City Council Work Session

Tuesday, July 28, 2015
7:00 p.m.
Council Chambers – Rouss City Hall

AGENDA

1.0 Call to Order

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

3.0 Items for Discussion:

3.1 Presentation: 2015 Winchester National Historic District Expansion – Tim Youmans, Planning Director (pages 2-21)

3.2 O-2015-15: AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES WITH A CONDITIONAL USE PERMIT. *(Amendment will establish provisions to allow for conversion of nonresidential ground floor space to residential use with a conditional use permit in the B-2 district)* TA-15-289 – Aaron Grisdale, Director of Zoning & Building Inspections (pages 22-26)

3.3 O-2015-16: AN ORDINANCE AMENDING SECTION 13-1-5 PUD OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre if the project meets established design criteria.)* TA-15-323 – Aaron Grisdale, Director of Zoning & Building Inspections (pages 27-42)

4.0 Adjournment

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 7/28/15 (Work session) **CUT OFF DATE:** 07/22/15

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

ITEM TITLE: Presentation on 2015 Winchester National Historic District Expansion

STAFF RECOMMENDATION: NA

PUBLIC NOTICE AND HEARING: DHR conducts a public hearing in advance of the Sept 17th State Review Board meeting. The public hearing is tentatively scheduled for the 2nd week of August at City Hall.

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Work on the nomination was already completed using CLG grant funds awarded by DHR along with a small local match previously approved by City Council.

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. City Attorney			7/22/2015
2. City Manager			22 July 2015
3. Clerk of Council			

Initiating Department Director's Signature: _____ 7/17/15
(Planning Dept)

CITY ATTORNEY'S OFFICE
Received
JUL 20 2015
8:00 AM
WINCHESTER, VA

APPROVED AS TO FORM:
7/22/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: July 20, 2015

Re: **Presentation on 2015 Winchester National Historic District Expansion**

THE ISSUE:
Presentation on the 2015 Winchester National Historic District Expansion. The Virginia Department of Historic Resource (DHR) will conduct a public hearing in advance of the September 17th State Review Board meeting. The public hearing is tentatively scheduled for the 2nd week of August at City Hall.

RELATIONSHIP TO STRATEGIC PLAN:
Goal # 1: Encourage Sustainable Economic Growth and Partnerships through Business and Workforce Development

BACKGROUND:
See attached materials.

BUDGET IMPACT:
N/A

OPTIONS:
N/A

RECOMMENDATIONS:
N/A

Winchester Historic District Expansion Area
City of Winchester, Virginia
VDHR File Number 138-0042

Page 1 of 5

Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 9, 2015
DRAFT

Winchester Historic District Expansion Area
City of Winchester, Virginia
VDHR File Number 138-0042

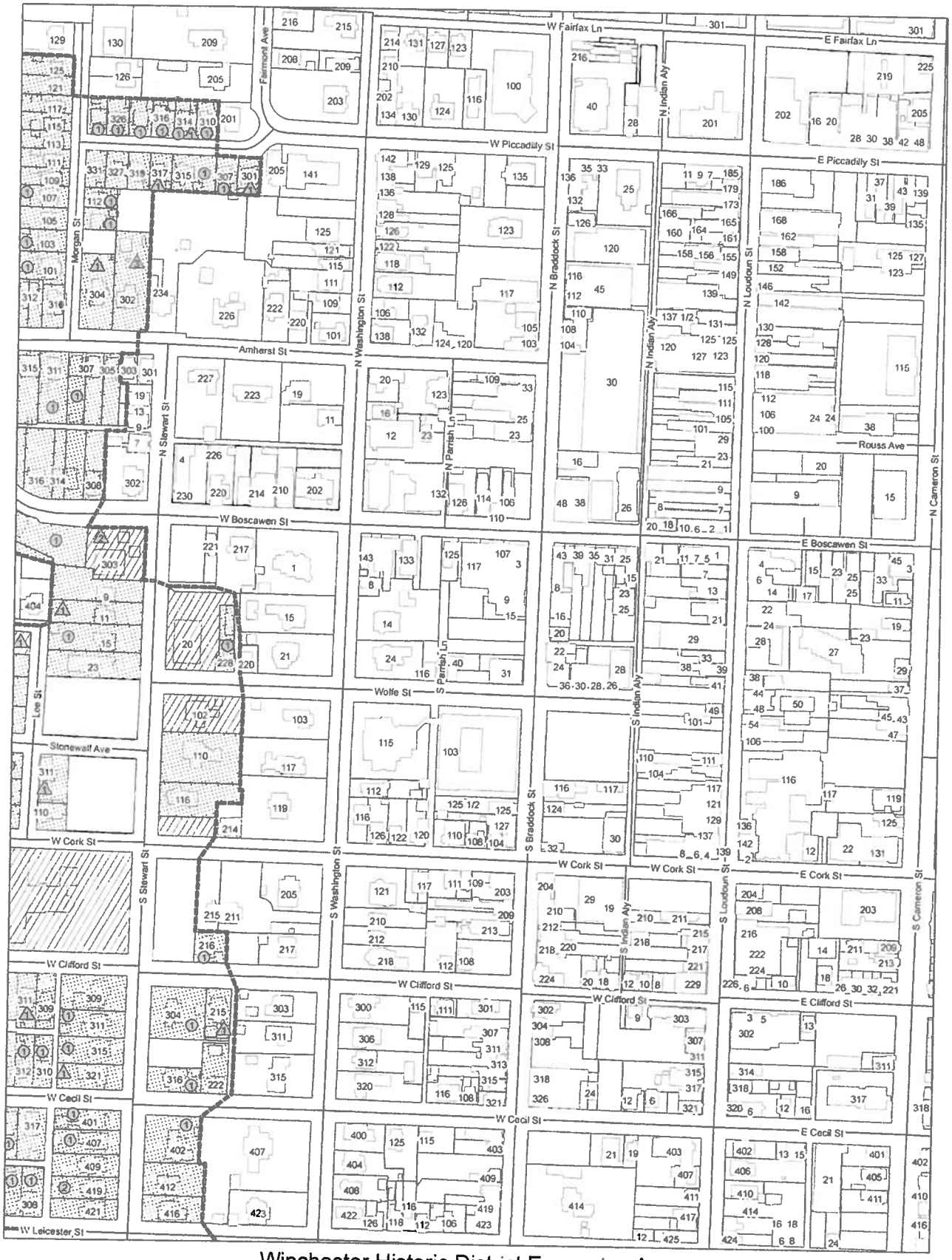
Page 2 of 5

Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet

1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 9, 2015
DRAFT



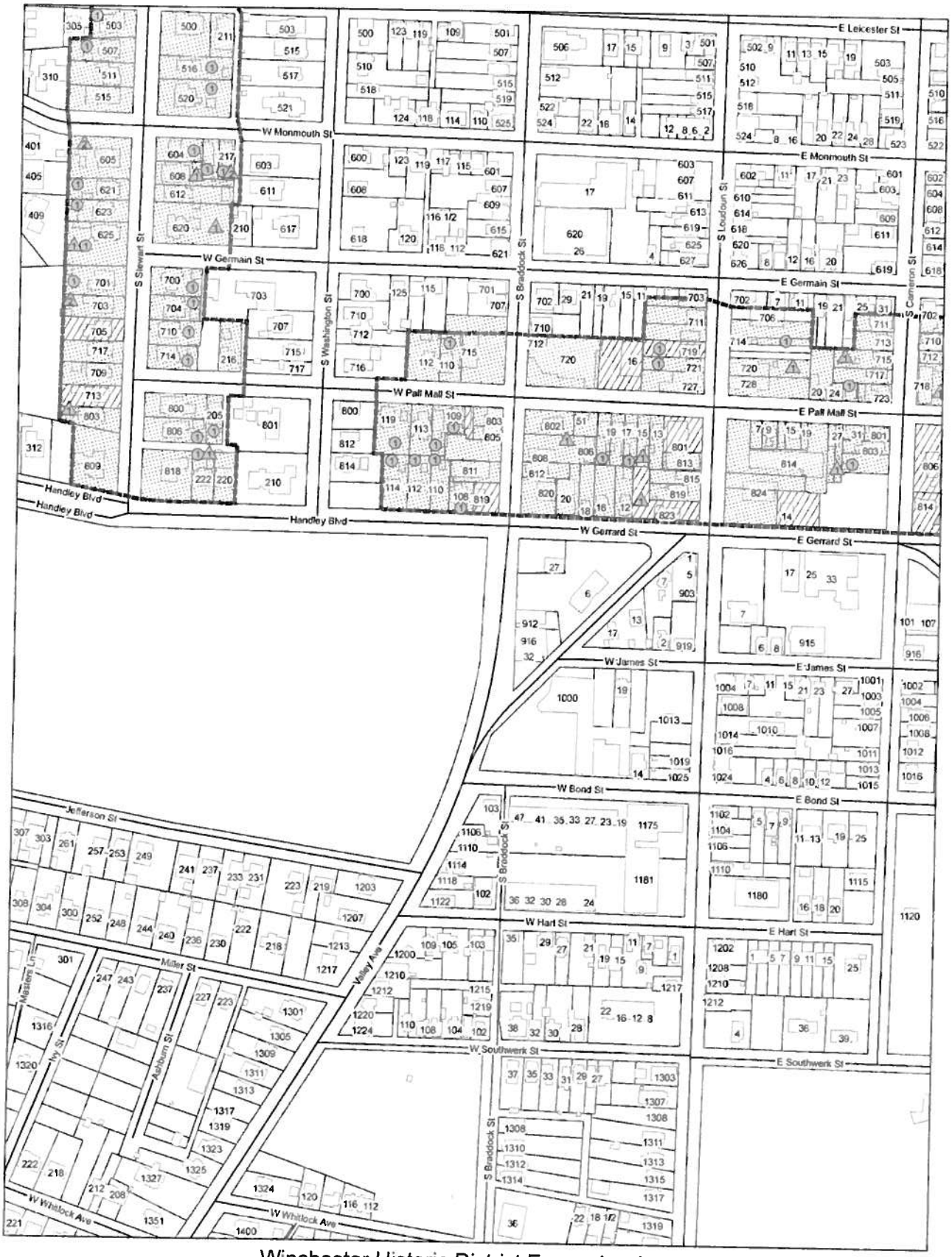
Winchester Historic District Expansion Area
City of Winchester, Virginia
VDHR File Number 138-0042

- Contributing Secondary Resource
- Non-Contributing Secondary Resource
- Proposed National Historic Expansion Area
- Contributing (primary resource)
- Non-contributing (primary resource)

0 100 200 400 Feet

1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 9, 2015
DRAFT



Winchester Historic District Expansion Area
City of Winchester, Virginia
VDHR File Number 138-0042

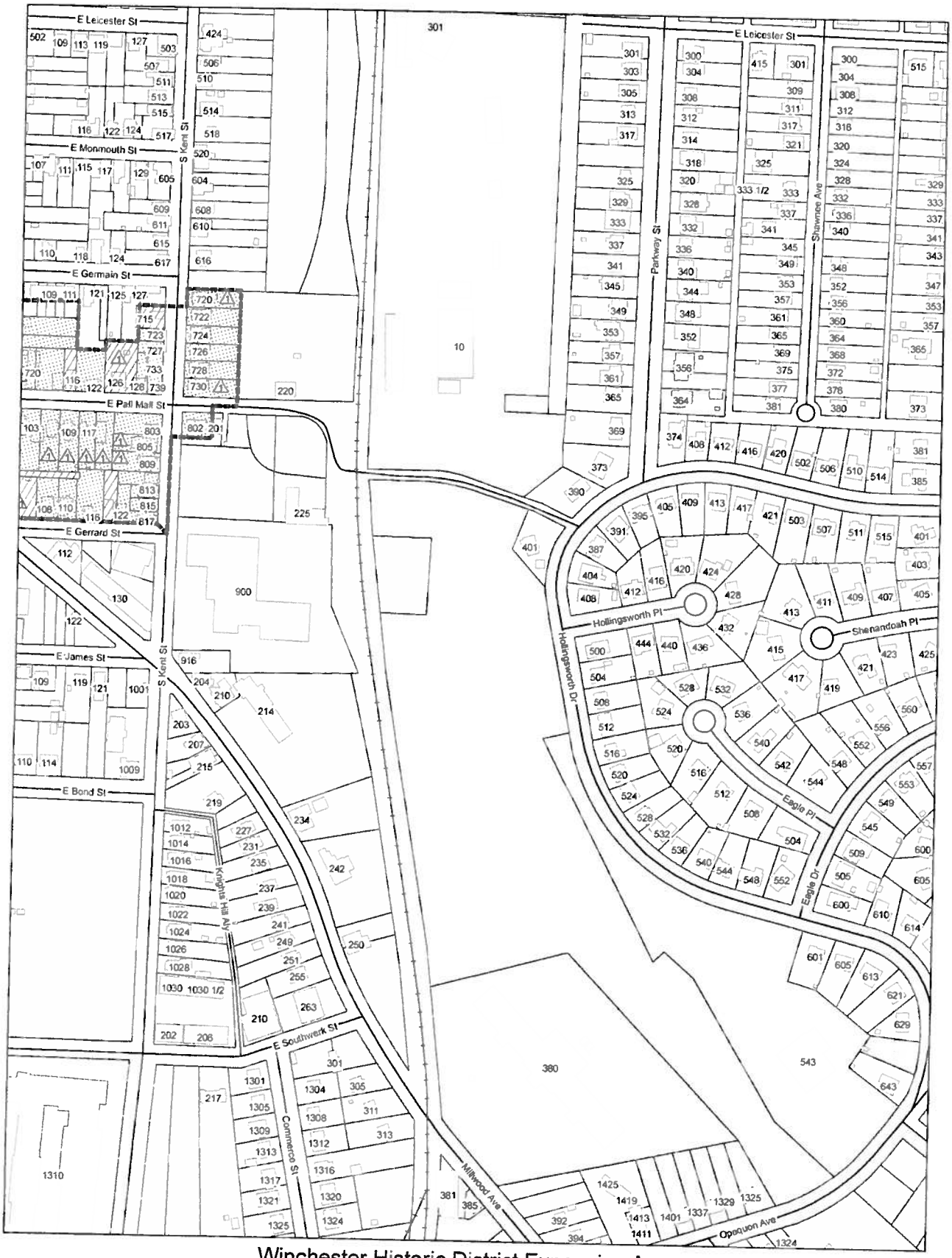
Page 4 of 5

Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet

1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 9, 2015
DRAFT



Winchester Historic District Expansion Area
City of Winchester, Virginia
VDHR File Number 138-0042

Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 9, 2015
DRAFT

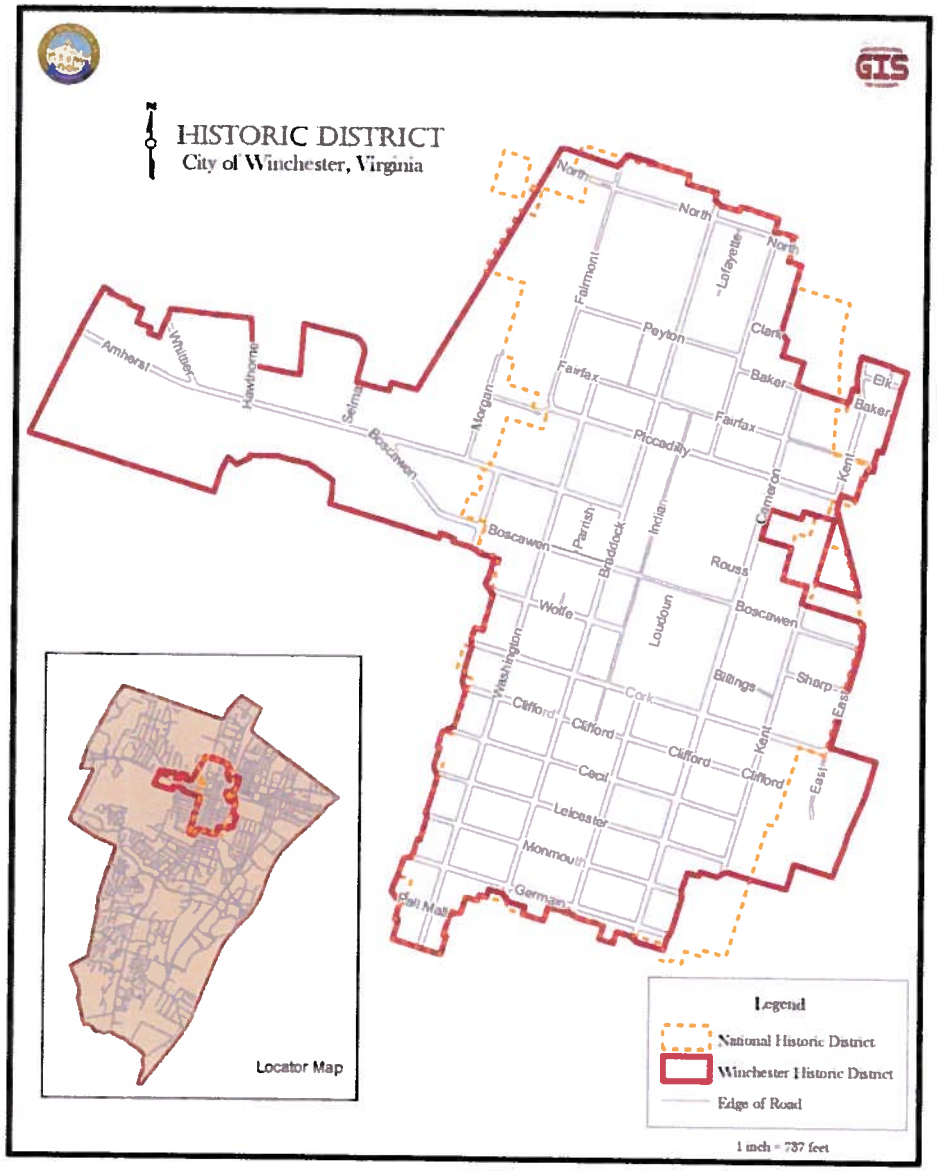
City of Winchester

2015 Winchester National Historic District Expansion

Winchester National Historic District Overview

- Original National District established in 1979
- Included area of the original town from 1744, 1752, 1758, and 1759
- Two Main Additions proposed for 2015 expansion
  - A) Amherst St./W. Boscawen St. & S. Stewart (Old Hospital)
  - B) Pall Mall St from S. Kent to S. Washington St.

Current National Historic District



3

National Historic District vs Local Historic District

- This proposed expansion <u>would not</u> alter the local district
- Owners in this proposed expansion <u>would not</u> be subjected to seeking a Certificate of Appropriateness from the Board of Architecture Review for exterior changes.
- Qualifies property owners within the national district to apply for State and Federal Tax Credits

Map 1

Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 1 of 5

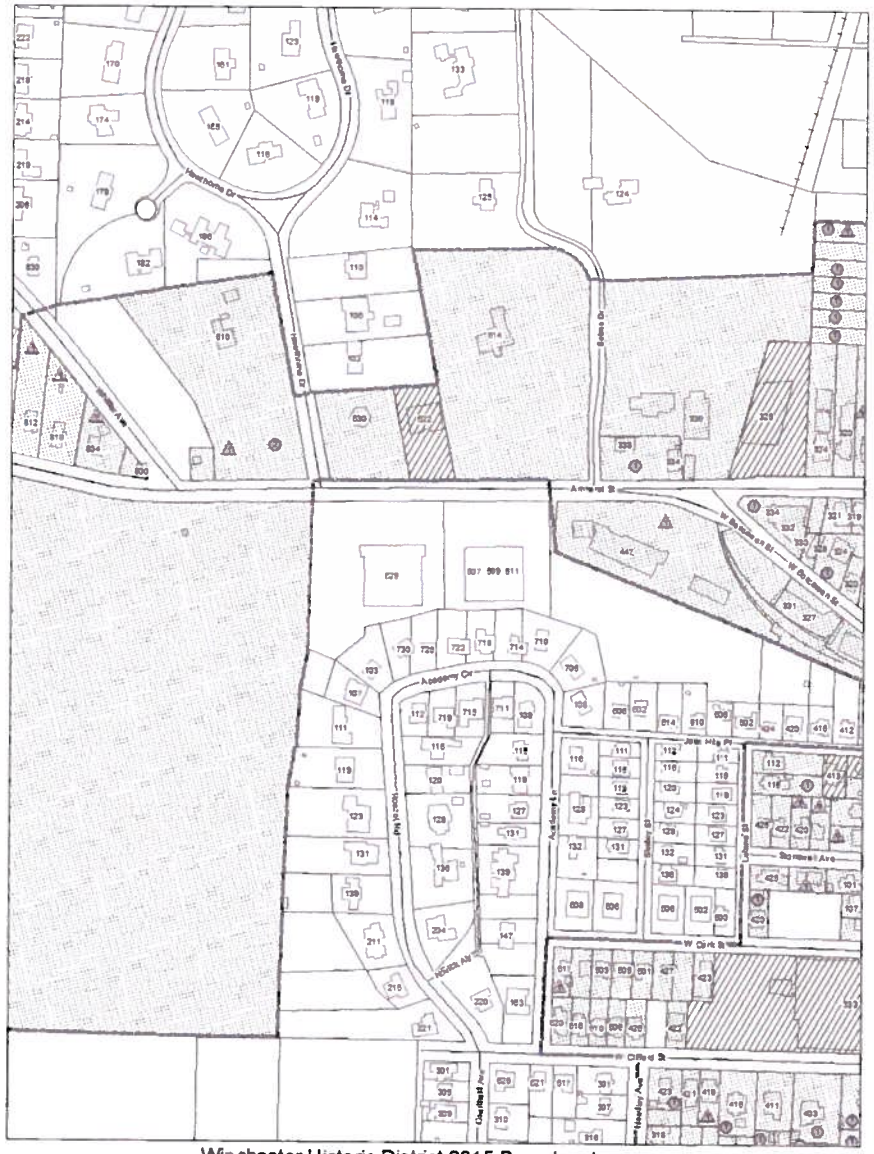
Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 22, 2015
DRAFT

5

Map 2



Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 2 of 6

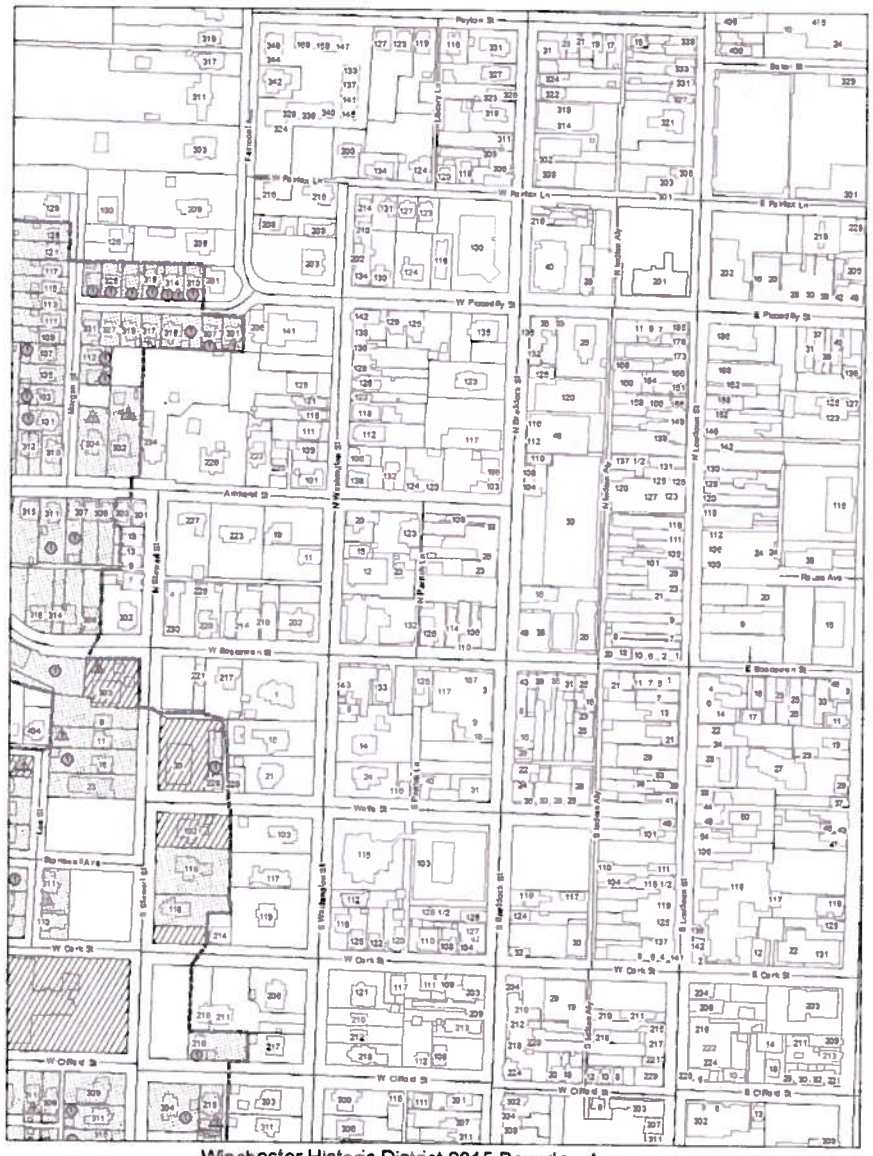
Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 22, 2015
DRAFT

6

Map 3



Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 3 of 6

- Contributing Secondary Resource
- Non-Contributing Secondary Resource
- Proposed National Historic Expansion Area
- Contributing (primary resource)
- Non-contributing (primary resource)

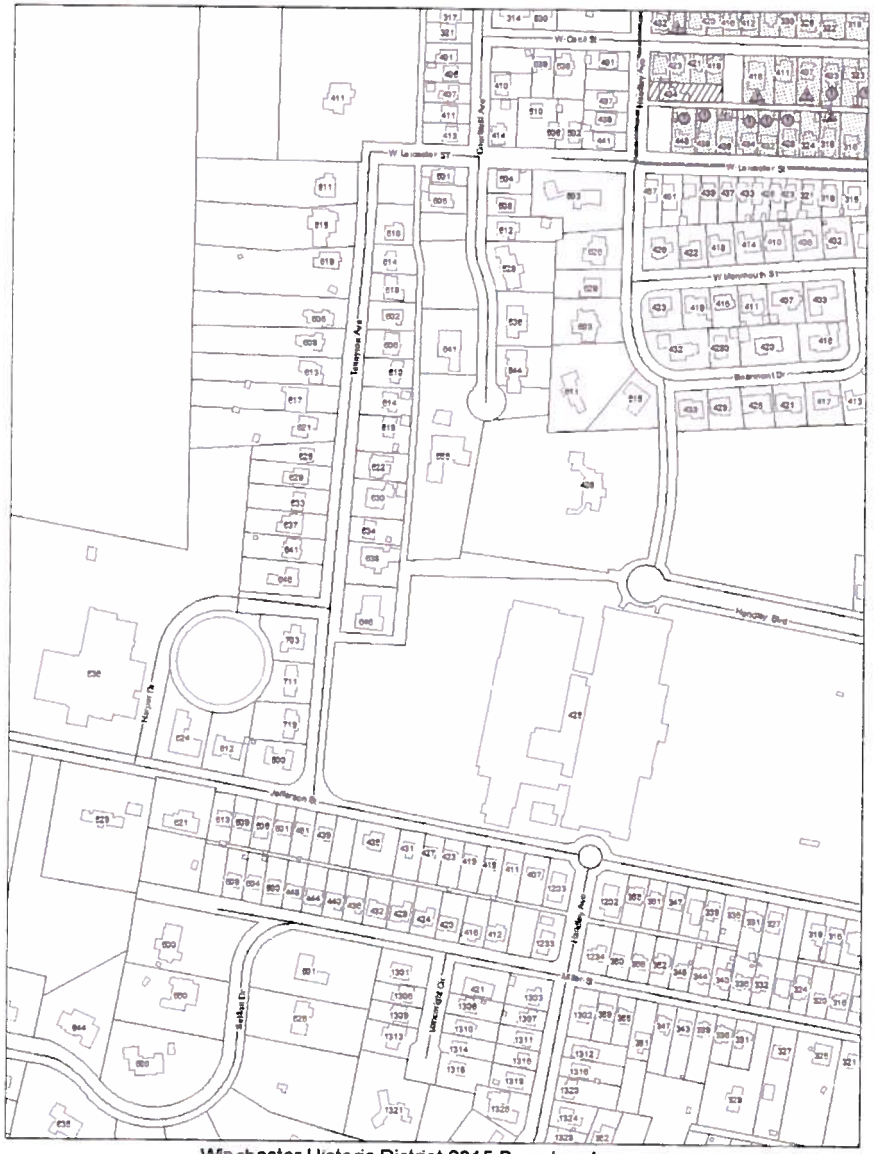
0 100 200 400 Feet

1 inch = 200 feet

Produced by City of Winchester GIS
15 N Cameron St
Winchester VA 22601
July 22, 2013
DRAFT

7

Map 4



Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 4 of 6

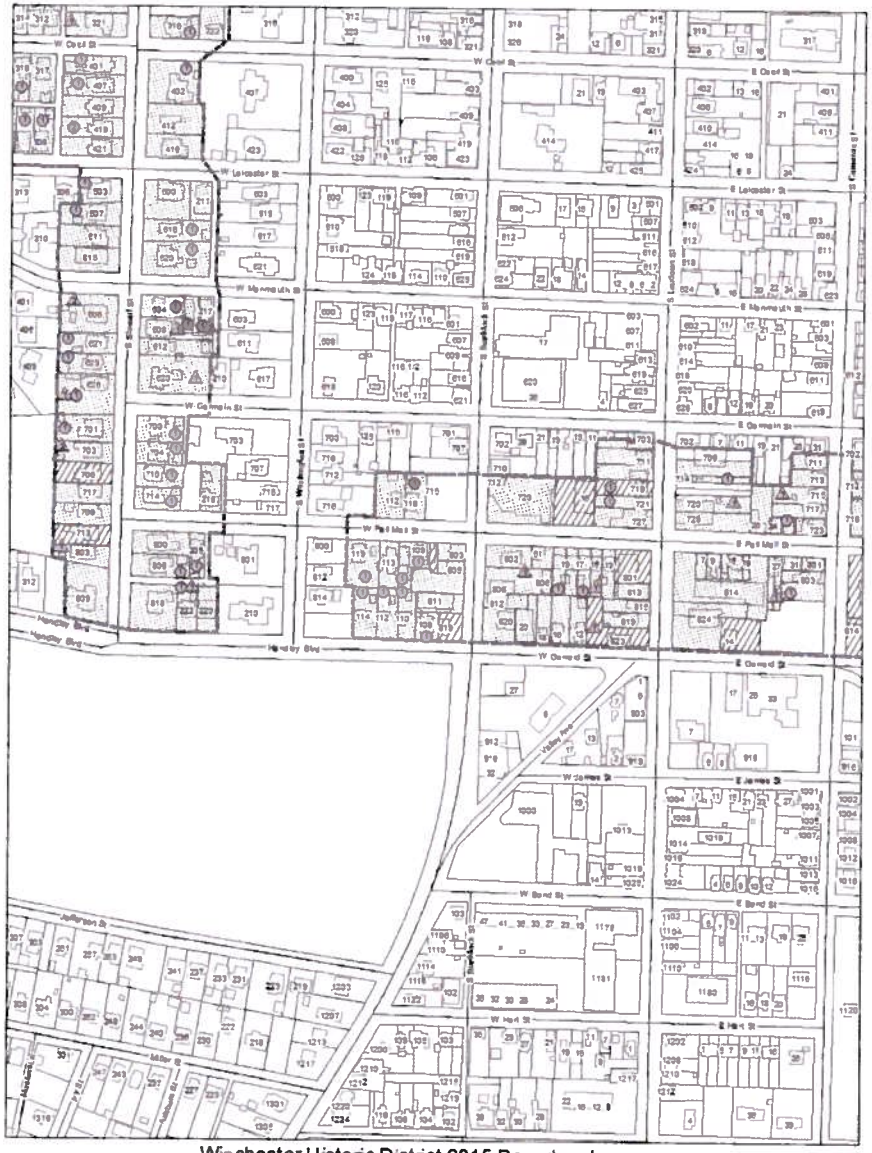
Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 23, 2015
DRAFT

8

Map 5



Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 5 of 6

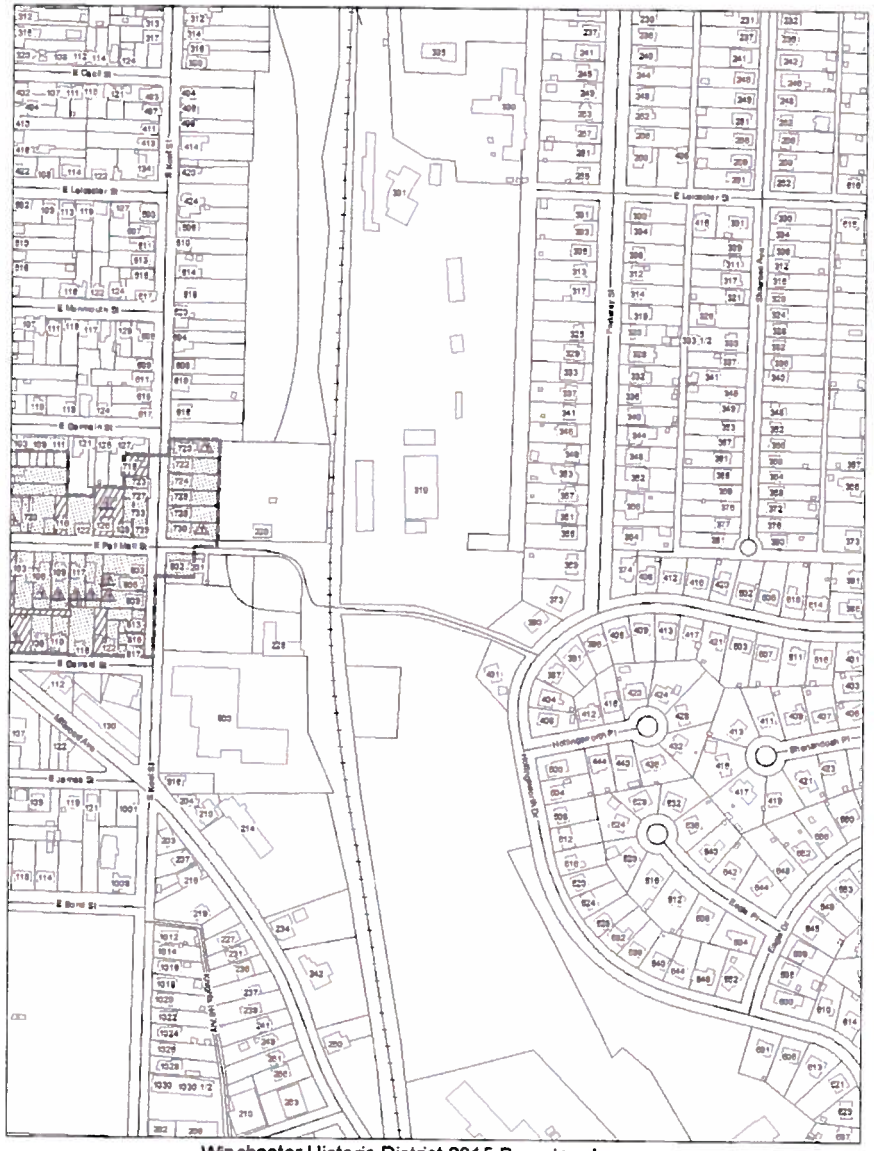
Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester, VA 22601
July 22, 2019
DRAFT

9

Map 6



Winchester Historic District 2015 Boundary Increase
City of Winchester, Virginia
VDHR File Number 138-0042

Page 6 of 6

Contributing Secondary Resource
Non-Contributing Secondary Resource
Proposed National Historic Expansion Area
Contributing (primary resource)
Non-contributing (primary resource)

0 100 200 400 Feet
1 inch = 200 feet

Produced by: City of Winchester GIS
15 N Cameron St
Winchester VA 22601
July 22, 2015
DRAFT

10

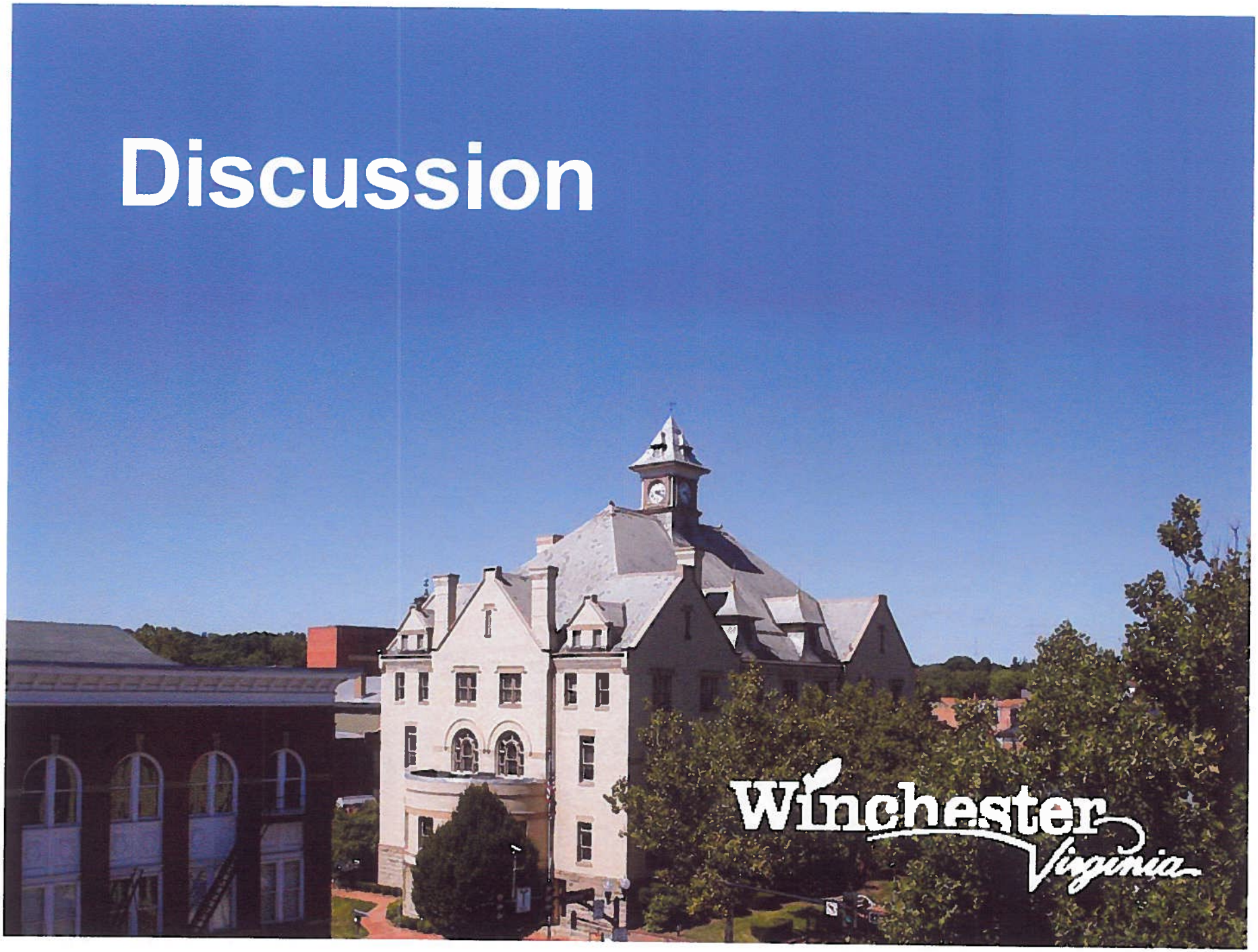
Number of Resources Within Expansion Area

Residential Type	Contributing Structure	Noncontributing Structure
Buildings	389	100
Sites	2	0
Structures	3	2
Objects	1	0
Total	**395**	**102**

Timeline

- City Council Work session – July 28th
- DHR Public Hearing – August 12th
- DHR State Review Board Meeting – September 17th
- Decision for State & Federal Designation – Early November

Discussion



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 7/28/15 (Work Session), 8/11/15 (1st Reading) 8/25/15 (2nd Reading/Public Hearing) **CUT OFF DATE:** 7/22/15

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

ITEM TITLE:
TA-15-289 AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES *(Amendment will establish provisions to allow for conversion of nonresidential ground floor space to residential use with a conditional use permit in the B-2 district).*

STAFF RECOMMENDATION:
Adopt the text amendment.

PUBLIC NOTICE AND HEARING:
Public hearing required with 2nd reading on 8/25/2015.

ADVISORY BOARD RECOMMENDATION:
Planning Commission forwarded with favorable recommendation on a 5-1 vote.

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Planning Director	JKC		7/22/15
2. City Attorney			7/22/2015
3. City Manager			22 July 2015
4. Clerk of Council			

Initiating Department Director's Signature: _____ 7/22/15
(Zoning and Inspections)

CITY ATTORNEY'S OFFICE Received JUL 2 2 2015 WINCHESTER, VA

APPROVED AS TO FORM: _____ 7/22/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Aaron Grisdale, Director of Zoning & Inspections AMG

Date: July 28,2015

Re: **TA-15-289** AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES WITH A CONDITIONAL USE PERMIT..

THE ISSUE:
This is a publicly initiated Zoning Ordinance text amendment to allow for limited ground floor residential dwelling units in the B-2 district. Presently the B-2, Highway Commercial district, allows for the establishment of multifamily dwelling units with a conditional use permit, provided: 1) the development is part of a quality mixed use project, 2) there are no more than two (2) bedrooms, and 3) the dwelling units are not on the ground floor.

Staff has received inquiries from the development community about whether there would be City interest in modifying the Zoning Ordinance to allow for limited opportunities for establishment of multifamily dwelling units on the ground floor. These units would only be allowed with approval of a conditional use permit and if the project meets the following characteristics:

1) A determination is made that the proposed multifamily use is as suitable as or preferable to other permitted uses on the ground floor.
2) No units are situated facing a major commercial street as determined by the Planning Director.
3) The dwelling units are proposed as part of a redevelopment of an existing structure.

RELATIONSHIP TO STRATEGIC PLAN:
Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the City.

BACKGROUND:
See attached staff report

BUDGET IMPACT:
N/A

OPTIONS:

1. Adopt the Text Amendment
2. Adopt the Text Amendment with modifications
3. Decline to adopt the Text Amendment

RECOMMENDATIONS:
The Planning Commission recommended approval on a 5-1 vote.

TA-15-289 AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES

REQUEST DESCRIPTION

This is a publicly initiated Zoning Ordinance text amendment to allow for limited ground floor residential dwelling units in the B-2 district. Presently the B-2, Highway Commercial district, allows for the establishment of multifamily dwelling units with a conditional use permit, provided: 1) the development is part of a quality mixed use project, 2) there are no more than two (2) bedrooms, and 3) the dwelling units are not on the ground floor.

Staff has received inquiries from the development community about whether there would be City interest in modifying the Zoning Ordinance to allow for limited opportunities for establishment of multifamily dwelling units on the ground floor. These units would only be allowed with approval of a conditional use permit and if the project meets the following characteristics:

1) A determination is made that the proposed multifamily use is as suitable as or preferable to other permitted uses on the ground floor.

2) No units are situated facing a major commercial street as determined by the Planning Director.

3) The dwelling units are proposed as part of a redevelopment of an existing structure.

As demonstrated at recent projects, such as the Coca Cola Plant rehabilitation, it is possible to establish ground floor residential by-right in the B-2 district, with a rezoning action establishing a PUD overlay. During the rezoning review there are qualitative checks on the proposal including the submittal of a development plan and building elevations. This proposal of allowing ground floor residential with a CUP in the B-2 district will still have qualitative checks on any proposal. Such applications would need to explain how any potential negative impacts are being mitigated, its conformance with the Comprehensive Plan, as well as including building elevations and floor plans of the proposal. With this additional information the Planning Commission and City Council can make more informed decisions about the quality of the proposed request and better evaluate potential impacts.

STAFF COMMENTS

Staff believes that this proposal is consistent with good planning practice and will provide opportunities of redevelopment of existing structures when the proposal is part of a quality mixed use development.

RECOMMENDATION

At their July 21, 2015 meeting, the Planning Commission forwarded TA-15-289 on a 5-1 vote with a favorable recommendation because the amendment, as proposed, represents good planning practice by providing for expanded residential opportunities consistent with Council's Strategic Plan and the City's Comprehensive Plan.

RESOLUTION INITIATING AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES

TA-15-289

WHEREAS, the Highway Commercial district presently allows for multifamily dwelling units with a conditional use permit when the units are not located on the ground level; and,

WHEREAS, the City's Comprehensive Plan encourages quality mixed use developments, including the establishment of opportunities for new mixed-income and mixed dwelling type residential uses that incorporate the quality design principles of New Urbanism; and,

WHEREAS, it is the interest of the City to provide additional opportunities for property owners and developers to craft creative adaptive reuse scenarios of existing structures, which may include the conversion of existing ground floor spaces to residential dwelling units on a limited basis;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby initiates the following text amendment:

AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES

TA-15-289

Draft 1 – 5/19/2015

Ed. Note: The following text represents an excerpt of Article 8 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 8

HIGHWAY COMMERCIAL DISTRICT B-2

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

8-2-19 Multifamily and Condominium dwellings, subject to the following: (9/13/05, Case TA-05-02, Ord. No. 025-2005; 2/10/09, Case TA-08-13, Ord. No. 2009-05)

The intent of this provision is to encourage quality mixed use development, particularly in areas served by public transportation. In this case, permitted B-2 commercial uses shall be limited to the following: Banks and financial uses, convenience and services establishments, laundromats, dry cleaners where dry cleaning is done off premises, repair services or businesses excluding auto or truck repair, art galleries, retail stores, general and medical offices, physical fitness and martial arts establishments, bakeries, and restaurants, excluding nightclub use.

a. A maximum of eight dwelling units per building, however, any two buildings may be connected by a common elevator;

b. No dwellings shall have more than two (2) bedrooms~~ nor be situated on the ground level~~;

c. Building entrances and off-street parking areas serving dwelling units should be oriented to the side or rear of the property;

d. Density shall not exceed one (1) dwelling unit for each 3500 square feet of the Total Project Area, except where dwelling units are certified by the standards outlined in the United States Green Building Council LEED® for Homes program; and, with each dwelling unit having no more than two (2) bedrooms, the following Density Adjustment shall be applied: (3/11/09, Case No.TA-08-12, Ord. No. 2009-10)

Level of Certification	Bonus Factor
Certified	.05
Silver	.10
Gold	.15
Platinum	.20

e. The absolute minimum floor area per dwelling unit in each building used for this purpose shall be as follows: seven hundred (700) square feet for efficiency & one (1) bedroom units; and nine hundred (900) square feet for two (2) or more bedrooms.

f. **No dwelling units shall be located on the ground floor unless:**

1) **City Council makes a determination that multifamily use is as suitable as or preferable to other permitted uses on the ground floor,**

2) **No units are situated facing a major commercial street as determined by the Planning Director, and**

3) **The dwelling units are proposed as part of a redevelopment of an existing structure. Ground floor dwelling units shall not be permitted in new structures.**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 7/28/15 (Work Session), **CUT OFF DATE:** 7/22/15
8/11/15 (1st Reading) 8/25/15 (2nd Reading/Public Hearing)

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

ITEM TITLE:
TA-15-323 AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. *(Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre if the project meets established design criteria.)*

STAFF RECOMMENDATION:
Modify and adopt the text amendment incorporating staff's recommendations.

PUBLIC NOTICE AND HEARING:
Public hearing required with 2nd reading on 8/25/2015.

ADVISORY BOARD RECOMMENDATION:
Planning Commission forwarded with an unfavorable recommendation on a 5-1 vote.

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Planning Director	JRC		7/22/15
2. City Attorney			7/22/2015
3. City Manager			22 July 2015
4. Clerk of Council			

Initiating Department Director's Signature: _____ 7/22/15
(Zoning and Inspections)

CITY ATTORNEY'S OFFICE Received JUL 22 2015 WINCHESTER, VA

APPROVED AS TO FORM: _____ 7/22/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Aaron Grisdale, Director of Zoning and Inspections AMG

Date: July 28, 2015

Re: **TA-15-323** - AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre if the project meets established design criteria.)*

THE ISSUE:
Modify existing Planned Unit Development density provisions to allow for developers to apply obtaining density bonuses with a rezoning through Council for up to 27 units per acre.

RELATIONSHIP TO STRATEGIC PLAN:
Goal 1 – Encourage Economic Growth
Goal 2 – Promote and accelerate revitalization of targeted areas throughout the city.

BACKGROUND:
This is a privately sponsored zoning ordinance text amendment to amend the Planned Unit Development provisions in Article 13 and include density bonuses if projects meet certain desired development criteria. The provisions are fashioned similar to the density bonus provisions available for multifamily development in the B-1 (Central Business) district, mainly situated in Old Town.

The amendment would allow for a developer when requesting a rezoning for Planned Unit Development Overlay to include within their proposal a request for the density bonuses. Only the highest quality and most desirable projects that are consistent with the bonus standards should be considered for density bonuses. Council would retain discretion of whether such bonuses should be granted during the rezoning process as part of the project's evaluation of potential traffic and fiscal impacts, consideration of the Comprehensive Plan, etc.
(Full staff report attached).

BUDGET IMPACT:
No funding is required.

OPTIONS:
- Adopt the text amendment
- Adopt the text amendment with modifications
- Decline to adopt the text amendment
-

RECOMMENDATIONS:
The Planning Commission recommended denial on a 5-1 vote.

AN ORDINANCE AMENDING SECTION 13-1-5 PUD OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS.

TA 15-323

Draft 2 – (07/20/15)

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are 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 13

PLANNED UNIT DEVELOPMENT

SECTION 13-1 PLANNED UNIT DEVELOPMENT DISTRICT - PUD

13-1-5 DENSITY. The density for a Planned Unit Development may be approved for up to eighteen (18) dwelling units per gross acre, except as provided for in Sections 13-1-5.1 **through 13-1-5.7** below. In determining the density to be allowed, the following shall be considered: anticipated population density; amount and type of open space provided; impact of the proposed density on surrounding residential areas; and the adequacy of the public streets providing access to the proposed development. **Density bonuses may be granted by Council as part of the establishment of a PUD district when such bonuses are incorporated within a development agreement.** (3/11/09, Case TA-08-12, Ord. No. 2009-10; 5/10/11, Case TA-11-66, Ord. No. 2011-10)

13-1-5.1 DENSITY ADJUSTMENT BASED UPON LEED® **OR OTHER RECOGNIZED GREEN BUILDING PROGRAMS, INCLUDING, BUT NOT LIMITED TO, EARTHCRAFT** FOR HOMES CERTIFICATION.

Where dwelling units ~~are certified by the standards outlined in the United States Green Building Council LEED® for Homes program~~ **meet the classification of an energy-efficient building, as provided in Section 58.1-3221.2(B) or (C) of the Code of Virginia**; and, with each dwelling unit having no more than two (2) bedrooms, the following Density Adjustment may be applied: (3/11/09, Case TA-08-12, Ord. No. 2009-10)

Level of Certification	Bonus Factor
Certified	**Up to .15**~~.20~~
Silver	**Up to .25**~~.30~~
Gold	**Up to .35**~~.40~~
Platinum	**Up to .45**~~.50~~

13-1-5.2 **DENSITY ADJUSTMENT BASED UPON ECONOMIC IMPACT.**

The PUD district benefits from a vibrant and economically stable mix of retail, office, and residential uses. In order to achieve this, the following Density Adjustment may be applied:

% of total floor area of site subject to the PUD district in nonresidential use	Bonus Factor
25%	Up to .15
50%	Up to .25

13-1-5.3 **DENSITY ADJUSTMENT BASED UPON RESIDENTIAL AMENITIES.**

Where at least 5% of the resulting residential floor area in a multifamily project is committed to common amenities, as determined by the Planning Director, a Bonus Factor of up to .15 may be applied. Tenant storage space shall not constitute greater than 40% of the required 5% necessary to take advantage of the amenity bonus.

13-1-5.4 **DENSITY ADJUSTMENT BASED UPON AVAILABILITY OF OFF-STREET PARKING.**

Where at least 70% of provided off-street parking is offered in the form of an above ground or below ground structure, a Bonus Factor of up to .15 may be applied. Where at least 80% of provided off-street parking is offered in the form of an above or below ground structure, a Bonus Factor of up to .25 may be applied. Where at least 90% of provided off-street parking is offered in the form of an above ground or below ground structure, a Bonus Factor of up to .35 may be applied. Where 100% of provided off-street parking in the form of an above ground or below ground structure, a Bonus Factor of up to .45 may be applied.

13-1-5.5 **DENSITY ADJUSTMENT BASED UPON ACCESSIBILITY.**

Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator, a Bonus Factor of up to .15 may be applied.

13-1-5.6 **DENSITY BASED UPON NEW URBANISM DESIGN PRINCIPLES WHICH IS NEAR AND/OR IS ORIENTED TOWARDS COLLEGE/UNIVERSITY/MEDICAL CAMPUSES.**

Where a multifamily project is located within the distances provided in Section 18-6-3.1a of a HE-1 or MC zoned, a Bonus Factor of up to .20 may be applied.

13-1-5.7 **DENSITY BASED UPON TRANSIT ORIENTED DEVELOPMENT.**

Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan a Bonus Factor of .20 may be applied.

13-1-5.8 **Density Bonuses may be cumulative, however, notwithstanding what is stated in Sections 13-1-5.1 through 13-1-5.7 above, the maximum Bonus Factor which can be applied shall not exceed one hundred fifty percent (150%) of the base density allowed with a PUD overlay zoning.**

City Council
July 28, 2015

TA-15-323 AN ORDINANCE AMENDING SECTION 13-1-5 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO BONUS INCENTIVES TO INCREASE ALLOWABLE RESIDENTIAL DENSITY FOR PLANNED UNIT DEVELOPMENTS. (*Amendment will establish additional density bonuses and allow for PUD projects to be considered for up to 27 units per acre.)*

REQUEST DESCRIPTION

This is a privately sponsored zoning ordinance text amendment to amend the Planned Unit Development provisions in Article 13 and include density bonuses if projects meet certain desired development criteria. The provisions are fashioned similar to the density bonus provisions available for multifamily development in the B-1 (Central Business) district, mainly situated in Old Town.

The amendment would allow for a developer when requesting a rezoning for Planned Unit Development Overlay to include within their proposal a request for the density bonuses. Only the highest quality and most desirable projects that are consistent with the bonus standards should be considered for density bonuses. Council would retain discretion of whether such bonuses should be granted during the rezoning process as part of the project's evaluation of potential traffic and fiscal impacts, consideration of the Comprehensive Plan, etc.

The proposal includes bonuses that could potential increase the density up to 150% of the maximum density of the PUD district. The existing ordinance language allows for a maximum of up to eighteen (18) dwelling units per acre, and this proposal would allow for certain projects to go up to twenty-seven (27) dwelling units per acre. The PUD density standards were amended in 2011 to change the maximum density from 10 units up to 18 units per acre and to allow up to 55% nonresidential use where it was previously capped at 5% of the development.

In the application materials, the applicant contends that these opportunities to earn additional density bonuses in the PUD district for multifamily projects will lead to an increase in student and young professionals housing for the various areas of Winchester, specifically including around Shenandoah University.

The current proposal, dated July 20, 2015, is the result of many discussions back and forth between the applicant and staff. There are several additional charts and tables at the end of this staff report to help illustrate the proposal.

1) Chart "A" included in your packet illustrates the standards that were originally proposed at the time of submittal compared to the standards and bonuses that are in Draft 2 for your consideration today.
2) Chart "B" analyzes the current updated proposal and includes staff recommendations for the standards and bonuses.
3) Table "C" provides an example calculation of how a developer may attempt to achieve maximum residential density.
4) Diagram "D" is the existing illustration in the Zoning Ordinance pertaining to off-street parking, that is referenced in the proximity threshold for developments in proximity to the HE-1 and MC zoning districts (Section 13-1-5.6)

STAFF COMMENTS

After several discussions and revisions to the proposal, the applicant has modified the bonuses from the original proposal to reflect qualities of a development that are desirable from the New Urbanism design perspective and qualities mentioned in the Comprehensive Plan. The bonuses are cumulative; however, they are capped at a maximum of 150% (.50 bonus factor) of the density of the PUD district, which amounts to a maximum of 27 dwelling units per acre.

The proposed bonuses include, green building construction (such as LEED and EarthCraft), economic impact, dedication of residential amenities, availability of off-street parking, accessibility, proximity to college/medical campus, and transit oriented development.

Overall, staff believes the ordinance amendment has come a long way from the original submittal to be in a form that is more appropriate for consideration, compared to the original submittal. If this amendment is to be adopted, the goal should be for only the highest quality and most desirable projects should be eligible for the maximum density. To achieve this any qualifying project should need to utilize at least 3-4 of the bonus factor areas in order to reach the maximum possible density. This will help incentivize developers to utilize several facets of construction and design that the City has determined as desirable, both in the Zoning Ordinance and the Comprehensive Plan.

With the latest draft of the ordinance amendment, dated July 20, 2015, there are still a few areas where staff has concerns. Most of the concerns are with the bonus factor levels being proposed; staff believes they are too high. Additionally, two of the standards themselves, we believe should be modified. The staff recommended alterations to the ordinance are included in Chart "B."

If this ordinance amendment is adopted, there will not be an immediate impact on the already approved PUD rezonings and development plans approved by Council, specifically pertaining to their allowable density on site. In order for existing projects to qualify for the proposed density bonuses, City Council would need to approve a revision to the development plan and zoning overlay and evaluate the proposal on the specific merits and evaluate potential impacts of the proposal and consistency with the Comprehensive Plan.

RECOMMENDATION

Staff does not recommend favorable action on the ordinance amendment as currently proposed. Some of the bonus category standards should be revised for additional clarity and numerous bonus factors should be lowered to better reflect the intent of this ordinance. However, if Council is comfortable with the recommendations provided by staff, we believe a revised version of this ordinance that incorporates staff's recommendations is consistent with good planning practice and the Comprehensive Plan and should be adopted.

During their discussion at the public hearing on June 21st, the Planning Commission had mixed opinions about the proposed amendment. Some members felt that is was beneficial to have specific outlined goals and standards included in the ordinance for qualifying project to aim for when attempting to achieve higher density. However, a majority of the members were not supportive of the amendment, as proposed, due to a couple factors: the proposed density bonuses were too high and should be more in line with staff's recommendations, and a couple members felt that the proposed bonuses were already implied within the ordinance and this proposal would provide additional bonuses for redundant considerations.

At their June 21st meeting, the Planning Commission forwarded **TA-15-323** on a 5-1 vote recommending denial because the amendment as proposed provides for additional residential densities that are not consistent with good planning practice, and is inconsistent with the Comprehensive Plan.

CHART A – Comparison of Original Proposed Standards/Bonuses vs. Current Proposed Standards/Bonuses

Category	Original Standard	Original Bonus	Current Proposed Standard	Current Proposed Bonus
LEED, EarthCraft, and other Green Building certifications as provided in the Code of Virginia.	Tiered LEED certification bonus	Certified .20 Silver .30 Gold .40 Platinum .50	Tiered bonuses based upon certification level of green building program.	Certified .15 Silver .25 Gold .35 Platinum .45
Economic Impact	25% total floor area is nonresidential 50% of total floor area is nonresidential 75% of total floor area is nonresidential	.25 bonus .50 bonus .75 bonus	25% of total floor area is nonresidential 50% of total floor area is nonresidential	.15 bonus .25 bonus
Residential Amenities	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	.20 bonus	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	.15 bonus
Off-Street Parking Structure	Where off-street parking is offered for multifamily project. If off-street parking is provided in above ground or below ground structure.	___ bonus ___ bonus	Where off-street parking is offered in the form of an above ground or below ground structure. Tiered system of bonuses depending on % of off-street parking provided in structure.	70% in structure .15 80% in structure .25 90% in structure .35 100% in structure .45
Accessibility	Where at least 70% of the upper story dwelling units are accessible by passenger elevator.	.20 bonus	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator.	.15 bonus

CHART A – Comparison of Original Proposed Standards/Bonuses vs. Current Proposed Standards/Bonuses

Category	Original Standard	Original Bonus	Current Proposed Standard	Current Proposed Bonus
Use of New Urbanism and proximity to college/university/medical campus	Where a multifamily project is developed using quality design principles of New Urbanism in higher density housing areas, is oriented to students and possibly includes some mixed uses.	.50 bonus	Where a multifamily project is located within the distances provided in Section 18-6-3.1a of HE-1 or MC zoned parcel.	.20 bonus
Transit Oriented Development	*Not included*	*Not included*	Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan.	.20 bonus

CHART B – Comparison of Current Proposed Standards/Bonuses vs. Staff's Recommended Standards/Bonuses

Category	Standard (Applicant)	Standard - Staff Recommendation	Proposed Bonus (Applicant)	Bonus - Staff Recommendation
LEED, EarthCraft, and other Green Building certifications as provided in the Code of Virginia.	Tiered bonuses based upon certification level of green building program.	Add a catchall provision that allows certifications without tiered levels to have a set bonus factor.	Certified .15 Silver .25 Gold .35 Platinum .45	Certified .10 Silver .15 Gold .20 Platinum .25 Others .15
Economic Impact	25% of total floor area is nonresidential 50% of total floor area is nonresidential	Staff agrees with proposal.	.15 bonus .25 bonus	.15 bonus .25 bonus
Residential Amenities	At least 5% of resulting residential floor area in multifamily project is committed to common amenities	Staff agrees with proposal.	.15 bonus	.15 bonus
Off-Street Parking Structure	Where off-street parking is offered in the form of an above ground or below ground structure. Tiered system of bonuses depending on % of off-street parking provided in structure.	Staff agrees with proposal.	70% in structure .15 80% in structure .25 90% in structure .35 100% in structure .45	70% in structure .10 80% in structure .15 90% in structure .20 100% in structure .25
Accessibility	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator.	Where all of the upper story dwelling units in a multifamily project are accessible by passenger elevator. Where 100% of ground floor dwelling units incorporate universal design.	.15 bonus	.05 bonus .05 bonus

CHART B – Comparison of Current Proposed Standards/Bonuses vs. Staff's Recommended Standards/Bonuses

Category	Standard (Applicant)	Standard - Staff Recommendation	Proposed Bonus (Applicant)	Bonus - Staff Recommendation
Use of New Urbanism and proximity to college/university/medical campus	Where a multifamily project is located within the distances provided in Section 18-6-3.1a of HE-1 or MC zoned parcel.	Staff agrees with proposal.	.20 bonus	.15 bonus
Transit Oriented Development	Where a multifamily project is developed in a location that is within 300 feet of a City transit stop, within 300 feet of the Green Circle Trail, or within 300 feet of an extension provided within a MPO adopted plan.	Staff agrees with proposal.	.20 bonus	.15 bonus
** Both the applicant and staff agree that proposed bonuses should be **up to** the provided level. **				
** Highlighted areas indicate recommended additions/changes by staff **				

Table C – Maximum Density Calculation Examples

Using Applicant Proposed Bonuses		Using Staff's Recommended Bonuses	
Example: 5 acres of land (PUD minimum)		Example: 5 acres of land (PUD minimum)	
5 acres x 18 (max base units / acre) = 90 residential units		5 acres x 18 (max base units / acre) = 90 residential units	
• *Use of EarthCraft Construction (Certified Level)*	.15 bonus	• *Use of EarthCraft Construction (Certified Level)*	.10 bonus
• *90% of parking provided in parking structure*	.35 bonus	• *90% of parking provided in parking structure*	.20 bonus
		• 25% of total floor area is nonresidential	.15 bonus
• *Cumulative bonus*	.50 (.50 maximum bonus)	• 100% of upper units accessible by elevator	.05 bonus
		• *Cumulative bonus*	.50 (.50 maximum bonus)
Bonus density = 90 units x .50 bonus = 45 bonus units		Bonus density = 90 units x .50 bonus = 45 bonus units	
Total density = base density + bonus density		Total density = base density + bonus density	
Total density = 90 units (base) + 45 units (bonus) = 135 total units (27 per acre)		Total density = 90 units (base) + 45 units (bonus) = 135 total units (27 per acre)	

This table illustrates staff's recommendation that the ordinance, if approved, should be designed to incentivize the utilization of 3-4 bonus categories. By incorporating a higher number of the bonus areas, the developer can demonstrate intent to bring forward a project that is of the highest quality design and desirability and meets goals specified in the Comprehensive Plan.

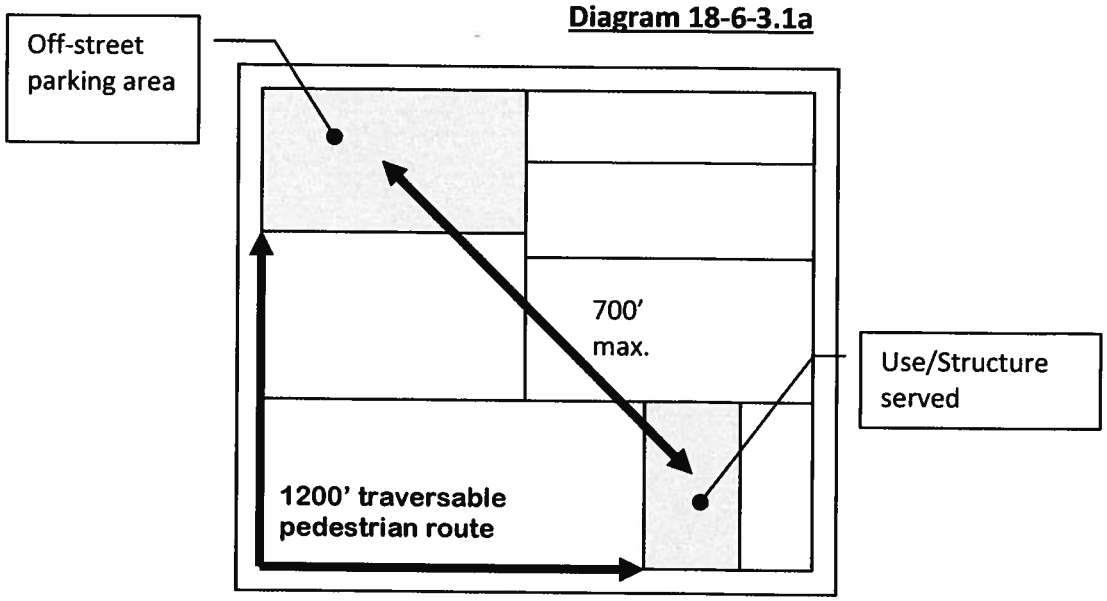
As noted in the left table, under the current proposed ordinance, it is possible to get to the maximum density bonus (.50) using only 2 categories. Staff recommendations, as illustrated in the rightmost table, would require that 3-4 categories be utilized to be eligible for the maximum density bonus.

Diagram D – Reference to Section 18-6-3.1a of the Zoning Ordinance

18-6-3.1 Location of Off-Street Parking Areas. The off-street parking areas required by this Article shall be located on the same lot or parcel of land that they are intended to serve, except as follows: (1/12/93, Case TA-92-03, Ord. No. 001-93; 10/13/09, Case TA-09-89, Ord. No. 2009-27)

a. Off-site spaces shall be within 700 feet of the use or structure served. For the purpose of this requirement, distance from parking spaces to the use or structure served shall be measured in a straight line from the nearest parking space to the use served. However, no space shall be more than 1,200 feet away from the use or structure served as measured along a traversable pedestrian route. ***See diagram 18-6-3.1a.***

Diagram 18-6-3.1a



LAWSON AND SILEK, P.L.C.

120 EXETER DRIVE, SUITE 200
POST OFFICE BOX 2740
WINCHESTER, VA 22604
TELEPHONE: (540) 665-0050
FACSIMILE: (540) 722-4051

THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

July 20, 2015

Timothy Youmans, Planning Director
Aaron M. Grisdale, CZA, Director of Zoning and Inspections
Josh Crump, Planner
City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Re: JDC Winchester LLC -
Ordinance Amendment Application
Our File No. 835.001

VIA E-MAIL

Dear Gentlemen:

This is a follow-up to my telephone conversation of last week with Aaron regarding the text revisions that you sent to me on July 10th.

First, my general comment is that reducing the density bonuses generally is not problematic if an applicant is still able to request, giving the Council the opportunity, if they so choose to grant, a density bonus that is 150% of the existing 18 units per acre. Also in keeping in the category of general comments, however, I do think that revising the text to allow for enhanced density bonuses within the various categories is a good idea. As one Planning Commissioner put it so well, I believe that it is a good idea to incentivize a developer to give more in order for the City Council to consider, and if they so choose to grant, more in terms of density bonuses. With these general comments I provide you comments to the specific sections.

Paragraph 13-1-5.1: I believe that there ought to be enhanced bonus factors as an applicant demonstrates that it moves up (gives more) the level of certification for green building programs. It is interesting to me that both LEED and Earthcraft both use the same certification levels. If there is concern about using certain terms in this ordinance where another energy efficient group may use different terms I would simply add language to the text that confirms that the intent of this ordinance is to grant density bonuses as an applicant demonstrates that it has delivered more energy efficient improvements (certifications) to its development.

Paragraph 13-1-5.4: I would revise this section again on a graduated level to incentivize a

developer. This is to say that there ought to be an increase in density bonuses for every 10% increase up to a maximum of 100% of offstreet parking provided. I would suggest that a table be added to this section so that if there is 70% offstreet parking then Council could award a 0.15 density bonus. If there is an 80%, 90%, 100% offstreet parking provided then the density bonus should also be increased by a graduated amount. By way of suggestion, 0.20, 0.25 and 0.30 should be considered.

Paragraphs 13-1-5.5 and 13-1-5.6: I believe that the bonus for accessibility is for some reason low with a point 0.05. I do know that providing elevators to multi-family has been an important issue for Council, and I would therefore suggest that it ought to at least be provided with a density bonus of 0.15. Once again with Paragraph 13-1-5.6, I believe that this is for some reason very low. It would seem to me that locating multi-family within a certain acceptable distance of either a campus and/or mass transit or Green Circle is a very important factor for Council that ought to be properly incentivized. I would therefore suggest that that be at least a 0.20 density bonus.

Thank you for the opportunity to work together on this text amendment. I do believe that this revised ordinance is a valuable tool that will give future Councils the opportunity to incentivize certain desirable development. Of course, at the end of the day, all this text amendment does is provide an opportunity for Council. If they choose not to do it and not to grant the bonus then they would certainly be well within their rights. By granting this text amendment, there is no by right benefit being granted to any property owner.

I look forward to tomorrow afternoon's hearing for the Planning Commission.

Very truly yours,

Thomas Moore Lawson

TML:jk
cc: JDC Winchester LLC