

PLANNING COMMISSION
M I N U T E S

The Winchester Planning Commission held its regular meeting on Tuesday, October 19, 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)
FREDERICK CO LIAISON: Commissioner Mohn
STAFF: Diem, Moore, Youmans, and Walsh
VISITORS: Ben Butler, Stephanie Petway, Todd Way, Mark Merrill, Vickie Lord, and John Tagnesi

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 September 21, 2010 meeting as presented. The motion was seconded by Vice-Chairman Shore.

Motion passed 7-0.

CORRESPONDENCE

A revised packet was presented that included the following:
Added Item 4A – RZ-10-601, a motion for the Commission to consider initiating a rezoning of two properties on Baker St.

CITIZEN COMMENTS

Chairman Adams reminded those in attendance that item 3A, TA-10-473, is not a public hearing item on the agenda. He stated that if anyone would like to speak about that item, now would be the appropriate time.

Ben Butler thanked the Planning Commission and staff for their work on the text amendment. He stated that he believes an agreement has been reached and that all parties can work with this solution. He stated that Todd Way from Winchester Medical Center was present to answer any questions.

REPORT OF FREDERICK COUNTY LIAISON

Commissioner Mohn stated that there is not much to report. The Commission is moving forward with Ordinance amendments and on Comp Plan update processes. Their next meeting will be November 3.

PUBLIC HEARING – New Business

- A. CU-10-573** Request of Network Building & Consulting, LLC on behalf of Verizon Wireless for a conditional use permit to upgrade an existing telecommunications tower with additional antennas at 799 Fairmont Ave (*Map Number 153-01-2*) zoned Limited Industrial (M-1) District.

Mr. Moore presented the request to replace six existing panel antennas with twelve new panel antennas on an existing, shared use cell tower.

The subject antennas are in the top array on the tower. The proposal consists of removing the six existing panel antennas, each approximately 4' in height, and replacing them with twelve new antennas. Nine of the new antennas would be approximately 8' in height; three would be approximately 4' in height. There are no proposed changes to the layout of ground support equipment associated with this request.

Additional documentation pertaining to the equipment meeting applicable FCC regulations was provided with the application.

Vice-Chairman Shore asked about security of the site. He stated that he wanted to make sure that kids would not have access to it.

Mr. Moore explained that there is a chain link fence that surrounds the compound with a locked gate along the access road.

Chairman Adams opened the public hearing.

Stephanie Petway, representing Verizon Wireless, stated that the upgrade was needed due to the demand of customer data use. Nothing will be done on the ground level. The upgrade only pertains to the antennas.

Chairman Adams closed the public hearing.

Commissioner Wiley asked if bonding would be required.

Mr. Moore explained that bonding has not been required for recent CUPs for additional carriers who collocate on this tower. These carriers lease space on the tower from the owner of the tower, Shenandoah Mobile Company, and their private lease agreements should ensure removal of inoperative equipment.

Chairman Adams stated that this appears to be a minimal expansion and he could see no adverse impact.

Commissioner Wiley moved to forward CU-10-573 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 approval is subject to the applicant, tower owner, or property owner removing the equipment within ninety (90) days once the equipment is no longer in active use.

The motion was seconded by Commissioner Talley.

Motion passed 7-0.

OLD BUSINESS

- A. TA-10-473 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1 AND 15.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS AND USE PROVISIONS FOR WELLNESS & FITNESS CENTERS AND RECREATIONAL FACILITIES**
Revised 10/05/10

Mr. Diem presented the proposed text amendment that is the first of a two-phased effort to resolve previously identified issues with the MC District and the applicability of zoning standards for the applicant. The applicant has simultaneously filed a conditional use permit application for the retail and personal services component at the Center within this first phase. The second phase will include a comprehensive rewrite of the MC District provisions in correlation with the Zoning Ordinance rewrite effort to occur as early as 2011, subsequent to the adoption of the updated Comprehensive Plan.

Vice-Chairman Shore asked if this would resolve the lawsuit.

Mr. Diem stated that if this amendment is ultimately adopted, it would resolve part of the cited zoning violation. The conditional use permit application, which will be heard by the Commission in November, has been filed to address the ancillary retail component.

Chairman Adams stated that he is pleased with the way this is working out. He stated that he sees this as the first part, where the second part would be a comprehensive rewrite of the Medical Center District regulations. He stated that the regulations for the Health Services District should also be examined.

Vice-Chairman Shore moved to forward TA-10-473 to City Council recommending approval as identified in "Draft 3 – 10/1/2010" because the amendment, if approved, specifically identifies the uses as described by the applicant, addresses previous determinations of non-compliance, and represents good planning practices.

The motion was seconded by Commissioner McKannan.

Motion passed 7-0.

NEW BUSINESS

- A. Motion to initiate: RZ-10-601 AN ORDINANCE TO REZONE 0.056 ACRES OF LAND AT 210 BAKER STREET (Map Number 174-1-F-6) FROM RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO RB-1 DISTRICT AND TO REZONE 0.051 ACRES OF LAND AT 211-213 BAKER STREET (Map Number 174-1-G-13) FROM LIMITED HIGH DENSITY RESIDENTIAL (HR-1) DISTRICT WITH HW DISTRICT OVERLAY TO HR-1 DISTRICT**

Mr. Youmans reviewed the proposal to initiate the rezoning which would remove the two subject properties from the local Historic Winchester District. There would be no change to the underlying zonings.

Commissioner Talley moved to initiate RZ-10-601. The motion was seconded by Commissioner McKannan,

Motion passed 7-0.

B. Discussion of Truck Route Amendment to City Code

Mr. Youmans stated that since the work session he has researched and found that that a 36 ft length limitation on through trucks is probably more appropriate than 40 ft as previously discussed. He found some towns have a 35 ft restriction, but 36 ft is more common.

C. Comprehensive Plan Discussion

Mr. Youmans passed out a draft version of Chapter 10, Historic Preservation and Urban Design, and gave an overview of the content.

He stated that staff is waiting on the completion of the marketing study prior to drafting the Economic Sustainability chapter.

Chairman Adams stated that we should add the importance of expediting the identification and implementation of the Spot Blight Abatement program. He stated that the Taylor Hotel is an example of where the program is dragging along. He stated that it is important to move forward once properties are identified as blighted.

Commissioner Slaughter asked if the Commission works with the Frederick County Planning Commission when going through the Comp Plan update process.

Commissioner Mohn of Frederick County stated that they have not formally, but the County is sensitive to the fact that entry corridors are important to the whole community. He stated that the corridors are addressed somewhat with small area plans that they work on. He stated that they are currently looking at the Rt. 7 corridor and developing a Red Bud area plan.

Mr. Youmans stated that the jurisdictions also work together on corridor studies through the Metropolitan Planning Organization, including the previous completed Rt. 7 corridor study and a Rt. 522 study that is currently being worked on.

Commissioner Slaughter stated that it makes sense to work together whenever possible.

ADJOURN

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

Nate Adams, III, Chairman