

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 9/9/14 (regular mtg) CUT OFF DATE: 8/20/14

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-14-166 Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street (Map Number 193-01-T-3) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/9/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	AMG		8/20/14
2. City Attorney	[Signature]		8/21/2014
3. City Manager	[Signature]		21 AUG 2014
4. Clerk of Council			

Initiating Department Director's Signature: (Planning Dept)

[Signature]

8/20/14



APPROVED AS TO FORM:

CITY ATTORNEY

[Signature] 8/21/2014

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tim Youmans, Planning Director 
Date: August 20, 2014
Re: CU-14-166 Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street (*Map Number 193-01-T-3*) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay

THE ISSUE:

The request is reapproval of an expired conditional use permit for a two-family dwelling on the subject property.

RELATIONSHIP TO STRATEGIC PLAN:

Vision 2028, Principle 3: Vibrant Downtown; #6: Increased occupancy with more people living in the Historic Old Town

Vision 2028, Principle 5: Great Neighborhoods with a Range of Housing Choices; #2: Choice of housing opportunities - different life style and price points

Goal 3: Continue Revitalization of Historic Old Town; Objective 5: Increase the number of residents living in Downtown

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

- Approve with conditions as recommended by Planning Commission
- Approve with modified conditions
- Deny

RECOMMENDATIONS:

Planning Commission recommended approval with conditions.

Council Work Session
August 26, 2014

CU-14-166 Request of Oakcrest Properties for a conditional use permit for a two family dwelling at 314 South Kent Street (*Map Number 193-01-T-3*) zoned Limited High Density Residential (HR-1) District with Historic Winchester (HW) District overlay.

REQUEST DESCRIPTION

The request is reapproval of an expired conditional use permit for a two-family dwelling on the subject property.

AREA DESCRIPTION

The subject property is located on the east side of South Kent Street, north of the intersection of East Cecil Street. The property is zoned HR-1 with HW overlay, with similarly zoned parcels surrounding it. Surrounding uses include residential dwellings, including single-family and a number of nonconforming two-family dwellings.

The site is not within a parking exempt district, but is about 1 block south of the 100% parking exempt district on S. Kent Street.



STAFF COMMENTS

The applicant originally applied for a conditional use permit (CUP) for a two-family dwelling to replace a vacant, deteriorated single family dwelling located on the subject property in 2009. That application was recommended for approval by the Planning Commission and subsequently approved by City Council on April 13, 2010. The existing structure was subsequently demolished; however, the applicant did not proceed with construction of the two-family dwelling. The CUP expired because the use did not commence within one year of approval.

The design elements of the proposal, including elevations, floor plans (depicting two-bedroom units) and site plan (including two off-street parking spaces) remain unchanged from the original proposal. The applicant previously applied for and received administrative modifications of two dimensional standards: lot width (37.83', where 40' is otherwise required) and side yard (5.83', where 6' is otherwise required). These modifications remain in place. The Board of Architectural Review previously granted a Certificate of Appropriateness (COA) for the design of the new structure, however, that Certificate expired one year from its issuance. The applicant will need to reapply for a COA.

The original approval included 3 conditions as follows:

- 1) Approval of necessary modifications or variances for lot width and side yard deficiencies;
- 2) The owner providing an easement at no cost, if deemed necessary and upon request by the City, across a portion of the rear of the property to facilitate the future alignment of the Green Circle Trail. This condition shall be voided if the alignment of the trail terminates to the south of the property; and,

3) Staff review and approval of the related site plan.

Conditions 1 & 2 are no longer necessary. As noted above, the necessary modifications for lot width and side yard were approved and remain valid. The alignment of the Green Circle Trail phase in this area has since been finalized and terminates south of the subject property, so an easement is no longer necessary.

The site plan depicts the provision of two required off-street parking spaces accessed from an unrecorded ingress/egress toward the rear of the property. The plan calls for gravel surfacing of the spaces. Staff requests input from the Commission as to whether a waiver of surfacing and curbing requirements (as depicted) for the spaces and travelway is supported. The Commission also indicated a desire to include a walkway connecting from the front of the property to the rear unit access. The applicant is agreeable to this and staff would look for this to be included in the related site plan.

A question arose in the April Planning Commission work session as to whether access could be guaranteed if the ingress/egress is unrecorded. The applicant consulted with an attorney, doing further property research, and, most recently, had been in negotiations with an adjoining owner to obtain a recorded easement. The Commission tabled the application at its April 15, May 20, June 17, and July 15 meetings at the applicant's request. The applicant advised the City that the negotiations to secure the easement were unsuccessful. The CUP action was further tabled awaiting approval of a variance from the BZA.

Staff met with the applicant recently and determined that the project could move forward without BZA approval of a variance for off-street parking if the owner could secure an agreement for off-site parking within the 700-foot maximum distance established in the Zoning Ordinance. The owner has an existing parking lot behind townhouse units located approximately 300 feet to the north on the same (east) side of S. Kent Street which serves residences located in the 100% parking exempt district. Based upon the owner's willingness to encumber 2 of those spaces to serve the required parking for the 2-family unit at 314 S. Kent Street, the CUP can now move forward without need for a variance. The BZA request was thus withdrawn and the applicant would like to have a recommendation from the Planning Commission.

RECOMMENDATION:

At its August 19, 2014 meeting, the Planning Commission forwarded CU-14-166 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 was subject to the following conditions:

- 1) Approval of necessary lease or easement obligating the two (2) parking spaces in the off-street parking lot behind 208-220 S. Kent Street to serve the two-family use at 314 S. Kent Street; and,
- 2) Staff review and approval of the related site plan.



February 28, 2014

RE: Conditional Use Permit Application for:
Two Family Dwelling at 314 S. Kent St.

Tim Youmans, Planning Director
City of Winchester
Rouss City Hall
15 North Cameron St.
Winchester, VA 22601



Dear Tim,

I have enclosed a Conditional Use Application for the construction of a NEW Two Family Dwelling on the above referenced property. I am also including a copy of the Site Plan for this. As you are aware, the previous single family was demoed and we are requesting the approval of an over/under duplex in its place. We have applied previously for the CUP for this and it was approved. Due to the nature of the economic downturn, we had to place this project on hold until now. Since we did not renew the approved CUP, we are going through the process again. I would like to note that it is not uncommon in this section of the City (which existed prior to the Zoning Ordinance) for duplex units to be adjacent to single family residences. However, we have gone through measures to ensure the architectural and ascetical appearance from the street maintains that of a single family dwelling.

We will also be reapplying to the BAR for their approval of this structure since it is located within the Historic District. Since the CUP process does take an extended amount of time, we will be doing the BAR submittal process in conjunction with the CUP process.

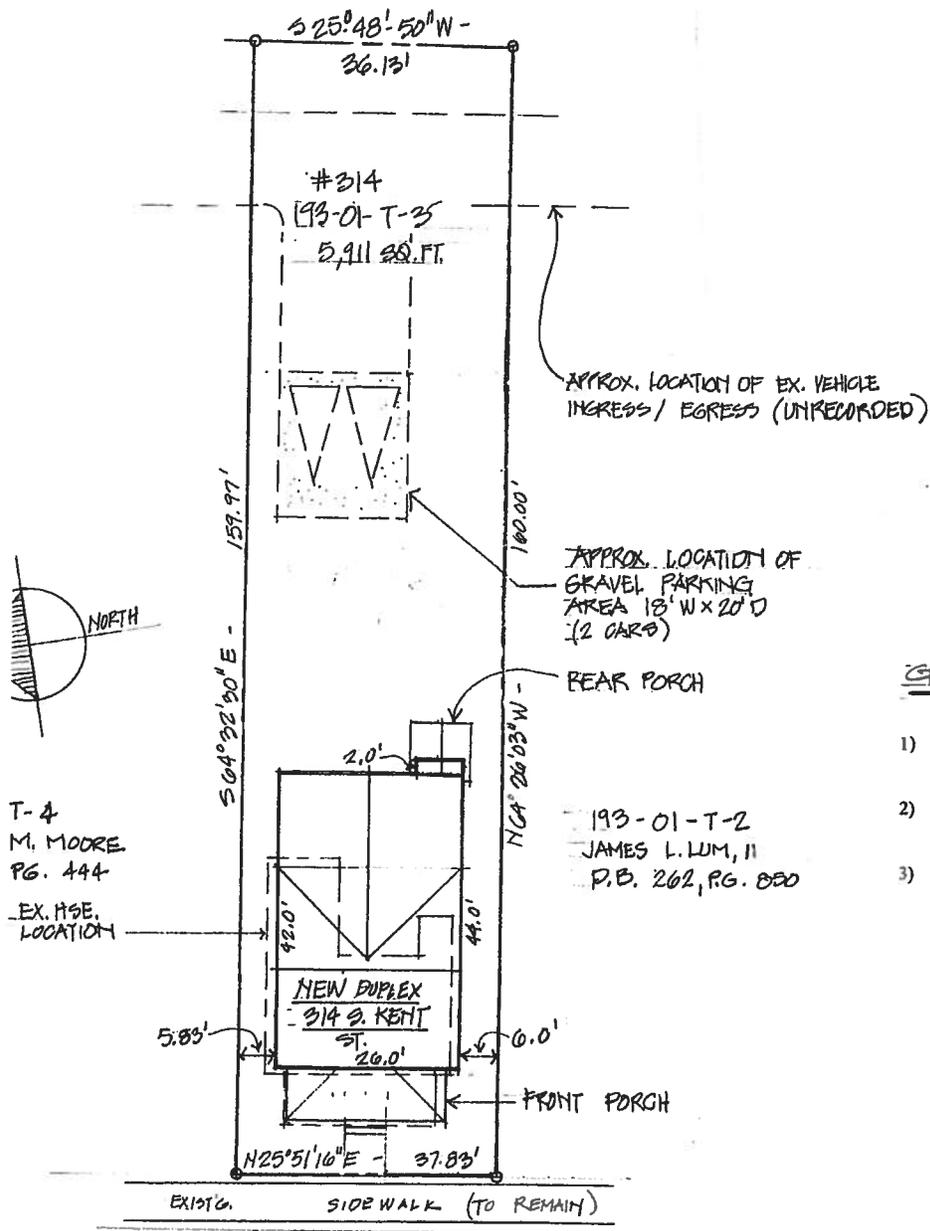
If you have any further questions or need any additional information, please contact me.

Sincerely,

Eric Lowman
Director of Purchasing and Estimating
OakCrest Builders, Inc.

Address	Phone
126 North Kent Street	540.722.4100
Winchester, VA 22601	www.oakcrestcompanies.com
	Website

CU-14-166



GENERAL NOTES:

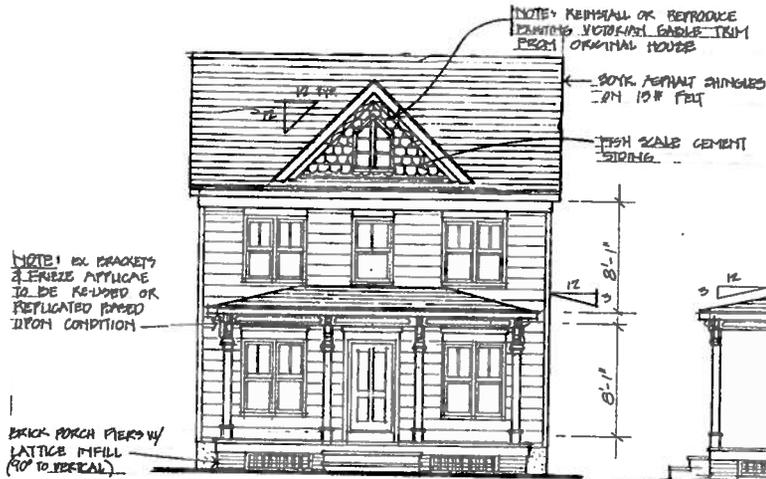
- 1) Property boundary from survey done by Montgomery Engineering Group, Inc. dated March 20, 2006.
- 2) The property is zoned HR-1, Limited High Density Residential District, within the Historic Winchester Overlay (HW).
- 3) Use is proposed as a Two-Family Dwelling, pending a Conditional Use Permit approval.

Site Plan

1/16" = 1'-0"

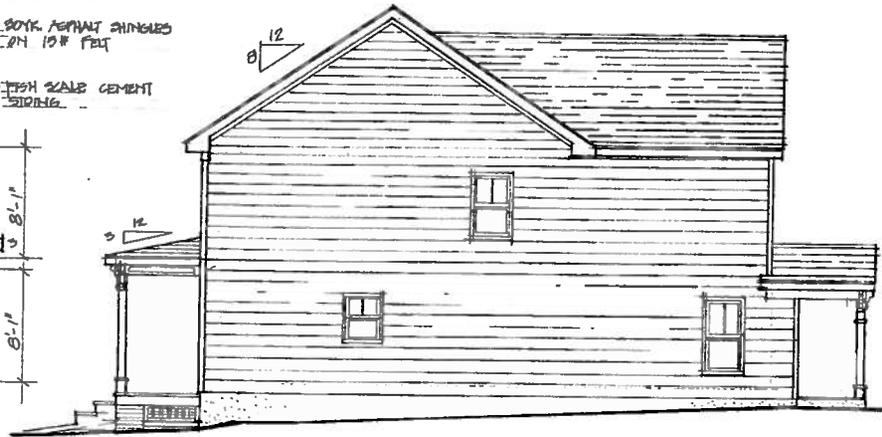
FILE COPY

CU-14-16



Front Elevation

3/16" = 1'-0"



Right Side Elevation

3/16" = 1'-0"



Left Side Elevation

3/16" = 1'-0"



Rear Elevation

3/16" = 1'-0"

Exterior Elevations

New Duplex at
314 S. Kent St.
OakCrest Builders
Winchester, Virginia 22601

Copyright
DFC Architects, PC

PROJECT NO. 9082

DFC Architects, PC

116 S. Stewart St., 2nd Floor (540) 678-0560 Winelle, VA 22655

December 2009

page
A5
of 9