

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, May 18, 2010, at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Chairman Adams, Vice-Chairman Shore, Commissioners McKannan, Slaughter, Sublett, Talley, and Wiley (7)
ABSENT: None (0)
EX-OFICIO: City Manager O'Connor
FREDERICK CO LIAISON: Commissioner Mohn
STAFF: Diem, Moore, Youmans, and Walsh
VISITORS: Rick Leonard, Kevin McKew, Mike Cardinale, Jimmy DeMartinis, Phil Griffin, Ed Farmer and Matthew Reges

CALL TO ORDER: Chairman Adams called the meeting to order at 3:00pm.

APPROVAL OF MINUTES

Mr. Adams wanted to clarify a statement he made during the Other Discussion portion of the April 20, 2010 meeting regarding Brewbaker's Restaurant. Instead of saying that they should have to maintain a certain decibel level, he asked that it be changed to 'subject to a maximum decibel level within that district'.

Commissioner Talley moved to approve the minutes of the April 20, 2010 meeting as amended. The motion was seconded by Vice-Chairman Shore.

Motion passed 7-0.

CALL TO ORDER: Chairman Adams called the meeting to order at 3:00pm.

CORRESPONDENCE

A revised agenda packet was presented that included:
Item 2A – Updated proffer statement and staff report

Mr. Youmans introduced Matthew Reges, a student at American University, who will be serving as a summer intern in the Planning Department.

CITIZEN COMMENTS

None

REPORT OF FREDERICK COUNTY LIAISON

Chris Mohn, representing the Frederick County Planning Commission, stated that there was nothing specific to speak about this month. They are currently discussing their Comprehensive Plan as well. He will be reporting those changes as they develop.

PUBLIC HEARING – New Business

RZ 10-178 AN ORDINANCE TO CONDITIONALLY REZONE AN APPROXIMATELY 0.068 ACRE PORTION OF LAND AT 414 NORTH LOUDOUN STREET (*Map Number 173-01-L-7*) FROM HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO CENTRAL BUSINESS (B-1) DISTRICT WITH HW DISTRICT OVERLAY. The Comprehensive Plan calls for high density residential and light industrial uses in the area.

Mr. Youmans presented the request to rezone the eastern portion of the property at 414 North Loudoun Street from HR(HW) to B-1(HW) to facilitate the reuse of the nonconforming structure on this portion of the site.

The subject property is currently owned by the Winchester Union Rescue Mission. The residential structure on the western portion of the property fronting on N. Loudoun St is used as the pastor's residence. The structure on the eastern portion of the property was previously used as a warehouse; however it had been vacant for a number of years prior to recent renovations which began in 2008. Any protected nonconformities for the structure and its use have been lost due to the period of vacancy.

As stated in the applicant's letter dated 3/22/2010, the desire is to facilitate use of the structure for training and education in woodworking and job skills development. The intended use could not be accommodated within the existing HR zone. In 2008, several properties in close proximity were rezoned from CM-1 to B-1 to facilitate their reuse. These included a mini-storage warehouse located two properties to the south of the subject property, a vacant lot immediately to the east, and a former furniture warehouse fronting on N. Cameron St. A rezoning in 2008 also included a proffer revision to facilitate development the Our Health Phase 2 project to the southeast.

The applicant has filed a letter dated March 22, 2010 (inadvertently addressed to the Board of Zoning Appeals instead of Planning Commission and/or City Council) in which the reasons for the rezoning are spelled out. The letter also lists a number of activities which the property owner would not undertake on this portion of the site if it is rezoned to B-1. Also enumerated are certain restrictions on the nature of any operations occurring on the site that relate to hours of operations, noise, odor, dust, and vibration. A proffer statement dated March 22, 2010 and revised May 10, 2010 was submitted during the work session last week which put the restrictions contained in the letter into a proper format.

Chairman Adams opened the public hearing.

Mike Cardinale, 141 Lightwood Court, Board member of the Rescue Mission, stated that the intent was for educational purposes to better equip the mission members to contribute to the community and to generate revenue for the Mission. He explained that the stop time was only requested so not to limit the next occupant of the building. He was positive they would not be there after 6pm. He added that the work would be done in the shop and would not disrupt the neighborhood.

Phil Griffin, 205 Fairmont Ave, owns nine apartments at 419 N Loudoun Street. He was concerned about the noise that would be generated if they were allowed to operate until 9pm, adding that this location is not appropriate for this use. He explained that they have had problems in the past with people cutting through properties to get to the Mission. Some owners have had to install motion lights and alarms because they leave bottles and trash on their properties. He has lost tenants because they did not feel safe. He asked that the Commission not approve this rezoning, or, if it is passed, to at least reduce the hours.

Ed Farmer of 839 Butler Dr. owns the adjoining property to the south with three apartments. He stated that he echoed Mr. Griffin's opinions and concerns.

Chairman Adams closed the public hearing.

Chairman Adams asked if the woodworking would be for the residents or other people.

Mr. Cardinale stated that it would be for members of the New Life program. It's limited to six men, so the most would be there at a time would be eight. They will be making outdoor furniture. Some will be complete and some will be kits that a father/son team could assemble.

Chairman Adams asked about the noise and what can be done to prevent it from becoming a nuisance.

Mr. Cardinale pointed out that the City noise ordinance does not start until 10pm, yet he is choosing to stop work at 9pm. They will be working with small motor equipment, a dust containment system, and doors and windows will be closed. The walls are two (2) layers thick and the exterior is brick, which in itself will act as a noise reducer.

Vice-Chairman Shore asked if there were bathroom facilities there to prevent people from having to walk back to the Mission and possibly relieving themselves outside.

Mr. Cardinale explained that they have to be installed to meet building code. They are in the process of drawing up the plans.

Vice-Chairman Shore asked what the relief would be if there was a noise issue.

Mr. Diem referenced the nuisance code (18-16) in the Zoning Ordinance. He explained that aside from that there are also City Code noise provisions.

Commissioner Talley asked if there was a way to scale or limit noxious fumes.

Mr. Diem explained that it is subjective. Currently there is no threshold identified. It would simply be determined by the community.

Chairman Adams stated that the use was logical considering the CM-1 and B-1 is nearby. The Comp Plan allows for light industrial use, so that fits. He did understand the concern for the neighbors; he suggested changing the closing time to 5 or 6pm.

Commissioner Wiley asked what was driving the members to Loudoun Street instead of using Kern Lane.

Mr. Cardinale stated that many people come to the Mission for lunch or other reasons using any route they choose. The people that will be using this facility will be walking to and from the Mission using the alley only.

Commissioner Sublett stated that considering the surrounding zoning, 8am to 8pm is reasonable. If neighbors are going to bed any earlier than that, they would have noise regardless.

Chairman Adams stated that the applicant seemed willing to change the hours of operations if necessary.

Commissioner Slaughter stated that the proffers rule out other uses which he felt would have a negative impact on the use of the building. He stated he was also concerned for the neighbors, and suggested considering tabling the item until the applicant has a chance to talk to the neighbors and resolve some of these issues.

Chairman Adams stated that it seems that the issue is with individuals walking through private property, not with the zoning. The individuals causing the disruption are not the ones participating in the program that will be in the building.

Vice-Chairman Shore asked if Mr. Cardinale, as a board member, would have the authority to agree to a verbal change to the proffer regarding the hours of operation.

Mr. Cardinale stated that the board had already discussed this issue. He asked that the proffer be amended to show the hours of 8am to 6pm.

*Vice Chairman Shore moved to forward **RZ-10-178** to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit, RZ-10-178, Prepared by Winchester Planning Department, May 10, 2010" and subject to the proffers in the Proffer Statement dated March 22, 2010, and revised May 10, 2010, and as verbally amended by the applicant May 18, 2010, because the proposed B-1 zoning, as proffered, adequately addresses impacts, supports redevelopment, and represents better planning than maintaining the existing HR zoning.*

The motion was seconded by Commissioner Wiley

Motion passed unanimously 7-0.

NEW BUSINESS

Mr. Youmans began the review discussion for chapter 3 of the Comprehensive Plan, the main topic being education goals. To get a better idea of what is needed in the school system today, Mr. Youmans invited Dr. Ricky Leonard, Superintendent of Winchester Schools, to go over some of the draft goals and objectives and discuss what he thought could improve them.

Dr. Leonard stated that the Comp Plan should be a strategy, not an opinion, and added that the key is to make sure that the students are ready for what is next. He discussed that current job readiness certifications are not necessarily geared toward preparing all students for their next steps. Dr. Leonard continued to offer some alternate language for the Commission to consider for each of the four stated objectives under the education heading. Dr. Leonard acknowledged that some of the language for which he is proposing alternatives was crafted by City Council.

Mr. Youmans stated that it might be possible to incorporate the Council-stated objectives into strategy items for achieving broader objectives as offered by Dr. Leonard.

Commissioner Slaughter stated that it seemed appropriate that the school system would be involved in formulating the objectives because they are the subject matter experts.

Chairman Adams stated that Dr. Leonard's suggestions make sense and thanked him for taking the time to come and present the ideas.

ADJOURN

With no further business to discuss, the meeting was adjourned at 4:29PM.

Nate Adams, III, Chairman