



AGENDA

Planning Commission Meeting

3:00 PM - Tuesday, January 21, 2020

Rouss City Hall Council Chambers

Page

1. POINTS OF ORDER
 - 1.1. ROLL CALL
 - 1.1.A. Election of Officers

Presenter: Tim Youmans, Planning Director
 - 1.1.B. Appointment of Frederick County Liaison
 - 1.2. ADOPTION OF AGENDA
 - 1.3. APPROVAL OF MINUTES
 - 1.3.A. Planning Commission - Regular Meeting
 - 1.3.B. Planning Commission - Work Session
 - 1.4. CORRESPONDENCE
 - 1.5. CITIZEN COMMENTS
 - 1.6. REPORT OF FREDERICK COUNTY PLANNING COMMISSION LIAISON
2. PUBLIC HEARINGS - NEW BUSINESS
 - 2.1. SP-19-811 Request of Greenway Engineering for Site Plan Approval of Winchester Senior Living Center Addition at 333 West Cork Street (Map Number 192-01-C-16) zoned Health Services (HS) District. 3 - 19

Presenter: Tim Youmans, Planning Director

[SP-19-811_Staff Report for PC_1.21.20](#)
[Council action letter 3-28-19](#)
[Parking Tabulations - Rev 1 Site Plan 1-3-20](#)
[Site Plan snap shots 11-25-19 and 1-3-20](#)
3. PUBLIC COMMENTS
4. NEW BUSINESS
 - 4.1. **ROW-19-934** – AN ORDINANCE TO VACATE AND CONVEY A 1,607 SQUARE FOOT PORTION OF THE MEADOW BRANCH AVENUE RIGHT OF WAY ADJOINING 520 MEADOW BRANCH AVENUE 20 - 24

[ROW-19-934 - 480 Meadow Branch Ave - Staff Report PC 1-21-20](#)
[DOC401](#)
 - 4.2. CE-19-943 Exterior changes at 802 East Cork Street. 25 - 26

[802 E Cork St house](#)

5. OLD BUSINESS
6. ADJOURNMENT

Planning Commission
January 21, 2020

DESCRIPTION

AREA DESCRIPTION

The applicant, Greenway Engineering., on behalf of Healthcare Development Partners (HDP) is seeking a by-right development of a Senior Living Center consisting of 165 units with a total of 195 beds. The development required City Council approval of a number of waivers as enabled under Section 15-2-2 of the Zoning Ordinance. On March 26, 2019, City Council voted 5-3-1 to approve the request of Healthcare Development Partners for a Conditional Use Permit (**CUP-18-815**) for waivers from area, height, density, bulk, width, and landscaping regulations.

Page 3 of 26

Agenda Item #2.1.

neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The approval was subject to twelve conditions.

The purpose of the site plan review and public hearing is not to reevaluate whether or not the waivers are appropriate, but rather to confirm compliance with general site plan standards contained within the Zoning Ordinance and compliance with the twelve conditions that City Council applied to approval of the development waivers in CUP-18-815. The remainder of the 'Staff Comments' portion of this report is organized under the twelve conditions.

1. General conformity (as determined by the City Planning Director) with the proposed concept elevations updated Feb 18, 2019, proposed concept renderings (perspective drawings) updated Feb 18, 2019 including enhancements to the existing tower as shown in the video , proposed floor plans dated updated Mar 21, 2019, and concept street landscaping exhibits and video submitted by the applicant: Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. Site plans do not include building elevations and floor plans, but do have detailed dimensioning of the exterior building walls. This layout has been depicted and determined to be in general conformity with the CUP conceptual layout. Building elevations and floor plans will be scrutinized with the review of the construction drawings submitted with the building permit request. The landscaping depicted on the 14 pages of the site plan set pertaining to landscaping has been determined to conform or exceed conformity (i.e. more than meet the minimum requirement) with the CUP conceptual plans.

2. Strict adherence to the Site Plan approval process, including compliance with minimum off-street parking requirements and execution of any agreements for required satellite parking arrangements: Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. The applicant has provided detailed layouts and counts of proposed parking. Based upon a thorough review of the existing ADA accessible parking layout by the Building Official and Code Enforcement staff, there are some revisions to the location and dimensioning of ADA parking that will need to be done before the site plan can be approved by the Planning Director. The required versus provided quantity of parking is specified on Sheet 2 of the plan set. The tabulation is being refined based upon the ADA parking analysis, but the figure is well within the range that can meet the requirements of the CUP based upon the inclusion of the valet parking arrangement in Lot#3 (the northernmost parking lot) and based upon the 20% reduction allowed for developments within close proximity to a transit stop and where bicycle parking is provided. The latest parking matrix (subject to further fine tuning) calls out a total of 343 total parking spaces in the five surface parking lots controlled by HDP where a total of 339 spaces are required. Of the 373 spaces, 30 are configured as valet service parking spaces.

An agreement has been authorized with the Winchester Parking Authority to secure up to 20 parking spaces in the public parking garages in the downtown area. This will most likely be used for vehicles that are infrequently accessed by residents of the Senior Living Center and who benefit from valet parking service so that they do not need to walk to or from the parked vehicle.

3. Landscaping must meet 25% standard with at least 21% at ground level, up to 19% of that requirement allowed to be met in the form of green roofs as included in the graphic materials submitted by developer (see attached). Landscaping shall include the installation of replacement public street trees along the three public street frontages with shade trees of at least a 3.5" minimum caliper at installation and subject to approval by the City Arborist: Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. The greenspace computations are provided on Sheet LO.30. The plan calls out 33,584 sq. ft. of green space at ground level (21.05%) and another 19,000 sq. ft. of roof level green space, which combined with the ground level green space amounts to 52,584 sq. ft. of green space or 32.95% of the land area. The plan notes that there is another 5,757 sq. ft. of green space within the adjoining public right of way which helps to create an enlarged amount of

Agenda Item #2.1.

green area on the site. This is particularly noteworthy since the neighboring property owners were concerned about replacing landscaping within the public right of way adjoining the private land owned by HDP.

4. **Landscaping and screening as generally depicted in the Project Update, including sliding (not swinging) opaque gates at the entrance to the W. Clifford Street service delivery area which are to remain in good repair and remain closed other than when a delivery is taking place:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. Again, the landscaping is consistent with the general plan. The sliding gate and details are included in the site plan set.
5. **Compliance with the Neighborhood Disturbance Mitigation Plan as contained in the 2-18-19 Project Update:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. There is no further information pertaining to this item needed on the site plan, but the mitigation plan will be discussed with the selected contractor at a scheduled pre-construction meeting required by the City.
6. **Adherence to a Transportation Plan and parking distribution plan that includes year-round 18-hour (or more) per day valet parking service to all CCRC residents, free shuttle service for CCRC residents to popular local destinations, and satellite parking provided by means of validation parking at the parking garages operated downtown by the Winchester Parking Authority and any other non-City entities such as Valley Health. The adequacy of parking as determined by the Zoning Administrator attributable to the facility. The requirement to maintain satellite parking shall be reviewed by the Zoning Administrator six (6) months after the final Certificate of Occupancy is issued for 100% occupancy of the facility and a report shall be provided to City Council to determine if the applicant can be released from the satellite parking requirement or if it needs to be kept in place for an extended period of time to be determined by City Council. Furthermore, the City Manager, in consultation with the Chief of Police, shall assess the appropriateness of a resident only parking area:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. Prior to issuance of any occupancy permit, the City will require evidence of the free shuttle service for Senior Living Center residents. The Zoning Administrator will be monitoring the parking utilization in order to make a report to City Council after 100% occupancy as to whether some or all of the off-site parking agreement can be eliminated. Likewise, the City Manager and Police Chief will monitor the residential permit parking situation.
7. **Ensuring that existing development shall remain a taxable use and that all new development shall also be taxable, including property taxes, personal property taxes and Business Professional Occupational (BPOL) taxes:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. There is no further information pertaining to this item needed on the site plan.
8. **The truck delivery schedule included in the 3-2-19 response which minimizes the hours of activity at the W. Clifford St delivery area. Specifically, the property owner shall make every effort to limit deliveries to small box trucks and all tenants shall require deliveries that entail truck deliveries to the W. Clifford St delivery area to occur only between the hours of 8:00AM and 1:00PM on Monday through Friday other than up to three (3) deliveries per week that happen outside of that period due to factors beyond the control of the owner or tenant:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. There will be stipulations attached to the Certificates of Occupancy for the new Senior Center use requiring familiarity of this requirement by management staff and the need for strict compliance.

Agenda Item #2.1.

9. **The use of the newly constructed portion of this facility, as proposed, would be for an Independent Living, Assisted Living and Memory Care facility use only:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. The uses noted in the parking tabulation comply with this condition.
10. **Applicant commits that there will be no future development on the 3-story westerly portion of the existing Health Service building:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. There is no further information pertaining to this item needed on the site plan.
11. **Applicant shall contribute at least half of the cost of a new WinTran bus shelter adjacent to the property:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. The applicant is working with the Director of the Transit Authority to provide the 50% cash contribution toward the new shelter. It would need to be completed before occupancy of the Senior Living Center.
12. **Applicant agrees to forego any local enterprise zone incentives, competitive or by-right incentives in the form of local tax credits, local tax abatements, or local grants associated with commercial property development, job creation, or investment in professional related equipment; as well as any other efforts that would seek to lessen their local tax liability including seeking any state designation for exemption from local taxes:** Compliance with this condition is noted on Sheet 3 of the Site Plan drawing set. There is no further information pertaining to this item needed on the site plan.

RECOMMENDATION

If the Commission is inclined to support the request, a favorable motion could read:

MOVE, that the Planning Commission approve site plan **SP-19- 811**.

If the Commission wishes to table the request, a motion could read:

MOVE, that the Planning Commission table site plan **SP-19- 811** until the February 18, 2020 meeting.

If the Commission is not inclined to support the request, a motion could read:

MOVE, that the Planning Commission deny site plan **SP-19- 811** {state reasons for denial}.

Agenda Item #2.1.

Agenda Item #2.1.

Agenda Item #2.1.

Agenda Item #2.1.

Agenda Item #2.1.

Agenda Item #2.1.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

March 28, 2019

Healthcare Develop. Partners
Attn: Eitan Stieber
180 N Michigan Ave, #510
Chicago, IL 60601

Dear Mr. Stieber:

On Tuesday, March 26, 2019, the Winchester City Council acted on the following:

CUP-18-815 Request of Healthcare Development Partners for a Conditional Use Permit per Section 15-2-2 of the Winchester Zoning Ordinance for waivers from area, height, density, bulk, width, and landscaping regulations at 333 W. Cork Street zoned Health Services (HS) District.

On a 5-3-1 vote, City Council approved **CU-18-815** because the use, as revised, is consistent with the Comprehensive Plan and should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The approval is subject to:

1. General conformity (as determined by the City Planning Director) with the proposed concept elevations updated Feb 18, 2019, proposed concept renderings (perspective drawings) updated Feb 18, 2019 including enhancements to the existing tower as shown in the video , proposed floor plans dated updated Mar 21, 2019, and concept street landscaping exhibits and video submitted by the applicant; and,
2. Strict adherence to the Site Plan approval process, including compliance with minimum off-street parking requirements and execution of any agreements for required satellite parking arrangements; and,
3. Landscaping must meet 25% standard with at least 21% at ground level, up to 19% of that requirement allowed to be met in the form of green roofs as included in the graphic materials submitted by developer (see attached). Landscaping shall include the installation of replacement public street trees along the three public street frontages with shade trees of at least a 3.5" minimum caliper at installation and subject to approval by the City Arborist; and,

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

Agenda Item #2.1.

4. Landscaping and screening as generally depicted in the Project Update, including sliding (not swinging) opaque gates at the entrance to the W. Clifford Street service delivery area which are to remain in good repair and remain closed other than when a delivery is taking place; and,
5. Compliance with the Neighborhood Disturbance Mitigation Plan as contained in the 2-18-19 Project Update; and,
6. Adherence to a Transportation Plan and parking distribution plan that includes year-round 18-hour (or more) per day valet parking service to all CCRC residents, free shuttle service for CCRC residents to popular local destinations, and satellite parking provided by means of validation parking at the parking garages operated downtown by the Winchester Parking Authority and any other non-City entities such as Valley Health. The adequacy of parking as determined by the Zoning Administrator attributable to the facility. The requirement to maintain satellite parking shall be reviewed by the Zoning Administrator six (6) months after the final Certificate of Occupancy is issued for 100% occupancy of the facility and a report shall be provided to City Council to determine if the applicant can be released from the satellite parking requirement or if it needs to be kept in place for an extended period of time to be determined by City Council. Furthermore, the City Manager, in consultation with the Chief of Police, shall assess the appropriateness of a resident only parking area; and,
7. Ensuring that existing development shall remain a taxable use and that all new development shall also be taxable, including property taxes, personal property taxes and Business Professional Occupational (BPOL) taxes; and,
8. The truck delivery schedule included in the 3-2-19 response which minimizes the hours of activity at the W. Clifford St delivery area. Specifically, the property owner shall make every effort to limit deliveries to small box trucks and all tenants shall require deliveries that entail truck deliveries to the W. Clifford St delivery area to occur only between the hours of 8:00AM and 1:00PM on Monday through Friday other than up to three (3) deliveries per week that happen outside of that period due to factors beyond the control of the owner or tenant; and,
9. The use of the newly constructed portion of this facility, as proposed, would be for an Independent Living, Assisted Living and Memory Care facility use only; and,
10. Applicant commits that there will be no future development on the 3-story westerly portion of the existing Health Service building; and,
11. Applicant shall contribute at least half of the cost of a new WinTran bus shelter adjacent to the property; and,

Agenda Item #2.1.

12. Applicant agrees to forego any local enterprise zone incentives, competitive or by-right incentives in the form of local tax credits, local tax abatements, or local grants associated with commercial property development, job creation, or investment in professional related equipment; as well as any other efforts that would seek to lessen their local tax liability including seeking any state designation for exemption from local taxes.

Please call if you have any questions, 540-667-1815 ext. 1415.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. Youmans". The signature is fluid and cursive, with a large loop at the end.

Timothy A. Youmans
Planning Director

cab

3. Signs: Signage must conform with the standards of the City of Winchester Zoning Ordinance, Section 18-8.
Agenda Item #2.1: Any road or parking lot lighting shall conform with the standards of the City of Winchester Zoning Ordinance Sections 19-4-13, 19-5-8, and 19-5-8.1*

PARKING TABULATIONS

<u>PARKING PER FACILITY:</u>	<u>GROSS PROGRAM SPACE:</u>	<u>PARKING RATIO:</u>	<u>PARKING REQUIRED:</u>
EXISTING BUILDING (excl. CCRC):			
POWER PLANT MECH / ELECT:	26,975	INDUSTRIAL-WAREHOUSE/ STORE 1/ 2,500	11
STORAGE / HOUSEKEEPING / MAINTENANCE:	29,624	STORAGE / 2,500	12
HOUSEKEEPING:	320	300	2
MEDICAL OFFICE:	13,525	200	68
ADMIN OFFICE:	24,284	300	81
GENERAL OFFICE:	25,712	300	86
POOL INPATIENT:	3,419	1 CAR/ 5 BEDS + 1/ STAFF	2
REHAB INPATIENT:	19,771	1 CAR/ 5 BEDS + 1/ STAFF	10
INPATIENT REHAB BEDS:	14,660	1 CAR/ 5 BEDS + 1/ STAFF	30
INPATIENT HOSPICE:	14,660	1 CAR/ 5 BEDS + 1/ STAFF	12
*10% DISCOUNT FOR BUSES:	--	--	-31
**10% DISCOUNT FOR BICYCLE RACKS:	--	--	-31
SUBTOTAL EXISTING BUILDING:	172,630	--	252
PROPOSED CCRC			
CCRC BEDS:	--	1 CAR/ 3 BEDS	64
CCRC STAFF DAY SHIFT (7AM-3PM)	--	1 CAR/ STAFF	43
*10% DISCOUNT FOR BUSES:	--	--	-10
**10% DISCOUNT FOR BICYCLE RACKS:	--	--	-10
SUBTOTAL PROPOSED BUILDING:	--	--	87
CCRC SPACE WITHIN EXISTING BUILDING:	42,000	--	--
CCRC SPACE IN NEW ADDITION:	122,273	--	--
TOTAL OF EXISTING AND PROPOSED BUILDINGS:	336,903	-- REQUIRED	339
PARKING PROVIDED PER LOT:	STANDARD PROVIDED	ACCESSIBLE SPACES PROVIDED	TOTAL PROVIDED
LOT 1:	38	0	38
LOT 2:	56	4	60
(VALET 72 STANDARD & 30 STACKED SPACES) LOT 3:	102	0	102
LOT 4:	46	8	54
(ONSITE -PIN 129-1-C-16) LOT 5:	119	0	119
SUBTOTAL:	331 361	12	373
ADDITIONAL PARKING PROVIDED:	STANDARD PROVIDED	ACCESSIBLE SPACES PROVIDED	TOTAL PROVIDED
OFFSITE (SATELLITE) PARKING GARAGE:	20	0	20
TOTAL PARKING PROVIDED (ONSITE & OFFSITE)		PROVIDED	393

*Per Winchester Zoning Ordinance § 18-6-6.a

**Per Winchester Zoning Ordinance § 18-6-6.b

Agenda Item #2.1.

HDP, Senior Living

Winchester, VA

Unit Mix and Square Footage Calculations

November 28, 2018

Memory Care / Assisted Living / Independent

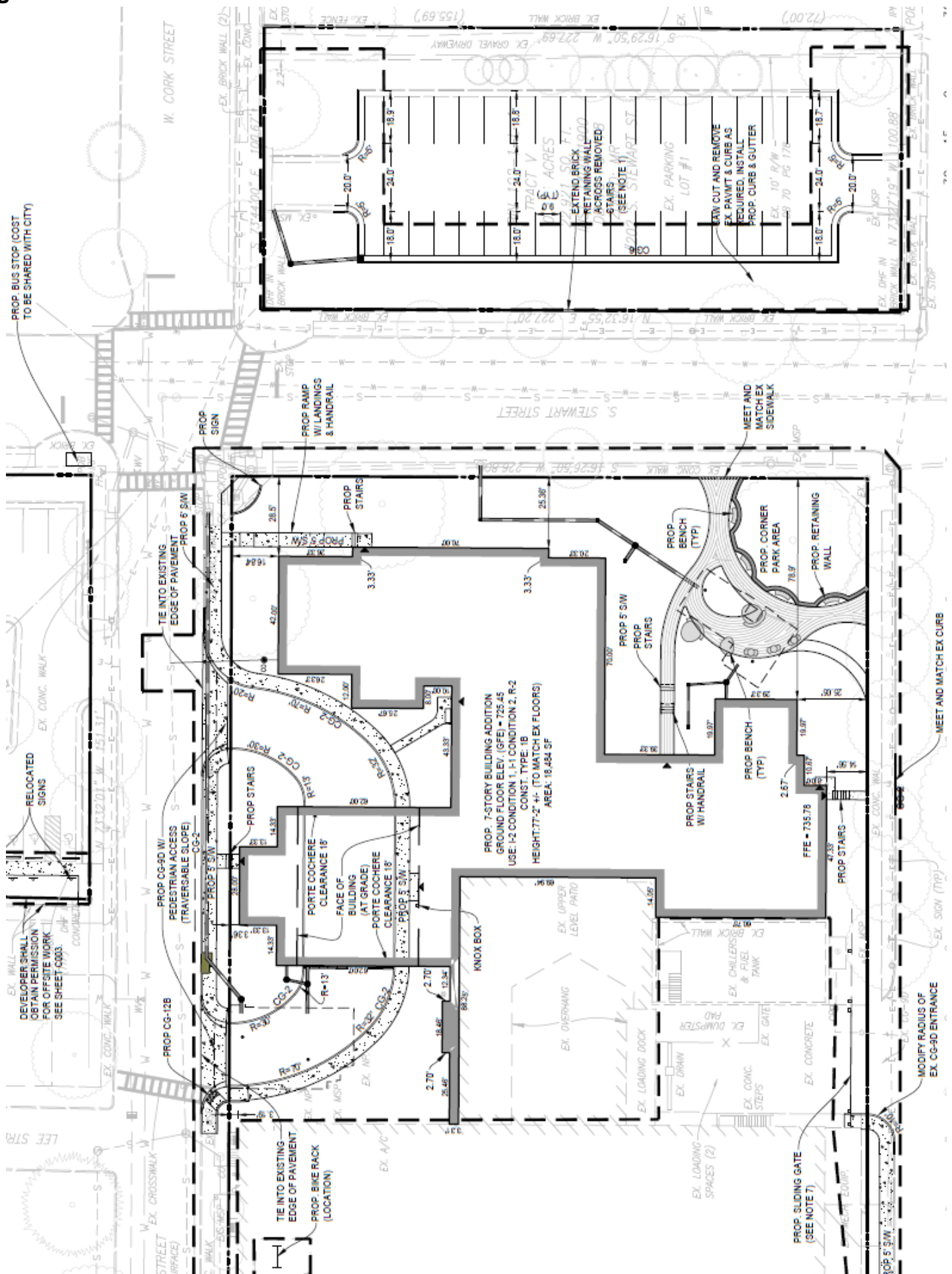
Home Total

Total Units

Floor
Memory Care Units
STUDIO (AVG. 320+/- S.F.)
SHARED (AVG. 576+/- S.F.)
ASSISTED LIVING
STUDIO (AVG. 336+/- S.F.)
1B (AVG. 576+/- S.F.)
2B (AVG. 864+/- S.F.)
INDEPENDENT LIVING UNITS
UNIT TYPE 1BD (AVG. 600+/- S.F.)
UNIT TYPE 2BD (AVG. 900+/- S.F.)
UNIT TYPE 1BD+DEN (AVG. 1100+/- S.F.)
Total Units
BEDS
Estimated Area (GSF)
Approx. Common Area Assisted Living
Approx. Common Area Independent Living
Approx. Common Area Memory Care

16,475	21,140	21,035	20,552	19,790	27,056	23,065	15,160		167,273 +/-
IL,GFL	IL,1stFL	AL/IL,2ndFL	IL,3rdFL	IL,4thFL	MC,5thFL	IL,6thFL	IL,7thFL		
					21			21	
					13			13	
		8						8	
		14						14	
		2						2	
5	6	3	18	18		12	4	66	
2	2	1	3	2		3	4	17	
		1	5	5		7	6	24	
7	8	29	26	25	34	22	14	165	167,273+/-
9	10	32	29	27	45	25	18	195	avg. per unit
									1,013+/-
									approx. GSF

Agenda Item #2.1.



[illegible]

Agenda Item #2.1.



Agenda Item #4.1.

Planning Commission
January 21, 2019

ROW-19-934 – AN ORDINANCE TO VACATE AND CONVEY A 1,607 SQUARE FOOT PORTION OF THE MEADOW BRANCH AVENUE RIGHT OF WAY ADJOINING 520 MEADOW BRANCH AVENUE

REQUEST DESCRIPTION

The request of Denstock Meadow Branch II LLC is to vacate the northerly right of way bump-out that was dedicated in anticipation of a future roadway entrance that is no longer desired by the developer. The bump-out extends into the vacant parcel of land at 520 Meadow Branch Avenue. The physical entryway was never constructed and the existing Green Circle Trail extends across the area. The southern entrance apron into the property was constructed by the city when Meadow Branch Avenue was developed, and the applicant requests no change in this area. The applicant addresses the basis for the vacation request in a letter dated December 19, 2019 (SEE ATTACHED). The proposed area to be vacated represents about 1,607 sq. ft. and is depicted on materials submitted with the application. (SEE ATTACHED).

AREA DESCRIPTION

All of the subject area is zoned MR, Medium Density Residential District, with proffers. The surrounding area property to the north that is owned by the developer and improved with the 170-unit Meadow Branch Avenue Apartment development. The adjoining land where the vacation and conveyance request is being made is slated to be developed, possibly as a PUD similar to the development to the north.

Land to the south is part of the Meadow Branch North PUD and includes single-family detached homes clustered along a private street. Land across the street is undeveloped and slated for single-family residential use.



COMMENTS FROM THE PLANNING DEPARTMENT

The proposed vacation and conveyance is fairly small and straightforward. The request is not likely to present any inconvenience to any adjoining property owners or to the public. There does not appear to be any reasons why the City should be opposed to the vacation and subsequent conveyance of the aforementioned land.

Agenda Item #4.1.

Council would need to determine the terms for conveyance of the land. The City Attorney would review the process for conveyance.

There is nothing in the Comprehensive Plan that specifically advocates or opposes retention of smaller right of way segments, such as this request. No vehicular or pedestrian movement would be impaired by this vacation.

RECOMMENDATION

Recommend the following motion:

MOVE, that **ROW-19-934** be forwarded to City Council recommending approval subject to a required Minor Subdivision survey plat and application.

AN ORDINANCE TO VACATE AND CONVEY A 1,607 SQUARE FOOT PORTION OF THE MEADOW BRANCH AVENUE RIGHT OF WAY ADJOINING 520 MEADOW BRANCH AVENUE ROW-19-934

WHEREAS, the Common Council has received a request from Denstock Meadow Branch II LLC., to vacate and convey to it a portion of that public right of way situated adjacent to the property; at 520 Meadow Branch Avenue; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain adjoining property owners as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 *et. seq.*, respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of January 21, 2020, forwarded the request recommending approval; 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, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience ~~{would/would not}~~ result from discontinuing the right of way; and,

WHEREAS, the owner of 520 Meadow Branch Avenue which adjoins the subject right-of-way, would assemble the vacated right of way acreage into its parcel; and,

WHEREAS, the Common Council has agreed to convey the vacated right of way to the applicant for **???? Dollars (\$????)**.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the public right of way depicted on an exhibit (attached) be vacated and conveyed to the owners of 520 Meadow Branch Avenue.

BE IT FURTHER ORDAINED that this ordinance shall not take effect until such time as the purchaser has secured City approval of an approved Minor Subdivision plat depicting any necessary easements and the required assemblage of the vacated area in with certain adjoining real estate. The City Attorney and City Manager are hereby directed to take all actions necessary to execute all documents and carry out this ordinance.

Agenda Item #4.1.

Agenda Item #4.1.



December 19, 2019

Mr. Timothy Youmans
Planning Director
CITY OF WINCHESTER PLANNING DEPARTMENT
Rouss City Hall
15 N. Cameron Street
Winchester, VA 22601

Re: **Vacation Application – TMP# 169-1-5B**

Dear Tim:

Enclosed please find an application to vacate approximately 1,607.4 square feet along a portion of Meadow Branch Avenue as seen in yellow on the exhibit attached thereto.

This small piece of land is currently owned by the City and I suspect was contemplated as a potential entrance off the Meadow Branch during the design phase of that road. However, the adjoining property, Meadow Branch Apartments, has two existing entrances off Meadow Branch Avenue that would make this proposed entrance less desirable due to its close proximity to the existing entrances. Further, as the contract purchaser and developer of the TM# 16-1-5B parcel, it is our intention to locate the entrance to this parcel further south on Meadow Branch due to the particular configuration of our conceptual site plan. As a result, this entrance will never be used by the City or us to access property from Meadow Branch Avenue and therefore is not needed.

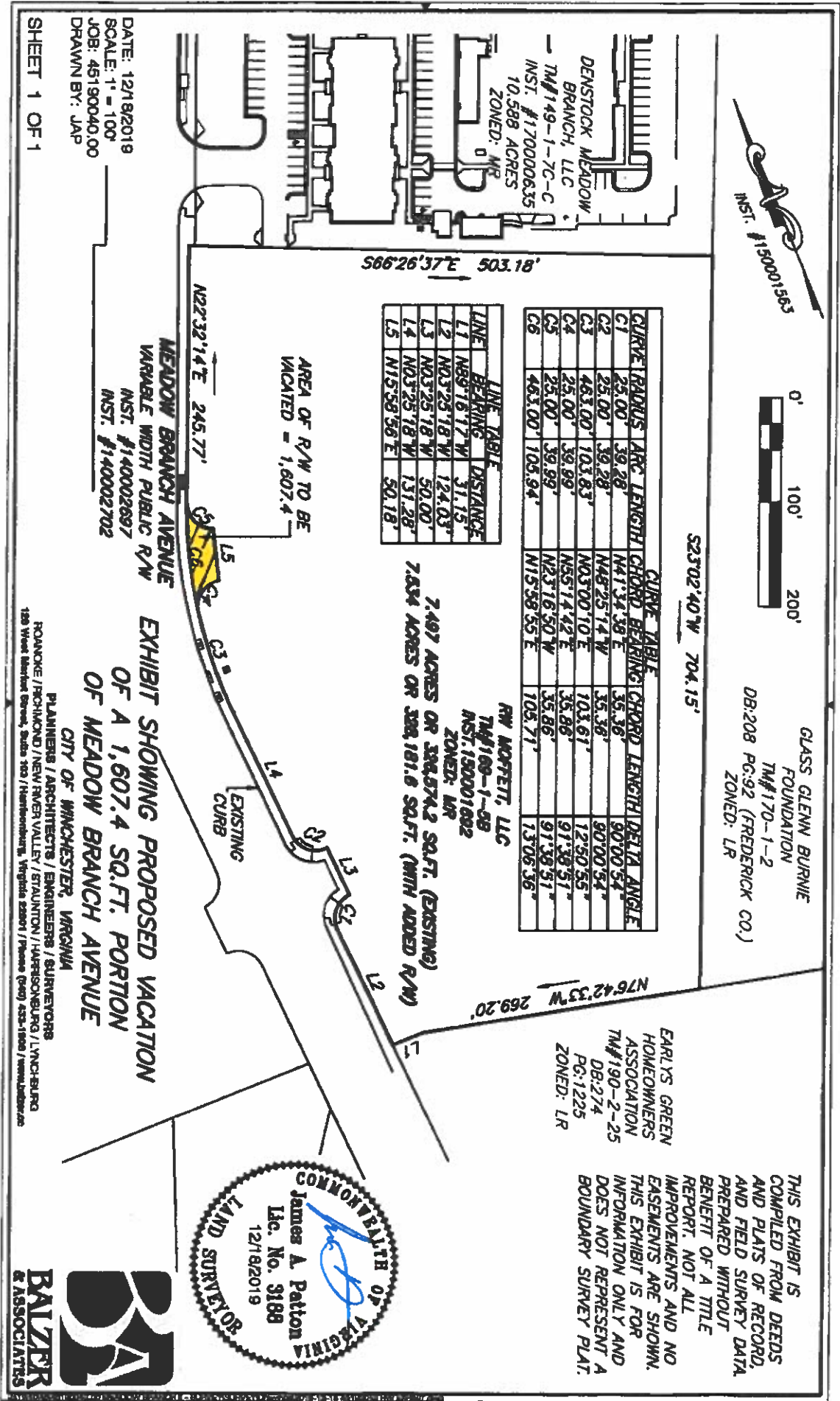
For that reason, as contract purchaser of TM# 169-1-5B, I respectfully request that the City vacate this small portion of land and let it become part of the adjoining property.

Please feel free to contact me if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to read 'Denise E. LaCour'.

Denise E. LaCour
Managing Director, Denstock LLC
Manager, Denstock Meadow Branch LLC



Agenda Item #4.2.



802 East Cork Street

Agenda Item #4.2.