

**PLANNING COMMISSION
WORK SESSION AGENDA
February 10, 2015 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall**

1. Review agenda for February 17, 2015 regular meeting
2. Committee reports
3. Status of projects pending Council approval
4. Announcements

**PLANNING COMMISSION
AGENDA
February 17, 2015 - 3:00 PM
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes – January 20, 2015
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

- A. **TA-14-770** AN ORDINANCE TO AMEND AND REENACT SECTION 18-8-7 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FREESTANDING AND BUILDING MOUNTED SIGNS PERMITTED IN THE RO-1 DISTRICT.

- B. **RZ-15-07** AN ORDINANCE TO REZONE 6.29 ACRES OF LAND AT 304 THROUGH 332 LINDEN DRIVE (Map Number 130-6- -16 to Map Number 130-6- -23) AND 352 THROUGH 470 LINDEN DRIVE (Map Number 130-6- -1 to Map Number 130-6- -11) FROM LOW DENSITY RESIDENTIAL DISTRICT (LR) ZONING TO HIGH DENSITY RESIDENTIAL DISTRICT (HR) ZONING. The conditional rezoning would permit up to 36 townhouse style dwelling units and a minimum of two single family detached units on 19 existing, vacant lots. The Comprehensive Plan calls for neighborhood stabilization in this area.

3. PUBLIC HEARINGS – Continued

4. NEW BUSINESS

5. OLD BUSINESS

6. OTHER BUSINESS

7. ADJOURN

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, January 20, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER: Mr. Youmans called the meeting to order at 3:00 p.m.
PRESENT: Commissioner Slaughter, Commissioner Smith, Commissioner Loring, Commissioner Shickle, Commissioner Wolfe, Commissioner Tagnesi, Commissioner Fieo
ABSENT: None
EX-OFFICIO: City Manager Freeman
FREDERICK CO. LIAISON: None
STAFF: Timothy Youmans, Aaron Grisdale, Josh Crump, Catherine Clayton
VISITORS: Lawton Saunders, Timothy Painter, Don Crigler, Ty Lawson

ELECTION OF OFFICERS:

Mr. Youmans called for nominations for Chairman. Commissioner Smith nominated Commissioner Slaughter. Commissioner Tagnesi seconded the nomination. Hearing no other nominations for Chairman, Mr. Youmans called for a motion to close the nominations. Commissioner Tagnesi moved to close. Commissioner Fieo seconded the motion.

Mr. Youmans called for nominations for Vice Chairman. Commissioner Smith nominated Commissioner Loring. Commissioner Tagnesi seconded the nomination. Hearing no other nominations for Vice Chairman, Mr. Youmans called for a motion to close the nominations. Commissioner Tagnesi moved to close. Commissioner Fieo seconded the motion.

Mr. Youmans then called for a motion to elect Commissioner Slaughter as Chairman and Commissioner Loring as Vice Chairman. Commissioner Tagnesi moved to elect as nominated. Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed unanimously.

At this time, Mr. Youmans relinquished control of the meeting to Chairman Slaughter.

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of December 16, 2014. Hearing none, he called for a motion. Commissioner Shickle moved to approve the minutes as submitted. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 7-0.

CORRESPONDENCE:

Mr. Youmans advised that there are no changes to the Public Hearing items but that the Commissioners have received an updated agenda indicating the three (3) site plans and one (1) minor subdivision under Administrative Approvals.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

None.

PUBLIC HEARINGS – NEW BUSINESS:

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

Chairman Slaughter recused himself from this matter and turned the meeting over to Vice Chairman Loring.

Mr. Crump presented the staff report stating that the applicant is seeking a conditional use permit to allow for a Nursing & Rehabilitation Facility use under Section 8-2-5 and to allow a single structure in the Cedar Creek Grade Corridor Enhancement (CE) District where the footprint of the building exceeds the 10,000 square-foot 'by-right' limit and roof pitch less than 6:12 under Section 14.2-6.10b and 14.2-6.10e. The floor plans show the building is proposed to have a gross area of 76,630 square-feet on one continuous level with seven wings to accommodate 120 beds. An existing rehabilitated barn located in the southwest area of the site will remain and be connected to a proposed 1,040 square-foot three bay service building. He concluded by stating that most of the issues for this project have been resolved in the proffers for the rezoning of the property and that he is available for questions.

Vice Chairman Loring called for questions from the Commission.

Commissioner Wolfe asked if there are any traffic concerns and if there will be a traffic light. Mr. Crump stated that there are no plans at this time to install a traffic light.

Vice Chairman Loring Opened the Public Hearing

Timothy Painter, applicant, said that he has nothing to add but that he is available for questions.

Vice Chairman Loring called for questions from the Commission.

Commissioner Tagnesi asked if there is a time frame for construction to which Mr. Painter said that they are looking at the May/June time frame.

Vice Chairman Loring Closed the Public Hearing

Vice Chairman Loring called for discussion from the Commission. Hearing none, he called for a motion.

Commissioner Shickle moved that the Commission forward CU-14-757 to City Council recommending approval because the proposal, as submitted, should not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The recommendation is subject to:

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

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0-1.

At this time, Vice Chairman Loring returned control of the meeting to Chairman Slaughter.

CU-14-761 Request of Lawton Saunders on behalf of North Loudoun Renovations, LLC, for a conditional use permit for ground floor apartments at 317 South Cameron Street (Map Number 193-1- -K-14) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay. **(Mr. Crump)**

Mr. Crump presented the staff report stating that this is a request pertaining to the conversion of ground floor to a multifamily use. The Comprehensive Plan identifies this property as a redevelopment site and calls for a specific land use action. The applicant intends to develop the property into an 11 unit apartment building targeting populations such as young professionals and empty nesters. In their proposed site plan, of the 11 units, a total of six ground floor units are planned on the property; three in the front section in the old jail building and three in the rear annex. He concluded by stating that he is available for questions.

Chairman Slaughter called for questions from the Commission.

Commissioner Smith stated that a previous developer had presented this at an earlier time and there was discussion and concern that a portion of this building is historical and he asked if this is still a concern and if it is going to be preserved. Mr. Crump stated that he would defer to the applicant but that he does understand that the outside would be preserved using tax credits.

Lawton Saunders approached and advised the Commission that the entire historic front building is planned to be preserved with tax credits and there will be no changes to the exterior. The rear portion that was built in 1992 will have a second story added to it though.

Chairman Slaughter called for additional questions from the Commission for staff.

Chairman Slaughter Opened the Public Hearing

Lawton Saunders, applicant, stated that he had nothing further but that he is available for additional questions.

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission.

Commissioner Shickle said that her concern was with parking but that it does appear that there will be adequate off-street and on-street parking to accommodate the units. Commissioner Loring said that if the wall comes down in the future, this would allow access for additional parking.

Hearing no other discussion, Chairman Slaughter called for a motion.

Commissioner Fieo moved that the Commission forward CU-14-761 to City Council recommending approval per Sections 9-2-16 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is based upon City Council finding that the proposed ground-floor residential unit is as suitable or preferable to other permitted uses on the ground floor and is subject to the site plan approval by staff.

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 7-0.

PUBLIC HEARINGS – Continued

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 (MR) DISTRICT ZONING TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY. **(Mr. Crump)**

Chairman Slaughter advised that this was a case that was tabled at the December 2014 Planning Commission meeting.

Mr. Crump presented the staff report stating that this is a request to rezone from MR to MR with a PUD overlay which would permit enlarging the existing nursing home without increasing the number of beds. In a letter from the applicant, this rezoning will bring the nursing home/assisted living facility 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 shows a 3,000 square foot footprint for a 6,000 square foot 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. As a result, 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 development of property where needed to achieve maximum sustainable potential. He concluded by stating that he is available for questions.

Chairman Slaughter called for questions from the Commission.

Commissioner Fieo stated that although there is no increase in the number of beds, he asked if there will be an increase in services and the number of employees and if there will be any traffic impacts. Mr. Crump said that he does not believe that there will be any increases.

Chairman Slaughter asked if the applicant wants to do any future expansion, what procedures will they have to go through to which Mr. Crump said that they will have to submit a minor site plan revision for any future expansions and a site plan approval as well. These would then be brought before the Planning Commission for review. Mr. Youmans added that if there would be a change in the development plan including the number of beds or anything different than what is called out here, the applicant would have to submit for a PUD revision.

Commissioner Loring then said that based upon the property line, are there any constraints to keep them from the rail line to which Mr. Youmans said that with the PUD, it basically allows the applicant to

specify what they want to propose as a setback away from it but in the district, they will probably want to be a minimum 10-foot offset there.

Chairman Slaughter Opened the Public Hearing

Don Crigler, DFC Architects, representative for the applicant, said that he really has nothing to add but that he is available for questions. He did state that these are the last two (2) wings to be renovated and that there will be no increase in the number of beds or in functions/services.

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission. Hearing none, he called for a motion.

Commissioner Tagnesi moved that the Commission forward RZ-14-628 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.

Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed 7-0.

RZ-14-663 AN ORDINANCE TO REZONE 10.59 ACRES AT 200 MERRIMANS LANE (Map Number 149-01- -7 ->A<01) FROM MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH RESIDENTIAL BUSINESS (RB-1) DISTRICT OVERLAY TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT. **(Mr. Youmans)**

Chairman Slaughter advised that this was a case that was tabled at the December 2014 Planning Commission meeting and that the public hearing was left open at that time.

Mr. Youmans presented the staff report stating that this request would conditionally rezone land from RB-1 (CE) and MR to MR with a PUD overlay which would allow up to 26 townhouse-style rental units and 144 apartment units for a total of 170 dwelling units. The request includes proffers relating to the development of the PUD. The Comprehensive Plan identifies the area as a redevelopment site and states that "zoning for development in this central area should be medium density unless age-restricted housing is proposed, in which case, high density zoning may be appropriate." This language was added at the request of City Council to intentionally clarify that high density development may be appropriate only if two conditions are included, which are:

- Planned Unit Development (PUD) overlay zoning; and,
- Age-restrictive housing

He added that the submitted rezoning request does fulfill the first prerequisite (PUD Zoning) but is not limited to age-restricted housing. As such, the request is contrary to the Comprehensive Plan in this regard. The applicant does make a strong case, however, for why adherence to the age-restriction recommendation of the Comprehensive Plan update should not be required and instead allow for market rate apartments that would appeal to two of the three targeted populations identified in the Comprehensive Plan and the Master Economic Plan. He also said that it does an excellent job of outlining the unlikelihood that families with school-aged children would want to rent a more expensive luxury apartment as compared to renting or purchasing a less expensive single-family house elsewhere in the City. The applicant has voluntarily submitted proffers to mitigate potential impacts arising from the rezoning of the property from RB-1 (CE) & MR to MR (PUD). Additionally, site development proffers

help to mitigate potential impacts arising from the inclusion of townhouse-style units in the project and by limiting the number of bedrooms which might otherwise create increased school-aged population placing demands on the City's overcrowded schools. He concluded by stating that he is available for questions.

Chairman Slaughter called for questions from the Commission.

Commissioner Loring asked if the Museum of the Shenandoah Valley and the applicant have resolved their issues to which Mr. Youmans said that he would defer to the applicant but that he does believe they have. Commissioner Loring then asked if there will be focused screening on the north and south sides. Mr. Youmans responded that there is screening depicted on the development plan on the north side between the townhouse units and the trail and on the south side there probably would be some screening that the ordinance would otherwise require. Commissioner Loring then questioned the number of school-aged children and asked who bears the additional cost if the applicant's numbers are incorrect. Mr. Youmans advised that, lacking a proffer to mitigate that, the City will have to bear the burden of the additional cost.

Commissioner Tagnesi asked if construction would be concurrent with the construction of the new John Kerr Elementary School. Mr. Youmans said that he would defer to the applicant but that there may be overlap if this request is approved.

Commissioner Fieo said that he has a reservation about the proffer as it pertains to the \$333,000. He said that the proffer states that this is a maximum amount solely for the completion of the road and will be given only if needed. There is nothing to give the City any reliance upon whether or not the number of calculated school-aged children is appropriate to which Mr. Youmans responded that is correct. Commissioner Fieo said that there is a net gain estimated at \$97,000 per year to the City but that presupposes that there is only an \$82,000 expense for school-aged children. Also, the .079 is a median between the upper and lower values in other apartments in the area and with this being right across from the new school, he said that he has reservations that the number of people being attracted there with school-aged children might not be greater than estimated but there is no protection if the applicant's numbers are wrong.

Commissioner Shickle asked if the applicant utilized the most up-to-date traffic study model to which Mr. Youmans responded that he believes that they did because staff did point out to them that it was being modified. Mr. Youmans then said that when Mr. Eisenach looked at the numbers, he felt as though the applicant was estimating a little too much traffic so he does not anticipate that the projected volume will be as high as what was indicated in the study. Commissioner Shickle then said that she understands that the City had a market study done to identify what the gap is in inventory as far as this type of housing but she asked if there is a count to indicate where the City is with projects on line and if we have reached the threshold. Mr. Youmans said that within the City, we probably have not hit the threshold however, the unknown is Frederick County, particularly with the Russell 150 site. The City is in a larger regional market, not a City of Winchester market, so there is going to be a big uncertainty with regard to how many units get built within these certain price points.

Commissioner Wolfe asked about the zoning and why the "tail" is being rezoned. Mr. Youmans said that the "tail" is being rezoned mainly because it is a part of this site and we do not want to perpetuate the RB-1 Residential Business zoning that was in this location. It did not get rezoned to B-2 when the two (2) acres closest to the CVS store got rezoned conditionally to B-2 so it is more a matter of housekeeping to

get it changed at this point. Commissioner Wolfe then asked Mr. Youmans to explain what else could go in the area if they did not do this planned unit development. Mr. Youmans said that it is conditionally zoned MR so there could be single family detached residences that could have 3-, 4- or even 5 bedrooms and could easily generate more than the 13 school-aged children.

Chairman Slaughter asked if Mr. Williams has approved the proffers to which Mr. Youmans said that Mr. Williams has looked at it and has not indicated any concerns. His main concern was with the Meadow Branch Avenue funding to make sure that it is consistent with the language in the approved Memorandum of Agreement that the City executed with Ridgewood Orchard. Chairman Slaughter then asked Mr. Youmans to explain what assurances the City has if this development changes hands. Mr. Youmans said that the proffers go with the land and the development plan goes with the land regardless of who the subsequent developer or builder is. If there would be any proposed deviation, then it would have to come back before Planning Commission and City Council and staff would look for updated proffers and an updated development plan and potentially updated fiscal and traffic analysis. Chairman Slaughter then commented as to the quality of development, anything that is not proffered because of the PUD, would the Planning Commission still have an opportunity to look at that as well if there are any deviations in that regard. Mr. Youmans said that what is presented here is part of their PUD package and if they intend to deviate from that, they would have to come back to the Planning Commission and City Council.

Chairman Slaughter Continued the Public Hearing from the December 16, 2014, Meeting

Ty Lawson, representative for the applicant, stated that they met with the Museum of the Shenandoah Valley and have worked out some agreements that will allow for a blending of the two properties. He said that there is screening all around as is required by ordinance. He said that they intend to begin construction late summer but stated that they should be behind the school construction. He added that they are working with all parties involved to coordinate and have everything worked out together. He then said that these are tax-positive units and that they feel confident they are meeting the age-restricted requirement in the Comprehensive Plan. He concluded by stating that he is available for questions.

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission.

Commissioner Smith said that he feels comfortable with the progress that has been made and that he would have no problem with recommending the project. Commissioner Loring said that he is concerned about the estimate of only 13 school-aged children but that he is okay overall. Commissioner Fieo said that after the explanation of the by-right and medium density zoning, he is more secure with it now. Commissioners Tagnesi, Wolfe, and Shickle all said that they are comfortable with it. Chairman Slaughter said that generally he agrees and that the Comprehensive Plan is just a guide.

Hearing no other discussion, Chairman Slaughter called for a motion.

Commissioner Smith moved that the Commission forward RZ-14-663 to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-14-663, Prepared by Winchester Planning Department, December 1, 2014," because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the site. The approval is subject to the Generalized

Development Plan revised as of December 11, 2014, and the proffers in the proffer statement titled "Proffer Statement a Proposed Rezoning" dated October 21, 2014, and revised on December 11, 2014.

Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 7-0.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

OTHER BUSINESS:

Administrative Approval(s):

- 1) Site Plan Report
 - a. **SP-14-771** 1131 Berryville Avenue – Harbor Freight Tools – Minor Revision

Commissioner Loring moved to approve. Commissioner Fieo seconded. Voice vote was taken and the motion passed 7-0.

- b. **SP-14-777** 1936 Valley Avenue – Malloy Ford – Minor Revision

Commissioner Loring moved to approve. Commissioner Fieo seconded. Voice vote was taken and the motion passed 7-0.

- c. **SP-15-016** 154 Commercial Street – Major Properties – Minor Revision

Commissioner Wolfe moved to approve. Commissioner Tagnesi seconded. Voice vote was taken and the motion passed 7-0.

- 2) Minor Subdivision Report
 - a. **MS-14-778** 1936 Valley Avenue – Malloy Ford – Lot Consolidation

Mr. Crump advised that this was noted for informational purposes.

ADJOURN:

With no further business, the meeting adjourned at 4:12 p.m.

TA-14-770 AN ORDINANCE TO AMEND AND REENACT SECTION 18-8-7 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FREESTANDING AND BUILDING MOUNTED SIGNS PERMITTED IN THE RO-1 DISTRICT.

REQUEST DESCRIPTION

This is a privately sponsored text amendment to modify signage opportunities for properties in the Residential Office (RO-1) district. Specifically the applicant is proposing to increase the sign allowances for properties that obtained a conditional use permit for building footprint in the Corridor Enhancement (CE) district (Section 14.2-6.10). As stated within the applicant’s letter, he desires that allowances be provided to enable a larger amount of proportionate signage for larger structures. The text amendment involves the following:

Sign Type	Current Provisions	Allowances Proposed for Larger Footprint Properties
Building Mounted Signs	1 per building, maximum 10 square feet	1 square foot per linear foot of building frontage, up to maximum 50 square feet
Freestanding Signs	1 per building, maximum 25 square feet	May Choose One Option: A) 1 sign up to 50 square feet B) 2 signs up to 25 square feet each

Presently a majority of RO-1 properties are within the Amherst Street CE district. The existing CE standards included in Article 14.2 will still apply for such properties within the zoning overlay, including a prohibition on internally illuminated signage and requirements that the new freestanding signage be a monument style and be of a design consistent with the main building’s design.

STAFF COMMENTS

Staff believes it is good planning practice in this instance to allow for a proportional signage allowance for larger buildings. Amherst Street, which includes has a majority of the RO-1 zoned properties, has long history of Council wanting to protect the attractiveness of this entry corridor and establishing sign standards that will not lead to sign clutter and detract from the corridor’s character. Staff believes that this change is consistent with the intent of the RO-1 district and supports this request.

RECOMMENDATION

MOVE that the Planning Commission forward TA-14-770 with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for appropriate and proportional signage options for larger buildings in the Residential Office district.

RZ-15-07 AN ORDINANCE TO REZONE 6.29 ACRES OF LAND AT 304 THROUGH 332 LINDEN DRIVE (Map Number 130-6- -16 to Map Number 130-6- -23) AND 352 THROUGH 470 LINDEN DRIVE (Map Number 130-6- -1 to Map Number 130-6- -11) FROM LOW DENSITY RESIDENTIAL DISTRICT (LR) ZONING TO HIGH DENSITY RESIDENTIAL DISTRICT (HR) ZONING.

REQUEST DESCRIPTION

The request would conditionally rezone land from LR to HR which would either allow the previously approved 19 single-family detached dwellings to be built on the existing 19 vacant lots or would allow up to 34 townhouse dwellings and 2 single-family detached dwellings to be built as outlined in the statement of justification (see attached) from the applicant dated February 3, 2015. The request includes proffers (see attached proposed proffers statement dated December 18, 2014) and a generalized development plan relating to the redevelopment of the site.

AREA DESCRIPTION

The subject properties are currently 19 vacant lots fronting on Linden Drive adjacent to four existing single-family dwellings. To the west, adjacent from the subject properties is the current Frederick County Middle School (FCMS). This property is zoned LR and is proposed as a redevelopment site in the future with the opening of a new middle school in 2016. Further to the north and west is the Winchester Medical Center (WMC) campus zoned MC. Land to south and east of is zoned LR most serving as residential use with single family dwellings.



STAFF COMMENTS

The applicant has provided exhibits and documents which includes a Statement of Justification titled 'Linden Drive Redevelopment- LR to HR Rezoning; a Proffer Statement dated December 18, 2014 (last revised February 3, 2015) titled 'Proposed Proffer Statement- Linden Drive Redevelopment'; and a Generalized Development Plan titled "Linden Drive Redevelopment, Generalized Development Plan" dated December 18, 2014 (last revised February 3, 2015). These materials are attached for reference.

While the Comprehensive Plan calls for neighborhood stabilization in this area (as shown in Figure 1), the applicant notes the subject property presents itself as a transition zone between the redevelopment site of



Figure 1- Character Map of Subject Property

the FCMS site and the existing single family development.

PROFFERS AND GENERALIZED DEVELOPMENT PLAN

As depicted in the Generalized Development Plan the properties are split into two separate land bays. Land Bay #1 consists of eleven (11) vacant single family lots. The southernmost lot (Lot 11) would be limited to only single-family detached use and the other ten lots would be proffered as age restricted units. The 10 lots could either be developed as 10 single-family detached units or each lot could be further subdivided to allow up to a maximum of 20 age-restricted townhouse units.

Land Bay #2 would consist of eight (8) single family lots and development on the lots would be proffered as market rate units, although one of the proffers states that these market rate units could be age-restricted as well as market rate. The easternmost lot (Lot 16) would be limited to only single-family detached use and the other 14 lots would be proffered as market rate units. The 7 lots could either be developed as 7 single-family detached units or each lot could be further subdivided to allow up to a maximum of 14 townhouse units.

The applicant proffers that the site development shall be limited to a maximum of 2 single-family detached units and 34 townhouse dwelling units. The proffer statement includes design standards to the development which would limit the minimum lot size of a townhouse or single family dwelling unit (6,000 sq. ft. & 12,000 sq. ft. respectively); proposes share driveways to townhouse units to minimize the number of curb cuts; and establishes minimums of finished square footages of space. Architectural elevations for front-load and basement-level garage type townhouses are also proffered.

Staff would like to note since this is a conditional rezoning that is not seeking a PUD overlay, the landscaping requirements for the site plan would follow Section 19-5-6.1 of the Zoning Ordinance and would require landscaping of at least forty-five percent (45%) of the land. The current generalized development plans does not specify the quantity of landscaping and the site development may need more landscaping shown or have this requirement for the site plan waived by the Director of Planning.

TRAFFIC IMPACTS

In terms of potential impacts, the applicant notes that the most intensive outcome (2 single-family homes plus 34 townhomes) would not significantly increase traffic on Linden Drive. The trip generation resulting from 19 single-family detached units already approved would be about 190 trips per day. The trip generation caused by introducing the townhouses would be about 258 trips per day. The proffer to utilize shared driveways reduces the amount of edge friction along the street caused by the near doubling of the number of units possible as a result of the rezoning. The proposal to have side-entry garages improves safety by allowing for motorists to pull out to the public street in a forward condition instead of a back-out manner. This is especially beneficial to pedestrians, particularly children.

FISCAL IMPACTS

The inclusion of age-restricted units reduces the potential for public expenditures related to education. If the most intensive development scenario is pursued, then 20 of the 36 units would be age-restricted units. The 19 existing vacant lots are all approved for single-family detached units that would likely generate more school-aged children than the 16 proposed units that would not be age-restricted units.

No traffic or fiscal impact analysis has been requested of the applicant. The Planning Commission can request one or both of these studies to be conducted with PUD rezoning, but the ordinance does not specifically provide for this in conjunction with a non-PUD rezoning such as this one.

DRAINAGE IMPACTS

When the 23-lot Linden Drive subdivision was first proposed back in 2002, there were many concerns expressed by downhill adjoining property owners over the potential negative impacts associated with erosion and Stormwater runoff impacting the rear yards of their homes. Extensive erosion control and Stormwater management requirements were engineered to minimize any potential impacts and these provisions would stay in place unless specifically approved for change by the City Engineer.

The introduction of the side-entry garages and the extension of shared driveway down the hillside between the proposed townhouse units creates added need for detailed grading plans in conjunction with the required site plans and subdivision submissions that will be associated with any townhouse proposal. It is likely that extensive retaining walls will be needed to create a leveled area forward of the garages and for an adjoining back-out area so that motorists do not need to back all the way up the sloped driveway to Linden Drive. The applicant is proffering that the width of the driveways down in front of the garages will be at least 30 feet in width and that an access easement will be established to preclude one property owner/tenant from blocking the driveway in a way that obstructs access for the neighbor.

Individualized lot grading plans have already approved by City Engineering for each of the 19 remaining vacant lots assuming that they get developed with single-family detached units. Conditions associated with the earlier subdivision approved for all 23 lots called for sloping the front yards toward Linden Drive and directing downspouts from the roof gutters to the front yards. These efforts were done to minimize the amount of runoff down towards the George St and Whittier Avenue homes.

DESIGN IMPACTS

The applicant has provided a GDP that depicts most of the townhouse with side-entry garages located toward the lower rear side elevation. The proffer states that most (i.e. at least 51%?) of the townhouse units would have shared driveways connecting to basement level garages. Images of townhouses with front-loaded garages are included on the GDP and referenced in the Proffer Statement. The applicant is proffering a minimum finished floor area of 2,400 square feet above grade for any of the townhouse units with basement level garages.

Staff has asked the applicant to provide elevations of the units that would not have front-loaded garages. The typical elevations depict two-unit townhouses that look more like single-family dwelling more so than traditional two-unit townhouses such as those in Orchard Hill subdivision along Harvest Drive. Even though the owner (or tenant) of a townhouse unit will have a common wall with one adjoining property owner where the zero lot line runs through the structure, they will share a driveway with the owner (or tenant) of the unit on the next lot since they both rely upon access to their garages from the same driveway.

RECOMMENDATION

A **favorable** motion could read:

MOVE, that the Commission forward **RZ-15-07** to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-15-07, Prepared by Winchester Planning Department, 01-07-2015" because the request is generally consistent with the Comprehensive Plan by allowing transitional residential use on Linden Drive where a Redevelopment site is called out across the street from the site.

The approval is subject to the Generalized Development Plan and the proffers in the proffer statement titled "Proposed Proffer Statement" dated December 18, 2014 and revised February 3, 2015.

-OR-

An **unfavorable** motion could read:

MOVE, that the Commission forward **RZ-15-07** to City Council recommending disapproval because the application for the proposed as submitted:

1. is inconsistent with the Neighborhood Stabilization designation that is called for in the Winchester Comprehensive Plan Character Map
2. could result in development less desirable than that allowed under the existing LR zoning;
3. lacks measures to sufficiently mitigate potential negative impacts such as additional rear yard runoff to downhill residential areas, *(and any other potential impacts)*;
4. *(other potential reasons)*

-OR-

If the Commission feels that there are still outstanding issues that need to be resolved before forwarding the request on to City Council, then a motion to table could read:

MOVE, that the Commission table **RZ-15-07** until the March 17, 2015 regular meeting to allow adequate time for the applicant to address the comments and concerns that City staff identifies and allow staff to fully review the revised documents and exhibits.

AN ORDINANCE TO REZONE 6.29 ACRES OF LAND AT 304 THROUGH 332 LINDEN DRIVE (Map Number 130-6- -16 TO Map Number 130-6- -23) AND 352 THROUGH 470 LINDEN DRIVE (Map Number 130-6- -1 TO Map Number 130-6- -11) FROM LOW DENSITY RESIDENTIAL DISTRICT (LR) ZONING TO HIGH DENSITY RESIDENTIAL DISTRICT (HR) ZONING.

RZ-15-07

WHEREAS, the Common Council has received an application from Pennoni Associates, Inc. on behalf of Double R Investors, LLC to rezone property at 304 through 332 Linden Drive and 352 to 470 Linden Drive from Low Density Residential District to High Density Residential District; and,

WHEREAS, the Planning Commission forwarded the request to Council on February 17, 2015 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-15-07, Prepared by Winchester Planning Department, 01-07-2015*" because the proposed HR zoning is generally consistent with the Comprehensive Plan by allowing transitional residential use on Linden Drive where a Redevelopment site is called out across the street from the site; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein facilitates redevelopment as designated in the Comprehensive Plan and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation Low Density Residential District to High Density Residential District: 6.29 acres of land at 304 through 332 Linden Drive and 352 through 470 Linden Drive as depicted on an exhibit entitled "*Rezoning Exhibit RZ-15-07, Prepared by Winchester Planning Department, 01-07-2015*".

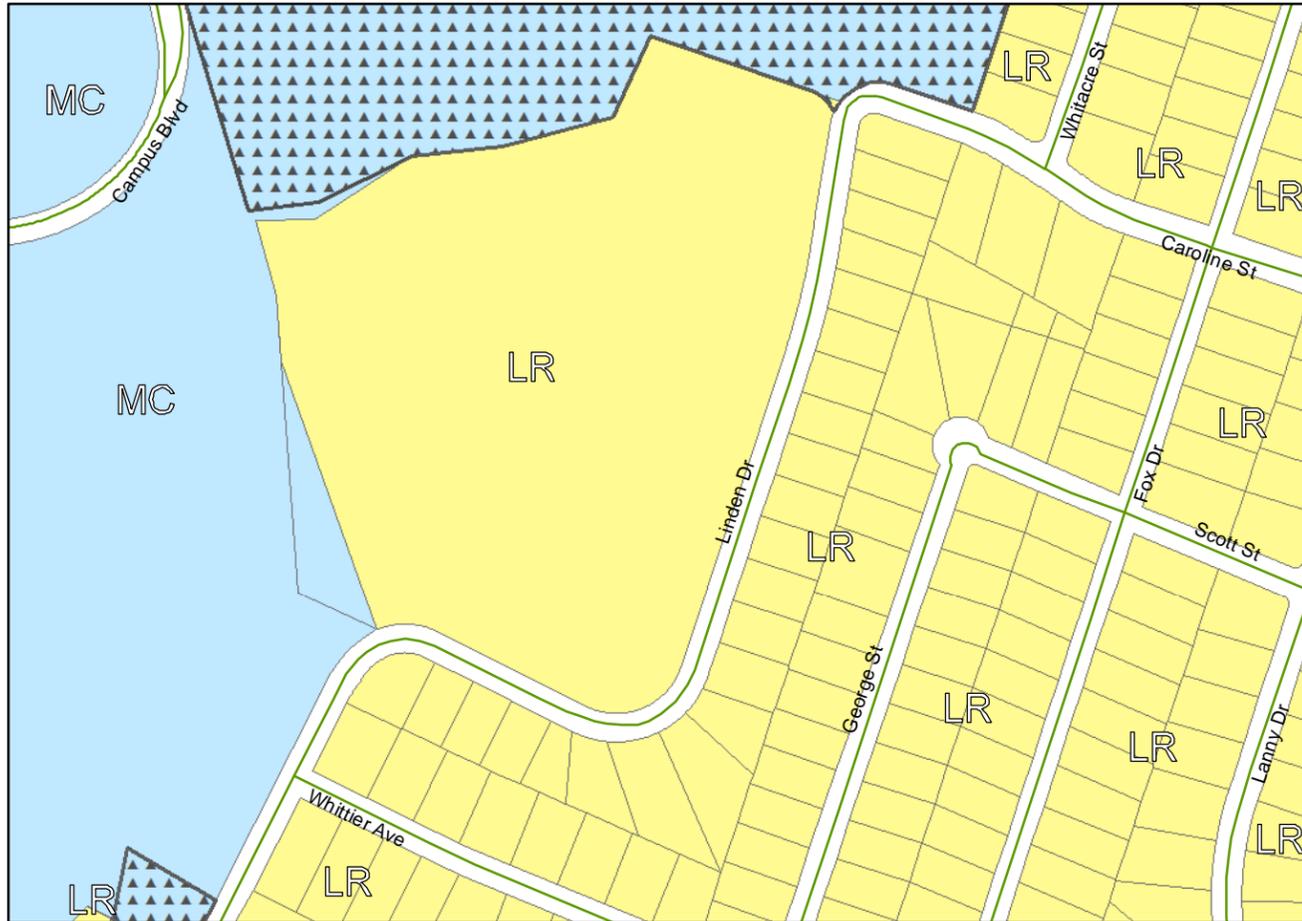
BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the with the Generalized Development Plan revised as of February 3, 2015 and submitted proffers dated December 18, 2014 revised as of February 3, 2015.

REZONING EXHIBIT

RZ-15-07

PREPARED BY WINCHESTER PLANNING DEPARTMENT

01-07-2015



EXISTING

LOW DENSITY RESIDENTIAL DISTRICT (LR) ZONING
FOR 304 TO 332 LINDEN DRIVE & 352 TO 470 LINDEN DRIVE



PROPOSED

HIGH DENSITY RESIDENTIAL DISTRICT (HR) ZONING
FOR 304 TO 332 LINDEN DRIVE & 352 TO 470 LINDEN DRIVE



Zoning Overlay Overlay

 Conditional

Zoning MZONE

 HR High Density Residential District

 LR Low Density Residential District

 MC Medical Center District

Linden Drive Redevelopment – LR to HR Rezoning

Statement of Justification Revised February 3, 2015

This proposed application would rezone 6.29 acres comprised of 19 existing, vacant single family lots located south/west of Linden Drive (the “Property”) to designate more than half of the existing lots as age restricted and to provide an option for development of two single family detached and up to 34 townhouse dwelling units (constructed in a duplex style). The townhouse option would be permitted using a conversion rate of two townhouse units for each single family lot, which would provide some flexibility to the developer and enable a more varied product offering.

The Property is formed by two separate land bays as depicted on the attached Generalized Development Plan. Currently, eight single family lots are located within Land Bay 1 and eleven single family lots are located within Land Bay 2. The application would rezone the Property from LR (Low Density Residential) to HR (High Density Residential), however the proposed proffer statement would limit development to either single family dwelling units, townhouse units, or a mixture of both. The two land bays are currently separated by four existing single family dwelling units. This rezoning application would limit development of the lots immediately adjacent to the existing single family homes to only single family detached dwellings. In addition, the proffer statement would limit any dwellings located within Land Bay 1, with the exception of the one single family proposed adjacent to the existing dwellings, to age-restricted housing. A comparison of the existing approvals under the current zoning and the maximum potential development under the proposed rezoning, is as follows:

Existing Approval

Single Family Detached – 19 (market rate)

Proposed Rezoning

Single Family Detached - 2 (market rate)

Townhouse - 14 (market rate)

20 (age restricted)

36 units total

The proposed rezoning would provide for a high quality development that takes advantage of the Property’s proximity to Winchester Medical Center and would serve as a logical transition between the existing single family development pattern to the east and any future redevelopment of the adjoining Frederick County Middle School site, as envisioned by the *Winchester Comprehensive Plan* (the “Comprehensive Plan”).

Background

The subject Property is located approximately 1/3 mile north of the intersection of Linden Drive and Amherst Street and represents 19 of 23 lots created in 2002 by the Linden Drive Subdivision. The remaining four lots of the 2002 subdivision, owned by others and not included as part of this application, are located between Land Bay 1 and Land Bay 2 and are currently developed with single family dwellings constructed between 2007 and 2009.

The current owner of the subject Property purchased the 19 vacant lots in October of 2014. The Property is located approximately ¼ mile from Winchester Medical Center making it ideally suited for both medical professionals and the elderly.

The adjoining areas to the south and east of the Property are developed with single family detached dwellings mostly constructed between 1960 and 1980. The Property is located generally atop a plateau, with the building areas of the 19 existing, vacant lots being approximately 20-30 feet higher than the adjoining residential uses. This change in grade creates a sense of separation between the Property and the adjoining residential uses to the south and east. From a topographic standpoint, the site is much more connected to the adjoining Frederick County Middle School site and Winchester Medical Center beyond.

West and adjacent to the Property is the Frederick County Middle School site. This is an aging facility and Frederick County Public Schools recently broke ground on a replacement middle school site in Gainesboro. The replacement facility is scheduled to open in 2016.

Areas north of the Property include development associated with Winchester Medical Center.

Proffered Development Plan

The Property owner has proposed a proffered redevelopment of the site. The Proffer Statement and associated Generalized Development Plan provides for 19 single family lots (10 of which would be age restricted and 9 of which could be market rate). The Proffer Statement provides flexibility in that a single family unit may become two townhouse units. Any lots in the age restricted area, whether single family or townhouse, must be age restricted per the Proffer Statement. The maximum potential unit yield under any scenario allowed by the Proffer Statement would be 36 total units comprised of 2 single family dwellings and 34 townhouse dwelling units (20 age restricted and 14 market rate units).

The Proffer Statement provides the following design criteria:

- 1) The minimum lot size for a single family dwelling is 12,000 square feet, consistent with the existing sizes of the vacant lots that comprise the Property.
- 2) The minimum lot size for a townhouse dwelling unit is 6,000 square feet.
- 3) To minimize the number of curb cuts on Linden Drive, the majority of the townhouse style units would have shared driveways that provide access to basement level garages. This approach would ensure that the number of new driveways on Linden Drive is approximately equivalent to the number of driveways that would result from development of the existing 19 single family lots.
- 4) A proffered minimum floor area of 2,400 square feet is provided for any townhouse style units that utilize a basement level garage.

- 5) The Generalized Development Plan includes two typical elevations for townhouse units. The architectural style and features of any townhouse units constructed on the Property will be consistent with the elevations provided.

Impacts on Community Facilities

The existing 19 single family lots that form the subject Property include no proffers. Accordingly, 19 market rate single family dwellings could be constructed on the Property by-right. Under the proposed rezoning, only the market rate units have the potential to generate new students. The maximum number of market rate dwellings possible under the proposed rezoning would be 16 dwelling units, comprised of 2 single family units and 14 townhouse dwelling units. The age restricted component of the rezoning ensures that the net impact of the rezoning on school facilities is positive.

The potential for up to two single family and 34 townhouse units would not cause any significant increase in vehicle trips. Assuming an average of 10 trips per day for a detached dwelling unit, the existing 19 lots would generate 190 average daily trips. Attached housing products, like townhouse units, typically generate fewer daily trips. Assuming 7 trips per day for a townhouse unit, the potential 34 townhouse units and two single family units would generate 258 average daily trips.

Comprehensive Plan

The Comprehensive Plan identifies the current Frederick County Middle School site, which adjoins the subject Property, as a redevelopment area, envisioning mostly commercial development of that site as an extension of the Valley Health Campus and Winchester Medical Center. While the Comprehensive Plan does not specifically identify the subject Property as a redevelopment site, the topography of the Property and the separation it presents from the prevailing residential development pattern to the south and east supports utilizing the Property as a transition zone between the existing single family development and the planned redevelopment uses for the Frederick County Middle School site.

PROPOSED PROFFER STATEMENT

REZONING: RZ # _____
Low Density Residential (LR) to High Density Residential (HR)

PROPERTY: 6.29 acre +/- total (the "Property") comprised of the following;
Tax Map 130-6 Lots 1 through 11 and Lots 16 through 23

RECORD OWNER: Double R Investors, LLC

APPLICANT: Double R Investors, LLC

PROJECT NAME: Linden Drive Redevelopment

ORIGINAL DATE
OF PROFFERS: December 18, 2014

REVISION DATE(S): February 3, 2015

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced HR conditional rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Winchester City Council (the "Council") decision granting the rezoning may be contested in the appropriate court. If the Council's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Council which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the "Generalized Development Plan" or "GDP" shall refer to the plan entitled "Linden Drive Redevelopment, Generalized Development Plan" dated December 18, 2014 and revised February 3, 2015.

1. Site Development

- 1.1 The Property is currently comprised of nineteen (19) vacant single family lots. Development of the Property shall be limited to single family detached and/or townhouse style units on the following basis:
 - 1.1.1 The Property shall be limited to a maximum of 36 dwelling units.
 - 1.1.2 Lots 11 and 16, as depicted on the GDP, shall be limited to single family detached dwelling units.
 - 1.1.3 In addition to the single family dwellings proposed for Lots 11 and 16, as provided above, development of the remainder of the Property shall be limited to a maximum of 34 townhouse dwelling units as depicted on the

GDP. Development of single family detached dwellings shall be permitted as an alternative to townhouse units provided that every detached unit constructed on the Property shall count as two townhouse units for the purpose of applying the 34 unit cap.

- 1.2 Except to the extent otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Law, and other applicable federal, state, or local legal requirements, any townhouse or single family dwelling units constructed in the area designated as "Age Restricted Units" on the GDP shall be identified as "age-restricted" and shall be restricted to "housing for older persons" as defined in Va. Code Ann. § 36-96.7, or a surviving spouse not so qualifying. No persons under 19 years of age shall be permitted to be regularly domiciled or to reside permanently therein. The restriction provided for herein shall also be in the form of a restrictive covenant for that portion of the Property.
- 1.3 Any townhouse or single family dwelling units constructed on the portion of the Property identified as "Market Rate Units" on the GDP may be market rate or age restricted, at the sole discretion of the Applicant.
- 1.4 Shared driveways shall be a minimum of 30 feet wide between buildings at the entrance to the basement garages. To ensure that sufficient space is available for cars to back out of the basement level garages, access easements shall be provided across the shared driveway areas that will prohibit use of the driveway areas for surface parking.

2. Design Standards

- 2.1 A minimum lot size of 6,000 square feet shall be provided for any townhouse unit constructed on the Property.
- 2.2 A minimum lot size of 12,000 square feet shall be provided for any single family detached unit constructed on the Property.
- 2.3 In order to minimize the number of curb cuts, townhouse units constructed on the Property, with the exception of units located on street corners, shall utilize shared driveways to access basement level garages as depicted on the GDP.
- 2.3 Townhouse units with basement level garages shall be a minimum of 2,400 finished square feet above grade.
- 2.4 The architectural style and character of any townhouse units constructed on the Property shall be consistent with the typical elevations provided on the GDP.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

Respectfully submitted,

Double R Investors, LLC

By: _____

Date: _____

STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

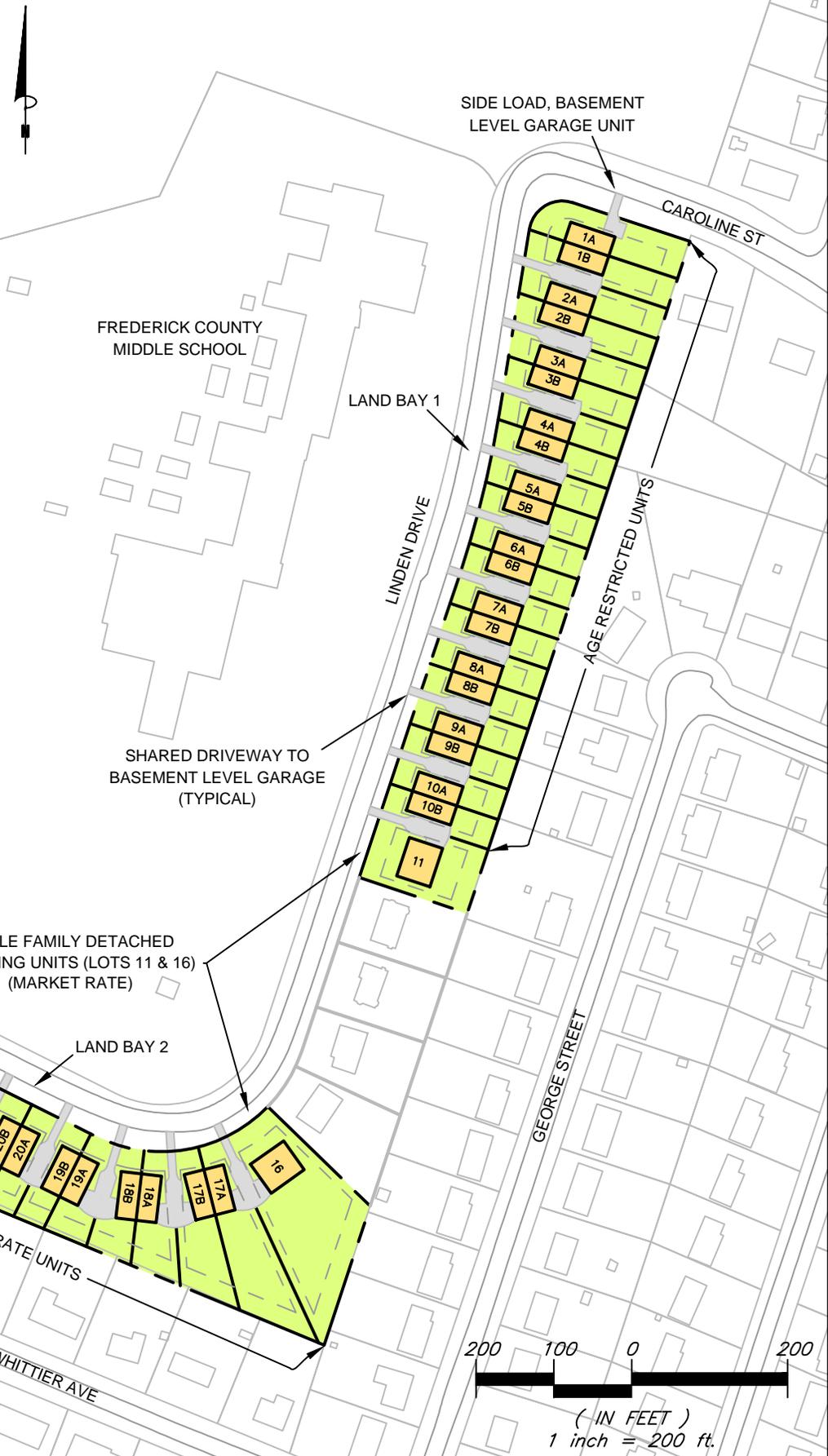
The foregoing instrument was acknowledged before me this ____ day of _____, 2015,
by _____ .

My commission expires _____
Notary Public _____



TYPICAL ELEVATIONS

NOTE: Elevations depicted are typical of the style proposed for development of the site. The proposed development plan includes shared driveways accessing basement level garages in order to minimize the number of curb cuts on Linden Drive.



12/18/14
2/3/15
Revised
1"=200'

LINDEN DRIVE REDEVELOPMENT
Generalized Development Plan
CITY OF WINCHESTER, VIRGINIA 23

PENNONI ASSOCIATES INC.
117 E. Picadilly St. Winchester, Virginia 22601
VOICE: (540) 667-2139 FAX: (540) 665-0493