

0-2015-02

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 (1st reading)
2/24/15 (2nd reading/Public Hearing)

RESOLUTION ___ **ORDINANCE** X **PUBLIC HEARING** X

ITEM TITLE:
RZ 14-628 AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

STAFF RECOMMENDATION:
Approval.

PUBLIC NOTICE AND HEARING:
Public hearing for 2/24/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:
Planning Commission unanimously recommended approval.

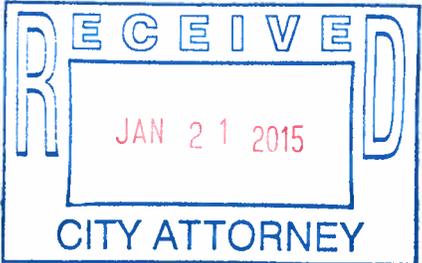
FUNDING DATA: N/A

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		1/21/15
2. City Attorney	<i>[Signature]</i>		1/21/2015
3. City Manager	<i>[Signature]</i>		21 Jan 2015
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 Work Session
January 27, 2015

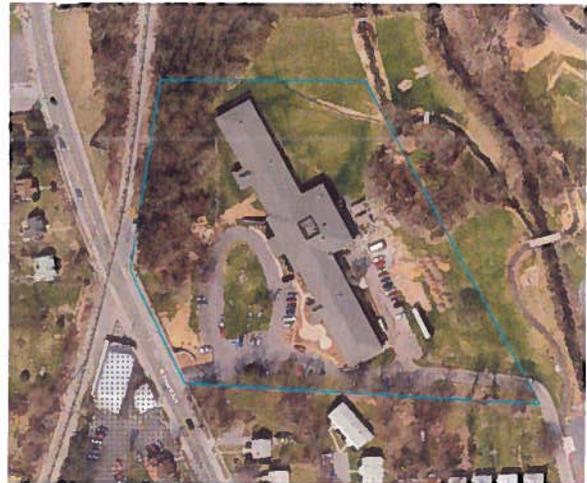
RZ 14-628 AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

REQUEST DESCRIPTION

The request is to rezone from MR to MR with a PUD overlay which would permit enlarging the existing nursing home without increasing the number of beds as outlined in the letter (see attached) from the applicant dated October 3, 2014.

AREA DESCRIPTION

The property currently contains the existing business Evergreen Health & Rehab, an assisted living/nursing home facility. To the north and east is City owned land zoned Education, Institution and Public Use District (EIP) which includes parts of the Green Circle Trail and Shawnee Springs Preserve. To the south is a residential area zoned MR. The adjacent parcels to the west are zoned Central Business District (B-1) buffered by Millwood Ave and the CSX Railroad line. Portions of the property lie within the 100-year floodplain and a variance was granted by the Board of Zoning Appeals on November 12, 2014 for expansion of the structure and use of the facility.



STAFF COMMENTS

In a letter (see attached) to the Planning Director dated October 3, 2014, Mr. Donald Crigler of DFC Architects, PC, applicant for the owner (Long Term Care Properties, LLC), states that the rezoning will bring the Nursing Home/Assisted Living Facility use back to a by-right use. The use was established in 1968 and was a by-right use until 1990 when the property was rezoned MR, thus establishing a “non-conforming use” and preventing the opportunity for expansion. The proposed site plan and elevations shows a 3,000 sq. ft. footprint for a 6,000 sq. ft. two story addition. The expansion is intended to improve the operation of the facility itself and does not increase the number of patient beds or staff. Consequently, this expansion and improvements should have no impact on the City, fiscally or in terms of traffic. The expansion is also in line with the City’s Comprehensive Plan for the area, which calls for proactive redevelopment of property where needed to achieve maximum sustainable potential.

RECOMMENDATION

At their January 20, 2015 meeting, the Planning Commission forwarded **RZ-14-490** to City Council recommending approval as depicted on an exhibit entitled “Rezoning Exhibit RZ-14-628, Prepared by Winchester Planning Department, 10-03-2014” because the request is consistent with the Comprehensive Plan which calls for Redevelopment in the site.

DFC Architects, PC

October 3, 2014

RE: Rezoning for a Planned Unit Development Overlay for
Evergreen Health & Rehab
380 Millwood Ave.
Winchester, Va 22601

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

Dear Tim,

I have enclosed an application for a re-zoning to place a Planned Unit Development overlay on the above referenced site. As you are aware the site is 5.1674 acres and therefore qualifies for a PUD overlay. The PUD will bring the use back to a "by-right" use for this site. It was brought to our attention that the current Zoning of MR which was done in 1990, actually made the existing use a "non-conforming use" and therefore eliminates the opportunity to expand the existing facilities. This use was established in 1968 and was a by right use from 1968 until the rezoning in 1990. I am submitting a site plan showing a new 3,000 square foot footprint for a 6,000 square foot, two story addition. I have included architectural plans and elevations of the proposed addition, since the project was ready to be started in September, until we discovered this zoning issue. I would appreciate any assistance that you can provide in expediting this process, since this rezoning was done prior to the current owners purchase of the facility in 2005. I would note that this expansion is designed to improve the care of the existing residents and does not add any additional beds, or staff. The rooms will be enlarged to accommodate the rehabilitation function on one wing and the long term care done on the other wing. It is also designed to meet the current HC accessibility standards for a Nursing facility.

As you may be aware this facility is the largest Nursing Home in the City of Winchester and provides more than 3 times as many licensed beds as any other facility in the City. Evergreen provides 65% of the total licensed Nursing home beds within the City of Winchester. If you have any further questions or need any additional information please feel free to contact me.

Sincerely,



Donald F. Crigler
President
DFC Architects, PC

Attachment: Planning Statements



29 E. Rosehaven Street

Ph: (540) 673-0560

Winchester, Virginia 22601



CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: January 21, 2015

Re: RZ 14-628 AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (Map Number 233-01- -3) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

THE ISSUE:

Conventional rezoning from medium density residential district zoning to medium density residential district zoning with Planned Unit Development overlay which would allow for expansion/renovation on the property.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2: More Livable City for All

BACKGROUND:

See attached staff report

BUDGET IMPACT:

None

OPTIONS:

1. Approve as recommended by Planning Commission
2. Table request
3. Deny request

RECOMMENDATIONS:

Recommend Option 1



FILE COPY



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

November 13, 2014

DFC Architects, PC
Attention: Don Crigler
29 E. Boscawen Street
Winchester, VA 22601

Dear Mr. Crigler:

On Wednesday, November 12, 2014, the Board of Zoning Appeals acted on the following request:

BZA-14-517 Request of DFC Architects, PC, on behalf of the property owner, Long Term Care Properties, LLC, for variances pertaining to an expanded use and structure in the 100 year floodplain pursuant to Sections 14.1-15-3C, D, E, and J and Section 14.1-15-6A of the Winchester Zoning Ordinance, for the property located at 380 Millwood Avenue (Map Number 233-01- -3 - > <01), zoned Medium Density Residential (MR) District with Floodplain (FP) District overlay. The applicant is requesting these variances to obtain relief from required flood proofing and building elevation requirements for a proposed building expansion.

On a vote of 4-0, the Board approved a variance to DFC Architects, PC, on behalf of the property owner, Long Term Care Properties, LLC, for variances pertaining to an expanded use and structure in the 100 year floodplain pursuant to Section 14.1-15-6A of the Winchester Zoning Ordinance, for the property located at 380 Millwood Avenue (Map Number 233-01- -3 - > <01), zoned Medium Density Residential (MR) District with Floodplain (FP) District overlay, with the following conditions:

- a. The issuance of this variance is approved only for the expansion as proposed within the application materials, including those materials that were presented to the Board today, November 12, 2014.
- b. The issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

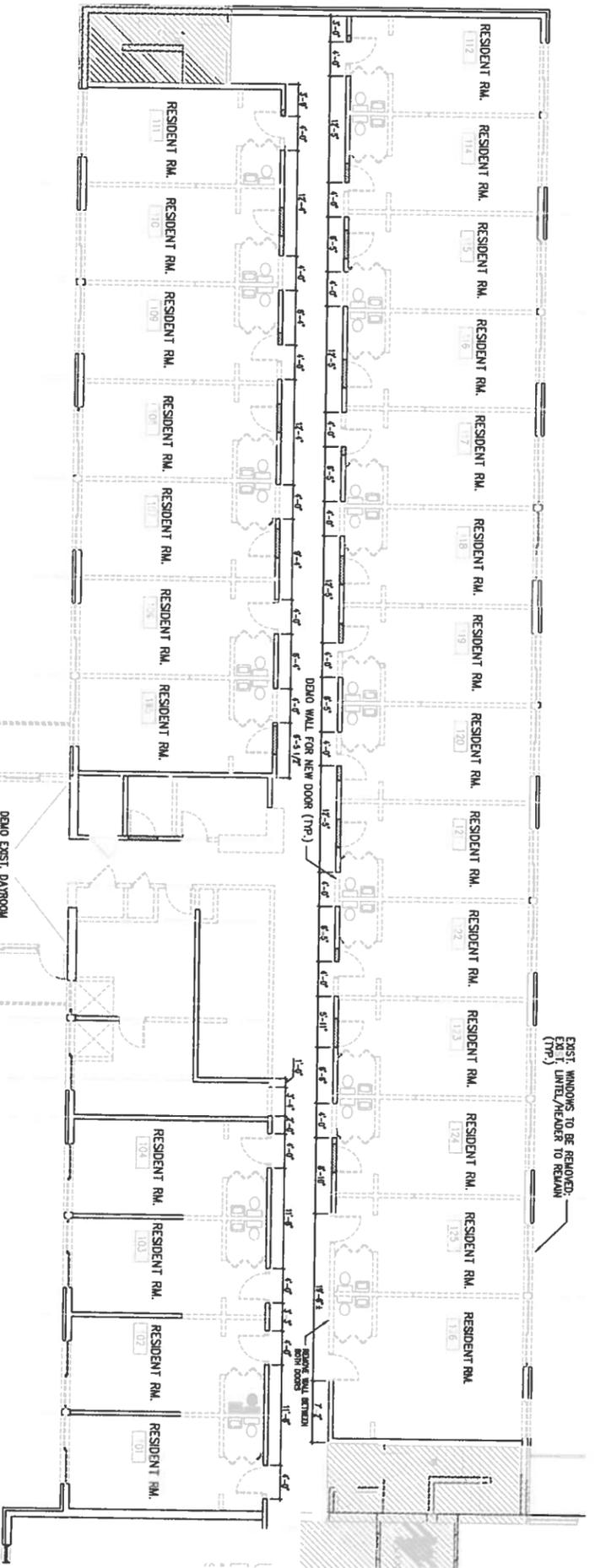
This variance is approved because:

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

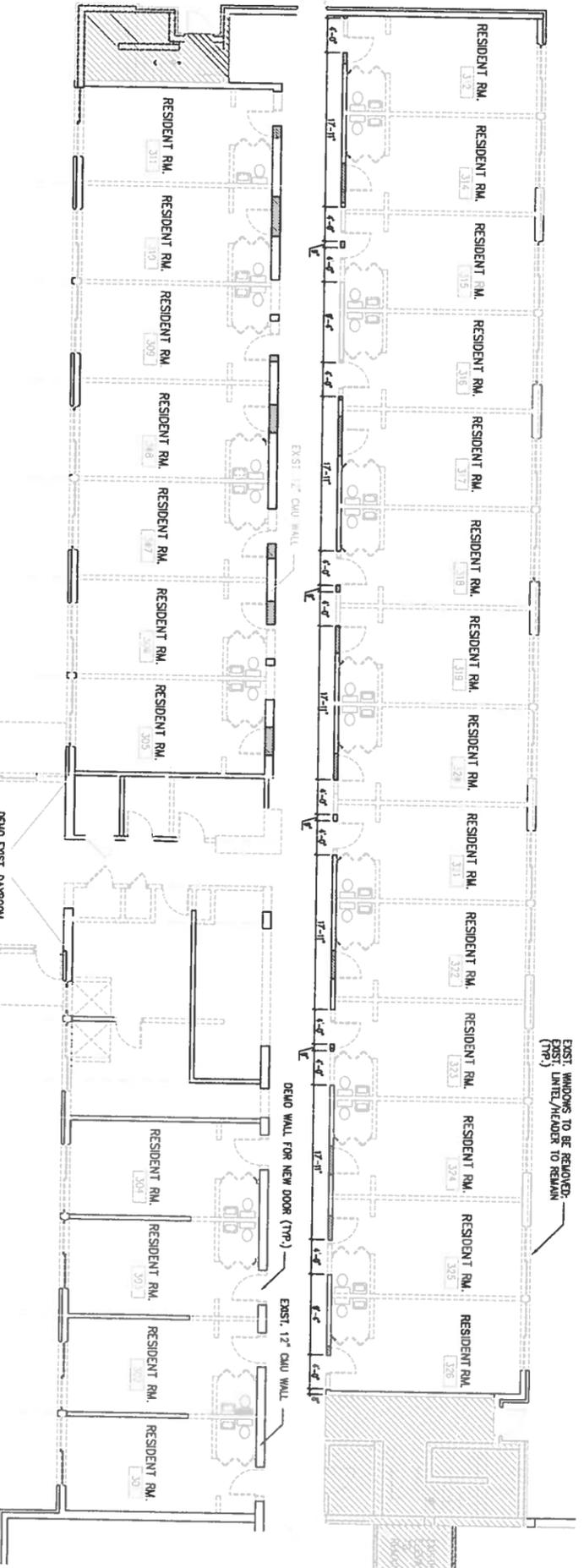
Sincerely yours,

Aaron M. Grisdale, CZA
Director of Zoning and Inspections

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."



UPPER LEVEL FLOOR EXISTING / DEMOLITION PLAN
SCALE : 1/8" = 1'-0"
WING 1



LOWER LEVEL FLOOR EXISTING / DEMOLITION PLAN
SCALE : 1/8" = 1'-0"
WING 3

LEGEND

	DEMOLITION
	EXISTING CONSTRUCTION TO REMAIN
	WALL & EX. WALL / OPENING
	EXISTING DOORS TO REMAIN
	DOORS TO BE REMOVED
	WINDOWS TO BE REMOVED
	ROCKS AND ANGLES NOT IN CONTACT

DFC Architects, PC
29 East Boscawen Street (540) 678-0560
Winchester, VA 22601

PROJECT NUMBER:
1302

DRAWN BY: TWN
CHECKED BY: DC

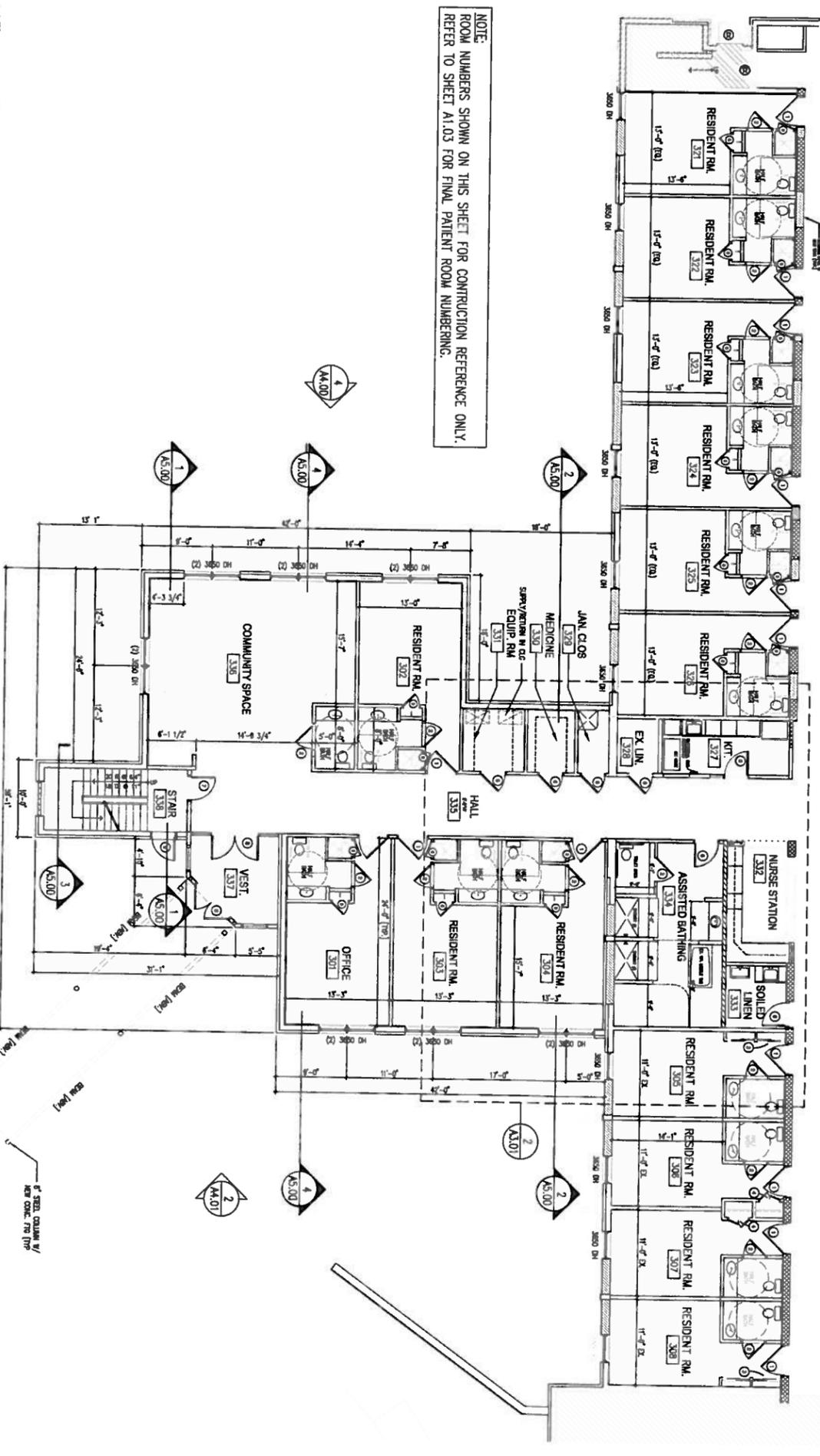
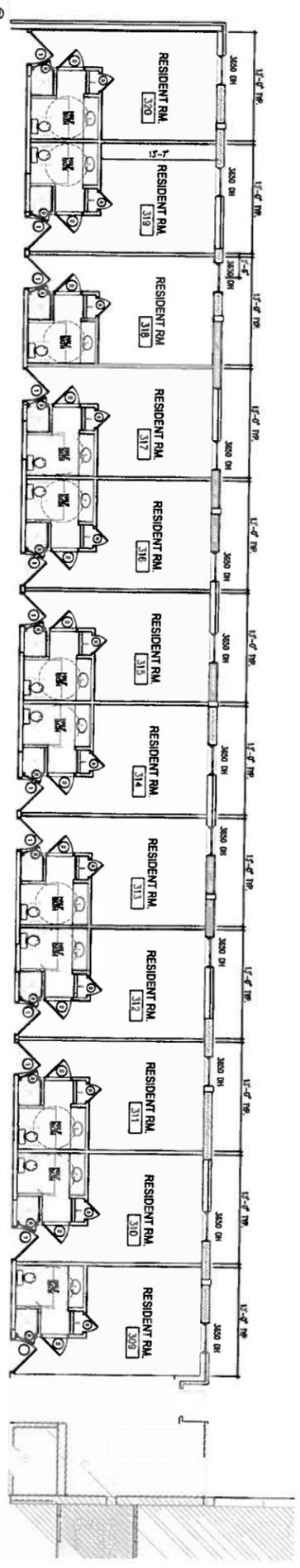
REVISIONS:

1)
2)

SHEET TITLE:
EXISTING / DEMO PLANS
PROJECT NAME:
EVERGREEN
Renovation of Wing 1 & 3

CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER
ADDRESS:
380 MILLWOOD AVENUE
WINCHESTER, VA 22601

SHEET No.
07.17.2014
D1.00



NOTE:
ROOM NUMBERS SHOWN ON THIS SHEET FOR CONSTRUCTION REFERENCE ONLY.
REFER TO SHEET A1.03 FOR FINAL PATIENT ROOM NUMBERING.

NEW WORK PLAN @
LOWER LEVEL FLOOR PLAN
A2.01 SCALE: 1/8" = 1'-0"



FINISH SCHEDULE:	1. COMMERCIAL CARPET 2. VINYL WALL TO WALL 3. CERAMIC TILE 4. QUARRY TILE 5. POLYURETHANE PAINTED 6. LAMINATED HARDWOOD
FLOOR	
BASE	1. MATCH EXIST. BASE 2. CERAMIC BASE 3. CARPET BASE 4. VINYL BASE
WALL	1. MATCH EXIST. WALL 2. EXPOSED BRICK (PTA.) 3. BRICK (PTA.) 4. BRICK (PTA.) 5. CERAMIC TILE 6. BRICK (TEXTURED)
CEILING	1. MATCH EXIST. CEILING 2. 2X2 LAY-IN TILE 3. 2X2 LAY-IN TILE (PTA.) 4. BRICK (PTA.) 5. BRICK (TEXTURED)
LEGEND	FINISH SCHEDULE SYMBOL CEILING HEIGHT WALL BASE FLOOR

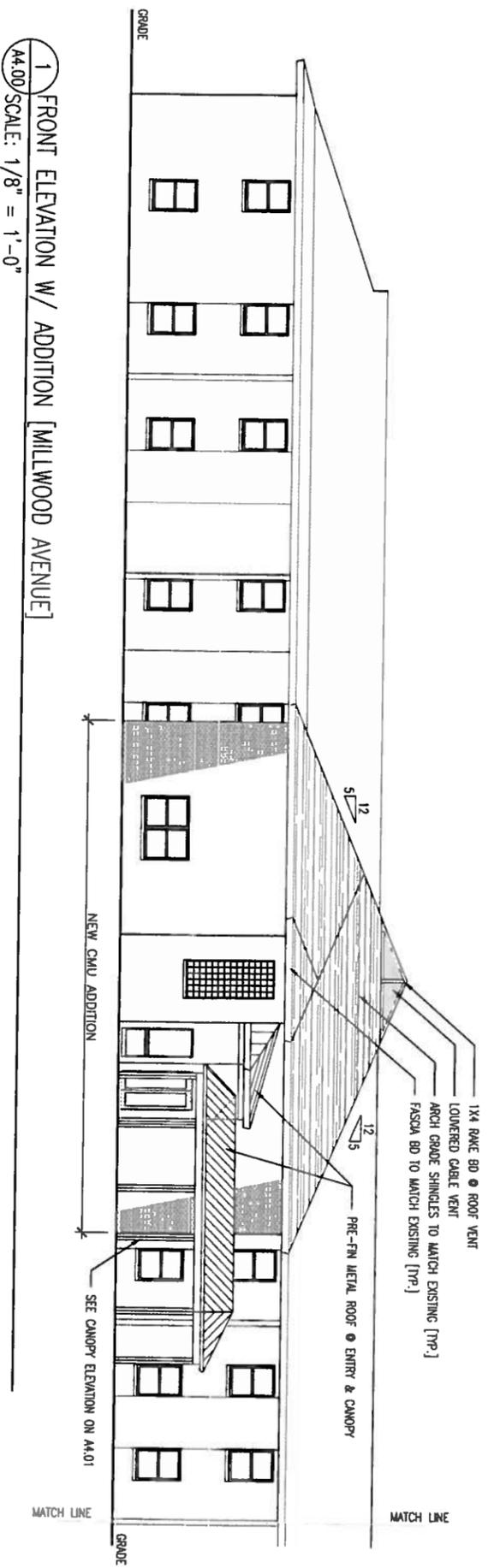
LEGEND

- EXIST. CAST WALL
- EXIST. WALLS
- NEW WALLS
- BRICK EXIST. ONE
- ROOMS AND AREAS NOT IN CONTRACT

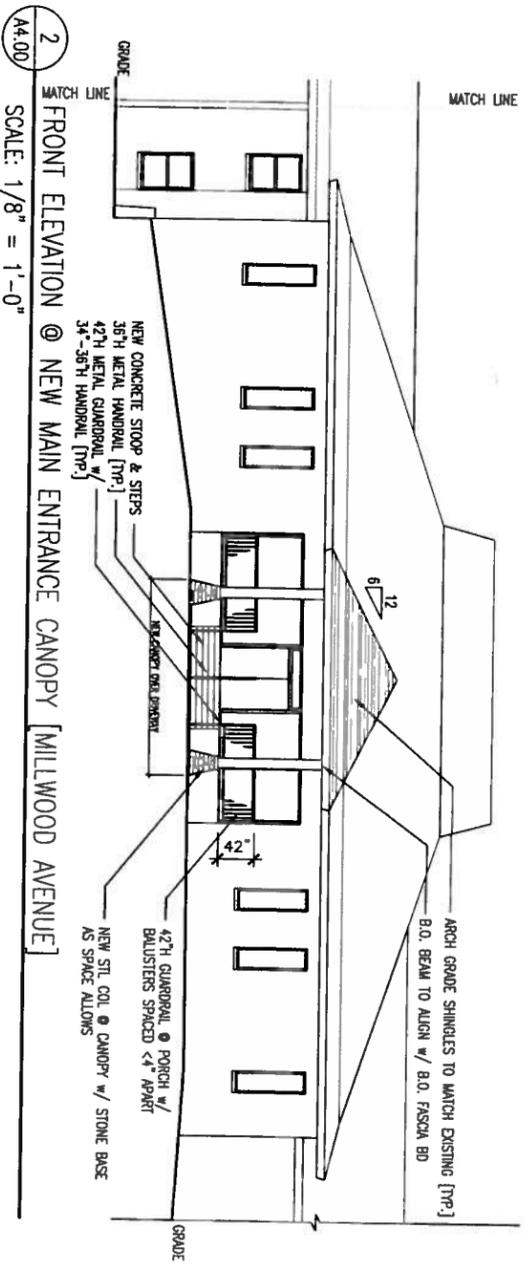
<p>CLIENT INFORMATION: EVERGREEN HEALTH & REHABILITATION CENTER ADDRESS: 380 MILLWOOD AVENUE WINCHESTER, VA 22601</p>	<p>SHEET TITLE: FLOOR PLAN @ LOWER LEVEL</p> <p>PROJECT NAME: EVERGREEN Renovation of Wing 1 & 3</p>	<p>PROJECT NUMBER: 1302</p> <p>DRAWN BY: TWN</p> <p>CHECKED BY: DC</p> <p>REVISIONS: </p> <p>1) 2) 3) 4) 5) 6) 7) 8) 9) 10) 11) 12) 13) 14) 15) 16) 17) 18) 19) 20) 21) 22) 23) 24) 25) 26) 27) 28) 29) 30) 31) 32) 33) 34) 35) 36) 37) 38) 39) 40) 41) 42) 43) 44) 45) 46) 47) 48) 49) 50) 51) 52) 53) 54) 55) 56) 57) 58) 59) 60) 61) 62) 63) 64) 65) 66) 67) 68) 69) 70) 71) 72) 73) 74) 75) 76) 77) 78) 79) 80) 81) 82) 83) 84) 85) 86) 87) 88) 89) 90) 91) 92) 93) 94) 95) 96) 97) 98) 99) 100)</p>
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A2.01

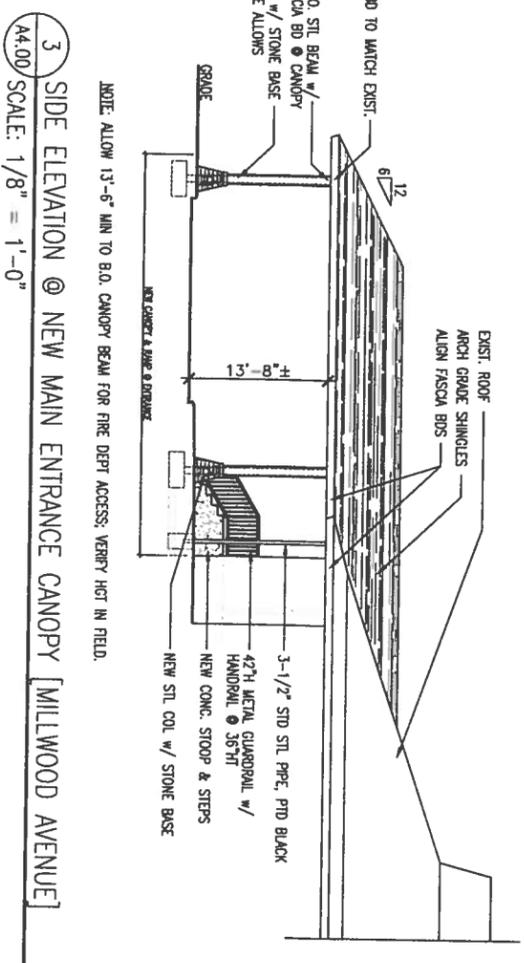
DFC Architects, PC
29 East Boscawen Street (540) 678-0560
Winchester, VA 22601



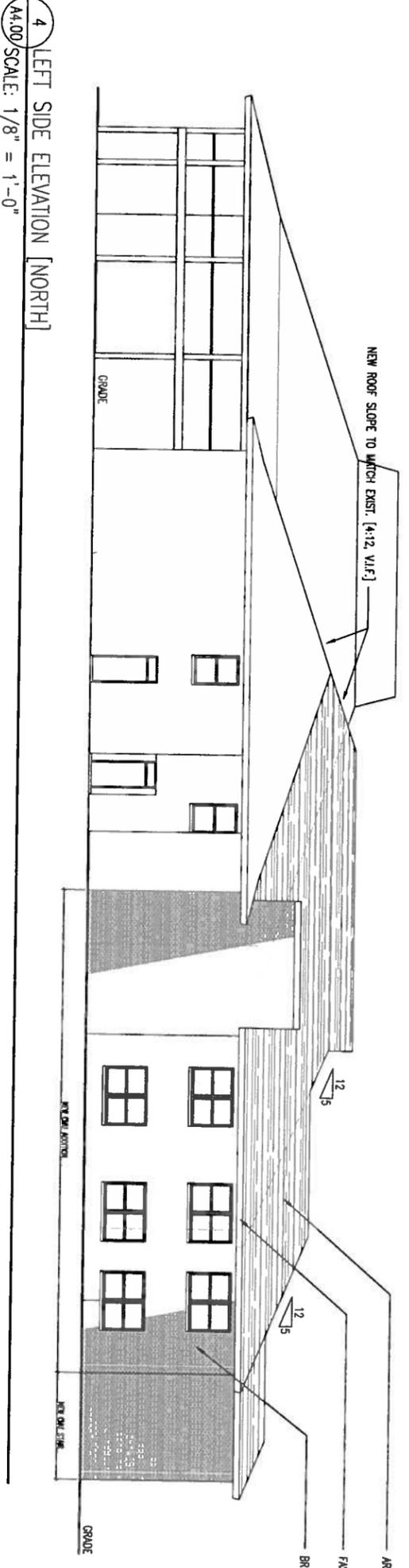
1 FRONT ELEVATION W/ ADDITION [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"



2 FRONT ELEVATION @ NEW MAIN ENTRANCE CANOPY [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"



3 SIDE ELEVATION @ NEW MAIN ENTRANCE CANOPY [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"



4 LEFT SIDE ELEVATION [NORTH]
 A4.00 SCALE: 1/8" = 1'-0"

DFC Architects, PC
 29 East Boscowen Street (540) 678-0560
 Winchester, VA 22601

PROJECT NUMBER:
 1302

DRAWN BY: TWIN
 CHECKED BY: DC

REVISIONS:
 1)
 2)

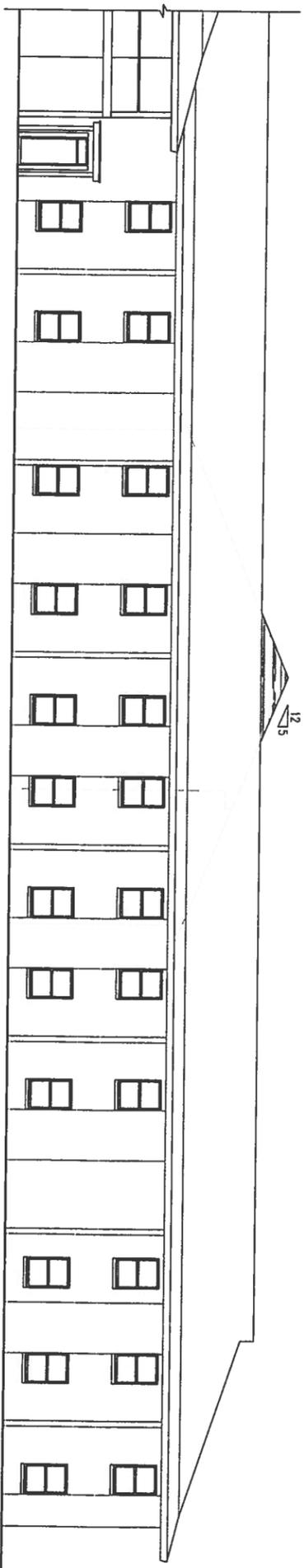
BUILDING ELEVATIONS

EVERGREEN
 Renovation of Wing 1 & 3

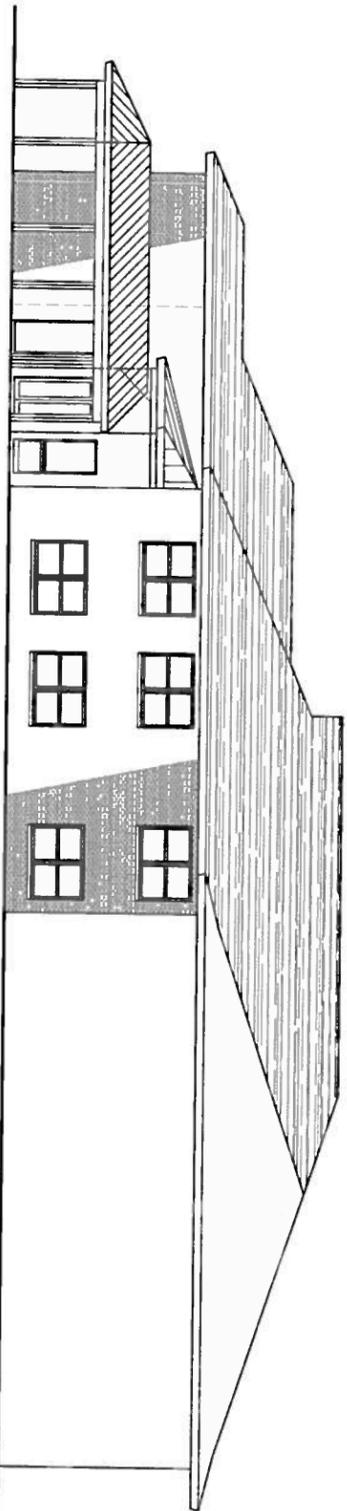
SHEET TITLE:
 PROJECT NAME:

CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER
 ADDRESS:
 380 MILLWOOD AVENUE
 WINCHESTER, VA 22601

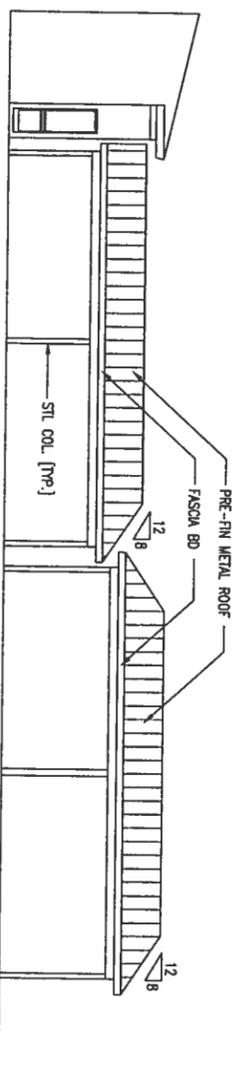
SHEET No.
 07.17.2014
A4.00



1 REAR ELEVATION [EAST]
A4.01 SCALE: 1/8" = 1'-0"



2 LEFT-SIDE ELEVATION @ ADDITION [SOUTH]
A4.01 SCALE: 1/8" = 1'-0"



3 ELEVATION @ NEW WALKWAY CANOPY
A4.01 SCALE: 1/8" = 1'-0"

DFC Architects, PC
29 East Boscawen Street (540) 678-0560
Winchester, VA 22601

PROJECT NUMBER:
1302

DRAWN BY: TWN

CHECKED BY: DC

REVISIONS: Δ

1)

2)

BUILDING ELEVATIONS

SHEET TITLE:

PROJECT NAME:

EVERGREEN
Renovation of Wing 1 & 3

CLIENT INFORMATION:

EVERGREEN HEALTH & REHABILITATION CENTER

ADDRESS

380 MILLWOOD AVENUE
WINCHESTER, VA 22601

07.17.2014

SHEET NO.

A4.01