

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, May 19, 2009 at 3:00 p.m. in the Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

PRESENT: Masters, Shore, Sublett, Talley, Weber and Wiley
ABSENT: Adams
STAFF: Youmans, Moore, Diem, Deskins and Walsh
VISITORS: Don Stump and Clark Neff

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

Chairman Masters requested a moment of silence for the passing of Inspections Secretary Mary Chasteen on May 18, 2009.

APPROVAL OF MINUTES:

Commissioner Weber moved to approve the minutes of the April 21, 2009 meeting as presented. The motion was seconded by Commissioner Shore.

Motion passed 5-0 (Masters abstained).

CORRESPONDENCE

A revised agenda packet was presented, to include:

1. A letter of withdrawal from attorney Ty Lawson regarding RZ-09-01.
2. An updated Staff Report for TA-09-02.
3. Requests for administrative authorization for SP-09-06 and SP-09-10.

Commissioner Weber moved to amend the agenda to insert as Item A in Old Business a closed session regarding real estate matters. Case SV-09-01 would then become Item B. The motion was seconded by Commissioner Talley.

Motion passed 6-0.

CITIZEN COMMENTS

None

REPORT OF FREDERICK COUNTY LIAISON

None

PUBLIC HEARINGS

TA-09-01 AN ORDINANCE TO AMEND ARTICLE 19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO LANDSCAPING AND SCREENING REQUIREMENTS

Mr. Moore explained that the current screening requirements for property being developed adjacent to property in a lesser intensive zoning district, as well as other required screening of such areas as outdoor storage and loading, can be met through use of either a six foot high opaque fence or a double row of staggered evergreen trees, each row planted with 10 foot spacing. The proposed amendment would add an additional option of a single row of evergreen trees planted with 4 foot spacing.

There are examples where successful screening has been achieved using a single row of arborvitae plantings as proposed in the text amendment. These examples have been permitted through the granting of waiver requests of the stipulated requirements. The amendment would allow the single row option to be utilized without having to request a waiver.

The amendment would also rearrange the order in which the screening options are listed in the Ordinance. Fencing is currently the first option listed. By moving it to the last option listed, it is hoped that a preference for the natural screening options will be implied to the reader.

Chairman Masters opened the public hearing.

No one spoke regarding the amendment.

Chairman Masters closed the public hearing.

Commissioner Weber moved to forward TA-09-01 to City Council recommending approval because it represents good planning practice to allow for an additional option for the use of natural screening. The motion was seconded by Commissioner Sublett.

Motion passed 6-0.

PUBLIC HEARINGS – Continued

RZ-09-01 AN ORDINANCE TO CONDITIONALLY REZONE 3.4 ACRES OF LAND AT 1519 AND 1523 S. PLEASANT VALLEY ROAD FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO B-2 DISTRICT WITH PROFFERS, AND TO CONDITIONALLY REZONE 0.8 ACRES OF LAND AT 201 SPRING STREET FROM MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT TO B-2 DISTRICT, AND TO AMEND PROFFERS PERTAINING TO 5.37 ACRES OF CONDITIONAL B-2 ZONING ON 222 SPRING STREET. The request also calls for portions of Spring St to be conditionally rezoned B-2 as depicted on the submitted rezoning plan. The Comprehensive Plan calls for commercial, residential office, and medium density residential use. Medium density residential zoning yields up to 4.2 units per acre. No residential units are proposed

Chairman Masters read aloud a letter from attorney Ty Lawson confirming the withdrawal of application RZ-09-01.

OLD BUSINESS

- A. Commissioner Weber moved to convene in closed session pursuant to §2.2-3711(a)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion was seconded by Commissioner Wiley

Motion passed unanimously 6-0.

Upon returning, Commissioner Weber moved to conclude the executive session and certify by roll call vote in accordance with §2.2-3712 of the code of Virginia that (i) only public business matters lawfully exempted from open meeting requirements were discussed and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered. Any member of the public body who believes that there was a departure from the foregoing requirements, shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes. The motion was seconded by Commissioner Wiley.

<u>COMMISSIONER</u>	<u>VOTE</u>
Chairman Masters	Aye
Commissioner Adams	Absent
Commissioner Talley	Aye
Commissioner Sublett	Aye
Commissioner Shore	Aye
Commissioner Weber	Aye
Commissioner Wiley	Aye

- B. Recommendation to Council: **SV-09-01 AN ORDINANCE TO VACATE AND CONVEY TO ONE OR MORE ADJACENT PROPERTY OWNERS PORTIONS OF SPRING STREET RIGHT OF WAY**

Mr. Youmans stated that there have been no changes to the staff report since the worksession. The request is to vacate only the unimproved portion of Spring St right of way west of its intersection with Greystone Terrace. The applicant no longer proposes to request vacating and conveying portions of improved Spring St between Greystone Terrace and a point near the rear of the Goodwill Industries and Winchester Wheels site.

Except for the 0.086-acre portion of unimproved right of way adjacent to the Deaner property, the applicant for the vacation request (Donegan) is requesting that remaining 0.542 acres of unimproved right of way be conveyed to him in return for the 0.632 acres of proposed Spring Street public right of way otherwise being offered in conjunction with the proposal. Mr. Donegan owns the property on both sides of the majority of the subject Spring Street right of way. If the owners of the Deaner residential property are interested in acquiring the half of Spring Street right of way adjacent to their home, then Council would need to negotiate terms of conveyance to them and a Minor Subdivision would need to be prepared at their expense to assemble the 0.086-acre vacated area into their residential lot.

In the area of the existing improved portion of Spring Street just east of Greystone Terrace, there is a need to retain bike, pedestrian and gated emergency vehicular access between the two public streets. There is also a need retain a driveway connection from Greystone Terrace to the adjoining residential property (Allen lot) where Mr. Allen's tenants rely upon the public right of way to access a garage oriented toward Spring Street. There may be an interest by this affected property owner to have the north northern half of this right of way adjacent to his home vacated (where a reconfigured driveway access using the existing pavement is proposed). If so, then Council would need to negotiate terms of conveyance to him and a Minor Subdivision would need to be prepared at Mr. Allen's expense to assemble the vacated area into his residential lot. The draft ordinance prepared for the Council public hearing on the request would also need to include this area and the square footage of area proposed for vacation and conveyance.

The vacation and conveyance proposal is closely related to the previously approved conditional rezoning request RZ-99-10 that was approved by City Council on March 14, 2000. The approved proffers associated with that request call for this action. The vacation request is also consistent with the adopted Comprehensive Plan that depicts the elimination of most of Spring Street and the introduction of a cul-de-sac at the southern end of Greystone Terrace. This is depicted on Plate 7D, the Future Land Use Exhibit for the Eastern Area.

Commissioner Shore moved to forward SV-09-01 to City Council recommending approval because the request is consistent with the adopted Comprehensive Plan that calls for the elimination of most of Spring Street and the introduction of a cul-de-sac at the southern end of Greystone Terrace as depicted on Plate 7D, the Future Land Use Exhibit for the Eastern Area. The vacation and conveyance approval should be subject to Council approval of a Subdivision depicting the dedication of new Spring Street right of way providing for interconnectivity back to S. Pleasant Valley Rd along the southern boundary of the Donegan property. The motion was seconded by Commissioner Weber

Motion passed 6-0.

NEW BUSINESS

A. Motion to Initiate: **TA-09-02 AN ORDINANCE AMENDING ARTICLE 20 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO THE BOARD OF ZONING APPEALS**

Commissioner Talley moved to initiate TA-09-02. The motion was seconded by Commissioner Weber.

Motion passed 6-0.

B. Administrative Authorizations:

- 1) SP-09-06 Artz & Associates 2241-2245 Papermill Rd Master Choi Retail Center

Commissioner Weber moved to grant administrative authorization for SP-09-06. The motion was seconded by Commissioner Sublett.

Motion passed 6-0.

2) SP-09-10 Painter-Lewis 1819 S Loudoun St G&M Music revision

Commissioner Weber moved to grant administrative authorization for SP-09-10. The motion was seconded by Commissioner Wiley.

Motion passed 6-0.

ADJOURN

With no further business to discuss, the meeting was adjourned at 4:06 pm.

Susan Masters, Chairman