

WINCHESTER COMMON COUNCIL
SEPTEMBER 10, 2013
AGENDA
7:00 P.M.

CALL TO ORDER AND ROLL CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – August 13, 2013 Regular Meeting, August 20, 2013 Work Session, and August 27, 2013 Work Session

REPORT OF THE MAYOR

REPORT OF THE CITY MANAGER

REPORT OF THE CITY ATTORNEY

1.0 PUBLIC HEARINGS

- 1.1 CU-13-372:** Conditional Use Permit – Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (*Map Number 190-01-3*) zoned Education, Institution and Public Use (EIP) District. **(REQUIRES ROLL-CALL VOTE)(pages 4-54)**
- 1.2 O-2013-25:** Second Reading – AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY RZ-13-196 (*Proposed Jubal Square Development Plan*) **(REQUIRES ROLL-CALL VOTE)(pages 55-87)**
- 1.3 CU-13-422:** Conditional Use Permit – Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District. **(REQUIRES ROLL-CALL VOTE)(pages 88-92)**
- 1.4 O-2013-22:** Second Reading – AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 10-51 OF THE CITY CODE TO INCLUDE AN EXCEPTION FOR BLASTING OPERATIONS RELATED TO CEMETERY BURIAL OF DECEASED HUMAN REMAINS (*Reduction of insurance*)

requirement for blasting at cemeteries) **(REQUIRES ROLL-CALL VOTE)(pages 93-96)**

- 1.5 O-2013-24:** Second Reading – AN ORDINANCE TO REZONE 44.44 ACRES AT 2410 AND 2416 PAPERMILL ROAD (*Map Numbers 272-01-8 AND 291-02-A-B*) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT RZ-13-289 (*Proposed rezoning for the former Federal Mogul property*)(**REQUIRES ROLL-CALL VOTE**)(pages **97-102**)
- 1.6 O-2013-23:** Second Reading – AN ORDINANCE TO REPEAL SECTION 26-7 OF THE WINCHESTER CITY CODE WHICH WOULD ELIMINATE THE REQUIREMENT FOR THE PROPERTY OWNER OR OCCUPIER TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY (*with the exception of snow removal*) (**REQUIRES ROLL-CALL VOTE**)(pages **103-108**)
- 1.7 CU-13-361:** Conditional Use Permit – Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District. (**REQUIRES ROLL-CALL VOTE**)(pages **109-115**)
- 1.8 R-2013-42:** Resolution – Approval of Consolidated Annual Performance and Evaluation Report (pages 116-137)

2.0 PUBLIC COMMENTS

3.0 CONSENT AGENDA

- 3.1 O-2013-27:** First Reading: ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, TO FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENT PROJECTS (pages 138-141)
- 3.2 O-2013-28:** First Reading – AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS. TA-13-146 (pages 142-151)
- 3.3 O-2013-29:** First Reading - AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY RZ-13-380 (*Establishes a Corridor Enhancement District along Berryville Avenue*)(pages 152-159)

- 3.4 O-2013-30:** First Reading – AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY. RZ-13-292 (*Redevelopment plan for the former Coca-Cola plant*)(pages 160-170)
- 3.5 O-2013-14:** First Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT TA-13-138 (*Revision to temporary sign provisions and permit requirements*)(pages 171-188)
- 3.6 R-2013-39:** Resolution – Adoption of the Street Maintenance Master Plan to be used as the City’s guide for future street maintenance program (pages 189-212)
- 3.7 R-2013-40:** Resolution – Approval to create a formal policy for Council review and approval of grant applications (pages 213-217)
- 3.8 R-2013-43:** Resolution – Request for submission of application for the SAFER Grant (pages 218-220)

4.0 AGENDA

- 4.1** Motion to appoint _____ and _____ as members of the Handley Board of Trustees each to a six year term expiring June 30, 2019
- 4.2** Motion to appoint _____ as the parent representative to the Community Policy and Management Team
- 4.3** Motion to appoint _____ as a member of the Board of Zoning Appeals to an unexpired term ending July 31, 2014
- 4.4** Motion to appoint _____ as a member of the Social Services Advisory Board for an unexpired four year term ending March 31, 2015

5.0 EXECUTIVE SESSION

- 5.1** MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION

6.0 ADJOURNMENT

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session),
9/10/13 (regular mtg)

CUT OFF DATE: 8/21/13

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-13-372 Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (Map Number 190-01-3) zoned Education, Institution and Public Use (EIP) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/10/13 Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning			8/21/13
2. Emergency Management			8/21/13
3. City Attorney			8/22/2013
4. City Manager			8-22-13
5. Clerk of Council			

Initiating Department Director's Signature: 8/21/13
(Zoning and Inspections)



APPROVED AS TO FORM:
 8/22/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
L. A. Miller, Emergency Management Coordinator
Date: August 21, 2013
September 5, 2013 Update
Re: Conditional Use Permit (CU-13-372) – Public Safety Communications Tower

THE ISSUE:

Request for CUP for installation of a new public safety communications tower at 700 Jefferson Street.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2 – Develop a High Performing Organization, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Public Safety Communications System

Provide City Council with information relating to the utilization of an alternate site located at Winchester Medical Center.

BACKGROUND:

City staff has received a conditional use permit application for the construction of a 237-foot radio communications tower on City owned property at 700 Jefferson Street. This request is part of the required upgrades to the City's public safety communication system that has been in the development stages for several years. (Full staff report is attached).

See attached Information from Motorola and Staff Report

BUDGET IMPACT:

No funding is required.

Alternate tower site will reflect cost increase. See attached from Motorola Solutions

OPTIONS:

- Approve with conditions recommended by the Planning Commission
- Approve with revised conditions
- Deny the application
- **Consider utilization of alternate site**

RECOMMENDATIONS:

Planning Commission and recommend approval with conditions as noted within the staff report on a 4-2 vote.

 9-5-13

**SUPPLEMENTAL STAFF REPORT
PUBLIC SAFETY COMMUNICATIONS TOWER
ALTERNATE SITE EVALUATION – WINCHESTER MEDICAL CENTER CAMPUS**

THE ISSUE: Provide City Council with requested information relating to the utilizing an alternate location for the erection of the City’s proposed Public Safety Communications Tower. Develop background information based on identified site on Winchester Medical Center Campus.

BACKGROUND: During the Council Work Session of August 27, 2013 Council requested an analysis of an alternate site for the erection of the proposed Public Safety Communications Tower be conducted. Council specifically identified a site on the campus of the Winchester Medical Center be considered in lieu of the proposed site at 700 Jefferson Street. Motorola Solutions, Teltronics, R. L. Kimball and city staff proceeded with the analysis including locating a probable site for the tower on the campus of Winchester Medical Center. Propagation studies were performed to identify the specifications of the tower enabling compliance with the system’s performance standards, consideration of cost differential that may be associated with the alternate site, identification of the impact on project schedule and other items such as zoning were for the alternate site.

Attached for review and consideration are the following items:

- Cover letter crafted by Motorola Solutions
- Table 1 created by Motorola Solutions addressing estimated pricing and projected schedule modification.
- Aerial view of a selected site located southeast of the Health Professionals Building on the Winchester Medical Center Campus.
- Propagation map indentifying coverage based on the utilization of the same height tower (237’) as proposed for the 700 Jefferson Street site.
- Propagation map based on the minimum required tower specification to provide coverage in accordance with the performance standard (95%-95%).
- Zoning specifications addressing tower height at the proposed location.
- Considerations related to the 700 Jefferson Street site.

BUDGET IMPACT: Utilization of the alternate tower site reflects an estimated project cost increase of \$778,910.00.

ZONING CONSIDERATIONS:

The Zoning Ordinance has a maximum height for transmitting and receiving towers in the Medical Center district of 100-feet. For either a 237-foot or 450-foot tower a variance would need to be requested through the Board of Zoning Appeals. Additionally, should Council desire to select this location and move forward with the necessary approvals, the Conditional Use Permit process would need to start again from the beginning with a review and recommendation from the Planning Commission before being reviewed in full by City Council. Similar to the EIP district, the Medical Center (MC) zoning district does not have a required “fall zone” distance from the tower structure to adjacent properties.

ADDITIONAL CONSIDERATIONS/ADJUSTMENTS – JEFFERSON STREET SITE

- Supply additional substantial ground level screening at Jefferson Street fence line.
- Relocate tower structure 75' north of selected site providing reducing impact on properties located to the south should a full collapse of the tower occur.
- Remove all existing antennas and associated cabling located on elevated tank.
- Confine utilization of tower for public safety use.

Motorola Solutions, Inc.
7031 Columbia Gateway Dr., 3rd Fl.
Columbia, MD 21046-2289

Telephone: +1 410 712 6200
Fax: +1 410 712 6489

September 5, 2013

Mr. Dale Iman
City Manager
City of Winchester
15 N. Cameron St.
Winchester, VA 22601

Subject: Antenna site study for the Winchester Medical Center (Valley Health Systems) location

Dear Mr. Iman:

At the direction of City Council, Motorola has prepared a high level performance and budgetary feasibility evaluation of a transmitter site located on the Winchester Medical Center (Valley Health System) campus. None of the required approvals from landowners, federal, state, and city authorities has been obtained or is guaranteed.

Motorola has provided two 800MHz voice coverage maps that show the portable radio in-building coverage. The contracted performance standard requires 95% / 95% coverage (95% of the city area at 95% probability).

1. The first propagation study simply relocates the proposed Jefferson Street tower and equipment to the Winchester Medical Center campus. The propagation study shows coverage for 85% of the city using that configuration.
2. The second propagation study shows the minimum tower height at which the required 95% coverage can be provided. A 450 foot tower will be required.

Table 1 below provides budgetary and schedule estimates to implement the single site P25 trunked public safety radio system described in the Motorola proposal of February 29, 2012, substituting a 450 foot self-supporting tower at the Winchester Medical Center campus. These are budgetary guidelines to assist the city with the critical issues decision process, not quotes to provide services.

The relocation of the transmitter site from Jefferson Street to the Winchester Medical Center campus will require an estimated additional budget of \$778,910 plus land acquisition costs and an estimated minimum project delay (schedule extension) of 368 days if all required approvals are obtained with minimum delay and without the need for additional resources to meet regulatory requirements.

Please note that a decision to use multiple sites will increase costs substantially beyond the proposed single site design. Site connectivity (microwave), simulcast technology upgrade, site acquisition and development, and system redesign will contribute to additional cost increases. If leased sites are substituted in lieu of city owned sites, then recurring lease costs are an additional City consideration.

Thank you,

Jansen Pieter-
CPJ017

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CPJ017
Date: 2013.09.05 08:29:43
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Pieter Jansen
Project Manager
Motorola Solutions, Inc

Motorola Solutions, Inc.
7031 Columbia Gateway Dr., 3rd Fl.
Columbia, MD 21046-2289

Telephone: +1 410 712 6200
Fax: +1 410 712 6489

Table 1. Budget and Schedule Impact for Winchester Medical Center Campus Transmitter Site

Description	Estimated Additional Cost	Estimated Duration (days)	Estimated Schedule Extension	Notes
Land acquisition		120 to Denied	120	
Tower 450 ft	\$199,973	28	14	Self-Supporting Tower
Tower enhancements	\$115,847	14	14	FAA painted/Collocation/Strobe lights
FAA approval	\$5,593	90 to Denied ¹	90	Helipad or height restrictions may apply.
FCC Frequency relicensing	\$4,237	90 to Denied ¹	*	May not approve VHF and 800 MHz licenses at this height
Narrow band waiver extension(s)	\$1,637	30 to Denied ¹	*	FCC response is unknown.
Engineering and Project management (additional - all phases)	\$145,987	120	30*	Site plans, RF design, tower, MW, electrical, telco, grounding, CUP re-submittal.
Zoning approval, Coordination, Documentation	\$17,288	120	*	Fall zone. Increased tower lighting requirement (multiple strobe).
NEPA/SHPO approvals	\$6,780	90	60*	Tower height issues. Entrance corridor.
Site development	\$281,568	120 to Denied ¹	40*	Additional compound and fencing - tower base size is doubled.
Budget Estimate	\$778,910		368 Days	

* Concurrent task – A task that runs concurrently with other tasks and results in partial or no additional extension to the schedule (assumes all tasks occur in their minimum time frame).

1. Denied – If regulatory approval is denied then impact on schedule and budget impact is not defined.



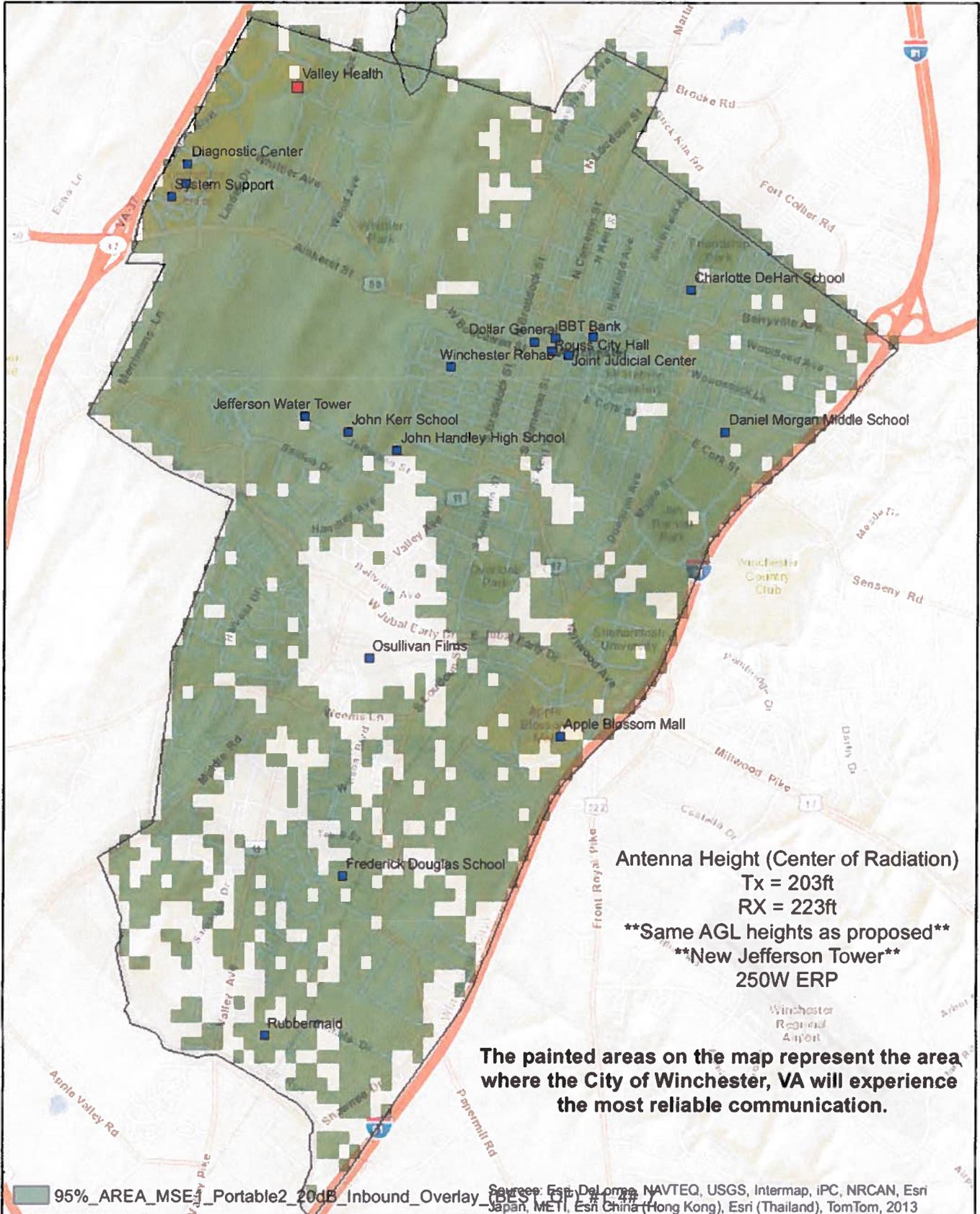
Google earth





MOTOROLA

Single Site Trunked 800MHz Voice System - DAQ 3.4



0 0.225 0.45 0.9 Miles
 1 inch = 0.69 miles

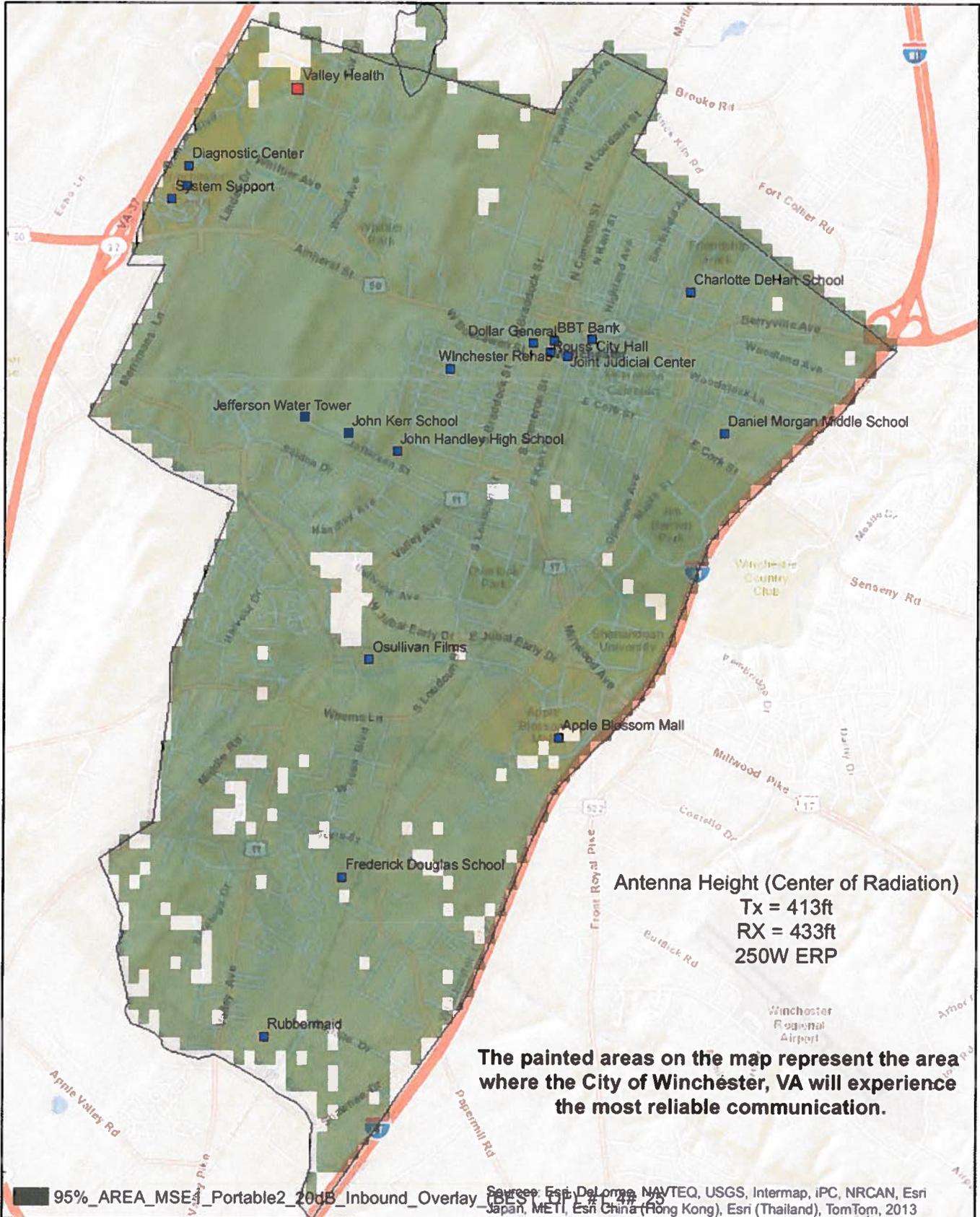
Portable Inbound Coverage Worn on Hip w/ Swivel Case and RSM
 20dB Building Penetration Loss Over Entire Winchester, VA Service Area

crk067-11



MOTOROLA

Single Site Trunked 800MHz Voice System - DAQ 3.4



0 0.225 0.45 0.9 Miles
 1 inch = 0.69 miles

Portable Inbound Coverage Worn on Hip w/ Swivel Case and RSM
 20dB Building Penetration Loss Over Entire Winchester, VA Service Area

crk067-11

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: August 21, 2013
Re: Conditional Use Permit (CU-13-372) – Public Safety Communications Tower

THE ISSUE:

Request for CUP for installation of a new public safety communications tower at 700 Jefferson Street.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2 – Develop a High Performing Organization, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Public Safety Communications System

BACKGROUND:

City staff has received a conditional use permit application for the construction of a 237-foot radio communications tower on City owned property at 700 Jefferson Street. This request is part of the required upgrades to the City's public safety communication system that has been in the development stages for several years. (Full staff report is attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions recommended by the Planning Commission
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission and recommend approval with conditions as noted within the staff report on a 4-2 vote.

City Council Work Session
August 27, 2013

CU-13-372 Request of Morris & Ritchie Associates on behalf of the City of Winchester for a conditional use permit to construct a telecommunications tower at 700 Jefferson Street (*Map Number 190-01-3*) zoned Education, Institution and Public Use (EIP) District.

REQUEST DESCRIPTION

The request is for a 237-foot radio communications tower to be located behind the existing John Kerr Elementary School at 700 Jefferson Street adjacent to the existing elevated water tank. The tower will be of a lattice-style construction.

AREA DESCRIPTION

The subject parcel is located on the western terminus of Jefferson Street. The parcel is zoned Education, Institution, and Public Use (EIP) District. The property to the north and east is similarly zoned EIP, and properties on the south, west are zoned Low Density Residential (LR) District. The vicinity is composed of residential, agricultural, and educational uses. On the east is the John Kerr Elementary School, a single family residential property is directly to the south, and the Glass Glen Burnie Foundation property.



STAFF COMMENTS

This request involves the installation of a 230-foot radio communications tower to support a Public Safety Radio Communications System to upgrade the City's infrastructure and improve the service coverage throughout the community. The main portion of the tower and all antennas will be no taller than the proposed 230-foot height. However, there is a lightning rod and aircraft beacon that will be mounted on the top of the tower, for an absolute height of 237-feet. The Winchester Zoning Ordinance establishes several maximum telecommunications tower heights throughout the City of Winchester; however, the EIP district does not have a maximum tower height.

Part of the requirement of the public safety communications system is a federally mandated upgrade to the existing infrastructure that the City utilizes, and is a time sensitive request as well. The project was supposed to be completed by January 1, 2013; however due to technical issues with the process, the City received a one year extension until 2014.

Motorola responded to a City of Winchester Public Safety Radio Network RFP dated December 15, 2011. This was a competitive procurement. The City asked for four different possible options: Option A—Full 800MHz Trunking Radio Network, Option B—800MHz/VHF Hybrid System, Option C—VHF Compliant System and Option D—Alternative Solutions. Motorola chose to submit a proposal to the City of Winchester under the Option D—Alternative Solutions scenario. This enabled the City to provide a single site 800MHz trunking/VHF system that would meet or exceed the specifications set forth in the City's

RFP. In addition, the design ensures that the City will be able to utilize its portable radios in a 20db building which was one of the most important criteria in the RFP.

It was desired to keep the system design to a simplistic, single transmitter site which eliminates the need for duplicate infrastructure, building, generator, monitoring system, UPS, antenna, and line. Also, when introducing additional sites into the mix the City would have to incorporate simulcast technology most likely utilizing microwave. The additional items mentioned above translate into much higher costs for the City.

Motorola's goal was to present the City with mission critical, public safety solution that would meet the RFP specifications and be within the City's budget. The project committee felt that utilizing the Jefferson Street location, which had always been the City's antenna "farm," was the proper call based on the central location (eliminating additional sites) and the water tank already in place.

The current system used by the Winchester Police and Fire and Rescue departments has several technical limits that restrict their staffs from being able to have full and adequate coverage throughout their services areas. For example, the current system does not have adequate signal to penetrate larger buildings and buildings with thicker walls resulting in a loss of communication when police and firefighters enter certain buildings in the City. The proposed system will correct this deficiency.

A cultural survey was required to be conducted to determine what, if any, impacts there would be for the existing historic and cultural sites in the vicinity of the proposed tower. Several photographs were included in order to help illustrate that point.

At the end of the cultural report by CRI (Cultural Resources Inc.), it is important to note that while in a few areas of the City the tower will be visible, there was no adverse impact associated with the construction of this new tower on any of the historic properties surveyed.

Section 18-2-1.2 allows for CUP consideration of communications facilities in the EIP district. There are a number of requirements which must be met for proposed towers. Those requirements, along with staff comments on the applicant's compliance as demonstrated in the submitted materials, are as follows:

- 1) *All possible means for sharing space on existing towers or on existing building or other structures have been exhausted and no alternative other than constructing a new tower exists.*

The applicant notes in a letter dated July 8, 2013 that numerous alternative options were investigated throughout the City. The alternate options considered were utilization of existing telecommunications towers, construction of several towers throughout the City, and utilization of the existing elevated water tank. Each of the alternatives did not provide evidence that the alternatives would provide the design and operational criteria in a manner that was economically feasible for the City.

- 2) *The applicant has executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties.*

As noted in the July 8, 2013 letter from the applicant, City Council instructed that this tower have adequate space on the facility to accommodate future placement of antennas as a means of sharing space.

- 3) *The tower height is no more than the minimum to accomplish required coverage.*

Originally the height of the tower was designed to be 250-feet. After further analysis, it was determined that a 230-foot tower would be able to achieve the requirements of the updated public safety communications system. There is no maximum height limitation for the EIP district provided in the Zoning Ordinance.

- 4) *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.*

The tower is of a lattice-style design, which is necessary for the structural stability of the tower due to the height. The support equipment is proposed to be screened from the public right-of-way by a row of evergreen trees to help minimize the visual impact from the street.

- 5) *The proposal must provide for the 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, at a minimum, meet the requirements of Section 19-5-6.4d of the 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.*

The applicant is not proposing to eliminate any trees in the area. The support equipment will be located adjacent to the tower structure, with evergreen screening along the southern property boundary along Jefferson Street.

- 6) *The electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute (ANSI) or standard issued by the Federal Government subsequent to the adoption of this Ordinance.*

The applicant will provide the necessary documentation to affirm that the proposal will meet the Federal Government frequency emission standards. Additionally, the tower proposal is undergoing review with the required FAA approvals for the proposed location and height of the structure. A warning beacon is required to be installed at the top of the tower facility. In the Electromagnetic Emissions (EME) report submitted to the City, the documentation shows that the proposed EME from the public safety communications tower will not exceed the acceptable exposure limits for the general public.

Staff believes that the proposal meets the requirements outlined in Section 18-2-1.2 of the Zoning Ordinance. The request, while proposed to be the tallest telecommunications tower structure in the City, will be the minimum needed in order to accomplish the requirements of the upgraded public safety communications system. Should the structure fail, there are no adjacent residences or occupied structures that are in danger of being in a "fall-zone." The applicant submitted a drawing that indicates that the proposed fall zone would be largely contained within the subject parcel of 700 Jefferson Street.

RECOMMENDATION

During their August 20, 2013 meeting, the Planning Commission forwarded **CU-13-372** recommending approval on a 4-2 vote, because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

1. Submit an as-built emissions certification after the facility is in operation;
2. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use;



Timbrook Public Safety Center
231 East Piccadilly Street
Winchester, VA 22601

Telephone: (540) 545-4721
FAX: (540) 542-1314
Website: www.winchesterva.gov

July 8, 2013

Mr. Timothy A. Youmans, Planning Director
City of Winchester
Rouss City Hall
15 N. Cameron Street
Winchester, VA 22601

Re: Emergency Communications Project
Jefferson Street Extended Water Tower Site

Dear Mr. Youmans,

The City of Winchester is in need of a Public Safety Radio Communications System to upgrade the radio infrastructure of the city and provide service throughout the community. The infrastructure of this project involves several components one of which is a 230' radio communications tower to be located as indicated above.

The construction and establishment of a transmit/receive site for Public Safety Communications is the result of two studies performed by L. R. Kimball and Associates as authorized by the City of Winchester. The first of these studies was to determine the condition of the City's Public Safety Communications System while the second study involved the establishment of a conceptual design for a communications system that would support current and future Public Safety communications needs.

The first study found that the city had no true communications system but rather had multiple stove pipe systems each of which were inadequate to serve the community. The various stove pipe systems had insufficient frequencies, were undependable based on age and condition, did not provide redundancy of service and due to the age of the equipment were not candidates for an upgrade.

The second study was to determine the type of radio communications system that would best suit the City while providing a state of the art radio communications system for the City in a cost effective manner. After much discussion and research it was determined that a Project 25, digital, trunked system operating in the 800 MHz spectrum was the best option. While engaged in the design phase of the study it was determined that Federal Communications Commission regulations pertaining to the VHF frequency spectrum which the City currently utilized was subject to Narrowbanding requirements to which the City would be subject to by January 1, 2013. This regulatory issue further influenced the decision to convert to the 800 MHz spectrum as sufficient VHF frequencies were not available to support the City's radio communications requirements.

L. R. Kimball and Assoc. presented several design options from which a Request for Proposal (RFP) was crafted. The design specified that the radio communications system would be full service and provide 95%

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

coverage, 95% of the time with a portable in a 20dB signal loss building coverage. The basic conceptual design identified the probable need for multiple transmit/receive sites but permitted respondents to the RFP flexibility in design if they guarantee the 95%, 95% 20dB coverage specifications. Motorola Solutions presented a design that would require a single transmit/receive site and guarantee radio coverage based on the design specifications. The original propagation studies identified design specifications would be provided by the installation of a 250' communications tower. Further design and environmental considerations were discussed and it was determined that design specifications would be met utilizing a 230' communications tower. The 230' communication tower was determined to be the minimum acceptable from an operational and environmental perspective. A single communications tower was preferred rather than multiple sites and towers as each additional site and tower was estimated to have an associated cost of \$750k to \$1.25m including the additional cost of simulcast equipment required to utilize multiple towers. The erection of a 230' communications tower is critical to the overall operational design and is considered to have the least overall environmental, aesthetic, and financial impact.

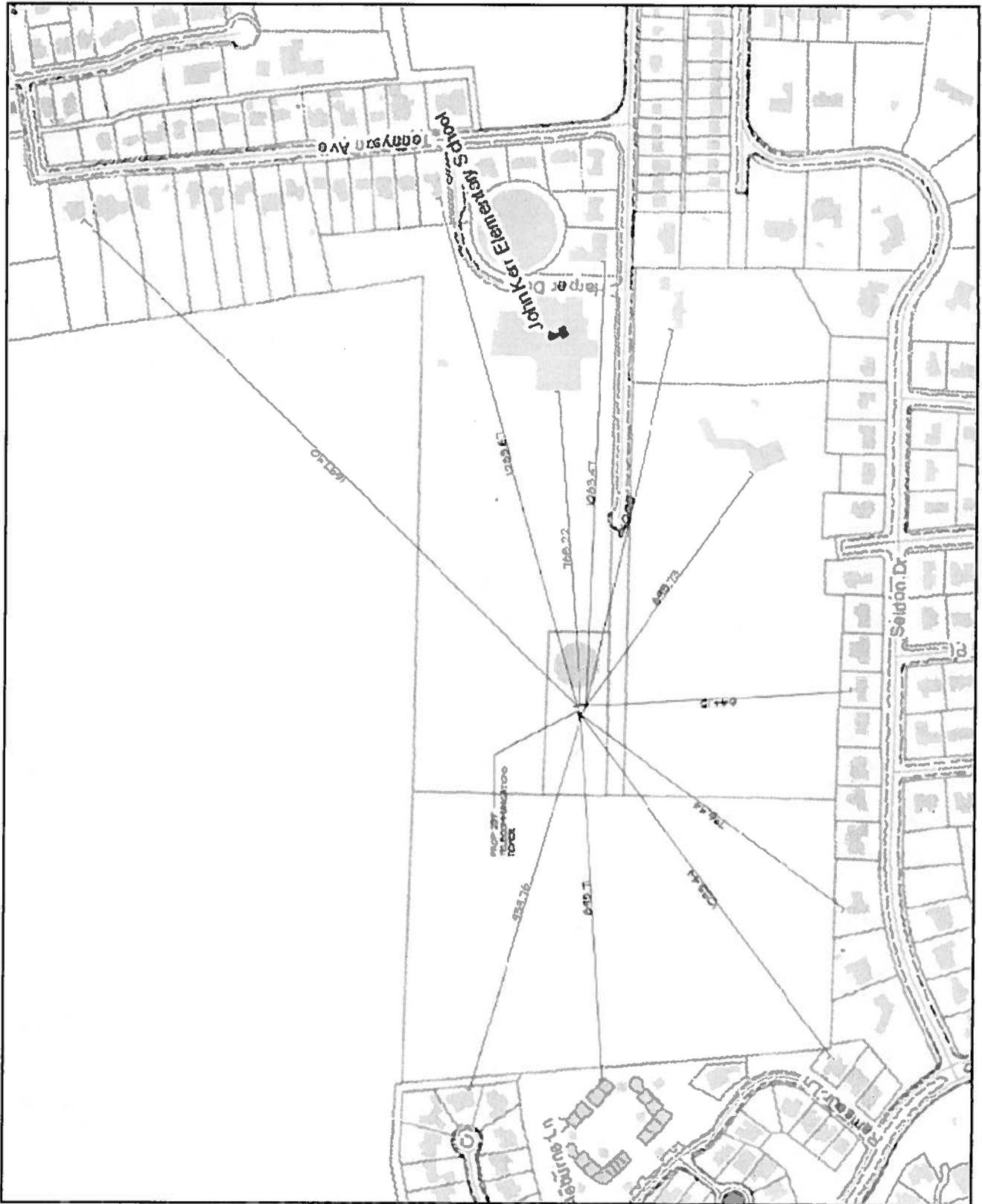
Consideration was given to alternatives other than multiple communications tower sites including but not limited to the utilization of existing communications towers, the utilization of the elevated tank as a supporting structure as well as multiple communications towers at various sites as identified above. In each case analysis of the alternatives did not provide evidence that the alternatives would provide the design and operational criteria in a manner that was economically feasible for the City.

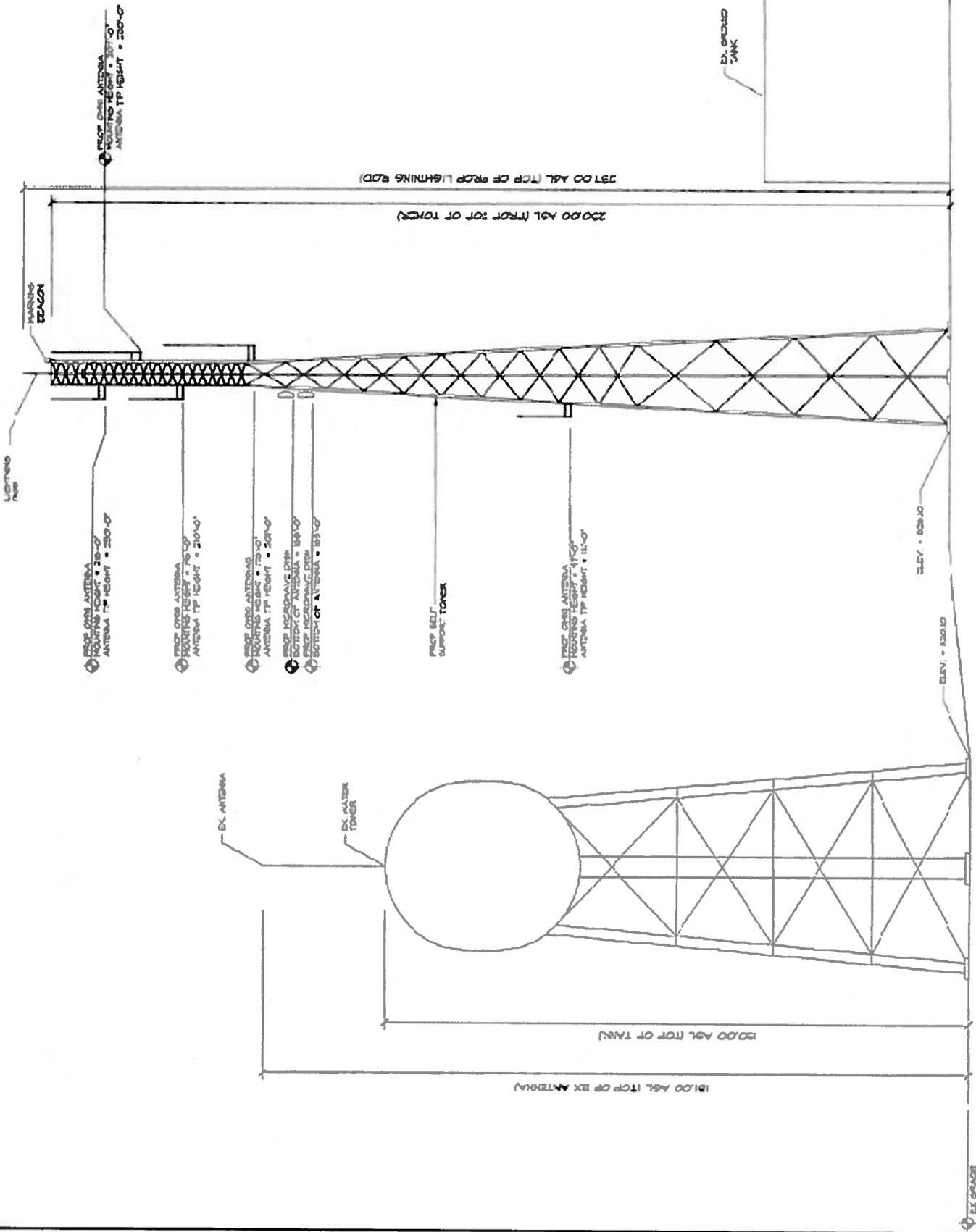
City Council is cognizant of the need to protect resources while providing emergency communications and services to the community in an economically feasible manner. As a result of Council's fundamental values regarding this project they have instructed that the tower have the structural integrity to support the future placement of antennas as a means of sharing space. The current design addresses the desires of Council to share space thus reducing the need for additional communications towers within the City and providing a potential revenue stream. As of this date a letter of intent relating to sharing of space has not been distributed. However, discussions have been initiated with various concerns relating to the location and marketability of the proposed communications tower.

Motorola Solutions Inc. will provide all necessary information to the City of Winchester as it pertains to modeling a predictive electromagnetic exposure (EME) study. Motorola Solutions understands what information the Federal Communications Commission (FCC) Office of Engineering and Technology ([OET Bulletin 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields"](#)) has asked in order to model the maximum permissible exposure (MPE). Motorola Solutions will submit the results to the City of Winchester, its consultant, or other parties identified in writing by the City of Winchester.

Respectfully,

Dale Iman, City Manager, Director of E. M.







MOTOROLA SOLUTIONS

**CITY OF WINCHESTER
Antenna Site Determination
August 15, 2013**

One or more of the Commissioners are interested in learning more about the site analysis and decision process that led to the selecting of this site on Jefferson Ave.

Motorola Solutions, Inc. (Motorola) Response:

Motorola responded to a City of Winchester Public Safety Radio Network RFP dated December 15, 2011. This was a competitive procurement. The City asked for four different possible options: Option A—Full 800MHz Trunking Radio Network, Option B—800MHz/VHF Hybrid System, Option C—VHF Compliant System and Option D—Alternative Solutions.

Motorola chose to submit a proposal to the City of Winchester under the Option D—Alternative Solutions scenario. This enabled us to provide a single site 800MHz trunking/VHF system that would meet or exceed the specifications set forth in the City's RFP. In addition, the design ensures that the City will be able to utilize its portable radios in a 20db building which was one of the most important criteria in the RFP.

We wanted to keep the system design to a simplistic, single transmitter site which eliminates the need for duplicate infrastructure, building, generator, monitoring system, UPS, antenna, and line. Also, when introducing additional sites into the mix the City would have to incorporate simulcast technology most likely utilizing microwave. The additional items mentioned above translate into dollars.

Motorola's goal was to present the City with mission critical, public safety solution that would meet the RFP specifications and be within the City's budget. We felt that utilizing the Jefferson Street location, which had always been the City's antenna "farm," was the proper call based on the central location (eliminating additional sites) and the water tank already in place.

For candidate sites reviewed please, refer to "APPENDIX C - CANDIDATE RADIO SITES" column "OPTION FOR NEW PUBLIC SAFETY SITE Yes/No, Why".

APPENDIX C - CANDIDATE RADIO SITES

COMMON NAME	ADDRESS	X/Y COORDINATES	GROUND ELEVATION	STRUCTURE HEIGHT	OWNER	AVAILABILITY	OPTION FOR NEW PUBLIC SAFETY SITE Yes/No, Why
Timbrook Public Safety Center	231 East Piccadilly Street	78-9-39.643 W 39-11-5.292 N	720'	50 ft tower	City of Winchester	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications. Tower will not structurally support additional antenna system.
Jefferson Water Tower	540 Jefferson Street	78-11-01.80 W 39-10-48.10 N	866'	150 Water Tower	City of Winchester	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications. (Note this location is best candidate for a new tower to meet the coverage specification with single site)
Frederick Douglas Elementary School	100 W. Cedarmeade Ave.	78-10-53.674 W 39-9-6.812 N	744'	Land only	Winchester Public Schools	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Health Professionals Building	1775 North Sector Court	78-11-9.427 W 39-12-1.066 N	866'	83'	Valley Health Systems	Unknown	No. Site will not meet coverage specification and would require additional sites to meet specifications.
North Loudoun Parking Garage	50 East Fairfax Lane	78-9-50.584 W 39-11-16.306 N	728'	728' includes structure height at roof (NW corner)	Winchester Parking Authority	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Winchester City Yards	310 E. Pall Mall Street	78-9-44.721 W 39-10-37.572 N	702'	Land only	City of Winchester, (Northeast of Spreader Storage Area)	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.
Virginia Avenue Charlotte DeHart Elementary School	550 Virginia Ave.	78-9-8.052 W 39-11-20.829 N	712'	Land only	Winchester Public Schools (North of School Parking Lot)	Available	No. Site will not meet coverage specification and would require additional sites to meet specifications.

John Handley High School	425 Handley Blvd..	78-10-41.366 W 39-10-42.935 N	852'	Land only	Winchester Public Schools	Available	No. Site will not meet coverage specification or would require additional sites to meet specifications
Active Living Center/War Memorial Building	1001 East Cork Street	78-9-18.867 W 39-10-29.826 N	716'	Land only	City of Winchester	Available	No. Site will not meet coverage specification or would require additional sites to meet specifications.
Shentel Stadium	1122 Ralph Shockey Drive	78-9-13.96 W 39-9-57.065 N	853'	Land only	Shenandoah University outside city limits	Unknown	No. Site will not meet coverage specification or would require additional sites to meet specifications.
Shentel Tower	701 Fairmont Ave	78-10-9.173 W 39-11-57.389 N	870'	201'	National Fruit Products	Unknown	No. Site will not meet coverage specification or would require additional sites to meet specifications.



July 26, 2013

Mr. Andrew Hendricks, P.G.
Geo-Technology Associates, Inc.
43760 Trade Center Place, Suite 110
Sterling, Virginia, 20166

RE: Architectural Visual Effects Survey for the Proposed City of Winchester
Telecommunications Tower, Winchester, Virginia

Dear Mr. Hendricks:

A review of the materials available in the VDHR site files for architectural resources within the APE for the proposed City of Winchester telecommunications tower located at 700 Jefferson Street in Winchester, Virginia was conducted in preparation for the field survey. The purpose of the file review was to determine if any of the previously recorded resources within the APE for visual effects were eligible for or listed on the National Register of Historic Places (NRHP) and if so to determine if the proposed cellular installation would adversely affect these resources. The research determined that 21 recorded architectural resources were within the APE and that four resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023) have been determined eligible for listing on the NRHP, and six resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004) are listed on the NRHP; the remaining resources have not been evaluated or have been determined not eligible for listing on the NRHP. Six of those resources have not been individually evaluated but are noted as contributing to the Winchester Historic District (Figures 1-5; Table 1). The review of these architectural resources was conducted by Ellen M. Brady, President and Sandra DeChard, Senior Architectural Historian. A site visit to the project area was conducted by Taft Kiser and Tracey McDonald on July 3, 2013. Visual assessment analysis and determination of visual effect were conducted by Ellen M. Brady, Senior Principal Investigator with assistance from Ms. DeChard.

The investigations were conducted with reference to state (*Guidelines For Conducting Historic Resource Survey in Virginia* (Virginia Department of Historic Resources {VDHR} 2011) and federal guidelines (*Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* [United States Department of the Interior {USDI} 1983]) as well as in accordance with the *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process* effective March 7, 2005.

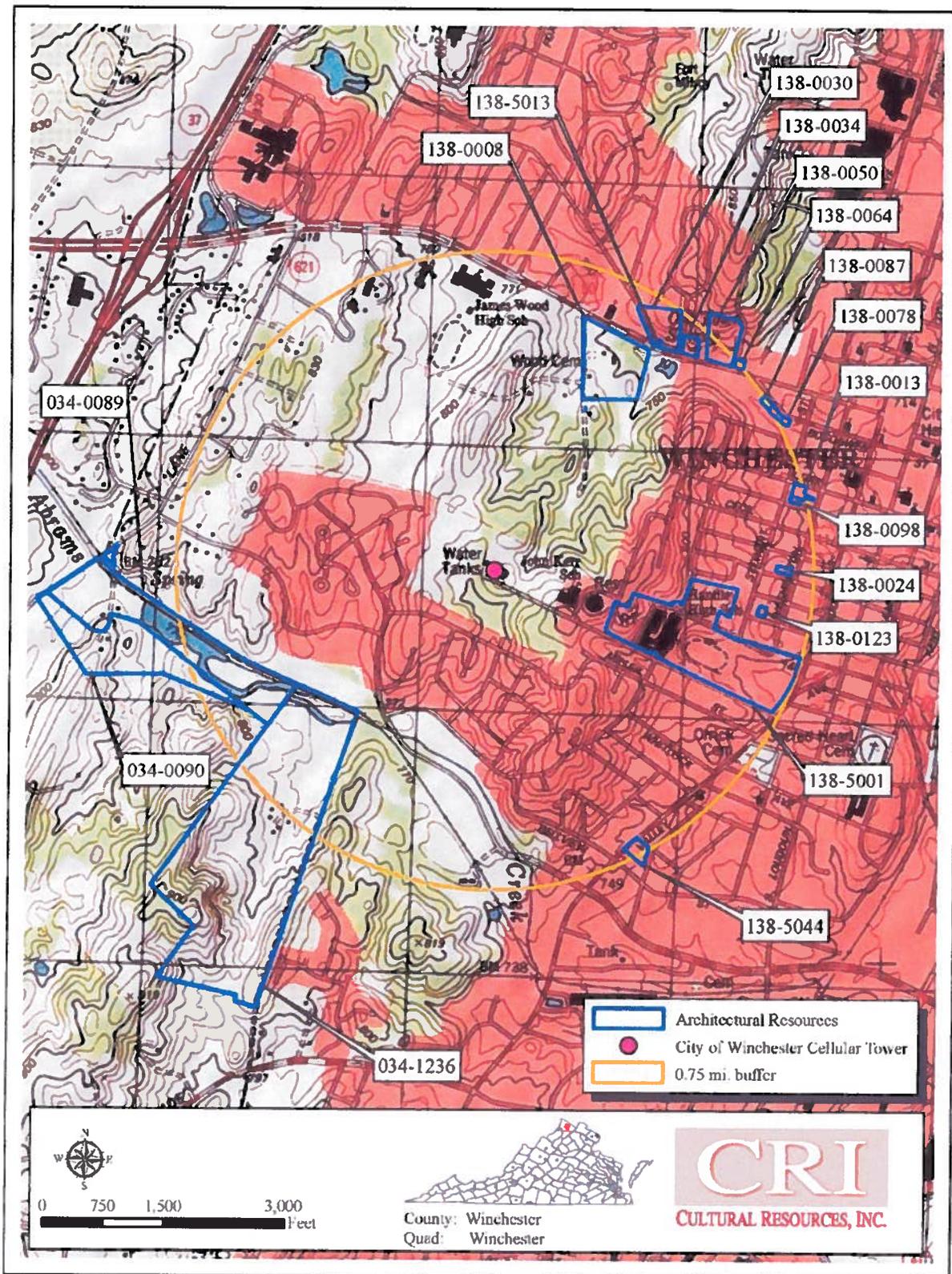


Figure 1. Individual Architectural Resources within the APE for Visual Effects.

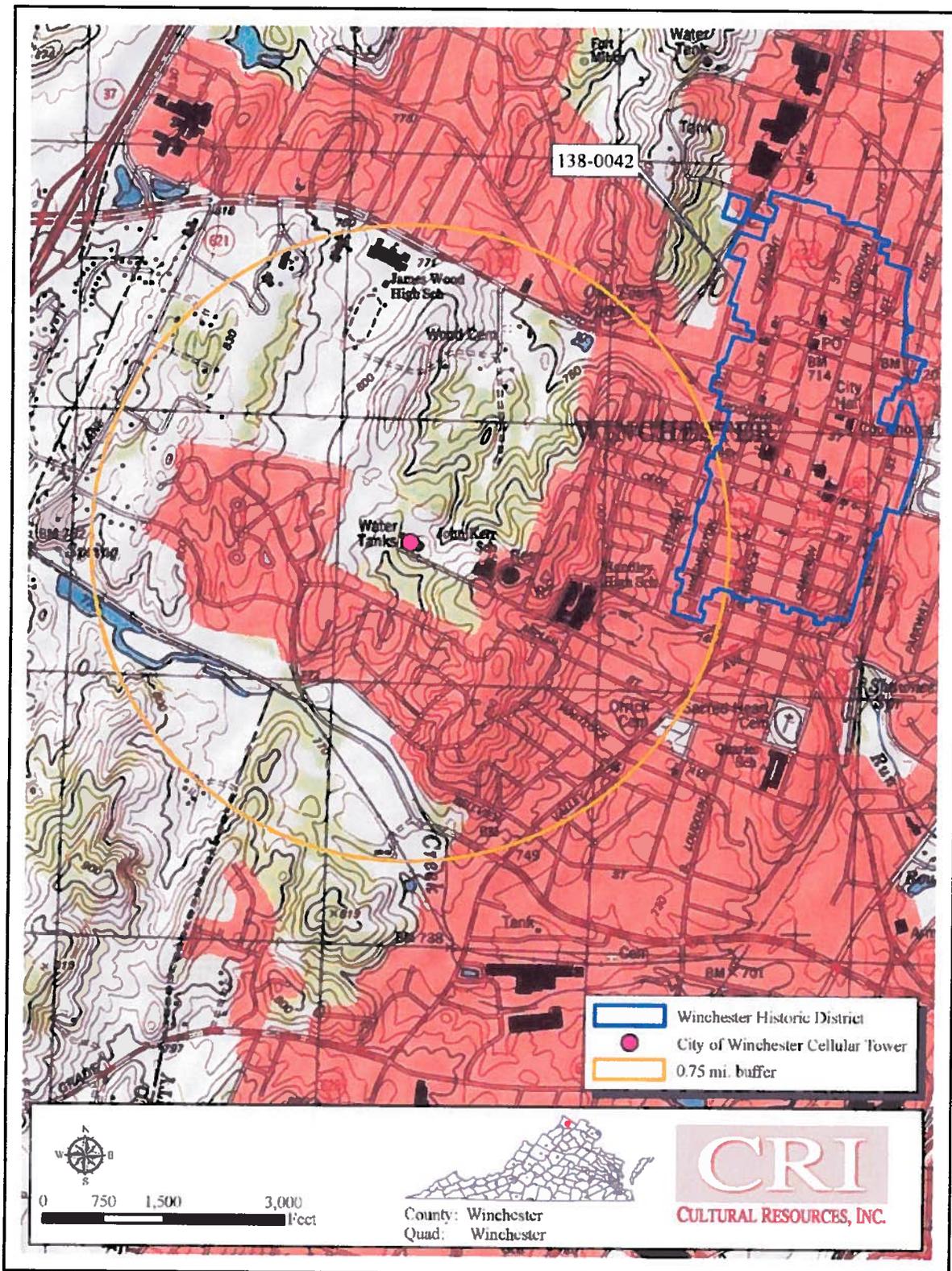


Figure 2. Historic Districts within the APE for Visual Effects.

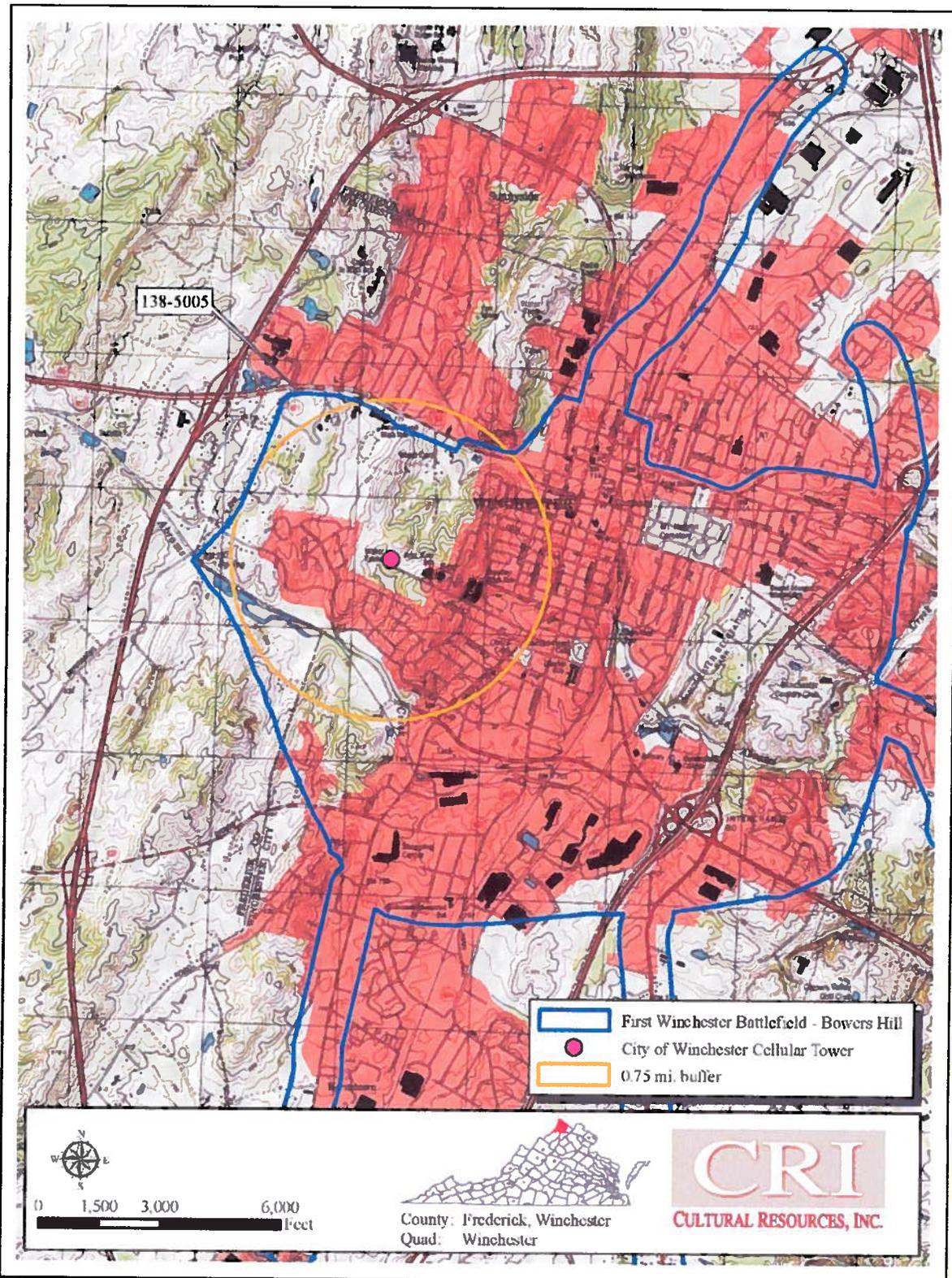


Figure 3. Battlefields (First Winchester Battlefield) within the APE for Visual Effects Historic Districts.

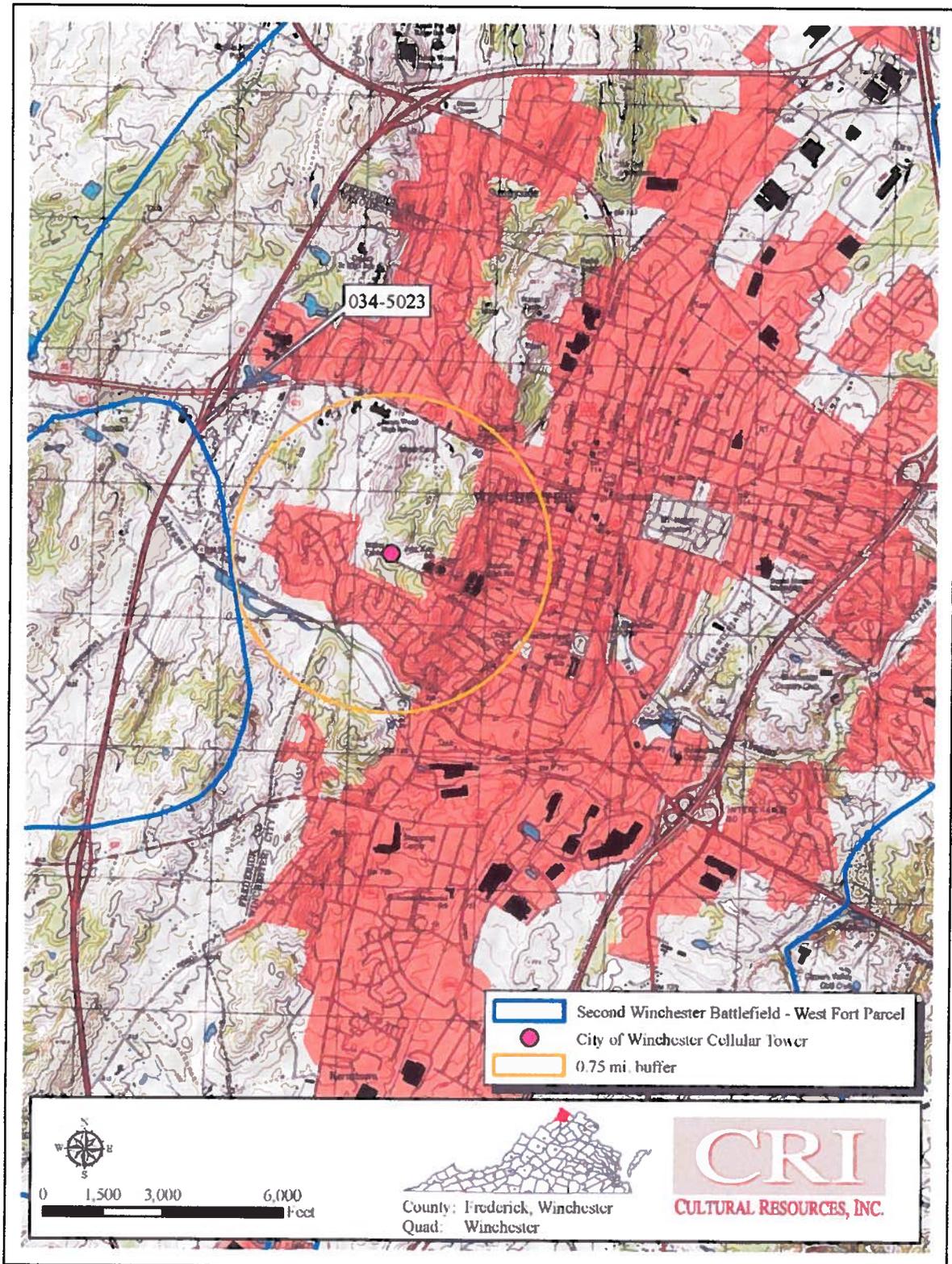


Figure 4. Battlefields (Second Winchester Battlefield) within the APE for Visual Effects Historic Districts.

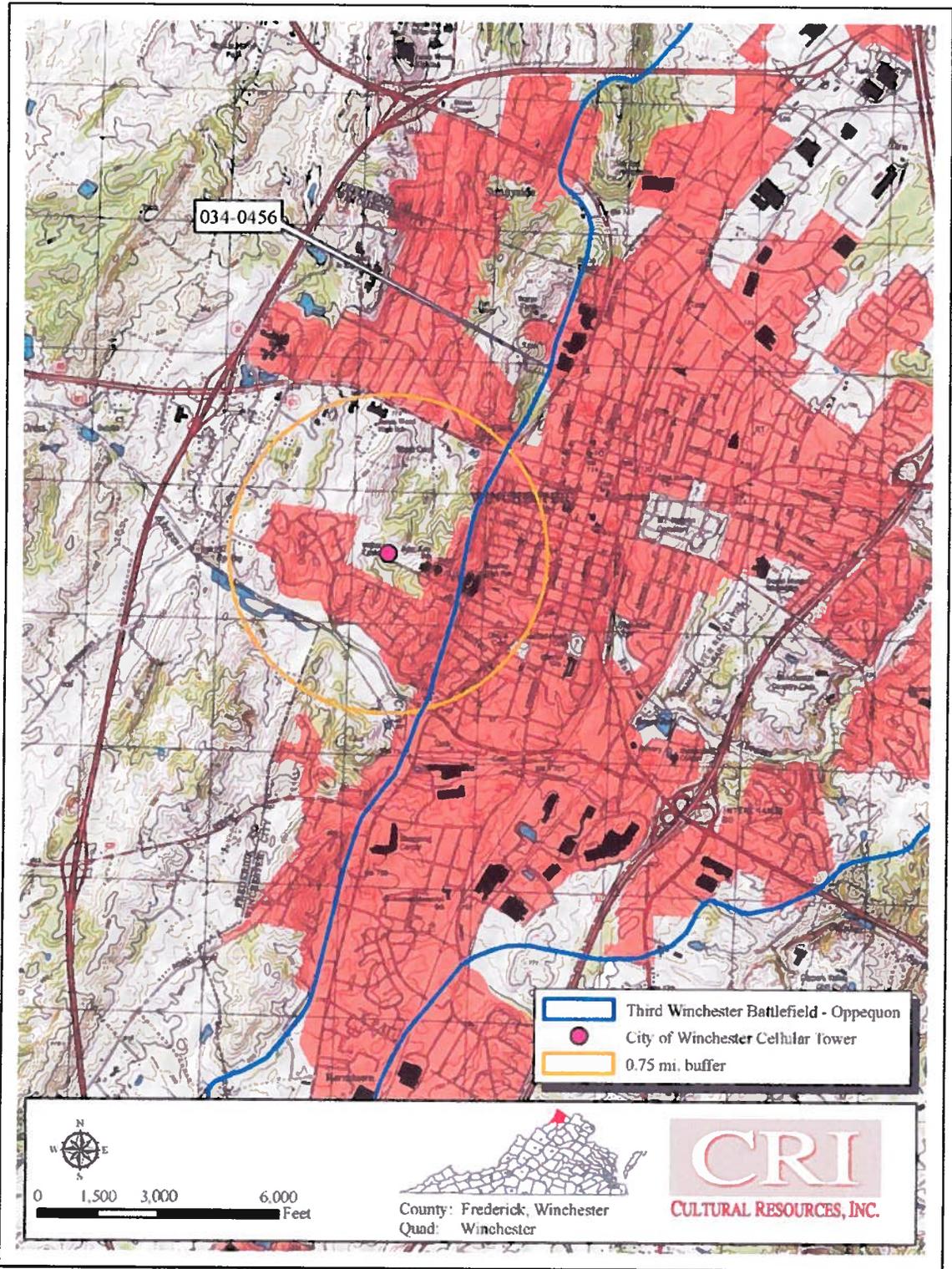


Figure 5. Battlefields (Third Winchester Battlefield) within the APE for Visual Effects Historic Districts.

Table 1. Previously Recorded Architectural Resources within APE

DHR No.	Property Name	Eligible/Listed	Notes
034-0089	Willow Grove	Y	Eligible
034-0090	Willow Grove (Jacob Baker House)	Y	Eligible
034-0456	Third Battle of Winchester (Oppequon Battlefield)	Y	Eligible
034-1236	Penbrook-Cove Farm (Thomas Cook House)	N	Not Eligible- Primary Resource Destroyed
034-5023	Second Winchester Battlefield (Apple Pie Ridge/West Fort Parcel)	Y	Eligible
138-0008	Glen Burnie	Y	NRHP
138-0013	Col. Richard E. Byrd House (Mackey)	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0024	Ward House, 521 S Washington St	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0030	Hawthorne	Y	Eligible
138-0034	Hexagon House	Y	NRHP
138-0042	Winchester Historic District and Boundary Increase	Y	NRHP
138-0050	House, 514 Amherst Street (Selma)	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0064	Building, 338 Amherst Street	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0078	Winchester Little Theatre (Penn Central Train Depot), 317-21 W Boscawen	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0087	Building, 325-31 W Boscawen	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0098	House, 216 W Clifford	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-0123	House, 216 W Pall Mall St	N	Not Evaluated- Contributing to Winchester Historic District 138-0042
138-5001	Handley High School	Y	NRHP
138-5005	First Winchester Battlefield (Winchester I/Bowers Hill)	N	Not Eligible
138-5013	Old Town Spring (Federal Spring)	N	Not Evaluated
138-5044	Coca-Cola Bottling Plant, 1720 Valley Avenue (Rt 11)	Y	NRHP

Summary of Architectural Resources Considered for Visual Effects Assessment

Ten architectural resources within the APE, Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and

the Coca-Cola Bottling Plant (138-5004), met the criteria for visual assessment. The remaining resources have not been evaluated individually or have been determined not eligible for listing on the NRHP.

Willow Grove (034-0089)

There is little information in the site form for this resource other than it is associated with the Jacob Baker House and was determined eligible in 1987.

Willow Grove/Jacob Baker House (034-0090)

This mid-19th century Greek Revival brick dwelling was built ca. 1848, however, it is possible that this is not the original Baker family residence. The family acquired the land in 1755 and probably had their original home on or near the site of the current house. The house was determined eligible under Criterion C for Architecture (VDHR Site Form).

Third Battle of Winchester (034-0456)

On the morning of September 19th, Sheridan began moving west toward Winchester, sending Brigadier General James H. Wilson's cavalry across Opequon Creek down the Berryville Pike. Confederate General Ramseur had focused his men on the western side of the canyon closer to Winchester, leaving the eastern entrance vulnerable with only pickets that were easily overrun. The three Union infantry corps arrived after the delayed movement along the Pike, and joined the already engaged cavalry of Wilson in moving on the Confederate front. Just before noon, Union Generals Grover, Ricketts, and Getty advanced in that order from right to left on Generals Gordon, Rodes, and Ramseur along the Confederate line. Grover's XIX Corps had a brief breakthrough against Gordon's Division, but were eventually counterattacked, resulting in close to 1,500 casualties for the Federals in less than an hour (Kennedy 1998:315). Ramseur was briefly pushed back by the VI Corps until Rodes came from the rear to stop the advance. Union General Russell's men counterattacked Rodes to stop the Confederate push, resulting in the deaths of both General Rodes and Russell (Kennedy 1998:315, Salmon 2001:362).

By late afternoon Sheridan chose to press the matter by sending General George Crook's two divisions of the VIII Corps to attack the left flank of Gordon. Crook's men drove the Confederate left flank back to the north of Red Bud Run, creating an open hole for Sheridan's cavalry to push through and attack at the height of the infantry combat. Meanwhile US Captain Henry DuPont's eighteen cannons assaulted Gordon from a hill opposite his position, allowing the Union infantry to push the Confederates beyond Red Bud Run near the Hackwood House, and back towards Winchester (Kennedy 1998:316, Salmon 2001:362). By nightfall Winchester was in Union control, leaving Sheridan victorious but at a cost of over 5,000 Union casualties. The Confederates lost over 3,600 men, but Early's Army remained intact near Strasburg at Fisher Hill (Kennedy 1998: 316). The Battlefield has been determined eligible and is located east of the proposed tower. The PotNR area defined by ABPP is located well outside the APE and located east outside of the City of Winchester.

Second Battle of Winchester (034-5023)

Confederate Gen Robert E. Lee ordered Gen. Ewell to clear the northern Shenandoah Valley of Federal opposition after the Battle of Brandy Station, June 9, 1863. Ewell's forces converged on Winchester's garrison commanded by Gen. Milroy. Milroy was determined to make a stand

in the supposedly strong fortifications west and north of town. Fighting occurred on the afternoon on June 13, 1863 but on June 14th the Confederate Louisiana Brigade captured the West Fort leaving Milroy in an untenable position. After dark, Milroy abandoned his remaining entrenchments in an attempt to retreat to Charles Town. Confederate Gen. Edward "Allegheny" Johnson's division marched at night and before daylight of June 15th they cut off Milroy's retreat just north of Winchester at Stephenson's Depot. More than 2500 Federals surrendered. The proposed tower is located within a core area of the battlefield, however this portion of the battlefield does not retain integrity and the PotNR defined area for this battlefield is located North of the proposed tower and the City of Winchester.

Glen Burnie (138-0008)

Glen Burnie was the seat of James Wood, Sr., who is believed to have built a log building with stone chimneys on this site about the time of his marriage to Mary Rutherford in 1738. The main section of the present structure was built by Robert Wood, the youngest son of Col. James Wood, according to family records. The current owner, Mr. Julian W. Glass, believes that a part of the house dates to the original building. The first meetings of the Frederick County Court (organized in 1743) were held in James Wood's "Office" in the yard at Glen Burnie. James Wood served as the Clerk of the Frederick County Court until his death in 1759. In 1744 Col. Wood requested permission of the county justices to lay off a number of lots for a town, first called Opequon, then Frederick Town and finally Winchester (VDHR Site Form). Glen Burnie is listed on the NRHP under Criteria A and C.

Hawthorne (138-0030)

Hawthorne is a Late Georgian- to Federal-style stone dwelling located on an approximately five-acre parcel on Amherst Street in the western portion of the City of Winchester, Virginia. The main portion of the house was constructed ca. 1811 and rests on parts of an 18th-century foundation. The surviving foundations likely date from the ownership of James Wood, Jr., son of Winchester's acknowledged founder, Col. James Wood. The present building dates from the first decade of the 19th century and was one of a few residences reported to have been constructed in Winchester by builder Lewis Barnett. In addition to the main dwelling is the ca. 1816 springhouse and spring, a site that from its earliest years helped to define the estate. Hawthorne is eligible for the National Register at a local level under Criteria A, B, and C for its local significance as well as its architecture (VDHR Site Form). The resource was listed on the NRHP in June of 2013.

Hexagon House (138-0034)

The Hexagon House is located at 530 Amherst Street in the city of Winchester. Built between 1871-1873, the two-story, five-course American bond brick structure is covered by a low pitch roof. In plan the building is hexagonal with a central chimney serving corner fireplaces on the first and second floors. The Hexagon House, is significant as the only 19th century hexagonal house standing in Virginia. The building was partially influenced by Orson S. Fowler's "A Home for All, or the Gravel Wall Mode of Building" (1853), a handbook that popularized the polygonal house as the most practical, economical and healthful in plan for Americans. In keeping with Fowler's recommendation, the Hexagon House has ventilators in the principal rooms to remove "bad" air. (VDHR Site Form and NRHP Nomination). The House was listed under Criterion C for its architectural significance.

Winchester Historic District (138-0042)

The Winchester Historic District is approximately forty-five city blocks in size and envelopes both commercial and residential properties. The district follows a grid plan, eighty percent of which lies within the city boundaries set following the Wood and Fairfax additions of 1758 and 1759. The district is bordered to the east by the Town Run, the railroad line, the Mt. Hebron Cemetery, and a small industrial tract. The northern boundary follows historic city limits. Notable examples of buildings within the district include a series of late 19th-century Italianate houses on the west side of the 300 block of N. Braddock, Stonewall Jackson's Headquarters (Gothic Revival, 1854, 415 N. Braddock), "Fairmont" (Georgian, 1812, 1830; 311 Fairmont), AME Church (vernacular Gothic Revival, 1878, 428 N. Loudoun), and 303 and 445 Fairmont (Italianate, ca. 1875-1880) (VDHR Site Form and NRHP Nomination). In 2003 and 2012 extensions to the historic district were proposed. Current mapping does not appear to reflect the most recent boundary expansions however individual resources noted to be contributing to the historic district outside the mapped boundary were considered during the evaluation.

Handley High School (138-5001)

John Handley High School is situated on a hill overlooking a broad park-like campus in a residential area southwest of the central business district of the city of Winchester, Virginia. The property is bounded by Valley Avenue to the east, Jefferson Street to the south, Tennyson Avenue to the west, and Handley Boulevard to the north. John Handley High School is one of the most impressive Neoclassical Revival schools in Virginia. Designed by Cleveland, Ohio, architect Walter R. McCornack, the school was completed in 1923. Handley High School is noted as an outstanding example of the Neoclassical Revival style. Handley High School is also significant in the history of education in Virginia. Believed to be the first and only privately endowed public school in the Commonwealth, the school was constructed with proceeds from a private trust given to the City of Winchester by Judge John Handley of Scranton, Pennsylvania (VDHR Site Form and NRHP Nomination). The Handley High School is listed under Criteria A and C.

Coca-Cola Bottling Plant (138-5044)

The Coca Cola Bottling Works building, located at 1720 Valley Avenue in Winchester, Virginia, was constructed in 1940-1941. The complex was used to bottle Coca-Cola and eventually became a Coca-Cola distribution center before closing in 2006. The building retains architectural integrity with few alterations to the original section, although a rear, one-story, brick wing was added in 1960 and a large, two-story, brick-veneered, concrete-block warehouse wing was built in 1974. The original two-story, four-bay, brick building is in the Art Deco style, popular for commercial buildings of the era. The building was designed by Davis & Platt, Inc., a building contractor based in Washington, DC. The period of significance is 1940-1957 (VDHR Site Form and NRHP Nomination). The resource was listed under Criteria A and C.

Visibility Evaluation

During the field survey portion of the project, an overall visual assessment was conducted to obtain a general view of the surrounding landscape. To facilitate the viewing of the proposed emergency communications tower site from vantages within the APE a weather balloon was lifted to the height of the proposed emergency communications tower on the proposed tower site.

The balloon test served to simulate the height and location of the proposed emergency communications tower and provided a quantitative measure of visibility of the installation. The balloon was extended to 250 feet, the height of the proposed self-support tower. A second balloon was flown at 200 feet for scale and stability. The purpose of the test was to determine if the proposed tower would be visible from the four NHRP-eligible resources including Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), and the six NRHP-listed resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004) within the defined 0.75-mile APE for visual effects.

Photographs were taken from thirty-eight locations across the APE to cover all the resources within the APE. Due to overlapping resources photos are referenced by street location and not resource number except when current photos of resources were taken where possible. Table 2 lists the resources with reference to photo locations and photo numbers and tower visibility.

Table 2. Table of Recorded Architectural Resources within APE and Photo Locations and Photo Numbers.

DHR No.	Property Name	Eligible/Listed	Photo Location	Visible	Photo #
034-0089	Willow Grove	Y- Eligible	No Access within APE Closest Photo Location at similar elevation is 14	No	42
034-0090	Willow Grove (Jacob Baker House)	Y- Eligible	No Access within APE Closest Photo Location at similar elevation is 37	No	55
034-0456	Third Battle of Winchester (Opequon Battlefield)	Y- Eligible	2-6; 24-35	No	1, 3-5, 7-9, 11, 13-14, 17, 20, 23, 34-36, 53
034-1236	Penbrook-Cove Farm (Thomas Cook House)	N – Not Eligible Destroyed	No Access within APE closest photo location is 36	No	49
034-5023	Second Winchester Battlefield (Apple Pie Ridge/West Fort Parcel)	Y- Eligible	All	Only from 4 locations- 12, 17, 19, 38	1-5; 7-10; 11; 13-14; 17; 20; 23; 25; 27; 29; 31-55
138-0008	Glen Burnie	Y-NRHP	19; 20; 21	Only from 19	28-33

DHR No.	Property Name	Eligible/Listed	Photo Location	Visible	Photo #
138-0013	Col. Richard E. Byrd House (Mackey)	N- Contributing to HD	28	No	16-17
138-0024	Ward House, 521 S Washington St	N- Contributing to HD	31	No	12-13
138-0030	Hawthorne	Y-NRHP	21; 22; 23	No	25-27; 29
138-0034	Hexagon House	Y-NRHP	23	No	24-25
138-0042	Winchester Historic District and Boundary Increase	Y- NRHP	28; 31; 32	No	10-13; 15-17
138-0050	House, 514 Amherst Street (Selma)	N- Contributing to HD	24	No	21; 23
138-0064	Building, 338 Amherst Street	N- Contributing to HD	24	No	22-23
138-0078	Winchester Little Theatre (Penn Central Train Depot), 317-21 W Boscawen	N- Contributing to HD	25	No	18; 20
138-0087	Building, 325-31 W Boscawen	N- Contributing to HD	25	No	19-20
138-0098	House, 216 W Clifford	N- Contributing to HD	28	No	15; 17
138-0123	House, 216 W Pall Mall St	N- Contributing to HD	32	No	10-11
138-5001	Handley High School	Y-NRHP	1; 33-35	No	1-2; 4-5
138-5005	First Winchester Battlefield (Winchester I/Bowers Hill)	N-Not Eligible	1-17; 20-21; 23-38	Only visible from 12, 17 & 38	1-5; 7-9; 11; 13; 14; 17; 20; 23; 25-31; 34-36; 38-55
138-5013	Old Town Spring (Federal Spring)	N-Not Evaluated	21	No	28-29
138-5044	Coca-Cola Bottling Plant, 1720 Valley Avenue (Rt 11)	Y- NRHP	4-6	No	6-9

During the site visit and balloon test it was determined that the balloon was barely visible from Photo Locations 12, 17 and 19 and visible from Location 28 (Photos 32, 38, 43, and 54). Photo simulations were done from the locations where the balloon was visible (Photos 33, 39, 44, 45). The tower will not be visible the majority of the locations. Two resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090) have their primary resources located outside of the APE and public access was not available to the portion of the property that falls within the APE. Photos taken at the same elevation close to the edge of the APE indicate that the tower will not be visible from these two resources. The tower will not be visible from Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042) or any of the contributing resources to the historic district included those outside the mapping district boundary, Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004).

The proposed tower is located south of Glen Burnie (138-0008), and will be slightly visible from the northwest corner of the NRHP listed boundary. The proposed tower will not be visible from other locations on the property and will not be visible from the Museum of the Shenandoah Valley located just outside the boundary.

The proposed tower falls within two battlefields (First Battle of Winchester (138-5005) and the Second Battle of Winchester (034-5023) and a third battlefield (Third Battle of Winchester (034-0456)) is located within the APE. The First Battle of Winchester has been recommended not eligible for listing the NRHP. The Second Battle of Winchester has been determined eligible for listing on the NRHP. The proposed tower location falls within the core area, as defined by the Civil War Sites Advisory Commission and American Battlefield Protection Program (ABPP) for both battlefields. In 2009 ABPP evaluated all battlefields in Virginia and defined potential National Register boundaries for the battlefields (PotNR). No PotNR areas were defined for the First Battle of Winchester. A PotNR was defined for the Second Battle of Winchester but is located well north of the proposed tower location and the City of Winchester. The Third Battle of Winchester is located east of the proposed tower location. The PotNR area for the Third Battle of Winchester is located east of the City of Winchester and does not fall within the APE. The tower will not be visible from locations within the Third Battle of Winchester within the APE. The proposed tower will be slightly visible from a few locations within the Second Battle of Winchester.

The data gathered during the site visit indicated, that the tower is located such that tree cover and topography makes it not visible from the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090), The Third Battle of Winchester (034-0456), and NRHP listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004). The tower will be slightly visible from the northwestern corner of boundary of Glen Burnie (138-0008) but will not be visible from the remainder of the property. The tower will be slightly visible from a few locations within the Second Battle of Winchester (034-5023). However, large portions of the surrounding area, and within the battlefield boundaries, are developed, particularly south and east of the proposed installation. It is recommended that the proposed emergency communications tower will have **no adverse effect** on the four NHRP-eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House (034-0090), The Third Battle of Winchester (034-0456) and the Second Battle of Winchester (034-5023), and the six NRHP- listed resources Glen Burnie (138-0008), Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004).

Conclusions

View shed analysis of the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456), and NRHP-listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004), within the APE, determined that the proposed 250 foot City of Winchester emergency telecommunications tower located at 700 Jefferson Street in Winchester, Virginia will not be visible from the NHRP- eligible resources Willow Grove (034-0089), Willow Grove (Jacob Baker House) (034-0090), The Third Battle of Winchester (034-0456), and NRHP listed properties Hawthorne (138-0030), the Hexagon House (138-0034), the Winchester Historic District (138-0042), Handley High School (138-5001) and the Coca-Cola Bottling Plant (138-5004). The tower will be slightly visible from the northwestern corner of boundary of Glen Burnie (138-0008) but will not be visible from the remainder of the property. The tower will be slightly visible from a few locations within the Second Battle of Winchester (034-5023), however these views do not adversely affect the resource. It is recommended that the proposed tower will have **no adverse effect** on the above resources. Should you have any questions or would like additional information, please do not hesitate to contact me at 757-626-0558 or by email at ebrady@culturalresources.net.

Sincerely,



Ellen M. Brady
President



MOTOROLA SOLUTIONS

City of Winchester, Virginia
Electromagnet (EME) Assessment

August 15, 2013

Attached is the Motorola Solutions, Inc EME assessment that provides the estimation of EME Exposure and compliance.

Summary of estimated EME and compliance:

The proposed antenna systems at the Jefferson site are estimated compliant with 800 MHZ, PTP (Point to Point Microwave), VHF and Low Band antennas.

Please refer to the document "City of Winchester, Virginia - EME ASSESSMENT" dated August 14, 2013 for regulations used and data.

Pieter Jansen
Project Manager
Motorola Solutions, Inc



City of Winchester, Virginia - EME ASSESSMENT

August 14th 2013

Executive Summary

A computational assessment was carried out to provide an estimation of the EME exposure and compliance distances from the City of Winchester antennas and associated transmitters, relative to the *new* communication system described in the following.

The compliance is established with respect to the US FCC regulations [1]. The assessment was carried out using the methodologies specified in [1]-[2]. The following table provides the compliance distances for *general public* and *occupational-type* exposure at the Jefferson Tower Site for the City of Winchester, Virginia:

800 MHz antenna	Locations facing the antennas	Ground level
General public exposure	1.0 m (39")	All locations compliant
Occupational-type exposure	0.2 m (8")	All locations compliant

PTP antenna	Locations facing the antennas	Ground level
General public exposure	3.0 m (9' 10")	All locations compliant
Occupational-type exposure	0.1 m (4")	All locations compliant

VHF antenna	Locations facing the antennas	Ground level
General public exposure	1.87 m (6' 2")	All locations compliant
Occupational-type exposure	0.38 m (15")	All locations compliant

Low Band antenna	Locations facing the antennas	Ground level
General public exposure	1.28 m (4' 2")	All locations compliant
Occupational-type exposure	0.31 m (1' 7")	All locations compliant

The above compliance distances are typically much greater than those that would be predicted to really be needed if an actual measurement were performed for the site using an actual Specific Absorption Rate (SAR) analysis. SAR is a more accurate measure of exposure and is the basic measurement for exposure under the US FCC regulations [3]. However, SAR is much more

City of Winchester, Virginia - EME ASSESSMENT

complicated to estimate (measurements or electromagnetic simulations) than free-space fields or the equivalent power density. Thus in this case the simpler, practical approach to compute the compliance distance based on the analytical estimation of power density is used.

Antenna Site Information

The transmit system at the Jefferson Tower site features four types of transmit antennas in different configurations.

The 800 MHz system features 1 antenna (Sinclair SC479-HL1LDF) installed at 196' above ground level on the south leg of the tower. It is connected through a 4 dB loss combiner/splitter and a 3.2 dB loss cable, fed by a 6-channel GTR8000 repeater system with 100 W per channel output power. Six RF channels feed the single antenna. Taking into account the mentioned losses and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 57.2 W.

The PTP system features 2 antennas (Cambium 85010089003); one is installed at 163' and the other at 168' above ground level on the north leg of the tower. The transmitter is attached directly to the antenna (dish), so the cable loss is negligible. The forward power of the PTP 800 transmitter is approximately 1.0 W.

The VHF system features 1 antenna (Sinclair SC229-SFXLDF) installed at 178' above ground level on the north leg of the tower. It is connected through a 6 dB loss combiner/splitter and a 1.8 dB loss cable, fed by a 5-channel MTR3000 repeater system with 100 W per channel output power. Five RF channels feed the single antenna. Taking into account the mentioned losses and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 68.8 W.

The Low Band system features 1 antenna (RFS 1142-2BN2) installed at 97' above ground level on the north leg of the tower. It is connected with a 0.6 dB loss cable, fed by a single channel base station. Taking into account the mentioned loss and the 50% duty-cycle due to the PTT transmit mode, the forward RF power at this antenna connector is about 33 W.

TX Antennas

Sinclair SC479-HF1LDF: Omni-directional antenna, with 9.0 dBd gain, about 6-degree vertical beamwidth, and a 2 degree down-tilt. Data sheet is attached.

Cambium Networks 85010089003: Directional antenna, with 37.0 dBd gain, about 2.2-degree vertical beamwidth, no down-tilt. Data sheet is attached.

Sinclair SC229-SFXLDF: Omni-directional antenna, with 6.0 dBd gain, about 17- degree vertical beamwidth, no down-tilt. Data sheet is attached.

RFS 1142-2BN: Directional antenna, with 2.1 dBd gain, about 75- degree vertical beamwidth, no down-tilt. Data sheet is attached.

City of Winchester, Virginia - EME ASSESSMENT



Antennas
700-1000 MHz Antennas
SC479-HL - PIM Certified Series

SC479-HLDF100-E50D8 Collinear omni, 9 dBS, HD Nut F&L 74.8-980 MHz

- Covers the 740-980 MHz frequency range
- Higher power handling capability
- Optimized nut fit for coverage coverage enhancement
- Recommended using the SINR-335-A3 side mounting kit

Recommend BMK-325-A3 or BMK-325-A7 for Offset Side Mount
Available from Sinclair separately

The broadband heavy duty omni-directional antenna covers the entire 740-980 MHz frequency range. It is constructed to minimize intermodulation products in multi-carrier systems. It is ideal for applications requiring a broad band antenna with limited tower space.



Antennas
Low Band, Aviation, and VHF Antennas
SC229-L - PIM Certified Series

SC229-9FXLDFX000K Collinear omni, 6 dBS, low PIM, 138-225 MHz

- Low return loss: S_{11} ≤ -20 dB
- Tapered fiberglass antenna designed to withstand severe environmental conditions
- 6 MHz bandwidth with VSWR of 1.2:1, Low PIM
- SWR: 225A3 or 225A7 recommended for side mounting

Recommend using BMK-225-A3 or BMK-225-A7 kits when side mounting antenna. Available from Sinclair separately.

The SC229-L series of antennas have been specifically designed for VHF applications requiring high performance, unobstructed and exceptional electrical and mechanical specifications. This series of omni-directional antennas are constructed of a tapered fiberglass radome which allows them to withstand severe environmental conditions.

It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.

The SC225-L is also high-performance low PIM collinear omni's which use industry leading designs that offer high gain, excellent bandwidth and high reliability.



www.sinclartech.com

www.sinclartech.com

Region	United States	Europe, Middle East and Africa	Continental and Latin America	Canada and rest of the world
Telephone	USA 1 800 363 2279	International +44 (0) 1407 84 20 19	Europe/AF/SA +1 903 726 7674	Canada 1 800 363 2279
E-mail	usa@sinclartech.com	eu@sinclartech.com	am@sinclartech.com	intl@sinclartech.com
Headquarters	1000 10000	1000 10000	1000 10000	1000 10000
Website	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com

Region	United States	Europe, Middle East and Africa	Continental and Latin America	Canada and rest of the world
Telephone	USA 1 800 363 2279	International +44 (0) 1407 84 20 19	Europe/AF/SA +1 903 726 7674	Canada 1 800 363 2279
E-mail	usa@sinclartech.com	eu@sinclartech.com	am@sinclartech.com	intl@sinclartech.com
Headquarters	1000 10000	1000 10000	1000 10000	1000 10000
Website	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com	www.sinclartech.com

Product Specifications



2.8 ft. Variable High Performance Low Profile Antenna, single-polarized, 18.7-11.7 GHz

CHARACTERISTICS

General Specifications

Antenna Type	VHF - Variable High Performance Low Profile Antenna, single-polarized
Operating Frequency	18.7 GHz - 11.7 GHz
Gain, Typ Band	30.3 dBS
Gain, Min Band	27.4 dBS
Gain, Low Band	30.9 dBS
Front-to-Back Ratio	39 dB
Cross Polarization Discrimination (XPD)	30 dB
Beamwidth, Vertical	2.2°
VSWR	1.30
Return Loss	12.7 dB
Radiation Pattern Envelope Reference (RPE)	79.5 dB
Electrical Compliance	BSM Approval Class 2 ETSI 302 217 Class 2 US FCC Part 1.016

Mechanical Specifications

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Product Description	
This 18.7 GHz is a variable band ultra gain antenna built to a specific gain frequency requirement in a compact form factor. It is designed for high performance, unobstructed and exceptional electrical and mechanical specifications. The antenna's taper radome is constructed to withstand severe environmental conditions. It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.	
The antenna is constructed of a tapered fiberglass radome which allows them to withstand severe environmental conditions.	
It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.	
The SC225-L is also high-performance low PIM collinear omni's which use industry leading designs that offer high gain, excellent bandwidth and high reliability.	
Mechanical Specifications	
The antenna is constructed of a tapered fiberglass radome which allows them to withstand severe environmental conditions.	
It is enclosed in fiberglass radome with lightning spikes projecting through the top of the radome to protect the antenna from lightning strikes. This series of antenna also utilizes a tapered radome, which results in less wind resistance, decreases the overall weight, and results in less deflection in high wind speeds.	
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Front-to-Back Ratio	39 dB
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Beamwidth, Vertical	2.2°
VSWR	1.30
Return Loss	12.7 dB
Radiation Pattern Envelope Reference (RPE)	79.5 dB
Electrical Compliance	BSM Approval Class 2 ETSI 302 217 Class 2 US FCC Part 1.016

Applicable Exposure Limits

The FCC exposure limits [1], when expressed in terms of equivalent power density, are frequency dependent. In particular, within the frequency band of operation, the limit is 3.03 W/m² for the general public and 15.1 W/m² for occupational-type exposure.

Exposure Prediction Models

Two different models are employed to perform the exposure assessment. One is relative to exposures at the same level as the antenna and *in front of* collinear arrays, while the other is for exposure *at ground level*.

A. Exposure in Front of the Collinear Array Antennas

The behaviors of the spatially averaged and the spatial peak equivalent power density in the near radiating field of typical base station array antennas (omni-directional or sector coverage) can be predicted using simple algebraic formulas that depend on a few, readily available antenna parameters, such as directivity, beamwidth, physical length, and the radiated power [2]. The spatial domain where the prediction is valid encompasses the antenna enclosing cylinder (defined as a cylinder centred on the antenna axis, extending as much as the antenna length in height), at distances greater than one wavelength (i.e., outside the reactive near field region of the individual array elements), along all azimuth directions within and outside the main beam, up to the far field.

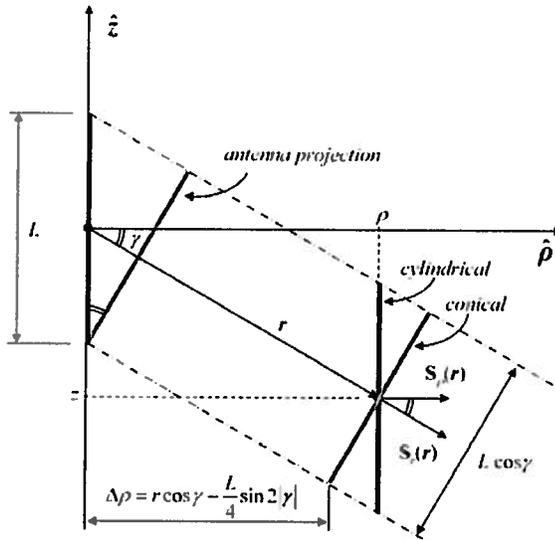


Fig. 1. Reference frame and notations employed to describe the cylindrical model.

The most frequent application of the method is when exposure is assessed very close to the antenna, within its radiating near field region, where workers may be present for maintenance or other duties and in those cases where an exposure assessment is desired at buildings facing antennas. In those cases it is desirable to avoid large overestimations produced by simpler models that do not take into account the distributed nature of the radiator (but rather model the RF emission as stemming from a source point), while avoiding complex full-wave simulations or other type of modelling requiring in depth knowledge of the antenna structure and operation from an electromagnetic standpoint.

The method in [2] provides reliable predictions as long as scattered fields from objects surrounding the antenna are not significant and electrical beam down-tilt does not exceed 10°. In practice, it is important that significant scatterers do not protrude inside the antenna enclosing cylinder, particularly in the main beam, and that pavement reflections do not become relevant.

City of Winchester, Virginia - EME ASSESSMENT

The model predictions are mostly reliable in the radiating near field, before the RF energy propagation regime converts from cylindrical to spherical in character, because antennas will most likely be installed in such a way that no significant scattering from pavement or nearby objects occurs in the radiating near field.

The reference frame relative to an array antenna axis and the relevant analytical notations employed in the analytical prediction formulas for the spatially-averaged and the spatial-peak power density are illustrated in Fig. 1.

The parameters required to apply the formulas are the following:

- W_{rad} : Antenna radiated power;
- L : Physical antenna length (meters);
- D_A : Antenna peak directivity (unitless); the peak gain can be used;
- γ : Electrical down-tilt angle of the antenna main beam (radians);
- $\bar{\phi}_{3dB}$: Azimuth semi-beamwidth of the antenna pattern (radians).

For omni-directional arrays, the prediction formula for the spatial-peak equivalent power density is:

$$\hat{S}_r(r, \phi; \gamma) = \frac{W_{rad}}{\pi \cdot r \cdot L \cdot \cos^2 \gamma \sqrt{1 + \left(2 \frac{r}{r_0}\right)^2}}, \quad r_0 = \frac{1}{2} D_A L \cos^2 \gamma \quad (1)$$

The above prediction formula does not take into account the formation of grating lobes near *endfire*, whose power content typically becomes significant for tilt angles greater than 10° . Hence, we delimit conventionally the validity of this formula to the range $|\gamma| \leq 10^\circ$.

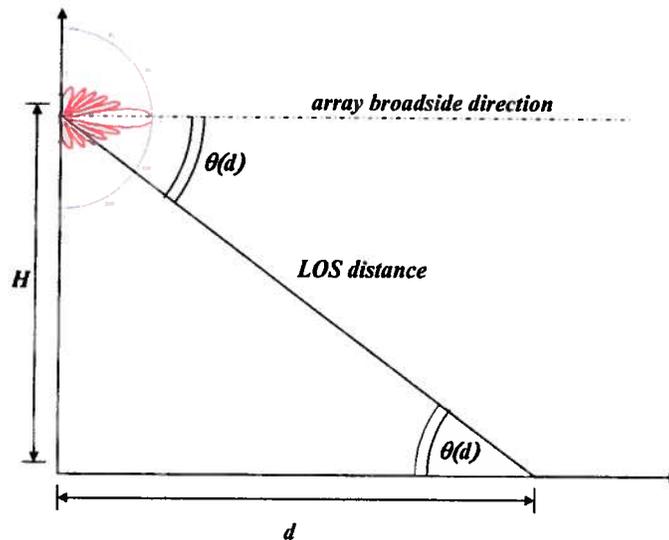


Fig. 2. Schematic of the ground-level exposure model adopted for the assessment.

B. Exposure at Ground Level

This type of exposure occurs in the antenna far-field, so simpler expressions can be employed. The antenna phase center is assumed to be the mounting height. The resulting predictive equation for the power density produced by each antenna at ground level is:

$$S(d) = (2.56) \cdot \frac{W_{rad} \cdot G(\theta(d))}{4\pi(H^2 + d^2)} \quad (2)$$

where W_{rad} is the radiated power, and $G(\theta)$ is the elevation gain pattern, which is approximated by means of the following expression

$$G(\theta) = G_A \left[\left| \frac{\sin\left(\frac{k_0 L}{2} \sin \theta\right)}{\frac{k_0 L}{2} \sin \theta} \cos^X \theta \right|^2 (1 - B) + B \cos^{1/X} \theta \right] \quad (3)$$

where G_A is the antenna gain, k_0 is the free space wavenumber and L is the effective antenna length yielding the appropriate vertical beamwidth, X and B are auxiliary parameters used to shape the elevation pattern, while H is the antenna height above ground and d is the field point distance from the base of the installation tower (see fig. 2). The factor "2.56" is introduced to enforce near-perfect, in-phase ground reflection as recommended in [1].

City of Winchester, Virginia - EME ASSESSMENT

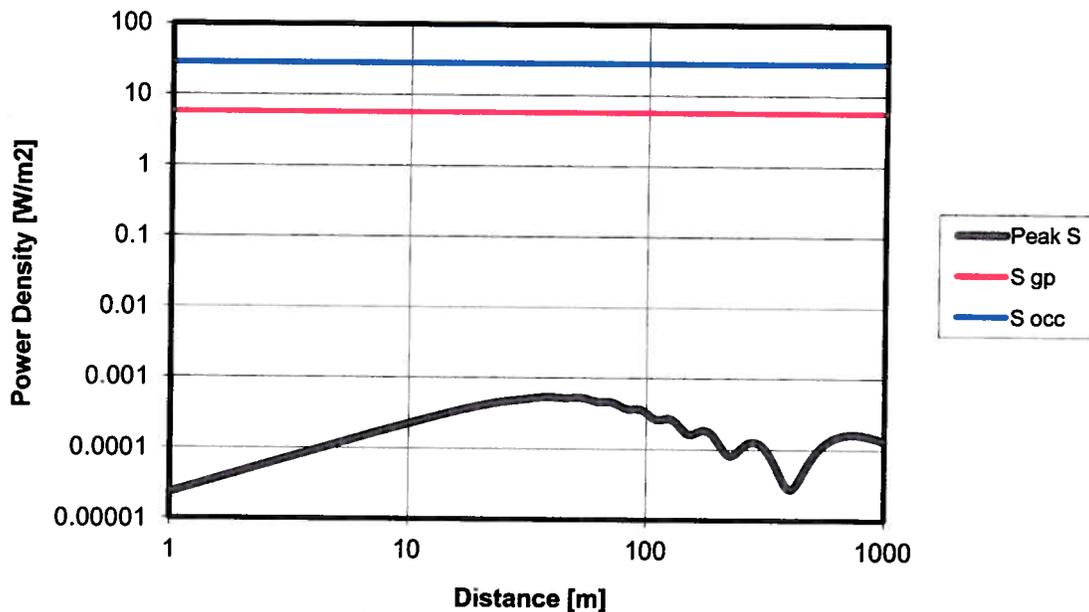
Exposure Assessment

800 MHz Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

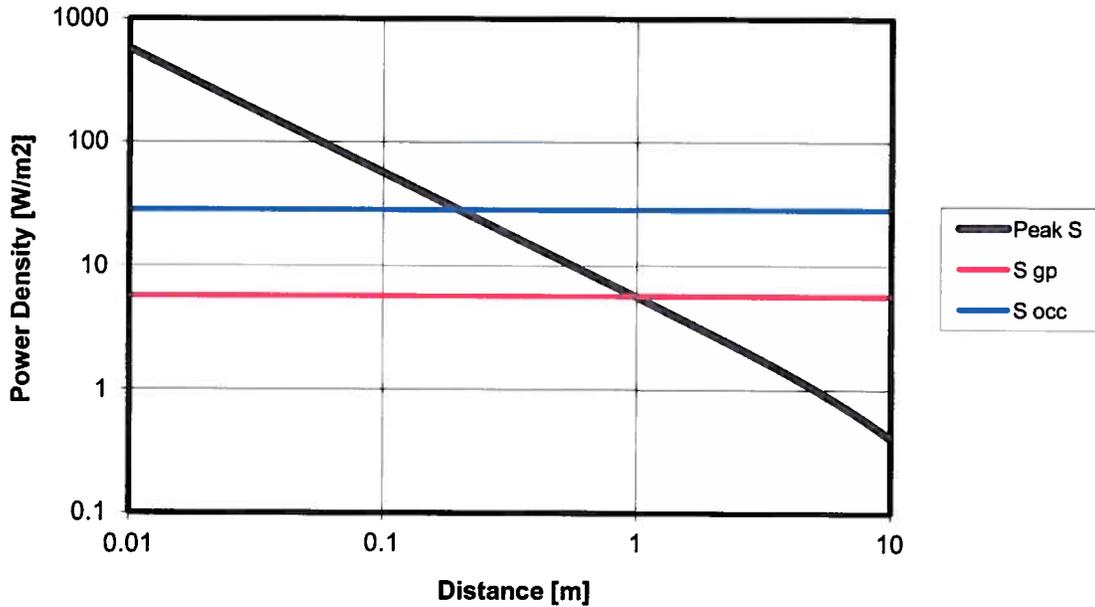
Antenna	SC479-HL1LDF (D02-E5608)
L	3.2 m
X	1
B	0.03

The antenna emits at most 57.2 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 10,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 53,000 times below the FCC occupational limit [1].



For what concerns exposure at the same height as the antennas, each antenna is considered separately due to the large distance between them. The prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.0 m for general public and of 0.20 m for occupational type exposure.

City of Winchester, Virginia - EME ASSESSMENT



PTP Antennas

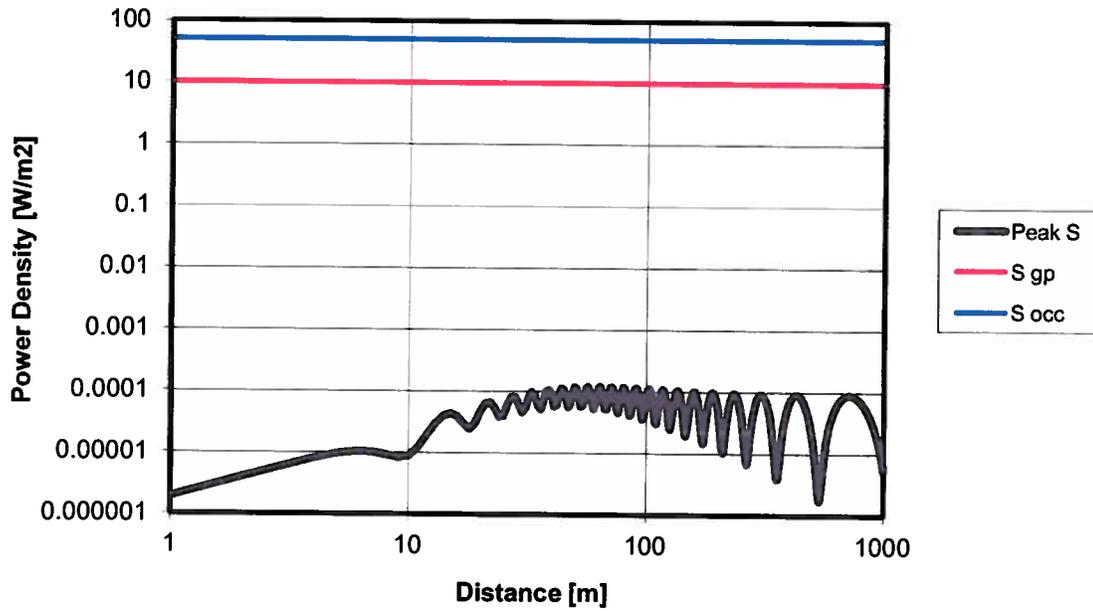
Because these two antennas have identical RF and antenna configurations, one assessment is made to cover both.

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

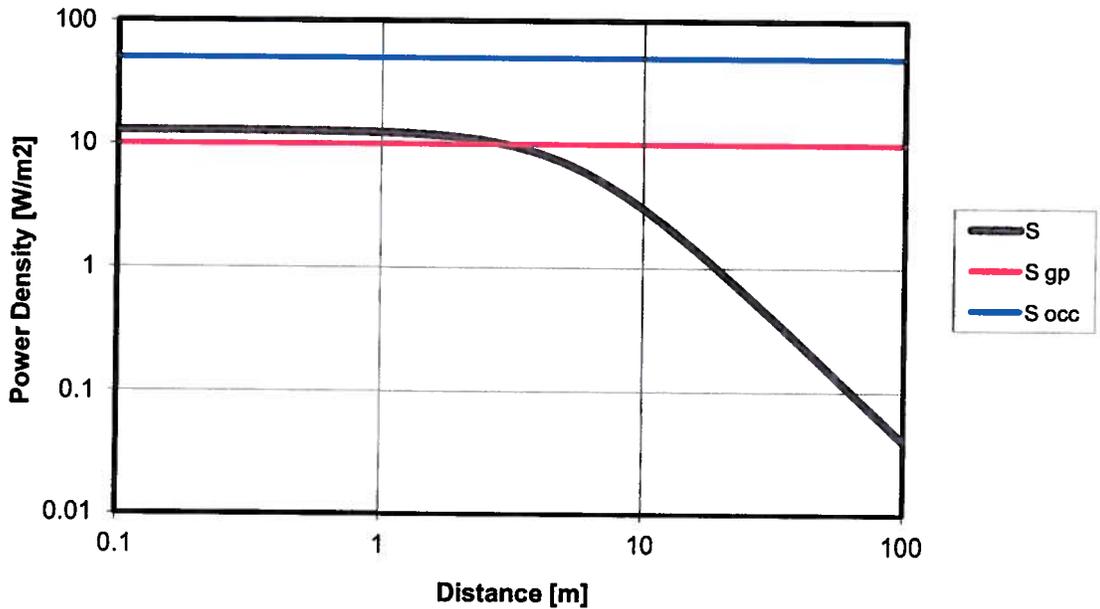
Antenna	85010089003
L	.63 m
X	.5
B	.0005

The antenna emits at most 1.0 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 82,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 410,000 times below the FCC occupational limit [1].

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For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 3.0 m for general public and of 0.1 m for occupational type exposure.



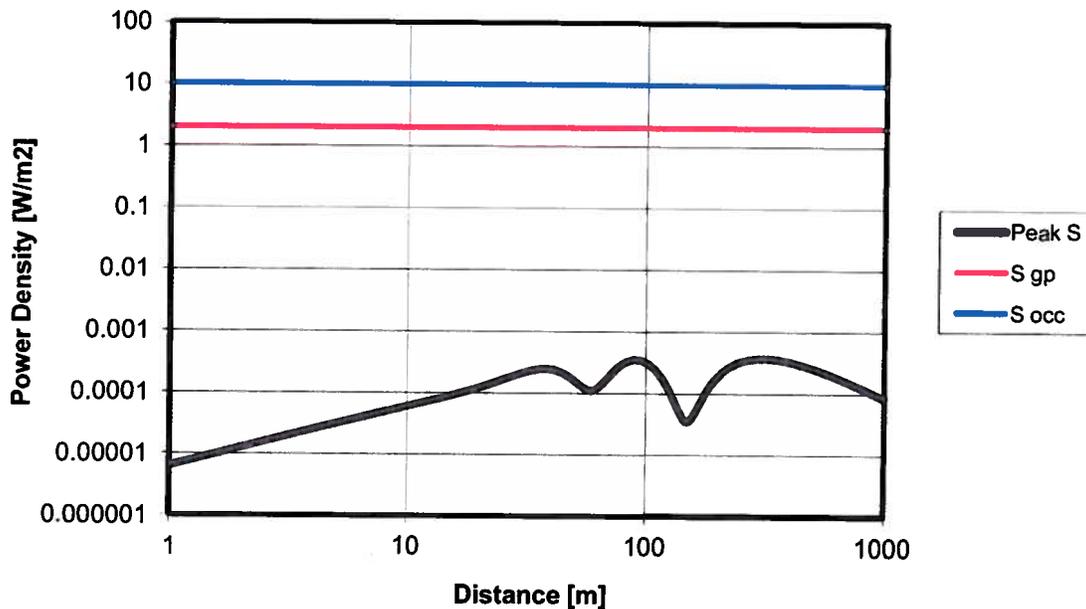
City of Winchester, Virginia - EME ASSESSMENT

VHF Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

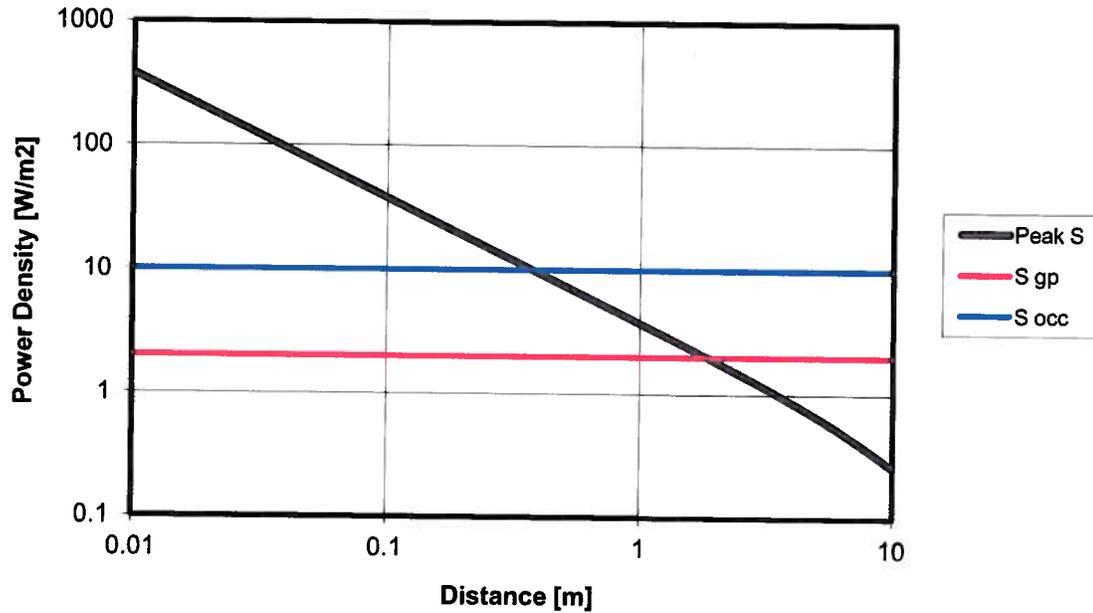
Antenna	SC229-SFXLDF
L	5.8 m
X	1
B	0.01

The antenna emits at most 68.8 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 5,000 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 27,000 times below the FCC occupational limit [1].



For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.87 m for general public and of 0.38 m for occupational type exposure.

City of Winchester, Virginia - EME ASSESSMENT



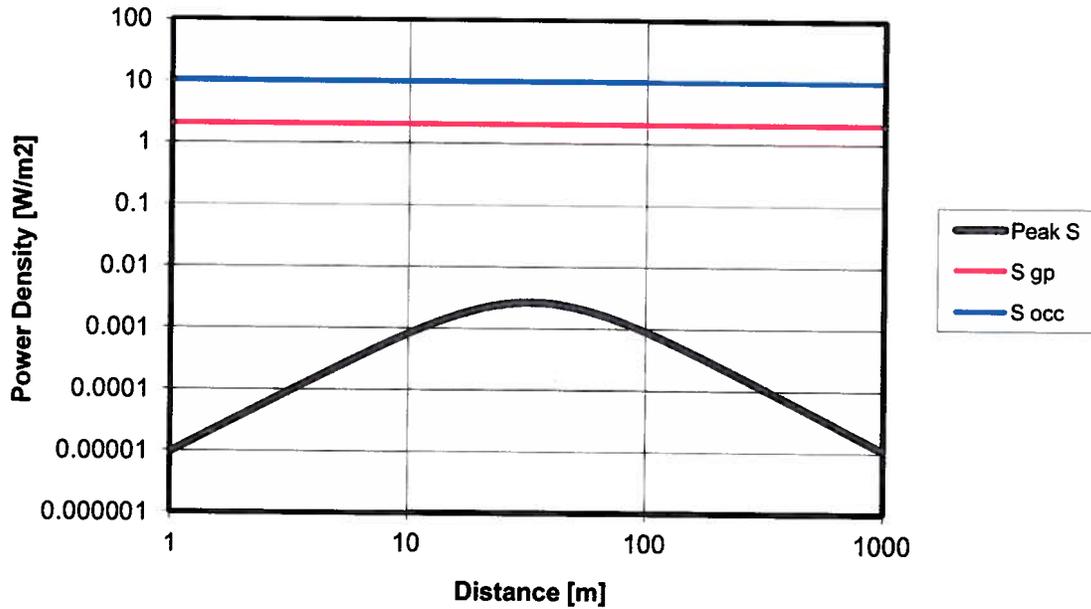
Low Band Antenna

The following table reports the effective lengths, and the X, B factors used to shape the antenna elevation beam to match the beamwidth reported in the data sheet:

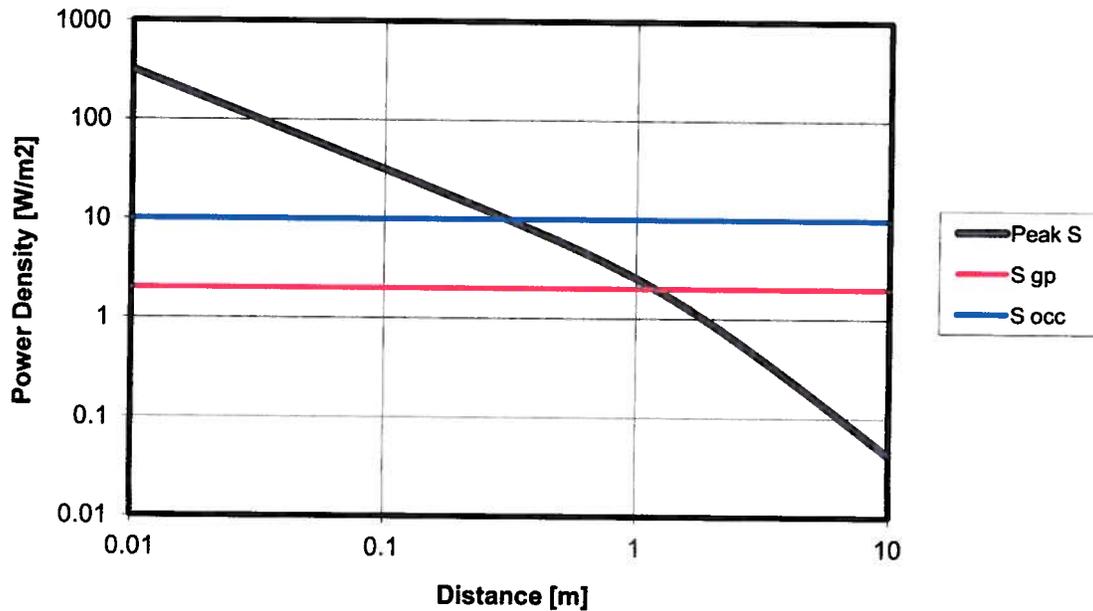
Antenna	1142-2BN2
L	3.3 m
X	1
B	0.00

The antenna emits at most 33.0 W. The following graph reports the exposure in terms of the average power density (in W/m^2), compared with the US FCC exposure limit for the general public (S_{GP}) or for occupational exposure (S_{OCC}), versus distance d (in meters) from the vertical antenna projection to ground, showing that the exposure level is always at least 750 times less than the FCC limit for the general population [1]. Correspondingly, the exposure is at least 3,700 times below the FCC occupational limit [1].

City of Winchester, Virginia - EME ASSESSMENT



For what concerns exposure at the same height as the antennas, the prediction formula (1) yields exposure levels as described in the following graph, resulting in a compliance distance of 1.28 m for general public and of 0.31 m for occupational type exposure.



City of Winchester, Virginia - EME ASSESSMENT

References

- [1] United States Federal Communication Commission, "Evaluating compliance with FCC guidelines for human exposure to radiofrequency electromagnetic fields," OET Bulletin 65 (Ed. 97-01), August 1997.
- [2] R. Cicchetti and A. Faraone, "Estimation of the Peak Power Density in the Vicinity of Cellular and Radio Base Station Antennas," *IEEE Transactions on Electromagnetic Compatibility*, Vol. 46, No. 2, pp. 275-290, May 2004.
- [3] Supplement C (Edition 01-01) to US FCC OET Bulletin 65 (Edition 97-01), "Additional Information for Evaluating Compliance of Mobile and Portable Devices with FCC Limits for Human Exposure to Radiofrequency Emissions," June 2001.

0-2013-25

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 7/23/13 (work session), CUT OFF DATE: 7/17/13
8/13/13(1st Reading) 9/10/13 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-196 AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

STAFF RECOMMENDATION:

Approval if impacts sufficiently mitigated

PUBLIC NOTICE AND HEARING:

Public hearing for 9/10/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval on a vote of 4-2-1.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, Economic Development, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: [Signature] 7/17/13 (Planning)



APPROVED AS TO FORM:

[Signature] CITY ATTORNEY

* SUBJECT TO LEOP PENDING

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: September 5, 2013
Re: **RZ-13-196 AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.**

THE ISSUE:

Mr. Wm Park wishes to conditionally rezone 8.5 acres along the south side of W. Jubal Early Drive to B-2 with PUD overlay in order to construct 140 apartment units and a community building known as Jubal Square. The project is depicted on a required Development Plan and nine proffers have been included in a binding Proffer Statement.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: Create a more liveable city for all

Vision 2028- Great neighborhoods with a range of housing choices

Policy Agenda- School funding: Direction, Proposal, Decision (see 'Budget Impact' below)

BACKGROUND:

See attached staff report (updated to reflect 7-16-13 version of Proffer Statement)

BUDGET IMPACT:

This project could generate school-aged children impacting attendance at City schools. There are no enforceable proffers to mitigate the potential impact on education expenses. Also, City's ability to realize long-term revenue from BPOL and/or sales tax associated with commercial use developed under existing B-2 and M-1 zoning would be lost. However, new high-quality multifamily development would generate direct and indirect revenue and create more demand for commercial development elsewhere. The developer's proffer of Green Circle Trail construction saves the City the cost of doing this work.

OPTIONS:

- Approve rezoning as proposed
- Deny; leave existing M-1, B-2 and HR zoning in place

RECOMMENDATIONS:

Planning Commission recommended approval as proffered.

The ordinance was reviewed at the July 23, 2013 Council work session. Concerns were raised by councilors regarding the impact on City schools. There were questions about the fiscal impact statement. A suggestion was made to have the tenants sign an acknowledgement of the adjacent industrial operation and ensure that a fence is provided between the two sites.

Mr. Wm Park presented an overview of the project, including fiscal impacts at the August 27, 2013 Council work session.



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RZ-13-196 AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

REQUEST DESCRIPTION

The updated request is to change the underlying zoning on two of the 3 tracts of mostly vacant land along the south side of W. Jubal Early Drive from M-1 and HR to B-2 subject to proffers. An existing light industrial and warehouse structure at 1900 Valley Avenue would be demolished to make way for an apartment complex known as Jubal Square. The request includes requesting PUD overlay zoning on all 3 tracts. PUD allows for consideration of up to 18 residential units per acre; the proposal is for 140 apartment units on 8.523 acres. A community building with outdoor pool is also proposed.

The latest submitted Development Plan dated March 23, 2013 with updates of April 19, 2013, May 16, 2013 and July 1, 2013 depicts 140 apartment units in six buildings. Four of the buildings are three stories and contain 22 apartments each. The other two buildings are "3/4 split story" and house 26 apartments each. The 4th floor is in the form of a small loft in the 3rd floor units rather than a full 4th floor. A separate community building housing management and maintenance offices as well as recreational amenities is proposed near the center of the development along with a 2,732 square foot outdoor pool and large patio area. All of the active outdoor recreational facilities and open space would remain private. An access easement would be granted to the City for public use of a segment of the Green Circle Trail that would extend along the 1,200 linear feet of W. Jubal Early Drive.

AREA DESCRIPTION

The somewhat triangular site comes to a long narrow point on the east end a couple of hundred feet west of Plaza Drive intersection with W. Jubal Early Drive. Two of the three present-day parcels front along the south side of W. Jubal Early Drive a collective distance of approximately 1,200 linear feet. However, the westernmost 60 feet of this frontage is proposed to be severed from the parcel currently known as 301 W. Jubal Early Drive and assembled in with properties at the southeast corner of Jubal Early Drive and Valley Avenue including a vacant parcel known as 1834 Valley Ave and a parcel known as 1844 Valley Avenue containing an existing historic structure known as Montague Hall.



The adjoining properties at 1834 and 1844 Valley Ave are zoned B-2 with Corridor Enhancement (CE) District overlay. A second-hand thrift store is located in the Montague Hall structure. Further south on Valley Ave are three more properties zoned B-2 with CE overlay that are vacant or contain auto-related commercial uses including the Citgo gas station and convenience store at the corner of Valley Ave and

Service Rd (a public street created by VDOT when Jubal Early Dr right of way condemnation otherwise severed street frontage to lots in behind the Valley Ave frontage lots). South of Service Rd and adjoining the rezoning tract are three more B-2 (CE) commercial sites that are developed with a used car lot, an ice cream distribution facility, and a vacant restaurant structure.

All of the land bordering the rezoning tract to the south is zoned Intensive Industrial (M-2). Uses include a private roadway connecting to Valley Ave known as Heinz Drive which provides access to multiple sites including the O'Sullivan Calendaring facility. A large metal-sided warehouse structure is situated very close to the property line of the rezoning tract where it narrows down on the east end. The industrially zoned land adjoining the closest proposed apartment building is lawn area serving as green area near an employee parking lot.

STAFF COMMENTS

In a letter to the Planning Director dated April 3, 2013, Mr. William N. Park, Manager for the applicant (Bluestone Land, LLC) explains the proposed rezoning and the proposed Jubal Square Apartment Complex project. The application was amended on May 17, 2013 to include a Proffer Statement. **The Proffer Statement was further amended on July 16, 2013 as presented at the Planning Commission meeting.** A four-page Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013 May 16, 2013, and July 1, 2013 is included with the application.

Comprehensive Plan Consistency

The Comprehensive Plan Character Map identifies the majority of the subject area as 'Redevelopment Site' with a small amount of the eastern area as 'Commerce Center/Corridor'. Statements in Chapter 11 of the Plan applicable to the Central Planning Area and the South Central Planning Area call for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the north and south sides of Jubal Early Drive. The Housing Objective for the South Central Planning Area calls for mixed use development including mixed dwelling-type residential use in higher density settings. The Comprehensive Plan also calls for increased multifamily development citywide to attract young professionals and empty nesters. The proposed upscale apartments would serve these targeted populations.

The W. Jubal Early Drive corridor has undergone considerable development over the past 26 years since it was constructed in 1992 as a four-lane divided roadway connecting S. Pleasant Valley Rd to Valley Avenue (including the bridge over the CSX Railroad). However, all of the development to date has been nonresidential, including commercial strip development, offices, banks, furniture stores, and industrial use. This is the only residential use proposed to date along Jubal Early Drive, including the stretch west of Valley Avenue that transitions into Meadow Branch Avenue where single-family homes are located in the Meadow Branch North PUD.

Potential Impacts & Proffers

The applicant has submitted voluntarily proffers to mitigate potential impacts arising from the rezoning of the property from M-1 and HR to B-2(PUD). This is comparable to the recently denied Racey Meadows Rezoning request HR(PUD) request for 132 apartments which included a Proffer Statement. The Racey Meadows Proffer Statement was structured to address areas including: Street and Access

Improvements; Interior Site Circulation; Site Development; Landscaping and Design; Recreation, Density; Phasing; Rules and Regulations; and, Storm water Management.

The **July 16, 2013** version of the Proffer Statement for Jubal Square includes 9 proffers which are attached. Proffers # 1, and #4-7 are references to the submitted Development Plan. With the exception of the commitment to build the additional 5 feet of width of Green Circle Trail in updated Proffer #7, they do not address any impacts beyond which were already addressed with the mandatory Development Plan itself. Proffers #2&3 assure substantial conformity with submitted building elevations, specifically the elevations of the two buildings that would back up close to W. Jubal Early Drive. These two proffers do mitigate potential negative impacts related to quality of development and specifically the aesthetics of the new structures visible from one of the City's major east-west transportation corridors. Proffer #8 references rules and regulations to ensure quality of the apartment complex. A draft set of Rules and Regulations was submitted on July 1, 2013. Proffer #9 was added on July 16, 2013 and proposes preferential tenant selection for the twenty 3-bedroom units. It proposes "preference to any person that 1) currently resides in the City of Winchester, or 2) is a student and/or employee of Shenandoah University." This last proffer attempts to mitigate the impacts of new families with school-aged population impacting public schools.

The Planning Commission required submittal of both a Fiscal Impact Analysis and a Traffic Impact Analysis which are two studies that can be required by the Planning Commission for a PUD rezoning application per Sections 13-4-2.2k and l of the Zoning Ordinance.

Fiscal Impact Analysis

The applicant submitted a Fiscal Impact Analysis on May 17, 2013 titled "Fiscal and Economic Impacts Analysis, Jubal Square Apartments, Winchester, Virginia. The analysis was prepared by S. Patz and Associates, Inc. for Mr. William Park of Pinnacle Construction and Development Corporation. The analysis describes the impacts on City revenue and expenditures generated by the project as compared to revenue and expenditures arising from development allowed under the current B-2, M-1, and HR zoning.

The Fiscal Impact Analysis notes that the 140-unit apartment development would cause an on-site deficit to the City in the amount of \$36,000 annually. However, the study projects off-site revenue benefits to businesses totaling almost \$8M annually which would create a net revenue surplus of \$69,000. Collectively, the project would yield a net revenue surplus of \$33,000 per year. A project that incorporates mixed use (residential AND commercial) is recommended in the Comprehensive Plan and would have a more positive fiscal impact.

Traffic Impact Analysis

A simple 1.5-page Traffic Impact Analysis dated May 1, 2013 has been submitted for review. The study estimates the peak traffic volumes for permitted commercial development on 301 W. Jubal Early Dr such as restaurant, pharmacy and drive-in bank under current zoning. It also estimates peak traffic volume for the two M-1 zoned parcels with uses such as light industrial, warehousing, and manufacturing. The cumulative volumes associated with uses under current zoning are then compared to the estimated traffic volume associated with a 140-unit apartment development. The study concludes that the potential peak volume from typical uses under the existing zoning is about 2.6 times greater than the volume from the proposed development.

The traffic impact study does not investigate potential impacts on the adjoining public street network, particularly at Valley Avenue where left turn movements would be permitted into and out of the development via Service Road. The City's Public Services Director reviewed the project and provided the following response in a June 28, 2013 memorandum:

The proposed development will also have access to Valley Avenue via Service Road, approximately 500-feet south of the Valley/Jubal Early intersection. a. There will be times during the peak traffic hours that it may be difficult for motorists turning left from Service Road onto southbound Valley Avenue. There are also brief periods when northbound traffic on Valley may back up to Service Road due to the traffic signal. However, based on similar situations in other locations of the City, I do not believe either of these conditions would warrant restricting left turns from Service Road.

Based on the traffic projections provided, the traffic from the proposed complex will not warrant a traffic signal at the Service Road/Valley intersection. The additional traffic created on Valley Avenue may require some adjustments to the current signal timing at the Valley/Jubal Early signal.

I do recommend restricting parking on the south side of Service Road near the Valley intersection and adding striping to create a left turn lane and right turn lane for traffic turning onto Valley Avenue.

In summary, based on the traffic projections provided and similar developments in other areas of the City, I believe the existing traffic network will operate at acceptable levels with the construction of this proposed complex and I do not feel that a more detailed traffic study should be required at this time.

The development site is very close to Valley Avenue where public transportation is available in the form of bus service. The site would also have direct access to the Green Circle Trail for those walking or biking. The applicant has proposed granting a 10-foot wide easement for the Green Circle Trail as shown on the Development Plan and as stipulated in Proffer # 7. The developer has now also proffered to construct the additional 5 feet of asphalt trail needed to convert the existing concrete sidewalk into a multi-purpose (bike and pedestrian) trail.

Consistent with the Comprehensive Plan, an interparcel connection is now shown on Sheets 3 & 4 of the Development Plan to provide access between the proposed overflow parking lot in the northwest corner of the apartment development and the adjacent B-2 land owned by Mr. Pifer near the intersection of Jubal Early Drive and Valley Avenue.

Site Development and Buffering

The Development Plan depicts 140 apartment units in six buildings. Two of the buildings would back up to W. Jubal Early Drive where the Green Circle Trail is proposed. Staff noted the need for buffering to screen the first floor bedrooms in these buildings. The applicant is not proposing any balconies on any of the buildings. One of the buildings backs up close to the commercial development in behind the Citgo Station. Two other buildings back up close to the O'Sullivan M-2 Intensive Industrial site. Evergreen screening is depicted on the updated Development plan along the western edge of the PUD as well as along Jubal Early Drive and the southern interface with the industrial site.

Recreation and Open Space

The applicant is proposing an outdoor pool and patio area near the community building that would house management offices as well as some indoor recreation use. Proffer #6 notes the inclusion of the pool, clubhouse and fitness center as part of the amenities offered to residents of Jubal Square. The plan

also depicts the segment of the Green Circle Trail that is called for along the W. Jubal Early Drive frontage.

Storm water Management

Storm water management is noted on the front sheet of the Development Plan and simply reads: "All storm water runoff will be directed to existing storm sewers. A new storm water management basin located on-site will control post-development runoff to the historical levels of pre-development for the 2- and 10-year storm events."

Density

The applicant proposes 24 one-bedroom units, 88 two-bedroom units with no den, 8 two-bedroom units with a den, and 20 three-bedroom units. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 8.523 acres would translate to a maximum of 153 dwelling units. The applicant is proposing 140 dwelling units. The actual project density comes out to 16.4 units per acre.

Community Rules and Regulations

Proffer #8 references rules and regulations for the development. These rules and restrictions will be included with the apartment leases and will ensure that the project meets high standards for maintenance and management of the complex. Proffer #9 spells out guidelines for tenant selection specifically applicable to occupancy of the three-bedroom units.

Project Phasing

The applicant has indicated that there is no proposal to phase in the project as part of the PUD rezoning.

Other Issues

The applicant has addressed all of the requirements for a complete PUD proposal as spelled out in Section 13-4 of the Zoning Ordinance.

Two letters were sent from Mr. Denis Belzile, President & CEO of O'Sullivan Films to the Planning Director. The first one is dated June 17, 2013 and was received on June 17, 2013. In that letter, concerns are raised regarding the merit of establishing 140 residential units in close proximity to the existing multi-shift industrial operation. Mr. Belzile notes recent expansion at the industrial site and the possibility of further expansion. The second letter was received via email just before the Planning Commission meeting on July 16, 2013 and summarizes discussions that O'Sullivan representatives had with City staff as well as the developer. In that letter Mr. Belzile expresses added concern about the potential adverse impacts of the rezoning.

Emails and letters of support for the project were received on July 9, 2013 from Mr. Craig Stilwell, Executive VP at City National Bank which has a branch bank under construction across the street, as well as an email on July 15, 2013 from Mr. Randy Kremer, President of Rugs Direct.

An email was received on July 15, 2013 from Tracy Fitzsimmons, President of Shenandoah University. In the email, she notes the City's consideration of requests to build housing in the City. She asks that City Council and staff consider that there are about 3,500 Shenandoah University students being educated on one of the Winchester campuses and that the University currently only has housing for about 915 students on campus.

Design Quality

Elevations and floor plans have been submitted for this rezoning proposal and the elevations are proffered as contained in Proffers #2 & 3. The site is not situated within any existing or proposed Corridor Enhancement (CE) District. While building elevations and floor plans are not explicitly required for PUD applications, Section 13-4-2 of the WZO states that the Development Plan shall contain supplementary data for a particular development, as reasonably deemed necessary by the Planning Director. The submitted typical floor plans depict the size and configuration of the various unit types, including the 3rd floor units in the larger buildings that include a 4th floor loft.

Six garage bays are provided on the ground floor of each of the four 22-unit buildings. The garages are completely independent of the apartments and have access to an internal hallway as well as to the parking lot via an overhead door. The submitted elevations incorporate brick into the exterior finish on the ground level, but staff has requested that the applicant at least incorporate brick into the upper levels of the two buildings on the elevations that face W. Jubal Early Drive.

RECOMMENDATION

Generally, staff feels that the proposal is consistent with many of the broader elements of the City's long-term vision to attract more young professionals and empty-nesters to the City. The location of the project relative to the Green Circle Trail and to public transportation makes it attractive for residential development. The proximity to O'Sullivan Films industrial operation makes it less attractive for residential. Consistent with the Comprehensive Plan, the Development Plan now depicts interconnected commercial along the south side of Jubal Early Drive in this area. The Housing Objective for the South Central Planning Area calls for mixed use development including mixed dwelling-type residential use in higher density settings. The applicant has now committed to constructing the remainder of the travelway needed to support a 10-foot wide multi-modal Green Circle Trail along the subject Jubal Early Drive frontage.

Planning Commission held a public hearing on the request at the May 21, 2013 regular meeting. The request was tabled at the applicant's request as stated in an email received in the morning of May 21, 2013. The applicant wanted to give the Commissioners additional time to review the revised plans, newly submitted fiscal impact analysis, and proffer statement. The Commission tabled the request until the June 18th regular meeting. The applicant subsequently requested further tabling at the June 18th meeting. The request was acted upon by the Commission at the July 16th meeting in order to comply with time limits established in State Code.

On July 16, 2013, the Planning Commission voted 4-2-1 (Wiley & Shickle opposed, and McKannan abstaining) to forward Rezoning **RZ-13-196** to City Council recommending approval because the proposed B-2 (PUD) zoning, supports the expansion of housing serving targeted populations on a Redevelopment Site as called out in the Comprehensive Plan. The recommendation is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of April 19, 2013, May 16, 2013, and July 1, 2013 as well as the Proffer Statement received on July 16, 2013.

City Council may adopt the ordinance as recommended by Planning Commission or disapprove it. If Council is unfavorable to the recommendation made by the Planning Commission, then it should publicly state the reasons. Among the reasons to disapprove the proposed B-2 (PUD) zoning as submitted are:

The rezoning: *{pick any or all of the following}*

- a) does not represent a mixed use redevelopment proposal advocated in the Comprehensive Plan;
- b) is less desirable than the existing B-2, M-1 and HR zoning, particularly given the close proximity of existing industrial use,
- c) lacks enforceable measures to mitigate potential negative impacts associated with multifamily development, particularly potential impacts on schools associated with 3-bedroom units.

AN ORDINANCE TO REZONE 8.523 ACRES OF LAND AT 1900 VALLEY AVENUE, 211 AND 301 WEST JUBAL EARLY DRIVE FROM LIMITED INDUSTRIAL (M-1), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (B-2) DISTRICTS TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

RZ-13-196

WHEREAS, the Common Council has received an application from Bluestone Land, LLC on behalf of Braddock Partnership and 1900 Valley, L.C. to rezone property at 1900 Valley Avenue, 211 and 301 West Jubal Early Drive from Limited Industrial (M-1), High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Unit Development (PUD) Overlay; and,

WHEREAS, the Planning Commission forwarded the request to Council on July 16, 2013 recommending approval of the rezoning request as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-196 Prepared by Winchester Planning Department June 4, 2013*" because the proposed B-2 (PUD) zoning, supports the expansion of housing serving targeted populations on a redevelopment site and calls for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the south side of Jubal Early Drive as called out in the Comprehensive Plan. The recommendation is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of May 16, 2013 and July 1, 2013 as well as the submitted proffers received July 16, 2013; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein designated supports the expansion of housing serving targeted populations on a redevelopment site and calls for interconnected commercial development which uses Valley Avenue for primary access and also makes use of right-in/right-out access along the south side of Jubal Early Drive as called out in the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designations of Limited Industrial (M-1), High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Unit Development (PUD) Overlay:

Approximately 8.523 acres of land at 1900 Valley Avenue, 211 and 301 West Jubal Early Drive as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-196 Prepared by Winchester Planning Department June 4, 2013*".

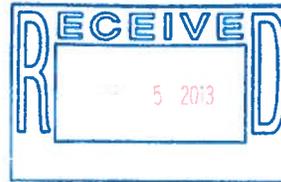
BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of May 16, 2013 and July 1, 2013 as well as the submitted proffers received July 16, 2013 .

Bluestone Land, L.L.C.

1821 Avon Street, Suite 200 Charlottesville, Virginia 22902
Phone: 434-979-7900 Fax: 434-979-0001

April 3, 2013

City of Winchester, VA
Rouss City Hall
Planning and Zoning Department
Attn: Tim Youmans, Planning Director
15 North Cameron Street
Winchester, VA 22601



Re: Application for Rezoning
Jubal Square Apartments
1900 Valley Avenue
Tax Map Parcels: 251-01-27; 251-01-31; 251-04-01

Dear Mr. Youmans,

Enclosed for submittal for rezoning are the completed Rezoning Application, list of adjacent property owners, disclosure of Real Parties in Interest, Plan of Development, rendering of proposed units, and check for \$2925.00. This fee includes the rezoning application fee (\$2,800), deposit for two public hearing signs (\$100), and fee for mailing notices to adjacent owners (\$25).

Currently, parcel 251-01-27 is zoned M1. Parcel 251-01-31 is zoned M1 and HR. Parcel 251-04-01 is zoned B2. This application seeks to rezone parcels 251-01-27 and 251-01-31 to B2, and then overlay a Planned Unit Development District (PUD) across all three parcels (the "Property"). The proposed PUD, "Jubal Square Apartments" will redevelop the existing site as a 140 unit multi-family residential development featuring an on-site community center and recreational amenities. Target households for the units include graduate students, young professionals, and active retirees/empty nesters.

Bluestone Land, L.L.C. is the contract purchaser for the above-referenced parcels. Bluestone Land and its affiliates (Pinnacle Construction & Development Corp. and Park Properties Management Co LLC) have extensive experience in development, construction, and property management of multi-family residential and commercial properties throughout the Commonwealth of Virginia.

The Property is located southeast of the intersection of Valley Avenue (U.S. Route 11) and Jubal Early Drive in the Central District. When developing the plan for Jubal Square

Jubal Square Apartments, the intent was to respond to the 2011 Comprehensive Plan vision for urban density and market demands, while respecting the existing terrain. The Comprehensive Plan notes that key features for the district include medium and high density housing, and includes the goal of redeveloping property in the district to achieve maximum sustainable potential. This planned development would address the Citywide Housing Objectives by providing more vibrant, high quality, higher density housing which will include on-site professional management. Jubal Square Apartments will also provide the type of apartment units and the on-site amenities that attract students, young professionals, and empty nesters. These groups are specified in the Comprehensive Plan as the three demographic growth groups to which future housing growth should be aligned.

The 2011 Comprehensive Plan designates most of the Property as a Redevelopment Site, and the remainder of the site as a Commerce Center/Corridor. (See excerpt from Character Map attached). Redevelopment Sites are "the keys to reinvigorating a neighborhood." This development plan is consistent with goals for construction of compact new projects as a reuse for obsolete industrial properties.

The Property will be developed in general accord with the Plan of Development. Road alignments, building and sidewalk locations, landscaping, grading and utilities depicted on the Plan of Development are conceptual and may be adjusted. Specific lot boundaries and building locations shown on the Plan of Development are for purposes of illustration only and should not be construed as final. The architectural rendering included illustrates how scale, massing, and pedestrian orientation may be achieved within the Property, but is not intended to represent the specific form of the final product nor describe final design requirements.

We look forward to working with City staff on this development. Please contact us if you have any questions.

[Signature Page Follows]

Sincerely,

Bluestone Land, L.L.C.

A handwritten signature in blue ink, appearing to be 'William N. Park', written over a horizontal line.

By: William N. Park, its Manager



Engineers • Surveyors • Land Planners

May 1, 2013

Mr. William N. Park
Pinnacle Construction & Development, Inc.
1821 Avon Street, Suite 200
Charlottesville, Virginia 22902

RE: Jubal Square Apartments

Dear Mr. Park:

Enclosed you will find a traffic analysis of the proposed Jubal Square Apartments. The traffic analysis was completed using data from the Institute of Transportation Engineers (ITE) Trip Generation Manual. The analysis shows during the peak hour movements, the existing zoning will produce approximately 2.6 times more vehicle trips per day than the proposed apartment complex. If you should have any questions, or need additional information, please feel free to contact me at your earliest convenience.

Sincerely,

Brasil W. Hamrick, Jr., P.E.

156 Laurel Hill Road (Rt. 612 E.) Verona, VA 24482 • (540) 248-7407 • Fax (540) 248-7408

JUBAL SQUARE TRAFFIC ANALYSIS

Narrative

The following traffic analysis will review potential traffic volumes from tax map parcels 251-04-1, 251-01-31, and 251-01-27. The current zoning of 251-04-1 is "Highway Commercial District" or B-2. The zoning on this 2.942 acre parcel would allow the development of banks, retail stores, restaurants, and other typical commercial uses. The current zoning of 251-01-27 and 251-01-31 is "Limited Industrial District" or M-1. The zoning on these two parcels totaling 5.848 acres would allow the development of typical manufacturing and warehouse type facilities. Development condition number 1 will determine the potential peak hour traffic volumes using the existing zoning conditions. Development condition number 2 will determine the potential peak hour traffic volumes using the proposed land use of the 140 unit Jubal Square apartment complex. All peak hour traffic volumes will be determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Development Condition Number 1

Tax Parcel 251-04-1 is zoned B-2. This zoning will allow uses such as a pharmacy, bank or restaurant. The 2.942 acres is large enough to support a 15,000 s.f. pharmacy with drive through window and associated parking, or a 5,000 s.f. bank with drive through windows and associated parking, or a 6,000 s.f. high turnover restaurant and associated parking. The peak hour traffic volumes for these uses are as follows.

<i>Drive in bank (land use code 912)</i>	AM Peak 31.99/1000 s.f. = $31.99 \times 5 = 159.95$ PM Peak 53.46/1000 s.f. = $53.46 \times 5 = 267.30$
<i>Pharmacy (land use code 881)</i>	AM Peak 7.87/1000 s.f. = $7.87 \times 15 = 118.05$ PM Peak 9.51/1000 s.f. = $9.51 \times 15 = 142.65$
<i>Restaurant (land use code 932)</i>	AM Peak 13.53/1000 s.f. = $13.53 \times 6 = 81.18$ PM Peak 18.80/1000 s.f. = $18.80 \times 6 = 112.80$

Tax parcels 251-01-27 and 251-01-31 are zoned M-1. This zoning would allow uses listed in the ITE Manual as land use code 110 "light industrial", land use code 130 "industrial park", land use code 140 "manufacturing", or land use code 150 "warehousing." The total acreage of the two parcels is 5.848 acres.

<i>Light Industrial (land use code 110)</i>	AM Peak 7.96/acre = $7.96 \times 5.848 = 46.55$ PM Peak 8.77/acre = $8.77 \times 5.848 = 51.29$
<i>Industrial Park (land use code 130)</i>	AM Peak 8.29/acre = $8.29 \times 5.848 = 48.48$ PM Peak 8.67/acre = $8.67 \times 5.848 = 50.70$
<i>Manufacturing (land use code 140)</i>	AM Peak 9.30/acre = $9.30 \times 5.848 = 54.39$ PM Peak 9.21/acre = $9.21 \times 5.848 = 53.86$
<i>Warehousing (land use code 150)</i>	AM Peak 7.96/acre = $8.34 \times 5.848 = 48.77$ PM Peak 8.77/acre = $8.77 \times 5.848 = 51.29$

Development Condition Number 1 Continued

A review of the above traffic volumes indicates the restaurant and light industrial combination leads to the minimum park volume values of

$$\begin{aligned} \text{AM Peak} &= 81.18 + 46.55 = 127.73 \text{ or } 128 \text{ trips per hour} \\ \text{PM Peak} &= 112.80 + 51.29 = 164.09 \text{ or } 164 \text{ trip per hour} \end{aligned}$$

Development Condition Number 2

An application has been made to rezone tax map parcels 251-04-1, 251-01-31, and 251-01-27 to B-2 with a PUD overlay allowing a 140 unit apartment complex. The peak hour traffic volume for this use is as follows.

<i>Mid-rise apt (land use code 223)</i>	AM Peak 0.35/unit = 0.35 x 140 = 49.00
	PM Peak 0.44/unit = 0.44 x 140 = 61.60

Conclusion

The potential peak hour traffic volume with the current zoning is 2.61 times greater than the volume of the proposed use for the AM peak. The potential peak hour traffic volume with the current zoning is 2.66 times greater than the volume of the proposed use for the PM peak.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 662-3351
TDD: (540) 722-0782
Website: www.winchesterva.gov

MEMORANDUM

TO: Tim Youmans, Planning Director

FROM: Perry Eisenach, Public Services Director

DATE: June 28, 2013

SUBJECT: Proposed Jubal Square Apartments

As requested, I have reviewed the traffic analysis provided by Hamrick Engineering for the proposed Jubal Square Apartments. Their analysis shows that the traffic generated from the proposed apartment complex during the peak hour would be lower than the peak hour traffic generated from a restaurant or light industrial development that could be constructed under current zoning. It appears that the numbers presented in their analysis are accurate.

In looking at this proposed development in relationship to the current traffic on Jubal Early Drive and Valley Avenue, I offer the following comments:

1. The main entrance to the development would be a right in/right out on eastbound Jubal Early. Based on similar situations in other locations with similar traffic counts, I believe this proposed entrance will operate in a very safe manner.
2. The proposed development will also have access to Valley Avenue via Service Road, approximately 500-feet south of the Valley/Jubal Early intersection.
 - a. There will be times during the peak traffic hours that it may be difficult for motorists turning left from Service Road onto southbound Valley Avenue. There are also brief periods when northbound traffic on Valley may back up to Service Road due to the traffic signal. However, based on similar situations in other locations of the City, I do not believe either of these conditions would warrant restricting left turns from Service Road.
 - b. Based on the traffic projections provided, the traffic from the proposed complex will not warrant a traffic signal at the Service Road/Valley intersection.
 - c. The additional traffic created on Valley Avenue may require some adjustments to the current signal timing at the Valley/Jubal Early signal.

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

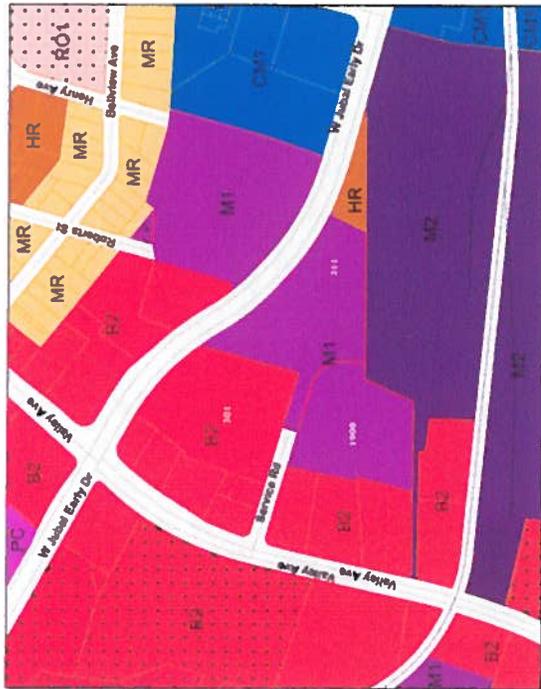
- d. I do recommend restricting parking on the south side of Service Road near the Valley intersection and adding striping to create a left turn lane and right turn lane for traffic turning onto Valley Avenue.

In summary, based on the traffic projections provided and similar developments in other areas of the City, I believe the existing traffic network will operate at acceptable levels with the construction of this proposed complex and I do not feel that a more detailed traffic study should be required at this time. Please let me know if you have any questions or would like to discuss this matter in more detail.

REZONING EXHIBIT

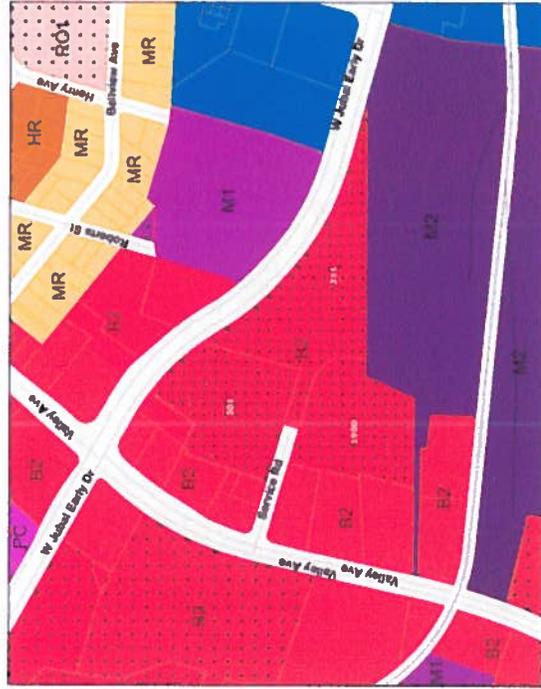
RZ-13-196

PREPARED BY WINCHESTER PLANNING DEPARTMENT
JUNE 4, 2013



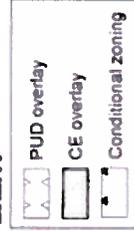
EXISTING

M-1/HR ZONING FOR 211 W. JUBAL EARLY DR
B-2 ZONING FOR 301 W. JUBAL EARLY DR
M-1 ZONING FOR 1900 VALLEY AVE



PROPOSED

CONDITIONAL B-2(PUD) ZONING FOR 211 & 301 W. JUBAL EARLY DR
AND 1900 VALLEY AVE. LESS A 0.266 ACRE PORTION OF 301 W. JUBAL
EARLY DR TO REMAIN B-2 WITHOUT PUD OVERLAY

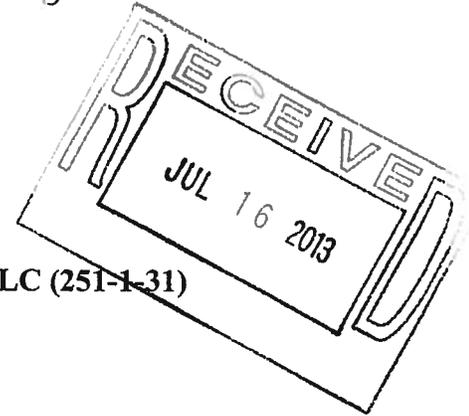


Rec'd at 7/16/13
Plng Comm Public Hearing

**Jubal Square Apartments
RZ-13-196
REZONING REQUEST PROFFER
(Conditions for this Rezoning Request)**

Tax Map Numbers: 251-1-27; 251-4-1; 251-1-31

**Owner: Braddock Partnership (251-1-27; 251-4-1) and Valley LC (251-1-31)
Applicant: Bluestone Land, L.L.C.**



Dated: July 16, 2013

Property Information

The undersigned applicant hereby proffers that in the event the Council of the City of Winchester (Council) shall approve the rezoning of 8.523 acres of land at 1900 Valley Avenue, 211 and 301 West Jubal Early Drive (Map Numbers 251-01-27-A; 251-04-01-A; 251-01-31-A) from Limited Industrial (M-1), High Density Residential (HR), and Highway Commercial (B-2) Districts to B-2 District with Planned Unit Development (PUD) overlay, then development of the subject property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

Any and all proffers and conditions, accepted or binding upon the aforementioned property, as a condition of accepting these proffers, shall become void and have no subsequent effect.

Site Planning Improvements

The undersigned applicant, who is acting on behalf of the owners of the above described property, hereby voluntarily proffers that, if the Council of the City of Winchester approves the rezoning, the undersigned will provide:

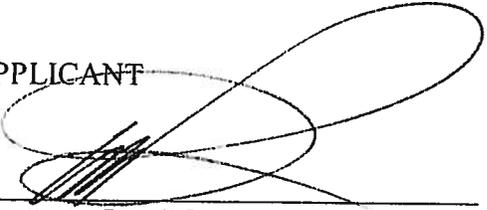
1. The property shall be developed and landscaped substantially in conformance with the Plan of Development prepared by Hamrick Engineering, dated March 23, 2013, revised July 1, 2013, and submitted with this proffer statement.
2. The exteriors of the two (2) buildings facing Jubal Early Drive and east of the entrance to the development shall be substantially in conformance with the elevations entitled "Jubal Early Apartments Type 2 Building Fronting on Jubal Early Dr Elevations", prepared by dBF Associates, dated May 17, 2013 and submitted with this proffer statement. The exteriors of the other buildings in the development shall be substantially in conformance with the elevations entitled "Jubal Early Apartments Type 2 Building Elevations", prepared by dBF Associates, dated May 1, 2013 and submitted with this proffer statement.
3. The siding materials to be used in the exterior finish of the two (2) buildings facing Jubal Early Drive will be vinyl and brick in accordance with submitted elevations.

4. The maximum number of residential units will be one hundred forty (140).
5. The entrance from Jubal Early Drive will be limited to right turn in and right turn out. Secondary access will be from the Service Road to Valley Avenue (U.S. Route 11).
6. Amenities for the development for use by residents shall include a community center with pool and fitness facility.
7. Upon request by the City, Applicant shall dedicate a ten (10') foot wide easement along Jubal Early Drive frontage for accommodation of the Green Circle Trail to be installed by applicant. The existing trail shall be increased to ten (10') foot wide.
8. The apartment complex shall operate under rules and regulations which shall be generated and amended from time to time by the owner of the apartment complex at its sole discretion. The applicant proffers to maintain rules and regulations in order to ensure the quality of the apartment complex.
9. The apartment complex tenant selection plan guidelines shall provide:
For three-bedroom apartment units, the resident criteria will give preference to any person that 1) currently resides in the City of Winchester, or 2) is a student and/or employee of Shenandoah University. All applicants will need to meet the qualifying guidelines for rental. Upon receiving an approved application, any applicant that meets the aforementioned criteria will be placed above all other applicants. The placement on the waiting list will be based on the date the application was approved and the tenant fulfilled the rental qualification guidelines, whichever is later. For example, if a resident from Winchester applies for an apartment on June 1st and they satisfied the rental qualifying guidelines on June 30th, the date that they are placed on the waiting list would be June 30th. In this case, they would be placed ahead (above) all other approved applicants from outside the City of Winchester that were on the waiting list for a three-bedroom unit prior to June 30th. The assignment of apartments will be based on the waiting list, which will afford that units will first be made available to persons that meet the aforementioned criteria.

The conditions proffered above and in accordance with the Plan of Development prepared by Hamrick Engineering, dated March 23, 2013, revised July 1, 2013, are presented as a conceptual plan only. The final plan shall be developed after it has been submitted, reviewed and approved by the City of Winchester and as the applicant proceeds through the various approval processes required by the City of Winchester shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the applicant and owner. In the event the Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the City of Winchester Code.

Signature page follows

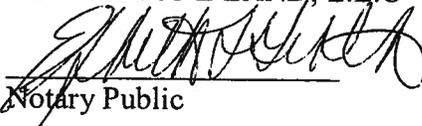
APPLICANT



Bluestone Land, L.L.C.
By: William N. Park
Its: Manager

STATE/Commonwealth of Virginia
CITY/COUNTY OF Albemarle

The foregoing instrument was acknowledged before me this 16th day of July, 2013, by William N. Park, Manager of BLUESTONE LAND, L.L.C


Notary Public

My commission expires: 11/30/2013
Registration Number: 357556

OWNER (251-1-27; 251-4-1)

Braddock Partnership
By: _____
Its: _____

STATE/Commonwealth of _____
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, _____ of BRADDOCK PARTNERSHIP.

Notary Public

My commission expires: _____
Registration Number: _____

OWNER (251-1-31)

Date:

Valley LC

By: _____

Its: _____

STATE/Commonwealth of _____

CITY/COUNTY OF _____

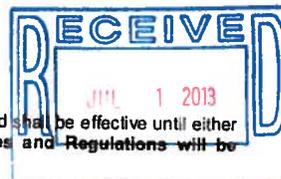
The foregoing instrument was acknowledged before me this ____ day of _____,
2013, by _____, _____ of VALLEY LC.

Notary Public

My commission expires: _____

Registration Number: _____

RULES AND REGULATIONS



These Rules and Regulations constitute a part of the Lease Agreement and shall be effective until either changed or modified by written notification. Violation of these Rules and Regulations will be considered a default under the Lease Agreement.

1. **Office Hours** – The _____ Leasing Office will be open daily from _____ A.M. to _____ P.M. Monday through Friday, each week throughout the year, except on holidays. Hours subject to change without notice. You may contact the Leasing Office via e-mail at _____, via telephone at _____, or via facsimile at _____.
2. **Maintenance** – Please make your requests by calling, emailing, or faxing the leasing office. No charges will be made for repairs or adjustments unless necessitated by the Resident's negligence or mistreatment. *Should you experience an after hours emergency, please call _____ and our answering service will direct your call to the appropriate person.*
3. **Resident Maintenance** – Residents have responsibilities to maintain their apartment and to keep the premises in a habitable condition. Resident agrees to:
 - A) keep all doors and windows closed during rain or snow;
 - B) maintain furnace, appliances and fixtures in good and substantial repair and clean condition, reasonable wear and tear excepted;
 - C) use water closet and other plumbing fixtures only for the purpose for which they were installed, and not to place sweepings, rubbish, rags or other articles in such fixtures;
 - D) unstop and keep all water pipes clear;
 - E) not to flush or pour into drains: grease, cat litter, diapers, sanitary napkins or tampons;
 - F) curtains, drapes or blinds must be white or cream backed facing street side;
 - G) not store on premises any explosives, flammable fluids or material of any kind;
 - H) not to place an iron safe, waterbed or other heavy articles on the premises without the written consent of the Lessor, and to be liable for all damage caused by the placement or movement of any such articles; Resident must provide Lessor with a copy of liability insurance prior to placement of such articles;
 - I) not to use any alternative heating methods, such as kerosene or electric space heaters;
 - J) Resident responsible for the replacement of all light bulbs, fuses and batteries in premises;
 - K) Report to management any and all problems that have caused or may cause permanent damage to premises.
 - L) Manager is to be contacted after normal business hours only in the case of an emergency.
4. **Garbage Removal** – All garbage must be properly bagged and placed in dumpsters or trash chutes as provided. Boxes should be broken down and flattened. Do not leave garbage in hallways, storage closets, or on patios or balconies.
5. **Quiet Hours** – Residents will not make any disturbing noises in or around the apartment premises which will unreasonably interfere with the rights, comforts or conveniences of other residents in the community. The hours between 10:00 p.m. and 8:00 a.m. are considered quiet hours and will be observed by all residents. Residents are responsible for the behavior of their family and guests.
6. **Keys and Locks** – All necessary apartment keys will be issued to the Resident at the time of occupancy. Alteration or replacement of locks or installation of bolts, knockers, mirrors or other attachments on the interior or exterior of any doors is prohibited. There is no after hour lock-out service. If after office hours the Resident should need assistance unlocking their apartment, they should contact a professional locksmith at their own expense. If lock cylinder replacement is required, it shall be re-keyed to match the existing.
7. **Notice of Absence** – The Resident must give Lessor notice of anticipated extended absence from the leased premises in excess of seven (7) days. The Resident agrees that during any such absence

from the leased premises, the Lessor may enter the premises at times reasonably necessary to protect the premises or any property belonging to the Lessor on the premises.

8. **Pets** -- No pets of any kind will be permitted in the leased premises without the Lessor's prior written consent, necessary deposits made and documents signed.
9. **Exterior Maintenance** -- To keep public areas clean, safe and pleasant looking requires attention by all residents. The following must be adhered to:
- A) signs, advertisements or notices shall not be placed upon any part of the exterior of the apartment building;
 - B) no article shall be attached to, placed or suspended outside or on top of building without prior written consent from Lessor;
 - C) patios, balconies, porches or terraces shall not be used for storage, hanging laundry or in any other way that will be unsightly or offensive to neighbors or management;
 - D) the use of outdoor grills is strictly prohibited;
 - E) residents, their family or guests shall not litter premises or obstruct sidewalks, doorways, stairwells or entryways;
 - F) no toys, skateboards or bicycles are permitted in parking lots, sidewalks or hallways;
 - G) residents under the age of 18 should be appropriately supervised. Residents and their guests may not play in parking areas and may not engage in sports or other activities that could damage exterior of premises;
 - H) resident shall be liable for assessment of any damage, mutilation or defacing the trees, shrubbery, lawn and grounds for which resident is responsible;
 - I) no item may be hung from or over any outside railings.
10. **Storage Facilities** -- Storage closets are furnished for residents use and management assumes no responsibility for any loss to property stored. Management recommends that Resident obtain insurance coverage for their personal property known as "Renters Insurance".
11. **Motor Vehicles and Related Equipment** -- There will be a limit of ____ vehicles per apartment. In the case where parking passes are issued, any vehicles remaining on property for more than 24 hours without a parking pass will be towed at owner's expense. Violation of the following rules and regulations will result in the towing of vehicle at owner's expense:
- A.) No driving or parking vehicles off of paved driveways and parking areas;
 - B.) Washing vehicles and any vehicle maintenance on premises is prohibited;
 - C.) Boats, camper, trailer, RVs or large trucks may not be parked on premises;
 - D.) Any motor vehicle without current license plates or valid state inspection sticker, with flat tires or in an unsightly state of repair shall not be parked for a period exceeding 72 hours;
 - E.) Management may designate other special parking spaces for handicapped, designate fire lanes, and designate certain areas as "no parking."
 - F.) Motorcycles, motorbikes, or any other power driven equipment may not be placed, put or parked inside the premises or on the patios or balconies at any time.

THESE RULES AND REGULATIONS MAY BE AMENDED, FROM TIME TO TIME, UPON REASONABLE NOTICE OF THE ADOPTION OF SUCH AMENDMENT TO THE RESIDENT.

This is to certify that I/we the resident(s) received, read, understand and agree to abide by the Property Rules and Regulations. I/We understand that a violation of these Property Rules and Regulations is a default under the Lease Agreement.

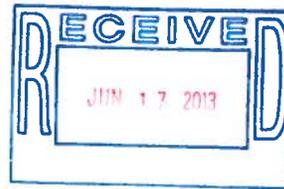
Resident(s) Signature



1944 Valley Avenue
Winchester, Virginia 22601
540.667.6666
www.osul.com

June 17, 2013

Mr. Tim Youmans
Planning Director
City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601



Re: RZ-13-196 – Jubal Square

Dear Mr. Youmans

For more than 75 years now, O'Sullivan Films, which currently employs 400 people, has been an important part of the Winchester community with its manufacturing site and head office located at 1944 Valley Avenue. Our property is directly adjacent to the proposed RZ-13-196 – Jubal Square for which rezoning has been requested. I am writing to you today to express my serious and numerous concerns about this project.

Historically, O'Sullivan property has been surrounded by commercial and other industrial like use tenants, not residential. We have had a very good relationship not only with our neighbors but with the City of Winchester as well. All parties are well aware of the level and nature of the activities taking place at our site. For a number of reasons, we are concerned that the introduction of 140 residential units immediately adjacent to O'Sullivan will jeopardize the balance that presently exists.

For one, while the promoter of this project might have an understanding of the demands of an industrial operation such as ours; it is fair to assume that a regular apartment tenant does not know the level of activities a 24 hours/day, 7 days/week and 365 days/year production facility like ours requires. This may lead to numerous complaints not only to the property owners but to City Officials as well.

As you know, back in 2011, O'Sullivan Films, supported by the Governor's Office and the City of Winchester, undertook a major expansion of its operations. We invested approximately 28 million dollars in new machinery and equipment, thus creating a substantial number of jobs and injecting new money into the Winchester economy. We do plan to continue our operation and even perhaps expand again should the right business conditions prevail. I am sure you will understand that the presence of residential units just on the other side of our property could hinder the potential for expansion in the future.

While we understand the need and desirability for Winchester to implement mixed-use projects; we are, for all the aforementioned reasons, very concerned by the negative impacts that, placing side by side residential units and a manufacturing facility will generate.

We trust that you will give serious consideration to our comments and concerns. We also, respectfully, invite you to share this letter with the Members of the Planning Commission and, if you believe it is appropriate, with the Members of City Council as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis Belzile". The signature is fluid and cursive, with the first name being more prominent.

Denis Belzile
President & CEO
O'Sullivan Films, Inc.

1944 Valley Avenue, Winchester, VA 22601 540.667.6666
www.osul.com



July 16, 2013

Members of the City of Winchester Planning Commission
Rouss City Hall
15 North Cameron Street- Suite 318
Winchester, VA 22601

Re: RZ-13-196 – Jubal Square

Dear Members of the Planning Commission:

Since my previous correspondence, representatives from O'Sullivan have spoken with some of you and Members of City Council, as well as Planning Staff, but we also had an opportunity to speak with Mr. Park, who is one of the partners in the proposed rezoning. As a result of all of this information, we have learned more about the proposed development that would come from the rezoning and, unfortunately, on behalf of O'Sullivan, we are even more concerned about the potential adverse impact of the proposed rezoning on our manufacturing facility.

We have had an opportunity to examine the Comprehensive Plan for the site that is subject to the rezoning and we have found that what is proposed in the plan is either commercial or mixed use. Surprisingly, what is being proposed is not mixed use at all, but rather all residential. As we have previously stated, our preference would be that the property that adjoins us remain as either industrial or commercial, but even if the City were to approve a mixed use project, there would be an opportunity for residential to be insulated and separated from our plant by the installation of it in or behind the commercial. Unfortunately, the proposal that has been submitted does not accomplish that.

We also have learned that there may be an issue regarding an increase in setback and/or buffering in the event a residential use is allowed on the property that adjoins us. We have met with Mr. Youmans from the Planning Department who has advised us that the current interpretation of the Winchester ordinance is that because what is being proposed is a B-2 use with a PUD overlay, increased setbacks would not be required because the underlying zoning is B-2 or commercial. While that current interpretation is somewhat encouraging, we think that in the future any residential tenant in the apartment complex, or indeed the owners of the apartment complex, could argue that their residential use would require a different interpretation of the Winchester City ordinance. This could mean that any expansion or development on the O'Sullivan property come with additional setback and buffering requirements. It was suggested that perhaps this could be memorialized in the record with a letter from the City Zoning Administrator. At a minimum, O'Sullivan would want such a letter to be put into the file. We raise these concerns, of course, because we at O'Sullivan look forward to not only maintaining

our operations in Winchester, but continuing to grow. As part of that, it would not be unexpected to use the land that borders the property being re-zoned for future expansion. For your convenience, I have attached an aerial view that shows our campus and all the various plants that make up O'Sullivan.

Also during a recent meeting with Mr. Park, we learned that his plans for this apartment complex include extra thick walls with sound deadening and thick glass that would not allow sound to penetrate into the residential units. If the project is to go forward, we would think that all the sound attenuation that Mr. Park discussed would be a good idea in order to make for a quieter living environment for those residents living between O'Sullivan and Jubal Early Drive. We further think it would be a good idea to have those sound attenuation components proffered so if there is a residential project developed on this property it would have those qualities assured.

As stated before, we are certainly proponents of mixed use development, but we continue to find it difficult to understand why it would be desirable to have a mix of uses that are inconsistent as industrial with residential.

Thank you for your attention to these concerns.



Denis Belzile
President & CEO
O'Sullivan Films, Inc.

Google

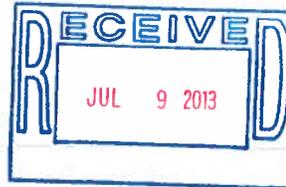
To see all the details that are visible on the screen, use the "Print" link next to the map.



Will Moore

From: Tim Youmans <tyoumans@ci.winchester.va.us>
Sent: Tuesday, July 09, 2013 12:54 PM
To: 'Will Moore'
Subject: FW: Letter of Support

Will,
A late arrival for the Plng Comm work session packet.
Tim



From: Stilwell, Craig G. [<mailto:Craig.Stilwell@bankatcity.com>]
Sent: Tuesday, July 09, 2013 12:38 PM
To: 'tyoumans@ci.winchester.va.us'
Subject: Letter of Support

Mr. Youmans: I understand that the city is considering a rezoning request from Pinnacle Construction to facilitate a Planned Urban Development project in the vicinity of Valley Avenue and Jubal Early Drive in Winchester. Specifically, the proposal calls for the development of Jubal Square Apartments, comprised of 140 luxury units with a community center and pool.

City National Bank is currently developing a branch bank across the street from this proposed development. I am writing to express our support for the rezoning requested by William Park and Richard Park and Pinnacle Construction & Development Corporation. We believe these upscale apartments will contribute to the economic vitality of the area, and the project is consistent with the comprehensive plan developed by the city. We have designed our new branch to be an attractive gateway to this area within the city, and we believe the Jubal Square Apartments will also contribute in a positive way to the esthetics of the area.

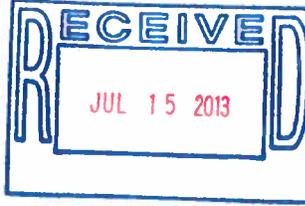
Please let me know if you would like any additional information regarding our project, or further information regarding our support for the Jubal Square Apartments.


City
Craig G. Stilwell
Executive Vice President
craig.stilwell@cityholding.com
(304) 769-1113

[Spam](#)
[Not spam](#)
[Forget previous vote](#)

Tim Youmans

From: Randy Kremer [rkremer@RugsDirect.com]
Sent: Monday, July 15, 2013 4:13 PM
To: 'pingdept@ci.winchester.va.us'
Cc: Randy Kremer
Subject: Attention: Tim Youmans



Mr. Youmans,

I am writing you on the behalf of Pinnacle Construction and The Pifer Companies in support of the Jubal Square Apartments. I have reviewed the Concept Plan and personally visited one of the Pinnacle facilities in Harrisonburg, VA. I feel the Jubal Square Apartments would be a great addition to our community for various reasons;

1. The land is currently zoned M-1. Do we really want more light industrial at that location? I think it would better serve our community as a mix of residential and retail and potentially generate more revenue.
2. The Luxury Apartments will bring higher income residents to our area which has been a stated goal of our Council. It is the type of development that will be more likely to attract young professionals. Which, as a business owner of a technology/e-commerce company, we desperately need in this community.
3. The project looks great! It will definitely enhance the view of one of our central corridors and serve to hide, the not so attractive industrial buildings behind it.
4. We all know "Studies" can be manipulated but the Net Benefit of this Project seems to be a win/win for our community.

I certainly do not know all of the financial implications this site would bring to our community but I am hopeful that you and your team will find ways to make projects like the Jubal Square Apartments work in our community.

Thank you for your time and consideration of this project.

Sincerely,

Randy

Randy Kremer
President
Rugs Direct
116 Featherbed Lane
Winchester, VA 22601
Phone: 540-545-7797
Fax: 540-662-0063
Email: rkremer@rugsdirect.com
Web: www.rugsdirect.com

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Correspondence

Tim Youmans

From: Fitzsimmons, Tracy [tfitzslm@su.edu]
Sent: Monday, July 15, 2013 3:43 PM
To: Tim Youmans; john willingham
Subject: housing for students in Winchester

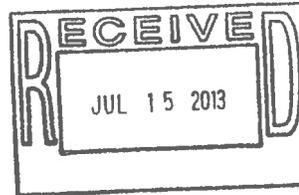
Dear John and Tim,

I am writing to you as I know that the City Council and City staff are in the process -- and will increasingly be in the process -- of considering requests to build, develop or renovate housing in Winchester.

As you consider the possibilities, I hope that you will bear in mind that we have 4,000 students at Shenandoah University, of whom about 3500 are being educated on one of our Winchester campuses. In total, we currently only have housing for about 915 students "on campus" in Winchester. Additional housing options close to campus for students - whether privately owned or university owned -- would certainly be welcome!

Many thanks. I hope that you are both enjoying summertime,
Tracy

Tracy Fitzsimmons, Ph.D.
President
Shenandoah University
1460 University Drive
Winchester, VA 22601
540-665-4841



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), **CUT OFF DATE:** 8/21/13
9/10/13 (regular mtg)

RESOLUTION **ORDINANCE** **PUBLIC HEARING** X

ITEM TITLE:

CU-13-422 Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/10/13 Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning	<u>AMG</u>	_____	<u>8/21/13</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>8/21/2013</u>
3. City Manager	<u>[Signature]</u>	_____	<u>8-21-13</u>
4. Clerk of Council	_____	_____	_____
	_____	_____	_____

Initiating Department Director's Signature: [Signature] 8/21/13
 (Planning)



APPROVED AS TO FORM:
[Signature] 8/21/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: August 28, 2013
Re: **CU-13-422** Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstering, and body and fender work at 427 North Cameron Street (Map Number 173-01-K-1) zoned Commercial Industrial (CM-1) District.

THE ISSUE:

The request is to allow for the lower level of the building at the NW corner of N. Cameron and Clark Streets to be converted to auto service use consisting of one or more of the intensive repair operations that require a CUP.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

Staff met with the applicant on a pre-application basis and subsequently received the request to establish the repair and restoration operations. The main issue identified by staff was the storage of vehicles awaiting repair as there is no opportunity for screened storage onsite. The applicant intends a low volume operation and stated no issue with storing all vehicles inside. A condition to that effect was recommended. (See staff report for additional information).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions as recommended by the Planning Commission
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission and staff recommend approval with conditions as noted within the staff report.

Council forwarded the request at its 8/27/13 work session; no revisions were noted.

 9-5-13

Council Work Session
August 27, 2012

CU-13-422 Request of Daniel T. Knight, Jr. for a conditional use permit for motor vehicle painting, upholstery, and body and fender work at 427 North Cameron Street (*Map Number 173-01-K-1*) zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION

The request is to allow for the lower level of the building at the NW corner of N. Cameron and Clark Streets to be converted to auto service use consisting of one or more of the intensive repair operations that require a CUP.

AREA DESCRIPTION

The subject property and land directly to the north and east are zoned CM-1. The lower level, subject to this request, was most recently used for a taxi operation. The upper level is currently vacant with a site plan pending for light manufacturing use. Land to the north includes a rescue mission, a vacant commercial property, a non-conforming single family dwelling and a custom countertop business. Land to the east, on the opposite side of North Cameron St, is CSX railroad property. The railroad property is vacant except for the old freight building, used for a model railroad club, which is directly across from the subject property.



Land to the south is a mix of CM-1 and B-1 zoned properties containing commercial uses including offices, a mechanical contractor, storage, and moving businesses. Further to the south are social services offices in the renovated Snapp Foundry building. Land to the west is a mix of HR and HR-1 zoning. The property directly to the west is a warehouse building. Otherwise, uses to the west include a mix of residential types and a church fronting along N. Loudoun St.

STAFF COMMENTS

In his letter dated August 6, 2013, the applicant outlines his desire to use the lower level of the building for auto restoration, including body work, painting, mechanical work, and upholstery. These operations have been identified historically as having greater potential impacts on neighboring properties, particularly with potential for dust, odor, noise and vibration. Additionally, such operations generally involve storage of inoperable vehicles.

The space in the lower level consists of approximately 3300 square feet. A sketch floor plan provided shows approximately 2500sf of shop area, accessed from an existing overhead door facing on N. Cameron St. The remaining 800sf is comprised of a small reception area, also accessed from N. Cameron St, plus an office, bathroom, and storage areas. The lower level is isolated from uses to the west (rear), and somewhat isolated from those to the north and south as well, due to the surrounding topography.

Staff met with the applicant on a pre-application basis and determined that no off-street parking area would be required. While the property includes a small, elevated off-street parking area accessed from the alley (Kern Ln) to the rear, there is no suitable area onsite to store and properly screen inoperable vehicles awaiting repair. As such, any vehicles awaiting service will be required to be housed inside the shop area. The applicant acknowledges in his letter the requirement for the overhead door to remain closed during operations. The applicant outlines his intended hours of operation as M-F, 8am to 5pm. The applicant intends to work by himself at first, but indicates the possibility of adding 1-2 employees in the future.

The applicant will need to work with the Building Official to determine any changes necessary to accommodate the proposed uses in order to obtain a Certificate of Occupancy. Variances were previously obtained in 2008 and remain valid for the building's orientation on the lot (setback and corner side yard).

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At its August 20, 2013 meeting, the Planning Commission forwarded **CU-13-422** to City Council recommending approval because the use, as proposed, 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. All service and repair of motor vehicles subject to this permit shall be within the building, which shall be enclosed on all sides;
2. All inoperable vehicles and any vehicles awaiting repair shall be contained within the shop area. No outside storage shall be permitted; and
3. Hours of operation shall be no earlier than 7am and no later than 7pm, seven days a week.

Aug 6, 2013

Dear Mr. Youmans,

Pursuant to your request, the following is an agenda for services and business activities I intend to pursue at 427 Cameron St N Winchester, Virginia.

- Restoring classic cars for customers, which includes body repair and paint, mechanical overhaul, engine rebuilding as necessary, interior upholstery and custom designed parts.
- Selling restored cars via internet or brought to auctions
- Custom airbrush work on motorcycle parts

My intended business hours are Monday – Friday 8 a.m – 5 p.m. There may be a possibility of adding 1-2 employees at some point in the future once the business has steady workflow and income. The bay door will remain closed so as not to interfere with public viewing.

It is my desire to get this business operational as soon as possible. I appreciate and thank you for your consideration and prompt attention to this matter.

Sincerely,

Danny Knight Jr.

0-2013-22

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 16, 2013 CUT OFF DATE:

RESOLUTION ORDINANCE X PUBLIC HEARING

ITEM TITLE:

Ordinance to amend and re-adopt section 10-51 of the City Code to include an exception for blasting operations related to Cemetery burial of deceased human remains.

STAFF RECOMMENDATION:

Approve as recommended

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

N/A

INSURANCE:

As required

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Finance/Risk Management, Fire & Rescue Department, City Attorney, City Manager, Clerk of Council.

Initiating Department Director's Signature: Mary Blowe Date: 6-24-13

Mary Blowe, Finance Director



APPROVED AS TO FORM:

Signature and date 7/3/13, CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: July 16, 2013
Re: Ordinance change for blasting requirement relating to insurance

THE ISSUE: City staff has been presented with a request to decrease the insurance amounts relating to blasting at Mt. Hebron Cemetery from \$5M to \$2M.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all.

BACKGROUND: City Staff have been asked to review the requirement for Mt. Hebron Cemetery to carry insurance in the combined single limit of \$5M. This created a hardship for the cemetery so staff began to research the necessity of this limit. We spoke with our insurance carrier to ensure that the requested \$2M is adequate and they are comfortable with this reduced limit of liability. This insurance is required before a permit can be issued.

BUDGET IMPACT: No budget impact to the City.

OPTIONS: Add this exception to the existing code section:

Exception: An applicant for blasting operations related to cemetery burial of deceased human remains may be permitted to obtain a permit with insurance in the amount of \$2,000,000 rather than \$5,000,000, provided its operations are conducted on its privately owned property and further provided that the blasting operations shall be inspected and approved by the Fire Marshall not less often than once a year.

RECOMMENDATIONS: Staff recommends the proposed document as submitted.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 10-51 OF THE CITY CODE TO INCLUDE AN EXCEPTION FOR BLASTING OPERATIONS RELATED TO CEMETERY BURIAL OF DECEASED HUMAN REMAINS

WHEREAS, Section 27-97 of the Code of Virginia authorizes municipalities to adopt fire prevention regulations that are more extensive in scope than the Statewide Fire Prevention Code; and

WHEREAS, the City of Winchester has adopted the Statewide Fire Prevention Code with such amendments in Section 10-51 of the Winchester City Code; and

WHEREAS, the Virginia Statewide Fire Prevention Code only requires a level of \$500,000.00 minimum insurance for blasting operations; and

WHEREAS, Common Council had previously, at the request of the Fire Marshal, approved an Ordinance to increase the insurance requirements of Section 3301.2.4 of the Virginia Statewide Fire Prevention Code to require a level of \$5,000,000.00 as minimum required blasting insurance; and

WHEREAS, Mount Hebron Cemetery has requested an exception to this amount for blasting operations associated with cemetery burial of deceased human remains as such blasting operations have been represented to utilize a minimum of explosive charge, are conducted under relatively controlled conditions, and are believed to be less likely to cause significant damage to life or property; and

WHEREAS, such blasting operations by Mount Hebron Cemetery have been conducted in the City of Winchester for a considerable period of time with no known instances of claims against the City arising from such operations; and

WHEREAS, the City has confirmed with its insurance company (VML) that Mount Hebron's request for an exception for blasting related to cemetery burial of deceased human remains is not unreasonable and unlikely to result in excessive exposure upon the City of Winchester; and

WHEREAS, it is the belief of Common Council that the adoption of said exception is in the best interests of the City.

NOW THEREFORE BE IT ORDAINED that Section 10-51 of the Winchester City Code is hereby amended and readopted to include the following exception:

SECTION 10-51. AMENDMENTS, ADDITIONS AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE.

Pursuant to Code of Virginia, § 27-97, the City is empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections

thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The City hereby adopts the Statewide Fire Prevention Code with the following amendments:

[. . remaining portions of ordinance remain unaltered . . .]

Change Section 3301.2.4 to read:

3301.2.4 Financial responsibility. Before a permit is issued as required by Section 3301.2, the applicant shall file with the city a certificate of insurance which shows that the applicant has general liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage provided by an insurance company authorized to sell insurance in Virginia by the Virginia State Corporation Commission. Commercial General Liability is to include bodily injury and property damage, personal injury and advertising injury, products and completed operations coverage. The City of Winchester must be named by endorsement to the policy as additional insured and provided a copy prior to the event. Certificate holder: City of Winchester, 15 N. Cameron Street, Winchester, VA 22601. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the permitted activity. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

Exception: An applicant for blasting operations related to cemetery burial of deceased human remains may be permitted to obtain a permit with insurance in the amount of \$2,000,000 rather than \$5,000,000. provided its operations are conducted on its privately owned property and further provided that the blasting operations shall be inspected and approved by the Fire Code Official not less often than once a year.

0-2013-24

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 7/23/13 (work session), **CUT OFF DATE:** 7/17/13
8/13/13(1st Reading) 9/10/13 (2nd reading)

RESOLUTION **ORDINANCE** X **PUBLIC HEARING** X

ITEM TITLE:
RZ-13-289 AN ORDINANCE TO REZONE 44.44 ACRES OF LAND AT 2410 AND 2416 PAPERMILL RD
(Map Numbers 272-01-8 AND 291-02-A-B) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT TO
HIGHWAY COMMERCIAL (B-2) DISTRICT

STAFF RECOMMENDATION:
Approval

PUBLIC NOTICE AND HEARING:
Public hearing for 9/10/13 Council mtg

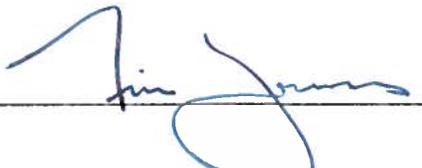
ADVISORY BOARD RECOMMENDATION:
Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Economic Development			7/17/13
2. City Attorney			7/17/2013
3. City Manager			7-17-13
4. Clerk of Council			

Initiating Department Director's Signature:  7/17/13
(Planning)



APPROVED AS TO FORM:
 7/17/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: August 28, 2013

Re: **RZ-13-289** AN ORDINANCE TO REZONE 44.44 ACRES OF LAND AT 2410 AND 2416 PAPERMILL RD (*Map Numbers 272-01-8 AND 291-02-A-B*) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT

THE ISSUE:

Proactively rezoning 44.44 acres of underutilized industrial land where Federal Mogul recently ceased operations to Highway Commercial to allow for commerce area revitalization/infill consistent with the recommendation in the Comp Plan.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

-Short Term Challenges and Opportunities #2: Attracting businesses that are right for the Winchester community.

The current M-2 zoning of the property limits its marketing to uses that are primarily of an industrial nature or other uses that are likely to create nuisance and which are not particularly compatible with commercial or residential uses in close proximity. In addition to onsite nuisances, such uses could also very well introduce additional heavy truck traffic along this corridor which would not mix well with commercial-oriented travel in the area.

BACKGROUND:

See attached staff report

BUDGET IMPACT:

OPTIONS:

- Approve rezoning as proposed
- Deny; leave existing M-2 zoning in place

RECOMMENDATIONS:

Planning Commission unanimously recommended approval.

The Ordinance was reviewed by Council at its 7/23/13 work session and forwarded; First Reading was held at the 8/13/13 regular meeting.

 9-5-13

Council Work Session
July 23, 2013

RZ-13-289 AN ORDINANCE TO REZONE 44.44 ACRES OF LAND AT 2410 AND 2416 PAPERMILL RD (Map Numbers 272-01-8 AND 291-02-A-B) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT

REQUEST DESCRIPTION

The request is for the City to rezone underutilized Intensive Industrial (M-2) land to Highway Commercial (B-2) to support economic redevelopment of the property in a manner more compatible with the major commercial development extending along both sides of S. Pleasant Valley Road in the general vicinity.

AREA DESCRIPTION

The land to the north is zoned CM-1 and contains retail and restaurant uses along S. Pleasant Valley Rd and contractor establishments along Abrams Creek Drive. Land to the east across Pleasant Valley Rd is zoned B-2 and CM-1 and contains major commercial retail and restaurant development. Land immediately to the south is zoned M-2 and contains a wholesale plumbing supply and showroom establishment. Land further to the south is zoned CM-1 and contains commercial uses. Land across the railroad to the west is zoned B-2 and contains commercial uses. Land further to the west is zoned HR and contains multifamily use.



STAFF COMMENTS

City staff believes that B-2 zoning of the Federal Mogul property will better result in development consistent with the Comprehensive Plan than the current M-2 zoning. The industrial use by Federal Mogul (formerly Abex) has ceased. Redevelopment of the site with. The proposed B-2 zoning would allow for uses more compatible with major commercial use along most of S. Pleasant Valley Rd and more harmonious with the residential uses in close proximity to the west.

Relation to Comprehensive Plan

Chapter 4: Economic Sustainability

Citywide Economic Development Objective #9:

“Proactively redevelop property where needed to achieve maximum sustainable potential.”

Chapter 9 – Future Development

The Character Map identifies:

- The northern part of land as Civic/Institutional or Park. This is the portion of land not likely to be redeveloped due to environmental issues and required, ongoing monitoring of the industrial landfill site.
- The southern part of land as Commerce Area Revitalization/Infill. This is the developable portion of the site where future commercial use is envisioned.

Chapter 11 – Southeast Planning Area

Environment:

“...mitigate documented hazards at the Abex site along the west side of S. Pleasant Valley Rd.”

Relation to the Strategic Plan

Goal 1: Grow the Economy

Short Term Challenges and Opportunities #2

“Attracting businesses that are right for the Winchester community.”

The current M-2 zoning of the property limits its marketing to uses that are primarily of an industrial nature or other uses that are likely to create nuisance and which are not particularly compatible with commercial or residential uses in close proximity. In addition to onsite nuisances, such uses could also very well introduce additional heavy truck traffic along this corridor which would not mix well with commercial-oriented travel in the area.

RECOMMENDATION

At its July 16, 2013 meeting, the Planning Commission forwarded **RZ-13-289** to City Council recommending approval as depicted on an exhibit entitled “*Rezoning Exhibit RZ-13-289, Prepared by Winchester Planning Department, May 22, 2013*” because the request is generally consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the developable portion of the site.

AN ORDINANCE TO REZONE 44.44 ACRES OF LAND AT 2410 AND 2416 PAPERMILL RD (*Map Numbers 272-01-8 AND 291-02-A-B*) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT TO HIGHWAY COMMERCIAL (B-2) DISTRICT

RZ-13-289

WHEREAS, the Code of Virginia provides that one of the purposes of Zoning Ordinances is to facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, the adopted Comprehensive Plan calls for Commerce Area Revitalization/Infill on the developable portion of the Federal Mogul site and the Winchester Strategic Plan to grow the economy as part of the long term vision for the City of Winchester; and,

WHEREAS, the adopted Comprehensive Plan includes a citywide economic development objective calling for the City to proactively redevelop property where needed to achieve maximum sustainable potential; and,

WHEREAS, intensive industrial use of the Federal Mogul site has ceased and the predominant land use along South Pleasant Valley Road is commercial, rather than industrial; and,

WHEREAS, the Planning Commission resolved at its June 18, 2013 meeting to initiate the rezoning of this land; and,

WHEREAS, the Planning Commission forwarded the request to Council on July 18, 2013 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-289, Prepared by Winchester Planning Department, May 22, 2013*" because the request is generally consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the developable portion of the site; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Intensive Industrial (M-2) District to Highway Commercial (B-2) District:

Approximately 44.44 acres of land at 2410 and 2416 Papermill Road as depicted on an exhibit entitled "*Rezoning Exhibit RZ-13-289, Prepared by Winchester Planning Department May 22, 2013*".

REZONING EXHIBIT

RZ-13-289

PREPARED BY WINCHESTER PLANNING DEPARTMENT

May 22, 2013



EXISTING

M-2 ZONING FOR 2410 AND 2416 PAPERMILL ROAD



PROPOSED

B-2 ZONING FOR 2410 AND 2416 PAPERMILL ROAD

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 23, 2013 **CUT OFF DATE:** _____

RESOLUTION X ORDINANCE X PUBLIC HEARING X

ITEM TITLE: Proposed Sidewalk Master Plan

STAFF RECOMMENDATION: Approval of resolution and ordinance.

PUBLIC NOTICE AND HEARING: NA

ADVISORY BOARD RECOMMENDATION: NA

FUNDING DATA: See attached.

INSURANCE: NA

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	<u>JB</u>	_____	<u>7/12/13</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>7/17/2013</u>
3. City Manager	<u>[Signature]</u>	_____	<u>7-17-13</u>
4. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<u>[Signature]</u>	_____	<u>7/12/13</u> Date



APPROVED AS TO FORM:

[Signature] 7/17/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: July 23, 2013 (Council Work Session)
Re: Proposed Sidewalk Master Plan

THE ISSUE: Presentation and consideration of the proposed Sidewalk Master Plan.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 4:** Create a More Livable City for All. Specifically, **Policy Agenda Item #5:** Develop a Sidewalk Master Plan with policy directions, project priority and funding mechanisms.

BACKGROUND: Making improvements to sidewalks has been identified by City residents as one of the highest priorities when looking at City services where they feel improvements need to be made. City Council has responded to this strong desire for improved sidewalks by appropriating significant funding the past few years for sidewalk improvements. In response to City Council's direction provided in the Strategic Plan, the Public Services Department has prepared the attached Sidewalk Master Plan for City Council's consideration. The goal of this plan is to provide the framework and guidance for the City's sidewalk program in future years.

BUDGET IMPACT: Over the past six years, the City has constructed approximately 22.7 miles of new sidewalks at a cost of approximately \$9.5 million, funded by multiple revenue sources. In the current FY14 budget, there is \$830,000 budgeted for sidewalk construction. There is currently a backlog of approximately \$24 million of construction for existing sidewalks that are in poor condition and need to be replaced. In addition, it would cost approximately \$75 million to construct sidewalks along every City street where none currently exist. These large figures show the need for significant resources for sidewalks in the future.

SIDEWALK MASTER PLAN SUMMARY AND RECOMMENDATIONS:

1. The City currently maintains approximately 115 miles of existing sidewalks within the City. Approximately 50% of the existing sidewalks are in poor condition and need to be replaced or need major repairs. The estimated cost for replacing/repairing all of the existing sidewalks in poor condition is approximately \$24 million.
2. Approximately 64 miles of sidewalks would need to be constructed within the City for there to be a sidewalk on both sides of every street where none currently exist. The estimated cost to construct these 64 miles of sidewalks is approximately \$75 million. A significant amount of this total cost would be for the curb & gutter and drainage improvements that would be necessary to construct the new sidewalks.
3. During the past six years, approximately 22.7 miles of sidewalks have been constructed. This includes sidewalk replacements and constructing new sidewalks where none previously existed.
4. A proposed 5-year plan for sidewalk construction has been developed and is presented herein. This plan includes both sidewalk replacements and the construction of sidewalks in locations where none currently exist.
5. The proposed 5-year plan will require a significant amount of funding to successfully complete. Over the 5-year period, an average approximately \$3 million in funding will be needed. The primary funding sources that have been projected to meet this need are the General Fund, the Utility Fund (including a possible Stormwater Utility), and state Revenue Sharing Funds.
6. The proposed 5-year plan will complete an average of approximately \$1.1 million of sidewalk replacements per year which would be funded primarily by the General Fund. However, since the current need for existing sidewalk replacements is approximately \$24 million, it will take over 20 years to replace all of the existing sidewalks that are currently in poor condition. Should City Council wish to expedite this schedule, additional funding such as general obligation bonds or other revenue sources will be required.
7. Since economic conditions are difficult to forecast in the future and the projected funding levels may change, it is important to update this Sidewalk Master Plan, and particularly the 5-year plan of sidewalk improvements on an annual basis.
8. Section 26-7 of the City Code requires the property owner to be responsible for the costs of maintaining or replacing the sidewalk adjacent to their property. This provision has never really been enforced, especially during the past 20 years. Since the City has started an aggressive program of replacing sidewalks, it is recommended that City Council repeal Section 26-7 of the City Code. Attached is a proposed ordinance that would take that action.

RECOMMENDED ACTIONS FOR CITY COUNCIL:

1. Approve attached resolution adopting the Sidewalk Master Plan.
2. Adopt the attached ordinance repealing Section 26-7 of City Code which would eliminate the current requirement that the property owner or occupier is responsible for physical maintenance of the public sidewalk adjacent to their property (not including snow or ice removal).

OPTIONS FOR CITY COUNCIL:

1. Adopt the proposed resolution and/or ordinance as presented.
2. Adopt the proposed resolution and/or ordinances with modifications.
3. Not adopt the proposed resolution and/or ordinance.

AN ORDINANCE TO REPEAL SECTION 26-7 OF THE WINCHESTER CITY CODE WHICH WOULD ELIMINATE THE REQUIREMENT FOR THE PROPERTY OWNER OR OCCUPIER TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY

WHEREAS, Section 26-7 of the City Code specifies that the property owner or occupier is responsible for the physical maintenance of the public sidewalk adjacent to their property; and

WHEREAS, this section of City Code has proven to be impractical and it is the desire of City Council for the City to be responsible for the maintenance of all public sidewalks, with the exception of snow and ice removal.

NOW, THEREFORE, BE IT ORDAINED that Sections 26-7 of the Winchester City Code is hereby repealed in its entirety and re-enacted to read as follows:

SECTION 26-7. ~~PAVING, REPAVING, AND REPAIRING SIDEWALKS ON EXISTING STREETS.~~
REPEALED.

- ~~(a) — Every owner or occupier of lots or parts of lots abutting on existing streets in the city shall cause the existing sidewalks and driveway entrances to be paved, repaved, or repaired at the expense of such owner or occupier.~~
- ~~(b) — The public works department shall notify the owners or occupiers of lots or parts of lots abutting on existing streets to pave, repave, or repair the sidewalks when required. Such notice shall be by registered or certified letter sent to such owner or occupier at his last known address or served by a member of the police department. If, after diligent inquiry, no address can be found for such owner, such letter shall be posted in a conspicuous place on the property.~~
- ~~(c) — In the event an owner or occupier or either of them shall neglect or refuse to pave, repave, or repair the sidewalk when required pursuant to this section, the council may have such sidewalk paved, repaved, or repaired and recover the expenses therefor before the general district court or the circuit court, and in all cases where a tenant is required to pave in front of the property used in his occupation, the expenses of the paving so done shall be a good offset against so much of the rent as he shall have paid toward such paving, but no tenant shall be required to pay more for or on account of such paving than such tenant may owe at the time of the commencement of such work or as may become due to the end of his tenancy.~~
- ~~(d) — No owner or occupier of a lot or lots in front of which paving has been laid shall be required to repave or repair such sidewalk, in whole or in part, at his own expense more often than once in five (5) years; provided, further, that the expense for such paving, repaving, and repairing shall not be in excess of the peculiar benefits resulting therefrom to such abutting land. (Code 1959, §22-21.3; Ord. of 6-14-78)~~
- ~~(e) — Curb ramps shall be constructed at intersections for use of handicapped persons. No ramps shall be required for curbs in place on January 1, 1975; however, ramps shall be required on all replacement of such curbs adjoining sidewalks at intersections leading to~~

~~crosswalks. Such ramps shall comply with the Virginia Department of Transportation's Road and Bridge Standards. This section shall not apply where finalized plans for replacement of curbs had been advertised for bid, contracts awarded, and work commenced prior to June 30, 1975. (Ord. No. 042-95, 9-12-95)~~

Ordinance No. _____

ADOPTED by the Common Council of the City of Winchester on the ____ day of _____, 2013.

Witness my hand and the seal of the City of Winchester, Virginia.

Deputy Clerk of the Common Council

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), **CUT OFF DATE:** 8/21/13
9/10/13 (regular mtg)

RESOLUTION ___ **ORDINANCE** ___ **PUBLIC HEARING** X

ITEM TITLE:

CU-13-361 Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 9/10/13 Council meeting

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning	<u>AMG</u>	_____	<u>8/21/13</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>8/21/13</u>
3. City Manager	<u>[Signature]</u>	_____	<u>8-22-13</u>
4. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: [Signature] 8/21/13
 (Planning)



APPROVED AS TO FORM:

[Signature] 8/21/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: August 28, 2013
Re: **CU-13-361** Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

THE ISSUE:

The request is to construct a new 100' monopole tower, along with associated antennas and equipment, at the Anderson Roofing and Sheet Metal Works, Inc. property.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

A request was received from the applicant to construct a new tower in order to upgrade its network to increase capacity and provide 4G services to the citizens on Winchester. The site contains an existing 92' tower which was deemed structurally insufficient to support the proposed equipment. Two panel antennas on that tower will be removed by the applicant. The property owner wishes to keep the existing tower for possible future use, although it will initially be vacant of an active user. This tower's continued presence in conjunction with the proposed construction of a new tower should be evaluated by Council. (See staff report for additional information).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions as recommended by the Planning Commission
- Approve with an additional condition requiring removal of the existing 92' tower
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission recommended approval with conditions as noted within the staff report. Staff recommends inclusion of the additional condition requiring removal of the existing 92' tower.

Council forwarded the request at its 8/27/13 work session with the additional condition requiring removal of the existing 92' tower.



9-5-13
110

City Council
September 10, 2013

CU-13-361 Request of Shenandoah Mobile, LLC for a conditional use permit to construct a telecommunications tower at 2633 Papermill Road (*Map Number 291-01-7*) zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION

The request is to construct a new 100' monopole tower, along with associated antennas and equipment, at the Anderson Roofing and Sheet Metal Works, Inc. property.

AREA DESCRIPTION

The subject property, along with surrounding land to the north, east, and south, is zoned CM-1. The subject property contains a roofing and sheet metal business and an existing $\pm 92'$ wireless communications tower.



The property to the immediate north contains the local UAW hall. Further to the north is a vacant commercial parcel. The property to the immediate south includes an equipment rental business and auto service uses. Further to the south are a beverage distributor and mobile home park. Land to the east on the opposite side of S Pleasant Valley Rd is vacant, but subject to an approved site plan. Land to the northeast on both sides of S Pleasant Valley Rd has been subject to recent development, including the sites of Panera and TGIFriday's. The CSX railroad runs along the rear of the property, with the EIP-zoned Frederick Douglass Elementary property to the west of the railroad.

STAFF COMMENTS

The site contains an existing $\pm 92'$ tower that was originally constructed and used for two-way radio operations. A conditional use permit was granted in 2004 for Shentel to collocate two cellular antennas on the existing tower. A structural analysis of the tower at this time indicated it would be able to support the two antennas subject to replacement of the guy wires.

The applicant outlines Shentel's desire to upgrade its network to increase capacity and provide 4G services to the citizens on Winchester in his letter dated July 2, 2013. A structural analysis was performed and determined that the existing tower cannot support the array of equipment that is proposed in the application and necessary to accomplish the desired coverage. While the analysis did not specifically address the suitability of the tower's continued use in its current condition, it did note that "(t)his tower is so light weight such that the mapping crew refused to climb the tower."

The applicant also discusses other possibilities that were considered for site location or collocation, including a request made to collocate on the water tank at the Federal Mogul site further to the north. That request was denied due to the closing of operations and listing of the property for sale, as was a similar request made in 2004 prior to collocating on the current tower at 2633 Papermill Rd.

The new tower is proposed at 100' in height, the maximum allowable for consideration in the CM-1 District. It is a self-supporting, monopole design, which is generally considered less objectionable to viewsheds than lattice structures or those requiring guy wires for support. An external-mounted equipment array including six (6) antennas is proposed at the top of the tower. Photo simulations have been provided from several surrounding properties to assist in evaluating the impact on viewsheds. The tower and equipment compound are proposed to be located to the far rear of the site, adjacent to the railroad ROW. An associated site plan has been submitted for the improvements.

The proposal includes removal of Shentel's antennas and cabling from the existing tower on the site, however the tower itself is not proposed for removal. This is consistent with the conditions in the 2004 conditional use permit for collocation on this tower. However, there is no other current user of this tower and its continued presence in conjunction with the proposed construction of a new tower should be evaluated by the Planning Commission and City Council. A future collocation on this tower could be considered through the CUP process, however it would, at least initially, be vacant of an active user and its suitability for future use would need to be determined.

RECOMMENDATION

For a conditional use permit to be approved, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood.

At its August 20, 2013 meeting, the Planning Commission forwarded **CU-13-361** to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommendation is subject to the following conditions:

1. Staff approval of the related site plan;
2. Submission an as-built emissions certification after the facility is in operation;
3. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use; and,
4. Submission of a bond guaranteeing removal of facilities should the use cease.

Staff suggested that if favorable consideration was given to construction of the new proposed tower, an additional condition requiring removal of the existing ±92' tower should be considered. The Commission deliberated on this matter, but did not include the condition in its recommendation.

At its August 27, 2013 work session, Council forwarded the request to its regular meeting agenda with an additional condition:

5. Removal of the existing ±92' tower on the property.

Will Moore

CU-13-361

From: Kevin McKew <mckewk@wps.k12.va.us>
Sent: Wednesday, August 14, 2013 3:52 PM
To: Will Moore
Cc: Rick Leonard
Subject: RE: cell tower adj to FDES

Correspondence

FILE COPY

Hi Will – We did get your notice to adjoining property owners. 2 years ago the School Board entered into a marketing agreement with a company who brokers deals for cell towers in hopes of encouraging a cell tower on school property as a revenue generating source. At that time, the Board was briefed on the health/safety aspects, and was comfortable with proceeding; so, no, we don't have a problem with it, providing the normal City requirements relating to setbacks, fencing, etc. are in place. Thanks for touching base.

Kevin J. McKew
Executive Director
Winchester Public Schools
12 N. Washington Street
Winchester, VA 22601
540.667.4253

From: Will Moore [<mailto:wmoore@ci.winchester.va.us>]
Sent: Wednesday, August 14, 2013 12:54 PM
To: Kevin McKew
Cc: Rick Leonard
Subject: cell tower adj to FDES

Kevin,

There is a request going before the Planning Commission next week for a conditional use permit to allow for a 100' cell tower to be constructed at a property on Papermill Rd just across the railroad tracks from Frederick Douglass E.S. The Commission asked staff to check directly with WPS to see if you have any concerns related to the request. Our preliminary staff report to the Commission is attached. Please let me know if you have any input that you would like passed along. The meeting/public hearing is Tue, 8/20 at 3pm.

Thanks,
Will

William M. Moore
Planner - City of Winchester, VA
Phone: 540.667.2117
Fax: 540.722.3618
wmoore@ci.winchester.va.us
www.winchesterva.gov



*Lynn Koerner - 540-335-0030
Site Acquisition and Project Development
Contractor for Shentel*

July 2, 2013

Mr. Aaron Grisdale, Director of Zoning and Inspections
City of Winchester
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Re: Shenandoah Mobile, LLC – Tower 786 – South Pleasant Valley

Dear Mr. Grisdale:

Shenandoah Mobile, LLC ("Shentel") is upgrading its wireless network to increase capacity and provide state-of-the-art Sprint 4G wireless service to the citizens of the City of Winchester. To do so, Shentel must add new antenna and equipment to our existing site that is located on a tower at 2633 Papermill Road. This property is owned by Anderson Sheet Metal Works, Inc. Shentel had a structural report prepared for the existing tower location and it failed at 241% (the report is attached). Due to this extreme failure rate, Shentel is left with no alternative than to build a new tower that will accommodate the antenna and equipment load required to keep this important network site operational. Shentel has negotiated a lease agreement with Darwin Anderson for the placement of a Site at the rear of the parcel abutting the railroad tracks. This proposed Site will allow us to continue to provide the wireless capacity service within the area as well as allow us to upgrade and improve that coverage with 4G service.

When establishing telecommunications facilities in established areas of cities, the search area required for the placement of the wireless facility is very concentrated and of limited size. The existing site was originally selected and has been in operation since 2004. Since this is an established and proven location, the area in which to search for an alternate location was even more limited.

In addition to the location selected at the Anderson Sheet Metal parcel, contact was made with Roger Rodriguez at Federal Mogul regarding the use of the water tank. Mr. Rodriguez presented the request thru management and the request was denied due to the closing of the facility and future sale of the property. I will note that originally in 2004, Federal Mogul was contacted and denied our request at that time to use the water tank as a platform for our antenna equipment. Contact was made with Ed Duncan at Tire Outfitters, 2712 South Pleasant Valley Road for use of a portion of the parcel behind his business. Additionally, contact was

Mr. Aaron Grisdale, Director Zoning and Inspections
Jul 2, 2013
Page 2

made regarding a parcel at 2509 Papermill Road that was for sale and with Dixie Distributing located on South Pleasant Valley Road. After evaluations of the locations of the parcels, lack of interest of the property owner and our RF teams review of the various locations, it was determined that the proposed site best meets the needs of Shentel and it is felt to be the best fit and have the least effect on the surrounding properties.

A photo simulation packet depicting a "simulation" of how the proposed tower with antenna will look in the location have been included in the package submitted with the Conditional Use Application.

I have been working closely with our consultant, BL Companies, for the historical review process, to determine if this site has any effect on historical structures or properties in the area. As of the date of this letter, the final report has not been received but is expected any day. I will submit the final report as soon as received. Shentel has also submitted the application to the FAA to determine any height issues, but on our initial review, no issues are expected.

The electromagnetic fields for this Site will not exceed the radio frequency emission standards established by the American National Standards Institute or standards issued by the Federal Government, and will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood of the proposed Site. We feel that keeping this Site in operation and actually improving the coverage/capacity in this area will be a benefit to the citizens of Winchester and is in line with the goals of the Comprehensive Plan.

Please contact me at (540)335-0030 should you have any questions

Sincerely yours,



Lynn Koerner
Site Acquisition
and Project Development
Contractor for Shentel

Attachments
as

B-2013-42

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 27, 2013 CUT OFF DATE: __

RESOLUTION X ORDINANCE __ PUBLIC HEARING X

ITEM TITLE: Approval of Consolidated Annual Performance and Evaluation Report (CAPER)

STAFF RECOMMENDATION: Approval for submission to HUD

PUBLIC NOTICE AND HEARING: Authorize advertisement of CAPER for purposes of receiving public comment and hold public hearing September 10th, 2013.

ADVISORY BOARD RECOMMENDATION: The City's Community Development Committee and Northern Shenandoah Valley Regional Commission's Housing & Community Services Policy Board have discussed and recommend the attached proposal

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance	TS		8-14-13
2. Economic Development	JU		8/14/13
3.			
4.			
5. City Attorney			8/22/2013
6. City Manager			8-22-13
7. Clerk of Council			

Initiating Department Director's Signature: [Signature] Date: 8/14/13



APPROVED AS TO FORM: [Signature] 8/22/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tyler Schenck, Grants Coordinator and Project Specialist
Date: August 27, 2013
Re: The City of Winchester's Adoption of the Consolidated Annual Performance and Evaluation Report

THE ISSUE: Recipient jurisdictions of Community Development Block Grant, HOME Investment Partnership, Emergency Shelter or Housing for Persons with AIDS/HIV program funding must submit to the US Department of Housing and Urban Development (HUD) a Consolidated Annual Performance and Evaluation Report (CAPER) describing our use of federal funds on an annual basis.

RELATIONSHIP TO STRATEGIC PLAN: Our allocations are used to help create a more livable City for all.

BACKGROUND: The CAPER includes a summary and evaluation of how our Community Development Block Grant and HOME funds were used to carry out the goals and objectives in our Consolidated Plan. The CAPER is submitted to HUD annually for their review.

BUDGET IMPACT: The adoption of the CAPER has no impact on the City's budget.

OPTIONS: Council may approve or disapprove the CAPER

RESOLUTION

WHEREAS, agencies that receive U.S. Department of Housing and Urban Development (HUD) funds must prepare and submit a Consolidated Annual Performance and Evaluation Report (CAPER) every year; and

WHEREAS, the City of Winchester desires to receive HUD funds to develop a viable urban community and to expand economic opportunities; and

WHEREAS, the City of Winchester has developed a Consolidated Annual Performance and Evaluation Report and has satisfactorily followed HUD requirements for the creation of the document.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINCHESTER, AS FOLLOWS:

SECTION 1. The adoption of this Resolution shall serve as provisional approval of the Consolidated Annual Performance Evaluation Report pending final public comment.

SECTION 2. The Mayor, or presiding officer, is hereby authorized to affix his or her signature to this Resolution signifying its adoption by the City Council of the City of Winchester, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 3. The City Manager, or his designee, is directed to submit the Consolidated Annual Performance Evaluation Report to the U.S. Department of Housing and Urban Development.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 723-0238
TDD: (540) 722-0782
Website: www.winchesterva.gov

August 14, 2013

SUBJECT

Per the current agreement with the City of Winchester, the Northern Shenandoah Valley Regional Commission is responsible for compiling and submitting performance data related to the use of HOME funds while City staff is responsible for compiling and submitting performance data related to the use of CDBG and any other community development resources made available in the form of the Consolidated Annual Performance and Evaluation Report (CAPER). This year, the CAPER is due to HUD no later than September 28, 2013. Prior to submission to HUD, the CAPER must be made available for public comment during a 15-day public comment period.

FINANCIAL IMPACT & SUMMARY

For program year 2012, \$2,158,474.93 was available for housing and community development activities in the City of Winchester and surrounding Northern Shenandoah Valley Region through regular HOME and CDBG allocations and previous program years. The full amount has been obligated to specific projects, and approximately \$543,648.69 was spent and drawn from HUD representing 24.7% of the total funds available. The remaining \$1,615,126.24 is programmed for use during Program Year 2013.

RECOMMENDATION

It is the recommendation of City staff that Council proceed with Resolution approval and begin public comment period on August 26 through September 9, 2013. This provides ample time for the public to voice their opinion regarding the topic while meeting the 15-day public comment period requirement. Members of the public may also attend the Winchester City Council regular meeting on Tuesday September 10, 2013 at 7:00 PM to give verbal comments to the City Council.



Fifth Program Year CAPER

The CPMP Fifth Consolidated Annual Performance and Evaluation Report includes Narrative Responses to CAPER questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

The grantee must submit an updated Financial Summary Report (PR26).

GENERAL

Executive Summary

This module is optional but encouraged. If you choose to complete it, provide a brief overview that includes major initiatives and highlights that were proposed and executed throughout the first year.

Program Year 5 CAPER Executive Summary response:

The Consolidated Annual Performance Evaluation Report (CAPER) includes a summary of all activities undertaken as part of the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs in the City of Winchester, Virginia and Northern Shenandoah Valley Region.

Although administered separately, the CDBG and HOME Program accomplishments are incorporated into a single CAPER document and submitted to HUD. CAPERs are required to be submitted to HUD no later than 90 days after the close of the fiscal year, or September 28, 2013 for the 2012 Program Year. This report contains summary information related to the progress in meeting objectives identified in the 2008 Consolidated Plan and 2012 Annual Action Plan for addressing affordable housing and community development needs in the City and surrounding region.

This report, though specific to the accomplishments met through implementation of the CDBG and HOME Programs, also includes summary information on the use and accomplishments of goals achieved through use of other local, state and federal funding, including local community development funding from the City of Winchester, state CDBG funding available through the regular annual allocations, and other federal dollars through recovery related programs including the Homeless Prevention and Rapid Re-housing programs.

\$2,158,474.93 was available for housing and community development activities in the City of Winchester and surrounding Northern Shenandoah Valley Region through regular HOME and CDBG allocations and previous program years in 2012. The full amount has been obligated to specific projects, and approximately \$543,648.69 was spent and drawn from HUD representing 24.7% of the total funds available. The remaining \$1,615,126.24 is programmed for use during Program Year 2013.

The following is a description of the expenditure of funds by program area:

- 18.1% on Homeownership Activities including direct down payment and closing cost assistance and development subsidies for the rehabilitation, development and construction of single family homes available for sale to income eligible homebuyers;
- 53.4 % on Rental Activities including rental rehabilitation, new rental development and rental assistance
- 18.4% on Economic Development/Revitalization Activities in the City of Winchester.
- 10.1% on Administration and Area Agency Support

General Questions

1. Assessment of the one-year goals and objectives:

Jurisdiction

- a. Describe the accomplishments in attaining the goals and objectives for the reporting period.
 - b. Provide a breakdown of the CPD formula grant funds spent on grant activities for each goal and objective.
 - c. If applicable, explain why progress was not made towards meeting the goals and objectives.
2. Describe the manner in which the recipient would change its program as a result of its experiences.
3. Affirmatively Furthering Fair Housing:
 - a. Provide a summary of impediments to fair housing choice.
 - b. Identify actions taken to overcome effects of impediments identified.
4. Describe Other Actions in Strategic Plan or Action Plan taken to address obstacles to meeting underserved needs.
5. Leveraging Resources
 - a. Identify progress in obtaining "other" public and private resources to address needs.
 - b. How Federal resources from HUD leveraged other public and private resources.
 - c. How matching requirements were satisfied.

Program Year 5 CAPER General Questions response:

In general, the NSVRC, as administrator HOME Programs works to clearly articulate expectations for accomplishments and timeliness among subrecipients and sub-grantees. This continues to be an area for improvement each year in working with partner organizations to develop project implementation schedules that are realistic and feasible. We continue to work to develop an annual work program that includes projects that will be completed according to the original timelines proposed.

In the 2012 Program Year, the City of Winchester re-assumed administration of the CDBG program which oversaw the Taylor Hotel Section 108 Loan project.

Below, the following charts and narrative summaries describe goals for active projects in the 2012 Program Year and a status update for each. In most cases, funding provided through the CDBG and HOME Programs described in this CAPER were supplemented with a variety of other funding sources. Current estimates for funds expended in 2012 in the HOME Program along indicate that not only is the match obligation met, but that the HOME Program leveraged an additional \$28 for every \$1 HOME funding invested.

Homeownership Development:

Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Homeownership Development	6	\$ 167,777.00	HOME09, HOME10, HOME11	6	\$ 167,777.00
	4	\$ 160,000.00	HOME11	2	\$ 87,867.80
	5	\$ 125,000.00	HOME11	0	\$ 113,475.20
Downpayment Assistance	4	\$ 55,000.00	HOME12	3	\$ 30,496.00
Totals	19	\$507,777.00		11	\$ 399,616.00

The chart above shows the activities identified for funding that were initiated, underway or completed in 2012. All projects are currently on time and anticipated to complete on schedule. As of June 30, 2013, a total of 11 new

Jurisdiction

homeownership opportunities were created as a result of new construction and or downpayment and closing cost assistance.

It should be noted that the balance of funds from one CHDO for homeownership development, approximately \$72,132.22 were recaptured and reprogrammed for use in Program Year 2013 on another project under "Rental Development." This recapture included a public comment period and substantial amendment to the Program Years 2011 Action Plans completed in spring 2013.

Homeownership development projects include activities undertaken by Habitat for Humanity of Winchester- Frederick County in the City of Winchester and surrounding Frederick County, or People, Inc. in Page County. To date, a total of 9 units have been completed. The remaining 5 units are in various stages of new construction and qualifying eligible first-time homebuyers.

Downpayment Assistance was provided throughout the region through two providers in 2012. Blue Ridge Housing Network (BRHN) continued the homebuyer assistance program to households interested in pre-purchase counseling and downpayment and closing cost assistance. Community Housing Partners (CHP) also provided downpayment assistance last year to households specifically interested in purchasing a home through the Neighborhood Stabilization Program (NSP). In 2009, the NSVRC was awarded \$2.5million to acquire, rehabilitate and sell foreclosed properties in Frederick, Shenandoah and Warren Counties to qualified buyers. CHP is a partner in this program and secured HOME funding to assist HOME eligible buyers. Blue Ridge Housing Network will continue to provide assistance in 2012 to qualified buyers.

Though projects are on schedule, we continue to struggle with our partner agencies in identifying interested and qualified potential homebuyers. Habitat for Humanity and BRHN have begun working with qualified clients to identify properties to assure there is a demand for the units to be sold. In the case of BRHN, there are many homebuyers on the waiting list, but frequently they are unable to secure financing in time to receive the downpayment assistance. Clients applying for first mortgage funding through USDA often do not receive a loan if the program has insufficient funding. Additionally, many of the clients in BRHNs program have tried to purchase foreclosures. Some have not been able to access HOME financial assistance due to the contract term restrictions on timeliness to close and or housing conditions.

Owner Occupied Home Repair:

Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Home Repair Assistance	7	\$ 120,000.00	HOME10, 11	2	\$ 49,595.00
	2	\$ 50,000.00	HOME 12	2	\$ 50,000.00
Totals	9	\$ 170,000.00		4	\$ 99,595.00

HOME funds were allocated to a HOME Repair Program administered at the regional level. Help with Housing is a non-profit organization (certified CHDO) that coordinates home repair assistance to low income homeowners living in Winchester, Clarke, Frederick, Page and Warren. People, Incorporated (also CHDO certified) coordinates home repair assistance to low income homeowners in Shenandoah Counties.

Owner occupied home repair remains a challenge in the Northern Shenandoah Valley. Finding applicable homes that can be completed within the project budget and time is a significant obstacle to program successes. The NSVRC is committed to working with home repair program operators to identify and scope potential units that meet program criteria and can be completed in a timely fashion and on budget.

Rental Housing Rehabilitation and Development:

Activity	Goal	\$ Obligated	\$ Source	Units Complete	\$ Expended
Johnson Williams Apartments	40	\$ 213,782.00	HOME11	40	\$ 213,782.00
Toms Brook School	14	\$125,000.000	HOME10	14	\$ 125,000.00

Jurisdiction

Apartments					
Anderson Garden Apartments	11	50,511.30	HOME 12	0	\$ 30,000.00
Alms House	0	\$ 25,000.00 (pre-development loan)	HOME 12	0	\$ 25,000.00
Totals	54	\$ 414,293.30		54	\$ 383,782.00

NSVRC worked on 4 rental housing development projects in Program Year 2012, three in Shenandoah County with People, Inc. and one in Clarke County with Community Housing Partners (CHP).

The Toms Brook School, located in Shenandoah County is a redevelopment project intended to convert a community school into 14 low income apartments. The project was kicked off in May, 2011 with the initiation of the Environmental Review and development of a Management Team. People Inc. Housing Group purchased the property in June of 2011. The project includes utilization of HOME Consortium funding for rehabilitation, as well as CDBG and HOME funding allocated by the State and funding from the Federal Home Loan Bank of Atlanta. Historic Tax Credits have been approved for the project as an additional subsidy. The project was completed in early January 2013 and fully occupied by March of 2013 with 30 residents (see project photos below).



People, Inc. also initiated site work on the Anderson Garden Apartments project in Woodstock, VA (Shenandoah County). When completed in the spring of 2014, the project will provide 11 accessible/energy efficient rental units for seniors. Finally, People, Inc. completed a pre-development loan for architecture and engineering of the Alms House Rehabilitation Project in Mauertown, VA. This project, when complete will create 14-16 affordable rental units. Expected project completion in 2014.

The Johnson Williams Apartments Rehab (rehab photos below) was initiated in June 2012 and included the redevelopment of 40 rental units in Berryville/Clarke County Virginia. The units were rehabbed to be energy efficient and accessible for all residents. Interior and exterior accessibility features were also completed. The project was completed in early September 2012. The units benefit low- and moderate-income elderly and disabled individuals.



Jurisdiction

Tenant Based Rental Assistance (TBRA)

Activity	Goal	\$ Obligated	Source	Units Complete	\$ Expended
Tenant Based Rental Assistance	25	\$ 42,032.00	HOME12	19	\$ 39,475.00
<i>Total</i>	25	\$ 42,032.00		19	\$ 39,475.00

For 2012, HOME funds were allocated to Faithworks Incorporated, a faith-based non-profit, to support a tenant based rental assistance (TBRA) program in the City of Winchester, Frederick, Warren and Shenandoah Counties. The purpose of the program was to provide direct rental assistance to precariously housed, or homeless individuals and families to move into safe, decent and affordable housing. Faithwork's TBRA program provided security deposits and first-months' rent to qualified applicants, and emergency assistance. Faithwork's would qualify applicants based on income and employment verification and conducted housing quality standards (HQS) compliance for units selected. Faithworks will receive an additional HOME allocation for 2013 to continue this program, and a new organization Shenandoah Alliance for Shelter (SAS) will also be providing TBRA to families in Shenandoah and Page Counties.

Financial Assistance to Community Housing Development Organizations and other Critical Community Service Agencies:

No organizations were provided financial assistance in Program Year 2012. NSVRC continues to work with CHDO certified organizations and non-CHDO organizations to build capacity and service delivery for housing programs in the Northern Shenandoah Valley region.

Managing the Process

1. Describe actions taken during the last year to ensure compliance with program and comprehensive planning requirements.

Program Year 5 CAPER Managing the Process response:

The Northern Shenandoah Valley Regional Commission is responsible HOME Program Administration. NSVRC is responsible for assuring the HOME programs maintains compliance with regulations. NSVRC currently has two full time staff members assigned to Community Development Programs. Staff members attend regular trainings provided by HUD or TA Consultants and participate in regular conference calls with other Virginia Grantees. NSVRC staff members work with locally and regionally appointed members of advisory committees to review progress of funded projects and provide policy direction as needed.

The NSVRC also appointed a committee to identify affordable housing and community development needs, known as the regional Housing and Community Services Policy Board (HCSPB). The HCSPB works with NSVRC staff to review regional data related to homelessness, affordable housing and community services to better inform the fund allocation process for the HOME Consortium. Additionally, HCSPB members direct NSVRC staff in pursuing additional resources to address affordable housing and community development priorities in the Region. In Program Year 2012, the HCSPB expanded its membership to include a representative from the local Continuum of Care (CoC), a local real-estate professional and an additional representative from a local Social Services department. The HCSPB continues to play an important role in informing and shaping the HOME program in the Northern Shenandoah Valley.

The Winchester City Council appointed a Community Development Committee (CDC) whose primary purpose is to identify community development needs within the City, make recommendations for allocation of local community development and CDBG funding and to review progress of funded projects. Committee members meet as needed, but typically not more than monthly.

Citizen Participation

1. Provide a summary of citizen comments.

Jurisdiction

2. In addition, the performance report provided to citizens must identify the Federal funds made available for furthering the objectives of the Consolidated Plan. For each formula grant program, the grantee shall identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of minority concentration). The geographic distribution and expenditure requirement may also be satisfied by specifying the census tracts where expenditures were concentrated.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

Program Year 5 CAPER Citizen Participation response:

NSVRC and the City of Winchester hosted a 15 day public comment period for the 2012 CAPER covering both the CDBG and HOME Programs, beginning on August 26, 2013 and ending September 9, 2013. Consistent with the Citizen Participation Plan, a public hearing was also held on September 10, 2013 at a regular meeting of the Winchester City Council. As Grantee and Lead Entity for the CDBG and HOME Program respectively, the Winchester City Council took action that night to adopt the 2012 CAPER as presented. Staff also gave presentations regarding the CAPER and accomplishments in the CDBG and HOME Programs at the following meetings: HCSPB (September 5, 2013), Winchester City Council Work Session (August 27, 2013) and Winchester City Council (September 10, 2013).

Two advertisements were placed in the Winchester Star and Northern Virginia Daily (locally circulated newspapers) regarding the public comment period and hearings. NSVRC also solicited for public comment on HOME accomplishments through the local Continuum of Care list serve and the www.NSVcommunity.org website. NSVRC has also utilized stakeholder networks in other program areas such as transportation and natural resources where there is applicability to housing and community development. The City of Winchester placed an additional advertisement in the Winchester Star with the regular meeting agenda. **AWAITING PUBLIC COMMENT.** Winchester City Council took action to approve the CAPER for submission to HUD on Tuesday September 10, 2012.

NSVRC and the City of Winchester continue to develop better strategies to reach out to the public to solicit meaningful participation in the planning and evaluation process.

Institutional Structure

1. Describe actions taken during the last year to overcome gaps in institutional structures and enhance coordination.

Program Year 5 CAPER Institutional Structure response:

The major focus in 2012 was to continue efforts to strengthen the Continuum of Care (CoC) Planning Process. Members of the CoC and NSVRC staff worked together to more clearly articulate the needs and organization structure of the planning process in the region and to collect and report more meaningful data in the Exhibit 1. The CoC completed a new 10-Year Plan to End Homelessness in partnership with the Virginia Coalition to End Homelessness (VCEH). This document was utilized as part of the 2013-2017 Consolidated Planning Process. The CoC also merged with the Rockingham/Harrisonburg CoC to form a Western Virginia Continuum of Care (VA-513). This merged CoC is focused on better service delivery, planning and collection of data through the Homeless Management Information System (HMIS).

Monitoring

1. Describe how and the frequency with which you monitored your activities.
2. Describe the results of your monitoring including any improvements.
3. Self Evaluation
 - a. Describe the effect programs have in solving neighborhood and community problems.
 - b. Describe progress in meeting priority needs and specific objectives and help make community's vision of the future a reality.
 - c. Describe how you provided decent housing and a suitable living environment and expanded economic opportunity principally for low and moderate-income persons.
 - d. Indicate any activities falling behind schedule.
 - e. Describe how activities and strategies made an impact on identified needs.
 - f. Identify indicators that would best describe the results.
 - g. Identify barriers that had a negative impact on fulfilling the strategies and overall vision.
 - h. Identify whether major goals are on target and discuss reasons for those that are not on target.
 - i. Identify any adjustments or improvements to strategies and activities that might meet your needs more effectively.

Program Year 5 CAPER Monitoring response:

NSVRC performs ongoing monitoring activities for all projects through evaluation of fund disbursement requests for project activities and a requirement for quarterly performance reports from all HOME Subrecipients and CHDOs. Additionally, NSVRC staff members conduct project site field visits as appropriate to document major accomplishments and benchmarks for funded activities. NSVRC also completed a successful HOME programing monitoring visit with HUD staff in July 2012 to evaluate program delivery and management best practices.

NSVRC continues to work with all partners (HOME funded) to evaluate progress in meeting deliverables. Although expenditures are in line with requirements, we will continue to work in 2013 to increase speed of obligating and expending funds to complete projects on time. One of the major challenges partners have is developing the funding strategy to complete an entire project. In years going forward, the HCSPB will become more specific about allocating funds to projects for which other funding is already secured (subsidy layering analysis).

Lead-based Paint

1. Describe actions taken during the last year to evaluate and reduce lead-based paint hazards.

Program Year 5 CAPER Lead-based Paint response:

Lead Based Paint Hazards were elevated to a new level with the adoption of EPA's certification requirements in 2010. The requirements mandate that firms performing renovation, repair and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools be certified by EPA and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices. NSVRC now implements program policies to assure compliance with these new requirements from a monitoring standpoint.

HOUSING

Housing Needs

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe Actions taken during the last year to foster and maintain affordable housing.

Program Year 5 CAPER Housing Needs response:

The HOME program is the first dedicated funding source for the development or preservation of affordable housing available throughout the Northern Shenandoah Valley. Since 2008, the Consortium has been working to identify the best strategies for allocation of the HOME funds to maximize opportunities to promote affordable housing. Participation in the HOME Program has allowed member jurisdictions the opportunity to consider options for affordable housing development on a regional level rather than reacting to local issues. Additionally, the structure in place to manage the HOME Program was particularly instrumental in the speedy development of a partnership to respond to the availability of additional housing resources through the Neighborhood Stabilization and the CoC Competition programs and will continue to do so.

Specific Housing Objectives

1. Evaluate progress in meeting specific objective of providing affordable housing, including the number of extremely low-income, low-income, and moderate-income renter and owner households comparing actual accomplishments with proposed goals during the reporting period.
2. Evaluate progress in providing affordable housing that meets the Section 215 definition of affordable housing for rental and owner households comparing actual accomplishments with proposed goals during the reporting period.
3. Describe efforts to address "worst-case" housing needs and housing needs of persons with disabilities.

Program Year 5 CAPER Specific Housing Objectives response:

2011 was the last year CDBG funds were allocated to support the development or preservation of affordable housing. In all future years, HOME funds are likely the primary resource to continue to address affordable housing needs in the future. The 2008 Consolidated Plan includes a breakdown of allocation of anticipated funds over the 5-year period by major housing category. Of the total funds made available, the Consolidated Plan calls for the following by percentage of total project funding:

	<u>Proposed Allocation by %</u>	<u>To Date Allocation by %</u>
Homebuyer Activities	50%	60%
Homeowner Rehabilitation	30%	20%
Rental Housing Development/ TBRA	20%	20%

The HCSPB uses the above proposed allocations by % to guide applicants annually to develop proposals that direct funds to appropriate HOME project categories. 2009 was the first year funds were requested for a rental development project. 2010 was the first year funds were requested for a homeowner rehabilitation project. 2011 was the first year funds were requested to provide Tenant Based Rental Assistance. Going forward, the Policy Board has directed NSVRC staff to more proactively work with potential applicants that will develop project proposals intended to address housing conditions for owner occupants and the availability of affordable rental housing.

Homeownership continues to be exclusive of low and moderate income residents in the region, but homes are more affordable than during the recent housing bubble in 2005-2006. The housing crisis has led to more affordable homes for moderate and middle income earners. However, the qualification criteria have become more stringent. Area income levels, qualification criteria (cash on hand, credit) and emerging trends about homeownership in general continue to affect the increasing demand for affordable rental opportunities. The NSVRC is currently updating our priorities and goals for the number of units to be developed of affordable housing by tenure and focusing a greater proportion of funds to activities that support rental housing development.

Public Housing Strategy

1. Describe actions taken during the last year to improve public housing and resident initiatives.

Program Year 5 CAPER Public Housing Strategy response:

There is no public housing in the Northern Shenandoah Valley region.

Barriers to Affordable Housing

1. Describe actions taken during the last year to eliminate barriers to affordable housing.

Program Year 5 CAPER Barriers to Affordable Housing response:

NSVRC continues to provide technical assistance as requested to local jurisdictions interested in promoting affordable housing development locally. One of the major populations many jurisdictions have expressed concern for are moderate income residents that cannot access the homeownership market but have few opportunities for appropriately priced rental housing. NSVRC is working with jurisdictions to identify qualified buyers that fit this category and to promote the availability of NSP homes.

NSVRC also pursued grant funding through the National Alliance to End Homelessness (NAEH) in Program Year 2013 to support the development of a regional landlord network to assist low- and moderate-income residents, housing providers and other non-profit organizations in identifying landlords who are willing to work with low- and moderate-income clients in finding affordable rental housing. NSVRC used funds to partner with the Virginia Housing Development Authority (VHDA) in marketing and outreach of VHDA's web-portal Housing Search to have local landlords sign-up to be matched with potential residents. NSVRC partnered with Access Independence, a local disability-advocate organization to utilize its stakeholder network for this projects outreach. NSVRC hopes to continue these efforts in future years.

Finally, NSVRC also continued its bi-annual hosting of Fair Housing Seminars in partnership with the Virginia Fair Housing Office. These seminars, offered bi-annually (November & April), are targeted to local decision makers, housing providers and non-profits to educate these organizations in Fair Housing law and best practices. NSVRC also hosted a housing data and trends workshop (April 2013) in partnership with Housing Virginia, the Virginia Tech Center for Housing Research and VHDA which presented research, facts and figures on housing affordability in Virginia, specifically the Northern Shenandoah Valley and how to use this data in local planning and decision making. NSVRC hopes to continue partner with other organizations to offer affordable housing centered programs and workshops in future years.

HOME/ American Dream Down Payment Initiative (ADDI)

1. Assessment of Relationship of HOME Funds to Goals and Objectives

Jurisdiction

- a. Evaluate progress made toward meeting goals for providing affordable housing using HOME funds, including the number and types of households served.
2. HOME Match Report
 - a. Use HOME Match Report HUD-40107-A to report on match contributions for the period covered by the Consolidated Plan program year.
3. HOME MBE and WBE Report
 - a. Use Part III of HUD Form 40107 to report contracts and subcontracts with Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs).
4. Assessments
 - a. Detail results of on-site inspections of rental housing.
 - b. Describe the HOME jurisdiction's affirmative marketing actions.
 - c. Describe outreach to minority and women owned businesses.

Program Year 5 CAPER HOME/ADDI response:

1. In 2012, \$440,114.00 was available for use throughout the Northern Shenandoah Valley Region for affordable housing projects. Housing Developers and Housing Program Administrators were invited to submit project proposals for consideration. The submitted projects were prioritized by the HCSPB.
2. See Attachment 2: HOME Match Report HUD-40107-A
3. See Attachment 3: MBE and WBE Report HUD-40107
4. During 2012, NSVRC conducted site visits for two projects (People Incorporated's Toms Brook School Apartments and Community Housing Partners Johnson Williams apartments) and two onsite administrative visits (Blue Ridge Housing Network and Help with Housing).

HOMELESS

Homeless Needs

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Identify actions taken to address needs of homeless persons.
2. Identify actions to help homeless persons make the transition to permanent housing and independent living.
3. Identify new Federal resources obtained from Homeless SuperNOFA.

Program Year 5 CAPER Homeless Needs response:

Jurisdiction

Beginning in 2008, the Northern Shenandoah Valley Continuum of Care (CoC) is coordinated by the NSVRC and the Technical Advisory Network serves as the coordinated body for the region's 10 Year Plan to End Homelessness. The CoC consists of outreach, emergency and transitional shelter, permanent supportive housing, permanent housing and mainstream services available to assist persons who are, or are at risk of becoming homeless. Ongoing funds available in the region for homeless services and programs include Emergency Shelter Grant (provided through Virginia's Department of Housing and Community Development), Supportive Housing Program and Shelter Plus Care, and various other locally allocated funds or other similar programs.

In 2012, the following accomplishments were reported through the CoC:

- Assistance to homeless persons in the form of counseling, referral and financial assistance through the Supportive Housing Program. Funds are administered by Northwestern Community Services.
- Permanent Supportive Housing Rental Assistance provided through the Shelter Plus Care Program. Funds are administered by Northwest Community Services.
- Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program.
- Funding to support ongoing efforts to strengthen the data collection and management through an HMIS through SHP funding. Funds are administered by NSVRC and assisted 7 agencies with subscription, equipment and personnel costs associated with data entry and reporting in HMIS.
- The CoC also merged with the Rockingham/Harrisonburg CoC to form a Western Virginia Continuum of Care. This merged CoC is focused on better service delivery, planning and collection of data through the Homeless Management Information System (HMIS).

Specific Homeless Prevention Elements

1. Identify actions taken to prevent homelessness.

Program Year 5 CAPER Specific Housing Prevention Elements response:

Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program provided by local human service and non-profit organizations. Coordination was provided by the local Continuum of Care.

Emergency Shelter Grants (ESG)

1. Identify actions to address emergency shelter and transitional housing needs of homeless individuals and families (including significant subpopulations such as those living on the streets).
2. Assessment of Relationship of ESG Funds to Goals and Objectives
 - a. Evaluate progress made in using ESG funds to address homeless and homeless prevention needs, goals, and specific objectives established in the Consolidated Plan.
 - b. Detail how ESG projects are related to implementation of comprehensive homeless planning strategy, including the number and types of individuals and persons in households served with ESG funds.
3. Matching Resources
 - a. Provide specific sources and amounts of new funding used to meet match as required by 42 USC 11375(a)(1), including cash resources, grants, and staff salaries, as well as in-kind contributions such as the value of a building or lease, donated materials, or volunteer time.
4. State Method of Distribution

Jurisdiction

- a. States must describe their method of distribution and how it rated and selected its local government agencies and private nonprofit organizations acting as subrecipients.
5. Activity and Beneficiary Data
- a. Completion of attached Emergency Shelter Grant Program Performance Chart or other reports showing ESGP expenditures by type of activity. Also describe any problems in collecting, reporting, and evaluating the reliability of this information.
 - b. Homeless Discharge Coordination
 - i. As part of the government developing and implementing a homeless discharge coordination policy, ESG homeless prevention funds may be used to assist very-low income individuals and families at risk of becoming homeless after being released from publicly funded institutions such as health care facilities, foster care or other youth facilities, or corrections institutions or programs.
 - c. Explain how your government is instituting a homeless discharge coordination policy, and how ESG homeless prevention funds are being used in this effort.

Program Year 5 CAPER ESG response:

NSVRC does not coordinate or administer ESG funding as part of the Consolidated or Annual Action Plan. Assistance to at risk and already homeless persons in the form of case management, housing placement and referral, financial assistance and legal assistance through the Homeless Prevention and Rapid Rehousing Program provided by local human service and non-profit organizations. Coordination was provided by the local Continuum of Care. Accomplishments under this category are reported in the Virginia CAPER.

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

1. Assessment of Relationship of CDBG Funds to Goals and Objectives
 - a. Assess use of CDBG funds in relation to the priorities, needs, goals, and specific objectives in the Consolidated Plan, particularly the highest priority activities.
 - b. Evaluate progress made toward meeting goals for providing affordable housing using CDBG funds, including the number and types of households served.
 - c. Indicate the extent to which CDBG funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.
2. Changes in Program Objectives
 - a. Identify the nature of and the reasons for any changes in program objectives and how the jurisdiction would change its program as a result of its experiences.
3. Assessment of Efforts in Carrying Out Planned Actions
 - a. Indicate how grantee pursued all resources indicated in the Consolidated Plan.
 - b. Indicate how grantee provided certifications of consistency in a fair and impartial manner.

- c. Indicate how grantee did not hinder Consolidated Plan implementation by action or willful inaction.
4. For Funds Not Used for National Objectives
 - a. Indicate how use of CDBG funds did not meet national objectives.
 - b. Indicate how did not comply with overall benefit certification.
5. Anti-displacement and Relocation – for activities that involve acquisition, rehabilitation or demolition of occupied real property
 - a. Describe steps actually taken to minimize the amount of displacement resulting from the CDBG-assisted activities.
 - b. Describe steps taken to identify households, businesses, farms or nonprofit organizations who occupied properties subject to the Uniform Relocation Act or Section 104(d) of the Housing and Community Development Act of 1974, as amended, and whether or not they were displaced, and the nature of their needs and preferences.
 - c. Describe steps taken to ensure the timely issuance of information notices to displaced households, businesses, farms, or nonprofit organizations.
6. Low/Mod Job Activities – for economic development activities undertaken where jobs were made available but not taken by low- or moderate-income persons
 - a. Describe actions taken by grantee and businesses to ensure first consideration was or will be given to low/mod persons.
 - b. List by job title of all the permanent jobs created/retained and those that were made available to low/mod persons.
 - c. If any of jobs claimed as being available to low/mod persons require special skill, work experience, or education, provide a description of steps being taken or that will be taken to provide such skills, experience, or education.
7. Low/Mod Limited Clientele Activities – for activities not falling within one of the categories of presumed limited clientele low and moderate income benefit
 - a. Describe how the nature, location, or other information demonstrates the activities benefit a limited clientele at least 51% of whom are low- and moderate-income.
8. Program income received
 - a. Detail the amount of program income reported that was returned to each individual revolving fund, e.g., housing rehabilitation, economic development, or other type of revolving fund.
 - b. Detail the amount repaid on each float-funded activity.
 - c. Detail all other loan repayments broken down by the categories of housing rehabilitation, economic development, or other.
 - d. Detail the amount of income received from the sale of property by parcel.
9. Prior period adjustments – where reimbursement was made this reporting period for expenditures (made in previous reporting periods) that have been disallowed, provide the following information:
 - a. The activity name and number as shown in IDIS;
 - b. The program year(s) in which the expenditure(s) for the disallowed activity(ies) was reported;
 - c. The amount returned to line-of-credit or program account; and

Jurisdiction

- d. Total amount to be reimbursed and the time period over which the reimbursement is to be made, if the reimbursement is made with multi-year payments.
10. Loans and other receivables
 - a. List the principal balance for each float-funded activity outstanding as of the end of the reporting period and the date(s) by which the funds are expected to be received.
 - b. List the total number of other loans outstanding and the principal balance owed as of the end of the reporting period.
 - c. List separately the total number of outstanding loans that are deferred or forgivable, the principal balance owed as of the end of the reporting period, and the terms of the deferral or forgiveness.
 - d. Detail the total number and amount of loans made with CDBG funds that have gone into default and for which the balance was forgiven or written off during the reporting period.
 - e. Provide a List of the parcels of property owned by the grantee or its subrecipients that have been acquired or improved using CDBG funds and that are available for sale as of the end of the reporting period.
 11. Lump sum agreements
 - a. Provide the name of the financial institution.
 - b. Provide the date the funds were deposited.
 - c. Provide the date the use of funds commenced.
 - d. Provide the percentage of funds disbursed within 180 days of deposit in the institution.
 12. Housing Rehabilitation – for each type of rehabilitation program for which projects/units were reported as completed during the program year
 - a. Identify the type of program and number of projects/units completed for each program.
 - b. Provide the total CDBG funds involved in the program.
 - c. Detail other public and private funds involved in the project.
 13. Neighborhood Revitalization Strategies – for grantees that have HUD-approved neighborhood revitalization strategies
 - a. Describe progress against benchmarks for the program year. For grantees with Federally-designated EZs or ECs that received HUD approval for a neighborhood revitalization strategy, reports that are required as part of the EZ/EC process shall suffice for purposes of reporting progress.

Program Year 5 CAPER Community Development response:

1.
 - a. The use of CDBG funds for the rehabilitation of the Taylor Hotel and establishment of a pocket park coexists with the City's primary objective to establish a suitable living environment. Completion of this project will create a public green space in a low income neighborhood that will increase the overall living environment, hence meeting the City's core CDBG objective.
 - b. Not applicable
 - c. The CDBG Target Area has been the locally designated area where the majority of CDBG funded site specific projects will occur. The Taylor Hotel, which is located in the CDBG Target Area, will host a public pocket park that will be available for all community residents, especially those in surrounding neighborhoods that have been classified as low-income. Also, these funds have assisted in the rehabilitation of a

Jurisdiction

condemned property that posed a potential safety hazard to the many pedestrians traversing the neighborhood.

2.
 - a. The Section 108 Loan received in 2012 is part of the neighborhood based effort to either eliminate slums or reduce blight or take proactive steps to revitalize a neighborhood. The City's prioritization of projects for CDBG funding displays recognition that there are limited resources available to create the most significant impact possible in a neighborhood. City leaders hope that, in the future, projects funded with CDBG will have a rippling effect on the overall quality of the neighborhoods where projects occur.
3.
 - a. The City's use of general funds and a Section 108 Loan for the public green space and the rehabilitation of the Taylor Hotel maximize our available resources. By using this approach and promoting continued public investment, the City intends to initiate further blight abatement by vested parties in a CDBG Target Area.
 - b. The Winchester Community Development Committee reviews and makes recommendations to the City Council regarding any requests for CDBG funding. The committee members review all proposals and consider their consistency with the City's objectives identified in the Consolidated Plan and the local priorities for the program year. The City Council reviews all recommendations for potential projects to be funded with CDBG before project approval.
 - c. The City did not hinder Consolidated Plan implementation due to the fact that the creation of a public park and rehabilitation of large dilapidated property align with the City's stated Consolidated Plan objective of strengthening communities through the removal of blighted properties.
4.
 - a. Not applicable
 - b. Not applicable
5.
 - a. The property was unoccupied prior to its acquisition and had no displacement impact on community residents.
 - b. Not applicable
 - c. Not applicable
6.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
7.
 - a. Not applicable
8.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
 - d. Not applicable
9.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable
 - d. Not applicable
10.
 - a. Not applicable
 - b. Not applicable
 - c. Not applicable

Jurisdiction

- d. Not applicable
- e. Not applicable

11.

- a. Not applicable
- b. Not applicable
- c. Not applicable
- d. Not applicable

12.

- a. Not applicable
- b. Not applicable
- c. Not applicable

13.

- a. Not applicable

Antipoverty Strategy

1. Describe actions taken during the last year to reduce the number of persons living below the poverty level.

Program Year 5 CAPER Antipoverty Strategy response:

Neither the City, nor the HOME Consortium took specific action in 2012 to reduce the number of persons living below the poverty level. However, each of the Departments of Social Services in the region continued to operate numerous mainstream programs intended to assist families living on the margin:

- TANF
- Medicaid
- Food Stamps
- Housing Choice Voucher Program
- VIEW
- General Relief
-

Non-homeless Special Needs

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Identify actions taken to address special needs of persons that are not homeless but require supportive housing, (including persons with HIV/AIDS and their families).

Program Year 5 CAPER Non-homeless Special Needs response:

In 2012, the NSVRC continued working to develop an assessment of non-homeless special needs at the regional level through coordination with the local Continuum of Care. This also included the development of the 2013-2017 Consolidated Plan with specific actions to address those persons and families living in poverty.

Specific HOPWA Objectives

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. Overall Assessment of Relationship of HOPWA Funds to Goals and Objectives
Grantees should demonstrate through the CAPER and related IDIS reports the

progress they are making at accomplishing identified goals and objectives with HOPWA funding. Grantees should demonstrate:

- a. That progress is being made toward meeting the HOPWA goal for providing affordable housing using HOPWA funds and other resources for persons with HIV/AIDS and their families through a comprehensive community plan;
 - b. That community-wide HIV/AIDS housing strategies are meeting HUD's national goal of increasing the availability of decent, safe, and affordable housing for low-income persons living with HIV/AIDS;
 - c. That community partnerships between State and local governments and community-based non-profits are creating models and innovative strategies to serve the housing and related supportive service needs of persons living with HIV/AIDS and their families;
 - d. That through community-wide strategies Federal, State, local, and other resources are matched with HOPWA funding to create comprehensive housing strategies;
 - e. That community strategies produce and support actual units of housing for persons living with HIV/AIDS; and finally,
 - f. That community strategies identify and supply related supportive services in conjunction with housing to ensure the needs of persons living with HIV/AIDS and their families are met.
2. This should be accomplished by providing an executive summary (1-5 pages) that includes:
- a. Grantee Narrative
 - i. Grantee and Community Overview
 - (1) A brief description of your organization, the area of service, the name of each project sponsor and a broad overview of the range/type of housing activities and related services
 - (2) How grant management oversight of project sponsor activities is conducted and how project sponsors are selected
 - (3) A description of the local jurisdiction, its need, and the estimated number of persons living with HIV/AIDS
 - (4) A brief description of the planning and public consultations involved in the use of HOPWA funds including reference to any appropriate planning document or advisory body
 - (5) What other resources were used in conjunction with HOPWA funded activities, including cash resources and in-kind contributions, such as the value of services or materials provided by volunteers or by other individuals or organizations
 - (6) Collaborative efforts with related programs including coordination and planning with clients, advocates, Ryan White CARE Act planning bodies, AIDS Drug Assistance Programs, homeless assistance programs, or other efforts that assist persons living with HIV/AIDS and their families.
 - ii. Project Accomplishment Overview
 - (1) A brief summary of all housing activities broken down by three types: emergency or short-term rent, mortgage or utility payments to prevent homelessness; rental assistance; facility based housing, including development cost, operating cost for those facilities and community residences

Jurisdiction

- (2) The number of units of housing which have been created through acquisition, rehabilitation, or new construction since 1993 with any HOPWA funds
 - (3) A brief description of any unique supportive service or other service delivery models or efforts
 - (4) Any other accomplishments recognized in your community due to the use of HOPWA funds, including any projects in developmental stages that are not operational.
- iii. Barriers or Trends Overview
 - (1) Describe any barriers encountered, actions in response to barriers, and recommendations for program improvement
 - (2) Trends you expect your community to face in meeting the needs of persons with HIV/AIDS, and
 - (3) Any other information you feel may be important as you look at providing services to persons with HIV/AIDS in the next 5-10 years
 - b. Accomplishment Data
 - i. Completion of CAPER Performance Chart 1 of Actual Performance in the provision of housing (Table II-1 to be submitted with CAPER).
 - ii. Completion of CAPER Performance Chart 2 of Comparison to Planned Housing Actions (Table II-2 to be submitted with CAPER).

Program Year 5 CAPER Specific HOPWA Objectives response:

NSVRC does not coordinate or administer HOPWA funding as part of the Consolidated or Annual Action Plan. Accomplishments under this category are reported in the Virginia CAPER.

OTHER NARRATIVE

Include any CAPER information that was not covered by narratives in any other section.

Program Year 5 CAPER Other Narrative response:

Not Applicable.

0-2013-27

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL Work session: August 27, 2013 **CUT OFF DATE:**
CITY COUNCIL first reading Tuesday September 10, 2013
CITY COUNCIL second reading/public hearing Tuesday October 8, 2013

RESOLUTION **ORDINANCE** X **PUBLIC HEARING**

ITEM TITLE:

Ordinance authorizing the issuance and sale of general obligation public improvement bonds of the City of Winchester, Virginia, in an aggregate principal amount not to exceed \$27 Million, to finance the cost of certain capital improvement projects.

STAFF RECOMMENDATION:

Approve as recommended

PUBLIC NOTICE AND HEARING: Separate notice in paper by finance/public hearing Oct.8

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

N/A

INSURANCE:

As required

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>MB</i>	_____	_____
6. City Manager	<i>[Signature]</i>	_____	<i>8/27/13</i>
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: _____

[Signature]

8/20/13
Date

Mary Blowe, Finance Director



APPROVED AS TO FORM:

[Signature] *8/21/2013*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: August 27, 2013
Re: Ordinance to issue debt in an amount not to exceed \$27 Million

THE ISSUE: In the FY 2014 budget the City Manager presented several projects to be funded with the issuance of bonds.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a more livable City for all, particularly objective 1, to upgrade City school facilities, in this case an elementary school.

BACKGROUND: City Staff along with our financial advisors have been closely watching the market and have decided that this fall would be an optimal time for a debt issuance. City Staff and Council representatives will need to meet with our rating agencies (Moody's and Standard and Poors) prior to the issuance of this general obligation debt to receive a new rating. The debt would be paid back over a twenty year term. There are seven possible projects listed in the budget that require bonds to finance those projects. We can choose to fund those that we choose from this list:

- John Kerr Elementary School (page 239 of budget)
- Vesta Phone System (page 238 of budget)
- Emergency Communication System (page 238 of budget)
- Corridor Enhancements (page 238 of budget)
- JJC Improvements (page 238 of budget)
- Hope Drive Extension (page 264)
- Maintenance Facility (page 249)

BUDGET IMPACT: The City has debt being paid off, so we would be able to structure the debt service to fit in to the existing bond payments. The approximate total debt payments for this issuance would be around \$1,700,000 annually for twenty years.

OPTIONS: The City could utilize a pooled program such as the Virginia Public School Authority, however, there are fees associated with this program. With the City's strong GO bond ratings, there is no reason to utilize this method and pay those extra fees.

RECOMMENDATIONS: Staff recommends the adoption of this ordinance to proceed with the sale of bond on October 18th and receipt of our funds on October 28, 2013.

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF
THE CITY OF WINCHESTER, VIRGINIA, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000, TO
FINANCE THE COSTS OF CERTAIN CAPITAL IMPROVEMENT
PROJECTS**

WHEREAS, the Common Council of the City desires to issue general obligation public improvement bonds to finance the costs of certain capital improvement projects for the City, including (but not limited to) one or more of the following projects: the acquisition, construction, extension, renovation and equipping of public school improvements, emergency communications system improvements, road, street and sidewalk improvements, maintenance facility improvements and joint judicial center improvements (collectively, the "Project");

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
WINCHESTER, VIRGINIA:**

1. Pursuant to the City Charter and the Public Finance Act of 1991, there are hereby authorized to be issued and sold general obligation public improvement bonds (the "Bonds") of the City in an aggregate principal amount not to exceed \$27,000,000 to provide funds, together with other funds as may be available, to finance costs of the Project and to pay costs incurred in connection with issuing the Bonds.

2. The Bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold in one or more series at such time or times and in such manner as the Common Council may hereafter provide by appropriate resolution or resolutions.

3. The Bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

4. The Clerk of the Common Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of the City.

5. This ordinance shall take effect immediately.

Ordinance No. ____-2013.

The undersigned Clerk of the Common Council of the City of Winchester, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Common Council of the City of Winchester, Virginia, held on the ____ day of _____, 2013, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the City of Winchester, Virginia, this ____ day of _____, 2013.

(SEAL)

Clerk of the Common Council, City of
Winchester, Virginia

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd Reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-13-146 AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission forwarded without recommendation.

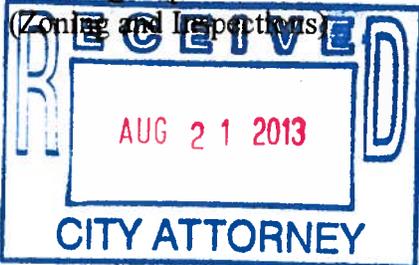
FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

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

Initiating Department Director's Signature: [Signature] 8/21/13



APPROVED AS TO FORM:

[Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Aaron Grisdale, Director of Zoning and Inspections

Date: August 21, 2013

Re: Text Amendment (TA-13-146) – Entertainment Establishments

THE ISSUE:

Publicly sponsored text amendment to clarify the Zoning Ordinance and make a distinction between restaurants and entertainment establishments.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3 Continue Revitalization of Historic Old Town, Goal #4 Create a More Livable City for All, Management in Progress (2013-2014) – Night Club Ordinance

BACKGROUND:

As noted in the City Strategic Plan, this ordinance is a result of the Downtown Strategic Plan adopted by Council which called for revisiting Nightclub regulations and as part of the Strategic Plan, which has called for creation of a “Vibrant Downtown” and “Growing Economy.” This text amendment serves as a response to City Council’s desire to modify the existing regulations, by eliminating the definitions of Dance Hall and Nightclub and the creation of a new use Entertainment Establishment.

The proposed ordinance will create a distinction between a restaurant that is continuously operated as a restaurant and allowing for background music or entertainment that is clearly subordinate to the restaurant use. However, for uses where a business or restaurant evolves from a restaurant use to an entertainment use, then the Entertainment Establishment classification will apply.

This proposal will not affect the current enforcement powers currently available to each of the various City and State departments and agencies that have oversight of their laws and ordinances. For instance, noise control is already codified in Chapter 17 of City Code, and the Winchester Police will continue to have their enforcement authority of their provision of the code. (Full staff report attached.)

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve with conditions recommended by the Planning Commission
- Approve with revised conditions
- Deny the application

RECOMMENDATIONS:

Planning Commission and recommend approval with conditions as noted within the staff report on a 4-2 vote.

City Council Work Session
August 27, 2013

TA-13-146 AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

REQUEST DESCRIPTION

This publicly sponsored text amendment is to clarify the Zoning Ordinance and make a distinction between restaurants and entertainment establishments.

STAFF COMMENTS

Currently, the Zoning Ordinance allows for restaurants that evolve into establishments where some form of entertainment, live or otherwise, takes place after 10:00 p.m. by allowing for a conditional use permit within certain zoning districts in the form of *Nightclubs*.

City Council, as part of their Downtown Strategic Plan, has called for revisiting the *Nightclub* regulations and as part of the Strategic Plan has called for creation of a "Vibrant Downtown" and "Growing Economy." This text amendment serves as a response to City Council's desire to modify the existing regulations, by eliminating the definitions of *Dance Hall* and *Nightclub* and the creation of a new use *Entertainment Establishment*.

These proposed changes will create a distinction between a restaurant that is continuously used as a restaurant, and allowing for background music or entertainment that is clearly subordinate to the restaurant use. However, for uses where a business or restaurant evolves at some point of their operations away from food service to an entertainment use, then the *Entertainment Establishment* classification will apply.

In the several commercial districts where restaurants and nightclubs are currently permitted (B-1, B-2, CM-1, PC), *Entertainment Establishments* will be permitted by-right as long as the building containing the use and its parking facilities are located at least 200-feet from a residentially zoned parcel. If the business or parking lot are located within the 200-foot buffer, then the establishment will be required to seek a conditional use permit through the City Council with a recommendation from the Planning Commission.

The proposed text amendment also establishes several minimum standards that all *Entertainment Establishments* must adhere to, regardless if the business is permitted by-right or with a conditional use permit.

This proposal will not change the requirement for a business to comply with other existing local and state departments and agencies, such as alcohol compliance issues with Virginia Alcohol Beverage Control (ABC), collection and payment of taxes with the Commissioner of Revenue and Treasurer's offices, and criminal issues with the Winchester Police Department. Each department and agency still maintains their existing enforcement mechanisms should the establishment violate their requirements and laws.

RECOMMENDATION

During their August 20, 2013 meeting, the Planning Commission forwarded the amendment without recommendation and adoption of this text amendment.

**RESOLUTION ADOPTING AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF
THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT
ESTABLISHMENTS**

TA-13-146

WHEREAS, the Code of Virginia provides that one of the purposes of Zoning Ordinances is to facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, in the Winchester Strategic Plan, a vibrant downtown and growing economy were called out as part of the long term vision for the City of Winchester; and,

WHEREAS; the Zoning Ordinance currently provides for restaurants, nightclubs, and dance halls; and,

WHEREAS, the proposed Zoning Ordinance amendment will modify the use classifications of restaurant and create a new classification of "Entertainment Establishment"; and,

NOW, THEREFORE, BE IT RESOLVED that the Winchester Common Council hereby adopts the following text amendment as it represents good planning practices by providing an opportunity for a vibrant downtown as well as allowing for reasonable review of entertainment uses in close proximity to residential zones:

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLES 1, 8, 9, 10, AND 13 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS

TA-13-146

Draft 4 –July 16, 2013

*Ed. Note: The following text represents an excerpt of Article 1 of the Zoning Ordinance that is subject to change. Words with ~~strikethrough~~ are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

ARTICLE 1

DEFINITIONS

SECTION 1-2. DEFINITIONS.

- ~~1-2-28.1~~ DANCE HALL: A public establishment that, on a regular basis and for an admission fee, provides music and space for dancing. (9/12/89, Case TA 89-02, Ord. No. 023-89) **Repealed.**
- ~~1-2-68.1~~ NIGHT CLUB: An establishment that provides live amplified music, Karaoke, DJs, and/or dancing between the hours of 10 p.m. and 6 a.m. (11/13/01, Case TA 01-06, Ord. No. 035-2001) **Repealed.**
- 1-2-79 RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises. **Any place of business wherein foods or beverages are provided for consumption as the primary use. The term restaurant includes, without limitation; lunchrooms, cafeterias, coffee shops, cafes, taverns, delicatessens, dinner theaters, pubs, soda fountains, and dining accommodations of public or private clubs. This definition excludes: bakeries; bed-and-breakfast facilities; grocery and convenience retail stores; catering businesses (where food is prepared for consumption at another site); snack bars and refreshment stands at public recreation facilities; concession stands at athletic activities, or any facility exempt from state licensure requirements pursuant to Code of Virginia § 35.1-25. Entertainment and music for restaurant patrons for which no cover charge is required and is clearly incidental and accessory to the restaurant's primary function as defined herein is permitted.**
- 1-2-79.1 ESTABLISHMENT, ENTERTAINMENT: A venue where entertainment, during any one hour or more, becomes the principal use during that time for the business' operations, or such entertainment occurs after 11:00 p.m., with or without dancing, and typically involving a cover or other charge for admission and event advertising. These venues shall not include theaters, bowling alleys, stadiums, arenas, or other separately defined uses.**

ARTICLE 8

HIGHWAY COMMERCIAL DISTRICT - B-2

SECTION 8-1. USE REGULATIONS.

8-1-52 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 8-2. USES REQUIRING A CONDITIONAL USE PERMIT

8-2-4 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 9

CENTRAL BUSINESS DISTRICT - B-1

SECTION 9-1. USE REGULATIONS.

9-1-45 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 9-2. USES REQUIRING A CONDITIONAL USE PERMIT

9-2-8 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 10

COMMERCIAL INDUSTRIAL DISTRICT - CM-1

SECTION 10-1. USE REGULATIONS.

10-1-43 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 10-2. USES REQUIRING A CONDITIONAL USE PERMIT.

10-2-3 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 13

PLANNED DEVELOPMENT

SECTION 13-2. PLANNED COMMERCIAL DISTRICT – PC

13-2-3.16 Entertainment Establishments, located at least 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line.

SECTION 13-2-4 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

13-2-4.5 ~~Nightclubs and dance halls.~~ Entertainment Establishments, located less than 200 feet from a residentially zoned property, as measured from the structure containing the establishment or the off-street parking area to the residential zone property line, and such establishments where the entertainment will be conducted outdoors.

ARTICLE 18

GENERAL PROVISIONS

Section 18-24 Entertainment Establishments

All entertainment establishments must meet the following minimum standards. Failure to maintain compliance shall result in the operation being declared in violation of the Zoning Ordinance. If an establishment desires to deviate from any of these standards, a conditional use permit shall be required.

18-24-1 General Standards

18-24-1.1 All exterior doors and windows must remain closed during operating hours.

18-24-1.2 No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the establishment within a thirty day continuous period; after which private security shall be required in a manner approved by the Chief of Police.

18-24-1.3 **Hours of operation on Sundays through Thursdays shall not occur outside of 8:00 a.m. to 11:00 p.m. and Fridays and Saturdays shall not occur outside of 8:00 a.m. until 2:00 a.m. the following day.**

18-24-1.4 **The business shall comply with with applicable noise and maximum sound level regulations per Chapter 17 of Winchester City Code, as amended.**

0-2013-29

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-380 AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

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

Initiating Department Director's Signature: [Signature] 8/21/13



APPROVED AS TO FORM: [Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: September 4, 2013

Re: **RZ-13-380** AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY

THE ISSUE:

This is a city-initiated rezoning to establish the boundaries of the Berryville Avenue Corridor Enhancement District that was created by City Council in 2005.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: Create a more liveable city for all
City Gateway Beautification as a High Priority Policy Agenda Action for 2013-2014

BACKGROUND:

See attached staff report

BUDGET IMPACT:

This CE overlay zoning will promote the aesthetic character and functionality of major tourist access corridors leading into the local and national Historic Winchester District. It will promote the general welfare of the community by attracting visitors and generating business through heritage tourism-based economic development

OPTIONS:

- Approve rezoning as recommended by Planning Commission
- Deny; leave Berryville Ave without gateway beautification called for in Strategic Plan

RECOMMENDATIONS:

Planning Commission unanimously recommended approval.
City Council reviewed the request in work session on August 27, 2013 and forwarded it for First Reading.

 9-5-13

Council Work session
August 27, 2013

RZ-13-380 AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY.

REQUEST DESCRIPTION

This publicly sponsored rezoning request is to apply the Corridor Enhancement (CE) District to approximately 41.5 acres (part or all of 86 parcels) comprising land along Berryville Avenue, a key tourist entry route connecting to Exit 315 of Interstate 81 and designated as Virginia State Route 7 Corridor. The standards and guidelines for the Berryville Avenue CE Overlay District were unanimously approved by Council on April 12, 2005, and are intended to protect and promote major tourist access routes in the City.

AREA DESCRIPTION

The area of this rezoning begins on the east at the intersection of I-81 and Berryville Avenue and continues westward along both sides of Berryville Avenue to N. Pleasant Valley Road...

The underlying zoning of the affected area is a mix of Highway Commercial, B-2 and Medium Density Residential, MR District. Most of the north side of the corridor east of Dunlap Street and all of the south side of the corridor east of Elm Street is in commercial use. The corridor includes commercial uses along both sides of the corridor at the west end between Pleasant Valley Road and the intersection of Virginia Avenue. The remaining land, mostly along the south side, is zoned MR and is mostly in single-family residential use.

The following table lists the parcels that are to be rezoned and the approximate affected acreage:

Number	Range	Street	Tax Map ID	Affected Acreage	Current Zoning	Proposed Zoning
370		Battle Ave	175-05- -16	0.353	B-2	B-2(CE)
617		National Ave	195-01-A-1A	0.148	MR	MR(CE)
250		N. Pleasant Valley Rd	195-01-A-1B	0.021	MR	MR(CE)
300		N. Pleasant Valley Rd	175-05- -4	0.330	B-2	B-2(CE)
301	-317	N. Pleasant Valley Rd	175-05- -2-3	0.326	B-2	B-2(CE)
340		N. Pleasant Valley Rd	175-05- -A	3.362	B-2	B-2(CE)
702		Virginia Ave	175-04- -9-10	0.519	MR	MR(CE)
603		Woodland Ave	175-02-R-124	0.189	B-2	B-2(CE)
615		Woodland Ave	175-02-R-125	0.170	B-2	B-2(CE)
601		Berryville Ave	195-07-S-133C	0.374	B-2	B-2(CE)
625		Berryville Ave	195-07-S-133D	0.116	B-2	B-2(CE)
645		Berryville Ave	175-02-R-123B	0.207	B-2	B-2(CE)
649		Berryville Ave	175-02-R-123A	0.172	B-2	B-2(CE)
671		Berryville Ave	175-02-A-2	0.176	B-2	B-2(CE)
675		Berryville Ave	175-02-A-3	0.180	MR	MR(CE)
678		Berryville Ave	175-04- -B>A	0.400	MR	MR(CE)
679		Berryville Ave	175-02-A-4	0.156	MR	MR(CE)
680		Berryville Ave	175-04- -7A	0.158	MR	MR(CE)
682		Berryville Ave	175-04- -6	0.130	MR	MR(CE)
683		Berryville Ave	175-02-A-5	0.160	MR	MR(CE)
684		Berryville Ave	175-04- -5	0.160	MR	MR(CE)
687		Berryville Ave	175-02-A-6	0.184	MR	MR(CE)
691		Berryville Ave	175-02-A-7	0.189	MR	MR(CE)

695		Berryville Ave	175-02-A-8-9	0.313	MR	MR(CE)
702		Berryville Ave	175-01- -3	0.183	MR	MR(CE)
703		Berryville Ave	175-02-B-10	0.201	MR	MR(CE)
707		Berryville Ave	175-02-B-11	0.207	MR	MR(CE)
710		Berryville Ave	175-01- -2	0.482	B-2	B-2(CE)
711		Berryville Ave	175-02-B-12	0.212	MR	MR(CE)
712		Berryville Ave	175-01- -1B	0.230	B-2	B-2(CE)
715		Berryville Ave	175-02-B-13	0.200	MR	MR(CE)
719		Berryville Ave	175-02-B-14	0.182	MR	MR(CE)
723		Berryville Ave	175-02-B-15	0.221	MR	MR(CE)
726	-744	Berryville Ave	175-01- -1A	1.693	B-2	B-2(CE)
727		Berryville Ave	175-02-B-16	0.262	MR	MR(CE)
731		Berryville Ave	175-02-B-17	0.174	MR	MR(CE)
735		Berryville Ave	175-02-B-18	0.218	MR	MR(CE)
739		Berryville Ave	175-02-B-19	0.224	MR	MR(CE)
743		Berryville Ave	175-02-B-20	0.206	MR	MR(CE)
747		Berryville Ave	175-02-B-21	0.225	MR	MR(CE)
748		Berryville Ave	175-01- -1C	0.344	B-2	B-2(CE)
800		Berryville Ave	176-07- -1A	0.720	B-2	B-2(CE)
802	-822	Berryville Ave	176-07- -1D (partial)	0.262	B-2	B-2(CE)
803		Berryville Ave	175-02-C-22	0.225	MR	MR(CE)
807		Berryville Ave	175-02-C-23	0.225	MR	MR(CE)
811		Berryville Ave	175-02-C-24	0.223	MR	MR(CE)
815		Berryville Ave	176-04-C-25	0.223	MR	MR(CE)
819		Berryville Ave	176-04-C-26	0.222	MR	MR(CE)
823		Berryville Ave	176-04-C-27	0.222	MR	MR(CE)
826		Berryville Ave	176-07- -1B	0.404	B-2	B-2(CE)
827		Berryville Ave	176-04-C-28	0.223	MR	MR(CE)
828		Berryville Ave	176-07- -1C	0.669	B-2	B-2(CE)
831		Berryville Ave	176-04-C-29	0.221	MR	MR(CE)
835		Berryville Ave	176-04-C-30	0.220	MR	MR(CE)
836	-906	Berryville Ave	176-06- -8	1.730	B-2	B-2(CE)
839		Berryville Ave	176-04-C-31	0.109	MR	MR(CE)
903		Berryville Ave	176-04-D-32	0.220	MR	MR(CE)
907		Berryville Ave	176-04-D-33	0.217	MR	MR(CE)
911		Berryville Ave	176-04-D-34	0.214	MR	MR(CE)
914		Berryville Ave	176-07- -2C	0.651	B-2	B-2(CE)
915		Berryville Ave	176-04-D-35	0.211	MR	MR(CE)
919		Berryville Ave	176-04-D-36	0.208	MR	MR(CE)
923		Berryville Ave	176-04-D-37	0.205	MR	MR(CE)
927		Berryville Ave	176-04-D-38	0.200	MR	MR(CE)
928		Berryville Ave	176-07- -3	1.195	B-2	B-2(CE)
929		Berryville Ave	176-04-D-39	0.195	MR	MR(CE)
943		Berryville Ave	176-04-D- 41>A	0.542	B-2	B-2(CE)
1000		Berryville Ave	176-03- -1	0.502	B-2	B-2(CE)
1003		Berryville Ave	176-04-E-43	0.837	B-2	B-2(CE)
1010		Berryville Ave	176-03- -2	0.729	B-2	B-2(CE)
1019		Berryville Ave	176-04-E-47	0.230	B-2	B-2(CE)
1041		Berryville Ave	196-08-E-3	0.159	B-2	B-2(CE)
1042		Berryville Ave	176-03- -6>A	0.967	B-2	B-2(CE)
1100		Berryville Ave	176-03- -17-1B	0.364	B-2	B-2(CE)
1107		Berryville Ave	196-08-E-2	0.768	B-2	B-2(CE)
1109	-1139	Berryville Ave	196-08-E-A	2.173	B-2	B-2(CE)
1110		Berryville Ave	176-03- -19	0.191	B-2	B-2(CE)
1124		Berryville Ave	176-03- -20>A	0.970	B-2	B-2(CE)
1141		Berryville Ave	196-08-E-8	5.225	B-2	B-2(CE)
1200	-1202	Berryville Ave	177-02- -11	0.370	B-2	B-2(CE)
1208		Berryville Ave	177-02- -13	0.927	B-2	B-2(CE)
1217		Berryville Ave	196-08-E-47	0.510	B-2	B-2(CE)
1327		Berryville Ave	196-11- -1 (partial)	0.047	B-2	B-2(CE)
1333		Berryville Ave	196-11- -4	0.588	B-2	B-2(CE)
1351		Berryville Ave	197-02- -7B (partial)	0.662	B-2	B-2(CE)
1365		Berryville Ave	197-02- -7A	1.338	B-2	B-2(CE)

COMMENTS FROM THE PLANNING DEPARTMENT

The Comprehensive Plan calls for guiding the physical form of development along key tourist entry corridors leading into the City's core historic district by utilizing a combination of standards and guidelines. In 2013, City Council adopted a Strategic Plan which called for City Gateway Beautification in order to partly meet the goal of Creating a More Livable City for All. Another goal in the Strategic Plan is to Continue Revitalization of Historic Old Town. One of the objectives related to that goal is to Enhance Gateways to Historic Old Town. Council has previously approved CE Districts for Valley Avenue, Amherst Street, Cedar Creek Grade, and portions of S. Pleasant Valley Rd and E. Cork Street. Other CE Districts for which standards and guidelines are already adopted, but for which the overlay rezoning has not taken place include: Millwood Avenue, Fairmont Avenue, N. Loudoun Street, and National Avenue. The overlay CE zoning for the northernmost section of Valley Avenue has not been adopted yet either.

THE DISTRICT

Corridor Enhancement Overlay Districts provide guidelines and regulations for building aesthetics and site features; **it does not change the underlying zoning that regulates land use.** Some examples of CE standards include: building orientation, roof treatments, wall treatments, and placement of mechanical units. It guides any proposed exterior changes or new construction on a mixture of commercial and residentially-used land. The attached map depicts the specific boundaries of the district. Booklets outlining the standards and guidelines specific to Berryville Avenue and Valley Avenue are available in the Planning Office as well as on the City's website. There is also a booklet offering a general overview of the CE District provisions citywide.

DEVELOPING THE BOUNDARY

At its work sessions and 2013 Retreat, the Planning Commission carefully studied the characteristics of the Berryville Avenue Corridor which includes: existing physical development, land use, zoning, and view sheds to determine the optimal extents of the district along this corridor. This process included a detailed review of the corridor at two of the Commission's monthly work sessions. Invitations to attend an informational meeting held at the Berryville Avenue Hampton Inn on July 15, 2013 were mailed out on June 27th to the owners of the affected parcels. Invitations were mailed out as well on July 10th to the businesses along the corridor. Approximately 24 attendees came out to review the exhibits during the 3-hour long open house that ran from 5-8pm. No property owners expressed opposition to the overlay district, but numerous comments were received regarding infrastructure improvements and traffic control efforts.

Generally speaking, the proposed CE overlay district is fairly shallow along the south side of Berryville Avenue except where the Eastgate Shopping Center (i.e. Gold's Gym, etc.) has a large expanse of parking between the road and the commercial buildings. Along the north side it generally extends back to the rear of the fronting commercial lots, although it includes the Berryville Square Shopping Center that has a separately platted parking lot parcel out front. Only the front portion of the Apple Valley Square Shopping Center parcel (i.e. where Long John Silvers and the shopping center sign is situated) is included in the district.

CITIZEN COMMENTS

During the July public information session, staff received a couple of inquiries, but nobody expressed either strong support or opposition to the specific overlay zoning request. Four citizens spoke at the Planning Commission public hearing held on August 20, 2013. One homeowner spoke in support of the benefits of CE zoning. Two inquired about what the zoning meant for homeowners. One expressed

unrelated concerns about crime in the area and speed of traffic on Berryville Ave. No Berryville Ave business owners spoke at the public hearing.

RECOMMENDATION

At its August 20, 2013 meeting, the Commission forwarded Rezoning **RZ-13-380** to City Council recommending approval because the request is consistent with the Comprehensive Plan and protects and promotes the aesthetic character and functionality of a major tourist access corridor leading into the designated local (HW) and National Historic Winchester District, and as such, represents good planning practice.

AN ORDINANCE TO REZONE APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, TO BE INCLUDED IN THE CORRIDOR ENHANCEMENT (CE) DISTRICT; SUBJECT PARCELS ARE ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY. **RZ-13-380**

WHEREAS, the Planning Commission resolved at its July 16, 2013 meeting to initiate the rezoning of this land as a publicly sponsored rezoning; and,

WHEREAS, it is in the interest of the City to protect and promote the aesthetic character and functionality of major tourist access corridors leading into the local and national Historic districts; and,

WHEREAS, it is in the interest of the City to promote the general welfare of the community by attracting visitors and generating business through heritage tourism-based economic development and enhance the overall appearance of the City's corridors, while improving access along the corridors through increased walkability and interconnectivity; and,

WHEREAS, the Planning Commission has studied the existing physical development, land use, zoning, topography, and view sheds of the Berryville Avenue Corridor from Pleasant Valley Road to the Eastern City Limits and has identified properties along the Berryville Avenue Corridor from Pleasant Valley Road to the Eastern City Limits that are suitable for inclusion in the Corridor Enhancement District; and,

WHEREAS, the City held a Public Information Meeting on July 15, 2013, pertaining to the proposed Berryville Avenue CE District.

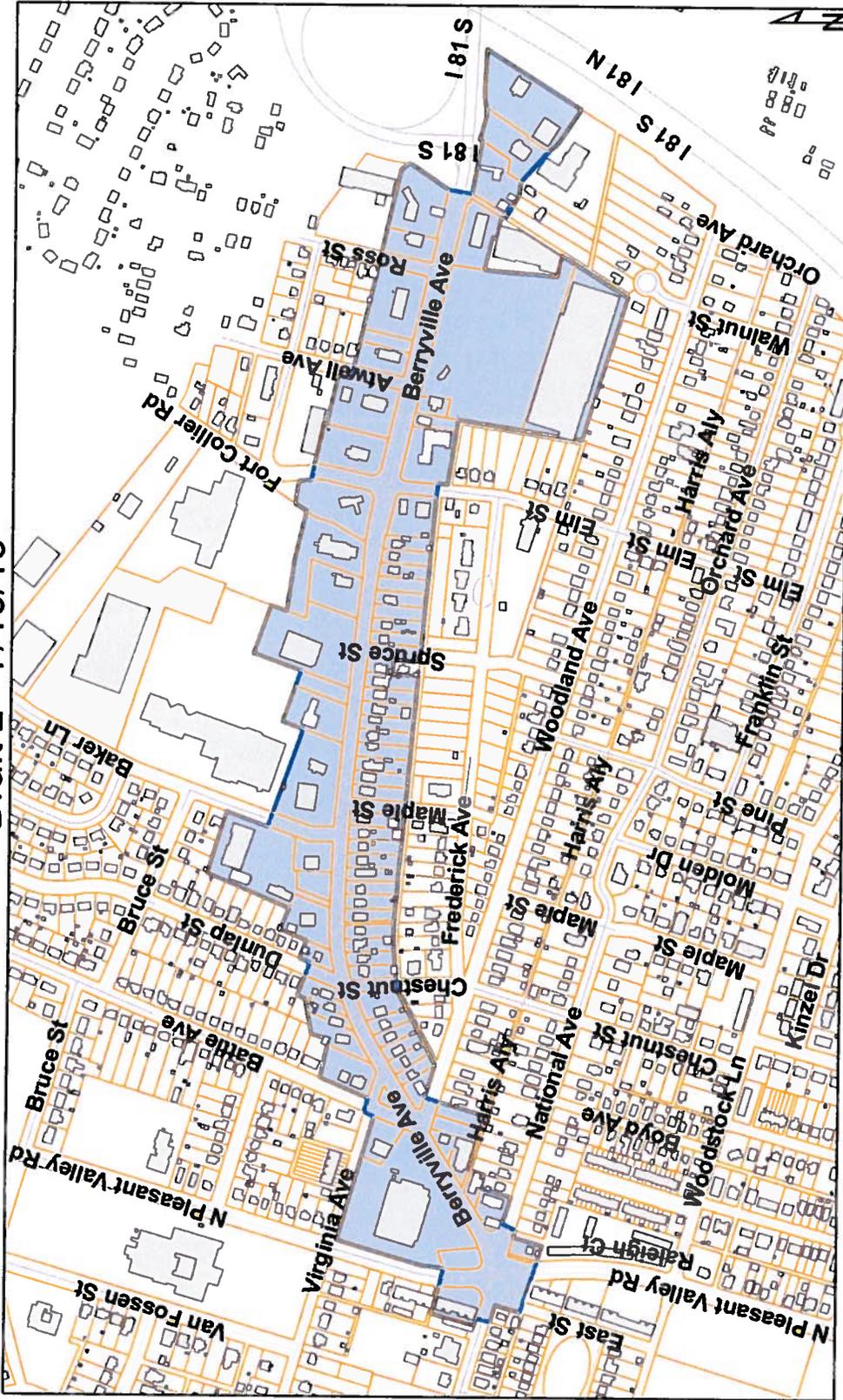
WHEREAS, the Planning Commission forwarded the request to Council on August 20, 2013 recommending approval of the rezoning as depicted on an exhibit entitled "*Proposed Berryville Ave CE District, Draft 2 - 7/16/13*" because the request is generally consistent with the Comprehensive Plan which calls for guiding the physical form of development along key tourist entry corridors leading into the City's core historic district by utilizing a combination of standards and guidelines ; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned to establish Corridor Enhancement (CE) District:

APPROXIMATELY 41.5 ACRES OF LAND CONTAINING APPROXIMATELY 86 PARCELS, EITHER IN FULL OR IN PART, SUBJECT PARCELS BEING ADJACENT TO, OR WITHIN 400 FEET OF, THE BERRYVILLE AVENUE RIGHT-OF-WAY as depicted on an exhibit entitled "*Proposed Berryville Ave CE District, Draft 2 - 7/16/13*"

Proposed Berryville Ave CE District
Draft 2 - 7/16/13



0-2013-30

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/27/13 (work session), CUT OFF DATE: 8/21/13
9/10/13 (1st Reading) 10/8/13 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-13-292 AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (Map Number 231-04-K-8A) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

STAFF RECOMMENDATION:

Approval as proffered

PUBLIC NOTICE AND HEARING:

Public hearing for 10/8/13 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval as proffered.

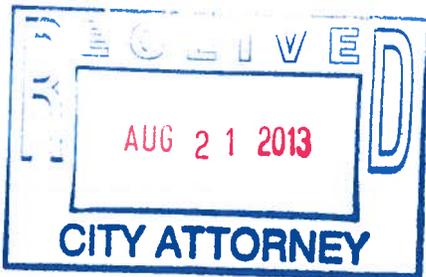
FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

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

Initiating Department Director's Signature: (Planning) [Signature] 8/21/13



APPROVED AS TO FORM:

[Signature] 8/21/2013 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: September 4, 2013
Re: **RZ-13-292** AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (*Map Number 231-04-K-8A*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

THE ISSUE:

Mr. Drew Scallan wishes to conditionally rezone 1.3 acres along the east side of Valley Avenue to B-2 with PUD overlay in order to construct up to 18 apartment units and between 4,567 and 8,049 square feet of commercial use in an existing building known as The Bottling Works (former Coca-Cola Building). The project is depicted on a required Development Plan and 8 proffers have been included in a binding Proffer Statement.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy

Goal 4: Create a more liveable city for all
Vision 2028- Great neighborhoods with a range of housing choices

BACKGROUND:

See attached staff report

BUDGET IMPACT:

This mixed use including new high-quality multifamily development geared to empty nesters and young professionals will generate direct and indirect revenue and create more demand for commercial development.

OPTIONS:

- Approve rezoning as proposed
- Deny; leave existing B-2 in place.

RECOMMENDATIONS:

Planning Commission recommended approval as proffered. City Council reviewed the request in work session on August 27, 2013 and forwarded it for First Reading. Council inquired about ways to ensure that the work is undertaken in a timely manner. In response, the applicant has amended the Proffer Statement to add Proffer #9 committing to a 2 year period to commence work and to estimate completion in 12 months thereafter.



95-13

Council Work Session
August 27, 2013

RZ-13-292 AN ORDINANCE TO REZONE 1.295 ACRES OF LAND AT 1720 VALLEY AVENUE (Map Number 231-04-K-8A) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO B-2 DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) AND CE DISTRICT OVERLAY

REQUEST DESCRIPTION

The request is to establish PUD zoning over the existing B-2 (CE) zoning on the Coca-Cola property along the east side of Valley Avenue. Proffers are included with this rezoning. The applicant is asking for approval of two development options. Option A would consist of 18 apartments and 5,678 square feet of commercial space. Option B would consist of 16 apartments and 8,049 square feet of commercial space. The existing ground floor office and some of the warehouse structure at 1720 Valley Avenue would be converted to retail use and the remainder of the structure (including newly created second story space) would be converted to apartment use known as 'The Bottling Works.' PUD allows for consideration of up to 18 residential units per acre; the proposal is for 16-18 apartment units on 1.295 acres.

The submitted Development Plan dated August 2, 2013 (updated on 8/20/13) depicts the existing structure and 45 on-site parking spaces as well as 14 parallel parking spaces within the adjoining public street rights of way along Roberts Street and Burton Street. Floor plans dated August 2, 2013 submitted as part of the revised application depict eight (8) two-story apartments in the northern warehouse addition, which today is a single-story high bay warehouse space. Four to six additional ground-floor apartments are depicted in the warehouse space to the rear of the proposed retail space and four (4) second story apartments are proposed above the retail space in the southwest part of the building.

AREA DESCRIPTION

The site has its main frontage of about 220 feet along Valley Ave, but it actually fronts on three public streets. It adjoins Burton Avenue for 193 feet to the north, a poorly defined public street within a 40-foot right of way between the Coca-Cola property and the adjoining paint store/apartment building to the north. The site also extends 237 feet along Roberts Street to the east.

The adjoining vacant property to the south at 1726 Valley Ave is zoned B-2 with Corridor Enhancement (CE) District overlay. A used car lot is situated further to the south at the corner of Valley Ave and Bellview Ave.



All of the other land bordering the rezoning tract to the south is zoned Medium Density Residential (MR). Use of the 5 MR lots is single-family detached. Land across Roberts St to the east is zoned High Density Residential (HR) and contains apartment use and single-family use. Land to the north across Burton Ave is zoned B-2 (CE) and contains mixed use consistent with what is proposed with the rezoning request. Land across Valley Ave to the west is zoned MR and contains single-family homes and a couple of apartments.

At 1.295 acres in size, the proposed PUD is considerably below the 5-acre minimum called out in Section 13-1-4.1 of the Zoning Ordinance. Staff advised the applicant to try to work with the owner of the mixed use development at 1650 Valley Ave immediately to the north across Burton Avenue. That property owner (Omni LC) considered the invitation, but subsequently declined. However, the Zoning Ordinance allows for the Planning Commission to recommend and City Council to approve a waiver of the 5-acre minimum when the applicant can show that strict adherence would produce unnecessary hardship and preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

STAFF COMMENTS

In a letter to the Planning Director dated May 31, 2013, Mr. J.A. Scallan, co-owner and applicant (1720 Valley Avenue LLC) explains the proposed rezoning and the proposed mixed use project. The August 2, 2013 version of the Development Plan (updated on 8/20/13) is titled "Conceptual Site Layout Plan, Rezoning Exhibit 'A' " The Project title is 'Proposed Commercial & Apartment Complex, Coca-Cola Plant Renovation'.

Comprehensive Plan Consistency

The comprehensive plan calls for Commerce Center/Corridor reuse incorporating New Urbanism while also protecting significant private architectural resources such as the Coca-Cola plant. In Chapter 4 – Economic Development & Appendices, the Coca-Cola plant is identified as a Key Site to improve/change by citizens participating in Comp Plan public input meetings. In general the Plan advocates the following:

Citywide Design Objective #1:

"Employ New Urbanism Principles in new development and redevelopment."

Citywide Design Objective #2:

"Protect significant public and private architectural and historic resources in the City."

Citywide Housing Objective #6:

"Promote decent affordable housing, particularly to serve targeted populations such as young professionals and retirees."

The proposed upscale industrial loft-styled apartments would serve these targeted populations. The site is also situated in close proximity to a transit stop on the Valley Avenue bus route.

Potential Impacts & Proffers

The applicant submitted voluntary proffers to mitigate potential impacts arising from the rezoning of the property to establish PUD overlay zoning. The Proffer Statement was last revised at the August 20th Planning Commission meeting. Generally, the impacts from this rezoning appear to be positive impacts. It is unlikely that the 16-18 units will create negative impacts in the form of school-aged children requiring public education.

Option A includes 13 two-bedroom units, 2 one-bedroom units with dens, and 3 one-bedroom units for a total of 18 units. Option B includes 12 two-bedroom units, 2 one-bedroom units with dens, and 2 one-bedroom units for a total of 16 units. The applicant notes that the industrial loft apartments will instead appeal to young professionals and empty-nesters.

The Planning Commission did not require a Fiscal Impact Analysis nor a Traffic Impact Analysis which are two studies that can be required by the Planning Commission for a PUD rezoning application per Sections 13-4-2.2k and l of the Zoning Ordinance.

Site Development and Buffering

Buffering has been provided to screen some of the first floor apartments in the building, including the 4 units on the Valley Avenue side of the north warehouse. The applicant is proposing some semi-private patios for two of the four of the apartments that face to the main parking lot at the Roberts St (east) end. Staff has suggested that private patios for all 4 units would be desirable to avoid having headlights shine into the ground floor bedroom windows. Screening has been depicted along the boundary in common with the MR zoned single-family lots along the north side of Bellview Ave to the southeast.

Recreation and Open Space

The applicant is not proposing any recreational amenities. Staff had suggested that the applicant consider providing additional private patios where possible. The applicant has reduced the amount of impervious asphalt and concrete coverage on the site since the proposed mixed use will require many fewer spaces than the previously proposed office use and the obsolete industrial use.

Storm water Management

Storm water management will need addressed, but can be handled during the time of site plan review.

Water & Sewer

Concerns about sewer backups were raised by nearby property owners during the July 16, 2013 Planning Commission public hearing. The City Engineer and Utilities officials investigated these concerns. The sanitary sewer issues are actually connected to a completely separate main than what the Coca-Cola building does and will continue to connect to and won't be affected by an increased sewer flows from that building. The main that serves the properties at 1638 – 1644 Roberts is a 4" cast iron main. City maintenance crews are aware of the issues and as a result, it gets cleaned quarterly. The 6" main in Roberts Street that Coca-Cola is connected to (on the back side of the building) gets routine root maintenance on a three-year cycle, but other than roots, there haven't been issues. The next root cleaning for that main will be in the next year.

Density

The applicant proposes a maximum of 5 one-bedroom units, and 13 two-bedroom units. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 1.29 acres would translate to a maximum of 23 dwelling units. The applicant is proposing a maximum of 18 dwelling units. The actual project density comes out to 13.9 units per acre.

Project Phasing

The applicant has not indicated that there is any proposal to phase in the project as part of the PUD rezoning. It is likely, in the current economy, that some or all of the 5,678 to 8,049 square feet of retail (or other nonresidential use) will remain vacant longer than the apartment use.

Other Issues

Variances from the Board of Zoning Appeals will not need to be approved for the proposed commercial and residential use of the existing nonconforming structure so long as the PUD rezoning is approved by City Council. Variances were previously approved by the BZA for proposed medical and general office use. While the Development Plan does not include a statement detailing covenants, restrictions, and conditions pertaining to the use, maintenance and operation of common spaces, the Proffer Statement does include a proffer to that effect.

Design Quality

The applicant has submitted updated floor plans for this rezoning proposal, and there are proffers addressing design quality. The submitted typical floor plans depict the size and configuration of the various unit types and the location of the retail space. The floor plans show numerous skylights and window walls allowing for natural light into the otherwise windowless corridors and some windowless bedrooms.

Elevations have been provided to ensure that architectural integrity of the historic structure is preserved where applicable, especially on the Valley Avenue elevation. There are proffers ensuring adherence to the submitted elevations. The site is situated within the Valley Ave Corridor Enhancement (CE) District so all exterior modifications will be subject to review and approval of a CE Certificate of Appropriateness. The introduction of doors and windows and the removal of overhead doors will bring the building into greater compliance with the CE standards and guidelines. While building elevations and floor plans are not explicitly required for PUD applications, Section 13-4-2 of the WZO states that the Development Plan shall contain supplementary data for a particular development, as reasonably deemed necessary by the Planning Director.

RECOMMENDATION

Generally, staff feels that the proposal is consistent with many of the broader elements of the City's long-term vision to attract more young professionals and empty-nesters to the City. Staff feels that the use of the PUD provision for this 1.295-acre site is acceptable even though it is considerably less than five acres in size.

At its August 20, 2013 meeting, the Planning Commission forwarded Rezoning **RZ-13-292** to City Council recommending approval subject to the proffers in the Proffer Statement dated August 20, 2013 because the proposed B-2 (CE)(PUD) zoning, supports mixed use and the expansion of housing serving targeted populations as called out in the Comprehensive Plan. The recommendation is based upon adherence with the Development Plan titled Conceptual Site Layout Plan, Rezoning Exhibit 'A' dated August 2, 2013 (with revisions of August 20, 2013) .

The Planning Commission recommends that City Council approve a waiver of the 5-acre minimum per Section 13-1-4.1 of the Zoning Ordinance to allow a 1.295 acre PUD because the applicant has shown

that strict adherence would produce unnecessary hardship that would preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

1720 Valley Avenue LLC
2200 Wisconsin Avenue NW, Suite 100
Washington DC 20007

Planning Dept.
Rouss City Hall
15 North Cameron Street
Winchester VA 22601



May 31st 2013

To whom it may concern,

Please allow this letter to serve as a request to the City Council to allow a Planned Unit Development overlay for 1720 Valley Avenue in the City of Winchester. 1720 Valley Avenue LLC is the owner of the land and buildings that housed the former Coca Cola Bottling Works at that location.

The proposed plan for the Planned Unit Development consists of a retail space fronting on Valley Avenue of approximately 4,600 square feet and eighteen total apartments including 13 two bedroom two bath and 5 one bedroom one bath. The proposed apartments will be true "industrial loft style" units and will make the best possible use of the historic fabric of the existing building.

The plan also includes significant site improvement providing 60 on site parking spaces and 14 street parking spaces and extensive landscaping as part of the improved site plan.

To accomplish this mix of units we respectfully request a Planned Unit Development overlay for the site to allow residential apartments on the first floor and to increase the allowable density of apartments in B-2 zone to the maximum allowable in a PUD of 18 dwelling units per acre.

In line with the comprehensive plan for the City of Winchester this development will "respect the significant historic identity" of the building by maintaining the historically significant façade as a commercial space. Additionally this project will contribute to the comprehensive plan goal of making Winchester a "Community of Choice" by providing a unique residential experience that would appeal to a wide variety of potential renters including young professionals and retirees.

If approved, this plan will transform the existing historic structure into a vibrant exciting place that will contribute greatly not only to the major tourist artery of Valley Avenue but also to the stock of successful adaptive reuse projects in the City of Winchester.

Please feel free to contact our team should you have any further questions.

Yours faithfully,


Mr J. A. Scallan
info@scallanproperties.com
(202) 544-6500 (ext. 700)

The Bottling Works
RZ-13-292
REZONING REQUEST PROFFER
(Conditions for this rezoning request)

Tax Map Number: 231-04-K-8A

Owner: 1720 Valley Avenue LLC

Dated September 4, 2013

Property Information:

The undersigned applicant hereby proffers that in the event the Council of the City of Winchester approves the rezoning of 1.295 acres of land including existing buildings at 1720 valley Avenue from B-2 (Highway Commercial) to B-2 with a Planned Unit Development (PUD) overlay then the development and adaptive reuse of the existing buildings will be completed in conformity with the terms and conditions as set forth below, except to the extent that such terms and conditions may be subsequently revised by the applicant due to constraints and requirements of the Virginia Department of Historic Resources or the United States Department of the Interior. In the event that the rezoning is not granted these proffers shall be deemed withdrawn. These proffers shall be binding on the applicant and their legal successor and assigns.

Improvements

1. The property will be developed and landscaped substantially in conformance with the Development Plan, dated August 2, 2013/revised August 20, 2013 and the Building Plans, dated August 2, 2013. The site will be improved to include parking, storm water management and green space landscaping maintained by a landscape contractor. The Building Plans depict the style and character of the interior spaces.
2. The facades of the existing buildings will be developed substantially in conformance with the submitted Elevations, dated August 2, 2013, that depict the style and character of the design. The development will preserve the historic facades of the original 1940s Coke building while adding fenestration and other surface treatments to the more recent facades to improve their character. These improvements will make the newer facades more compatible with the historic Coke building and the new interior uses. The improvements on the facades include but may not be limited to stucco, glass entry systems, metallic panels, entry canopies and appropriate lighting.
3. The materials and methods used in the adaptive reuse of the existing building will conform to the rigorous standards and practices as described in the United States Secretary of the Interior's Rehabilitation Standards for Historic Buildings.

4. The maximum number of residential units shall be limited to 18. The units will be a mix of 1 bedroom and 2 bedroom units. There will be no 3 bedroom units.
5. The maximum amount of rentable commercial/retail space will be 8,049 Sq. Ft.
6. The residential apartments will be constructed to a high standard of finish and designed to express the industrial style of the building. The units will be loft like spaces with high open ceiling spaces, exposed steel framing, exposed concrete floors and industrial stairs.
7. The interior of the commercial/retail space will meet the standards of the Virginia Department of Historic Resources and the US Department of the Interior to qualify for their Historic Preservation Certification program and will reflect the industrial character of the building.
8. The residential and commercial/retail space will be operated under a set of rules and regulations developed by the Owner to ensure a safe, high quality environment for all tenants. These rules and regulations may be amended by the Owner from time to time at its sole discretion.
9. The construction phase of the project will commence within 24 months of the PUD approval. The construction of the project is estimated to require 12 months.

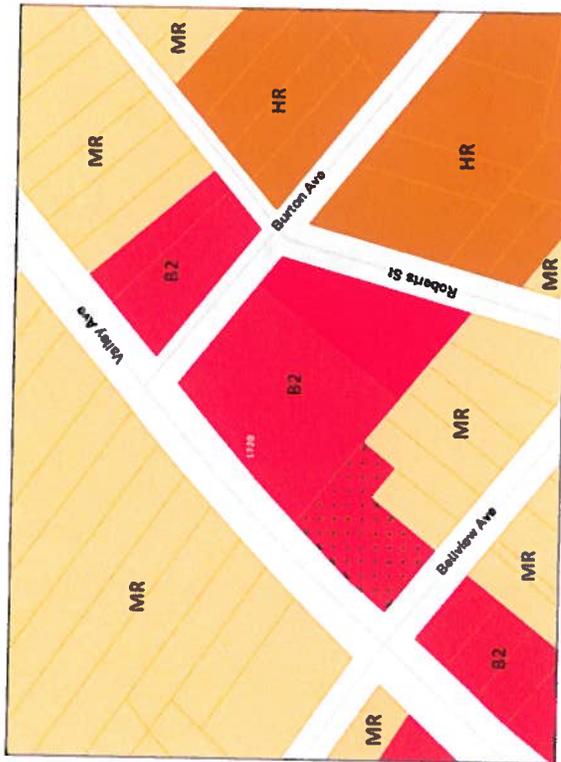
These proffers are offered in conjunction with the Development Plan, dated August 2, 2013/revised August 20, 2013, Building Plans and Building Elevations dated August 2, 2013. If the rezoning is approved by the City Council a full set of construction plans will be developed from these design documents and submitted for review and approval by the appropriate departments of the City of Winchester. If the plans are approved by the reviewing City departments these proffered conditions will apply to the rezoned land and existing buildings and be binding upon the applicant, their successors and assigns.

Applicant:

1720 Valley Avenue LLC
By Mr. John Eichberg
Managing Member

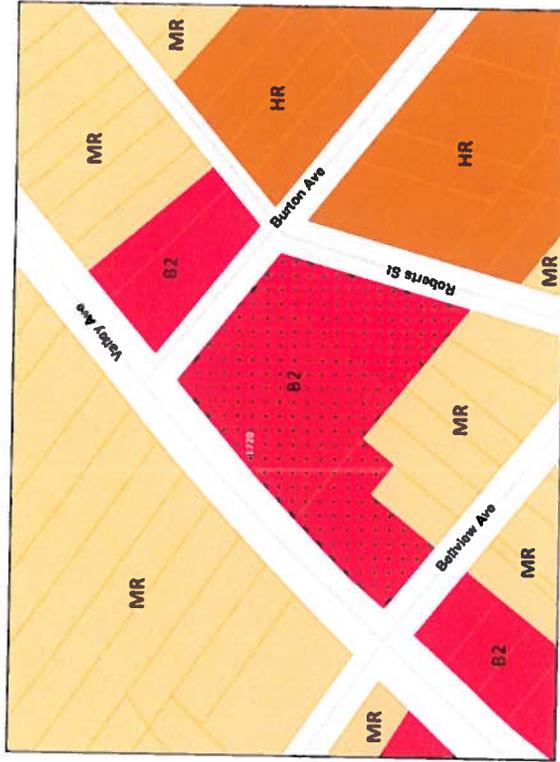
**REZONING EXHIBIT
RZ-13-292**

PREPARED BY WINCHESTER PLANNING DEPARTMENT
AUGUST 20, 2013



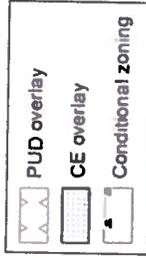
EXISTING

B-2 (part CE) ZONING FOR 1720 VALLEY AVENUE



PROPOSED

CONDITIONAL B-2 (PUD /part CE) ZONING FOR 1720 VALLEY AVENUE



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 9/10/13 (regular meeting), **CUT OFF DATE:** 9/04/13
9/10/13 (first reading) 10/8/13 (second reading/public hearing)

RESOLUTION **ORDINANCE** X **PUBLIC HEARING** X

ITEM TITLE:

TA-13-138 AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT. (Revision to temporary sign provisions and permit requirements)

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing on 10/8/13

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning		_____	<u>9/9/13</u>
2. City Attorney		_____	<u>9/5/2013</u>
3. City Manager		_____	<u>9-5-13</u>
4. Clerk of Council	_____	_____	_____
	_____	_____	_____

Initiating Department Director's Signature: 9/9/13
 (Zoning and Inspections)



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

AMG From: Aaron Grisdale, Director of Zoning and Inspections

Date: September 10, 2013

Re: O-2013-14, Zoning Text Amendment (TA-13-138) – Temporary Signs

THE ISSUE:

The proposed Zoning Ordinance text amendment will modify the existing Zoning Ordinance language pertaining to temporary signs, fees, and penalties.

RELATIONSHIP TO STRATEGIC PLAN:

This text amendment correlates to the 2018 Goal #4 of "Create a More Livable City for All" as well as the policy agenda item of City Gateway Beautification for the major entrance corridors of the City.

BACKGROUND:

Council considered this item during their April 23rd work session, and held a public hearing on June 11, 2013. After hearing concerns from several local entities and businesses during the public hearing, staff held meetings with the Chamber of Commerce, Museum of the Shenandoah Valley, and other interested local businesses. As a result of these meetings and conversations, staff has prepared changes to the proposed text amendment to incorporate some of the concerns and recommendations of these groups.

In the first week of August, staff submitted the revised draft of the zoning text amendment to the Chamber of Commerce. The Chamber provided the updated proposed ordinance with changes to its members, who then provided feedback and comments to staff.

September 3, 2013 - Update

During the Council work sessions on August 20th and 27th this item was discussed with Council. Council provided direction to eliminate the permit requirement, consider an alternate allocation of temporary signage that is proportional to the amount of lot frontage and set a maximum number of temporary signs per property.

This version of the text amendment, Draft 7, includes the aforementioned revisions desired by Council. The temporary sign permit provisions were removed, and an allocation of temporary signs proportional to the amount of frontage on a public street was included. The proposed allocation allows for one temporary sign per 50-feet of public street frontage with a maximum of four signs per property. The previously included maximum size, required setback, and height provisions were maintained from the previous version. Two tables were included in this draft to help make the ordinance easier to read and understand. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the Zoning Ordinance Text Amendment
- Decline to adopt the Zoning Ordinance Text Amendment

RECOMMENDATIONS:

Planning Commission and staff recommend approval.

City Council
September 10, 2013

TA-13-138 AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.

REQUEST DESCRIPTION

This publicly sponsored text amendment is to serve as a refinement of the existing temporary sign ordinances, and provide clearer standards pertaining to size, number, and duration of display for such temporary signs. Additionally, the amendment will provide for a temporary sign permit requirements for some commercial signage as well as shorten the appeal period for sign violations.

STAFF COMMENTS

Presently, the Zoning Ordinance is vague when setting standards for temporary signs throughout the City. Many classifications of signs do not have a maximum size, limit for the number or time duration limitation. This proposed amendment seeks to provide clearer standards for temporary signs, while still allowing flexibility for individuals, groups, and businesses to conduct outside advertising on site.

The major changes include:

- Establishing maximum size, setback requirements, duration limitations, height and allowable number of sign standards for several classifications of signs.
- Creating and modifying definitions of several types of signs to make the Zoning Ordinance easier to interpret for citizens and business owners.
- Creation of a requirement for a temporary sign permit for several classifications of temporary commercial signs.
- Shortening the appeal period for temporary sign violations from 30 days to 10 days.
- Clarify standards for electronic message board signs, specifically as to the frequency of message changes.

As the Zoning Ordinance is currently constituted, enforcement of temporary signs is time and labor intensive. Absent a temporary sign permit requirement, there is no staff check or review on proposed temporary signage or trigger to initiate conversations between a business owner and staff to discuss regulations. When staff does identify a sign violation, the current appeal period of thirty (30) days results in a significant lag between notice of violation and resolution; with a shortened appeal period of ten (10) days, staff can more quickly initiate other enforcement measures such as civil penalties or court action, if needed. The changes proposed within the amendment will allow for expedited enforcement of such violations.

As part of City Council's Strategic Plan, the "Vision 2028" includes the establishment of Winchester as "a Beautiful, Historic City and a Hometown for Families." Having clear sign standards is important for the creation of a beautiful City, by creating harmonious neighborhoods and proportional sign standards. Furthermore, the Winchester Comprehensive Plan calls for Winchester to be a "Community of Choice" and reducing sign clutter and improving the overall appearance of the community can contribute towards that goal.

Lastly, the proposed amendment will benefit businesses by continuing to allow for a variety of options and flexibility for conducting as needed temporary advertisements, thus resulting in a growing economy.

UPDATE For Council Work Session 8/20/13:

City Staff has had discussions with several businesses and organizations including the Chamber of Commerce regarding this temporary sign ordinance. As a result of the concerns that were voiced during Council's public hearing as well as the questions and concerns brought up during these other discussions, staff has proposed a few revisions to this text amendment. Earlier in August, staff provided a copy of the updated zoning text amendment to the Chamber of Commerce to solicit comments and feedback from the revisions. Staff believes that this draft of the text amendment balances the input received from the local community as well as the steps needed to bring the City's Zoning Ordinance closer in line with Council's Strategic Plan. Specifically the changes include:

- A change to exempt government signs from the requirements of the sign ordinance; such signs include but are not limited to street signs, highway markers, and traffic control devices. (Section 18-8-2.4)
- Adding language to ensure that political campaign signs are only installed on private property with the consent of the property owner. (Section 18-8-12.2c)
- Adding language to special event signs to allow for them to be located on public property with approval of the City Manager or his designee. This was to ensure there is no conflict with special event signs that may be placed on the public right-of-way along the Loudoun Street Mall with special approval. (Section 18-8-12.2e)
- A change to signs for outdoor sales of merchandise to allow for a temporary sign for outside vendors and outdoor display of merchandise associated with a permit on the Loudoun Street Mall. (Section 18-8-12.2f)
- Allowing for a temporary "OPEN" business flag sign affixed to the building. Such signs may not exceed 15 square feet. (Section 18-8-12.2i)
- Adding language to allow for development banners to be affixed to poles inside of a commercial shopping center or medical campus, provided such signs do not exceed 6 square feet. (Section 18-8-12.2j)
- Adding clarifying language that incidental price or advertising signs, such as the small signs on the top of a fuel pump or a price sign on a vehicle or other merchandise does not require a sign permit. (Section 18-8-12.2k)
- A change to the allocation of portable signs on a property from one sign per street frontage to one sign per business; with the caveat that no more than two signs be located within 100-feet of each other within the limits of the development, similar to the current regulations for permanent directional signs. This change will allow greater flexibility on larger parcels that contain numerous business tenants. (Section 18-8-12.3c)
- Increasing the number of temporary sign permits that can be issued per year from three to four; and changing the allocation from permits per property, to permits per business/tenant. (Section 18-8-12.3)
- Adding a classification of signs for regional tourism destinations. This will allow for unique properties that serve as a regional draw for tourists, such as the Museum of Shenandoah Valley and the Winchester Frederick County Visitor Center, to display advertisements for special events/displays. (Section 18-8-12.3e)

- Clarifying the definition of a “Portable Price or Advertising Sign” to eliminate the inclusion of portable flag signs, since they are already prohibited elsewhere in the Ordinance. (Section 18-8-18.17)
- Clarifying the definition of “Temporary Sales Sign” for special temporary permitted sales events such as fireworks or Christmas tree sales; and clarifying that these signs do not include the temporary signs in the Primary and Secondary Assessment districts. (Section 18-8-18.19)
- Changing the proposed temporary sign permit fee from \$40 to \$25 per permit. (Section 23-8-12)

Update For Council Meeting 9/3/13:

During the Council work sessions on August 20th and 27th this item was discussed with Council. Council provided direction to eliminate the permit requirement, consider an alternate allocation of temporary signage that is proportional to the amount of lot frontage and set a maximum number of temporary signs per property.

This version of the text amendment, Draft 7, includes the aforementioned revisions desired by Council. The temporary sign permit provisions were removed, and an allocation of temporary signs proportional to the amount of frontage on a public street was included. The proposed allocation allows for one temporary sign per 50-feet of public street frontage with a maximum of four signs per property. If a property has multiple street frontages then each frontage will be included in the calculation. If a property does not meet the required 50-foot frontage requirement, they will be permitted to have one temporary sign.

The previously included maximum size, required setback, and height provisions were maintained from the previous version. Two tables were included in this draft to help make the ordinance easier to read and understand. Lastly, a provision was included to keep minimum spacing on site. The proposed spacing requirement is tied to the speed limit of the street that the property fronts upon. If the posted speed limit is 25 miles per hour or less, the spacing required will be 50-feet. For streets with a higher travel speed and higher speed limit the spacing requirement will be increased to 75-feet.

RECOMMENDATION

During their April 16, 2013 meeting, the Planning Commission unanimously recommended approval and adoption of this text amendment because it represents good planning practice by providing for reasonable standards for temporary signs while allowing flexibility for citizens and businesses to conduct temporary advertisements and announcements.

RESOLUTION ADOPTING AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.

TA-13-138

WHEREAS, the Code of Virginia provides that one of the purposes of a Zoning Ordinance is to facilitate the creation of a convenient, attractive and harmonious community; and

WHEREAS, the Zoning Ordinance sign provisions have been established in order to ensure that signs are appropriate to the land, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose; and,

WHEREAS, the proposed Ordinance amendments will provide clearer established parameters for the size, location, and duration of display for temporary signs; and,

WHEREAS, in order to facilitate a dynamic and thriving community, uniform sign standards will allow for flexible opportunities for businesses, individuals, and other entities to communicate with the community.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester hereby adopts the following text amendment, which shall become effective ninety (90) days following the date of adoption:

AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, 23, AND 14.2 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT.

TA-13-138

DRAFT 7 – 9/3/13

*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.*

WINCHESTER ZONING ORDINANCE

ARTICLE 18

SECTION 18-8. SIGNS.

- 18-8-1 INTENT. The intent of this Article is to establish limitations on signs in order to ~~ensure~~ **insure** that they are appropriate to the land, building, or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose. Any widespread display of outdoor advertising is considered inappropriate to the character and sound development of the City, and it is intended by this Article that the streets and highways in the City shall not be made available for such display.
- 18-8-2 PERMIT REQUIRED. A sign permit shall be required before a sign is erected, altered, or relocated, except as otherwise provided herein.
- 18-8-2.1 Applications. Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of illumination, method of fastening such sign; the name and address of the sign owner and of the sign erector. Fees for sign permits shall be in accordance with the schedule of fees for building permits as adopted by the City Council. A sign permit shall become null and void if the work for which the permit was issued has not been completed with a period of six (6) months after the date of issuance of the permit.
- 18-8-2.2 Permit Exceptions. A permit shall not be required for the following; but such signs shall be subject to any and all applicable provisions of this Ordinance:
- Any **permanent** sign four (4) square feet or less in area.
 - Repainting without changing wording, composition, or color, or minor nonstructural repairs.
 - Changing the wording ~~or face of~~ a sign that was erected in accordance with the provisions of this Article.
 - Temporary signs and signs painted on or hung behind windows as permitted in all districts under Section 18-8-12, **except as provided in this Ordinance.** (10/09/01, Case No. TA-01-05)
 - Signs indicating the location of a community garden or market garden, provided that such signs shall not exceed four (4) square feet in area and

Deleted: The Zoning Administrator shall promulgate an application form for applicants to comply with this subsection. A complete temporary sign permit application submitted to the Zoning Administrator shall be decided upon no later than ten (10) business days following submission.

Deleted: provided in Section 18-9-12.2.

shall not exceed six (6) feet in height. Such signs may include information, identification, and sponsorship reference. (10/12/10, Case TA-10-418, Ord. No. 2010-51)

18-8-2.3 **Unless otherwise provided for within this Ordinance, all signs, temporary or permanent, shall be set back from the front property line by a minimum of five (5) feet, except within the B-1 and RB-1 districts.**

18-8-2.4 **The requirements of this section shall not apply to any permanent or temporary signs issued or installed by the state, local government, any political subdivision thereof, or the employees or agents of such entities.**

18-8-11 SIGNS PERMITTED IN THE HW DISTRICT. No ~~permanent~~ sign shall be erected or altered in the Historic Winchester (HW) District until a Certificate of Appropriateness has been issued by the Zoning Administrator or Board of Architectural Review, unless otherwise provided in this Ordinance. These signs are subject to the provisions of Article 14 and design guidelines as may be adopted by the Board of Architectural Review. Signage shall not be internally illuminated. Roof mounted signs, banners, and pennants are prohibited, with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section. (9/11/01, Case TA-01-02, Ord. No. 029-2001; 3/8/05, TA-04-08, Ord. No. 007-2005)

18-8-11.1 **SIGNS PERMITTED IN THE CE DISTRICTS. No sign shall be erected or altered in one of the Corridor Enhancement (CE) Districts until a Certificate of Appropriateness has been issued by the Planning Department, unless otherwise provided in this Ordinance, and which Certificate of Appropriateness shall be issued upon conformity with all the provisions and design criteria of Article 14.2 of this Ordinance.**

18-8-12 SIGNS PERMITTED IN ALL DISTRICTS. The following signs shall be permitted in all districts. ~~Unless otherwise indicated, Temporary Signs and signs painted on or hung behind windows shall not require a sign permit.~~ The area of any sign shall not be included in computing the aggregate sign areas specified for individual districts. (9/11/01, Case TA-01-02, Ord. No. 029-2001)

18-8-12.1 Temporary Signs, which shall be non-illuminated, and are limited to the following types:

18-8-12.2 **The following temporary signs may be installed by-right without fee or Certificate of Appropriateness, provided the sign is installed in accordance with the size, location, and duration standards outlined in this section. No setback from property lines shall be required for any signs permitted in this section:**

Deleted: a temporary sign permit.

- a. Construction Signs, ~~which identify the architects, engineers, contractors and other individuals or firms involved with the construction.~~ One sign per

individual or firm involved with construction is permitted, and each sign shall not exceed four (4) square feet in area for a single family residential project and sixteen (16) square feet for any other project, and shall be removed immediately following the completion of the project.

- b. Real Estate Signs, advertising the sale, rental, or lease of the premises, or part of the premises on which the signs are displayed. Signs shall not exceed four (4) square feet in area on residential properties or sixteen (16) square feet for non-residential properties and shall be removed immediately after sale, lease or rental. One sign per street frontage is permitted. On properties two (2) acres or larger, residential signs may be up to twelve (12) square feet and non-residential signs may be up to a maximum of thirty-two (32) square feet.
- c. Political Campaign Signs, announcing the candidates seeking public political office and other data pertinent thereto. These signs shall be confined within private property, erected only with the consent of the owner of the private property, and removed within fourteen (14) days after the event for which they were made.
- d. Street Banners, advertising a public entertainment or event, if specifically approved by the City Council and only for locations designated by the City Council, during and for fourteen (14) days before and after the event for which they were made.
- e. Signs advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show, or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious, or charitable cause: provided that all such signs shall be removed within five (5) days after the last day of the event to which they pertain. Such signs may be installed in the public right-of-way only upon approval by the City Manager or his designee.
- g-f. Signs advertising storage of materials and supplies or display of merchandise for sale or rent shall be permitted but shall not be visible from off-site, except for one temporary sign up to twelve (12) square feet may be used as part of an outdoor vendor or outdoor display of merchandise permit as provided for in Section 18-7 of this Ordinance. (10/17/95, Case TA-95-04, Ord. No. 053-95)
- g. Signs advertising an on-site yard sale. One such sign may be placed upon the property for which the yard sale is taking place and may be up to a maximum of eight (8) square feet. Such signs may be placed on site three (3) days before the sale, and must be removed upon completion of the sale.
- h. Non-commercial Signs. One such sign may be placed upon a property. If a residential property contains more than one unit, one sign per residential unit is permitted. Such signs shall not exceed twelve (12) square feet, have a height of not greater than four (4) feet, and must be freestanding and not affixed to a wall, fence, structure, vehicle, or landscaping.

- i. **Open Business Sign. One such flag sign not to exceed fifteen (15) square feet may be affixed to the building that bears the word "OPEN" or other words depicting the nature of the business. Should the flag contain any corporate logo or text, the sign will not meet this definition. Such signs may only be on display during the operational hours of the business.**
- j. **Development Banner. Banners identifying the name or simple announcement of a commercial center, medical campus, or similar development, provided that such signs do not exceed six (6) square feet and are securely affixed to a building or pole on private property.**
- k. **Incidental Price and Advertising Signs, any temporary advertising sign less than two (2) square feet in area. One such sign may be affixed to the product being advertised. For service establishments, a maximum of one sign may be affixed to a gasoline or petroleum fuel pump.**

Table 18-8-12.2

Sign Type	Maximum	Height	Quantity
Construction Signs	See Section 18-8-12.2a	None	1 per individual/firm
Real Estate Signs	See Section 18-8-12.2b	None	1 per street frontage
Political Campaign Signs	None	None	None
Street Banners	None	None	None
Civic/Fraternal/Charitable Event Sign	None	None	None
Signs Advertising Storage/Display of Merchandise	None	None	None
Yard Sale	8 SF	None	None
Non-commercial Signs	12 SF	4 feet	1 per residential unit
Open Business Sign	15 SF	None	1 per business
Development Banner	6 SF	None	None
Incidental Price or Advertising Sign	2 SF	None	None

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18-8-12.3

The following commercial temporary signs shall be permitted in the in the RB-1, RO-1, B-1, B-2, M-1, M-2, CM-1, and PC districts. The number of permitted signs shall be directly proportional to the amount of public street frontage for that property. If a property has multiple public street frontages, each frontage shall be included in the sign calculation. Unless otherwise provided, one (1) temporary sign may be installed per fifty (50) linear feet of public street frontage, with a maximum of four (4) temporary signs per property. Each permitted temporary sign may be up to a maximum of sixteen (16) square feet in size and four (4) feet in height unless affixed to the face of a building. For properties that do not meet the fifty (50) linear foot requirement for a temporary sign, one temporary sign meeting the aforementioned

Deleted: ~~require approval of a temporary sign permit and payment of applicable fee per Section 23-8 of this Ordinance prior to placement on a property. No more than three temporary sign permits shall be issued per property during a twelve (12) month period~~

requirements shall be permitted. If the property frontage(s) allows for multiple temporary signs, then no two temporary signs shall be located within fifty (50) feet of each other for properties fronting on a street with a speed limit of twenty-five (25) miles per hour or less, and a distance of seventy-five (75) feet for properties fronting on a street with a speed limit of greater than twenty-five (25) miles per hour,

- a. ~~Temporary banner advertising signs.~~
- b. ~~Temporary Business Identification Signs during review and approval of a permanent building-mounted or freestanding sign. Such signs must be affixed to the face of a building or an existing freestanding sign structure and be on display no longer than forty-five (45) days and are limited to one sign per business.~~
- c. ~~Portable price or advertising signs. Such signs shall be permitted to be on display a maximum of thirty (30) days, except for signs permitted in the Primary and Secondary Downtown Assessment Districts permitted under Section 18-7.~~
- d. ~~Temporary sales signs, as defined in Section 18-8-18.19 provided that no more than two (2) such signs are on display and having a height of no more than four (4) feet. Such signs shall be on display for no longer than the approved temporary event.~~
- e. ~~Regional Tourism Signs. Two signs may be placed on properties containing a regional tourism destination for the purpose of making public announcements, advertising special exhibits, events, or similar advertisements. Such signs shall be exempt from the requirements of Article 14.2, and each sign may be on display no longer than thirty (30) days and no larger than twenty-five (25) square feet. For the purposes of this section a regional tourism destination shall mean a property larger than three (3) acres that routinely provides information and/or exhibits for tourists and the general public.~~

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Deleted: Signs advertising grand openings, special sales or similar promotional events

Deleted: , shall be permitted in RB-1, B-1, B-2, M-1, M-2, CM-1, and PC districts, provided that such signs are on display for no more than ten (10) days per month. One sign may be permitted per business or tenant, and each sign shall not exceed sixteen (16) square feet in area. Such signs shall not have a height greater than four (4) feet unless affixed to a permanent building or freestanding sign structure. A temporary sign permit shall be required.

Deleted: A maximum of one (1) sign is permitted per business. The sign shall not exceed sixteen (16) square feet in area, and may be permitted to be on display for a maximum of forty-five (45) days. The maximum height for such signs shall be four (4) feet, unless the sign is attached to a building or freestanding sign pole.

Deleted: shall be permitted in the RB-1, B-1, B-2, CM-1, M-1, and M-2 districts, not exceeding an area of sixteen (16) square feet, four (4) feet in height, and limited to one (1) for each street the property fronts upon.

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Table 18-8-12.3

Temporary Banner Signs	16 SF	4 feet	See Section 18-8-12.3
Temporary Business Identification Signs	16 SF	Must be affixed to a building	1 per business
Portable Price or Advertising Signs	16 SF	4 feet	See Section 18-8-12.3
Temporary Sales Signs	16 SF	4 feet	2 per approved temporary sale event
Regional Tourism Signs	25 SF	4 feet	2

18-8-12.2 **18-8-12.4** Permanent Signs.

- a. Directional Signs, as defined, provided each sign does not exceed ten (10) square feet in area nor four (4) feet in height. No more than two (2)

signs shall be permitted within one hundred (100) feet of each other within the limits of the development except signs required by a public authority for recognized traffic management needs. For commercial centers greater than fifty thousand square feet in floor area and Higher Education (HE-1) District uses, additional directional freestanding signs not exceeding thirty (30) square feet in area and six (6) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. For Medical Center (MC) District uses, additional directional freestanding signs not exceeding seventy two (72) square feet in area and ten (10) feet in height shall be permitted within off-street parking areas when such signs provide directional assistance for multiple destinations. A sign permit shall be required. Such additional signs shall be limited to a single unifying logo representative of the development and text on a solid color background and shall be oriented so as to limit primary viewing to persons already on site and not to persons traveling on public and/or private streets provided in lieu of public streets. (1/9/97, Case TA-97-11, Ord. No. 034-097; 6/9/98, TA-98-02, Ord. No 016-98; 9-9-08 Case TA-08-06, Ord. No. 2008-39)

- b. Wall or freestanding signs, not exceeding a total of fifty (50) square feet in area nor eight (8) feet in height and not internally illuminated, for the identification of a subdivision or Planned Development or one freestanding sign not exceeding fifty (50) square feet in area nor eight (8) feet in height and not internally illuminated for the identification of an apartment complex containing at least 50 apartment units and covering at least three (3) acres of ground, if located at an entrance to said subdivision, Planned Development or apartment complex. If a said apartment complex fronts upon more than one public street, then one additional freestanding identification sign not exceeding twenty-five (25) square feet in area shall be allowed at a separate entrance. (3/11/97, Case TA-96-08, Ord. No. 007-97; 9/11/01, Case No. TA-01-02, Ord. No. 029-2001)
- c. Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- d. Institutional signs setting forth the name or any simple announcement for any public, charitable, educational, or religious institute, located entirely within the premises of that institution. Freestanding signs shall not exceed twenty-five (25) square feet in area.
- e. Signs painted on or hung behind windows.
- f. Menu boards shall be permitted in the B-1, B-2, CM-1, M-1, and PC districts for drive-through establishments provided such signs shall be designed and oriented so as to limit primary viewing to persons using drive through facilities and menus shall be displayed only on the drive through standing space side. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- g. Community Signs, after a finding that such signs are consistent with the provisions of Sections 18-2-1.1a and b of this Ordinance. The intent of this

section is to permit a limited number of signs at the entryways to the community where multiple noncommercial messages are presented in a planned, orderly manner. Such signs shall not exceed 15 feet in height nor 150 square feet in sign area. No signs permitted under this section shall be more than 1,500 feet from the nearest exit ramp and no two signs shall be within 500 feet of each other. A sign permit shall be required. (10/8/96, Case TA-96-06, Ord. No. 026-96)

- 18-8-13 SIGNS PROHIBITED IN ALL DISTRICTS. The following types of signs are prohibited in all districts:
- 18-8-13.1 Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
- 18-8-13.2 Any sign within the triangular area at the street corner of a corner lot described in Section 18-12 of this Ordinance.
- 18-8-13.3 Any sign that consists of strings of light bulbs or illumination devices such as LEDs.
- 18-8-13.4 Any sign or device, other than pennants or banners whether or not any such device has written message content, of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere, including but not limited to pennants, propellers, discs, and similar devices. This shall not apply to the hand of a clock or a weather vane, flags of a national, state or local government, or signs in Section 18-8-12.2i.
- 18-8-13.5 Any sign, except official notices and advertisements, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public property of any description.
- 18-8-13.6 Outdoor advertising signs.
- 18-8-13.7 Moored balloons, inflatable signs, or other floating signs that are tethered to the ground.
- 18-8-13.8 Any sign with a minimum clearance of less than eight (8) feet above a walkway or sidewalk or less than fifteen (15) feet above a driveway or alley. (7/10/90, Case TA-90-04, Ord. No. 026-90)
- 18-8-14 ILLUMINATION.
- 18-8-14.1 The light from any illuminated sign shall not cause direct glare into or upon any building or property owner other than the building or property to which the sign may be related.
- 18-8-14.2 No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alternating on not less than five (5) second cycle when such time or temperature sign does not constitute a public hazard, in the judgment of the Zoning Administrator.
- 18-8-14.3 Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- 18-8-14.4 Signs for developments in the Highway Commercial, B-2 District that include multifamily units, per Section 8-2-20, shall not utilize any internal illumination.

External illumination, if any, shall be provided in a down-cast manner or shielded to prevent direct lighting of windows in multifamily units. (9/13/05, Case TA-05-02, Ord. No. 025-2005)

18-8-14.4 **Electronic Message Board Signs shall not change message with a greater frequency than once every sixty (60) seconds in order to prevent traffic hazards to operators of motor vehicles on public thoroughfares, with exception of time or temperature changes per Section 18-8-14.2.**

18-8-18 DEFINITIONS.

- 18-8-18.1 **Area of Sign**. The entire area within a circle, triangle, parallelogram, or trapezoids including the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On double-faced signs, only one (1) display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two (2) feet from one another.
- 18-8-18.2 **Maintenance**. The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner or the reprinting of existing copy without changing the wording.
- 18-8-18.3 **Outdoor Advertising Sign**. A freestanding or building mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or services upon the sign, except signs permitted off-premises for Commercial Centers, as defined and except for directional signs per Section 18-8-18.11. Such signs may also be referred to as billboards or poster panels. (1/9/97, Case TA-97-11, Ord. No. 034-097)
- 18-8-18.4 **Projecting Signs**. A sign attached to and perpendicular to the building wall.
- 18-8-18.5 **Sign**. Any structure, display device, or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and painted, printed, constructed, and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem, or insignia of a government, school, or religious group when displayed for official purposes.
- 18-8-18.6 **Temporary Sign**. A banner, ~~pennant~~, poster, or advertising display constructed of cloth, plastic sheet, cardboard, wallboard, or other like materials, intended to be displayed for a limited period of time, and not permanently attached to a building, ~~or the ground, or other structure.~~ **Only temporary signs provided in Section 18-8-12.2 may be constructed utilizing wood materials and may be securely affixed to the ground to prevent being set in motion by the atmosphere.**
- 18-8-18.7 **Wall Sign**. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

- 18-8-18.8 Roof Line. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. Where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on which the sign is located. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- 18-8-18.9 Roof Sign. A sign erected on the roof of a building. Roof signs shall not project above the roof line. (3/8/94, Case TA-93-09, Ord. No. 005-94)
- 18-8-18.10 Community Sign. A sign identifying the community and/or recognized historic and/or cultural resources therein provided such signs are situated within or visible from major tourism corridors directly connecting from limited access highways. Signs may include uniformly sized and shaped emblems, logos, insignias or simple nameplates of any civic, fraternal, charitable or religious organization based in the community. (10/8/96, Case TA-96-06, Ord. No. 026-96)
- 18-8-18.11 Directional Sign. A wall or freestanding sign in or primarily oriented toward a parking lot to identify entrances, exits, and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot. In cases where a property owner agrees to close an existing driveway connecting directly to a street to permit shared access per Section 18-6-3.6 of this Ordinance or where an off-premises entrance from the public street in lieu of a direct connection is recommended by a public authority, one (1) off- premises directional sign bearing the name or simple logo of the commercial activity shall be permitted at the connection to the street. (1/9/97, Case TA-97-11, Ord. No. 034-097)
- 18-8-18.12** **Inflatable Sign. A sign capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.**
- 18-8-18.13** **Monument Sign. A freestanding sign permanently installed on the property. The base of a monument sign is as wide as or wider than the main sign face. A monument sign is built on-grade in such a manner that the sign and the structure are an integral part of one another.**
- 18-8-18.14** **Electronic message board sign. A sign displaying characters or images that move or change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates technology to allow the sign face to change the image, such as any display that incorporates LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.**
- 18-8-18.15** **Construction Sign. A sign depicting the name or logo of a contractor, engineer, architect, or other individual or business that is involved with a construction, renovation, or demolition project.**

- 18-8-18.16** **Real Estate Sign. A sign advertising the sale, lease, or rent of the property upon which the sign is located.**
- 18-8-18.17** **Portable Price or Advertising Sign. A sign that is not permanently affixed to the ground, building or a structure, designed to be on display for a limited period of time. Such signs include sandwich board signs, moveable chalkboard signs, and other signs of a similar nature. These signs shall not include any signs provided under Section 18-8-12.2.**
- 18-8-18.18** **Yard Sale Sign. A sign advertising a yard sale, garage sale, estate auction, or similar private sale of personal property and located upon the property where such sale is occurring.**
- 18-8-18.19** **Temporary Sales Sign. A temporary sign advertising a temporary sales event as permitted by the Administrator, such as Christmas trees, fireworks, or similar sales event placed upon the property where such event is occurring. Such signs shall not include portable signs permitted in the Primary or Secondary Assessment districts, nor events sponsored by the Old Town Development Board or City of Winchester.**
- 18-8-18.20** **Non-commercial Sign. A sign utilized for a non-commercial purpose. Such signs shall not include real estate, construction, or yard sale signs.**

Deleted: Event

SECTION 18-19. HOME OCCUPATIONS. (10/11/83, Case 83-06, Ord. No. 034-83)

- 18-19-5** A yard sale shall be considered a permitted home occupation, subject to the following:
- 18-19-5.2** Each yard sale may be held a maximum of two consecutive days, and only during the hours of 8:00 a.m. to 6:00 p.m. ~~One two (2) square foot on premises sign advertising the yard sale may be displayed during the hours of 8:00 a.m. to 6:00 p.m. on the day(s) of the sale.~~ (3/8/94, Case TA-94-01, Ord. No. 006-94)

**ARTICLE 21
VIOLATION AND PENALTY**

- 21-2-2** **The appeal period for violations of this Ordinance pertaining to the following uses shall be ten (10) days, pursuant to §15.2-2286:**
 - a. Any violation of Sections 18-8-12.1 through 18-8-12.3, pertaining to temporary signs.**
 - b. Any violation of Sections 18-9-5 through 18-9-5.4, pertaining to yard sales.**
 - c. Any violation of Section 18-12, pertaining to visual obstructions.**

- d. Any violation of Section 18-17, pertaining to mobile storage units and temporary events.

ARTICLE 14.2
CORRIDOR ENHANCEMENT DISTRICT – CE

14.2-6 AMHERST STREET, CEDAR CREEK GRADE, AND PLEASANT VALLEY RD/CORK STREET CORRIDORS

- 14.2-6.6 Signs
- 14.2-6.6a Roof mounted, portable, and temporary signs, as well as banners and pennants are prohibited, with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.

14.2-7 BERRYVILLE AVENUE AND VALLEY AVENUE CORRIDORS

- 14.2-7.6 Signs
- 14.2-7.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.

14.2-8 FAIRMONT AVENUE, MILLWOOD AVENUE, AND NORTH LOUDOUN STREET CORRIDORS

- 14.2-8.6 Signs
- 14.2-8.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.

14.2-9 NATIONAL AVENUE CORRIDOR

- 14.2-9.6 Signs
- 14.2-9.6a Roof mounted signs, banners, and pennants are prohibited, portable and temporary signs should not be used, with the exception that one sign provided in Section 18-8-12.2 may be installed per property in accordance with the provisions of that Section.

Deleted: SECTION 23-8. FEES. (10/13/99, Case TA-99-04, Ord. No. 029-99; 10/9/02, Case TA-02-07, Ord. No. 024-2002)¶
 23-8-12 Portable and temporary sign or sign when no \$40¶ building permit is required ¶ (12/13/94, Case TA-94-10, Ord. No. 029-94) ¶ (10/8/02, Case TA-02-07, Ord. No. 024-2002)¶

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 20, 2013 **CUT OFF DATE:** _____

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Proposed Street Maintenance Master Plan
STAFF RECOMMENDATION: Approval of resolution.
PUBLIC NOTICE AND HEARING: NA
ADVISORY BOARD RECOMMENDATION: NA
FUNDING DATA: See attached.
INSURANCE: NA

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance	B		8/12/13
2. City Attorney	AV		8/14/2013
3. City Manager	<i>[Signature]</i>		8-15-13
4. Clerk of Council			
Initiating Department Director's Signature:	<i>[Signature]</i>		8/14/13 Date



APPROVED AS TO FORM:

8/17/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Perry Eisenach, Public Services Director
Date: August 20, 2013 (Council Work Session)
Re: Proposed Street Maintenance Master Plan

THE ISSUE: Presentation and consideration of the proposed Street Maintenance Master Plan.

RELATIONSHIP TO STRATEGIC PLAN: **Goal 4:** Create a More Livable City for All. Specifically, **Policy Agenda Item #5:** Develop a Street Maintenance Master Plan with policy directions, project priority and funding mechanisms.

BACKGROUND: In the most recent survey of City residents completed in December 2011, the maintenance of City streets was selected by residents as the single City service that should receive the most emphasis within the next two years. City Council has responded to this strong desire for improved street maintenance by appropriating significant funding the past few years for repaving streets. In response to City Council's direction provided in the Strategic Plan, the Public Services Department has prepared the attached Street Maintenance Master Plan for City Council's consideration. The goal of this plan is to provide the framework and guidance for the City's street maintenance program in future years.

BUDGET IMPACT: In the current FY14 budget, there is \$900,000 budgeted for street repaving. In order for the streets within the City to be maintained at a level desired by residents, even more funding than \$900,000/year will be required in future years. This level of proposed funding will have a major impact on the City's overall budget.

STREET MAINTENANCE MASTER PLAN SUMMARY AND RECOMMENDATIONS:

1. The City currently maintains approximately 221.5 lane miles of public streets within the City. This figure does not include alleys.
2. In order to keep all of the roadways within the City in good physical condition and at a service level desired and expected by the residents, the City should repave approximately 10.4 lane miles of streets each year.
3. During the period between 2005 and 2012, the City repaved an average of 7.8 lane miles of streets per year. As this amount is below the recommended amount of 10.4 lane miles of street repaving per year, the average physical condition of all the streets within the City has declined. The majority of repaving the past seven years has been on the City's arterial streets.
4. A proposed 3-year street paving plan has been developed which is based on a prioritized system where a combination of the street classification (arterial, collector, or local), traffic volumes, and current physical condition of the street is used to select the streets for repaving. The plan will complete an average of 12.7 lane miles of street repaving over the next three years and recognizes that the City has a significant backlog of streets in poor condition and it is necessary to help the City "catch up" in its street repaving program.
5. A significant amount of funding will be required to implement the proposed 3-year repaving program – approximately \$1 million per year. The primary funding sources are projected to be the Highway Maintenance Fund, the City's General Fund, and Revenue Sharing Funds from VDOT. The primary funding source is projected to be the General Fund due to funding limitations from the state. The estimated funding from the General Fund in FY2015 and FY2016 is projected to be \$720,000 and \$870,000, respectively.
6. It is very important that all streets within the City be inspected every year and that the 3-year street repaving program is updated on an annual basis. The physical condition of some streets can change fairly quickly and so can economic conditions, especially the cost of liquid asphalt and the overall costs for paving. Street repaving will need to remain a priority in the future to ensure that the physical condition of all streets remains at level expected by City residents.
7. It is recommended that the City pursue and implement a crack sealing program in the future where feasible to help extend the life of the asphalt pavements within the City.

RECOMMENDED ACTIONS FOR CITY COUNCIL:

Approve the attached resolution adopting the Street Maintenance Master Plan.

OPTIONS FOR CITY COUNCIL:

Either adopt or not adopt the proposed resolution.



THE COMMON COUNCIL

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.winchesterva.gov

RESOLUTION

APPROVAL OF STREET MAINTENANCE MASTER PLAN

WHEREAS, properly maintaining the streets within the City has been identified by residents and City Council as one of the City's highest priorities; and

WHEREAS, Goal #4 – Policy Agenda Item #5 of the City's strategic plan calls for developing a Street Maintenance Master Plan; and

WHEREAS, City staff have prepared a Street Maintenance Master Plan which prioritizes future street repaving efforts and is intended to be used as the framework and guide for the City's future street maintenance program.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby adopts the Street Maintenance Master Plan to be used as the City's guide for future street maintenance efforts.

Resolution No.

ADOPTED by the Common Council of the City of Winchester on the ___th
day of _____, 2013.

Witness my hand and the seal of the City of Winchester, Virginia.

City of Winchester

Street Maintenance Master Plan



Draft: 8/11/13

Introduction

In the most recent survey of City residents completed in December 2011, the maintenance of City streets was selected by residents as the single City service that should receive the most emphasis within the next two years. City Council has responded to this strong desire for improved street maintenance by appropriating significant funding the past few years for street paving. In addition, the Strategic Plan recently adopted by City Council contains the following goal:

Strategic Plan Goal #4: Create a More Livable City for All

Policy Agenda #5: Develop a Street Maintenance Master Plan that includes Policy Direction, Project Priority, and a Funding Mechanism.

This document has been prepared to address this goal and policy agenda contained in the Strategic Plan.

Existing Street Network

The City is responsible for maintaining all the public streets within the City and currently maintains approximately 221.5 lane miles of streets which are shown in Figure 1. Each street is classified by the Virginia Department of Transportation (VDOT) based the type of street it is, its location, and its usage. The three classifications are: arterial, collector, and local. The definition for each type of street is as follows:

Arterial Street:

- Serves the major centers of activity within the City
- Highest traffic volume corridors
- Serve the longest trip desires
- Carry a significant amount of intra-area travel
- Examples: Pleasant Valley Road, Jubal Early Drive, etc.

Collector Street:

- Provides land access and traffic circulation within residential neighborhoods, commercial, and industrial areas
- Collects traffic from local streets and channels it to the arterial system
- Examples: Tevis Street, Shawnee Drive, etc.

Local Street:

- Serves primarily as access to abutting land
- Through traffic movements are discouraged
- Examples: Streets in residential neighborhoods

The breakdown of length of each type of street within the City is shown in the table below.

Classification	Length (lane miles)
Arterial	48.3
Collector	24.9
Local	148.3
Total	221.5

The street classifications within the City have not been updated in numerous years by VDOT and should be updated to reflect current conditions.

Street Maintenance Techniques

Asphalt roadways deteriorate over time primarily due to vehicle usage and weather. Freeze and thaw cycles are especially destructive to asphalt pavement, particularly when the asphalt is nearing the end of its useful life. Arterial streets with high traffic volumes and a significant amount of truck traffic will deteriorate much more quickly than residential streets that have only a few cars each day.

There are several maintenance techniques that can be used for maintaining asphalt streets. These include:

- Crack Sealing
- Patching
- Slurry Sealing
- Chip Sealing
- Asphalt Overlay
- Reconstruction

The two street maintenance methods used most within the City are patching and asphalt overlays. City crews complete the vast majority of patching on City streets in-house on an as needed basis. All asphalt overlays are completed by an outside contractor.

Asphalt overlays are the primary focus of this report as it is the primary tool used by the City for long term street maintenance. Slurry seals and chip seals, while used frequently in some parts of the country, have not been used often in northern Virginia in recent years and have not been cost effective for use in the City. It is recommended, however, that the City implement a crack sealing program in the future where feasible since this is a cost effective maintenance method that will help extend the life of the pavement.

Estimating Future Street Repaving Needs

Due to the higher volume of traffic and the relative importance of arterial streets in comparison to the other street types, the cycle length for repaving arterial streets is generally much shorter than the cycle length for repaving local streets.

For purposes of this report, the following cycle lengths for repaving were used to estimate the approximate number of lane miles that the City should repave each

year to keep the City streets in good physical condition and at a service level desired by the residents:

Street Classification	Cycle Length for Repaving (years)	Lane Miles of Repaving Needed Each Year
Arterial	15	3.22
Collector	20	1.25
Local	25	5.93
Total	221.5	10.4

If the repaving frequency in the table above was achieved, each street in the City would be repaved approximately every 22.3 years on average. It should be noted that the actual frequency for repaving each street may vary on numerous factors including: truck traffic volumes, drainage issues, and the quality of the street when originally constructed.

History of Street Repaving

The table below summarizes the street repaving that has been completed within the City during the period 2005 thru 2012. Figure 2 is a map which shows the actual streets that have been repaved during this same period. A detailed listing of these streets is found in Appendix 1.

Street Classification	Total Lane Miles Repaved 2005 - 2012	Avg. Number of Lane Miles Repaved per Year (2005 – 2012)
Arterial	37.42	4.68
Collector	7.87	0.98
Local	17.07	2.13
Total	62.3	7.8

It is easy to ascertain from the numbers above that the focus of the City's repaving program during the past eight years has been on the arterial streets. As mentioned previously, arterial streets are the major and most important streets within the City that carry the highest volume of traffic and need to be repaved more frequently than local or residential streets.

While the City did accomplish a significant amount of repaving during the past eight years, 62.3 total lane miles or an average of 7.8 lane miles per year, this amount is below the average number of lane miles that need to be repaved each year (10.4 lane miles) so that all the streets within the City are maintained in good physical condition. This repaving deficit of approximately 2.6 lane miles per year over an extended period of time will mean that the average physical condition of the City's streets will continue to get worse and the streets within the City will not be maintained at a level desired or expected by the City's residents.

Priorities for Selecting Street for Repaving

Determining the priority for selecting the streets that are repaved each year is based on the following criteria:

1. Street Classification (arterial, collector, local)

Arterial streets are the major streets within the City and have the highest overall priority for repaving. Collector streets have the next highest priority, followed by local streets.

2. Traffic Volumes

In general, the more traffic that utilizes a street, the higher the priority will be repaving.

3. Physical Condition of the Street

The actual physical condition of each street is taken into consideration when determining the priorities for repaving.

It should be noted that in some instances a local street may be in worse physical condition than an arterial street, but the arterial street will have an overall higher priority for repaving due to its street classification and higher traffic volumes.

Costs for Street Repaving

The cost to repave a lane mile of a street can vary based on multiple factors, including:

- Width of street
- Current physical condition of street
- Asphalt milling required
- Volume of truck traffic
- Striping needs
- Manhole adjustments

Liquid asphalt prices can fluctuate significantly, even within the same year, which can make it difficult to estimate the long term costs for repaving. For purposes of this report, an average cost of \$90,000 per lane mile has been estimated.

Based on this unit cost, the total cost to repave all of the streets in the City (at current prices) would be approximately \$20 million. Utilizing an average repaving frequency of 22.3 years as determined above, the City should be spending approximately \$900,000 per year on average for street repaving.

Funding Sources for Street Repaving

The following are the primary funding sources that are available to the City to fund sidewalk replacements and a brief discussion of each:

1. Highway Maintenance Fund

The City receives annual funding each year from the state for street maintenance. For the current fiscal year, the amount of funding will be:

- Arterial Streets: \$18,684 per lane mile
- Collector/Local Streets: \$10,970 per lane mile

Based on these rates, the total amount of state funding will be \$2,802,000.

In addition to street repaving, these funds are also used for:

- Asphalt patching
- Curb & gutter and drainage system maintenance
- Sidewalk maintenance
- Street lighting
- Traffic signal maintenance
- Street signs and pavement markings
- Street sweeping
- Snow/ice removal
- Street median mowing/maintenance
- Street trees

Due to all of these maintenance activities, the \$2.8 million per year received from the state is simply not adequate to meet the approximate \$900,000 annual need

for street repaving. Therefore, supplemental funding sources will be necessary in the future.

2. City's General Fund

The City's General Fund is one potential supplemental funding source for street repaving. In the current FY2014 budget, the General Fund is providing \$500,000 in funding for street repaving.

3. City's Utility Fund

Over the past six years, the City has completed numerous underground utility replacement projects. At the conclusion of the utility replacements, each street is repaved as a part of the overall project. As there are still many existing water and sewer mains that are very old and need to be replaced, utility replacement projects are expected to continue to play a key role in the City's overall repaving program.

4. VDOT Revenue Sharing Funds

Revenue sharing funds administered by VDOT is another funding source for street repaving. In the current fiscal year (FY2014), the City will receive approximately \$130,000 in state Revenue Sharing funds for repaving.

Proposed 3-year Street Repaving Plan

Based on the priorities developed herein for street repaving, a proposed 3-year plan for street repaving has been developed and is presented in Figure 3. A detailed listing of the specific streets to be repaved each year is found in Appendix 2.

A summary of the proposed 3-year program is shown in the following table:

Fiscal Year	Lane Miles of Streets to Repave	Estimated Cost for Repaving
2014	11.7	\$ 900,000
2015	14.3	\$ 950,000
2016	12.3	\$ 1,100,000
Average Per Year	12.7	\$983,000

The following are the primary guiding factors of the proposed 3-year plan:

1. The plan will complete and average of 12.7 lane miles of street repaving per year over the next three years. This amount is significantly more repaving than what has been completed on average over the past several years and is more than the 10.4 lane miles of repaving that is needed each year on average to maintain all City streets in a good condition. The plan recognizes that the City has a significant backlog of streets in poor condition and is necessary to help the City “catch up” in its street repaving program.
2. As the focus of the City’s repaving efforts the past several years have focused on arterial streets, a significant number of residential streets are included in the 3-year plan.

The proposed 3-year plan (and plan in subsequent years) will require significant funding to implement. The following are the proposed primary funding sources to complete the street repaving in the 3-year plan:

- Highway Maintenance Fund
- General Fund

- State Revenue Sharing Funds (VDOT)

A summary of the estimated funding sources for the proposed 3-year street repaving plan is presented in the table below.

Fiscal Year	General Fund	Highway Maintenance Fund	State Revenue Sharing Funds (VDOT)	Total Funding
2014	\$ 670,000	\$ 100,000	\$130,000	\$ 900,000
2015	\$ 720,000	\$100,000	\$130,000	\$950,000
2016	\$ 870,000	\$100,000	\$130,000	\$1,100,000

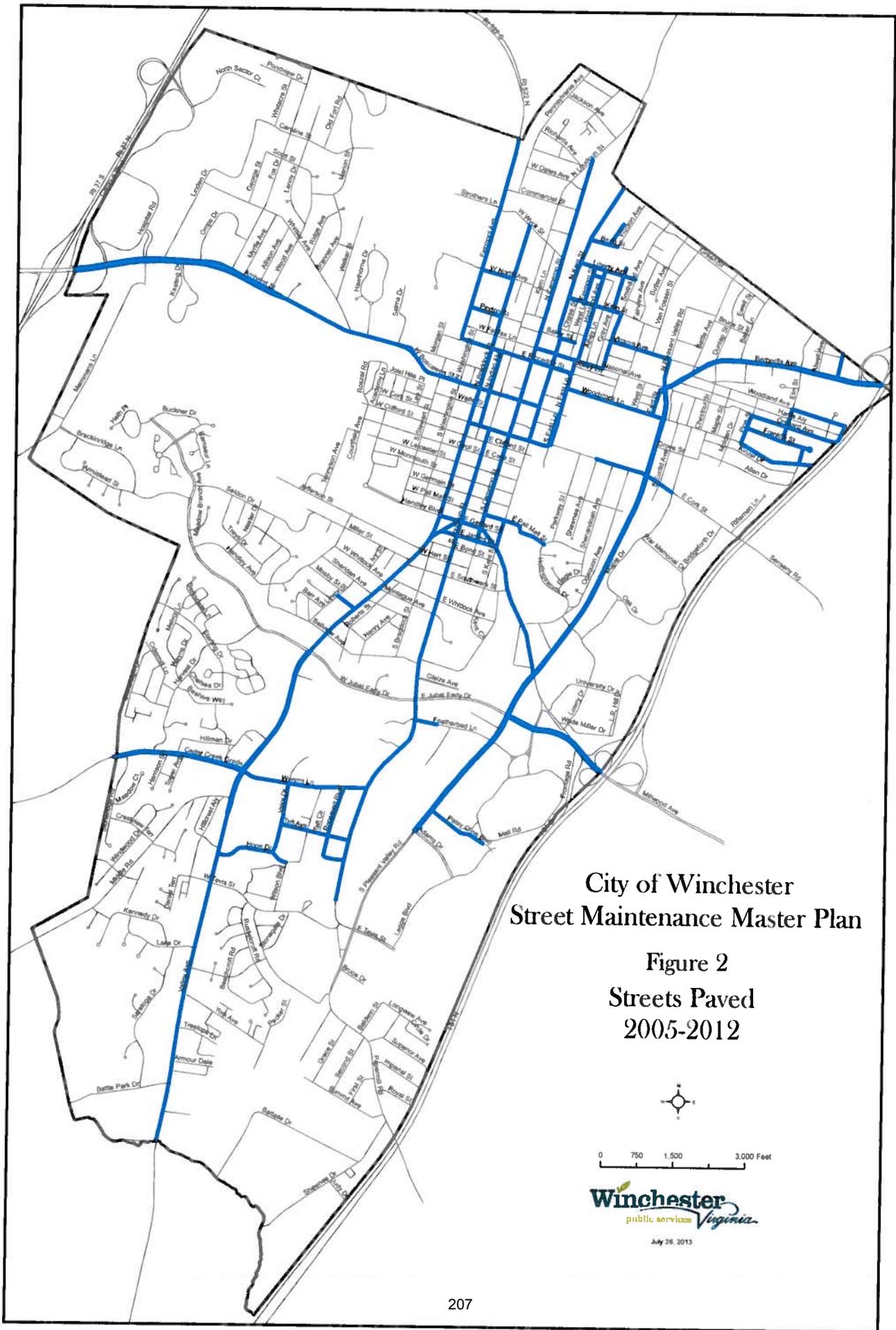
Summary and Recommendations

1. The City currently maintains approximately 221.5 lane miles of public streets within the City. This figure does not include alleys.
2. In order to keep all of the roadways within the City in good physical condition and at a service level desired and expected by the residents, the City should repave approximately 10.4 lane miles of streets each year.
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4. A proposed 3-year street paving plan has been developed which is based on a prioritized system where a combination of the street classification

(arterial, collector, or local), traffic volumes, and current physical condition of the street is used to select the streets for repaving. The plan will complete and average of 12.7 lane miles of street repaving over the next three years and recognizes that the City has a significant backlog of streets in poor condition and it is necessary to help the City “catch up” in its street repaving program.

5. A significant amount of funding will be required to implement the proposed 3-year repaving program – approximately \$1 million per year. The primary funding sources are projected to be the Highway Maintenance Fund, the City’s General Fund, and Revenue Sharing Funds from VDOT. The primary funding source is projected to be the General Fund due to funding limitations from the state. The estimated funding from the General Fund in FY2015 and FY2016 is projected to be \$720,000 and \$870,000, respectively.
6. It is very important that all streets within the City be inspected every year and that the 3-year street repaving program is updated on an annual basis. The physical condition of some streets can change fairly quickly and so can economic conditions, especially the cost of liquid asphalt and the overall costs for paving. Street repaving will need to remain a priority in the future to ensure that the physical condition of all streets remains at level expected by City residents.
7. It is recommended that the City pursue and implement a crack sealing program in the future where feasible to help extend the life of the asphalt pavements within the City.





**City of Winchester
Street Maintenance Master Plan**

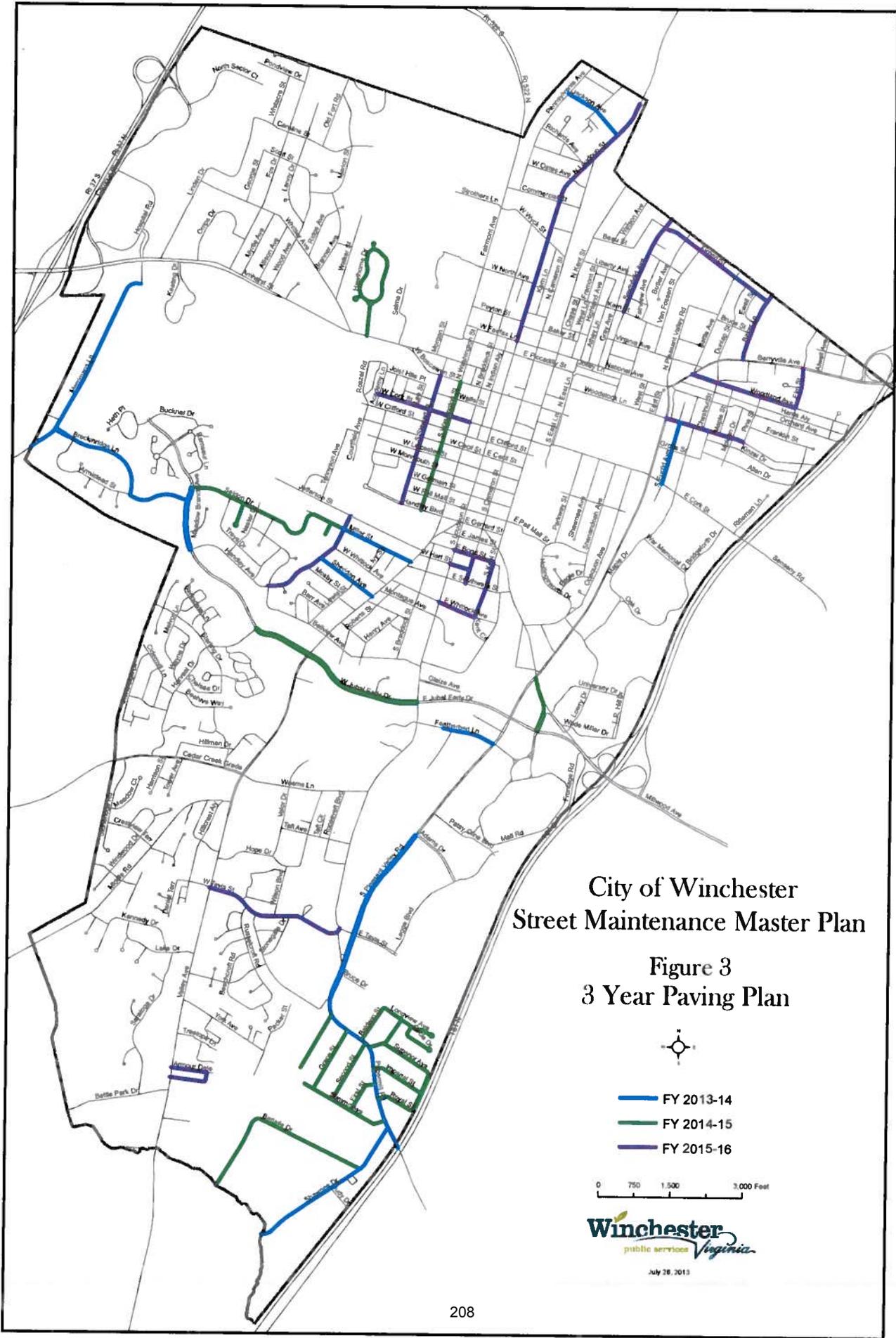
**Figure 2
Streets Paved
2005-2012**



0 750 1,500 3,000 Feet



July 26, 2013



City of Winchester
Street Repaving History Since 2005
Appendix 1

Year	Street Repaved	From	To	Length (ft)	Travel Lanes	Lane Miles Paved
2005	Millwood	Pleasant Valley	Kent	2,790	2	1.06
2005	Fairmont	Piccadilly	City Limit	4,575	2	1.73
						2.79
2006	Amherst	Medical Circle	Boscawen	2,880	2	1.09
2006	Boscawen	Amherst	Kent	3,080	2	1.17
2006	Woodland	Elm	End (east)	1,190	2	0.45
						2.71
2007	Valley	Jubal Early	South City Limit	10,810	4	8.19
2007	Valley	Jubal Early	Braddock	3,555	2	1.35
2007	Mosby	Valley	Lewis	420	2	0.16
2007	S. Loudoun	Jubal Early	Cork	5,900	2	2.23
2007	Peyton	Fairmont	Braddock	675	2	0.26
2007	North	Fairmont	Braddock	675	2	0.26
2007	Kern	Kent	Smithfield	1,160	2	0.44
2007	Beau	Kent	Watson	620	2	0.23
2007	Ohio	Watson	End	555	2	0.21
2007	Woodstock Lane	Pine	City Limit	1,655	2	0.63
2007	Allen	Franklin	Woodstock Lane	360	2	0.14
2007	Elm	Orchard	Franklin	305	2	0.12
2007	Pine	Woodstock Lane	Orchard	640	2	0.24
2007	Orchard	Pine	Elm	790	2	0.30
2007	Franklin	Elm	End	630	2	0.24
						14.98
2008	Pleasant Valley	Parkview	Adams	4,800	4	3.64
2008	Patsy Cline	Pleasant Valley	Entrance	710	2	0.27
2008	Jubal Early	Pleasant Valley	I-81	1,820	4	1.38
2008	Kent	Cork	Piccadilly	1,600	2	0.61
2008	S. Loudoun	Featherbed	Weems Ln	1,770	4	1.34
2008	Roosevelt	Weems	Papermill	1,960	2	0.74
2008	Taft	Wilson	Papermill	900	2	0.34
						8.31
2009	Braddock	Wyck	Gerrard	6,350	2	2.41
2009	Cameron	N. Loudoun	Gerrard	8,030	2	3.04
2009	Cork	Braddock	East Lane	1,760	2	0.67
2009	East Lane	Cork	Piccadilly	1,570	2	0.59
2009	Woodstock Lane	East Lane	Pleasant Valley	2,100	2	0.80

**City of Winchester
3-year Paving Plan
Appendix 2**

Street	From	To	Length (ft)	Travel Lanes	Lane Miles
FY 2014					
Featherbed	Pleasant Valley	RR Tracks	1200	2	0.45
Meadow Branch	Handley	Seldon	1400	2	0.53
Sheridan	Valley	Handley	1300	2	0.49
Miller	Valley	Handley	1525	2	0.58
Jackson	N. Loudoun	Pennsylvania	1400	2	0.53
Euclid	Cork	Woodstock	1300	2	0.49
Armistead	Meadow Branch	Breckinridge	1300	2	0.49
Breckinridge	Armistead	Merrimans	2400	2	0.91
Pleasant Valley	Adams	Cedarmeade	3950	4	2.99
Merrimans Lane	Meadow Branch	City Limit	4150	2	1.57
Papermill Rd	Cedarmeade	City Limit	3500	2	1.33
Shawnee Dr	Papermill Rd	City Limit	3500	2	1.33
					11.70
FY 2015					
Jubal Early	S. Loudoun	Harvest	3825	4	2.90
Millwood	Pleasant Valley	Jubal Early	1120	2	0.42
Hawthorne	Amherst	End	3500	2	1.33
Washington	Handley	Boscawen	2770	2	1.05
Battaile	Shawnee	City Limit	4025	2	1.52
Summit	Papermill Rd	End	1950	2	0.74
1st Street	Papermill Rd	Summit	800	2	0.30
2nd Street	Papermill Rd	Summit	1330	2	0.50
Grace Street	Papermill Rd	Summit	1370	2	0.52
Pleasant Valley Rd	Papermill Rd	End	1230	2	0.47
Royal St	Papermill Rd	Imperial	765	2	0.29
Imperial St	Papermill Rd	End	1100	2	0.42
Superior Ave	Papermill Rd	Imperial	2270	2	0.86
Broadview	Papermill Rd	Longview	580	2	0.22
Baldwin St	Papermill Rd	Bruce Dr	790	2	0.30
Longview Ave	Baldwin	End	1215	2	0.46
Circle Dr	Longview	End	790	2	0.30
Miller	Handley	Seldon	860	2	0.33
Seldon	Miller	Meadow Branch	2930	2	1.11
Vanceright Cir	Miller	End	350	2	0.13
Dalton Pl	Seldon	End	475	2	0.18
					14.34

FY2016					
Tevis	Valley Ave	RR Tracks	2570	2	0.97
Stewart	Handley	Boscawen	2770	2	1.05
Cork	Braddock	Academy	1950	2	0.74
Handley Ave	Jefferson	Bellview	2325	2	0.88
Cameron	Bond	Southwerk	570	2	0.22
Kent	Bond	Whitlock	1210	2	0.46
Whitlock	Kent	S Loudoun	800	2	0.30
Bond	Kent	S Loudoun	835	2	0.32
Hart	Cameron	S Loudoun	415	2	0.16
Whitlock	S. Loudoun	Kent	810	2	0.31
Green	Smithfield	Baker	2600	2	0.98
Baker Lane	Berryville	City Limit	1465	2	0.55
Woodstock Lane	Pleasant Valley	Pine	1685	2	0.64
Woodland	Berryville	Elm	2240	2	0.85
N Loudoun	Fairfax Ln	City Limit	5820	2	2.20
Armour Dale	Valley Ave	End	840	2	0.32
Elm	Berryville	Woodland	1240	2	0.47
Smithfield	Kern	City Limit	2190	2	0.83
					12.25

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 20, 2013 **CUT OFF DATE:** 08/13/13

RESOLUTION X **ORDINANCE** **PUBLIC HEARING** **DISCUSSION** X

ITEM TITLE: Resolution establishing a policy for Council approval of grant applications

STAFF RECOMMENDATION: Approval of resolution

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>AW</i>	_____	<i>8/15/2013</i>
6. City Manager	<i>[Signature]</i>	_____	<i>8-15-13</i>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature	<i>[Signature]</i>	_____	<i>8/15/13</i> Date



APPROVED AS TO FORM:

[Signature] *8/15/2013*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Dale Iman, City Manager
Date: 8-20-2013
Re: Resolution establishing a policy for Council approval of grant applications

THE ISSUE:

It is the desire of City Council to establish a policy regarding the review and approval of grant applications.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 2 – Develop a high performing organization

BACKGROUND:

At the July 23, 2013 City Council Work Session the Council discussed the current practice of the governing body to review and approve by resolution all grant applications at both a Work Session and regular meeting of the Common Council. Following the discussion the Council directed the City Manager to prepare a policy for grant reviews that would be more efficient and less costly but yet continue to insure that proper checks and balances are incorporated. The primary concern with regards to grant applications is that City Council be made aware of local financial match requirements prior to making a commitment to apply for grants. This concern will be addressed by following guidelines established in the policy to include:

1. All grants reviewed and approved as part of the annual budget process shall not require additional action by City Council.
2. Grants requiring a local match in excess of \$25,000 which has not been approved in the annual budget; shall be reviewed and approved by City Council prior to submission of a grant application or as soon thereafter as possible.
3. All grants which provide funding for personnel with a requirement that the City continue funding the position or positions after the grant expires shall be reviewed and approved by City Council or as soon thereafter as possible.
4. All grants that require a Council resolution authorizing the submission of an application shall be reviewed and approved by Council resolution prior to submission of said application.
5. All grant approval resolutions shall also authorize the City Manager to “do all things necessary” to apply for and accept grant awards on behalf of the City of Winchester.
6. The City Manager shall inform the City Council of all grants awarded to the City of Winchester through regular “Activity Reports” or other means acceptable to Council.

BUDGET IMPACT:

The adoption of the above referenced policy will significantly reduce the amount of administrative and staff time required to process grant applications thus contributing to the goal of developing a high performance organization. The current practice involves approximately five (5) hours of staff time for each grant application. The process involves the preparation of a Council Action Memorandum (CAM); reviews by City Manager and City Attorney; staff attendance/presentation at Council Work Session and Council meeting; and agenda preparation. In addition Council members are required to review and act on the proposed resolution. This new proposed policy will free up Council and staff time to concentrate on more important projects and issues.

OPTIONS:

1. Adopt the attached resolution and policy.
2. Make changes and/or additions to the proposed policy.
3. Continue with the status-quo.

RECOMMENDATIONS:

It is recommended that Council adopt the attached resolution creating a formal policy for Council review and approval of grant applications.

RESOLUTION

WHEREAS, City Council desires to streamline the grant approval process by adopting the attached policy; and,

WHEREAS, City Council is supportive of grant research and awards; and,

WHEREAS, City Council acknowledges the benefits grants provide to the City of Winchester.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Winchester hereby supports the adopting of the proposed grant policy in its entirety; and,

BE IT FURTHER RESOLVED that the policy will remain in full force upon the adoption of this resolution

Grant Submission Process and Reporting Requirements

Purpose

The purpose of this policy is to streamline the City of Winchester's grant application process to improve efficiency while continuing to insure that proper checks and balances are incorporated.

Rationale

This policy will significantly reduce the amount of administrative and staff time required to process grant applications while decreasing Council's need to review and act on the proposed resolution thus contributing to the goal of developing a high performance organization.

This policy promotes the strategic maximization of grant revenue to the City and improves financial monitoring and reporting associated with grant-funded programs and ensures that deliverables and performance obligations required by Grantors are satisfied per grant obligations.

Scope

All City departments and divisions are required to adhere to this procedure.

Guidelines

1. All grants reviewed and approved as part of the annual budget process shall not require additional action by City Council.
2. Grants requiring a local match in excess of \$25,000 which has not been approved in the annual budget; shall be reviewed and approved by City Council prior to submission of a grant application or as soon thereafter as possible.
3. All grants which provide funding for personnel with a requirement that the City continue funding the position or positions after the grant expires shall be reviewed and approved by City Council or as soon thereafter as possible.
4. All grants that require a Council resolution authorizing the submission of an application shall be reviewed and approved by Council resolution prior to submission of said application.
5. All grant approval resolutions shall also authorize the City Manager to "do all things necessary" to apply for and accept grant awards on behalf of the City of Winchester.
6. The City Manager shall inform the City Council of all grants awarded to the City of Winchester through regular "Activity Reports" or other means acceptable to Council.

City of Winchester, Virginia

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 22, 2013 CUT OFF DATE: _____

RESOLUTION X ORDINANCE _____ PUBLIC HEARING _____

ITEM TITLE:

FY 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER)

STAFF RECOMMENDATION: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA: The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing are the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

INSURANCE:

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance	<u>B</u>		<u>8/22/13</u>
2. _____			
3. _____			
4. _____			
5. City Attorney	<u>[Signature]</u>		<u>8/22/2013</u>
6. City Manager	<u>[Signature]</u>		<u>8-22-13</u>
7. Clerk of Council			

Initiating Department Director's Signature: _____

[Signature]

8/22/13
Date



APPROVED AS TO FORM:

[Signature] 8/22/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Allen Baldwin, Fire Chief
Date: August 22, 2013
Re: Staffing for Adequate Fire and Emergency Response Grant (SAFER)

THE ISSUE: The deadline for the 2013 Staffing for Adequate Fire and Emergency Response Grant (SAFER) is August 30, 2013. Winchester Fire and Rescue Department, under the direction of the City Manager has prepared an application for this grant. We are currently seeking approval from council to receive funding if grant is awarded to the City of Winchester Fire and Rescue Department for four firefighters.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop a High Performing City Organization
Objectives 1, 4, 5 and 6

BACKGROUND: The Federal SAFER grant is funding to assist with staffing. Additional staffing will allow increased staffing for fire and emergency responses. Funding from this grant would allow for reduced city funding for the next two years, while we continue to implement the council endorsed multi-year staffing plan. The guidelines are as follows:

1. Application deadline August 30, 2013.
2. Salary and benefit cost for hiring new firefighters would be covered at 100% during the two year grant performance period. (No City funds needed for salary and benefits) This is a change from previous years when city funds were needed each year at an increased %.
3. City must maintain positions for one year after the grant performance period ends.
4. City is responsible for all pre-employment hiring cost (testing, physical, etc...)
5. The cost of uniforms and personal protective equipment (PPE) and the initial physicals are also covered by grant. This is a change from previous years; these items are considered as benefits.
6. Efforts should be made to hire new firefighters within 90 days of being awarded the grant.
7. City would have to request reimbursement for the salaries and benefits from DHS on a quarterly basis.

BUDGET IMPACT: No general fund request for the grant performance period (2 years). Funding would be used for four new firefighter positions at approximately \$400,000 for salary and benefits. The only general fund request would be for some associated pre-employment hiring costs. Grantees must maintain operational staffing at the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.

OPTIONS:

RECOMMENDATIONS: It is the recommendation of City staff that Council approves our request to apply for the 2013 SAFER grant. If funding is not received through this grant effort, we will include this request during the normal course of the budget process.

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this ___ day of _____, 2013 that the following Resolution is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the ___ day of _____, 2013.

Virginia Fire Incident Reporting System FY 2014 Hardware Grant

Winchester Fire and Rescue would like to place application with the Virginia Department of Fire Programs for the 2014 Virginia Fire Incident Reporting System 2014 Hardware Grant to assist with funding for the Fire and Rescue electronic record management software.

WHEREAS, the Common Council recognizes the importance of public safety and the importance of critically need to maintain records and protect the privacy of the public; and

WHEREAS, the Winchester Fire and Rescue Department is committed to providing a variety of emergency services to prevent the loss of life and property and maintaining the required records and documentation; and

WHEREAS, the Winchester Fire and Rescue Department is seeking approval and support to apply for the FY 2014 VFIRS Hardware Grant. If the grant is awarded the funds received would be used to purchase hardware to support our current electronic record management system software; and

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Winchester, Virginia does hereby support the application for the VFIRS Hardware to be submitted by the Winchester Fire and Rescue Department and authorizes the receipt of funding if the grant is selected, and authorizes the City Manager to sign all necessary documents to execute this grant application.

Resolution No. 2013-__

ADOPTED by the Common Council of the City of Winchester on the ___ day of _____, 2013.

Witness my hand and the seal of the City of Winchester, Virginia

*Kari J. Van Diest
Deputy Clerk of the Common Council*