

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
July 28, 2015
Council Chambers – Rouss City Hall**

PRESENT: Vice-President Milt McInturff; City Councilor Kevin McKannan and William Wiley; Mayor Elizabeth Minor; Councilor Corey Sullivan; Vice-Mayor Les Veach; President John Willingham (7)

ABSENT: Councilor Evan Clark and John Hill (2)

President Willingham called the meeting to order at 8:15 p.m.

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

Kathleen Beyrau of 770 Johnson Court spoke in opposition to the proposed bonus program to increase the number of apartments allowed per acre from 18 to 27. She stated previously, this limit was 10 units per acre until 2011 when the number was allowed to increase to 18 which was an 80% increase in density at that time. Allowing 27 units per acre would be nearly a 200% increase in density in a span of four years. She asked that Council not be sidetracked by the diversionary tactics of bonus point discussions. She stated the issue is at the request of a developer and their representative to increase density in the city. Winchester already has a very high percentage of rentals, upwards of 50%, and coupled with the problems at the schools that have been referred to as hyper-poverty; it does not bode well for the city. Everyone wants a desirable place to live, a nice home and neighborhood and a good school. These things will make living in the city attractive as opposed to elsewhere. An increase in density is not consistent with the strategic plan and brings no benefit to the city or the people who live here. The Planning Commission wisely decided at their meeting last week with a 5-1 vote to recommend denial because the proposed amendment is not consistent with good planning practices and is inconsistent with the Comprehensive Plan. She noted in the City's Mission Statement that Winchester is a city of choice in which to live and stated without judicious growth, it may no longer be a city of choice.

President Willingham asked if there was anyone else wishing to address Council. Seeing none, he closed the public hearing at 7:14 p.m.

3.0 Items for Discussion:

3.1 Presentation: 2015 Winchester National Historic District Expansion

Planning Director Tim Youmans provided an overview of the efforts made on the expansion of the National Historic District boundaries. He stated last year, the city successfully amended the period of significance in the National Historic District from 1929 to 1964. This change is a boundary increase of the district to include two new areas from West Amherst Street down through South Stewart Street and across the south side of the current district along Germain and Pall Mall Streets to slightly beyond Kent Street. The change will allow the properties in the local historic district to qualify for the state and federal tax credits. There is no interest in expanding the local district at this time. The newer properties included in these areas will be marked as non-contributing and would not qualify for the credits. The new areas will include almost 500 new resources but only 398 are contributing properties. A decision on the expansion should be received by the Department of Historic Resources in November.

Vice Mayor Veach asked if receiving tax credits helps to streamline any decision from the BAR. Mr. Youmans stated with a phase 2 application, the property owner would not need to go to BAR.

Vice Mayor Veach asked if any thought had been given to how to inform the property owners of this opportunity. Mr. Youmans stated staff has provided a list of effected property owners and a list of adjoining property owners to DHR who will send out notices to the effected property owners and those within 100 feet either today or tomorrow.

Councilor Sullivan asked if the area has to be continuous or can blocks be skipped. Mr. Youmans stated the continuous portion is what is important when they determine what will or will not be approved. It comes down to more of what is in the proximity of an area to be approved. There is actually a portion of South Kent Street where the houses are too new to justify extending the existing National District in the area.

Councilor Sullivan stated some of the properties on Parkway were built in the 1930s. Mr. Youmans agreed and stated that it may be an area that needs to be considered in the future.

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

Zoning and Building Inspections Director Aaron Grisdale presented the publically initiated text amendment to allow for residential use in a ground floor space in the B-2 district. The units would be allowed with a Conditional Use Permit if the use is as suitable as or preferred to other uses, it is not facing a

major commercial street, and the units are proposed as part of the redevelopment of an existing structure.

President Willingham asked to confirm that even though this would be allowed, Council would still need to approve any project based on its own merits. Mr. Grisdale stated that is correct.

Vice Mayor Veach moved to forward O-2015-15 to Council. *The motion was seconded by Mayor Minor then unanimously approved 7/0.*

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

Mr. Grisdale presented the privately sponsored text amendment to modify the density bonus provisions for residential development in the Planned Unit Development (PUD) overlay districts. The proposal includes increasing the current maximum of 18 units per acre to 150% of the maximum base density or up to 27 units per acre. Bonuses are intended to be granted to only the highest quality and most desirable projects that are consistent with the bonus standards. The Planning Commission gave a negative recommendation with a 5-1 vote. Some of the Commissions' concerns were about the aggressive level of some of the bonuses being proposed. A few of the commissioners were also concerned about the existing PUD ordinance and did not think it was appropriate to amend it further at this point. In the current proposal, there are some areas where staff believes the bonuses should be back tracked but there are also some areas where the request is fairly reasonable.

Councilor Sullivan asked if the bonuses are standard or common practice. Mr. Grisdale stated the bonuses currently used by the city were used by the applicant as a starting point to convert over to this district.

Councilor Sullivan asked if one example to get to the bonuses was to have the upper units accessible by an elevator, could it be modified to be accessible by an elevator or stairs. Mr. Grisdale stated that if an elevator is provided, it should be aimed at the highest quality and provided to all upper units. By the code requirements, you would have to have stairs as a second source of egress with an elevator.

Councilor McKannan asked what other nearby locality adheres to this standard. Mr. Grisdale stated this was crafted specific for Winchester.

Councilor McKannan asked if there is any locality that adheres to 27 per acre. He stated the developer would be limited to how far out the building could go so they would have to build up. Mr. Grisdale stated the maximum height within a

PUD is 55 feet. Councilor McKannan asked what the average square footage would be to put 27 units per acre in a building. Mr. Grisdale stated he would have to get back to Council with that answer.

Vice Mayor Veach asked if any of the projects approved since the last density increase have reached the 18 unit mark. Mr. Grisdale stated the closest would be the Coco-Cola plant with just under 18. The Meadow Branch and Jubal Early projects came in at 16 units per acre.

Councilor Wiley asked if there were any bonuses regarding age restricted units. Mr. Grisdale stated there were some discussions between staff and the applicant regarding age restricted units but the applicant did not include it with the proposed bonuses.

Councilor Wiley stated he is having a hard time with this text amendment based on the size of needs or the needs of what they are looking for and what the city has coming on line right now with the three projects that have been mentioned. He thinks the PUD does a good job for what it is currently being utilized for in the city.

Councilor Sullivan stated Chart B in the packet basically puts a value on what the bonuses are and asked if the values could be changed to get more items in theory. Mr. Grisdale stated the intent is the more desirable an aspect is and the higher it is in compliance, the higher the density bonus threshold will be. Staff discussed how important the individual categories are put together and also balanced it with the intent that a project needs to hit three or four of them to try to get that 0.50. Councilor Sullivan stated that in looking at it, there appears to be more value in parking than residential amenities.

Vice Mayor Veach asked how many units were in each of the previous three projects. Mr. Grisdale stated the Coco-Cola project has 23 units, the Meadow Branch project has 170 units and the Jubal Square project has 103 units.

President Willingham stated if you read the literature on rental housing, it is not the percentage of what a city or county has in terms of owner occupied versus renters. When you look at most cities and take into consideration their poverty rates, it is typically the types of housing they have. The housing that Council has approved recently should actually increase the medium income rather than decrease it if the types of professionals and empty nesters are attracted. He stated there is a focus that Council and the City should have in improving the existing rental stock to make them more livable for everyone. Councilor Wiley brings up a good point about senior housing. The City mentioned it in the Comp Plan as an interested construction type of facility. He asked if a developer came to Council with a proposal for a facility that can't be done under 18 units per acre, could Council approve 27 units per acre under the PUD or is a text revision needed anyway. Mr. Grisdale stated a text amendment would be needed.

President Willingham stated it would be helpful to hear what other communities have as far as bonus calculations to see if the City is in the ball park or not. He also stated he does not think this is a terrible idea on its own but the City has identified catalyst sites and areas designated for redevelopment. He suggested looking at it more strategically based on the feedback from the developers for those sites to achieve the amount of residential capacity they need to achieve to be successful. He asked if Council is allowed to say what the PUD parameters for density would be in different locations. Mr. Grisdale stated there could be parameters that said "per catalyst site as defined in the Comprehensive Plan..." that could set criteria, a mandatory evaluation or whatever is deemed appropriate.

President Willingham asked if someone said they wanted to develop something at a catalyst site, Council would need to approve the project even if the standards were changed for that site. Mr. Grisdale stated it would not make it a by-right project. These rezoning actions would still be discretionary.

President Willingham stated this would allow flexibility for things Council is interested in. He hopes Council will take that into consideration when looking at this. He thinks it is a good idea. He just thinks it is putting the cart before the horse.

Councilor Wiley moved to forward O-2015-16 to Council for denial. The motion was seconded by Vice Mayor Veach.

President Willingham suggested starting with identifying the sites and talking with the development community to get feedback instead of a general application and going backwards.

Councilor McKannan stated he agreed with President Willingham.

The motion to forward O-2015-16 for denial was unanimously approved 7/0.

4.0 Adjournment

Vice Mayor Veach moved to adjourn the meeting at 9:02 p.m. *The motion was seconded by Mayor Minor then unanimously approved 7/0.*