

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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Planning Director, City Attorney, City Manager, and Clerk of Council.

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



APPROVED AS TO FORM:

CITY ATTORNEY

[Signature] 7/22/2015

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections *Aug*  
**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.)*

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## **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
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## **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)

<u>Level of Certification</u>	<u>Bonus Factor</u>
Certified	<b><u>Up to .15-20</u></b>
Silver	<b><u>Up to .25-30</u></b>
Gold	<b><u>Up to .35-40</u></b>
Platinum	<b><u>Up to .45-50</u></b>

**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:**

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

**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.*)

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## 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 21<sup>st</sup>, the Planning Commission had mixed opinions about the proposed amendment. Some members felt that it 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 21<sup>st</sup> 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**

<u>Category</u>	<u>Original Standard</u>	<u>Original Bonus</u>	<u>Current Proposed Standard</u>	<u>Current Proposed Bonus</u>
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	.25 bonus	25% of total floor area is nonresidential	.15 bonus
	50% of total floor area is nonresidential	.50 bonus	50% of total floor area is nonresidential	.25 bonus
	75% of total floor area is nonresidential	.75 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.	___ bonus	Where off-street parking is offered in the form of an above ground or below ground structure.	70% in structure .15 80% in structure .25 90% in structure .35 100% in structure .45
	If off-street parking is provided in above ground or below ground structure.	___ bonus	Tiered system of bonuses depending on % of off-street parking provided in structure.	
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**

<u>Category</u>	<u>Original Standard</u>	<u>Original Bonus</u>	<u>Current Proposed Standard</u>	<u>Current Proposed Bonus</u>
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	<i>Not included</i>	<i>Not included</i>	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**

<u>Category</u>	<u>Standard (Applicant)</u>	<u>Standard - Staff Recommendation</u>	<u>Proposed Bonus (Applicant)</u>	<u>Bonus - Staff Recommendation</u>
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**

<u>Category</u>	<u>Standard (Applicant)</u>	<u>Standard - Staff Recommendation</u>	<u>Proposed Bonus (Applicant)</u>	<u>Bonus - Staff Recommendation</u>
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
<p>** Both the applicant and staff agree that proposed bonuses should be <u>up to</u> the provided level. **</p> <p>** Highlighted areas indicate recommended additions/changes by staff **</p>				

**Table C – Maximum Density Calculation Examples**

<b>Using Applicant Proposed Bonuses</b>		<b>Using Staff's Recommended Bonuses</b>	
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	
<ul style="list-style-type: none"> <li>• Use of EarthCraft Construction (Certified Level)</li> <li>• 90% of parking provided in parking structure</li> </ul>	.15 bonus .35 bonus	<ul style="list-style-type: none"> <li>• Use of EarthCraft Construction (Certified Level)</li> <li>• 90% of parking provided in parking structure</li> <li>• 25% of total floor area is nonresidential</li> <li>• 100% of upper units accessible by elevator</li> </ul>	.10 bonus .20 bonus .15 bonus .05 bonus
• Cumulative bonus	.50 (.50 maximum 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.*

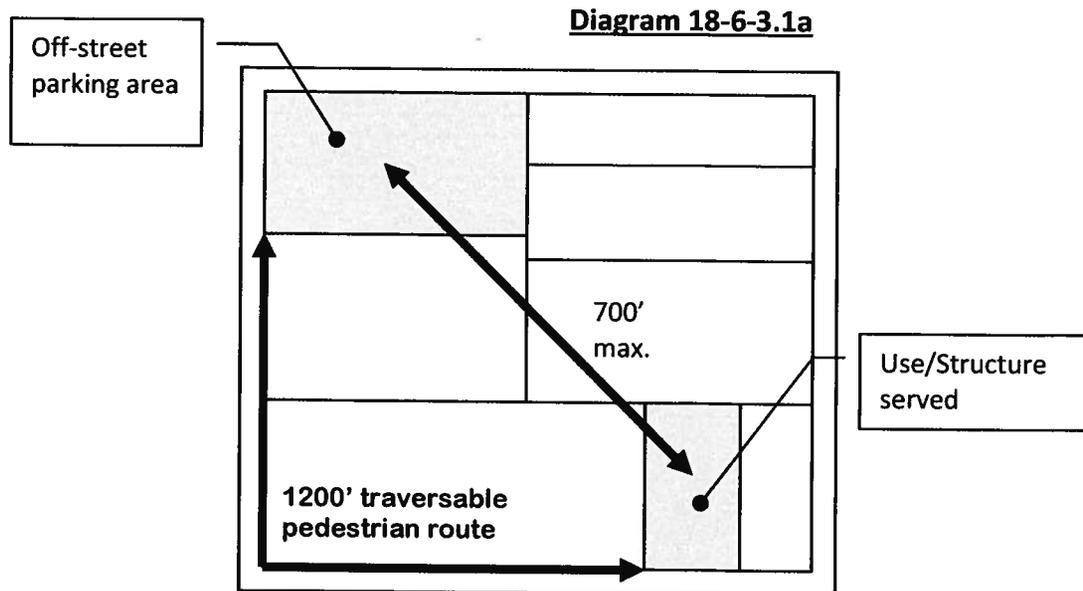
*As noted in the left table, under the current proposed ordinance, it is possible to get to the maximum density bonus (.50) using only 2 categories. Staff recommendations, as illustrated in the rightmost table, would require that 3-4 categories be utilized to be eligible for the maximum density bonus.*

## 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.*



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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

Timothy Youmans, Planning Director, et al.

July 20, 2015

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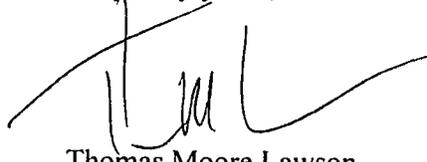
developer. This is to say that there ought to be an increase in density bonuses for every 10% increase up to a maximum of 100% of offstreet parking provided. I would suggest that a table be added to this section so that if there is 70% offstreet parking then Council could award a 0.15 density bonus. 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,

A handwritten signature in black ink, appearing to read 'T. Moore Lawson', written over a horizontal line.

Thomas Moore Lawson

TML:jk

cc: JDC Winchester LLC