of Virginia strives to provide a safe and stimulating environment for dogs to play, train and socialize. The Doggie Depot of Virginia will be a dog day care facility located within Winchester City. The Company will keep dogs safe with trained staff, separate play areas, a strong evaluation process prior to entry into day care, a secure facility and a sanitary environment. The property selected is 2100 S. Loudoun St, which is located in a Highway Commercial Zoning District and complies with the zoning regulations for a pet day care facility under Winchester City Zoning Ordinance Article 8-2-10.1.

The facility is zoned B-2 and is at least 500 feet from any residential district. The business hours will be Monday through Friday, 7:00am to 7:00pm and Saturday, 8:00am to 6:00pm. In order to control noise, the building currently has insulation in the ceiling, and a drop ceiling will be added, as will further insulation along the walls. The current office area will be demolished, and a new wall running the width of the building will be added to create a bright and open reception area. A vinyl privacy fence will be installed at a height of six feet along the rear and sides of the property for both aesthetics and the safety of the dogs. The purpose of the outdoors area is for the dogs to relieve themselves as well as an additional exercise area.

There will be two fenced areas, both accessed from the existing door on the south side of the building. One area will be for smaller dogs to exercise outside, as well to provide an outside area to evaluate the temperament of new dogs entering the day care. The larger area will be for medium and larger dogs. At no time will dogs be restrained on chains or pulleys while outside. Dogs will not be left outdoors all day, nor will they be left unattended. Fresh water will provided both inside and outside at all times.

In order to address animal waste and sanitation, there is a strict cleaning schedule in place for both in and out of doors. Accidents indoors will be cleaned immediately. Customers are responsible for cleaning up after their dogs outside of the fenced areas; however, the area around the building will be checked daily and cleaned. The areas inside the fence will be picked up several times daily and disposed of into secure, covered trash receptacles. These receptacles will be collected by private trash removal on a regular schedule throughout the week.

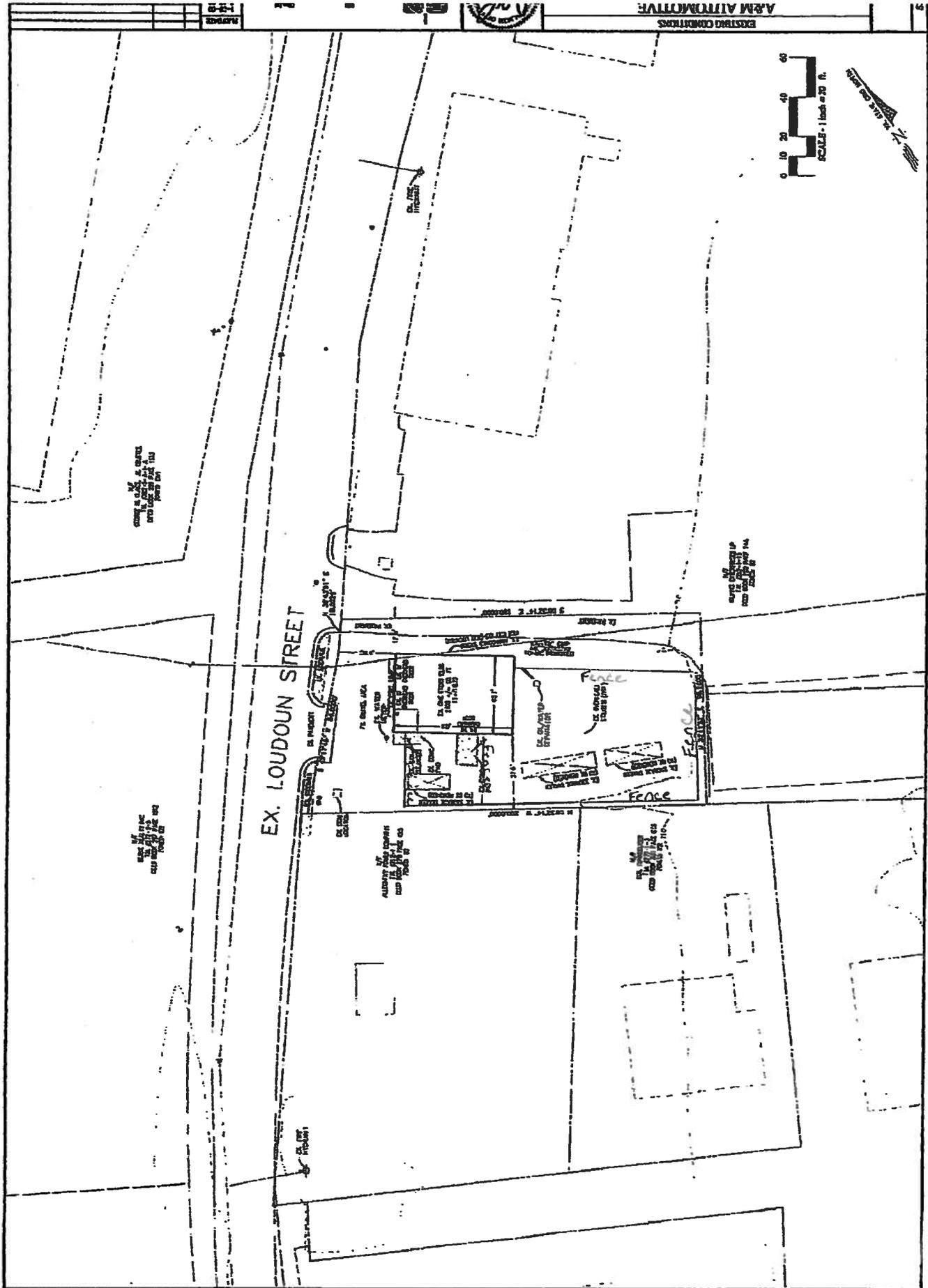
As dogs (and people caring for them) tend to attract dirt and mud while outdoors, the Doggie Depot of Virginia does request the ability to install both a utility sink, and washer and dryer for the purposes of mopping the floors and washing towels for cleaning the dogs' feet when entering the building. The facility will also have floor mats throughout the building and cushions for rest periods, which will also require laundering. The ability to wipe the dogs' feet and launder the materials will assist in maintaining a clean and sanitary facility.

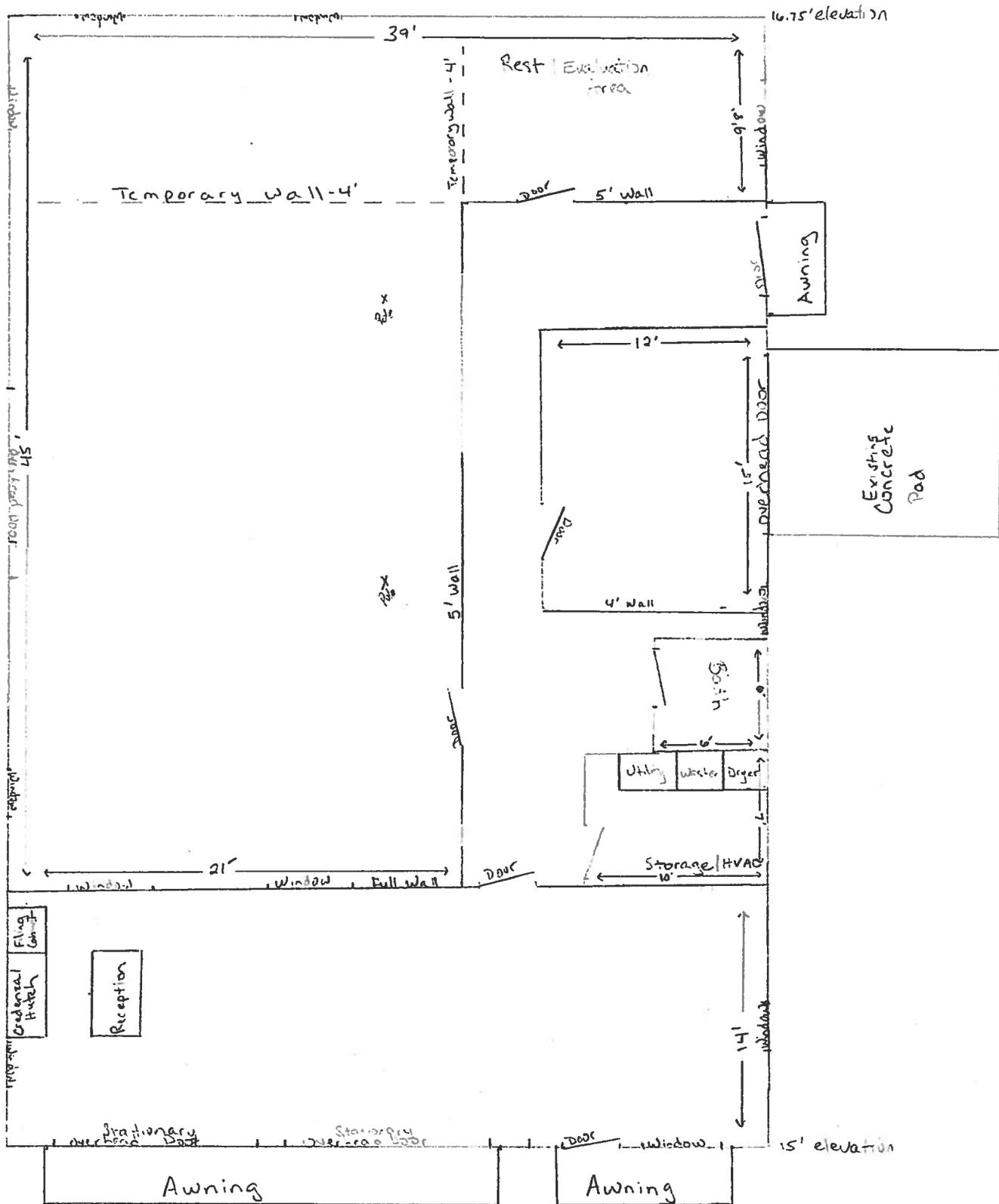
I look forward to answering any questions you may have.

Sincerely,



Laura Schleef, Owner  
The Doggie Depot of Virginia, LLC  
908-229-5765  
[lauraschleef@comcast.net](mailto:lauraschleef@comcast.net)





2100 S Loudoun St

**CUP-16-617** Request of Jay Patel on behalf of Bapa Hospitality LLC for a Conditional Use Permit for extended stay lodging at 1347 Berryville Ave (Map Number 197-02-7B) zoned Highway Commercial (B-2) District with partial Corridor Enhancement (CE) District Overlay zoning.

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#### REQUEST DESCRIPTION

The applicant is requesting to convert the existing Winchester Inn motel facility to extended stay lodging.

#### AREA DESCRIPTION

The subject parcel is located within the Highway Commercial (B-2) zoning district with Corridor Enhancement (CE) district overlay. The properties to the east, north, and west are all similarly zoned. Properties to the south are zoned Medium Density Residential (MR) district and primarily consist of single family homes.



#### STAFF COMMENTS

As stated in the applicant's October 4, 2016 letter, the request involves a conversion of the facility from a transient occupancy motel to an extended stay lodging facility. The applicant intends to have the facility aligned with the Studio 6 brand. Should the conditional use permit be approved, the applicant intends to apply for the appropriate change of use and building permits to meet building code requirements. This includes the creation of appropriate cooking and sanitary facilities, installing necessary fire protection, and any other code requirements as called for in the Uniform Statewide Building Code (USBC). Within the letter, the applicant states that the property will undergo a full renovation of the exterior, lobby, in addition to the full renovation of the rooms.

Motel use has occurred on the property since the Shoney's Inn was constructed in the mid-1980s. Since then the property has changed affiliations from Shoney's Inn, to America's Best Value, to most recently the Winchester Inn. The facility consists of 100 rooms and two main buildings. The front main building consists of the motel lobby and office along with an indoor swimming pool. The second larger building is where the guest rooms are located.

Over the last several years, under the current owners (who are different from the applicants), the City has documented numerous code violations pertaining to property

maintenance, fire, and zoning codes. Furthermore the Commissioner of Revenue’s office has had numerous concerns about the accuracy of tax filings over the same period of time.

Included within the code violations identified were occupancy violations pertaining to the length of stay of guests. The current facility is approved as a *Motel*, which is defined in the Zoning Ordinance as: *“One (1) or more buildings containing individual sleeping rooms, designed for and used temporarily by tourists or transients for a maximum of thirty (30) consecutive days, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit. No more than 10 % of the total number of units may be occupied by individuals that exceed the 30 consecutive day maximum occupancy limit up to a maximum of nine (9) consecutive months.”* In several instances over the past several years, the occupancy of the facility has included extended stay guests well over the 10% authorized by code and well over the maximum of nine (9) months of tenancy. Additionally, there are building code violations with spalling concrete which have yet to be addressed by the current owner; the applicant intends to correct this violation as part of his renovations.

The Comprehensive Plan for the Northeast (NE) geographic planning area includes the following a major objective for the area is to “Proactively redevelop property where needed to achieve maximum sustainable potential.” The area is part of a larger Berryville Avenue redevelopment illustration as noted in the “Northeast Planning Area Site Redevelopment Concept 1: Berryville Avenue Corridor.” On the character map, this parcel is identified as being a redevelopment site.

Staff has identified both positive and negative considerations with a potential CUP approval. On the positive side, an approval would necessitate certain prescribed building improvements take place thereby ensuring the elimination of unsafe and undesirable living conditions for non-transients, and further ensuring the use is not a detriment to public welfare. Alternatively, there are also issues with adherence to the Comprehensive Plan. As noted above, the Comp. Plan calls for the redevelopment of this property, and a CUP approval may end up perpetuating this less than desirable use for an extended period of time. Lastly, there are continued compliance concerns pertaining accurate tax filings from the Commissioner of Revenue’s office.

Staff received a summary of calls for service from the Police Department which details a disproportionately high number of calls at this facility. A useful metric to determine the impact of these calls is a calls-per-room ratio. A facility with calls greater than 1.0 calls/room is abnormal for a motel/hotel facility. Below is a chart with the number of calls for both police and fire/EMS, and the calculated room ratio:

	<b>Calls for Service</b>	<b>Police Calls / Room Ratio</b>
2014	317	3.17
2015	382	3.82
2016 YTD	458	4.58

## RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal 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.

*A favorable motion could read:*

**MOVE**, that the Commission forward **CU-16-617** to Council recommending approval per Sections 8-2-19 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 subject to:

1. Weekly maid service provided for all one hundred (100) rooms to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences;
2. Submittal of applications for building permits and change of use to the Zoning & Inspections department to ensure compliance with the requirements of the Uniform Statewide Building Code. All necessary permit approvals and inspections must be completed prior to occupancy of the facility as extended stay;
3. Occupancy of each room is limited to the maximum occupancy permitted through the USBC;
4. No occupancy of any individual shall be for a period of longer than nine (9) months within a twelve (12) month period;
5. No more than four criminal police calls, as determined by the Chief of Police, may be attributable to the facility within a thirty day continuous period, after which a facility security management plan shall be submitted to and approved by the Chief of Police;
6. A twelve (12) month review of compliance with the permit shall be conducted by staff. After three (3) years the applicant must seek re-approval of the CUP by City Council, at which time, modifications or revocation of the permit may result of any substantial issues of noncompliance are found in the review.
7. Retention of a staffed on-site lodging manager's office with proper directional signage so as to be easily identified by intended business travelers;
8. Strict compliance with payment of required taxes to the City;
9. Weekly smoke detector inspections by the property manager and annual inspection of the facility by the Fire Marshal's office. Appropriate records shall be kept by the on-site manager to document the required weekly inspections.
10. Revised business license obtained through the Commissioner of Revenue's office upon approval of the CUP and necessary building code changes.
11. Strict compliance with the Virginia Maintenance Code.

-OR-

*An unfavorable motion could read:*

**MOVE**, the Planning Commission forward **CU-16-617** to Council recommending denial because the proposal, as submitted, will adversely affect the health, safety, or welfare of persons residing or working in the neighborhood and be detrimental to public welfare or injurious to property or improvements in the neighborhood, with specific reasons being:

1. (List any reasons for denial)

-OR-

*Possible Table Motion:*

**MOVE**, the Planning Commission table **CU-16-617**, because of (include any reasons for tabling).

Jigneshkumar Patel  
44342 Tillman Terrace  
Apt 300  
Ashburn, VA 20147

City of Winchester  
Office of Planning and Zoning  
Rouss City Hall  
15 N Cameron St  
Winchester, VA 22601

Date: October 4, 2016

Gentlemen:

Enclosed is a request to change Winchester Inn, located at 1347 Berryville Ave., Winchester, VA 22601 from a nightly rental motel to a Studio 6 Executive Extended Stay Motel.

I have reviewed the City Zoning Ordinance and believe the community will be enhanced for the following reasons,

1. Conversion from an independent, non-flagged transient use property to a nationally flagged property.
2. **Studio 6** is a national “extended stay” brand owned by G6 Hospitality (which owns Motel 6), the franchise has been in business over 55 years and has over 1400 locations in the US, Canada and Mexico.
3. **Studio 6** is positioned between the upper economy and lower midscale extended stay brands in the hotel industry attraction business, construction and leisure customers requiring lodging for 7-10 days at a time.
4. The property will undergo a full renovation of the exterior, lobby and full renovation of the rooms to include the addition of kitchenettes.
5. Project costs will be \$7,50,000 to \$9,00,000 for the transformation.
6. Local contractors will be used to perform the work adding more jobs to the area.
7. **Studio 6’s** design and construction team will coordinate to produce an attractive band well-designed building that will enhance the appearance of the neighborhood.

8. Once the facility has completed construction, the operations will add permanent job for local residents.

City of Winchester  
Office of Planning and Zoning  
October 4, 2016

Blackstone owns G6 Hospitality, a large real estate company based in NYC that also owns Hilton Worldwide, La Quinta and Extended Stay America, which is another extended stay brand.

As outlined in City's zoning ordinance and the Comprehensive Plan, I do not believe that the improvements nor the conversion to extended stay will adversely affect the health, safety or welfare of persons residing or working in the neighborhood of the proposed use, nor will be detrimental to public welfare. On the contrary, I believe, the improvements and conversion to Studio 6 will be an asset to the neighborhood and the City of Winchester, VA

Your consideration to this matter is greatly appreciated,

Jigneshkumar Patel

Enclosure,

1. Conditional Use Application
2. Request Letter
- 3.. Studio 6 Preliminary Approval
4. Studio 6 Brochure
5. Studio 6 Rooms Floor Plan
6. Exterior Inspection Report From Shenandoah Engineering



Ann T. Burkholder, Commissioner of the Revenue  
15 North Cameron Street  
Winchester, VA 22601  
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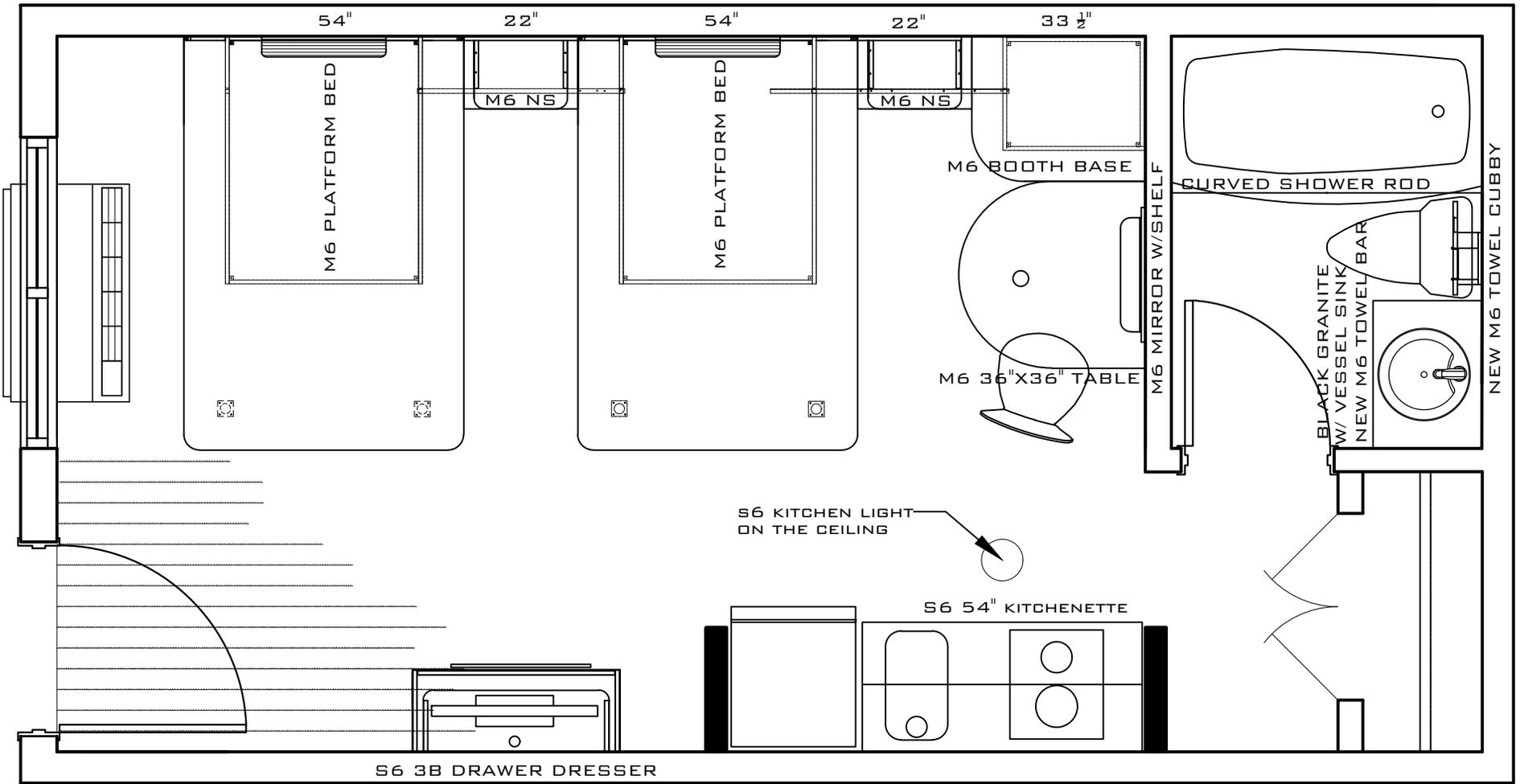
To: Aaron Grisdale, Directory of Zoning & Inspections  
From: Ann T Burkholder *ATB*  
Date: October 27, 2016

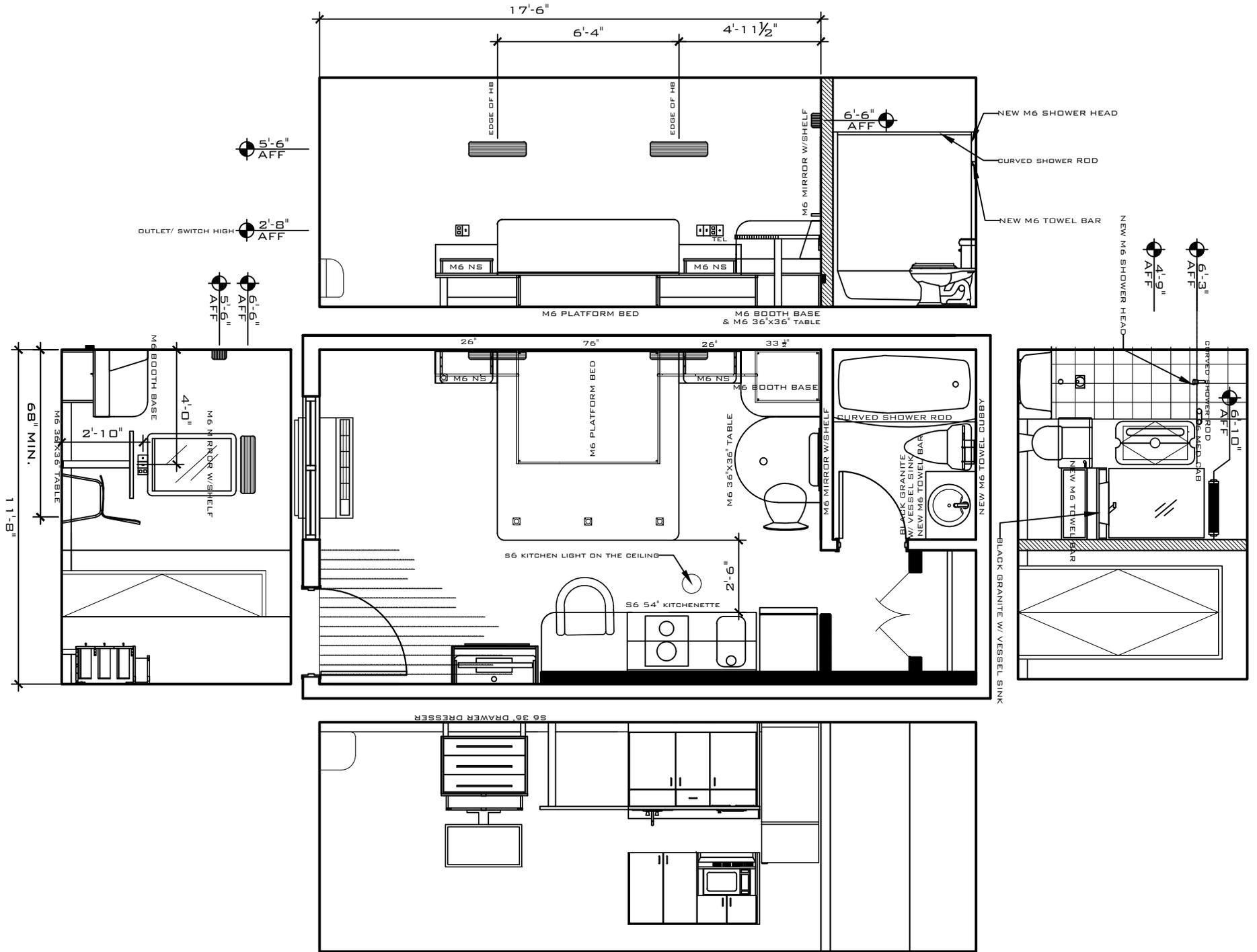
**RE: Request for Conditional Use Permit – Extended Stay  
Winchester Inn, 1347 Berryville Ave**

This memo is in response to your request for any comments or concerns relevant to an application for a conditional use permit for extended stay lodging at the facility located at 1347 Berryville Avenue, currently operating as the Winchester Inn. You noted that the applicants are not the current owners, but are potential investors who intend to purchase the property and renovate it.

From the perspective of the Commissioner of the Revenue, this site has not had a good track record. Through several organizational changes and promised improvements in compliance with local tax filing requirements, the same problems have persisted. This office has had reason to conduct several major audits of the business, each of which has revealed inaccurate filings. In particular, concerns with transient occupancy (motel) tax filings have risen to the level of legal action.

Moreover, other similar sites across the City have also promised significant improvements with new ownership and conversion to extended stay facilities, yet any improvements with local tax compliance have lasted only briefly. Thus, while I would otherwise like to offer encouragement, this office cannot help but view the current request with skepticism.







**Frank Nozzolillo**  
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# STUDIO 6

Revision 10-12-2016 | Scheme 1

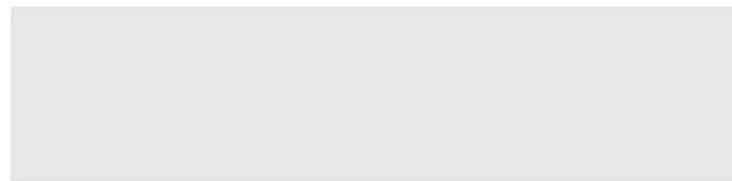


Body, Awning



PPG15-25 Stonington

Trim



PPG1025-1 Commercial White

Accent



PPG1167-6 Blueberry Patch

**SV-16-661** AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 601 WOODSTOCK LN and 116 N PLEASANT VALLEY RD AND CONVEY IT TO THE ISLAMIC SOCIETY OF WINCHESTER

#### REQUEST DESCRIPTION

The request is to vacate a semi-improved east-west public alley extending between N. Pleasant Valley Road and an unnamed north-south alley that extends between lots fronting along the east side of N. Pleasant Valley Road and lots fronting along the west side of N. Euclid Avenue. The request also includes conveying the vacated right of way to the Islamic Society of Winchester which owns the property on both sides of the alley.

#### AREA DESCRIPTION

The area is zoned Medium Density (MR) Residential and contains residential use in addition to the Islamic Society's place of worship at the southeast corner of N. Pleasant Valley Rd and Woodstock Lane.

#### STAFF COMMENTS

The Public Services Department has confirmed that there are no public utilities in the segment of alley proposed for vacation and conveyance. Eliminating the alley would eliminate an access point to a busy section of Pleasant Valley Road across from Mt Hebron Cemetery. Local traffic accessing points served by the north-south alley is better served by accessing Pleasant Valley Road at the Woodstock Lane traffic signal just to the north.

#### RECOMMENDATION

Staff finds no reason to not support the request and see no inconsistency with the adopted Comprehensive Plan.

A favorable motion could read:

**MOVE**, that the Commission forward **SV-16-661** AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 601 WOODSTOCK LN and 116 N PLEASANT VALLEY RD AND CONVEY IT TO THE ISLAMIC SOCIETY OF WINCHESTER to City Council recommending approval because the request represents good planning practice and is consistent with the Comprehensive Plan.