

PLANNING COMMISSION  
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, April 20, 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, Talley, and Wiley (6)  
**ABSENT:** Commissioner Sublett (1)  
**EX-OFFICIO:** City Manager O'Connor  
**STAFF:** Diem, Moore, Youmans, and Walsh  
**VISITORS:** Larry Omps

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

**APPROVAL OF MINUTES**

*Commissioner Talley moved to approve the minutes of the March 16, 2010 meeting as presented. The motion was seconded by Commissioner Slaughter.*

*Motion passed 6-0.*

**COMMITTEE APPOINTMENTS**

Chairman Adams announced that Commissioner Slaughter would serve as liaison to the Economic Development Commission. He stated that is still seeking an appointment for the Winchester Parking Authority.

**CORRESPONDENCE**

Mail had been received for several Commission members in care of the Planning Department from Shenandoah University and was presented to the Commissioners.

**CITIZEN COMMENTS**

None

**REPORT OF FREDERICK COUNTY LIAISON**

A Frederick County Liaison was not present at the meeting.

**PUBLIC HEARING – New Business**

**A. TA-10-111 AN ORDINANCE TO AMEND ARTICLES 1, 6, (8, 9, 10) AND 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS, PERMITTED USES AND PARKING REQUIREMENTS FOR CREMATORIES**

Mr. Moore presented the request to address the lack of a definition for crematory in the Zoning Ordinance and to establish associated use regulations and parking requirements.

No definition or use regulations specific to crematories are currently included in the Zoning Ordinance. Crematories have historically been interpreted by the City as accessory uses to funeral homes. Recently, a crematory has been planned in the City specifically for the disposition of pet remains. While this establishment is initially planned to be operated by the same owner as an adjacent funeral home that includes a human crematory, the owner does plan to subdivide the property such that the pet crematory is on a separately platted parcel of land. As there are no provisions in the Ordinance for a crematory as a principal use, and as this type of operation is known to operate independently of funeral homes in other jurisdictions, staff suggests that it is desirable to establish a definition and associated regulations for the use.

The Ordinance currently provides for funeral homes as permitted uses in the RO-1, B-1, B-2 and CM-1 districts. They are also provided for consideration as conditional uses in HR, with the specific criteria that crematories are not included. There are currently three funeral homes within the City, including two within RO-1 and one which is non-conforming within HR-1.

The proposed amendment would provide a definition for crematory, establish use regulations and an associated parking requirement. Potential air pollutants are regulated by the Virginia Department of Environmental Quality through stationary source air permits.

Mr. Moore stated that no additional changes to the draft amendment have been made since the Commission initiated the amendment in March.

**Chairman Adams opened the public hearing.**

No one spoke about the request.

**Chairman Adams closed the public hearing.**

*Vice-Chairman Shore moved to forward TA-10-111 to City Council recommending approval as identified in “Draft 3, dated 3/10/2010” because the amendment represents good planning practice by defining and providing associated regulations for a use that is not currently addressed in the Zoning Ordinance. The motion was seconded by Commissioner Talley*

*Motion passed 6-0.*

## **NEW BUSINESS**

### A. Administrative Authorizations:

- 1) **SP-10-193**      Bruce Carlson, AIA      601 E Jubal Early Dr      Best Buy

Chairman Adams read the following into the minutes: At the April 13, 2010 work session, Vice-Chairman Shore moved to grant administrative authorization for SP-10-193. The motion was seconded by Commissioner Wiley. Motion passed 6-0 (Commissioner Sublett absent).

## **OTHER DISCUSSION**

Mr. Youmans asked if any of the Commissioners had any comments or issues with the Comprehensive Plan outline that had been presented to them during the work session previous week. With no objections, Mr. Youmans discussed the distribution of draft responsibilities among various staff and a university intern who will be assisting the Planning Department for several weeks this summer.

Chairman Adams stated that he recently spoke to a resident that resides in the Lovett Building concerning noise level coming from Brewbaker's on the weekends. He pointed out that even though they are not required to have a conditional use permit that they should still have to maintain a maximum decibel level in that district. Considering that there has been an increase in mixed-use development, this may be something that comes up a lot in the future.

Mr. O'Connor added that after hours some of the congregation gathers outside the establishment which adds to the noise level. He suggested that the Community Response Team check with the manager to see if anything can be done.

Mr. Diem explained that even though they are grandfathered, the ordinance does address public nuisances. For example, this ordinance was used when Uncle Fred's BBQ caused the Dollar General to be evacuated due to smoke. He agreed that the Community Response Team should talk to those involved to see what could be done.

## **ADJOURN**

With no further business to discuss, the meeting was adjourned at 3:16pm.

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Nate Adams, III, Chairman