

**PLANNING COMMISSION
WORK SESSION AGENDA
May 12, 2015 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall**

1. Review agenda for April 21, 2015 regular meeting (**Youmans**)
2. Discussion to initiate Zoning Text Amendment pertaining to ground-floor residential conditional use in the Highway Commercial (B-2) District (**Grisdale**)
3. Committee reports
4. Status of projects pending Council approval (**Youmans**)
5. Announcements

**PLANNING COMMISSION
AGENDA
May 19, 2015 - 3:00 PM
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes for April 21, 2015 Meeting
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

- A. **TA-15-177** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 8, 9, 10, 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO HOME IMPROVEMENT DONATION CENTERS DEFINITIONS AND USES. (Mr. Grisdale)
- B. **CUP-15-219** Request of the City of Winchester for a conditional use permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned B-1 (HW). (Mr. Crump)

3. PUBLIC HEARINGS – Continued

4. NEW BUSINESS

- A. **TA-15-289** AN ORDINANCE AMENDING SECTION 8-2-19 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO GROUND FLOOR RESIDENTIAL CONVERSION OF EXISTING STRUCTURES. (Mr. Grisdale)

5. OLD BUSINESS

6. OTHER BUSINESS

- A. Administrative Approval(s) (Crump):
 - 1) Site Plan Report
 - (a) **SP-15-199** New Site Plan- 2525 S. Pleasant Valley Road- MPG Retail
 - (b) **SP-15-205** Minor Revision- 2705 S. Pleasant Valley Road- Dixie Beverage
 - (c) **SP-15-220** Major Revision- 380 Millwood Ave.- Evergreen Rehab Center
 - (d) **SP-15-264** New Site Plan- 220 Merrimans Lane/420 Meadow Branch Ave.- Meadow Branch/Ridgewood Orchard Apartments

7. ADJOURN

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, April 21, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER: Chairman Slaughter called the meeting to order at 3:00pm
PRESENT: Chairman Slaughter, Vice Chairman Loring, Commissioner Smith, Commissioner Shickle, Commissioner Tagnesi, Commissioner Fieo
ABSENT: Commissioner Wolfe
EX-OFFICIO: City Manager Freeman
FREDERICK CO. LIAISON: Commissioner Kenney
STAFF: Timothy Youmans, Aaron Grisdale, Josh Crump, Erick Moore, Carolyn Barrett
VISITORS: Chris Mackinder, Malik Mehboob

Certification of Closed Session for March 17, 2015 meeting. Chairman Slaughter asked Commissioner Fieo to certify in accordance with 2.2-3712 Section D of the Code of Virginia:

“At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.”

Commissioner Fieo agreed to the certification.

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the meeting minutes of February 17, 2015 and retreat minutes of March 17, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed 5-0.

CORRESPONDENCE:

Mr. Youmans stated there are no changes to the agenda. There is a single page color rendering for the Checkers on Berryville Avenue. It will be discussed in the PowerPoint presentation.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

They held a meeting on April 15, 2015. There were two public hearing items. The first was a revision to the Frederick County Zoning Ordinance to include the OM (Office Manufacturing Park) District to the permitted uses in the R4 District. The second was revisions to the Frederick County Zoning Ordinance to include the use of permeable paving systems for parking lots.

There was a Master Development Plan #01-15 for Graystone Commerce Center, submitted by Stowe Engineering, PLC to develop 271.40 acres of land M1 (light Industrial) District with industrial uses. The subject properties are located on the north side of Redbud Road (Route 661), the east side of the CSX Railroad, the west side of Milburn Road (Route 662), and the south of McCann's Road (Route 838) in the Stonewall Magisterial District.

Commissioner Tagnesi asked if there was any news about the FBI. Commissioner Kenney said he had not heard anything.

PUBLIC HEARINGS:

SP-15-135 REQUEST OF TIM PAINTER OF PAINTER LEWIS, ON BEHALF OF 1720 VALLEY AVENUE LLC, FOR SITE IMPROVEMENTS INCLUDING OFF-STREET PARKING AND BUILDING RENOVATIONS AT 1720 VALLEY AVENUE (*MAP NUMBER 231-04-K-8-A*) ZONED HIGHWAY COMMERCIAL (B-2) DISTRICT. (Mr. Youmans)

Mr. Youmans stated there were no changes to the staff report. He reviewed the site plan request and staff recommendations. The parking had been scaled back from the previous site plan approved in 2008. The warehouse portion on the north end will be converted into two-story loft apartments. There will be residential use in the back of the main facility. The ground floor in the front is proposed for retail space. There will be apartments on the second floor over that. The current plan also shows the parallel parking spaces along Burton Avenue have been eliminated and a curb and gutter with surface drainage has been added in.

Mr. Youmans said it is consistent with the approved development plan and falls within the scope of the zoning ordinance. It does not change the density, green area or traffic situation. Staff is in the final stages of review and feel the few comments received can be addressed in office. Staff recommends approval.

The commissioners asked Mr. Youmans several questions about the proposal.

Mr. Painter addressed the board. He clarified the parking situation in the back of the building and where a culvert will be placed. The commissioners asked for clarification of the drainage into the culvert.

Chairman Slaughter Opened the Public Hearing

Chairman Slaughter Closed the Public Hearing

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

Commissioner Smith moved to approve SP-15-135 subject to staff review and approval. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

NEW BUSINESS:

CE-15-198 Corridor Enhancement Certificate of Appropriateness – 826 Berryville Avenue – Commercial Remodel (Mr. Youmans)

Mr. Youmans presented the modified request for the Checkers design at 826 Berryville Avenue. Many of the elements are the same as the former Long John Silver's. The alternative shows a design more in keeping with the Corridor Enhancement District. Overall, staff feels it is a superior proposal than what was presented before. Mr. Youmans spoke about the roofline and the changes that will be made. He compared the design to the former Checkers business on Legge Boulevard.

Chairman Slaughter asked if Mr. Mehboob had anything to add to Mr. Youmans report. Mr. Mehboob complimented Mr. Youmans on how helpful he has been through the whole process. He talked about the size of the tiles to be used being changed to a smaller size.

Commissioner Shickle asked for clarification of the difference between standards and guidelines in the different districts. The commissioners discussed the different rooflines that had been presented. They asked Mr. Mackinder, the Checkers representative, how the company will overcome the bad publicity generated by the empty building on Legge Boulevard. He replied that it would be up to the marketing department. Mr. Mehboob said he was confident that it would not be a problem.

*Commissioner Loring made a motion to approve **CE-15-198** as depicted in the most recent submission. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-2.*

FY 2015-2019 Capital Improvement Program (CIP) Presentation (Mr. Eisenach)

Mr. Eisenach reviewed the CIP for the Commission. Commissioner Loring asked if the utility problem earlier in the year was included in the CIP. Mr. Eisenach said it was not. Ms. Freeman said the CIP was a preview for what would be coming up in the next budget year. The commissioners asked questions about the different projects and financing included in the CIP.

Commissioner Fieo made a motion to recommend approval of the 2015-2019 CIP to City Council. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 6-0.

OLD BUSINESS:

None.

OTHER BUSINESS:

A. Minor Subdivision Report (Crump):

1. MS-15-105 & MS-15-182 Omps Drive Boundary Line Adjustment
2. MS-15-178 Braddock Partnership Boundary Line Adjustment/Lot Consolidation
3. MS-15-195 Duncan Brother Tires Boundary Line Adjustment
4. Shenandoah University/ Millwood Ave Plats

B. Administrative Approval(s) (Crump):

1. Site Plan Report
 - (a) SP-15-180 Minor Revision- 301 E. Cork Street- Winchester City Public Schools

Mr. Crump presented the minor subdivisions and site plan report that had been submitted. Mr. Youmans and Mr. Crump answered questions posed by the board members.

ADJOURNMENT:

With no further business before the Commission, the meeting adjourned at 4:22pm.

TA-15-177 AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS

REQUEST DESCRIPTION

This is a privately sponsored zoning ordinance text amendment intended to create definition and use provisions for *Home Improvement Donation Centers*. The result of this amendment will create a specific use definition for centers where building supplies, materials, appliances and related materials are donated and resold to the public.

Originally the applicant discussed allowing this use in the Limited Industrial (M-1) district. Presently, there is not a use provision in the M-1 district that will allow for this style of use. The closest available use classification is a *Retail Lumberyard*. Following discussions with staff, the applicant decided to sponsor a zoning text amendment. After initial discussions with staff, the ordinance amendment was modified and expanded beyond the M-1 district to include the Highway Commercial (B-2), Central Business (B-1) and Commercial Industrial (CM-1) districts. The use is proposed to be permitted by-right in the M-1, B-2, and CM-1 districts and permitted with a conditional use permit in the B-1 district.

STAFF COMMENTS

Staff has met with the applicant prior to submitting this application and supports the current proposal. The *Home Improvement Donation Center* use in the M-1, B-2, and CM-1 districts is consistent with the types of uses permitted by-right within each of those districts. In the B-1 district, the use would only be permitted with a conditional use permit, which would allow the Planning Commission and City Council to evaluate such uses on a case by case basis and mitigate any potential negative impacts. Staff believes this type of proposed use a slightly unique and distinct from general retail services such as a hardware store and related uses in that the customer traffic and interaction with the business is two-way: goods are both brought to the site to be donated as well as merchandise is purchased on-site and removed from the customer.

RECOMMENDATION

Staff supports this amendment as proposed.

A potential motion could read:

MOVE that the Planning Commission forward **TA-15-177** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for expanded commercial opportunities consistent with Council's Strategic Plan and the City's Comprehensive Plan.

AN ORDINANCE AMENDING ARTICLES 1, 8, 9, 10, AND 11 OF THE WINCHESTER ZONING ORDINANCE
PERTAINING TO DEFINITION AND USE PROVISIONS OF HOME IMPROVEMENT DONATION CENTERS

TA 15-177

Draft 3 – 5/18/2015

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 1
DEFINITIONS**

1-2-48.1 **HOME IMPROVEMENT DONATION CENTER – A facility in which building supplies, materials, appliances and related materials are donated and resold to the public.**

**ARTICLE 8
HIGHWAY COMMERCIAL DISTRICT - B-2**

SECTION 8-1. USE REGULATIONS.

8-1-53 **Home Improvement Donation Center**

**ARTICLE 9
CENTRAL BUSINESS DISTRICT – B-1**

SECTION 9-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

9-2-27 **Home Improvement Donation Center**

**ARTICLE 10
COMMERCIAL INDUSTRIAL DISTRICT - CM-1**

SECTION 10-1. USE REGULATIONS.

10-1-44 **Home Improvement Donation Center**

**ARTICLE 11
LIMITED INDUSTRIAL DISTRICT - M-1**

SECTION 11-1. USES REGULATIONS.

11-1-32 **Home Improvement Donation Center**

CUP-15-219 Request of the City of Winchester for a Conditional Use Permit for amphitheater use for the Taylor Pavilion at 119 N. Loudoun Street (Map Number 173-01-F-26) zoned Central Business (B-1) District with Historic Winchester Overlay (HW).

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 9-2-25 of the Zoning Ordinance pertaining to Arenas, Amphitheaters, and Stadiums. The City owned outdoor venue was part of the Taylor Hotel Renovation project and is planning to host the Old Town Farmers Market and other outdoor events.

AREA DESCRIPTION

The site sits between two historic buildings; the Taylor Hotel which contains five apartment units and a restaurant located on the Loudoun Street Pedestrian Mall and the Fly Tower which contains two apartment units and a restaurant on the ground floor located along Indian Alley. The Taylor Pavilion contains a concrete stage area with a tiered pocket park for seating, as well as a wood frame covered pavilion. Land to the north and south contains a mixed-use of residential and commercial retail. The subject property and all surrounding properties are zoned Central Business and within the Historic Winchester overlay District.



STAFF COMMENTS

The history of the site goes back to 1848 when the Taylor Hotel first opened as a hotel for visitors traveling through Winchester. Over the 19th & 20th centuries, the Taylor Hotel was used as Stonewall Jackson's headquarters during the Civil War, a theater, department store, and telecom center before becoming vacant in 2004. Subsequently, the building significantly deteriorated over time, most notably after a partial roof collapse in 2007 and in 2010 the City Council condemned the property as blighted and unsafe. In 2011, the Winchester Economic Development Authority (EDA) purchased the Taylor Hotel with the intent to restore the building into a successful and contributing member of the Old Town Mall. Through the use of historic tax credits, federal and state grants, and private investment, the EDA began the restoration efforts in the fall of 2012 and which was completed in the fall of 2014.

In a letter (see attached) from Jennifer Bell, Downtown Manager of Old Town Winchester (who operates and manages the Taylor Pavilion), outlined her request for a CUP for amphitheater use. Ms. Bell also provided a list of list of events and dates for live entertainment Taylor Pavilion. Generally events at the Taylor Pavilion would occur between the May through October coinciding with the Saturday Farmer's Market and a variety of events during the summer months. **The proposed hours of operation for amphitheater use would be from 9 AM to 10 PM Sunday through Wednesday and 9 AM to midnight Thursday through Saturday.** Staff sees the most frequent times of this particular use being weekends (Fridays thru Sundays) and generally evening hours.

City staff has no concerns for this proposed use and supports this use as envisioned with the Taylor Hotel restoration project.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified 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.

Staff recommends the following favorable motion:

MOVE, that the Commission forward **CU-15-219** to City Council recommending approval per Sections 9-2-25 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 subject to:

1. Use to begin no earlier than 9 AM and end no later than 10 PM Sunday through Wednesday and begin no earlier than 9 AM and end no later than midnight Thursday through Saturday and on New Year's Eve.
2. All events are coordinated through the Downtown Manager or other City official designated by the City Manager.

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 722-7576
FAX: (540) 722-7570
Website: www.winchesterva.gov

May 4, 2015

Dear Chairman Slaughter,

It is my hope that a Conditional Use Permit for amphitheater use will be granted for the Taylor Pavilion, 119 N. Loudoun Street. This area which once housed a theater, which was destroyed by neglect, now has the potential to become a cultural hub in the downtown. Through the Taylor Project a new community space was created with a wooden market pavilion building, terraced seating, green space and a stage-like area which could once again host entertainment and contribute to the City Council Goal to Continue Revitalization of Old Town. In order for this to be fully utilized as a performance space, a CUP is required.

As part of the dynamic programming to serve the broader community within the downtown it is my intention to relocate several existing events from parking lots to this location as well as adding new programming. The events will range from the Friday Night Live bands to a new Classic Movie series. Each month a free concert will be performed on a Sunday afternoon. We will also host the Old Town Farmers Market which will run May 16 – October 31 Saturday mornings from 9 – 1. During the market times, we would like to have local musicians perform on the stage area and possibly showcase cooking demonstrations.

I have requested the permit to run until midnight on Thursdays through Saturdays to allow the maximum potential for programming. Having the ability to use the space until midnight does not mean we plan on using it as a rule, however, we would like to have that flexibility. City Council, the City Manager and I have oversight as to the actual hours of operation. Friday Night Live concerts would end no later than 11 p.m. However, many classic movies run more than two hours and as dusk falls around 9 p.m. in summer having the hours restricted to 11 p.m. would limit our ability to show movies such as Gods and Generals, Gone With the Wind and other popular long movies even in late summer. A Conditional Use Permit allowing amphitheater use in this location is a crucial step in actively programming this area to be a contributing resource in the on-going revitalization of Old Town Winchester.

Sincerely,

Jennifer Bell
Downtown Manager
City of Winchester
33 E. Boscawen Street
Winchester, VA 22601

“To be a financially sound City providing top quality municipal services while focusing on the customer and engaging our community.”

Taylor Pavilion 2015 Programming

Taylor Pavilion Classic Movie.....	June 13 th
Friday Night Live.....	June 19 th
Taylor Pavilion Concert.....	June 21 st
SU Community Day.....	June 27 th
Taylor Pavilion Classic Movie.....	July 11 th
Friday Night Live.....	July 17 th
Taylor Pavilion Concert.....	July 19 th
Children’s Literacy Day	August 8 th
Taylor Pavilion Classic Movie.....	August 8 th
Friday Night Live.....	August 21 st
Taylor Pavilion Concert.....	August 23 rd

Saturday Farmers Market each Saturday 9a.m. – 1 p.m. May 16 – October 31

CUP-15-219

From: [Rotundo, Debra](#)
To: [Josh Crump](#)
Cc: [Rotundo, Debra](#)
Subject: Taylor Hotel
Date: Monday, May 18, 2015 10:17:40 AM

Good morning- Eric had sent me an e-mail stating that you all were interested in what the residents of the hotel felt about the activities planned for the pavilion. I don't have any problem with the activities scheduled for there. I knew that that's what was planned for there and I think its an awesome idea to put it to use for the community. It doesn't sound like anything is scheduled for too late in the evening and anyone living in the hotel should have had the foresight to know that that space would be used for activities. I look forward to all that is planned there this summer. Thank you for asking for my input. Have a good day. Debra Rotundo- Taylor Hotel

Josh Crump

From: Josh Crump
Sent: Friday, May 15, 2015 11:17 AM
To: Aaron Grisdale; Anthony Williams; Eden Freeman; Timothy Youmans; Jennifer Bell; David Smith; Dr. Richard Fieo; John Tagnesi; Kelly Wolfe; Mark Loring; Martha Shickle; Steve Slaughter
Subject: FW: Taylor Hotel - Taylor Pavilion activities

Commissioners:

Please find below a message from a resident of the Taylor hotel regarding the Taylor Pavilion CUP.

Have a good weekend,

--

Josh Crump

Planner
City of Winchester
15 N. Cameron Street
Winchester, VA 22601
Phone: (540) 667-2117 (direct)
Email: Josh.Crump@winchesterva.gov



www.winchesterva.gov/planning

From: William Bolton [mailto:william.bolton.jr@gmail.com]
Sent: Thursday, May 14, 2015 7:25 PM
To: Josh Crump
Subject: Re: Taylor Hotel - Taylor Pavilion activities

Hi Josh,

Thank you for the response and additional information. Unfortunately I will be traveling this coming week for work, but I am generally supportive of the conditional use permit. I say this under the following premise:

- I believe if one chooses to live in the downtown area, specifically in such a prominent location overlooking a public space, you are doing so because you are looking for a lively atmosphere. If you want quiet, you do not live in this environment.
- I also believe proposed events will help foster a better Downtown Winchester community; as a tenant of a surrounding building, I also enjoy these benefits.
- Events are planned with discretion (as it notes that all events will go through a City official); I am certainly not promoting entertainment late into the evening every night of the week, but believe the hours and types of events listed in the report are appropriate.
- I speak only for my unit, not the building as a whole.

I would be happy to provide any additional feedback.

Thank you,
Will Bolton

Planning Commission
May 29, 2015

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

REQUEST DESCRIPTION

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

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

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

STAFF COMMENTS

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

RECOMMENDATION

Staff recommends initiation of this amendment.

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

TA-15-289

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

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

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

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

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

TA-15-289

Draft 1 – 5/19/2015

Ed. Note: The following text represents an excerpt of Article 8 of the Zoning Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

ARTICLE 8

HIGHWAY COMMERCIAL DISTRICT B-2

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

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

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

- a. A maximum of eight dwelling units per building, however, any two buildings may be connected by a common elevator;
- b. No dwellings shall have more than two (2) bedrooms ~~nor be situated on the ground level;~~
- c. Building entrances and off-street parking areas serving dwelling units should be oriented to the side or rear of the property;
- d. Density shall not exceed one (1) dwelling unit for each 3500 square feet of the Total Project Area, except where dwelling units are certified by the standards outlined in the United States Green Building Council LEED® for Homes program; and, with each dwelling unit having no more than two (2) bedrooms, the following Density Adjustment shall be applied: (3/11/09, Case No.TA-08-12, Ord. No. 2009-10)

<u>Level of Certification</u>	<u>Bonus Factor</u>
Certified	.05
Silver	.10
Gold	.15
Platinum	.20

- e. The absolute minimum floor area per dwelling unit in each building used for this purpose shall be as follows: seven hundred (700) square feet for efficiency & one (1) bedroom units; and nine hundred (900) square feet for two (2) or more bedrooms.
- f. **No dwelling units shall be located on the ground floor unless:**
 - 1) **City Council makes a determination that multifamily use is as suitable as or preferable to other permitted uses on the ground floor,**
 - 2) **No units are situated facing a major commercial street as determined by the Planning Director, and**
 - 3) **The dwelling units are proposed as part of a redevelopment of an existing structure. Ground floor dwelling units shall not be permitted in new structures.**