

**PLANNING COMMISSION
AGENDA
June 17, 2014 - 3:00 PM
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes – May 20, 2014 regular meeting
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

- A. **CU-14-334** Request of Windy Hill, LLC for a conditional use permit for multifamily dwellings at 443 Millwood Avenue (*Map Number 233-08-40A*) zoned Highway Commercial (B-2) District. **(Mr. Grisdale)**
- B. **TA-14-275** AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS **(Mr. Moore)**
- C. **Amendment to Winchester Comprehensive Plan 2011** – the proposed revisions are primarily focused in the West Central Planning area, and include, but are not limited to, potential location of a new John Kerr Elementary School and other land use recommendations along the planned extension of Meadow Branch Avenue. **(Mr. Youmans)**

3. PUBLIC HEARING – Continued

- A. **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. **(Mr. Moore)**

4. OLD BUSINESS

5. NEW BUSINESS

- A. Administrative Approval(s) **(Mr. Moore)**:
 - 1) Minor subdivisions (May 2014)
 - (a) **MS-14-312** 679, 683 Berryville Ave Seiler - boundary line adjustment

6. ADJOURN

CU-14-334 Request of Windy Hill, LLC for a conditional use permit for multifamily dwellings at 443 Millwood Avenue (*Map Number 233--08--40A*) zoned Highway Commercial (B-2) District.

REQUEST DESCRIPTION

The request by Greenway Engineering is for a revised CUP approval of multifamily use on the upper level of the existing building housing Goodwill on the ground floor. The applicant proposes 5 two-bedroom dwelling units in newly added space on the second floor of the building. This is a change to a previously approved CUP for the same property for 5 one-bedroom dwelling units.

AREA DESCRIPTION

The site as well as property across Spring Street to the south and most of the land across Millwood Avenue directly east of the subject structure is zoned Highway Commercial (B-2) District. Uses in the surrounding B-2 district include automotive commercial. Land to the west and north of the site as well as land across Millwood Avenue further north of the subject structure is zoned Medium Density Residential (MR). These areas contain single-family residences.



STAFF COMMENTS

The request is consistent with the New Urbanism recommendations of the Comprehensive Plan to encourage higher density mixed use development. While the site itself was not called out as a redevelopment site, land directly to the east and south were called out, and the close proximity to Shenandoah University makes it attractive as an option for off-campus student housing. The existing building lends itself to adaptive reuse on the second floor where some office space along the Millwood Ave frontage will remain.

The applicant's letter dated May 19, 2014 briefly outlines the revisions to the proposal. The applicant states that due to some structural concerns, changes were made on the south elevation with the inclusion of brick arches to help reinforce and support the structure. Additionally, there were some changes in the needs of the upstairs Goodwill office use not needing the access to the ramp on the second story which also influenced the desire for reconfiguration and changes on the second story.

Floor Plans & Floor Area Calculations

The CUP applies only to the multifamily use proposed on the upper level of the building. The CUP provisions in Section 8-2-20 of the Zoning Ordinance allow a maximum of 8 units per building. The applicant is proposing a total of 5 two-bedroom units. In the original request and approval, the applicant had requested and was granted approval for 5 one-bedroom units.

The floor plans annotate the floor area of each proposed unit, ranging from 789 s.f. up to 1008 s.f. in size. A small roofed HVAC is included on the upper level. This space is enclosed on three sides, including the exterior side facing toward the Greystone Terrace residential area.

The BZA granted variances to allow the second floor addition to encroach into the 35-foot front yard along Spring Street to the same extent that the existing building encroaches. The variance also allows an existing overhang to be utilized as unenclosed terrace space for three of the five apartments.

Density

The 1.052-acre site would be large enough to support 13 dwelling units, of which a maximum of 8 could be proposed in the subject structure. The Density provision for multifamily in the B-2 zoning district allows up to 1 unit for every 3,500 square feet of Total Project Area. Total Project Area, by definition in Section 1-2-91.1 of the Zoning Ordinance excludes 100-year floodplain acreage and counts 50% of the portions of the site with slope in excess of 20%. No exclusions for floodplain or steep slope apply.

The floor plans show all five apartment entrances connecting to a common hallway which accesses out to a small portion of the upper level that will still be unenclosed adjacent to the ramp. An existing vehicle ramp serving the existing rooftop parking will not be utilized as part of the second story use. Consistent with the zoning provisions, none of the entrances are oriented to the front (Spring St elevation) of the site.

Green Area

Since the total residential area is increasing from the previous layout and there is an increase in the number of bedrooms, a revised green area calculation will be required with a revised site plan. Based upon the calculations provided during the previous CUP review, it is likely that the site plan will need a waiver of the green area requirement from the Planning Commission.

Impacts

The proposed five apartments on the upper level of the structure represent a good reuse of what is underutilized second floor space. The proposal should not adversely impact the health, safety or welfare of anyone residing or working in the area and not be detrimental to public welfare or injurious to property or improvements in the area.

While the introduction of the second floor multifamily use will eliminate some existing parking spaces, there are still 40 parking spaces available on the site. Based upon the mix of uses (retail, office, storage, and residential) the base parking requirement would amount to 46 spaces. However, the property benefits from parking reductions amounting to 8 spaces because of the proximity to a public transit stop and the inclusion of bicycle racks. The resulting requirement is 38 parking spaces.

Regarding visual impacts, the applicant has provided current elevations of what the structure presently looks like from all four directions. Two of the elevations are in close adherence with the original CUP approval. However, there are some modifications on the south and north side of the building that are not in close adherence to the original approval. It is important to note that the B-2 zoning would permit, by right, vertical expansion of at least 35 feet and up to 55 feet provided that there is one additional foot of rear setback for each additional one foot of height above 35 feet. The applicant is proposing a total height of 35 feet according to zoning definition. A low pitched roof is included in the height computation.

RECOMMENDATION

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.

Staff recommends the following favorable motion:

MOVE that the Commission forward **CU-14-334** to City Council recommending approval per Section 8-2-20 of the Zoning Ordinance to add five (5) two-bedroom apartments because the proposal, as submitted, 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. The approval is subject to the following:

1. Close adherence to the submitted elevations, and floor plans; and,
2. Staff review and approval of an updated site plan, including a waiver of green space to allow ____ where a slightly higher amount would otherwise be required.

TA-14-275 AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS

REQUEST DESCRIPTION

This text amendment would include Wyck and North Cameron Streets as corridors along which Corridor Enhancement (CE) District overlay zoning could be applied.

STAFF COMMENTS

When the CE District standards and guidelines were initially adopted in 2005, certain major tourist access corridors leading into the designated local and national Historic Winchester District were identified in the Ordinance. These included two corridors in the northern part of the City - Fairmont Avenue and North Loudoun Street. These two, along with Millwood Avenue, share the same applicable standards and guidelines.

At its retreat in April 2014, the Planning Commission identified corridors in the northern part of the City as priorities for implementation. Since the initial adoption in 2005, the routing of traffic entering the City from the north end has been revised such that Wyck and North Cameron Streets are now part of the major tourist access corridor leading into the Historic District. Prior to proceeding with rezoning of land to establish the geography for the CE Districts in the north part of the City, this amendment is proposed to include these two streets and to apply the same set of standards and guidelines that would be applicable to Fairmont Avenue and North Loudoun Street.

RECOMMENDATION

The Commission initiated this amendment at its May 20, 2014 meeting.

A favorable motion could read

MOVE that the Planning Commission forward **TA-14-275** as identified in "Draft 1 - April 30, 2014" to City Council recommending approval because Wyck Street and North Cameron Street are now part of a major tourist access corridor leading into the Historic District.

AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE
PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS

TA-14-275

WHEREAS, Article 14.2 of the Zoning Ordinance provides for a Corridor Enhancement (CE) overlay district that is intended to protect and promote the aesthetic character and functionality of major tourist access corridors leading into the designated local and national Historic Winchester District; and,

WHEREAS, Section 14.2-8 of the Ordinance includes standards and guidelines pertaining to two corridors in the northern part of the City - Fairmont Avenue and North Loudoun Street; and,

WHEREAS, the routing of traffic entering the City from the north end has been revised since the CE District was first enacted in 2005 such that Wyck and North Cameron Streets are now part of the major tourist access corridor; and,

WHEREAS, it is the interest of the City to proceed with the rezoning of land in the northern part of the City to be included in the CE District; and,

WHEREAS, the Planning Commission has considered an amendment to include Wyck Street and North Cameron Street as designated corridors and, at its meeting of June 17, 2014, forwarded said amendment to City Council recommending approval as identified in "Draft 1 - April 30, 2014" because Wyck Street and North Cameron Street are now part of a major tourist access corridor leading into the Historic District; 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 amendment represents good planning practice.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the Winchester Zoning Ordinance of 1976, as amended, be further amended to read as follows:

AN ORDINANCE TO AMEND AND REENACT SECTION 14.2-8 OF THE WINCHESTER ZONING ORDINANCE
PERTAINING TO WYCK STREET AND NORTH CAMERON STREET CORRIDOR ENHANCEMENT DISTRICTS

TA-14-275

Draft 1 - April 30, 2014

*Ed. Note: The following text represents an excerpt of Article 14.2 of the Zoning Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

ARTICLE 14.2

CORRIDOR ENHANCEMENT DISTRICT – CE

14.2-8 FAIRMONT AVENUE, MILLWOOD AVENUE, ~~AND~~ NORTH LOUDOUN STREET, **WYCK STREET, AND NORTH CAMERON STREET** CORRIDORS

2014 COMPREHENSIVE PLAN AMENDMENT

By State Code and City Code, the Planning Commission is tasked with preparing a Comprehensive Plan (Plan) and any amendments to the Plan. This amendment represents a limited revision to the full version of the Plan that was adopted by City Council on May 10, 2011. It focuses on changes in recommended land use along the unbuilt portions of Meadow Branch Avenue in the West Central Planning Area as defined in the current Plan. Planning staff has carefully reviewed studies and planning documents focused on this part of the City and determined that there is a change in the vision for development of properties along the subject roadway. In particular, the decision to recommend placement of a public elementary school along the west side of Meadow Branch Avenue requires that a revision of the Plan be adopted.

Planning staff and the Commission have examined existing conditions, trends of growth, and probable future needs and desires in this part of the City and prepared a limited proposed change to the Plan that calls out the placement of a public school in this area as well as recommended changes in land use adjoining the school site. This includes a recommended realignment of Meadow Branch Avenue itself to better accommodate the proposed land uses. The Plan amendment also incorporates recommendations contained in updates to the Economic Master Plan that were requested by City Council in 2013 for the Meadow Branch Avenue corridor.

On May 22, 2014, the Commission held a Public Input session on an update to the City of Winchester 2011 Comprehensive Plan ("the Plan") with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City which best promotes the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants. Exhibits depicting changes to the text and the maps contained in the Current Plan were presented at the public input session and written citizen comments were received and considered by the Commission subsequent to the session.

While there were relatively few comments on the proposed changes to the Plan document received at the public input session, there was extensive interest in the related issue of how existing Meadow Branch Avenue through the Meadow Branch North Subdivision area may be striped off to become consistent with the originally approved 4-lane divided roadway that was specifically approved by City Council as part of the Meadow Branch PUD back in 1988. The City chose not to stripe off the two separate lanes in each direction since the roadway did not extend north of the Buckner Drive intersection. The issue of 2-lane versus 4-lane on existing Meadow Branch Avenue is an issue that City Council will need to decide prior to the extension of the arterial roadway through to the short portion constructed between Amherst Street and Merrimans Lane.

RECOMMENDATION

Staff recommends that the Planning Commission approve the attached resolution recommending approval of the 2014 Comprehensive Plan Amendment as depicted in the exhibits presented at the June 17, 2014 public hearing and that the Commission forward the Plan to City Council for adoption.

RESOLUTION

2014 COMPREHENSIVE PLAN AMENDMENT

WHEREAS, the City of Winchester Planning Commission (“the Commission”) has conducted careful surveys and studies of existing conditions, trends of growth, and probable future requirements of its territory and inhabitants; and,

WHEREAS, the Commission has prepared an update to the City of Winchester 2011 Comprehensive Plan (“the Current Plan”) with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City which best promotes the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants; and,

WHEREAS, prior to the recommendation of this revision to the Comprehensive Plan, staff to the Winchester Planning Commission posted the Comprehensive Plan that is being considered for recommendation on the official City of Winchester website maintained by the City and on which matters pertaining to the Planning Commission are generally posted; and,

WHEREAS, a synopsis of the changes to the Current Plan has been duly advertised and a Public Hearing was conducted by the Commission on June 17, 2014, all as required by Section 15.2-2225 of the Code of Virginia, 1950, as amended; and,

WHEREAS, exhibits depicting changes to the text and the maps contained in the Current Plan were presented at said public hearing and citizen comments were received and considered by the Commission subsequent to the hearing;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Winchester, Virginia, that the 2011 Comprehensive Plan be amended as depicted in the exhibits presented at the June 17, 2014 public hearing; and,

BE IT, FURTHER, RESOLVED that the Commission recommends approval of the amended Plan to be known as the 2014 Comprehensive Plan Amendment and hereby forwards the Plan to City Council for adoption by the governing body. A copy of the Plan amendment is herewith certified to the governing body.

ADOPTED by the Planning Commission of the City of Winchester on this 17th day of June, 2014.

Approved: William Wiley
Chairman

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.



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 has been consulting with an attorney, doing further property research, and, most recently, been in negotiations with an adjoining owner to obtain a recorded easement. **The Commission tabled the application at its April 15 and May 20 meetings at the applicant's request. The applicant advised on June 3 that the negotiations are underway but not yet finalized. He is requesting that the application again be tabled for an additional month to allow time to resolve the matter.**

RECOMMENDATION:

A motion to table could read

MOVE that the Planning Commission table **CU-14-166** until its July 15, 2014 meeting at the applicant's request.