

**PLANNING COMMISSION  
AGENDA  
May 21, 2013 - 3:00 PM  
Council Chambers - Rouss City Hall**

**1. POINTS OF ORDER**

- A. Roll Call
- B. Approval of Minutes – April 16, 2013 regular meeting
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

**2. PUBLIC HEARINGS**

- A. **RZ-13-196** AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE (*Map Numbers 251-01-27-A, 251-01-31-A, AND 251-04-01-A*) FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY. (**Mr. Youmans**)
- B. **CU-13-211** Request of KKE Properties LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 24 Wolfe Street, Unit 6 and 26 Wolfe Street, Unit A (*Map Number 193-01-C-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (**Mr. Moore**)
- C. **CU-13-176** Request of Charles Salamone on behalf of AT&T Mobility for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and equipment at 103 East Piccadilly Street (*Map Number 173-01-P-6*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. (**Mr. Grisdale**)
- D. **TA-13-198** AN ORDINANCE AMENDING ARTICLES 18 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR TRANSMITTING AND RECEIVING FACILITIES AND TOWERS AND FEES FOR TELECOMMUNICATIONS FACILITIES AND RE-ADVERTISEMENT FEES. (**Mr. Grisdale**) – **STAFF REQUESTS ITEM TO BE TABLED**

**3. NEW BUSINESS**

A. Administrative Approval(s) (**Mr. Moore**):

- 1) **SP-13-265**      116 Bruce Dr      Painter-Lewis      7-81 Auto Body
- 2) **SP-13-266**      25 W Piccadilly St      DFC Architects      Joe's Steakhouse

**4. ADJOURN**

**RZ-13-196** AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED URBAN DEVELOPMENT (PUD) OVERLAY.

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#### REQUEST DESCRIPTION

The request is to change the underlying zoning on two of the 3 tracts of mostly vacant land along the south side of Valley Avenue from M-1 and HR to B-2 without proffers. An existing light industrial and warehouse structure at 1900 Valley Avenue would be demolished to make way for an apartment complex known as Jubal Square. The request includes requesting PUD overlay zoning on all 3 tracts. PUD allows for consideration of up to 18 residential units per acre; the proposal is for 140 apartment units on 8.523 acres. A community building with outdoor pool is also proposed.

The submitted Development Plan dated March 23, 2013 with updates of April 19, 2013 depicts 140 apartment units in six buildings. Four of the buildings are three stories and contain 22 apartments each. The other two buildings are “3/4 split story” and house 26 apartments each. The 4<sup>th</sup> floor is in the form of a small loft in the 3<sup>rd</sup> floor units rather than a full 4<sup>th</sup> floor. A separate community building housing management and maintenance offices as well as recreational amenities is proposed near the center of the development along with a 2,732 square foot outdoor pool and large patio area. All of the active outdoor recreational facilities and open space would remain private. An access easement would be granted to the City for public use of a segment of the Green Circle Trail that would extend along the 1,200 linear feet of W. Jubal Early Drive.

#### AREA DESCRIPTION

Despite the proposed name of ‘Jubal Square’, the site is actually closer to a triangle of land coming to a long narrow point on the east end a couple of hundred feet west of Plaza Drive intersection with W. Jubal Early Drive. Two of the three present-day parcels front along the south side of W. Jubal Early Drive a collective distance of approximately 1,200 linear feet. However, the westernmost 60 feet of this frontage is proposed to be severed from the parcel currently known as 301 W. Jubal Early Drive and assembled in with properties at the southeast corner of Jubal Early Drive and Valley Avenue including a vacant parcel known as 1834 Valley Ave and a parcel known as 1844 Valley Avenue containing an existing historic structure known as Montague Hall.



The adjoining properties at 1834 and 1844 Valley Ave are zoned B-2 with Corridor Enhancement (CE) District overlay. A second-hand thrift store is located in the Montague Hall structure. Further south on Valley Ave are three more properties zoned B-2 with CE overlay that are vacant or contain auto-related commercial uses including the Citgo gas station and convenience store at the corner of Valley Ave and

Service Rd (a public street created by VDOT when Jubal Early Dr right of way condemnation otherwise severed street frontage to lots in behind the Valley Ave frontage lots). South of Service Rd and adjoining the rezoning tract are three more B-2 (CE) commercial sites that are developed with a used car lot, an ice cream distribution facility, and a vacant restaurant structure.

All of the land bordering the rezoning tract to the south is zoned Intensive Industrial (M-2). Uses include a private roadway connecting to Valley Ave known as Heinz Drive which provides access to multiple sites including the O'Sullivan Calendaring facility. A large metal-sided warehouse structure is situated very close to the property line of the rezoning tract where it narrows down on the east end.

#### STAFF COMMENTS

In a letter to the Planning Director dated April 3, 2013, Mr. William N. Park, Manager for the applicant (Bluestone Land, LLC) explains the proposed rezoning and the proposed Jubal Square Apartment Complex project. **The application does not include any Proffer Statement.** A Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013 is included with the application.

#### Comprehensive Plan Consistency

The Comprehensive Plan Character Map identifies the majority of the subject area as 'Redevelopment Site' with a small amount of the eastern area as 'Commerce Center/Corridor'. Statements in Chapter 11 of the Plan applicable to the Central Planning Area and the South Central Planning Area call for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the north and south sides of Jubal Early Drive. The Housing Objective for the South Central Planning Area calls for mixed use development including mixed dwelling-type residential use in higher density settings. The Comprehensive Plan also calls for increased multifamily development citywide to attract young professionals and empty nesters. The proposed upscale apartments would serve these targeted populations.

The W. Jubal Early Drive corridor has undergone considerable development over the past 26 years since it was constructed in 1992 as a four-lane divided roadway connecting S. Pleasant Valley Rd to Valley Avenue (including the bridge over the CSX Railroad). However, all of the development to date has been nonresidential, including commercial strip development, offices, banks, furniture stores, and industrial use. This is the only residential use proposed to date along Jubal Early Drive, including the stretch west of Valley Avenue that transitions into Meadow Branch Avenue where single-family homes are located in the Meadow Branch North PUD.

#### Potential Impacts & Proffers

The proposal is a conventional rezoning request wherein the applicant has not submitted any voluntarily proffers to mitigate potential impacts arising from the rezoning of the property from M-1 and HR to B-2(PUD). This is contrary to the recently denied Racey Meadows Rezoning request HR(PUD) request for 132 apartments which included a Proffer Statement structured to address areas including: Street and Access Improvements; Interior Site Circulation; Site Development; Landscaping and Design; Recreation, Density; Phasing; Rules and Regulations; and, Storm water Management.

Staff informed the applicant that the Planning Commission was likely to require a Fiscal Impact Analysis and a Traffic Impact Analysis which are two studies that can be required by the Planning Commission for a PUD rezoning application per Sections 13-4-2.2k and l of the Zoning Ordinance.

#### Fiscal Impact Analysis

The applicant met with Planning staff on May 2, 2013 and indicated that a Fiscal Impact Analysis would be provided showing the impacts on City revenue and expenditures generated by the project as compared to revenue and expenditures arising from development allowed under the current B-2, M-1, and HR zoning. No Fiscal Impact Analysis has been received to date.

#### Traffic Impact Analysis

A simple 1.5-page Traffic Impact Analysis dated May 1, 2013 has been submitted for review. The study estimates the peak traffic volumes for permitted commercial development on 301 W. Jubal Early Dr such as restaurant, pharmacy and drive-in bank under current zoning. It also estimates peak traffic volume for the two M-1 zoned parcels with uses such as light industrial, warehousing, and manufacturing. The cumulative volumes associated with uses under current zoning are then compared to the estimated traffic volume associated with a 140-unit apartment development. The study concludes that the potential peak volume from typical uses under the existing zoning is about 2.6 times greater than the volume from the proposed development.

The traffic impact study does not investigate potential impacts on the adjoining public street network, particularly at Valley Avenue where left turn movements would be permitted into and out of the development via Service Road. The development site is very close to Valley Avenue where public transportation is available in the form of bus service. The site would also have direct access to the Green Circle Trail for those walking or biking.

#### Site Development and Buffering

The Development Plan depicts 140 apartment units in six buildings. Two of the buildings would back up to W. Jubal Early Drive where the Green Circle Trail is proposed. Staff has suggested the need for buffering to screen the first floor bedrooms in these buildings. The applicant is not proposing any balconies on any of the buildings. One of the buildings backs up close to the commercial development in behind the Citgo Station. Two other buildings back up close to the O'Sullivan M-2 Intensive Industrial site. Evergreen screening is depicted only on the Development plan along the western edge of the PUD. Staff encouraged the applicant to be more specific about the extent of upright evergreen screening and to include more screening along Jubal Early Drive and the southern interface with the industrial site.

#### Recreation and Open Space

The applicant is proposing an outdoor pool and patio area near the community building that would house management offices as well as some indoor recreation use. Staff has asked the applicant to depict the segment of the Green Circle Trail that is called for along the W. Jubal Early Drive frontage.

#### Storm water Management

Storm water management is noted on the front sheet of the Development Plan and simply reads: "All storm water runoff will be directed to existing storm sewers. A new storm water management basin located on-site will control post-development runoff to the historical levels of pre-development for the 2- and 10-year storm events."

#### Density

The applicant proposes 24 one-bedroom units, 88 two-bedroom units with no den, 8 two-bedroom units with a den, and 20 three-bedroom units. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 8.523 acres would translate to a maximum of 153 dwelling units. The applicant is proposing 140 dwelling units. The actual project density comes out to 16.4 units per acre.

#### Community Rules and Regulations

There are no proffers or other documents referencing rules and regulations for the development. For the recently denied Racey Meadows project, the Planning Commission had requested more complete information pertaining to covenants and restrictions that will ensure that the project meets high standards for maintenance and management of the complex. This was particularly a concern in light of no floor plans and elevations being submitted with that project.

#### Project Phasing

The applicant has indicated that there is no proposal to phase in the project as part of the PUD rezoning.

#### Other Issues

The applicant has addressed most if not all of the requirements for a complete PUD proposal as spelled out in Section 13-4 of the Zoning Ordinance. Among the Development Plan requirements not included are the following:

- Land Use plan showing the height of structures
- Width of all streets, driveways and loading areas
- Approximate location of proposed utilities
- A plan or statement detailing covenants, restrictions, and conditions pertaining to the use, maintenance and operation of common spaces, and,
- A plan or report indicating the extent and timing of all off-site improvements

#### Design Quality

Elevations and floor plans have been submitted for this rezoning proposal. The site is not situated within any existing or proposed Corridor Enhancement (CE) District. While building elevations and floor plans are not explicitly required for PUD applications, Section 13-4-2 of the WZO states that the Development Plan shall contain supplementary data for a particular development, as reasonably deemed necessary by the Planning Director. The submitted typical floor plans depict the size and configuration of the various unit types, including the 3<sup>rd</sup> floor units in the larger buildings that include a 4<sup>th</sup> floor loft. Six garage bays are provided on the ground floor of each of the four 22-unit buildings. The garages are completely independent of the apartments and have access to an internal hallway as well as to the parking lot via an overhead door. The submitted elevations incorporate brick into the exterior finish on the ground level, but staff has requested that the applicant at least incorporate brick into the upper levels of the two buildings on the elevations that face W. Jubal Early Drive.

## RECOMMENDATION

Generally, staff feels that the proposal is consistent with many of the broader elements of the City's long-term vision to attract more young professionals and empty-nesters to the City. The location of the project relative to the Green Circle Trail and to public transportation makes it attractive for residential development. However, Chapter Eleven of the Comprehensive Plan specifically calls for interconnected commercial along both the north and south side of Jubal Early Drive in this area. The Housing Objective for the South Central Planning Area calls for mixed use development including mixed dwelling-type residential use in higher density settings.

A motion for a favorable recommendation could read:

**MOVE**, that the Planning Commission forward Rezoning **RZ-13-196** to City Council recommending approval because the proposed B-2 (PUD) zoning, supports the expansion of housing serving targeted populations on a Redevelopment Site as called out in the Comprehensive Plan. The recommendation is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013.

A motion for an unfavorable recommendation on the request read:

**MOVE**, that the Planning Commission forward Rezoning **RZ-13-196** to City Council recommending disapproval because the proposed B-2 (PUD) zoning as submitted:

- a) does not represent a mixed use redevelopment proposal advocated in the Comprehensive Plan;
- b) is less desirable than the existing B-2, M-1 and HR zoning, and,
- c) lacks measures to mitigate potential negative impacts associated with multifamily development, particularly potential impacts on schools associated with 3-bedroom units.

AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED URBAN DEVELOPMENT (PUD) OVERLAY

**RZ-13-196**

**WHEREAS**, the Common Council has received an application from Bluestone Land, LLC on behalf of Braddock Partnership and 1900 Valley, L.C. to rezone property at 1900 Valley Avenue, 211 and 301 West Jubal Early Drive from Limited Industrial (M-1), High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Urban Development (PUD) Overlay; and,

**WHEREAS**, the Planning Commission forwarded the request to Council on [REDACTED], 2013 recommending approval of the rezoning request as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-196 Prepared by Winchester Planning Department May 7, 2013*" because the proposed B-2 (PUD) zoning, supports the expansion of housing serving targeted populations on a redevelopment site and calls for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the south side of Jubal Early Drive as called out in the Comprehensive Plan. The recommendation is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013; and,

**WHEREAS**, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein designated supports the expansion of housing serving targeted populations on a redevelopment site and calls for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the south side of Jubal Early Drive as called out in the Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designations of Limited Industrial (M-1), High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Urban Development (PUD) Overlay:

Approximately 8.523 acres of land at 1900 Valley Avenue, 211 and 301 West Jubal Early Drive as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-196 Prepared by Winchester Planning Department May 7, 2013*".

**BE IT FURTHER ORDAINED** by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013.

## Bluestone Land, L.L.C.

1821 Avon Street, Suite 200 Charlottesville, Virginia 22902  
Phone: 434-979-2900 Fax: 434-979-0001

April 3, 2013

City of Winchester, VA  
Rouss City Hall  
Planning and Zoning Department  
Attn: Tim Youmans, Planning Director  
15 North Cameron Street  
Winchester, VA 22601



Re: Application for Rezoning  
Jubal Square Apartments  
1900 Valley Avenue  
Tax Map Parcels: 251-01-27; 251-01-31; 251-04-01

Dear Mr. Youmans,

Enclosed for submittal for rezoning are the completed Rezoning Application, list of adjacent property owners, disclosure of Real Parties in Interest, Plan of Development, rendering of proposed units, and check for \$2925.00. This fee includes the rezoning application fee (\$2,800), deposit for two public hearing signs (\$100), and fee for mailing notices to adjacent owners (\$25).

Currently, parcel 251-01-27 is zoned M1. Parcel 251-01-31 is zoned M1 and HR. Parcel 251-04-01 is zoned B2. This application seeks to rezone parcels 251-01-27 and 251-01-31 to B2, and then overlay a Planned Unit Development District (PUD) across all three parcels (the "Property"). The proposed PUD, "Jubal Square Apartments" will redevelop the existing site as a 140 unit multi-family residential development featuring an on-site community center and recreational amenities. Target households for the units include graduate students, young professionals, and active retirees/empty nesters.

Bluestone Land, L.L.C. is the contract purchaser for the above-referenced parcels. Bluestone Land and its affiliates (Pinnacle Construction & Development Corp. and Park Properties Management Co LLC) have extensive experience in development, construction, and property management of multi-family residential and commercial properties throughout the Commonwealth of Virginia.

The Property is located southeast of the intersection of Valley Avenue (U.S. Route 11) and Jubal Early Drive in the Central District. When developing the plan for Jubal Square

Apartments, the intent was to respond to the 2011 Comprehensive Plan vision for urban density and market demands, while respecting the existing terrain. The Comprehensive Plan notes that key features for the district include medium and high density housing, and includes the goal of redeveloping property in the district to achieve maximum sustainable potential. This planned development would address the Citywide Housing Objectives by providing more vibrant, high quality, higher density housing which will include on-site professional management. Jubal Square Apartments will also provide the type of apartment units and the on-site amenities that attract students, young professionals, and empty nesters. These groups are specified in the Comprehensive Plan as the three demographic growth groups to which future housing growth should be aligned.

The 2011 Comprehensive Plan designates most of the Property as a Redevelopment Site, and the remainder of the site as a Commerce Center/Corridor. (See excerpt from Character Map attached). Redevelopment Sites are “the keys to reinvigorating a neighborhood.” This development plan is consistent with goals for construction of compact new projects as a reuse for obsolete industrial properties.

The Property will be developed in general accord with the Plan of Development. Road alignments, building and sidewalk locations, landscaping, grading and utilities depicted on the Plan of Development are conceptual and may be adjusted. Specific lot boundaries and building locations shown on the Plan of Development are for purposes of illustration only and should not be construed as final. The architectural rendering included illustrates how scale, massing, and pedestrian orientation may be achieved within the Property, but is not intended to represent the specific form of the final product nor describe final design requirements.

We look forward to working with City staff on this development. Please contact us if you have any questions.

*[Signature Page Follows]*

Sincerely,

Bluestone Land, L.L.C.

A handwritten signature in blue ink, appearing to be 'W. N. Park', written over a horizontal line.

By: William N. Park, its Manager



*Engineers • Surveyors • Land Planners*

May 1, 2013

Mr. William N. Park  
Pinnacle Construction & Development, Inc.  
1821 Avon Street, Suite 200  
Charlottesville, Virginia 22902

**RE: Jubal Square Apartments**

Dear Mr. Park:

Enclosed you will find a traffic analysis of the proposed Jubal Square Apartments. The traffic analysis was completed using data from the Institute of Transportation Engineers (ITE) Trip Generation Manual. The analysis shows during the peak hour movements, the existing zoning will produce approximately 2.6 times more vehicle trips per day than the proposed apartment complex. If you should have any questions, or need additional information, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brasil W. Hamrick, Jr.', written in a cursive style.

Brasil W. Hamrick, Jr., P.E.

156 Laurel Hill Road (Rt. 612 E.), Verona, VA 24482 • (540) 248-7407 • Fax (540) 248-7408

## JUBAL SQUARE TRAFFIC ANALYSIS

### Narrative

The following traffic analysis will review potential traffic volumes from tax map parcels 251-04-1, 251-01-31, and 251-01-27. The current zoning of 251-04-1 is "Highway Commercial District" or B-2. The zoning on this 2.942 acre parcel would allow the development of banks, retail stores, restaurants, and other typical commercial uses. The current zoning of 251-01-27 and 251-01-31 is "Limited Industrial District" or M-1. The zoning on these two paces totaling 5.848 acres would allow the development of typical manufacturing and warehouse type facilities. Development condition number 1 will determine the potential peak hour traffic volumes using the existing zoning conditions. Development condition number 2 will determine the potential peak hour traffic volumes using the proposed land use of the 140 unit Jubal Square apartment complex. All peak hour traffic volumes will be determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual.

### Development Condition Number 1

Tax Parcel 251-04-1 is zoned B-2. This zoning will allow uses such as a pharmacy, bank or restaurant. The 2.942 acres is large enough to support a 15,000 s.f. pharmacy with drive through window and associated parking, or a 5,000 s.f. bank with drive through windows and associated parking, or a 6,000 s.f. high turnover restaurant and associated parking. The peak hour traffic volumes for these uses are as follows.

<i>Drive in bank (land use code 912)</i>	AM Peak 31.99/1000 s.f. = $31.99 \times 5 = 159.95$ PM Peak 53.46/1000 s.f. = $53.46 \times 5 = 267.30$
<i>Pharmacy (land use code 881)</i>	AM Peak 7.87/1000 s.f. = $7.87 \times 15 = 118.05$ PM Peak 9.51/1000 s.f. = $9.51 \times 15 = 142.65$
<i>Restaurant (land use code 932)</i>	AM Peak 13.53/1000 s.f. = $13.53 \times 6 = 81.18$ PM Peak 18.80/1000 s.f. = $18.80 \times 6 = 112.80$

Tax parcels 251-01-27 and 251-01-31 are zoned M-1. This zoning would allow uses listed in the ITE Manual as land use code 110 "light industrial", land use code 130 "industrial park", land use code 140 "manufacturing", or land use code 150 "warehousing." The total acreage of the two parcels is 5.848 acres.

<i>Light Industrial (land use code 110)</i>	AM Peak 7.96/acre = $7.96 \times 5.848 = 46.55$ PM Peak 8.77/acre = $8.77 \times 5.848 = 51.29$
<i>Industrial Park (land use code 130)</i>	AM Peak 8.29/acre = $8.29 \times 5.848 = 48.48$ PM Peak 8.67/acre = $8.67 \times 5.848 = 50.70$
<i>Manufacturing (land use code 140)</i>	AM Peak 9.30/acre = $9.30 \times 5.848 = 54.39$ PM Peak 9.21/acre = $9.21 \times 5.848 = 53.86$
<i>Warehousing (land use code 150)</i>	AM Peak 7.96/acre = $8.34 \times 5.848 = 48.77$ PM Peak 8.77/acre = $8.77 \times 5.848 = 51.29$

**Development Condition Number 1 Continued**

A review of the above traffic volumes indicates the restaurant and light industrial combination leads to the minimum park volume values of

$$\begin{aligned} \text{AM Peak} &= 81.18 + 46.55 = 127.73 \text{ or } 128 \text{ trips per hour} \\ \text{PM Peak} &= 112.80 + 51.29 = 164.09 \text{ or } 164 \text{ trip per hour} \end{aligned}$$

**Development Condition Number 2**

An application has been made to rezone tax map parcels 251-04-1, 251-01-31, and 251-01-27 to B-2 with a PUD overlay allowing a 140 unit apartment complex. The peak hour traffic volume for this use is as follows.

<i>Mid-rise apt (land use code 223)</i>	AM Peak 0.35/unit = 0.35 x 140 = 49.00
	PM Peak 0.44/unit = 0.44 x 140 = 61.60

**Conclusion**

The potential peak hour traffic volume with the current zoning is 2.61 times greater than the volume of the proposed use for the AM peak. The potential peak hour traffic volume with the current zoning is 2.66 times greater than the volume of the proposed use for the PM peak.

# REZONING EXHIBIT

## RZ-13-196

PREPARED BY WINCHESTER PLANNING DEPARTMENT  
MAY 7, 2013



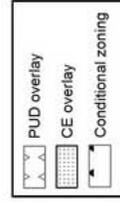
### EXISTING

M-1/HR ZONING FOR 211 W. JUBAL EARLY DR  
B-2 ZONING FOR 301 W. JUBAL EARLY DR  
M-1 ZONING FOR 1900 VALLEY AVE



### PROPOSED

B-2(PUD) ZONING FOR 211 & 301 W. JUBAL EARLY DR AND 1900 VALLEY AVE, LESS A 0.266 ACRE PORTION OF 301 W. JUBAL EARLY DR TO REMAIN B-2 WITHOUT PUD OVERLAY



**CU-13-211** Request of KKE Properties LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 24 Wolfe Street, Unit 6 and 26 Wolfe Street, Unit A (*Map Number 193-01-C-8*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

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#### REQUEST DESCRIPTION

This request would allow additional ground floor space in the existing structure fronting along the north side of Wolfe Street in an existing mixed use building on a parcel addressed as 28-30 S. Braddock St (also known as 22-36 Wolfe St) to be used for apartments. Specifically, the request is to establish: 1) permanent residential occupancy for unit 26-A, previously approved for residential occupancy for a temporary period, and 2) residential occupancy for unit 24-6, a vacant unit on the north side of the building.

#### AREA DESCRIPTION

The subject property, as well all adjacent properties are zoned B-1(HW). The subject property is also in the flood fringe portion of the 100-year floodplain. The applicant documents 6 existing apartments on the ground floor, exclusive of the 2 units included in this application and an additional unit at 22 Wolfe St currently being considered in a separate CUP application. Additionally, there are 9 units on the second floor and 2 units on the third floor.



Properties along both sides of S. Braddock St. include commercial use with some residential use on the upper levels. The property across Wolfe St to the south is a private church parking lot. Indian Alley adjoins the site to the east.

#### STAFF COMMENTS

##### 26 Wolfe St, Unit A – 1 bedroom, 925sf

In December of 2009, Ms. Vickie Puckett, who was then the manager and applicant for this property on behalf of Ft Loudoun LLC, returned to City Council with a request for reconsideration of a denied proposal to convert 26-A from office to apartment. The original case (CU-08-12) had been denied by Council in October 2008. In denying the request, Council reiterated its desire to maintain ground floor space for commercial uses. Subsequent to the denial, the applicant requested and was granted a CUP for conversion of a separate 800sf ground floor space to residential use. That request differed in that the unit was accessed from a rear alleyway to the north and did not have an entrance fronting on Wolfe St.

In Ms. Puckett's 2009 letter addressing the intent and basis for reconsideration, she cited a recent history of being unable to occupy the available commercial space with a tenant, despite advertising efforts and having reduced the rent. She requested the granting of the CUP for residential use temporarily "until this economic crisis has passed." At its November 17, 2009 meeting, the Planning

Commission forwarded **CU-09-302** to City Council recommending disapproval because the use does not meet the intent of the Ordinance for ground floor spaces in the B-1 District. City Council ultimately approved the request on December 8, 2009 with a condition that the permit was valid for 24 months past the day of the signing of the first lease for residential use.

Unfortunately, the Council-imposed restriction on the duration of the residential use of 26A was not properly communicated to Ms. Engel, who purchased the property as KKE Properties LLC in June of 2011 from Ft Loudoun LLC. The unit at 26-A is still being occupied as an apartment.

This application seeks to establish permanent occupancy of 26A as a residential unit.

24 Wolfe St, Unit 6 – 2 bedroom, 950sf

This unit is situated on the north side of the structure, fronting along a narrow, east-west public alley that connects Indian Alley to Braddock St and provides access to private parking areas of surrounding properties. This unit has little visibility to other surrounding public rights-of-way. It is currently vacant and has existing kitchen and bath facilities, although it was noted as commercial space by the previous property manager in the 2009 application.

Land Use

As a prerequisite for consideration, no unit may be situated facing a major commercial street. Neither Wolfe Street nor the alley along the north side of the property are considered major commercial streets. The other frontage of the subject property, S. Braddock Street, is considered a major commercial street. The B-1 district is intended for the conduct of business to which the public requires direct and frequent access. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, and restaurants. The Old Town area is generally characterized by a mix of commercial and residential uses. Consideration should be given to the appropriateness of this type of use for this specific location.

Residential Density

The subject parcel is a 0.304-acre site (13,242sf) lot. At a density requirement of 1,000sf per unit, the base density would be 13.24 units. A bonus of 1.32 units is applied for location within the Secondary OTDB assessment district (0.10 bonus). The proposed conversion of commercial spaces to residential eliminate the Economic Impact bonus (0.25) that was previously applied to the property, however the Planning Director recently determined that the applicant's restoration and preservation efforts qualify for the Historic Preservation bonus (0.40 with 81% preserved), resulting in an additional 5.30 units. The total density permitted as proposed is 19.86, rounded to 20 units. If the related CUP application (CU-13-132) for one unit and this application for two units are both approved, the result would be the maximum of 20 residential units.

Unit Floor Area

The Ordinance regulates both absolute and average minimum floor area per dwelling unit in the B-1 District. For general population (non-age restricted) one-bedroom units, the absolute minimum is 575sf; the average minimum is 700sf. 26-A is 925sf, and the average of the 12 proposed one-bedroom units would be 838sf. For general population two- or three-bedroom units, the absolute minimum is 725sf; the average minimum is 900sf. 24-6 is 950sf, and the average of the 8 proposed two- and three-bedroom units would be 1170sf.

### Green Space

The addition of dwelling units invokes a slight increase in green area. Staff recommends that the applicant provide a nominal landscaping improvement in the form of some foundation planting, flower boxes, or contribution to the OTDB for landscaping within the public right of way in the general area. The applicant should also ensure that landscape planters and improvements required with prior residential conversions are still in place. The applicant will need to consult with the Board of Architectural Review (BAR) to get a recommendation as to reduced green area associated with residential conversion. Retention of the rooftop garden terrace should also be stipulated as a condition of expanded residential occupancy.

### Flood Plain

According to the updated Federal Insurance Administration Flood Insurance Study mapping, the structure falls within the 100 year flood fringe of the flood plain. Any conversion to residential use should include provisions to flood proof the structure in accordance with the National Flood Insurance Program (NFIP) standards.

### RECOMMENDATION

In order for a CUP to be issued, a finding must be made that the proposal as submitted or modified will 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. Additionally, a finding must also be made for this specific type of CUP request that the proposed residential use is as suitable as, or preferable to, other permitted uses on the ground floor.

If the Commission is inclined to recommend approval of the request, then a favorable motion could read:

**MOVE**, that the Commission forward **CU-13-211** to City Council recommending approval because the use, as proposed: should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood; should not be injurious to adjacent properties or improvements in the neighborhood; and, is as suitable as, or preferable to, other permitted uses on the ground floor. The approval is subject to the following:

1. Adequate flood proofing of the portion of the structure proposed for conversion in accordance with the applicable flood map designation, as determined by the City Engineer;
2. Landscaping in the form of retaining the rooftop garden terrace, some foundation planting, flower boxes, and/or contribution to the OTDB for landscaping within the public right of way in the general area in conjunction with BAR review and recommendation of required green area per Section 19-5-6.3a of the Zoning Ordinance;
3. Conformity with the submitted floor plans; and,
4. The unit shall be subject to the Rental Housing Ordinance program within the City of Winchester.

-OR-

If the Commission is inclined to recommend disapproval of the request, then an unfavorable motion could read:

**MOVE**, that the Commission forward **CU-13-211** to City Council recommending disapproval because the use, as proposed: may adversely affect the health, safety, or welfare of residents and workers in the neighborhood; may be injurious to adjacent properties or improvements in the neighborhood; and, is not as suitable as, or preferable to, other permitted uses on the ground floor.

24 Wolfe Street, Ste. 6E  
Winchester, VA 22601

**CU-13-211**

April 8, 2013

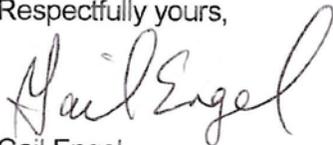
City of Winchester  
Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601



To Whom It May Concern:

This letter is to request a Conditional Use for the property located at 26 Wolfe Street, Unit A and 24 Wolfe Street, Unit 6 in Winchester, VA. The first unit is currently a residential unit, and we would like to update the records to ensure it remains with this use. The other unit in this building is residential. There should be no adverse affect on the neighborhood, as this unit has served in this capacity since before we purchased the property with no ill effects. The second unit is currently vacant with kitchen and bath facilities, and we would like to maintain this space as residential. All It is at the back of the property with no visibility along any major roadways. We can consistently locate and retain quality rental tenants (doctors, nurses, lawyers, teachers, etc...), and would be able to ensure that these units remains occupied with tenants who will support and add to the vibrancy of the Old Town area. We appreciate your attention to this request, and can be reached at 540-822-0197 to answer any questions you may have.

Respectfully yours,



Gail Engel  
Owner  
KKE Properties LLC

Unit Detail							
Unit #	Current	Floor	Bedrooms	Hist Pres	Other Area (sf)	Outdoor Area (sf)	Notes
30B	C	1	C	Y	975	80	
36W	R	1	1	Y	738	40	FL
34W	R	1	1	Y	909		
30W-1A	R	1	1	Y	651	40	
30W-2A	R	2	1	Y	1,407		FL
30W-2B	R	2	3		921		FL
30W-2C	R	2	1		969		FL
30W-2E	R	2	1	Y	998		FL
30W-3A	R	3	1	Y	709		FL
30W-3B	R	3	1		731		FL
28W	C	1	C	Y	350	10	Est
28W-2	R	1	2	Y	1,190	153	
26W-A	R*	1	1	Y	925	10	
26W-B	R	2	3	Y	1,664	40	FL
26W-R	vacant	1	C		1,275	1376	Est: future amenity area (community room, laundry, storage, etc...)
24W-1	R	2	1	Y	540		
24W-2	R	2	2	Y	1,419		
24W-3	R	2	2	Y	1,068		FL
24W-4	R	2	2	Y	1,050		FL
24W-5	R	1	1	Y	999	10	FL
24W-6	R*	1	2	Y	950	750	FL
24W-7	R	1	1		480		
22W	R*	1	2	Y	1,100		FL
Total Unit Area				-	22,017		
FLOOR AREA REGULATIONS							
Total 1 BR Area/# of Units/Avg Size				9,130	11	830	Required Size: 575-700sf
Total 2-3 BR Area/# of Units/Avg Size				7,312	6	1,219	Required Size: 725-900sf
Total Comm/Amenity Area/# of Units/Avg Size				1,325	2	663	1 BR - 12 units - 838 sf avg
Total Vacant/CU App Area/# of Units/Avg Size				4,250	4	1,063	2/3 BR - 8 units - 1170 sf avg
				22,017			
DENSITY ADJUSTMENTS:							
Total Lot SF (.3040 Acres) Base Units Allowed				13.24	19.86		
Secondary District				0.10	1.32		
Historic Preservation Impact SF / % (incl R*)				17,866	81%	0.40	At 20 units w/out amenity area
Residential Amenities SF (5%)				1,275	0.20	2.65	
Max Amt of Storage in Amenities SF (40%)				510			
TOTAL # OF RESIDENTIAL UNITS PERMITTED						23	

■ Flr 1-res  
■ this app.  
■ sep. app.  
■ ex.  
■ Flr 2-res  
■ Flr 3-res  
■ 2D

**CU-13-176** Request of Charles Salamone on behalf of AT&T Mobility for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and equipment at 103 East Piccadilly Street (*Map Number 173-01-P-6*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

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#### REQUEST DESCRIPTION

The applicant is proposing to modify an existing telecommunications facility by adding three (3) antennas to existing mounts on the rooftop of the George Washington Hotel at 103 East Piccadilly Street.

#### AREA DESCRIPTION

The subject parcel is located on the southeast corner of the intersection of East Piccadilly and North Cameron Streets. The parcel is zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. The surrounding properties are similarly zoned. The vicinity is composed of a mixture of commercial and residential uses.



#### STAFF COMMENTS

The applicant intends to install three (3) antennas to an existing set of antenna mounts located on the rooftop of the building located at 103 East Piccadilly Street as part of AT&T's deployment of 4G mobile broadband network (700 MHz Long Term Evolution (LTE)). The applicant states in his request letter that the upgrades will allow AT&T to provide 4G LTE wireless data services as well as help to improve its current 3G data and voice coverage. The antennas will be slightly larger than the existing antennas and will reach an approximate height of 80-feet. There will also be equipment cabinets placed on the existing steel platforms also located on the rooftop.

Previous conditional use permits were granted in 1997, 1999, and 2006 for telecommunications facilities on this property. The most recent request, CU-06-02 was for the installation of two sled-mount style structures in addition to the two existing, for a total of four sled-mounted antennas; one mount at each corner.

The applicant sought and received a certificate of appropriateness by the Board of Architectural Review (BAR-13-175) during their April 4, 2013 meeting. The antennas will be installed near the corners of the building on existing antenna mounts. The BAR discussed the concept of disguising the antennas, such as the construction of a false wall along the rooftop. However, the Board decided that the proposal as submitted would be less impactful to the existing structure and the historic district than the creation of a series of false walls above the roofline. All of the equipment and cabinets will be installed on the existing facilities on the rooftop.

## RECOMMENDATION

The Director of Zoning and Inspections recommends approval of the request with conditions.

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

A favorable motion could read:

**MOVE** the Commission forward **CU-13-176** 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 is subject to the following conditions:

1. Submit an as-built emissions certification after the facility is in operation;
2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;
3. Submit a bond guaranteeing removal of facilities should the use cease.

- OR -

An unfavorable recommendation from the Planning Commission to City Council should cite the reasons why the proposal as submitted or modified could negatively impact the health, safety or welfare of those residing or working in the area and/or why it would be detrimental to public welfare or damaging to property or improvements in the neighborhood.



Aaron M. Grisdale, CZA  
Director of Zoning and Inspections  
City of Winchester

RE: AT&T Mobility-Washington Hotel

Site: Washington Hotel  
103 E. Piccadilly Street  
Winchester, VA 22601



Mr. Grisdale,

AT&T is proposing to install three panel antennas on the existing mounts located on the rooftop of the building located at 103 E. Piccadilly Street. Related equipment cabinets will be placed on the existing steel platform also located on the rooftop.

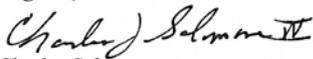
Currently AT&T has six antennas located on the roof. The new antennas will be mounted at the same RAD Center as the existing AT&T antennas.

- Existing antennas: Six (6) Kathrein 800 10121
- Proposed antennas: Three (3) Commscope SBNH-1D6565C
- Proposed cabinet: 1-Commscope RBA 72
- Proposed cabinet: 1-eNodeB 9412

AT&T is planning to deploy their Four G mobile broadband network using the 700 MHz Long Term Evolution (LTE) common access platform by modifying existing sites in the City of Winchester and surrounding areas.

If you have any questions regarding this application please contact me and thank you for your assistance.

Regards,

  
Charles Salamone  
Network Building & Consulting Inc  
Agent for AT&T Mobility  
443-617-5691  
bsalamone@nbcllc.com

**TA-13-198 AN ORDINANCE AMENDING ARTICLES 18 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO CONDITIONAL USE PERMITS FOR TRANSMITTING AND RECEIVING FACILITIES AND TOWERS AND FEES FOR TELECOMMUNICATIONS FACILITIES AND RE-ADVERTISEMENT FEES**

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REQUEST DESCRIPTION

This publicly sponsored text amendment is to serve as an update to the existing language pertaining to the conditional use permit provisions of transmitting and receiving facilities and towers as well as required fees.

STAFF COMMENTS

Presently, the Zoning Ordinance outlines requirements for conditional use permit applications for transmitting and receiving facilities and towers (telecommunications facilities). However, during staff review of the current language, it was observed that the Limited High Density Residential (HR-1) district was excluded from the provisions of 18.2-1.2 outlining the requirements for maximum tower height. This ordinance will correct that and place the HR-1 district within the same height threshold as the other residential districts with a maximum height of 75 feet.

Additionally, staff has proposed the establishment of a separate conditional use permit fee for telecommunications facilities. The original proposal during the Planning Commission's initiation of this text amendment had two separate fees for a new structure and for a modification of existing facility, \$7000 and \$2500 per antennas, respectively.

One of City Council's goals for 2018 in the Strategic Plan is "creating a more livable City for all." The uniform development, especially pertaining to telecommunication facilities is part of that goal. These minor adjustments will ensure the continued uniform development for new towers and tower modifications as well as establishing a fee structure that will cover the costs for administering the Zoning Ordinance requirements and conditional use permit process.

Since the initiation of the text amendment at the Commission's meeting in April, staff is considering revisions following closer review of the enabling legislation in §15.2-2286, providing for the collection of fees. Staff is researching and preparing new language that will provide an amended fee structure to more closely reflect the cost of administering the conditional use permit process.

RECOMMENDATION

Staff recommends this text amendment be tabled for one month, until revisions can be made to be presented to the Planning Commission. A potential motion could read:

**MOVE** the Commission table **CU-13-198** until updated language can be provided from staff.