

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 1/27/15 (work session)      **CUT OFF DATE:** 01/22/15  
2/10/15 (Regular meeting)

**RESOLUTION** \_\_\_    **ORDINANCE** \_\_\_    **PUBLIC HEARING** X

**ITEM TITLE:**

**CU-14-757** Request of Painter-Lewis, PLC on behalf of Long Term Care Properties, LLC for a conditional use permit for Nursing & Rehabilitation Facility and Corridor Enhancement Certificate of Appropriateness for the square footage and roof pitch of the proposed building at 940 Cedar Creek Grade (Map Number 249-1-2) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

**STAFF RECOMMENDATION:**

Approval with conditions

**PUBLIC NOTICE AND HEARING:**

Public hearing for 2/10/2015 Council meeting.

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission unanimously 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	<u>AM6</u>	_____	<u>1/21/15</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>1/21/2015</u> 1/21/2015
3. City Manager	<u>[Signature]</u>	_____	<u>21 Jan 2015</u>
4. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature]      1/21/15  
(Planning Dept)



**APPROVED AS TO FORM:**  
[Signature] 1/21/2015  
CITY ATTORNEY

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Tim Youmans, Planning Director

**Date:** November 19, 2014

**Re:** **CU-14-757** Request of Painter-Lewis, PLC on behalf of Long Term Care Properties, LLC for a conditional use permit for Nursing & Rehabilitation Facility and Corridor Enhancement Certificate of Appropriateness for the square footage and roof pitch of the proposed building at 940 Cedar Creek Grade (Map Number 249-1-2) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

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**THE ISSUE:**

The applicant is requesting a conditional use permit (CUP) to allow for the use of Nursing & Rehabilitation Facility and for a Corridor Enhancement Certificate of Appropriateness for the proposed building at 940 Cedar Creek Grade.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2: Create a More Livable City for All

Vision 2028 (Principle 5) - Great neighborhoods with a range of housing choices.

**BACKGROUND:**

See attached staff report

**BUDGET IMPACT:**

N/A

**OPTIONS:**

1. Approve with conditions as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

**RECOMMENDATIONS:**

Recommend Option 1

**CU-14-757** Request of Painter-Lewis, PLC on behalf of Long Term Care Properties, LLC for a conditional use permit for Nursing & Rehabilitation Facility and Corridor Enhancement Certificate of Appropriateness for the square footage and roof pitch of the proposed building at 940 Cedar Creek Grade (Map Number 249-1-2) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District overlay.

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**REQUEST DESCRIPTION**

The applicant is requesting a conditional use permit to allow for a Nursing & Rehabilitation Facility use under Section 8-2-5 and to allow a single structure in the Cedar Creek Grade Corridor Enhancement (CE) District where the footprint of the building exceeds the 10,000 square-foot 'by right' limit and roof pitch less than 6:12 under Section 14.2-6.10b & 14.2-6.10e.

**AREA DESCRIPTION**

The subject parcel contains a vacant single-family residence and some agricultural structures. The one residentially used property immediately to the east is zoned RO-1 district. Along with numerous other properties throughout the City, that property was rezoned by the City (i.e. not at property owner request) in the 1990's in an effort to stem what was then viewed as undesirable multifamily rental housing. Land to the north and further to the east is zoned HR and contains multifamily development as well as townhouse development. Land to the south fronting along Cedar Creek Grade is also zoned HR and contains single-family residences.



Land to the west is situated in Frederick County. The adjoining Frederick County parcel owned by Greystone Properties, LLC was conditionally rezoned from Rural Areas (RA) to Residential Planned Community (R4) by Frederick County along with other properties including a larger tract owned by Miller & Smith about five years ago. The 360-acre Willow Run project is slated for 1,390 residential units as well as 36 acres of commercial uses. The Greystone Properties portion of the larger Willow Run project is primarily single-family attached (i.e. townhouse) residential and age-restricted housing. It includes a spine road (Birchmont Dr) that connects Cedar Creek Grade with the extension of Jubal Early Drive to the north. That connection is required to be built prior to the 200th residential permit being issued. A public street connection to Cidermill Lane from the County spine road is also part of the approved Willow Run project. Cidermill Lane is currently being extended to the County line as part of the last phase of the Orchard Hill townhouse development.

## STAFF COMMENTS

In a letter (see attached) to the Planning Director dated December 8, 2014, Mr. Timothy Painter of Painter-Lewis PLC, applicant for the owner (Long Term Care Properties, LLC), outlined his request for a CUP for a Nursing & Rehabilitation Facility pursuant to the recent conditional rezoning for the property approved by City Council in November 2014. The proposed use is in adherence with the submitted proffers tied to the property dated August 4, 2014 and revised September 11, 2014.

In addition to the CUP request for the specific use under Section 8-2-5, the applicant is also seeking a conditional use permit to allow a single structure in the Cedar Creek Grade Corridor Enhancement (CE) District where the footprint of the building exceeds the 10,000 square-foot 'by right' limit and roof pitch less than 6:12 under Section 14.2-6.10b & 14.2-6.10e. The Cedar Creek Grade CE District was established by City Council with a CUP provision to consider building with footprints exceeding 10,000 square feet and specific architectural elements on a case-by-case basis.

As show in the attached elevations, the floor plans show the building is proposed to have a gross area of 76,630 sq. ft. on one continuous level with seven "wings" serving 120 beds. The building contains four separate wings (North, South, West, and Secure) that will serve the 120 beds. In the middle of the facility contains a courtyard, which includes the rehabilitation center that will connect to each wing of the facility. Towards the southeast section of the facility (facing Cedar Creek Grade) is the lobby/administration wing and service wing of the facility. These wings will facilitate the overall operation of the facility. The architectural drawings show an appearance similar to other buildings along Cedar Creek Grade and with roof pitches of 5:12. An existing rehabilitated barn located in the southwest area of the site will remain and be connected to a proposed 1,040 sq. ft. three bay service building.

With most of the issues for this project resolved in the proffers for the rezoning of the property, staff has no concerns for this proposed use and building design.

## RECOMMENDATION

At their January 20, 2015 meeting, the Planning Commission forwarded to Council recommending approval because the proposal, as submitted, should 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 recommendation is subject to:

1. General conformity with submitted building elevations and floor plans; and,
2. Staff review and approval of a related site plan.

***PAINTER-LEWIS, P.L.C.***

*CONSULTING ENGINEERS*

817 Cedar Creek Grade, Suite 120  
Winchester, Virginia 22601

Tel.: (540) 662-5792  
Fax.: (540) 662-5793

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December 8, 2014

Mr. Timothy P. Youmans, Director of Planning  
City of Winchester, Virginia  
15 N. Cameron Street  
Rouss City Hall  
Winchester, Virginia 22601

Re: Winchester LTC Properties, LLC  
Commercial Development: Nursing and Rehabilitation Facility  
940 Cedar Creek Grade  
Winchester, Virginia  
Tax Map: 249-01-2  
Conditional Use Permit Application

Dear Sir:

Pursuant to the recent rezoning requirements of the above-referenced project, this is to serve as the request for a permanent condition use permit for a nursing home and rehabilitation facility to occupy the referenced property. The request confirms that the property will only be used for this specified use in accordance with the proffer statement that was approved with the recent rezoning of this parcel. This project will be developed in the corridor enhancement district and will meet the criteria of the Corridor Enhancement Overlay with the following exceptions:

1. An exception to Section 14.2-6.1c which states that the building footprint can not exceed the 10,000 square foot maximum except with a conditional use as permitted under Section 14.2-6.10b.
2. An exception to Section 14.2-6.4a which states that the roof slope must not be less than 6:12 except with a conditional use permit use as permitted under Section 14.2-6.10e.

We request that you, the Planning Commission, and City Council consider these requests as part of the approval process for this conditional use permit for this project.

Mr. Timothy P. Youmans, Director of Planning  
City of Winchester, Virginia

December 8, 2014  
Winchester LTC Properties, LLC

Thank you for your attention to this matter. If you would have any questions or would require further information please do not hesitate to contact me.

Sincerely,



Timothy G. Painter, P. E.

c: Winchester LTC Properties, LLC  
380 Millwood Avenue  
Winchester, Virginia 22601





NO.	DATE	DESCRIPTION
1	10-09-15	REVISIONS

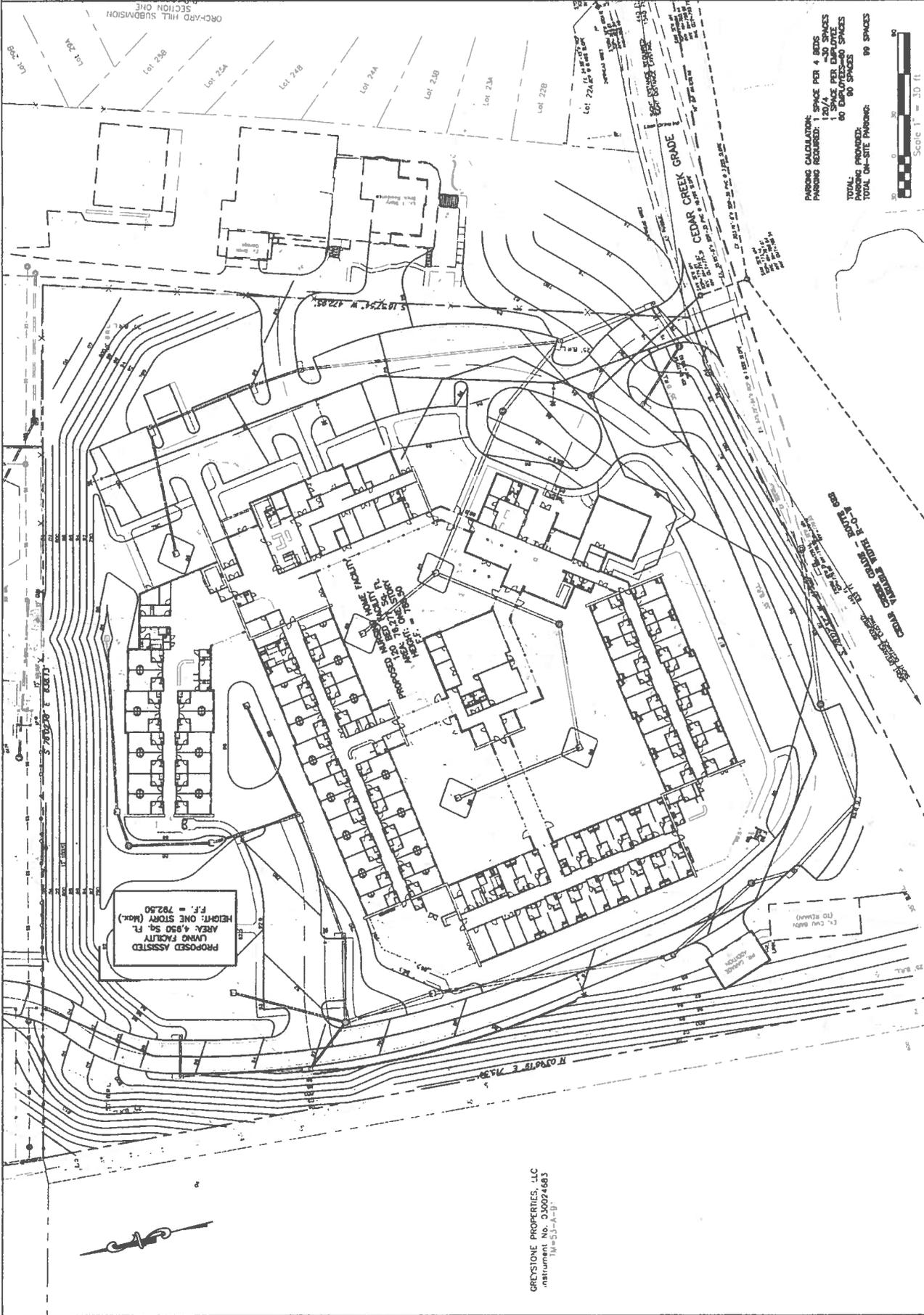
EXHIBIT "A"  
CONCEPTUAL SITE  
GRADING PLAN

PAINTER-LEWIS, P.L.C.  
817 CEDAR CREEK DRIVE, SUITE 20  
WINCHESTER, VIRGINIA 22601  
PHONE (540) 642-2282  
FAX (540) 642-2283  
EMAIL: office@painter-lewis.com

PROJECT:  
NURSING and  
REHABILITATION FACILITY  
CEDAR CREEK GRADE  
WINCHESTER, VIRGINIA



DATE	10/09/15
SCALE	AS SHOWN
PROJECT	CONCEPTUAL SITE GRADING PLAN
CLIENT	PAINTER-LEWIS, P.L.C.
DATE	10/09/15
SCALE	AS SHOWN
PROJECT	CONCEPTUAL SITE GRADING PLAN
CLIENT	PAINTER-LEWIS, P.L.C.



PARKING CALCULATION:  
1 SPACE PER 4 BEDS  
120/4 = 30 SPACES  
PARKING REQUIRED: 30 SPACES  
PARKING PROVIDED:  
80 EMPLOYEE/STAFF SPACES  
90 SPACES  
TOTAL ON-SITE PARKING: 90 SPACES

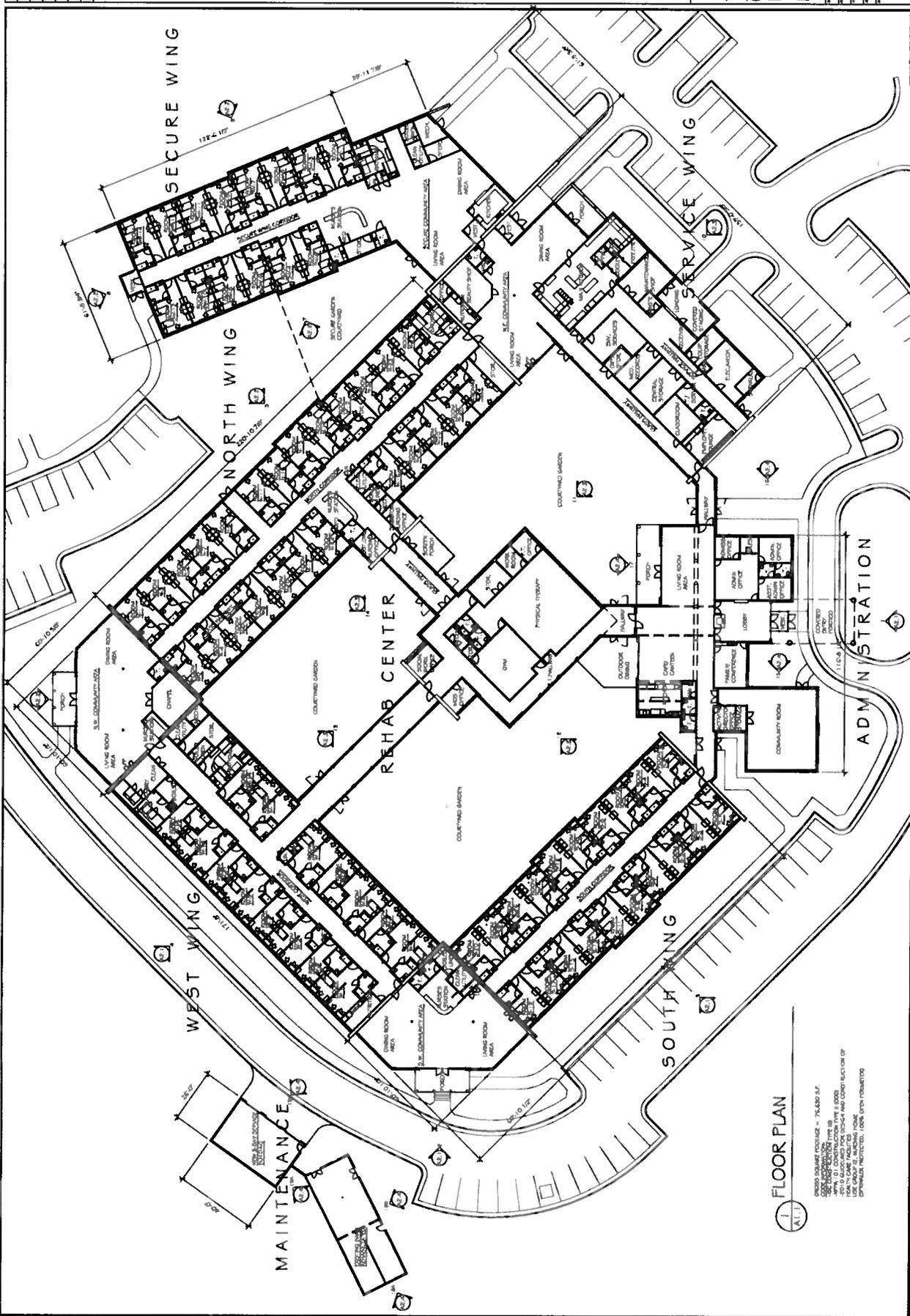


PROPOSED ASSISTED  
LIVING FACILITY  
AREA: 4,950 Sq. Ft.  
HEIGHT: ONE STORY (Max.)  
F.F. = 792.50

GRAYSTONE PROPERTIES, LLC  
Instrument No. 030074683  
10/09/15

SEE LOT 228-B HILL SUBDIVISION SUBSECTION ONE

ORCHARD HILL SUBDIVISION SECTION ONE



**FLOOR PLAN**  
 A1.1

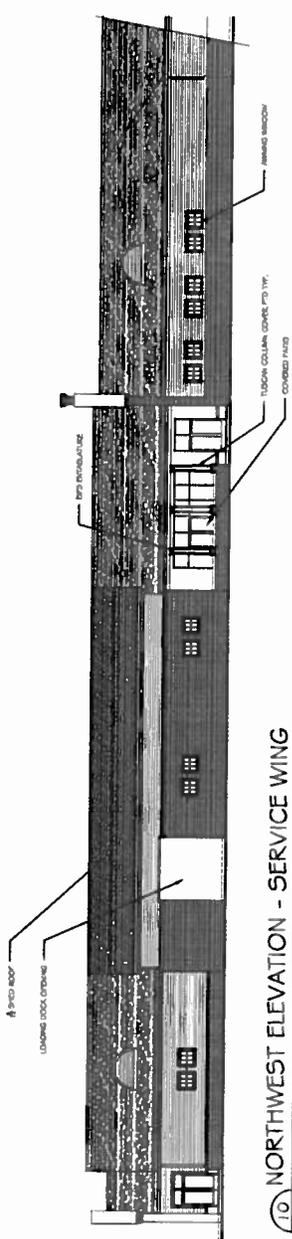
PROJECT NAME: WINCHESTER LTC - CEDAR CREEK GRADE  
 DATE: 08/14/2013  
 DRAWING NO.: A1.1  
 SCALE: AS SHOWN  
 DESIGNED BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
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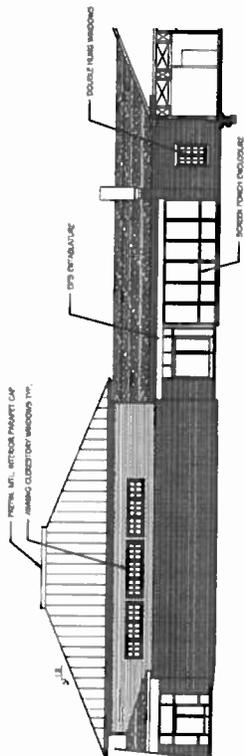




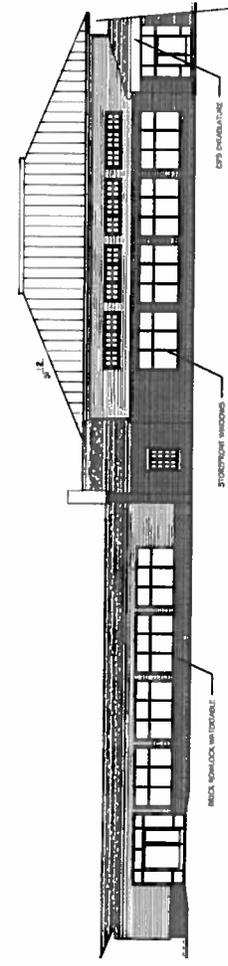
NO.	
DATE	
BY	
CHECKED	
APPROVED	



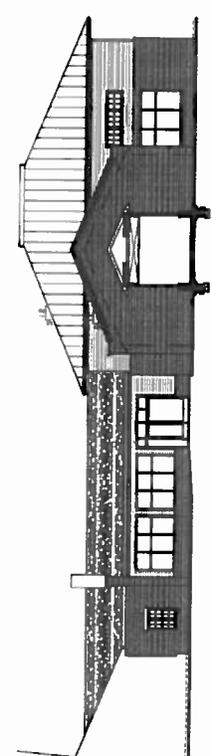
10 NORTHWEST ELEVATION - SERVICE WING  
A2.3



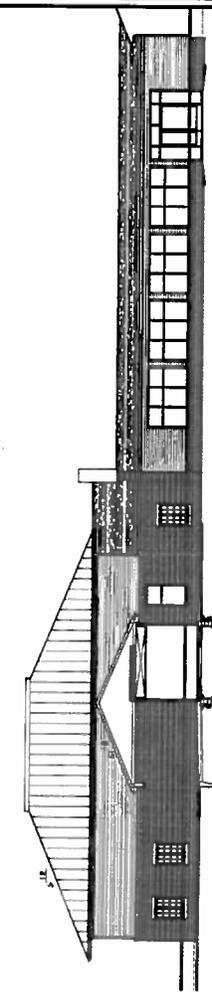
11 NORTHEAST ELEVATION - REHAB CENTER  
A2.3



12 SOUTHEAST ELEVATION - REHAB CENTER  
A2.3



13 SOUTHWEST ELEVATION - REHAB CENTER  
A2.3



14 NORTHWEST ELEVATION - REHAB CENTER  
A2.3



