



**PLANNING COMMISSION
AGENDA
December 17, 2019 – 3:00 PM
Fourth Floor Exhibit Hall - Rouss City Hall**

1. POINTS OF ORDER

- 1.2. Approval of Minutes
 - 1.2.A. Planning Commission - Work Session - Nov 5, 2019 3:00 PM
 - 1.2.B. Planning Commission - Regular Meeting - Nov 19, 2019 3:00 PM
- 1.3. Adoption of Agenda
- 1.4. Correspondence
- 1.5. Citizen Comments
- 1.6. Report of Frederick County Planning Commission Liaison

2. PUBLIC HEARINGS - New Business

- 2.1.** CUP-19-834 Request of Evan Riggelman for a Conditional Use Permit to Allow Short Term Rental Per Section 4-2-12 of the Winchester Zoning Ordinance at 346 Virginia Avenue (Map Number 174-06-13-14) Zoned Medium Density Residential (MR) District.
- 2.2.** CUP-19-838 Request of PRS Development Services LLC for a Conditional Use Permit to Allow a Front Yard Accessory Structure Per Section 18-10-11 of Winchester Zoning Ordinance at 1644-1660 South Braddock Street (Map Number 232-06-I-C) Zoned High Density Residential (HR) District.
- 2.3.** CUP-19-856 Request of Winchester Bambino League, Inc. (D/B/A Winchester Baseball) for a Conditional Use Permit for a Private Club at 2640 Valley Avenue (Map Number 290-01- -6B) Zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) Overlay Zoning.

2.4. TA-19-598 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 15.1, 16, 16.1, 18, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO TELECOMMUNICATIONS FACILITIES, PERMIT AND REVIEW REQUIREMENTS, AND FEES. The Ordinance Incorporates Recent State and Federal Legislation Establishing New Provisions to Streamline the Review and Permitting Process for Telecommunications Facilities. The Comprehensive Plan Calls for the City to Remain Economically Sustainable Which Entails Good Telecommunication Infrastructure.

3. PUBLIC HEARINGS - Continued

4. NEW BUSINESS

5. OLD BUSINESS

5.A. Comprehensive Plan Discussion - Chapter 7 - Housing

5.A.1. Chapter 7 - Housing

6. OTHER BUSINESS

6.A. Site Plan Administrative Approvals

7. ADJOURN



Planning Commission Work Session Minutes

The Winchester Planning Commission held its work session on Tuesday, November 05, 2019, at 3:00 PM in Exhibit Hall, Rouss City Hall, Winchester, Virginia.

1. Call to Order

PRESENT:

Commission Member Mark Loring
 Commission Member Brandon Pifer
 Commission Member Katherine Eaton
 Commission Member Lacey Burnett
 Commission Member Leesa Mayfield
 Commission Member David Ray

ABSENT:

Commission Member John Tagnesi

STAFF:

Tim Youmans, David Stewart

VISITORS:

None

2. Review Agenda for Regular Meeting

3. Committee Reports

None.

4. Status of Projects Pending Council Approval

None.

5. Report of Frederick County Planning Commission Liaison

6. Discussion

6.A. Text Amendment

Discussion of initiating an ordinance pertaining to telecommunication facilities including small cell installations.

Minutes Acceptance: Minutes of Nov 5, 2019 3:00 PM (Approval of Minutes)

7. Announcements

None.

8. Adjourn



Planning Commission Minutes

The Winchester Planning Commission held its regular meeting on Tuesday, November 19, 2019, at 3:00 PM in Council Chambers, Rouss City Hall, Winchester, Virginia.

1. POINTS OF ORDER

PRESENT:

Commission Member Mark Loring
 Commission Member Brandon Pifer
 Commission Member Lacey Burnett
 Commission Member Leesa Mayfield
 Commission Member John Tagnesi
 Commission Member David Ray

ABSENT:

Commission Member Katherine Eaton

EX OFFICIO:

Eden Freeman City Manager

STAFF:

Tim Youmans, David Stewart, Shawn Hersberger, Carolyn Barrett

VISITORS:

Lynn Lane, Louis Bailey, Jonathan Ritchie

1.2. Approval of Minutes

1.2.A. Planning Commission - Work Session - Oct 1, 2019 3:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Brandon Pifer, Commission Member
SECONDER:	Lacey Burnett, Commission Member
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

1.2.B. Planning Commission - Regular Meeting - Oct 15, 2019 3:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Brandon Pifer, Commission Member
SECONDER:	John Tagnesi, Commission Member
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

Minutes Acceptance: Minutes of Nov 19, 2019 3:00 PM (Approval of Minutes)

1.3. Adoption of Agenda

1.3.1. Motion to adopt agenda

Mr. Youmans noted under Item 6, there are updated plans for the Carmax, SP-19-772, for administrative authorization.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leesa Mayfield, Commission Member
SECONDER:	John Tagnesi, Commission Member
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

1.4. Correspondence

None.

1.5. Citizen Comments

Marilyn Heath, 221 Roszel Rd., expressed concerns about parking capacity at the 333 West Cork Street site. She does not believe there is enough parking to accommodate residents, employees, visitors etc.

1.6. Report of Frederick County Planning Commission Liaison

Meeting on November 6, 2019.

There were two ordinance amendments discussed and passed. They were to improve consistency within certain sections and to clarify or reduce requirements for certain uses.

2. PUBLIC HEARINGS - New Business

- 2.1.** CUP-19-721 Request of Esterly Schneider & Associates for a Conditional Use Permit to Allow a Flat Roof Structure and an Unbroken Wall Plane of 24 Feet or Greater in Length Per Sections 14.2-6.4A and Section 14.2-6.4C, Respectively, of the Winchester Zoning Ordinance at 603 Cedar Creek Grade (Map Number 270-01-3-A) Zoned Highway Commercial (B2) District with Corridor Enhancement (CE) District Overlay.

Mr. Stewart reviewed the staff report and possible motions. Mr. Youmans handed out a copy of plans he had just received and explained the elevations pictured. The drawings supersede what was included in the agenda packet. There was discussion about the change to the entrance.

Chairman Loring opened the public hearing

Jonathan Ritchie, Bohler Engineering, explained the changes made to the design.

Chairman Loring closed the public hearing

Commissioner Pifer stated he did not have any issues with the design. Mr. Youmans noted the first condition must meet the standard as noted on the new handout.

Motion to forward **CU-19-721** to City Council recommending approval because the deviations from the CE standards, as proposed, do not contradict the Comprehensive Plan and do 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. Conformity with the submitted plans and elevations dated 9-13-2019; and,
2. Administrative approval of the required site plan

RESULT:	APPROVED [5 TO 1]
MOVER:	John Tagnesi, Commission Member
SECONDER:	Lacey Burnett, Commission Member
AYES:	Loring, Pifer, Burnett, Tagnesi, Ray
NAYS:	Mayfield
ABSENT:	Eaton

2.2. SP-19-328 Request of Greenway Engineering for Site Plan Approval of EPICC LOFTS Mixed-Use Development at 202 East Piccadilly Street (Map Nmbers 174-1-J-17 through 174-1-J-23).

Mr. Stewart reviewed the staff report and possible motions. There was discussion about the roof top space as green space. Mr. Youmans said it was intended to be an active area with seating. Commissioner Burnett asked about the number of units and parking spaces, where will others park. Mr. Youmans said the project is exempt from the parking requirement for that district. There are garage and curbside spaces available. Commission Burnett said she would like to see the project meet the green space requirement. Mr. Youmans said they are dealing with a redevelopment site, not a green field site. He explained the ordinance requirements for green space. Mr. Stewart stated the Board of Architectural Review has seen the site plan and they have approved it.

Chairman Loring opened the public hearing

Lynn Lane, 241 East Fairfax Lane, spoke about parking and traffic issues that will come up with the new building. Commissioner Pifer asked her if she has

contacted the police department about permitted parking. She said she had not but would do so.

Louis Bailey, 210 East Fairfax Lane, spoke about traffic issues and the direction of traffic. He also noted the public hearing sign did not have any information as to when the meeting was going to be held.

Shawn Hershberger, Director of Community Development, stated they have tried to meet all the goals the Comprehensive Plan calls for. Commissioner Tagnesi asked if the City Council approved tax credits. Mr. Hershberger said not for this project.

Chairman Loring closed the public hearing

There was discussion about having more green space and ways to achieve it. Mr. Hershberger stated the effort to maximize the parking was in response to community concerns.

Motion to approve site plan **SP-19-328**, EPICC LOFTS, with a waiver of green area as noted on site plan.

RESULT:	APPROVED [5 TO 1]
MOVER:	John Tagnesi, Commission Member
SECONDER:	Lacey Burnett, Commission Member
AYES:	Loring, Burnett, Mayfield, Tagnesi, Ray
NAYS:	Pifer
ABSENT:	Eaton

3. PUBLIC HEARINGS - Continued

None.

4. NEW BUSINESS

4.1. Resolution to Initiate Zoning Text Amendment Pertaining to Telecommunication Facilities Including Small Cell.

Mr. Youmans presented a draft of the amendment to initiate. State code requires the amendment to be done. Commissioner Tagnesi asked if the state would regulate the fees. Mr. Youmans said yes. The public rights-of-way will likely be a franchise fee. City Manager Freeman said it was important to get the amendment into place sooner rather than later.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brandon Pifer, Commission Member
SECONDER:	Lacey Burnett, Commission Member
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

5. OLD BUSINESS

5.A. Comprehensive Plan Update

5.A.1. Comprehensive Plan Update

Mr. Youmans noted there were no significant changes to the chapter.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

6. OTHER BUSINESS

6.A. Site Plan Administrative Approvals

6.A.1. Motion to approve SP-19-772

Mr. Stewart noted there were five waivers being asked for on the site plan. The first one notes a shortage of trees along the I-81 frontage. The second is for foundation plantings in front of the structure. The third is for the three feet separation standard. The fourth is for lighting, they are proposing higher than usual in some areas. The parking area for customers meets the requirement. The fifth is for landscaped islands. Chairman Loring asked if they meet the overall green space requirement. Mr. Stewart said they did. Commissioner Burnett asked if there was a safety issue with the brighter lighting. Mr. Youmans said there will be downcast lighting. There was discussion about access, visibility, signage and tree placement.

Motion to approve SP-19-772 with the following conditions:

1. Must meet the total tree requirement with a waiver along I-81, one per 50 feet.
2. Foundation plantings.
3. Three foot separation for light poles.
4. Lighting uniformity.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mark Loring, Commission Member
SECONDER:	Lacey Burnett, Commission Member
AYES:	Loring, Pifer, Burnett, Mayfield, Tagnesi, Ray
ABSENT:	Eaton

7. ADJOURN

With no further business before the Commission, the meeting adjourned at 4:47pm.

Minutes Acceptance: Minutes of Nov 19, 2019 3:00 PM (Approval of Minutes)

Planning Commission
December 17, 2019

CU-19-834 Request of Evan Riggelman for a Conditional Use Permit to allow a Short-term Rental use per Section 4-2-12 of the Winchester Zoning Ordinance at 346 Virginia Avenue (Map 174-6- -13-14) zoned Medium Density Residential (MR).

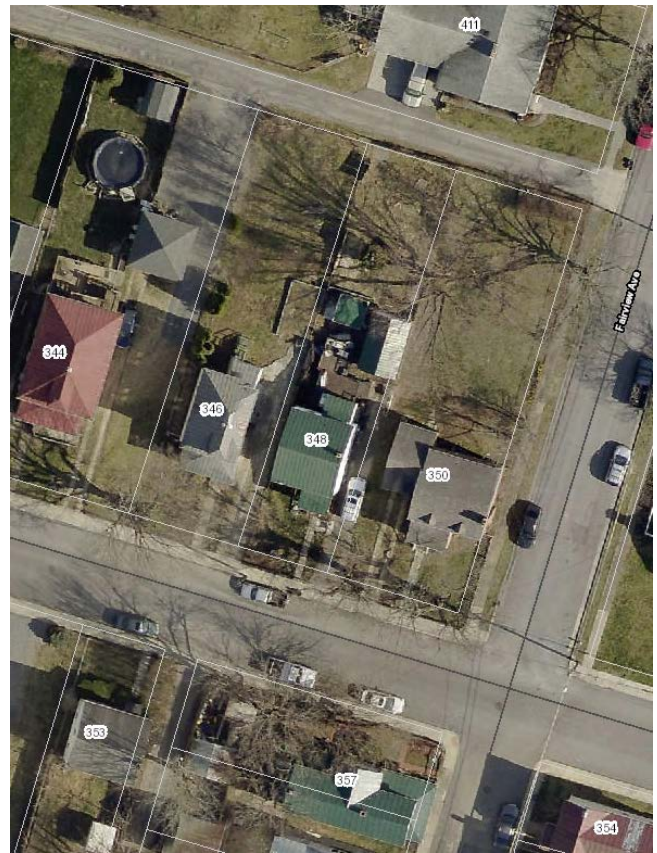
REQUEST DESCRIPTION

The request by Evan Riggelman is to establish Short-Term Rental (STR) use in a single-family home at 346 Virginia Avenue where he leases, but does not reside. He does have the permission of the property owner Kristi Hardy who resides in Leesburg, VA.

AREA DESCRIPTION

The single-family home that is proposed for STR use is situated along the north side of Virginia Avenue in the block located between Fairview Avenue and Smithfield Avenue. The lot and all adjoining lots are located in a Medium Density Residential (MR) District. All of the immediately surrounding homes appear to be owner-occupied based upon where the real estate tax bills are mailed to. The 40-foot wide by 150-foot deep lot totals 6,000 square feet and is a legally nonconforming lot under MR zoning since the minimum requirements for a single-family lot in the MR today call for 60 feet of lot width and 8,000 square feet of lot area. The lot immediately to the west is much larger and conforms to the minimum lot area and width requirements while most other lots in the vicinity are narrower than that.

west (344) which has a wide driveway and a garage accessed from the alley.



The 346 Virginia Avenue property has a narrow driveway along the east side of the lot in very close proximity to the adjoining property at 348 Virginia Avenue. There is an improved alley running along the rear of all of the homes along the north side of Virginia Avenue between Fairview and Smithfield. The house at 346 does not appear to make use of it for rear parking access, unlike the home just to the

STAFF COMMENTS

The Winchester Zoning Ordinance was amended in 2018 to address the emergence of STR operations such as AirBnB and others within the City limits. Two separate types of STR establishments were defined in Article 1 of the Zoning Ordinance. A by-right provision was added in the form of 'Homeshare' uses where the owner of the property is present during the STR use. This type of STR is defined as:

Attachment: Staff Report CU-19-834 Virginia Ave STR for 12-17-19 PC mtg (2232 : Cup-19-834)

Planning Commission
December 17, 2019

1-2-48.2 Homeshare: A dwelling unit in which a room or rooms are offered for rent for compensation for a period of 30 consecutive days or less by an owner who utilizes the dwelling as his/her principal residence and occupies the dwelling unit during any such rental. No food shall be prepared for guests.

A Conditional Use Permit (CUP) provision was adopted in the Zoning Ordinance for a second type of STR where the owner is not present. This type of STR is defined as:

1-2-86.1 Short Term Rental: A dwelling unit that does not meet the definition of homeshare in which a room or rooms, or the entire dwelling are rented for 30 consecutive days or less for compensation. Unlike bed and breakfast homestays and bed and breakfast inns, no food shall be prepared for guests

In the case of this request, neither the owner nor the tenant of record is present, so a CUP is needed in accordance with Section 1-2-86.1.

In his letter, the applicant addresses how potential negative impacts associated with the STR use will be mitigated. With regard to traffic and parking, the applicant notes that the existing driveway can accommodate three parked vehicles and that the 40-wide lot would allow another vehicle to be parked parallel along the street curb without being in front of a neighbor's house. In terms of noise, the applicant notes that parties are prohibited and that guests would be asked to "be courteous to their neighbors by respecting nighttime hours" from 10pm until 6am.

The floor plan sketch that the applicant submitted shows three bedrooms situated on the upper level of the two-story house. One full bathroom is located on the first floor and the second floor. Assessment records indicate the circa 1940 house floor area to total 1,228 square feet. There is a rear entry leading down steps to the rear yard and an accessory building.

This applicant operates other STR operations in a number of different communities. He notes that they provide professional cleaning services after each guest checks out of the property and that lawn service and snow plowing is provided as well.

The Comprehensive Plan identifies the area of this proposed use as a Neighborhood Stabilization Area in Chapter Nine-Future Land Use and on the Character Map. Per the adopted Plan these areas *"represent places where households live, socialize, and raise families in relative quiet. Here city planning aims to keep things the same, not bring dramatic change."* (Comp Plan Page 9-2).

RECOMMENDATION

This is the first STR to come forward under the recently adopted Zoning provisions for such use. It is expected that there will be many more that will need a CUP approved by the City. In order to approve any CUP, the Planning Commission and City Council must find that the proposal as submitted or modified is consistent with the Comprehensive Plan and 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.

If the Planning Commission determines that the proposal is generally acceptable and would 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, then a favorable motion could read:

MOVE, that the Planning Commission forward the request to City Council recommending approval of **CU-19-834** for a Short-Term Rental use because the proposal, as submitted, is consistent with the Comprehensive Plan and 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 the following:

1. Limiting guests to a maximum of three (3) unrelated guests or not more than five (5) related individuals; and,
2. Reporting STR occupancies to the Commissioner of the Revenue Office and payment of all applicable lodging tax payments in a timely manner; and,
3. Conformity with the submitted floor plan depicting three (3) bedrooms; and,
4. Guests prohibited from conducting or allowing parties at the house and observing quiet hours between 10:00pm and 6:00am daily; and,
5. The Permit is subject to mandatory review of compliance by the City Zoning Administrator after one (1) year and reapproval by City Council after five (5) years.

-OR-

If the proposal is found to be not suitable or preferable to other permitted uses on the ground floor, inconsistent with the Comprehensive Plan, and/or would create an adverse impact on the adjoining neighborhood due to potential noise, odor, lighting, loitering, hours of operation, and/or inadequate screening, then a unfavorable motion could read:

MOVE, that the Planning Commission deny **CU-19-834** because the use, as proposed, {pick any or all that apply}

1. is not suitable on an MR-zoned lot that contains less lot width and lot area than the minimum required by the current Zoning Ordinance; and/or
2. is inconsistent with the Comprehensive Plan which identifies the neighborhood as a Neighborhood Stabilization Area in Chapter Nine-Future Land Use and on the Character Map as an area that “represent a place where households live, socialize, and raise families in relative quiet” and where “planning aims to keep things the same, not bring dramatic change.”; and/or,
3. would adversely affect the health, safety or welfare of residents and workers in the neighborhood and be injurious to adjacent properties or improvements in the neighborhood due to _____.

Winchester City Zoning Ordinance 18-2
Conditional Use Permit - Mitigation

To Whom It May Concern,

This proposal for a short-term rental at 346 Virginia Ave. Winchester, VA 22601 will help explain how anything compromising the health, safety, or welfare of persons residing in the neighborhood will be mitigated and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood.

Addressing matters to be considered in 18-2-1.1a. Traffic will be mitigated by allowing at least 3 vehicles to park in the driveway, still allowing for another vehicle to park on street in front of the property. Parties are completely prohibited at the property which mitigates any unwanted noise, light, and vibrations. We also ask all guests to be courteous to their neighbors by respecting the "nighttime hours" of the city of Winchester from 10pm to 6am. Dust and odor, if occur, will be mitigated by a cleaning crew. We provide professional cleanings after each guest checks out of the property. Combustible materials are prohibited on property by guests mitigating any issues resulting in the production of fumes.

The property outside the home will be seasonally maintained to prevent any hazards such as but not limited to the removal of snow, leaves, tree limbs, debris, etc. A cleaning and maintenance crew will also be allowed on premise to expedite any compromises to the inside or outside of the home.

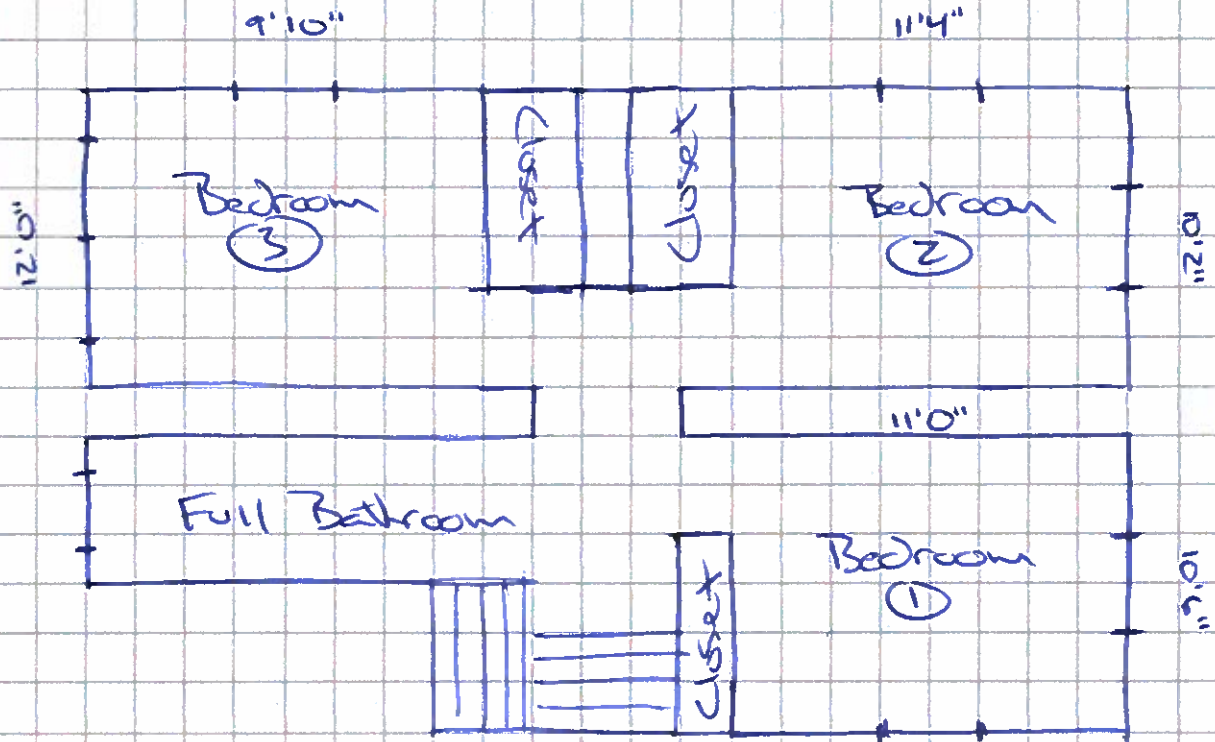
All guests are subject to a risk scoring assessment and background checks. All guests have profiles and before they stay in the property their full name, date of birth, phone number, payment information, and email address will be provided. Guests are subject to a rating and review system after a reservation so information about a guest can be acquired prior to accepting their stay request.

Thank you for your consideration,

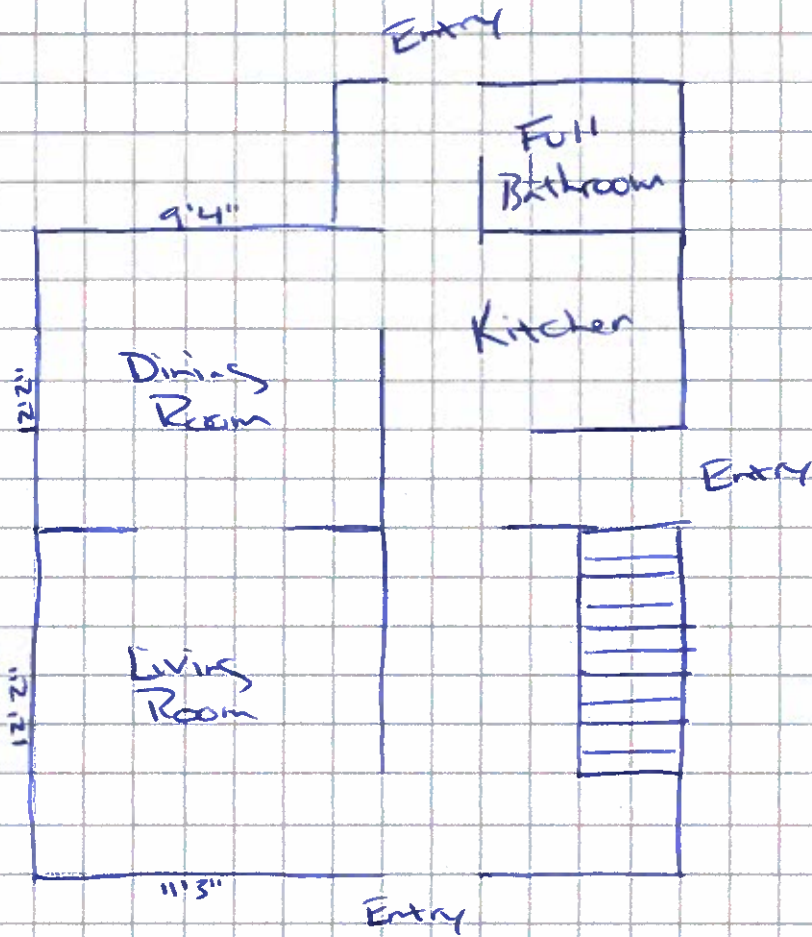


Evan Riggelman

Attachment: letter and floorplans (2232 : Cup-19-834)



Upstairs



Downstairs

CUP 19-838 Request of PRS Development Services LLC for a Conditional Use Permit to allow a front yard accessory structure per Section 18-10-11 of Winchester Zoning Ordinance at 1644-1660 South Braddock Street (Map Number 232-06-I-C) zoned High Density Residential (HR) District

REQUEST DESCRIPTION

The applicant is requesting a conditional use permit per Section 18-10-11 of the Zoning Ordinance to construct an enclosed dumpster pad that is not otherwise permitted in the defined front yard.

AREA DESCRIPTION

The subject property is zoned High Density Residential (HR) District and contains an apartment building at 1644-1660 S. Braddock Street. The property fronts both Bellview Avenue and S. Braddock Street, but there is a single family residence at the corner of the two streets that keeps the subject parcel from being a corner lot. The adjoining single-family home is zoned Medium Density Residential, while other parcels to the north and east are similarly zoned High Density Residential (MR) and contain other multi-family structures. Across Bellview Avenue are properties conditionally zoned Commercial Industrial (CM-1) District, containing office uses. Further west along Bellview Avenue are more Medium Density Residential homes, as well as a conditionally zoned Residential Office (RO-1) District parcel, housing a private school.



STAFF COMMENTS

A dumpster pad has already been constructed at the Bellview Avenue entrance to the apartment complex, in close proximity to the adjacent single family home, and in the front yard of the parcel. The applicant is now seeking this Conditional Use Permit because Section 18-10-1 of the Zoning Ordinance prohibits accessory structures in ANY front or side yard unless specifically provided for elsewhere in the Zoning Ordinance. The applicant was advised that a Conditional Use Permit will be necessary and that a site plan must be approved for the dumpster pad to remain in that vicinity. A revised site plan exhibit has been submitted on 12/16/19 that alters the location of the dumpster pad by bringing it further away from the nearby home, removes one parking space to the side of the enclosure, provides a 6' wood privacy fence on all sides, and includes evergreen landscape screening around the enclosure. The latest iteration of the site plan also reintroduces green space between the dumpster pad and the street by removing gravel and planting three new red maple trees, and sets the enclosure at 25 feet from the closest western property boundary. See site plan dated 12/16/19.

Section 18-10-11 of the Zoning Ordinance allows for a CUP for a deviation to the accessory structure standards if a finding can be made in one of two situations:

- 1) A property owner can demonstrate that compliance with the above is technically impractical to maintain functionality of the property; or,
- 2) Council makes a finding that the proposed alternative design is desirable and consistent with neighborhood character.

The only other accessory structure approved by City Council under this relatively recent (2017) accommodation in the Zoning Ordinance was one for a small shed at 507 South Street which was considered by the Commission at its August 15, 2017 regular meeting. The Commission failed to come to a consensus on a recommendation for that request. A motion was made and seconded to approve the request with a condition that if the structure was removed in the future, that the CUP would expire. On a roll call vote the motion failed to reach a majority of 4 members present, with a 2-2 vote. As a result of the votes, the item was forwarded to Council with no recommendation. Council then approved the request in conjunction with a number of fencing deviations along the Woodstock Lane frontage of the South Street residential properties.

The applicant would need to convince Planning Commission and Council that the dumpster pad cannot reasonably be situated in another location on site. Staff had met with the property owner and engineer to find a suitable location further away from the adjoining single-family home. The owner has proposed shifting it further away from the house, but still desires to keep it in this area to maintain access by a refuse truck.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal 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 and that the request is consistent with the Comprehensive Plan.

Among the factors to consider in granting a Conditional Use are: noise, dust, odor, fumes, and screening. The altered location of the dumpster pad could help to mitigate any odor impacts to the nearby single family home, and the privacy enclosure and landscaping screening lessens the visual inconsistency with neighborhood character.

A favorable motion could read:

MOVE, that the Commission forward **CU-19-838** to Council recommending approval per Sections 18-10-11 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. This includes a finding that the proposed accessory structure alternative design is desirable and consistent with neighborhood character and is consistent with the Comprehensive Plan. The approval is subject to:

- 1) Administrative site plan approval.

- 2) The CUP approval will expire if the accessory structure is removed or ceases to be used for more than 1 year.

An unfavorable motion could read:

MOVE, that the Commission forward **CU-19-838** to Council recommending denial per Sections 18-10-11 of the Zoning Ordinance because the proposal, as submitted: {pick any or all}

- 1) does not meet either of the two findings under Section 18-10-11 (proposed alternative design is not desirable and is not consistent with neighborhood character); and/or,
- 2) could adversely affect the health, safety, or welfare of persons residing or working in the neighborhood and be detrimental to public welfare or injurious to property or improvements in the neighborhood, especially occupants of the house immediately adjacent to the location; and/or,
- 3) does not provide sufficient documentation on how noise, dust, odor, fumes, and screening would be mitigated

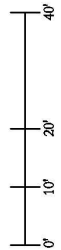
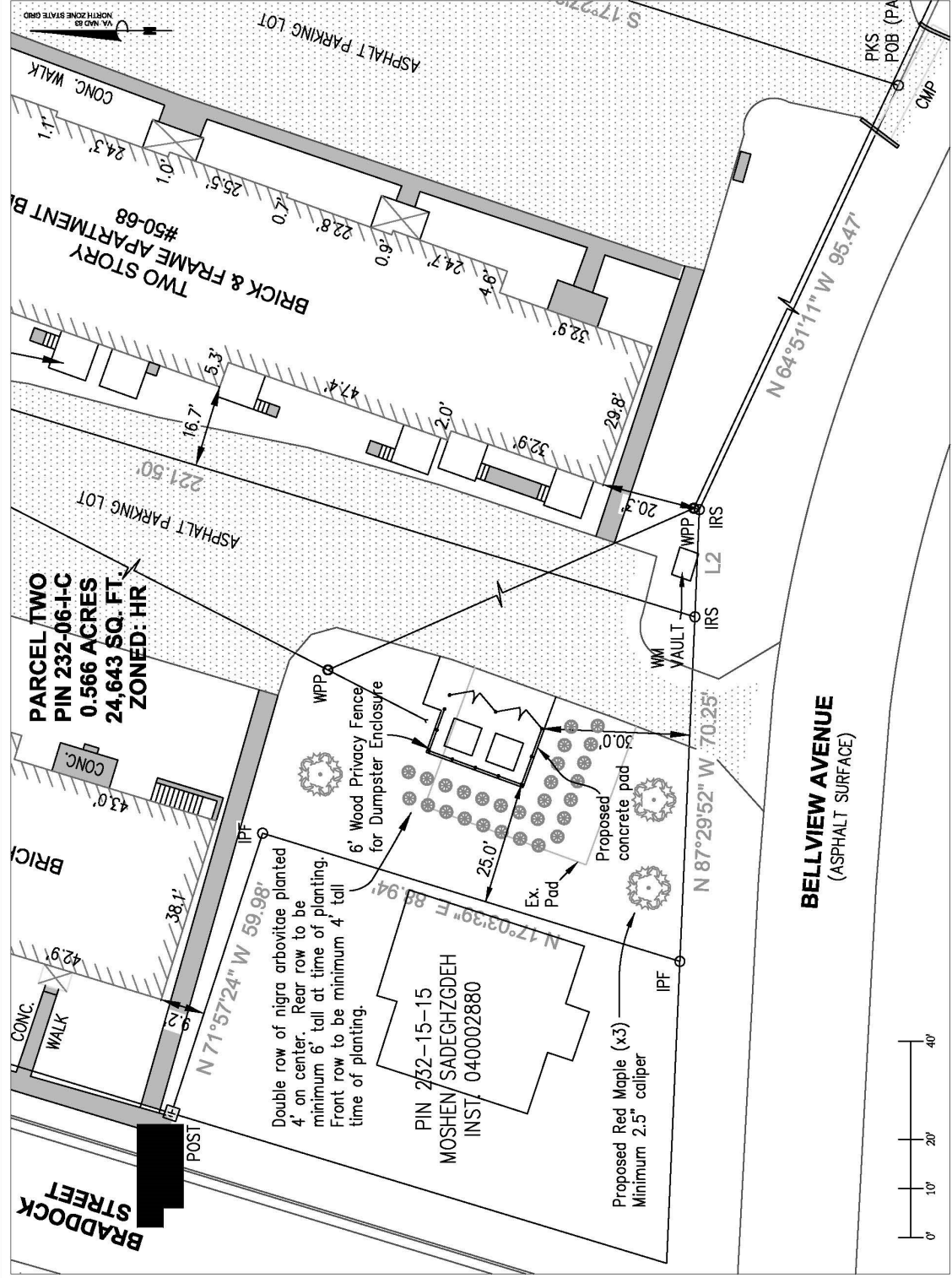
Open Space Summary:

Parcel Area: 0.566 Acres
 Required Open Space: 1981 Acres (35%)
 Existing Open Space: 2387 Acres (42%)
 Proposed Open Space: 2270 Acres (40%)

PRS Development Services, LLC
 138 Atlantis Lane
 Lake Frederick, Virginia 22630
 Phone 540.336.3333

Title: Bellview Apartments
 Proposed Dumpster Screen

Date: 12/16/19 Scale: 1"=20'



December 16, 2019

Tim Youmans
Planning Director
15 North Cameron Street
Winchester, VA 22601

**RE: Bellview Apartments; Conditional Use Permit for Dumpster Area;
Revised Materials for Planning Commission Public Hearing**

Dear Mr. Youmans,

Please find attached a revised exhibit for the proposed Bellview Apartments dumpster area. This revision is in response to comments made at the Planning Commission work session and includes the following:

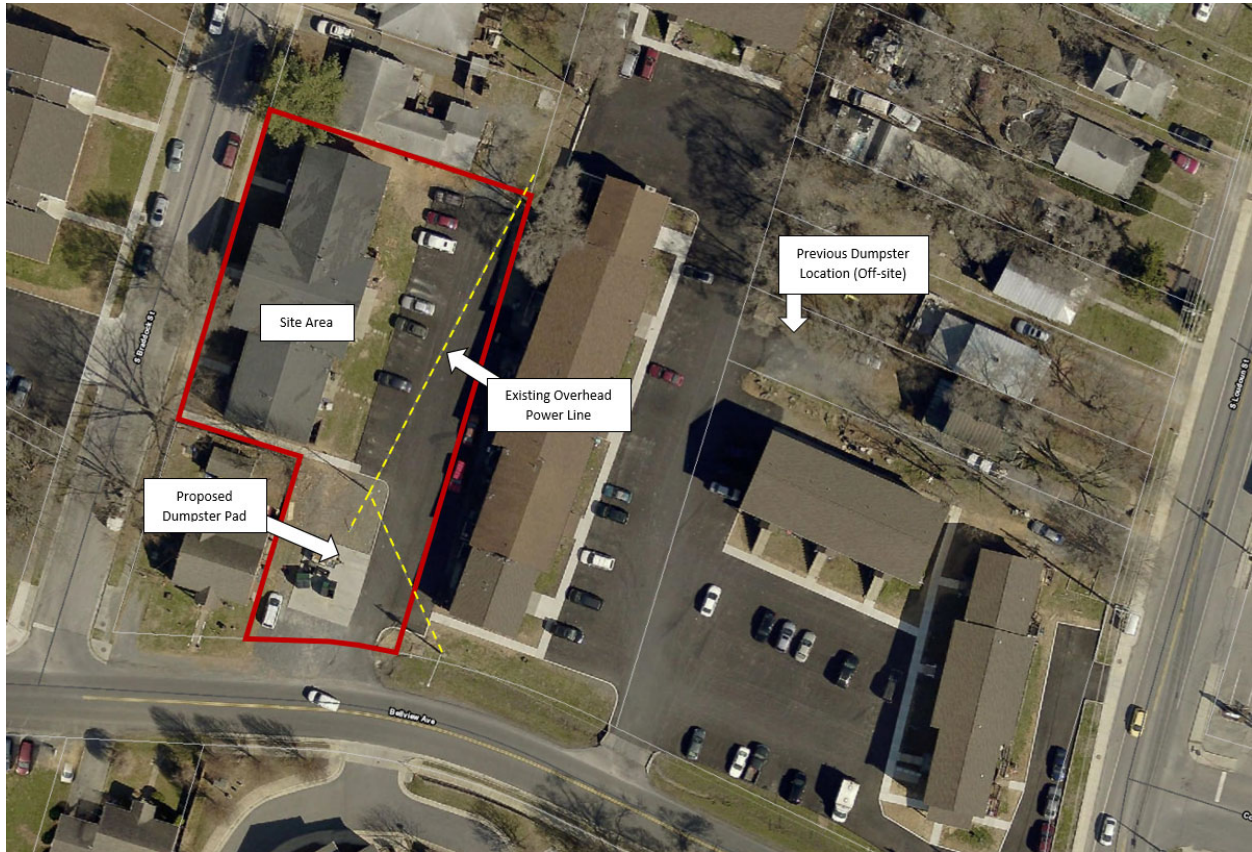
- 1) The previous proposal included a parking area for a work vehicle adjacent to the proposed dumpster area. This revision removes that proposed parking area in order minimize the footprint of the proposed improvements and to increase the area that can be reclaimed for greenspace.
- 2) An open space summary has been added to identify that the open space for the subject parcel with the proposed improvements will be 40%, which is above the 35% required by the Zoning Ordinance.
- 3) In addition to the double row of arborvitae adjacent to the dumpster area, the Applicant has proposed the addition of three deciduous trees (red maples with a minimum of 2.5" caliper at time of planting). Two trees would be planted along the Bellview Avenue frontage with an additional tree planted internal to the site behind the proposed dumpster area. The additional landscaping will provide an improved buffer along Bellview Avenue and improve the aesthetics of the development's open space.

One question raised during the Planning Commission work session was about the previous location of the dumpster area. The dumpsters were originally located on the rear of a neighboring parcel (1625 South Loudoun Street) and had to be removed when the property owner was refinancing that adjoining property.

Section 18-10-11 provides that the City may approve a conditional use permit for an accessory structure within the front yard area when a property owner can demonstrate that compliance with Zoning Ordinance requirements is technically impractical to maintain functionality of the property. As depicted by the exhibit on the following page, the site currently has overhead power lines crossing the drive aisle and parking area. These overhead lines severely limit the ability to locate a dumpster on other portions of the property as they interfere with a trash truck's ability to raise the dumpster. In addition, the proposed dumpster location is in an area that provides the least amount of internal travel distance for a trash truck, improving site safety by limiting conflict points with residents and children within the site. Lastly, while the proposed dumpster is within the front

setback for the subject parcel, it is still located behind the front setback of the adjoining apartment building along the Bellview Avenue frontage, which creates an effective front setback of 20.3' with the dumpster screen proposed with a setback of 30'.

The following exhibit better depicts the above information:



We believe the proposed revisions are an improvement to the application and are in keeping with the requirements for this type of conditional use permit application. We look forward to presenting these revisions to the Planning Commission.

If you have any questions or need any additional information, please feel free to contact me at (540) 336-3333.

Sincerely,

Patrick Sowers
PRS Development Services

CU-19-856 Request of Winchester Bambino League, Inc. (d/b/a Winchester Baseball) for a conditional use permit for a private club at 2640 Valley Avenue (*Map Number 290-01- -6B*) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) overlay zoning

REQUEST DESCRIPTION

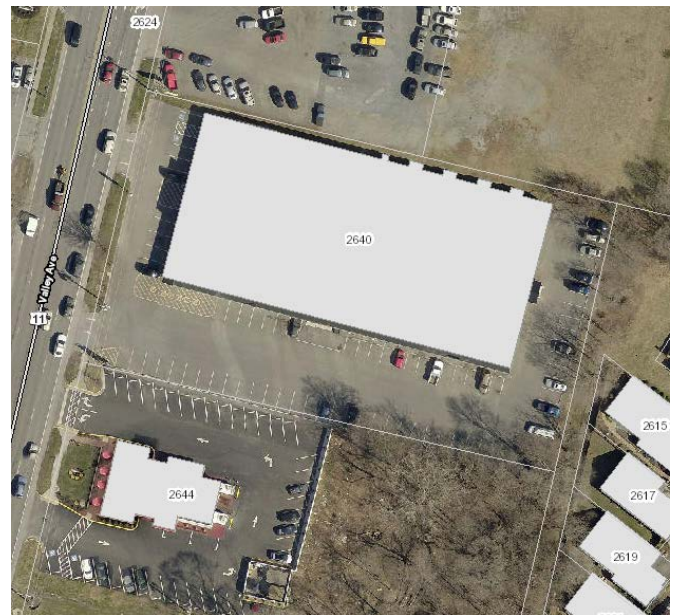
The request is for a conditional use permit (CUP) to allow use of a portion of the interior space in the existing building on the property as a private club pursuant to Section 8-2-7 of the Winchester Zoning Ordinance.

AREA DESCRIPTION

Located along the east side of Valley Avenue two lots south of Tevis Street, the subject property is zoned B-2 with Valley Avenue Corridor Enhancement (CE) District overlay. The existing 30,000 square foot existing one-story building contains commercial uses in the front and 20 apartments in the rear. Built in 1962, it predates annexation into the City and has extensive asphalt parking and almost no on-site green area which is legally nonconforming to the current zoning regulations. The majority of the parking is along the south side of the building with a smaller amount of parking out to the front (which mainly serves the commercial businesses) and some parking along the rear (which mostly serves the residents in the apartments).

The site is bounded to the north and south as well as across Valley Avenue to the west by commercial businesses all of which are zoned B-2 (CE). A vacant B-2(CE) parcel is located to the northeast of the property. Land to the east is zoned Medium Density Residential (MR) with Planned Unit Development (PUD) overlay zoning. This area comprises the Stonecrest Village PUD, a 55 and over residential community that includes

single-family detached homes, a community building, and private open space. Two of the Stonecrest Village homes (2615 & 2617 Cornerstone Circle) back up to the subject parcel.



STAFF COMMENTS

Currently the building is underutilized. G&M Music occupies the front left side and the owner (Sam Ensogna) is reserving the vacant front right side that was most recently occupied by the Big Yellow House retail store. The Winchester Baseball use would be proposed in the central part of the building between the front commercial space and the rear residential space. As depicted in Exhibit 'A', dated September 24, 2019, the space amounts to about 5,394 square feet measuring about 46 feet east-west and extends the full 120 feet of building width north-south. There is a recessed loading dock along the south side of the building that would serve as an access point and restrooms are located along the opposite (north) side of the proposed batting cage space. Some interior partition walls will be removed by the applicant.

In his letter dated November 13, 2019, Mr. Bob Brown notes that the proposed use is for indoor batting cages and other related use for the Winchester Baseball team members during weekends and evenings. No exterior changes are proposed other than what may be required in conjunction with the proposed change of use. This may include some ADA parking near the proposed entrance along the south side of the building that previously was warehouse space back when the main commercial tenant was Blue and Gray Lighting.

Since the batting cages will not be operated as a commercial business open to the public, the proposed use as a private club requires a Conditional Use Permit (CUP) within the B-2 District under section 8-2-7 of the Zoning Ordinance and is defined in the Ordinance under Section 1-2-21. These private clubs usually take the form of private associations and organizations of a fraternal or social character not operated or maintained for profit. One of the most recent Private Club CUPs was the VFW Lodge proposed (but never built) on Bruce Drive approved by City Council in 2014. The defined use does not include night clubs or other institutions operated as a business.

Staff determined that the B-2 district does not have any by-right or CUP provisions for private indoor or outdoor batting cage use. There are existing CUP provisions in the B-2 district specifically for roller rinks and mini-golf and driving ranges. There is also a by-right provision for bowling alleys. Without going through the lengthy process of securing a Zoning Ordinance Text amendment (ZTA), staff felt that the 'Private Club' CUP provision could be utilized for this use. The applicant does not wish to operate the use for use by the general public.

In the November 13, 2019 letter by Mr. Brown, it states that the proposed hours of operation for the use will be 4pm to 9pm on weeknights and 9am to 9pm on weekends. The proposed use of the existing interior space on this property as a private club with its defined hours of operation is likely to have a minimal impact on surrounding properties during business hours, and little if any impact after business hours and on weekends. In the letter, the applicant notes the thick concrete wall and two interior hallways separating the use from the adjacent apartments within the building. A representative for the applicant also indicated that there would be netting installed to prevent the baseballs from directly hitting any perimeter walls.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified is consistent with the Comprehensive plan and 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.

A favorable motion could read

MOVE that the Commission forward **CU-19-856** to City Council recommending approval because the use, as proposed, is generally consistent with the Comprehensive Plan by expanding recreational opportunities and 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. The applicant taking into consideration the concerns of all of the neighbors and addressing them as they come up; and,
2. Use to begin no earlier than **3pm** Monday through Friday and no earlier than **9am** Saturday and Sunday and use to end no later than **9 pm** any evening; and,
3. All activity to occur within the designated interior space and doors to remain closed when in use; and,
4. Baseball team members, parents, guardians, etc. not to loiter in parking lot, especially near on-site and adjoining residences; and,
5. Staff review and approval of any required site plan, if needed for exterior modifications.

-OR-

An unfavorable recommendation from the Commission to Council should cite the reasons why the proposal as submitted or modified is inconsistent with the Comprehensive Plan and/or could negatively impact the health, safety or welfare of those residing or working in the area and/or why it could be detrimental to public welfare or damaging to property or improvements in the neighborhood.

November 13, 2019

Tim Youmans
Planning Director
City of Winchester

Mr. Youmans –

Winchester Bambino League, Inc d/b/a Winchester Baseball has applied for a conditional use permit for use at the rear commercial area of 2640 Valley Avenue. Currently this space is vacant and our intention is to use this space as an indoor batting cage and other related use for Winchester Baseball team members during the evenings and weekends. We do not intend to make any exterior alterations to the space except as required by the City for purposes of obtaining our building permit.

To mitigate against the impact of this use, we intend to limit our hours of use primarily to 4pm to 9 pm on the weeknights and 9 am to 9 pm on the weekends. Additionally, our space is separated by a thick concrete block wall and two hallways from the apartments in the rear of the building. If there is any adverse noise issues, we will take this into consideration with the owner of the property and the residences to minimize any issues. Given the physical construction of the building and our hours of operation, we don't believe there will be any issues. We will be good neighbors and tenants and have a long track record of cooperation with the City and Winchester Parks and Recreation.

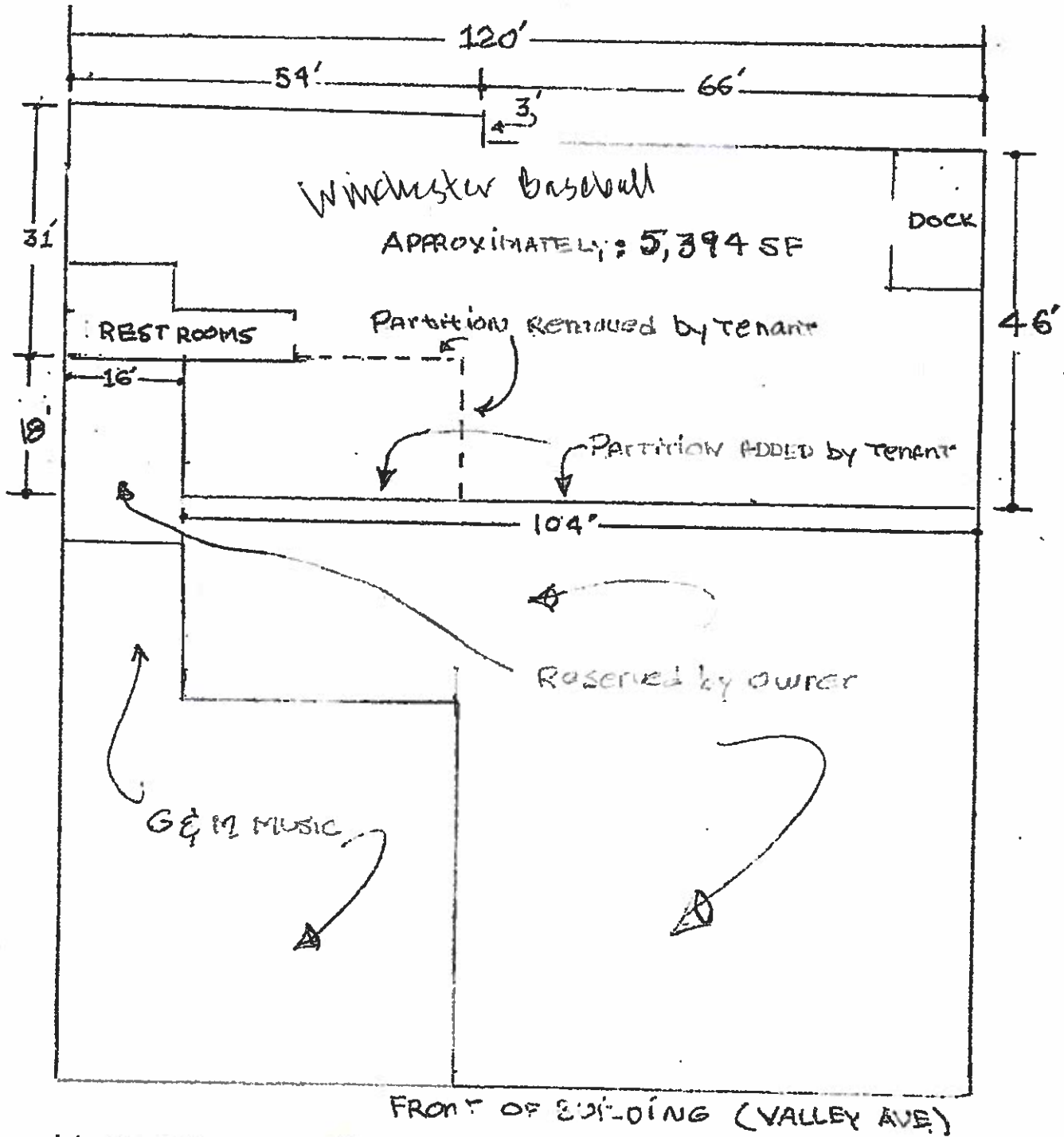
If we can answer any additional questions and provide any other information, please let me know. We appreciate the opportunity to use this facility for the benefit of our baseball community.

Best regards,



Bob Brown
President

EXHIBIT "A" FOR:
 LOI; September 24, 2019 (Revised)
 Winchester Baseball League, INC,
 Blue & Gray BLDG.
 2640 Valley Ave.



LANDLORD:
 By Paul F. Ingram, MGR
Blue & Gray Ent. LLC

TENANT:
WINCHESTER Baseball LEAGUE, INC
RDBrown, Pres.
11/8/2019

TA-19-598 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 3, 4, 5, 5.1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 15.1, 16, 16.1, 18, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO TELECOMMUNICATIONS FACILITIES, PERMIT AND REVIEW REQUIREMENTS AND FEES. The ordinance incorporates recent state and federal legislation establishing new provisions to streamline the review and permitting process for telecommunications facilities. The Comprehensive Plan calls for the City to remain economically sustainable which entails good telecommunication infrastructure.

REQUEST DESCRIPTION

Recent state and federal legislation has established new provisions to streamline the review and permitting process for telecommunications facilities, especially those meeting the definition of Small Cell. Following a review of our Zoning Ordinance provisions, staff has presented some opportunities to facilitate a more streamlined review process for Administrative Review and modifications of existing facilities as well as new installation of Small Cell and Micro-wireless facilities. At its November 19, 2019 meeting, City Planning Commission initiated this text amendment and scheduled a Planning Commission public hearing for December 17, 2019 before forwarding a recommendation to Council.

STAFF COMMENTS

The updated provisions in the draft amendment establishes new definitions for telecommunication facilities in Chapter 1 and amends the by-right versus CUP provisions for telecommunication facilities in each of the zoning districts (Articles 3 through 16.1). New non-Small Cell facilities and major modifications will still require the CUP process; however, Small Cell and minor modifications will be an administrative review and approval.

Current Article 18 provisions for telecommunication facilities are abolished and new language is proposed for enactment to ensure compliance with state and federal regulations. Article 23 provisions pertaining to fees are amended to distinguish application fees that pertain to larger facilities from those limited by state law for lower fees associated with Small Cell installations.

A separate but related effort to regulate the placement of Small Cell telecommunication facilities within the City's public rights-of-way will be handled in the form of a City Code amendment and prepared by the City's Public Services Department staff.

RECOMMENDATION

Staff recommends this ordinance receive a favorable recommendation. A draft recommendation is as follows:

MOVE, that the Planning Commission forward **TA-19-598** to City Council recommending approval because the amendment, as proposed, ensures that the Winchester Zoning Ordinance is in conformity with State Code and represents good planning practice by providing clear definitions of telecommunication facilities as well as a more streamlined review process for telecommunications facility installations and modifications.

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

Sec. 1-2. – Definitions.

1-2-86.3 Small Cell Facility: A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services

1-2-64.3 Micro-Wireless Facility: A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

1-2-94.5 Wireless Facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

1-2-94.6 Wireless Facility Minor Modification: A wireless facility that meets the criteria set forth in 47 C.F.R. § 1.6100(c). For explanatory purposes, a wireless facility minor modification is the collocation of a wireless facility on an existing wireless support structure, or the alteration of an existing wireless facility, where such collocation or alteration does not meet any of the following criteria:

1. The height of an existing facility outside the public right of way is increased by more than ten percent from the current height or 20 feet, whichever is greater.
2. The height of an existing facility inside the public right of way is increased by more than ten percent from the current height or 10 feet, whichever is greater.
3. More than four new equipment cabinets will be installed or, for towers in the public right-of-way and base stations, any installation of new equipment cabinets

on the ground if there are no pre-existing ground cabinets, or if there are existing ground cabinets the modification involves installation of ground cabinets that are more than 10% larger in height or volume than the existing cabinets.

4. The modification would defeat the concealment elements of the wireless support structure or not comply with prior approvals, such as conditions imposed by Conditional Use Permit.
5. For towers other than towers in the public right-of-way, a protrusion of more than 20 feet or the width of the tower whichever is greater; or, for all other wireless support structures, it involves a protrusion of more than six feet.
6. Excavation outside existing leased or owned property and current easements.

The calculation for such modifications shall be cumulative over time following the initial approval of the wireless facility or wireless support structure.

ARTICLE 3 – LOW DENSITY RESIDENTIAL DISTRICT – LR

Sec. 3-1. – Use regulations

3-1-12 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 3-2. – Uses permitted with a conditional use permit.

~~3-2-2 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 4 – MEDIUM DENSITY RESIDENTIAL DISTRICT – MR

Sec. 4-1. – Use regulations

4-1-14 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 4-2. – Uses permitted with a conditional use permit.

~~4-2-5 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 5 – HIGH DENSITY RESIDENTIAL DISTRICT – HR

Sec. 5-1. – Use regulations

5-1-19 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 5-2. – Uses permitted with a conditional use permit.

5-2-14 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 5.1 – LIMITED HIGH DENSITY RESIDENTIAL DISTRICT – HR-1

Sec. 5.1-1. – Use regulations

5.1-1-15 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 5.1-2. – Uses permitted with a conditional use permit.

5.1-2-6 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 6 – RESIDENTIAL OFFICE DISTRICT – RO-1

Sec. 6-1. – Use regulations

6-1-16 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 6-2. – Uses permitted with a conditional use permit.

6-2-5 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 7 – RESIDENTIAL BUSINESS DISTRICT – RB-1

Sec. 7-1. – Use regulations

7-1-28 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 7-2. – Uses permitted with a conditional use permit.

~~7-2-18 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 8 – HIGHWAY COMMERCIAL DISTRICT – B-2

Sec. 8-1. – Use regulations

8-1-55 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 8-2. – Uses permitted with a conditional use permit.

~~8-2-17 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 9 – CENTRAL BUSINESS DISTRICT – B-1

Sec. 9-1. – Use regulations

9-1-48 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 9-2. – Uses permitted with a conditional use permit.

~~9-2-15 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 10 – COMMERCIAL INDUSTRIAL DISTRICT – CM-1

Sec. 10-1. – Use regulations

10-1-45 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 10-2. – Uses permitted with a conditional use permit.

~~10-2-8 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 11 – LIMITED INDUSTRIAL DISTRICT – M-1

Sec. 11-1. – Use regulations

11-1-34 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 11-2. – Uses permitted with a conditional use permit.

~~11-2-4 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 12 – INTENSIVE INDUSTRIAL DISTRICT – M-2

Sec. 12-1. – Use regulations

12-1-43 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 12-2. – Uses permitted with a conditional use permit.

~~12-2-1 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 13 – PLANNED DEVELOPMENT

Sec. 13-1 – Planned Unit Development District – PUD

13-1-3 – *Use regulations.* Structures to be erected or land to be used shall be for the following uses:

~~13-1-3.17 Uses permitted with a conditional use permit.~~

~~a. Home occupations in accordance with Section 18-9-2.6.~~

~~b. Short term rentals, subject to the use standards of Section 18-29 of this Ordinance.~~

13-1-3.17 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

13-1-3.18 Uses permitted with a conditional use permit.

a. Home occupations in accordance with Section 18-9-2.6.

- b. **Short term rentals, subject to the use standards of Section 18-29 of this Ordinance.**
- c. **Wireless facilities and wireless support structures not eligible for administrative review.**

Sec. 13-2. – Planned Commercial District - PC

13-2-3 *Use regulations.* Structures, not exceeding 8,000 gross square feet of floor area, nor containing drive-thru facilities other than one ATM for banks and financial institutions, or land to be used shall be for one or more of the following uses:

13-2-3.19 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

13-2-4 *Uses permitted with a conditional use permit.*

13-2-4.3 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C. **Wireless facilities and wireless support structures not eligible for administrative review.**

ARTICLE 15 – HEALTH SERVICES DISTRICT – HS

Sec. 15-1. – Use regulations

15-1-13 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 15-2. – Uses permitted with a conditional use permit.

15-2-3 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C. **Wireless facilities and wireless support structures not eligible for administrative review .**

ARTICLE 15.1 – MEDICAL CENTER DISTRICT – MC

Sec. 15.1-1. – Use regulations

15.1-1-37 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 15.1-2. – Uses permitted with a conditional use permit.

15.1-2-3 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section

18-2-1.2C. Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 16 – HIGHER EDUCATION DISTRICT – HE-1

Sec. 16-1. – Use regulations

16-1-6 Wireless facilities eligible and wireless support structures for administrative review per Section 18-30-4.

Sec. 16-2. – Uses permitted with a conditional use permit.

~~16-2-1 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~

Wireless facilities and wireless support structures not eligible for administrative review.

ARTICLE 16.1 – EDUCATION, INSTITUTION AND PUBLIC USE DISTRICT – EIP

Sec. 16.1-1. – Use regulations

16.1-1-13 Wireless facilities and wireless support structures eligible for administrative review per Section 18-30-4.

Sec. 16.1-2. – Uses permitted with a conditional use permit.

~~16.1-2-1 Telecommunications facilities in accordance with Section 18-2-1.2 of this Ordinance with the exception of minor modifications of existing facilities as provided in Section 18-2-1.2C.~~ **Wireless facilities and wireless support structures not eligible for administrative review.**

ARTICLE 18 – General Provisions

~~18-2-1.2—Telecommunications Facilities.~~ **Repealed.**

~~(1/13/15, Case TA-14-645, Ord. No. 2014-48)~~

~~A. For the purposes of this section, the following definitions shall apply:~~

- ~~1) *Telecommunications Facility:* Any antenna, antenna array or other communications equipment consisting of personal wireless services, as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging, as well as unlicensed wireless services and common carrier wireless exchange access services;~~

and similar services that currently exist or that may in the future be developed. Where reference is made to a telecommunications facility, unless otherwise specified or indicated by context, such reference will be deemed to include the support structure on which the antenna or other communications equipment is mounted, transmission cables, and any associated equipment shelter.

- 2) ~~New Telecommunications Facility:~~ The establishment of a telecommunications facility, on a tower, building, or other support structure, where such facility does not presently exist.
- 3) ~~Major Modification:~~ An alteration of a telecommunications facility wherein:
 - i. ~~The height of the existing facility is increased by more than ten percent from the current height or 20 feet, whichever is greater;~~
 - ii. ~~More than four new equipment cabinets or one new shelter;~~
 - iii. ~~Protrusion of more than 20 feet or width of the tower whichever is greater; or,~~
 - iv. ~~Excavation outside existing leased or owned property and current easements.~~
 - v. ~~The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the structure will exceed the height for the zoning district as provided in 18-2-1.2B.~~
- 4) ~~Minor Modification:~~ An alteration of an existing telecommunications facility that does not meet or exceed the thresholds for a major modification outlined in Section 18-2-1A(2). The calculation for such modifications shall be cumulative over time following the initial approval of the telecommunications facility. No such modification shall be permitted if the structure will exceed the height for the zoning district as provided in 18-2-1.2B. Any modification, replacement or collocation of antennas on a building containing an existing telecommunications facility shall be classified as a minor modification.

B. ~~Proposals for new transmitting and receiving facilities and towers for cellular communications systems and similar communications systems telecommunications facilities or major modifications of such facilities shall demonstrate the following:~~

~~(2/14/96, Case TA-95-07, Ord. No. 002-96; 8/13/13, Case TA-13-198, Ord. No. 2013-21)~~

- 1) ~~All possible means for sharing space on existing towers or on existing buildings or other structures have been exhausted and no alternative other than constructing a new tower exists, and if a new tower is proposed, the applicant has executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties;~~
- 2) ~~The height of any tower is no more than the minimum to accomplish required coverage and any new tower is separated from property lines in a residential district by not less than the height of the tower. In no case shall any tower exceed 75 feet in height in a LR, MR, HR, HR-1, RO-1, RB-1, or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC, EIP or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts;~~

- 3) ~~The tower construction is of a design which minimizes the visual impact and the tower and other facilities have been camouflaged and/or screened from adjacent properties and rights of way to the maximum extent practicable. To this end, the proposal must provide for retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening must, as a minimum, meet the requirements of Section 19-5-6.4d of this Ordinance. The Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility;~~
 - 4) ~~The electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute or standard issued by the Federal Government subsequent to the adoption of this Ordinance.~~
- C. ~~Minor modifications of existing telecommunications facilities shall require approval of an administrative zoning permit in place of a conditional use permit and fee as provided in Section 23-8-1:~~
- 1) ~~Such modifications shall be submitted for approval on a form designated by the Administrator.~~
 - 2) ~~Prior to approval of the zoning permit, the applicant shall demonstrate that required approval has been secured for any additional ordinance requirements as provided in this Ordinance, including but not limited to site plan approval and certificates of appropriateness for facilities in the Historic Winchester (HW) and Corridor Enhancement (CE) district, as needed.~~
 - 3) ~~Approval of an administrative telecommunications permit shall include the following conditions:~~
 - i. ~~Submission of an as-built emissions certification after the facility is in operation, demonstrating compliance with radio frequency emission standards established by the Federal Government.~~
 - ii. ~~Submittal of a bond at 150 percent to guarantee removal of the approved facilities should the use cease.~~
 - iii. ~~The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use.~~

Sec. 18-30 – Wireless Facilities

18-30-1 Purpose.

The regulations set forth in this article are to regulate wireless telecommunications facilities as defined in Article 1, Definitions. They are to provide opportunities to supply wireless telecommunications services in the city with minimal negative impact to the community while respecting both residential neighborhoods and commercial areas. Any wireless communications infrastructure terms referenced in this section that are not expressly defined in Section 1-2 of this Ordinance are hereby defined in accordance with the definitions set forth in §15.2-2316.3 of the Code of Virginia, as amended.

18-30-2 Zoning Permit Requirement.

- A. A zoning permit is required for all wireless facilities and wireless support structures, except that no zoning permit is required for the following:
1. Routine maintenance.
 2. The replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller.
 3. The installation, placement, maintenance or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes.

18-30-3 Performance Standards for Wireless Facilities and Wireless Support Structures

Wireless facilities, except for wireless facility minor modifications and the placement of small cell facilities on existing structures, shall comply with the following:

- A. For new wireless support structures, all possible means for sharing space on existing towers or on existing buildings or other structures have been exhausted and no alternative other than constructing a new wireless support structure exists.
- B. Wireless support structures shall comply with the main building setback and yard requirements for the underlying zoning district.
- C. Other than associated equipment cabinets and other equipment that may be located on the ground, such equipment shall be collocated.
- D. Wireless support structures located outside of the public right-of-way shall have all utility connections installed underground.
- E. The height of any wireless facility shall be no more than the minimum to accomplish required coverage. In no case shall any wireless facility exceed 75 feet in height in a LR, MR, HR, HR-1, RO-1, RB-1, PUD or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC, EIP or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts;
- F. The construction of the wireless facility and wireless support structure is of a design which minimizes the visual impact, and the tower and wireless facilities have been camouflaged and/or screened from adjacent properties and rights of way to the maximum extent practicable. To this end, the proposal must provide for retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening

must, as a minimum, meet the requirements of Section 19-5-6.4d of this Ordinance. For wireless facilities approved by conditional use permit, the Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility;

- G. There will be no material potential interference with other existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications channels.
- H. Support structures shall be designed to collapse upon themselves or to collapse to the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.

18-30-4 Administrative Wireless Facility Reviews.

- A. The following categories of new wireless facilities and modifications to existing facilities shall be eligible for administrative review:
 - 1) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district, nor located within a Corridor Enhancement overlay district; and (iii) designed to support small cell facilities.
 - 2) Co-location on any existing structure of a wireless facility that is not a small cell facility provided that the wireless facility does not project higher than the existing support structure.
 - 3) Installation of a small cell facility on an existing structure.
- B. Applications eligible for administrative review under this section shall comply with the following:
 - 1) An application for an administrative zoning permit shall be submitted for review by the Zoning Administrator on such forms and subject to such procedures as the Zoning Administrator may establish.
 - 2) Applications shall include, and shall be considered complete only if they include, all of the following:

- i. Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the ultimate owner of the wireless facility.
- ii. Documentation from the property owner consenting to the installation of the wireless facility.
- iii. If a new structure will be erected, a site plan shall be submitted to the Planning Director for approval pursuant to Article 19.
- iv. A statement that the proposed wireless facility is, or is not, a minor modification within the scope of 47 C.F.R. § 1.6100(c).
- v. Plans detailing (1) the structure on which the wireless facility will be located, (2) the elevation and dimensions of all existing and proposed equipment and structures, and (3) the cubic area of the proposed wireless facilities in the aggregate and each individual component.
- vi. Documentation and exhibits demonstrating that the structure with attached wireless facilities is not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles
- vii. Evidence that the proposal will not materially interfere with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications channels.
- viii. The required fee per Section 23-8 of this Ordinance.
- ix. Evidence that required approval has been secured for any additional zoning requirements as provided in this Ordinance, including but not limited to: site plan approval and certificates of appropriateness for facilities in the Historic Winchester (HW) or Corridor Enhancement (CE) districts, as applicable.

- 3) Applications for small cell facilities may include up to 35 zoning permit requests under one application.

18-30-5 Requests for small cell facilities and minor modifications.

- A. A complete application to place a small cell facility on an existing structure shall be reviewed within 60 days, unless the City notifies the applicant in writing that an additional 30 days is required. Any disapproval of an application to place a small cell facility on an existing structure shall be in writing, and accompanied by a

written explanation of the reasons for disapproval, which reasons shall be limited to the following:

- 1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
 - 2) Public safety or other critical public service needs.
 - 3) Only in the case of installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.
 - 4) Conflict with the regulations in any historical or architectural district.
- B. A complete application for a wireless facility minor modification shall be reviewed within 60 days and shall be approved unless the City determines that the request is not a minor modification.

18-30-5 Removal of defective or abandoned wireless telecommunications facilities.

- A. Any component of a wireless telecommunications facility that is found to be defective or unsafe shall be repaired immediately by the owner or operator to comply with federal, state, and local safety standards or removed within thirty (30) days upon receipt of written notice.
- B. A wireless telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned. The owner of the property on which the facility is located shall be notified in writing and given ninety (90) days from the receipt of the written notice to remove the facility and all associated components and equipment and return the site to its condition prior to construction of the facility or to a seeded or sodded condition.

Upon receipt of the notice, the first thirty (30) days of the ninety (90) day rectification period shall be the amount of time the property owner has to demonstrate the facility has not been abandoned. If the property owner fails to prove the facility is actively operating, the owner shall have the remaining sixty (60) days to remove the facility.

Section 23-8 Fees.

23-8-1	Conditional Use (when applied for at the same time as site plan)	\$200
	Conditional Use (when applied for separate from site plan)	\$500
	Conditional Use – Telecommunications Facility/Tower <u>that entail</u> <u>a new support structure over 50 feet tall</u> (New	\$1500
	Major Modification)	
	Administrative Telecommunications Permit (Minor Modifications)	\$500

23-8-22 Administrative Approval of Wireless Facilities.

	<u>Small Cell Facility, Existing Structure (Up to 5 facilities on one permit)</u>	
<u>\$100</u>		
	<u>Each Additional Small Cell Facility, Existing Structure (Beyond first 5</u>	
<u>facilities)</u>	<u>\$50 (up to a \$500 Maximum fee)</u>	
	<u>Other Administrative Eligible Approvals</u>	<u>\$500</u>

chapter 7

HOUSING

CHAPTER SEVEN - HOUSING

In the modern economy, households locate in an area based on the quality of life there. Businesses follow the workforce, locating near a strong base of employees and customers. So cultivating the local economy means creating conditions that the workers and shoppers of the future find attractive. All the elements of this Plan – parks, schools, clean air – help create those attractive conditions. But housing may be the most important.

Winchester must have housing choices that newcomers find appealing, or they will move elsewhere, and jobs will follow them away. This chapter outlines how the city can reposition itself by improving its housing stock while respecting the stable neighborhoods and the historic core area.

CITYWIDE HOUSING OBJECTIVES

As noted in Chapter Three there are nine citywide housing objectives to address the citywide goal for housing is:

Provide opportunities for vibrant, high quality, mixed-income, higher density housing in a diverse range in suitable living environments, while preserving stable single-family neighborhoods, in order to facilitate economic and social sustainability.

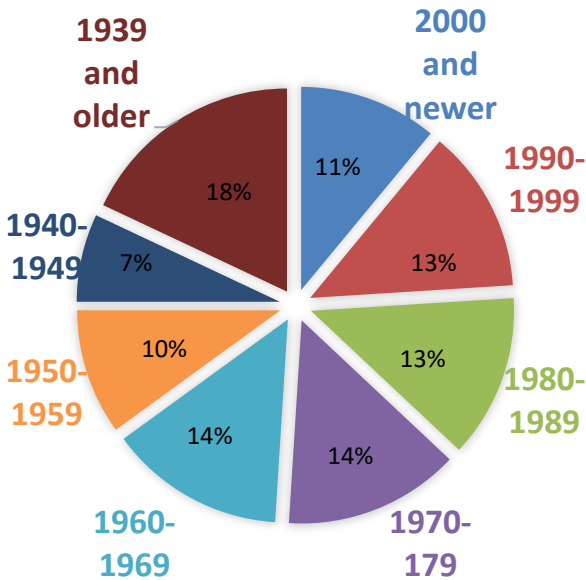
The nine citywide housing objectives are:

1. Increase the appreciation rate of city home values relative to the region.
2. Provide opportunities for and produce effective action items to produce new mixed-income and mixed dwelling-type residential use in higher density setting that incorporate the quality design principles of New Urbanism.
3. Facilitate the rehabilitation of existing economically viable substandard housing units in suitable living environments while maintaining and preserving the existing character of vibrant residential neighborhoods designated in this Plan.
4. ~~Continue to pursue code enforcement to eliminate blight and undue overcrowding in residential areas to improve the quality of the housing stock. Increase homeownership opportunities for and population of first-time home buyers.~~
5. Actively pursue the acquisition and demolition or redevelopment of economically obsolete residential structures except those contributing architecturally to the historic district ~~-,~~ or Corridor Enhancement districts, including but not limited to National Avenue.
6. Promote decent affordable housing ~~appropriate housing development~~, particularly to serve targeted populations such as young professionals, college students, and empty-nesters.
7. Ensure equal opportunity in housing. ~~Promote the development of appropriate low- and moderate-income housing that is well-maintained and managed.~~

CHAPTER SEVEN - HOUSING

- 8. Pursue means of recovering the costs of impacts associated with multi-family rental properties through alternative **real estate** tax assessments.
- 9. ~~Discourage the conversion of single family detached units to multi-family rental units in traditionally single-family areas.~~

AGE OF HOUSING IN WINCHESTER



PRESENT CONDITIONS

What kinds of housing does Winchester have now?

In 2017, the City had 11,872 housing units for 27,516 ~~26,203~~ persons, 26,506 ~~are identified as residing in households~~. In 2010, the last year for which detailed data is available, Winchester had ~~11,872~~ 11,855 housing units for 26,500 ~~25,773~~ persons. Census surveys estimated ~~1,335~~ 677 vacant units (11.4 ~~0~~ percent vacancy). Of the rest, owners occupied 45 ~~54~~ percent, and the other 54 ~~44~~ percent were rented. Home ownership correlates with low density: in the central corridor, nearly three quarters of dwellings are rented, while on the city's more suburban edges owner occupancy reaches 62 ~~85~~ percent. Of 11,855 dwelling units, 10,520 were occupied.

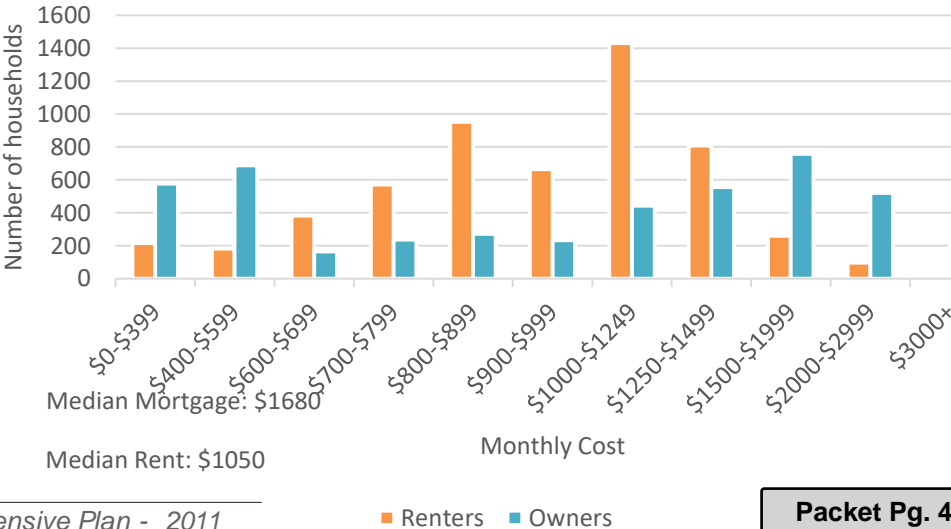
The chart at left shows the age of Winchester's housing stock. About 18 ~~24~~ percent of the city's houses predate 1940 ~~39~~, with many fine examples of nineteenth century styles. Historic housing is mostly downtown, and the city's Historic District helps preserve them. Almost half of the city's housing, ~~shown in orange and pink~~, is old but not historic. Some of these units are nearing the end of their economic lives. Nearly a quarter of the city's housing stock is new since 1990 and much of that is either high-end single-family or is multi-family.

The chart on the right shows the monthly costs paid by owners and renters in Winchester.

The chart on the right shows the monthly costs paid by owners and renters in Winchester. ~~Many most~~ renters pay around less than \$1050 ~~853~~ per month, whereas most of the city's largest and finest homes are owned. The city has seen some new apartment complexes with club houses and pools but still does not have very many luxury rental units, ~~or condo units~~.

Today, the city's most valuable housing is mortgaged by dual-income families. Rented units tend to cost less and include a more diverse and transient population. About 1,550 ~~2,000~~ houses are owned, with no mortgage – these are generally older and long held in the same family. A significant number of single-family houses have only one occupant, often a widow or widower. Seniors pay little property tax, and the tax code encourages some rigidity in the market as they choose not to occupy smaller units.

Monthly Cost of Owning Vs. Renting



FUTURE TRENDS

What kinds of housing does Winchester need for the future?

Chapter Two explains the demographic changes coming to the city. In order to make the most of change, the city must have appropriate housing to meet the needs of newcomers –or they, and their jobs, will go elsewhere.

The city's total population is projected to reach about ~~29,300 by 2020 and, 32,500~~ 31,005 by 2030 and 32,770 by 2040. Group quarter population –college dormitories, nursing homes, group homes –amounted to about 800 persons in 2000, but swelled to as much as 1,870 by 2008, partly due to Shenandoah University taking over two former motel establishments and partly due to an influx of privately operated group homes throughout the City. The rapid expansion of group home facilities earned Winchester an unofficial title of 'Recovery City' and is in conflict with the vision for a sustainable community of choice. Assuming a Census average 2.5 persons per dwelling and assuming no increase in the percentage of group quarter population, that means that an average of 114 new housing units must come onto the market each year to support the projected growth.

~~Of the estimated 27,516 City residents in 2017 25,773 residents of the City in 2008, a total of 23,899 26,506 were identified as residing in households (i.e. not group quarter population). In 2008 2017, there were an estimated 11,855 588 dwelling units, of which 10,520 were occupied 9,911 were occupied. Assuming a Census average 2.5 41 persons per dwelling and assuming no increase in the percentage of group quarter population, that means that an average of 114 2 new housing units must come onto the market each year to support the projected growth noted in the previous paragraph.~~

Factoring in a normal vacancy rate of 11 ~~40~~ percent, that adds another 11 units annually for a total of 123 units needing to be constructed each year. And they must be the kind of units that new residents want.

Vacant land within Winchester's city limits does not provide very much space for building single-family detached houses: most open space is important for environmental sustainability and recreation. Therefore, suburban-styled development of detached houses on large lots is not a viable long term option. The new housing must take the form of increased density including apartments, townhouses, and condominiums. Greater density on limited land will tend to increase values. The most natural course for the city's growth is to replace today's obsolete housing with denser and more valuable units. That is just what the key growth demographics demand.

Winchester has enough existing housing stock to meet the needs of large households and couples with children, especially since families continue to get smaller over time. ~~Family needs can be met while aligning growth to~~ three demographic growth groups that newer denser development projects should focus on for housing. These groups are:

Students	Shenandoah University plans to grow enrollment without matching construction of dormitories. Somore undergraduate and graduate students will seek rental housing close to the campus and the social life of downtown.
Young Professionals	Educated workers, <u>often</u> without children often seek housing near their jobs and the shopping and entertainment options of a <u>small</u> city.
Empty Nesters	After their children move out, dual-income couples have many years to continue working and living actively. They may seek a smaller dwelling close to their jobs, <u>medical providers</u> and social and cultural interests.

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Students	Shenandoah University plans to grow enrollment without matching construction of dormitories. So more undergraduate and graduate students will seek rental housing close to the campus and the social life of downtown.
Young Professionals	Educated workers without children often seek housing near their jobs and the shopping and entertainment options of a city.
Empty Nesters	After their children move out, dual-income couples have many years to continue working and living actively. They may seek a smaller dwelling close to their jobs and social and cultural interests.

Members of these groups often feel less attached to the suburban lifestyle. The energy, diversity, and convenience of a small city appeals to them. These households should fuel Winchester's sustainable growth, but the eCity must have the kind of housing they desire.



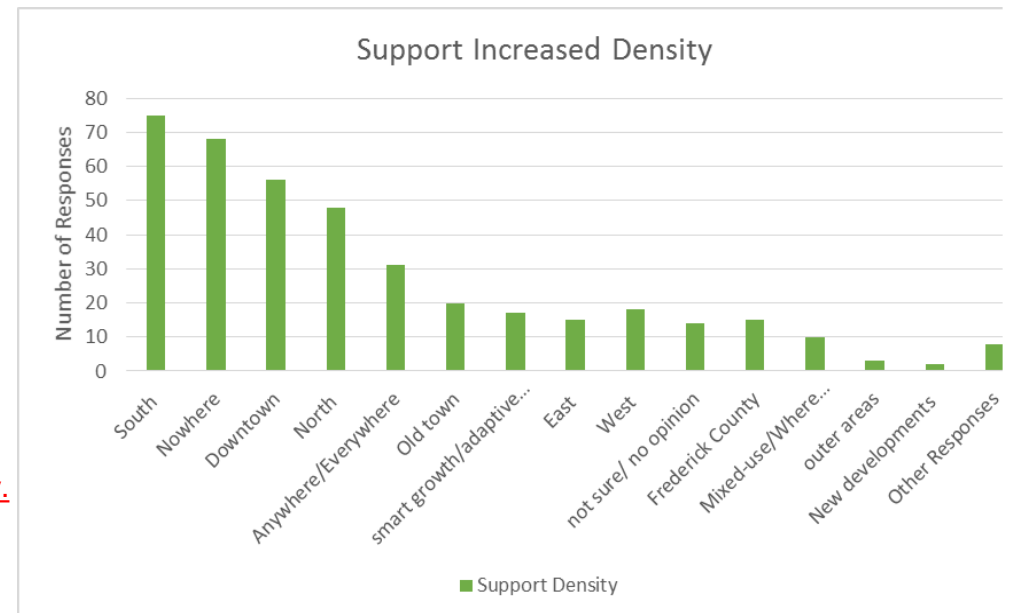
Mixed-Use redevelopment underway downtown.

Today, Winchester does not have enough of the kind of housing that the future requires. Considering the natural rigidities of the housing market and the current pressures against financing new development, there is a role for the City to improve market functionality.

Through Community Input Sessions in the summer of 2019, citizens identified the key area where they wanted more density targeted, and also where they wanted taller building heights. For more density, citizens primarily identified the South portion of the City. Other areas that were also identified are Downtown and the north portion of the City.

This means:

- More quality apartments and condos downtown and near the university.
- Apartments near, or even above, downtown offices and businesses.
- Luxury apartments with amenities for dual-income couples.
- Condominium units to provide equity investment at similar price and quality to luxury apartments
- More mixed-use development, especially those providing grocery stores
- Converting or demolishing obsolete and blighted houses to result in more desirable housing types
- Senior housing near downtown and Winchester medical center (eg. Old Hospital and Linden Drive)



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Citizens also identified the areas where they wanted higher building density, the primary identified area was downtown, which was differentiated from Old Town by many respondents. A number of respondents also idicated that they had no geographic preference to tl Increase of higher density and simply indicated ‘Nowhere’ or ‘Anywhere’.

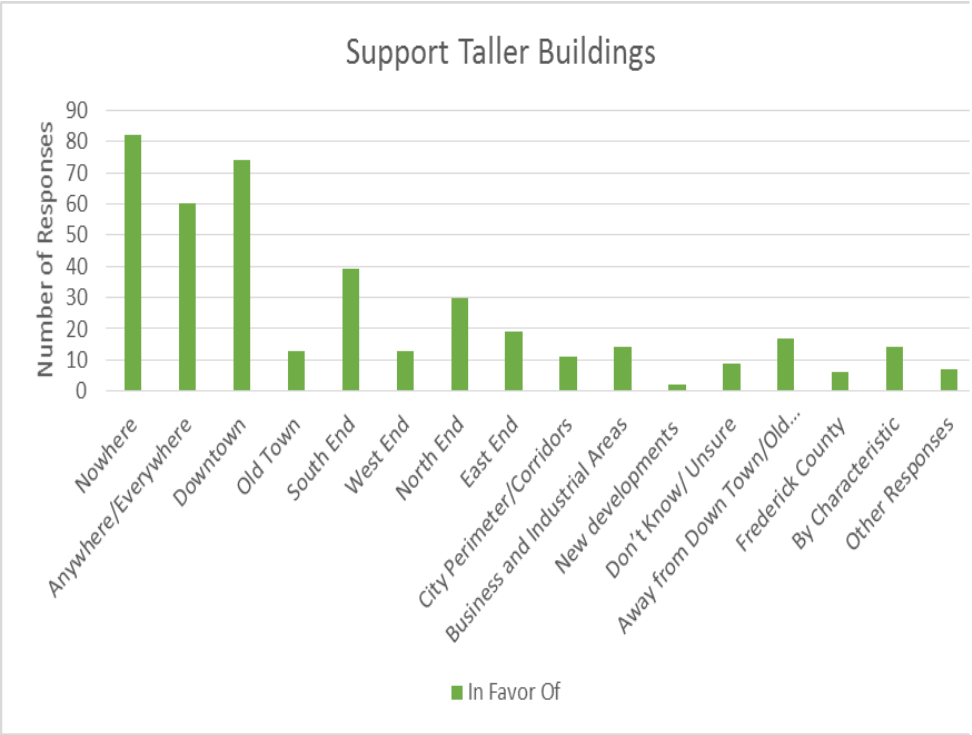
Winchester should consider expanding building heights in the City while taking care to keep the current scale, updating the City ordinances to include wedding-cake style structures. This style has building stories moving back away from the structure edge as they get higher, which preserves the historic scale along public streets. (See Chapter 10: Urban Design for more detail)

The City also performed Strength, Weaknesses, Opportunities, & Threats (S.W.O.T) Analysis with community members at community Input sessions. During the exercises, every session included housing Affordability as either a threat or a weakness.

City staff should work with developers to remove obstacles to the creation of amore vibrant housing stock. At the level of individual houses, there are already some incentives for rehabilitation. A homeowner or landlord who improves the value of ahouse that is at least 25 years old and situated within the Historic District by at least forty percent does not have to pay tax on the added value for ten years. Many older homes could benefit from such renovations. Similar incentives are available within the City’s mapped Enterprise Zones.

Some older houses’ obsolescence amounts to spot blight or dereliction by law. They need to be rehabilitated or demolished. The City already has incentives in place to encourage the rehabilitation or demolition of these structures. Property owners can receive a 10-year tax abatement on the increased value related to rehabilitation or, in the case of demolition, receive up to \$5,000 of demolition value abated for a 10 year period along with reimbursement of building and demolition permit fees.

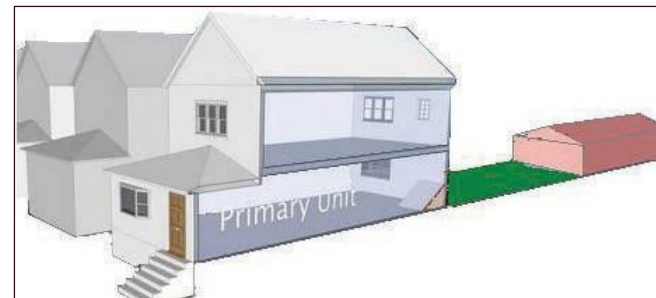
New, denser, more valuable housing can be built on sites following demolition. Where blighted, vacant structures sap a neighborhood’s vitality, condemnation is appropriate to consider. City planners should help developers consolidate small parcels for redevelopment projects that include the kinds of housing demanding by the changing market.



Attachment: Ch7_Housing (2235 : Chapter 7 - Housing)

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For key parcels, the city can play a more active role. City finances may underwrite the risks of development, or the city may partner with builders by contributing land and taking a portion of profits. State law permits many other forms of public-private partnership, and staff should remain alert to the possibilities and take the lead in educating developers. Such actions are justified when the benefits of the project—in catalyzing the growth of a neighborhood—accrue to the public as positive externalities.



The Zoning Ordinance should be revised to channel development into the desired forms. This means incentives for mixed uses, green buildings, mixed dwelling types, and other principles of New Urbanism. Chapter Ten gives more attention to ~~traditional~~ design. Under current law, accessory apartments and cottages like those shown on the right are not allowed by right or with a Conditional Use Permit in most areas. ~~Yet they~~ These approaches offer an easy way to increase ~~in~~ density, especially for students, without changing the façade of a house. As long as alleys offer safe emergency access, these units should be more generally permitted.

Conversely, the Zoning Ordinance should contain restrictions on undesirable housing types. The city has many stable residential neighborhoods where no great change makes sense. In these neighborhoods, the conversion of single-family homes to multi-family rental use should be discouraged. A limited supply of land means that detached, large houses are best used as valuable homes for single families. Denser townhouse and apartment forms are preferable to splitting up the city's largest and oldest houses.

Planning and finance staff should monitor the revenue generated by new housing compared to the services granted by the city. The marginal dwelling and household should yield funding equal to the marginal costs of city services to that household. If the existing regime of taxes and fees does not suffice, then it should be changed.

EQUITY CONSIDERATIONS

What about housing for people with low incomes?

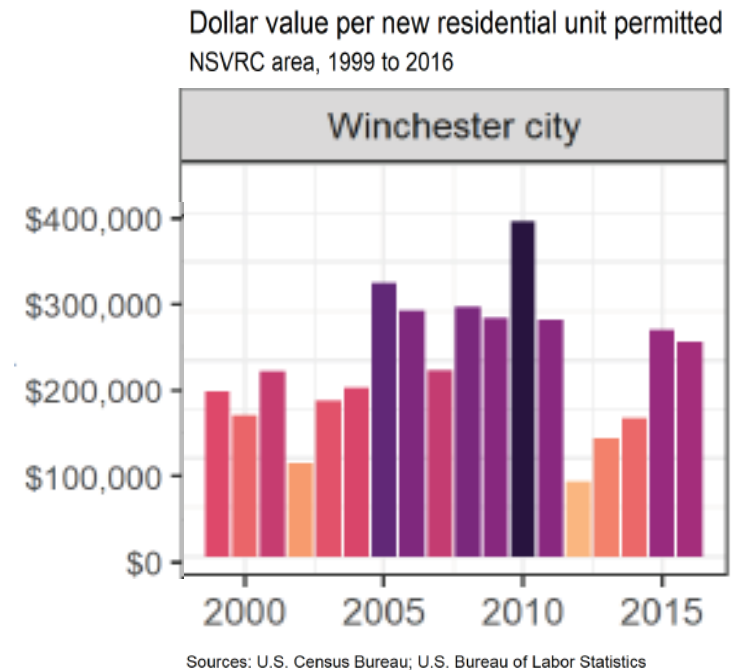
This Plan calls for increased density of housing; that today's blighted and underused property should become denser, higher value stock for new demographic groups to use. The danger of this strategy is that it risks displacing low-income residents. Changing demographics and rising property values that destroy a neighborhood's old character is called gentrification. It is not desirable. Redevelopment efforts should add capacity for desired growth while preserving options for the poor and improving the quality of low-income housing. Management and maintenance of low-income housing developments should be carefully scrutinized by the City to ensure that they do not become tomorrow's slums.

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In 2018, VCU's Center for Urban and Regional Analysis (CARE) conducted a study on the Northern Shenandoah Valley Region, analyzing the housing market and characteristics of the area. In that report, they found that housing values spiked at 2010, and have averaged around \$300,000 since 2015. The report further made several recommendations to increase housing affordability for Winchester:

- Expand housing rehabilitation efforts, particularly targeted to senior homeowners
- To address the severe shortage in affordable homeownership, encourage higher density and smaller footprint homeownership developments
- Reposition Community Development Block Grant (CDBG) funds to support local housing nonprofits and housing initiatives
- Reposition Community Development Block Grant (CDBG) funds to support local housing nonprofits and housing initiatives
- Consider a voluntary inclusionary zoning ordinance to create a variety of housing types and price points
- Encourage mixed use development of historic areas to include rental housing

The report did take note that, of the surrounding localities, Winchester held the disproportionate majority of affordable housing units, and recommended that the counties work to increase their share of affordable housing in the region.



Attachment: Ch7_Housing (2235 : Chapter 7 - Housing)

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The federal definition of affordable housing is: costing less than 30 percent of a household’s income. If housing costs more than that, there may not be enough left for food, transportation, and the other needs of life. The table to the right shows local wages for key community jobs and the housing cost that is 30 percent of that income. Such workers might have to share housing or have difficulty supporting dependents.

Wages and Affordable Housing in Winchester		
Profession	Hourly Wage	Affordable Monthly Rent
First-year teacher	\$16.82	\$807
Licensed nurse	\$14.47	\$695
Fast food manager	\$12.50	\$600

Many local households maintain steady occupancy of owned or rented dwellings despite low incomes. Nonprofits like Help with Housing, Habitat for Humanity, and The Salvation Army provide counseling and support. The city’s Office of Housing ~~and Neighborhood Development (OHND)~~ provides assisting through ~~the H~~housing Choice Vvouchers program.

Winchester does not have any public housing projects. Instead, the City’s Housing Office together with the Virginia Housing and Development Authority (VHDA) administers the federal housing choice ~~OHND provides~~ vouchers to households earning less than half of the local median income – about ~~\$29,000~~ for a family of four. With their vouchers, families can rent any property on the private market; the landlord then receives compensation from the state. As of ~~July 2010, OHND~~ subsidized housing for ~~253~~ households. The City and VHDA reopened the waiting list in the fall of 2019. Preference is given to persons who already live or work inside the City limits. Some ~~94~~ others remained on a waiting list, and there is no way to know how many families have given up applying or do not understand the program. There is no shortage of landlords willing to partner with the City OHND. The voucher program promotes mixed income neighborhoods, prevents homelessness, and preserves free market choices.

City Council established a Rental Inspection Program in 2012 for certain areas of the City where there is a concentration of rental housing in need of code compliance. City inspectors work to ensure the quality of rental housing and address unhealthy conditions. This work should continue, in partnership with other city staff: police, fire and rescue, and social services staff all have an interest in stable housing for the poor.

Redevelopment efforts catering to growth demographics should focus on vacant and blighted structures in areas designated for redevelopment or revitalization/infill as depicted on the Character Map in Chapter 9 of this Plan. They should increase density in appropriate neighborhoods and include adding apartments above downtown businesses. Redevelopment should not be a blunt instrument that damages any stable neighborhood.

Attachment: Ch7_Housing (2235 : Chapter 7 - Housing)

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Finally, while this Plan ~~continues advocating for distances itself from prior Plans that discouraged~~ rental housing, there nonetheless needs to be attention to recovering the costs of impacts associated with multi-family rental properties. Impacts include additional public safety, education, and demand for recreational facilities. One of the housing objectives of this Plan is to mitigate the impacts of multifamily rental development through measures such as alternative tax assessments. This could include assessing multifamily structures on an income-generating basis rather than on a square footage basis as is currently done. Another approach is to charge for services or require privately contracted services such as was done with refuse collection at multifamily complexes a number of years ago.