

City Council Work Session

Tuesday, July 23, 2013

6:00 p.m.

Council Chambers – Rouss City Hall

AGENDA

1.0 Call to Order

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

3.0 Items for Discussion:

3.1 Strategic Plan Quarterly Update – Doug Hewett, Assistant City Manager (pages 3-4)

3.2 R-2013-35: Resolution – Authorization to apply for a Downtown Improvement Grant in the amount of \$25,000 from the Virginia Main Street Program to provide a matching source of up to \$5,000 for façade loans – Jennifer Bell, Downtown Manager (pages 5-7)

3.3 R-2013-34: Resolution – Authorization to apply for a Hardware Grant in the amount of \$1,000 from the Virginia Fire Service Board to support the current electronic record management software – Allen Baldwin, Fire & Rescue Chief (pages 8-10)

3.4 R-2013-36: Resolution – Adoption of the Sidewalk Master Plan to be used as the City's guide for future sidewalk improvements – Perry Eisenach, Utilities Director (pages 11-15)

3.5 O-2013-23: 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 – Perry Eisenach, Utilities Director (pages 16-41)

3.6 R-2013-38: Resolution – Authorization to apply and accept the Local Emergency Management Performance Grant for 2013 and to sign all documents necessary related to the grant – Lynn Miller, Emergency Management Coordinator (pages 42-44)

3.7 R-2013-37: Resolution – Acceptance of grant funding and authorization to execute all documents for the Certified Local Government Grant to amend and

expand the Nationally-Designated Winchester Historic District – Tim Youmans, Planning Director (pages 45-46)

3.8 O-2013-24: 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 – Tim Youmans, Planning Director (pages 47-52)

3.9 O-2013-25: 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 – Tim Youmans, Planning Director (pages 53-85)

4.0 Liaison Reports

5.0 Open Discussion

6.0 Executive Session

6.1 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.

7.0 Adjourn

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 23, 2013 CUT OFF DATE: 07/18/2013

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Strategic Plan Update – 2nd Quarter

STAFF RECOMMENDATION: Receive and File

PUBLIC NOTICE AND HEARING: N/A

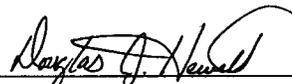
ADVISORY BOARD RECOMMENDATION: N/A

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	_____	_____	_____
6. City Manager	_____	_____	_____
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  07/17/2013
Date

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Doug Hewett, Assistant City Manager
Date: July 23, 2013
Re: 2nd Quarter Strategic Plan Update

ISSUE:

Has City Council's interest been met in the work efforts reflected in the attached 2nd Quarter Strategic Plan Update?

RELATIONSHIP TO STRATEGIC PLAN:

This report reflects the implementation efforts of the strategic plan, and as such, clarifies the City Council's vision for our community.

BACKGROUND:

Earlier this year, the City Council engaged Lyle Sumeck to facilitate a community strategic plan. The plan that was created has four main elements; Vision Statement 2028, Goals 2018, Mission Statement, and Policy/Management Agendas 2013-2014. The full strategic plan, along with quarterly updates of this plan, can be found online at <http://www.winchesterva.gov/government/strategic-plan>.

To ensure that the plan is accomplished and to provide opportunities for City Council input, quarterly reports are provided. During this quarterly report, City Council is encouraged to ask questions and provide direction to staff as to whether or not their interests are being met. Following the quarterly report, the City Manager and staff will continue implementing the various elements of the plan with the direction provided by City Council.

Updates will be provided primarily on the projects listed on the Policy and Management Agendas. These 26 items represent the major work plan established by the City Council during their strategic planning retreat, and are considered along with the day-to-day operations of the city, the items that will help the community achieve the Goals 2018 and fulfill the Vision 2028.

BUDGET IMPACT:

The adopted FY 2014 budget provides for the implementation of the 26 strategic plan items.

OPTIONS:

1. Accept the report as provided with guidance to the City Manager on areas of interest
2. Request additional information on particular items listed in the report
3. Clarify interest in the report and provide a different direction to staff on particular items

RECOMMENDATIONS:

This report is provided for information only. It is appropriate for the City Council to comment and/or ask questions about items listed in this report, and provide additional direction to staff.

B-2013-35

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

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

RESOLUTION X ORDINANCE ___ PUBLIC HEARING ___

ITEM TITLE: Resolution authorizing the Downtown Manager to sign and submit an application for a Downtown Improvement Grant to the Virginia Main Street Program

STAFF RECOMMENDATION: Approval

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. Finance	<u>B</u>		<u>7/9/13</u>
2. _____			
3. _____			
4. City Attorney	<u>[Signature]</u>		<u>7/10/2013</u>
5. City Manager			
6. Clerk of Council			

Initiating Department Director's Signature: [Signature] 7/9/13
Downtown Manager Date



APPROVED AS TO FORM:
[Signature] 7/10/2013
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Jennifer Bell, Downtown Manager
Date: July 16, 2013
Re: Authorization for the Submittal of a Downtown Improvement Grant to the Virginia Main Street Program

THE ISSUE: The City will use the requested \$25,000 from this grant to provide a matching source of up to \$5,000 for façade loans in the downtown area.

RELATIONSHIP TO STRATEGIC PLAN: Supports the City's efforts in continuing the revitalization of Historic Old Town Winchester.

BACKGROUND: The Winchester EDA currently provides façade improvement loans in the Old Town area. Obtaining this grant will further entice the EDA's façade improvement program by providing matches of up to \$5,000 for eligible improvements.

BUDGET IMPACT: N/A

OPTIONS: Council can either approve or reject the City's pursuance of this grant.

RECOMMENDATIONS: It is the staff's recommendation that the City submits this grant application.

RESOLUTION

WHEREAS, the City of Winchester has a desire to obtain a Downtown Improvement Grant, and

WHEREAS, the Virginia Main Street Program is accepting applications for the grant, and

WHEREAS, the City of Winchester strongly supports the need for the funds awarded by the grant and decrees to apply for assistance

THEREFORE BE IT RESOLVED that the City of Winchester is applying for the Downtown Improvement Grant through the Virginia Main Street program, and

BE IT FURTHER RESOLVED that the City of Winchester authorizes the Downtown Manager or a designee acting as program administrator to submit all information needed to apply for the grant, and

BE IT FURTHER RESOLVED that the City of Winchester authorizes the Downtown Manager or a designee acting as program administrator to carry out all program administrative and reporting requirements on its behalf.

B-2013-34

City of Winchester, Virginia

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: July 26, 2013 CUT OFF DATE: _____

RESOLUTION X ORDINANCE _____ PUBLIC HEARING _____

ITEM TITLE:

FY 2014 VFIRS Hardware Grant Application

STAFF RECOMMENDATION: Winchester Fire and Rescue staff recommends approval to apply for this \$1,000 grant to be used for hardware to support of our record management software.

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA: No local money match required for this grant.

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.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. <u>Finance</u>	<u>[Signature]</u>	_____	<u>7-11-13</u>
2. <u>Information Technology</u>	<u>[Signature]</u>	_____	<u>7-11-13</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. <u>City Attorney</u>	<u>[Signature]</u>	_____	<u>7/11/2013</u>
6. <u>City Manager</u>	<u>[Signature]</u>	_____	<u>[Signature]</u>
7. <u>Clerk of Council</u>	_____	_____	_____

Initiating Department Director's Signature: [Signature] Date: 7/11/13



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Allen Baldwin, Fire Chief

Date: July 10, 2013

Re: Virginia Fire Service Board FY 2014 VFIRS Hardware Grant Application

THE ISSUE: Seeking approval from council to apply for a \$1,000 grant from the Virginia Fire Service Board. If awarded this Hardware Grant funding would be used to support the current Fire and Rescue electronic record management software.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Develop a High Performing City Organization Objective 3 – Upgrade, increase the use of information technology to increase productivity and engage the customer

BACKGROUND: Annual grant that we have received before. This is a funding source that does not require any revenue fund match from the City's general fund allowing for the purchase of hardware that may otherwise not be considered due to economical restraints.

BUDGET IMPACT: This will have no budget impact as there is no local money match required.

OPTIONS:

RECOMMENDATIONS: Staff recommends approval to apply for the FY 2014 VFIRS grant.

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*

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.



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 SIDEWALK MASTER PLAN

WHEREAS, making improvements to sidewalks 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 Sidewalk Master Plan; and

WHEREAS, City staff have prepared a Sidewalk Master Plan which prioritizes future sidewalk replacements and the construction of new sidewalks in locations where none currently exist and is intended to be used as the framework and guide for the City’s future sidewalk improvements.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Winchester Common Council hereby adopts the Sidewalk Master Plan to be used as the City’s guide for future sidewalk improvements.

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.

**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

Sidewalk Master Plan



Draft: 7/12/13

Introduction

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 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 Sidewalk 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.

There are three primary sidewalk issues within the City that are addressed in this Master Plan. They are:

1. Existing sidewalks that are in poor condition that need to be replaced.
2. Locations where new sidewalks need to be constructed because no sidewalks currently exist.
3. On-going maintenance of sidewalks.

Due to the high number of existing sidewalks that are in poor condition and the large number of locations where no sidewalks currently exist, it will take a sustained effort over many years and a significant amount of funding to address all of the sidewalk needs within the City.

Existing Sidewalks

The City currently maintains approximately 605,000 linear feet (115 miles) of existing sidewalks within the City which are shown in Figure 1. Many of these existing sidewalks are in relatively poor condition and need to be replaced entirely because they have deteriorated past the point where spot repairs are feasible or cost effective. Figure 2 shows the existing sidewalks that are in poor condition. The approximate length of the existing sidewalks in poor condition is approximately 301,000 linear feet, or 50% of the total length of existing sidewalks.

Previous Sidewalk Replacements

Over the past 6 years, the City has implemented an aggressive program of sidewalk replacements. During this period, approximately 120,100 linear feet (22.7 miles) of sidewalks have been replaced. This length also includes adding sidewalks in the project area where none previously existed and there were “gaps” in the sidewalk network. Figure 3 shows the locations of the sidewalks that have been replaced since 2007.

Some of the sidewalks replaced during this period were projects solely for the purpose of replacing the sidewalks. However, the majority of sidewalk replacements have been included as a part of utility replacement projects where the underground utilities and sidewalks have been replaced in addition to repaving the entire street. Replacing all of public infrastructure during a single project, when feasible, is more efficient and saves money when compared to completing multiple projects over several years in the same location. A breakout of the type of sidewalk projects since 2007 is provided below.

Project Type	Approximate Length of Sidewalk Replacement or New Sidewalk from 2006 - 2013 (linear feet)	% of Total
Sidewalk Replacement Project Only	44,300	37%
Combined Utility, Sidewalk, and Street Replacement Project	75,800	63%
Total	120,100 (22.7 miles)	100%

Priority of Future Sidewalk Replacements

With such a large number of existing sidewalks in poor condition, it is very important that sidewalk replacements be prioritized so that those sidewalks with the highest amount of use by pedestrians are replaced first. It is also important to coordinate sidewalk only replacement projects with utility replacement projects so that sidewalks are not replaced one year and then excavated a few years later to replace the underground utilities.

The following criteria have been used to prioritize future sidewalk replacements:

Priority A: Location along an arterial roadway with a high number of pedestrians.

Priority B: Location along a collector roadway or adjacent/near:

- 1) a school

- 2) Winchester Transit bus stop or other facility
- 3) Other public institution with a high number of pedestrians.

Priority C: All other locations (i.e. residential areas)

Based on this priority system, Figure 4 shows the proposed prioritized sidewalk replacements that are needed within the City.

Costs for Sidewalk Replacements

Based on recent sidewalk replacement projects, the current cost per linear foot of sidewalk replacement (5-foot wide) is approximately \$80/linear foot. There can be a fairly wide range in the actual cost depending on factors such as if curb and gutter and drainage inlets need to be replaced as part of the sidewalk replacement. Based on this cost figure, the total cost to replace all of the sidewalks that are currently in poor condition would be approximately \$24 million.

Funding Sources for Sidewalk Replacements

The following are the primary funding sources that are available to the City to fund sidewalk replacements and a brief discussion of each:

1. City's General Fund

The City's General Fund is one potential funding source for sidewalks. Most recently, the General Fund paid for one-half of the \$2 million cost of the Citywide Sidewalk Replacement Project that replaced sidewalks on Valley Avenue, S. Loudoun, Millwood, Woodstock Lane, Purcell, and Cork Street.

2. City's Utility Fund

The majority of the sidewalk replacements (63%) during the past seven years have been included as part of utility replacement projects. The Utility Department plans to continue with the program to replace underground utility lines throughout the City as part of a long term program needed to replace aging infrastructure. Replacing sidewalks as a part of these projects is expected to continue in the future.

3. Highway Maintenance Fund

The City receives approximately \$2.7 million per year from the state based solely on the number of lane miles of streets the City maintains. These funds can be used for sidewalk replacement. However, since this amount of funding is not adequate to properly maintain all the streets at a level desired, there is generally very little of this funding available for sidewalk replacements.

4. VDOT Revenue Sharing Funds.

Revenue sharing funds administered by VDOT is another funding source for sidewalk replacements. These funds were utilized as the other half of the funding for the Citywide Sidewalk Replacement Project mentioned above. Unfortunately, the City has just learned that due to limited funds, there will be no Revenue Sharing funds available for sidewalk replacements in FY14.

5. Community Development Block Grant Funds (CDBG).

CDBG funds can be used for sidewalk replacements in areas of the City that are below income threshold levels. The sidewalks on National, N. Kent, Baker Lane, and Liberty that have been replaced during the past six years were paid for using CDBG funds. Over the next six years, the City has dedicated all of the CDBG funding it will receive to the Taylor Hotel Renovation Project.

6. Adjacent Property Owners

The current City Code requires that the adjacent property owner is responsible for the cost to maintain or replace the sidewalk adjacent to their property when it is in poor. However, this has never been strictly enforced. This topic is discussed later in more detail in the Sidewalk Maintenance section of this report.

7. Federal Transit Authority Funds.

Federal Transit Authority funds are a possible funding source for sidewalk improvements where the sidewalk is necessary for the safety and access of pedestrians that utilize the Winchester Transit services.

Areas with No Existing Sidewalks

There are several areas within the City where no sidewalks currently exist. These locations are shown in Figure 5. A large number of these areas are locations that were already developed when they were annexed into the City in the 1970's. Beginning in 1995, the City required that sidewalks be constructed adjacent to public streets within all new developments.

One of the primary goals in the City's Comprehensive Plan is for the City to be a "walkable community". To achieve this goal of sidewalks on both sides of all streets throughout the City, approximately 64 miles of sidewalks will need to be constructed in locations along streets where none currently exist. There are some locations, however, where a new sidewalk on one side of the street would be sufficient.

Priority of Locations for New Sidewalks

The criteria for determining the locations to construct new sidewalks where none currently exist are basically the same criteria for prioritizing sidewalk replacements. They are:

Priority A: Location along an arterial roadway with a high number of pedestrians.

Priority B: Location along a collector roadway or adjacent/near:

- 1) a school
- 2) Winchester Transit bus stop or other facility
- 3) Other public institution with a high number of pedestrians.

Priority C: All other locations (i.e. residential areas)

Based on this priority system, Figure 6 shows the proposed prioritized locations for new sidewalks within the City.

Costs for New Sidewalks

The costs for constructing new sidewalks within the City will vary greatly depending on the specific location. Most of the areas that do not have sidewalks also do not have curb & gutter. Installing curb & gutter and adequate drainage facilities is usually necessary before sidewalks can be installed and the cost for this infrastructure will be much higher than the actual cost of the sidewalk. In addition, some locations will require significant grading or retaining walls for the new sidewalks to be constructed which will greatly increase the overall cost.

For purposes of this report, the following assumptions were used to estimate the costs for new sidewalks (5-foot wide):

- Cost per Linear Foot of New Sidewalk Only: \$50/linear foot

- Cost for Curb & Gutter/Drainage/Grading per Linear Foot of New Sidewalk: \$125 - \$300+/linear foot (depends on drainage requirements) – Use average of \$175/linear foot for purposes of this report.
- Total Cost per Linear Foot of New Sidewalk and Curb & Gutter: \$225/linear ft

Based on this unit cost, the total estimated cost to construct sidewalks along both sides of all existing streets where a sidewalk does not currently exist is approximately \$75 million.

Funding Sources for New Sidewalks

The following are the primary funding sources that are available to the City to fund sidewalk replacements and a brief discussion of each:

1. City's General Fund

The City's General Fund is one potential funding source for new sidewalks.

2. City's Utility Fund

During recent utility replacement projects, there were some areas where new sidewalks were constructed as a part of the project where no sidewalks previously existed. Examples of this were on East Lane, Woodstock Lane, and some sections of Amherst Street. There will be other utility replacement projects in the future where the potential will exist to include the construction of new sidewalks.

The City will also be considering the possibility of implementing a Stormwater Utility in the near future. This mechanism would allow for a dedicated revenue source for stormwater improvements, including the curb & gutter and drainage

improvements that are necessary to construct new sidewalks in most locations where none currently exist.

3. Highway Maintenance Fund

The City receives approximately \$2.7 million per year from the state based solely on the number of lane miles of streets the City maintains. These funds can be used for new sidewalks. However, since this amount of funding is not adequate to properly maintain all the streets at a level desired, there is generally very little of this funding available for sidewalk replacements, let alone new sidewalks.

4. VDOT Revenue Sharing Funds

Revenue Sharing funds administered by VDOT is another funding source for new sidewalks. Projects where new sidewalks are constructed (along with curb & gutter and drainage improvements) are eligible to receive 50% of the total project cost from state Revenue Sharing funds. Projects with new sidewalks have a higher priority than projects with sidewalk replacements when state Revenue Sharing funds are allocated.

5. Community Development Block Grant Funds (CDBG).

CDBG funds can be used for new sidewalks in areas of the City that are below income threshold levels. Over the next six years, the City has dedicated all of the CDBG funding it will receive to the Taylor Hotel Renovation Project.

6. Special Improvement Districts

Section 2-11 of the City Code describes the process where a special improvements district may be established to pay for the costs of constructing new sidewalks. An additional property tax is levied against the properties within the established district to pay for the improvements.

7. Federal Transit Authority Funds.

Federal Transit Authority funds are a possible funding source for sidewalk improvements where the sidewalk is necessary for the safety and access of pedestrians that utilize the Winchester Transit services.

8. Federal/State Safe Route to Schools Funds.

Funds may be available in the future to construct new sidewalks within the Safe Routes to School program that is administered by VDOT. These funds could be used to construct sidewalks which are necessary to allow school children to walk safely to and from schools.

Sidewalk Maintenance

As the City has invested a considerable amount of funding for sidewalk replacements and new sidewalks in recent years and since this trend is expected to occur in the future, it is imperative that the City allocate adequate resources in the future to properly maintain these sidewalks. This is especially true in order to avoid the current situation where little maintenance was completed on existing sidewalks in the past resulting in the very high number of existing sidewalks that are in poor condition.

Section 26-7 of City Code addresses the responsibility for maintaining the sidewalks. In essence, current City code requires the property owner or tenant to be responsible for the cost of maintaining the sidewalk adjacent to their property. This section of the code has been in place for a long time, but has never really been enforced. This, combined with inadequate City resources devoted towards sidewalk replacements has resulted in the current situation where the majority of existing sidewalks are in poor condition. The majority of cities and localities in Virginia do not require the adjacent property owners to pay for the cost of

maintaining or replacing their sidewalk. In these locales, the cities are responsible for sidewalk maintenance.

Since the City has started an aggressive program of sidewalk replacements during the past six years, The Public Services Department recommends that City Council repeal Section 26-7 City Code, which would, in essence, mean that the City would be responsible for maintaining existing sidewalks within the public right-of-way. Section 26-7 of the existing City Code is provided in Appendix 1.

Proposed 5-year Sidewalk Plan

Based on the priorities developed herein for sidewalk replacements and new sidewalks, a proposed 5-year plan for sidewalk construction has been developed and is presented in Figure 7. A detailed listing of the specific locations for the proposed sidewalk construction, the estimated costs, and the proposed funding sources for the improvements is found in Appendix 2.

A summary of the proposed 5-year program is shown in the following table:

Fiscal Year	Length Sidewalk Replacement (linear feet)	Cost of Sidewalk Replacements	Length of "New" Sidewalks (linear feet)	Cost of "New" Sidewalks (Includes curb & gutter and drainage)
2014	10,300	\$ 800,000	0	\$ 0
2015	10,600	\$ 848,000	12,000	\$2,700,000
2016	7,800	\$ 784,000	12,200	\$2,745,000
2017	18,770	\$1,743,000	9,000	\$2,025,000
2018	18,950	\$1,516,000	8,200	\$1,845,000
Totals	66,420 (12.6 miles)	\$5,715,000	41,400 (7.8 miles)	\$9,315,000
Average Per Year	13,280 (2.5 miles)	\$1,143,000	8,280 (1.6 miles)	\$1,863,000

The proposed five-year plan will require significant funding to implement. The following are the proposed primary funding sources to construct the improvements in the 5-year plan:

- General Fund
- Utility Fund (including a possible Stormwater Utility)
- State Revenue Sharing Funds (VDOT)

A summary of the estimated funding sources for the proposed 5-year sidewalk plan is presented in the table below.

Fiscal Year	General Fund	Utility Fund (including possible Stormwater Utility)	State Revenue Sharing Funds (VDOT)	Total Funding
2014	\$ 800,000	\$ 0	\$ 0	\$ 800,000
2015	\$ 848,000	\$1,350,000	\$1,350,000	\$3,548,000
2016	\$ 784,000	\$1,372,500	\$1,372,500	\$3,529,000
2017	\$1,743,000	\$1,012,500	\$1,102,500	\$3,768,000
2018	\$1,516,000	\$ 922,500	\$ 922,500	\$3,361,000
Average Per Year	\$1,143,000	\$ 931,500	\$ 931,500	\$3,006,000

While the proposed 5-year plan is an aggressive plan that continues with the significant sidewalk improvements constructed during the past six years, assuming that the sidewalk replacements continue at the approximate same rate

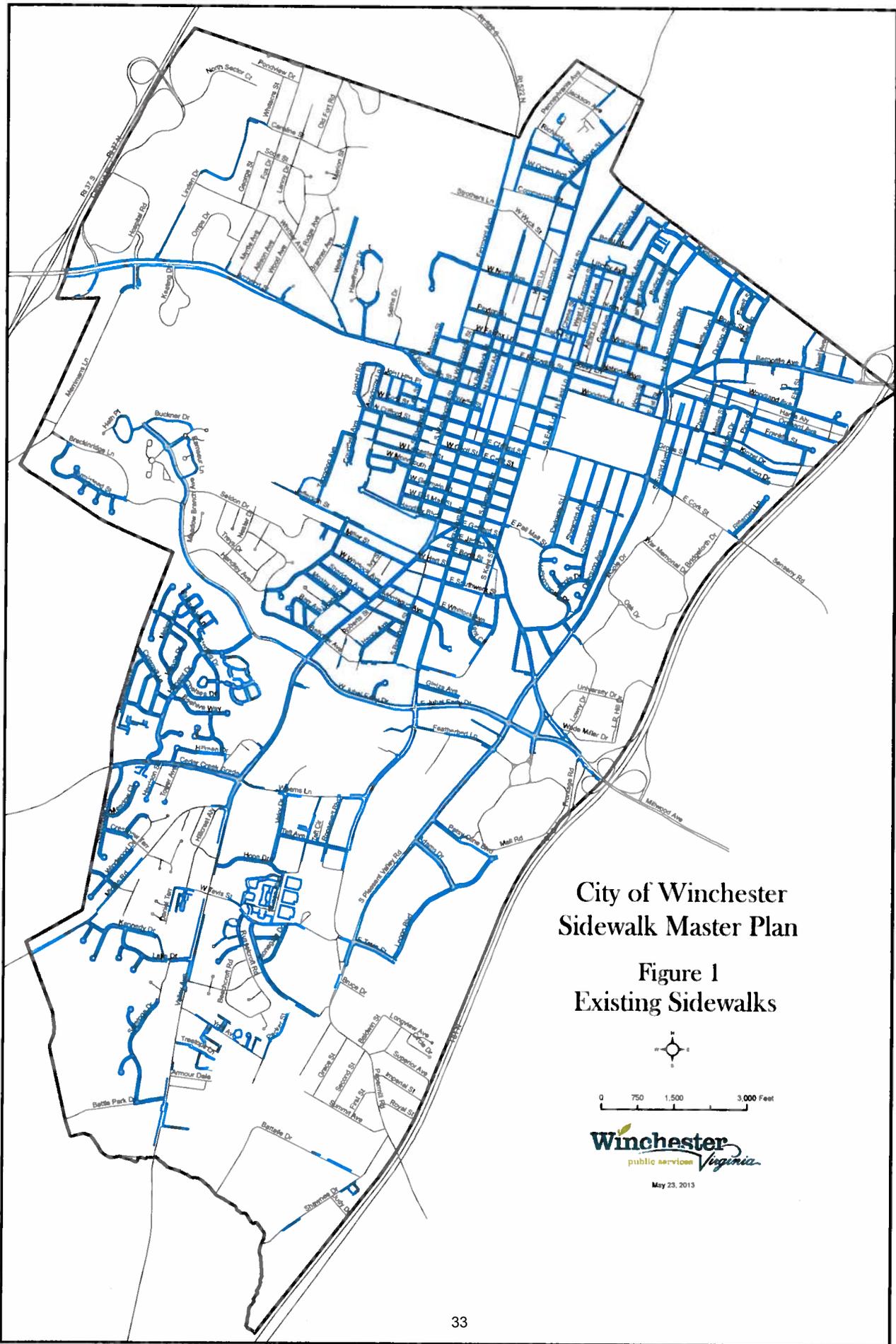
(\$1.1 million per year) in the future, it will still take over 20 years to replace all of the existing sidewalks that are currently in poor condition. Should City Council wish to expedite this program of sidewalk replacements, supplemental funding such as general obligation bonds or other revenue sources would need to be secured.

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.



**City of Winchester
Sidewalk Master Plan**

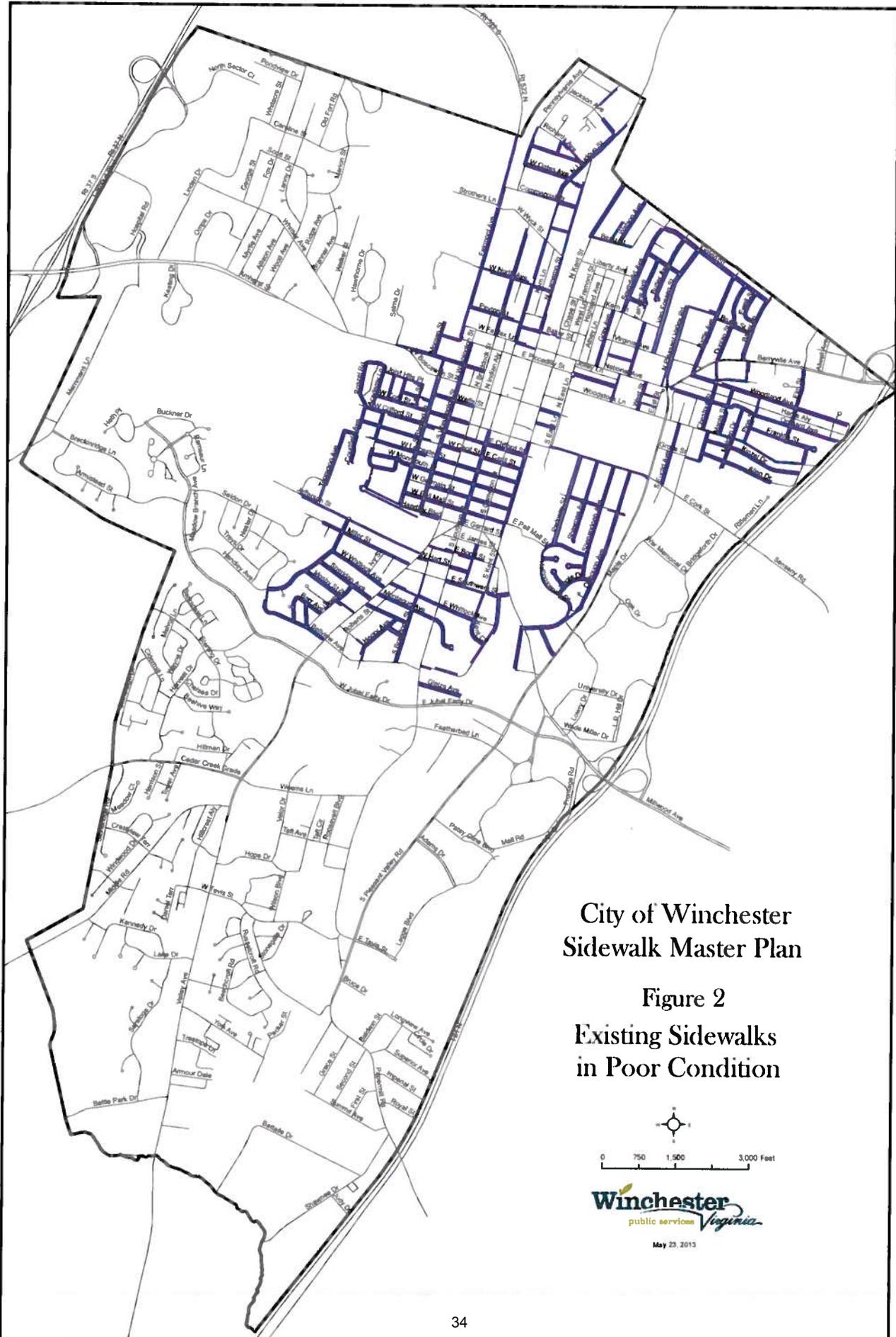
**Figure 1
Existing Sidewalks**



0 750 1,500 3,000 Feet

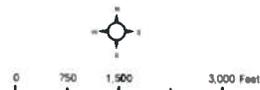


May 23, 2013



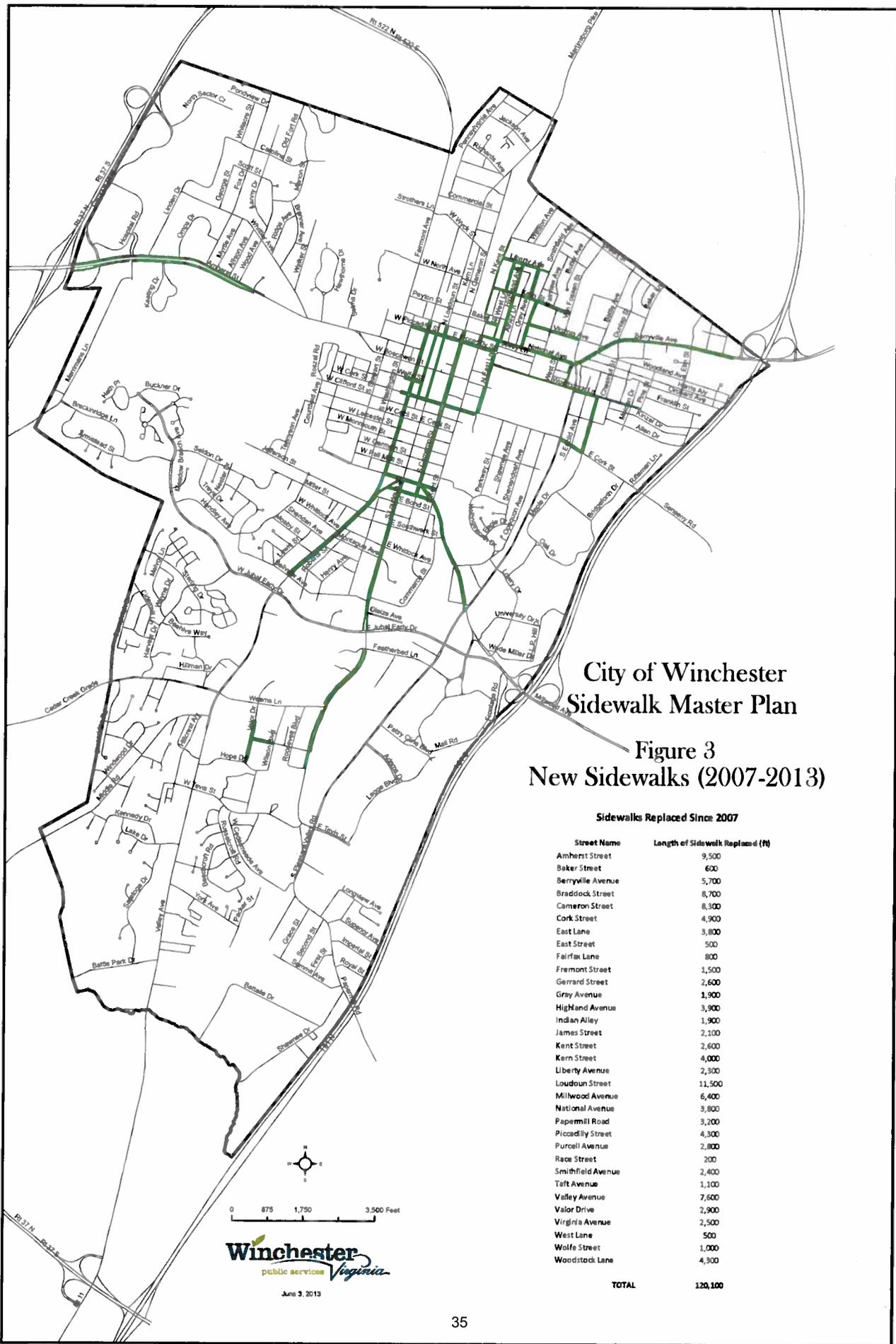
City of Winchester Sidewalk Master Plan

Figure 2
Existing Sidewalks
in Poor Condition



Winchester
public services Virginia

May 23, 2013



City of Winchester Sidewalk Master Plan

Figure 3
New Sidewalks (2007-2013)

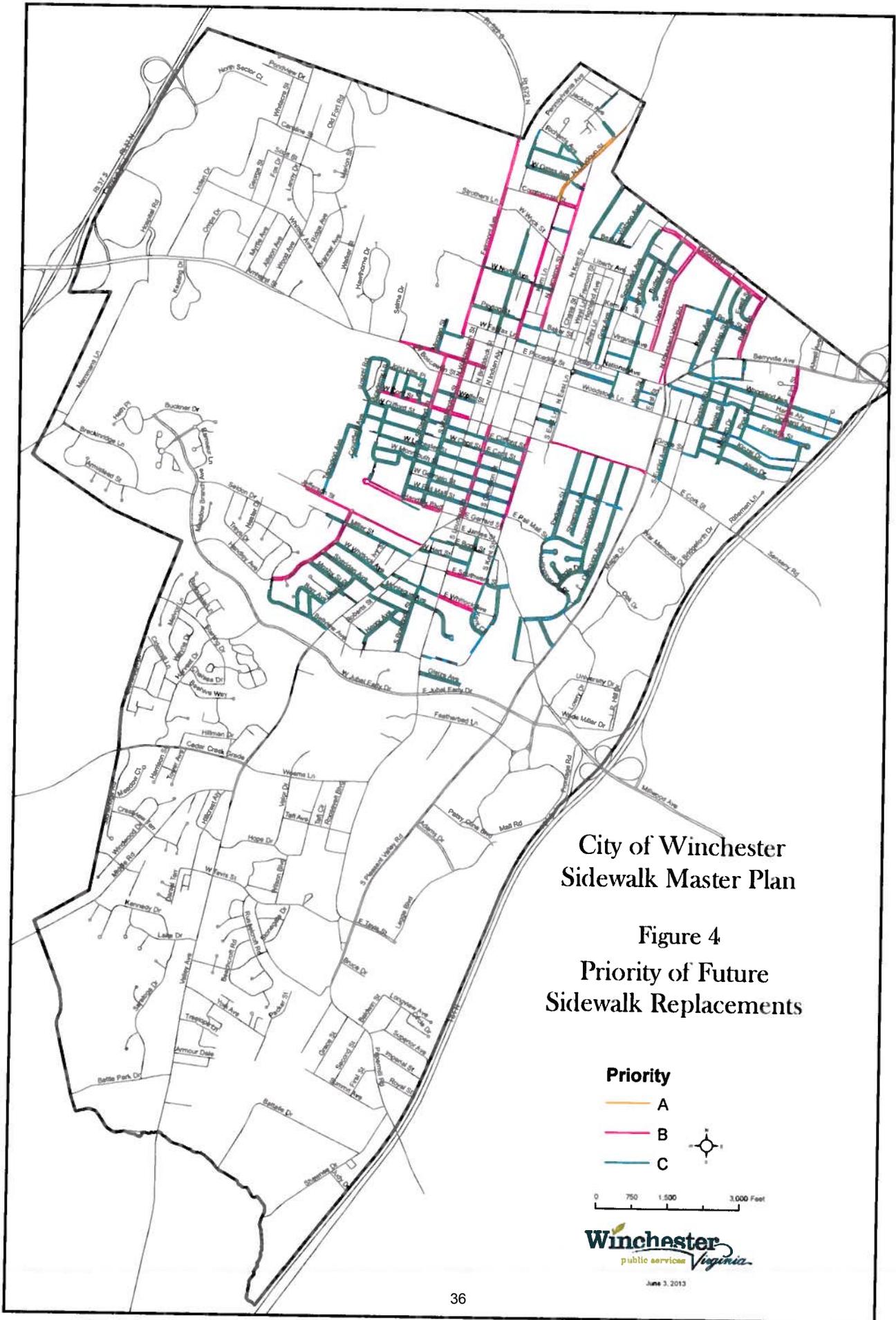
Sidewalks Replaced Since 2007

Street Name	Length of Sidewalk Replaced (ft)
Amherst Street	9,500
Baker Street	600
Berryville Avenue	5,700
Braddock Street	8,700
Cameron Street	8,300
Cork Street	4,900
East Lane	3,800
East Street	500
Fairfax Lane	800
Fremont Street	1,500
Gerrard Street	2,600
Gray Avenue	1,900
Highland Avenue	3,900
Indian Alley	1,900
James Street	2,100
Kent Street	2,600
Kern Street	4,000
Liberty Avenue	2,300
Loudoun Street	11,500
Millwood Avenue	6,400
National Avenue	3,800
Papemill Road	3,200
Piccadilly Street	4,300
Purcell Avenue	2,800
Race Street	200
Smithfield Avenue	2,400
Taft Avenue	1,100
Valley Avenue	7,600
Valor Drive	2,900
Virginia Avenue	2,500
West Lane	500
Wolfe Street	1,000
Woodstock Lane	4,300

TOTAL 120,100



June 3, 2015



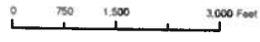
**City of Winchester
Sidewalk Master Plan**

**Figure 4
Priority of Future
Sidewalk Replacements**

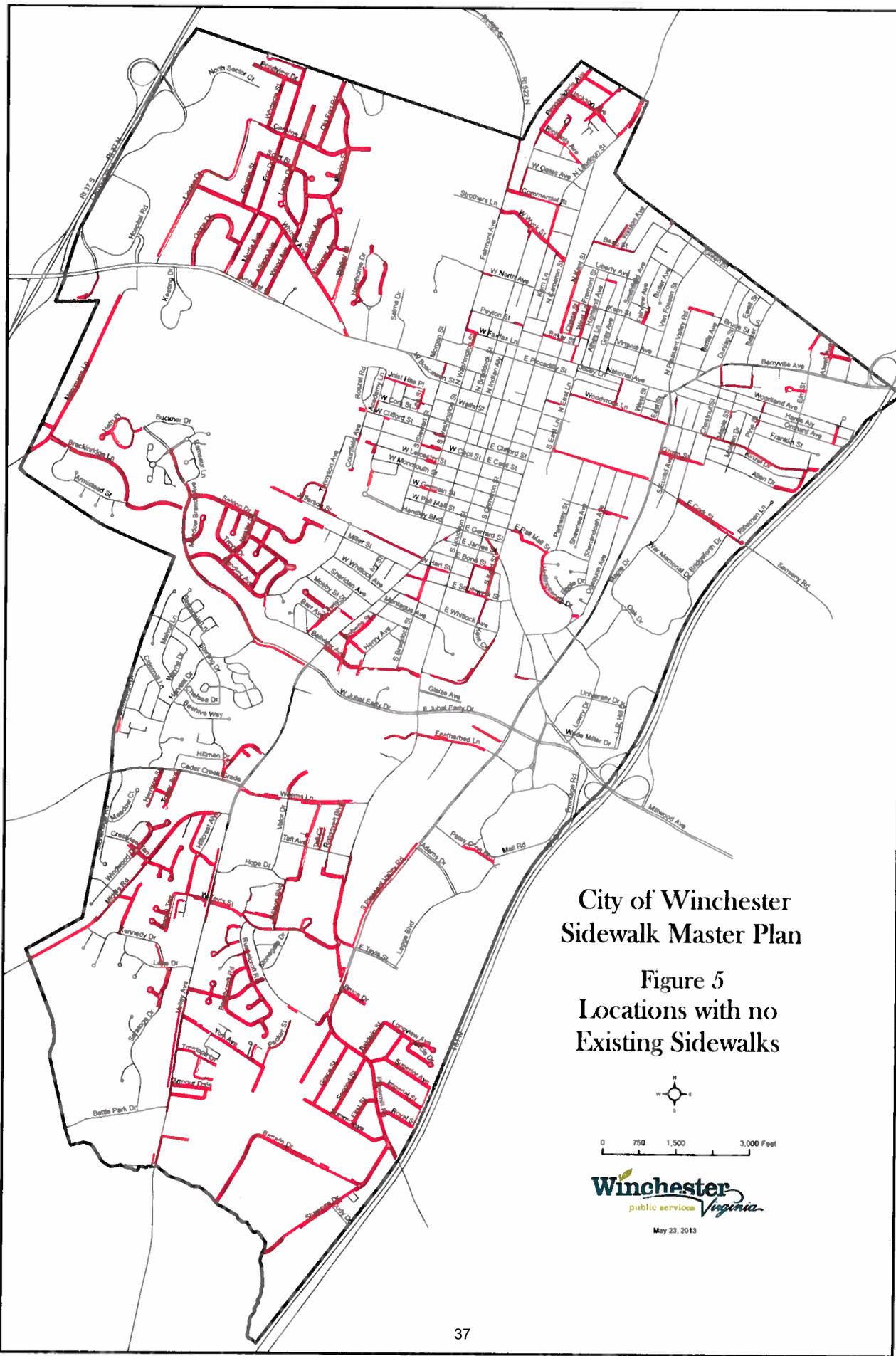
Priority

- A
- B
- C



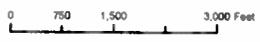


June 3, 2013

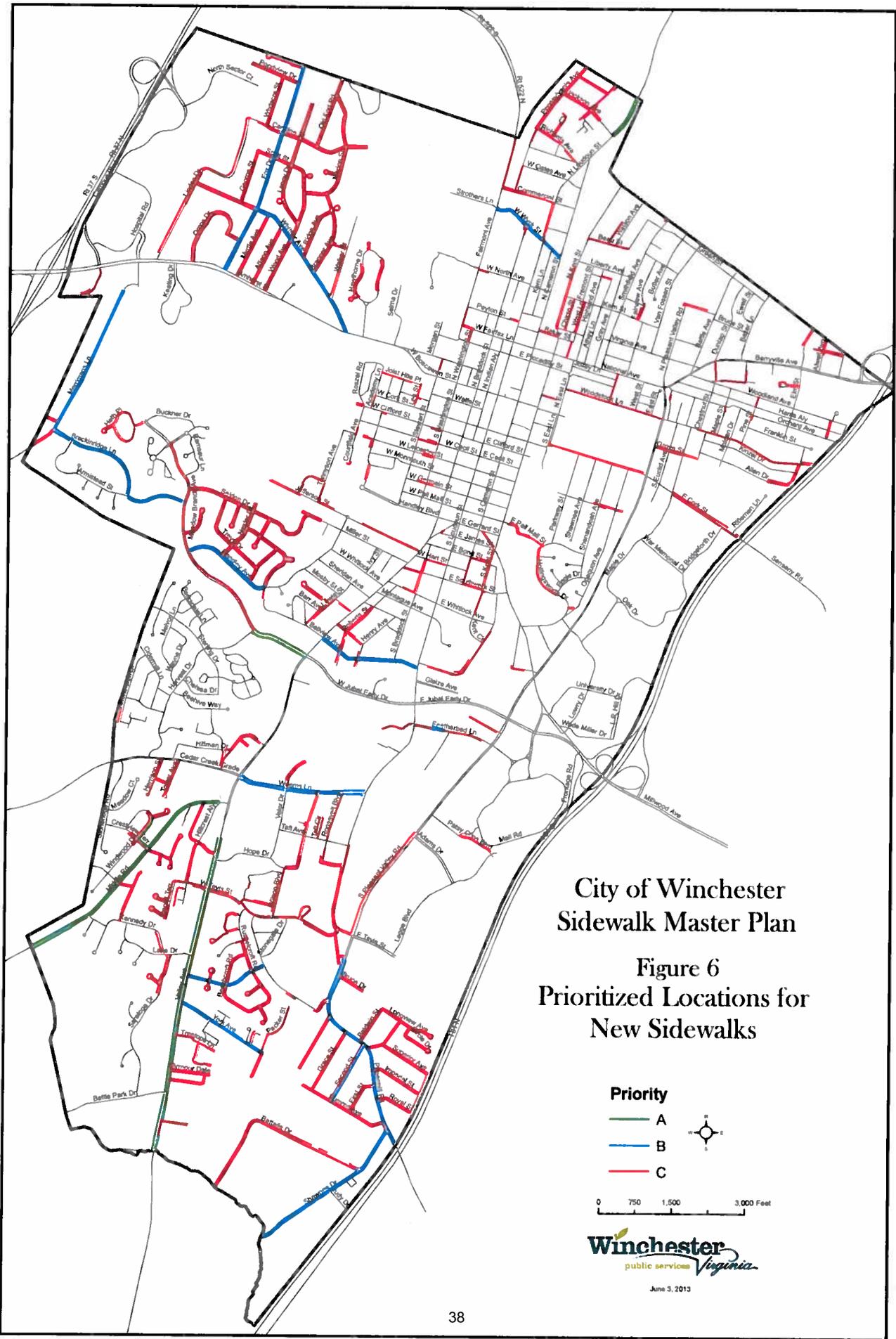


City of Winchester Sidewalk Master Plan

Figure 5
Locations with no
Existing Sidewalks



May 23, 2013



**City of Winchester
Sidewalk Master Plan**

**Figure 6
Prioritized Locations for
New Sidewalks**

Priority

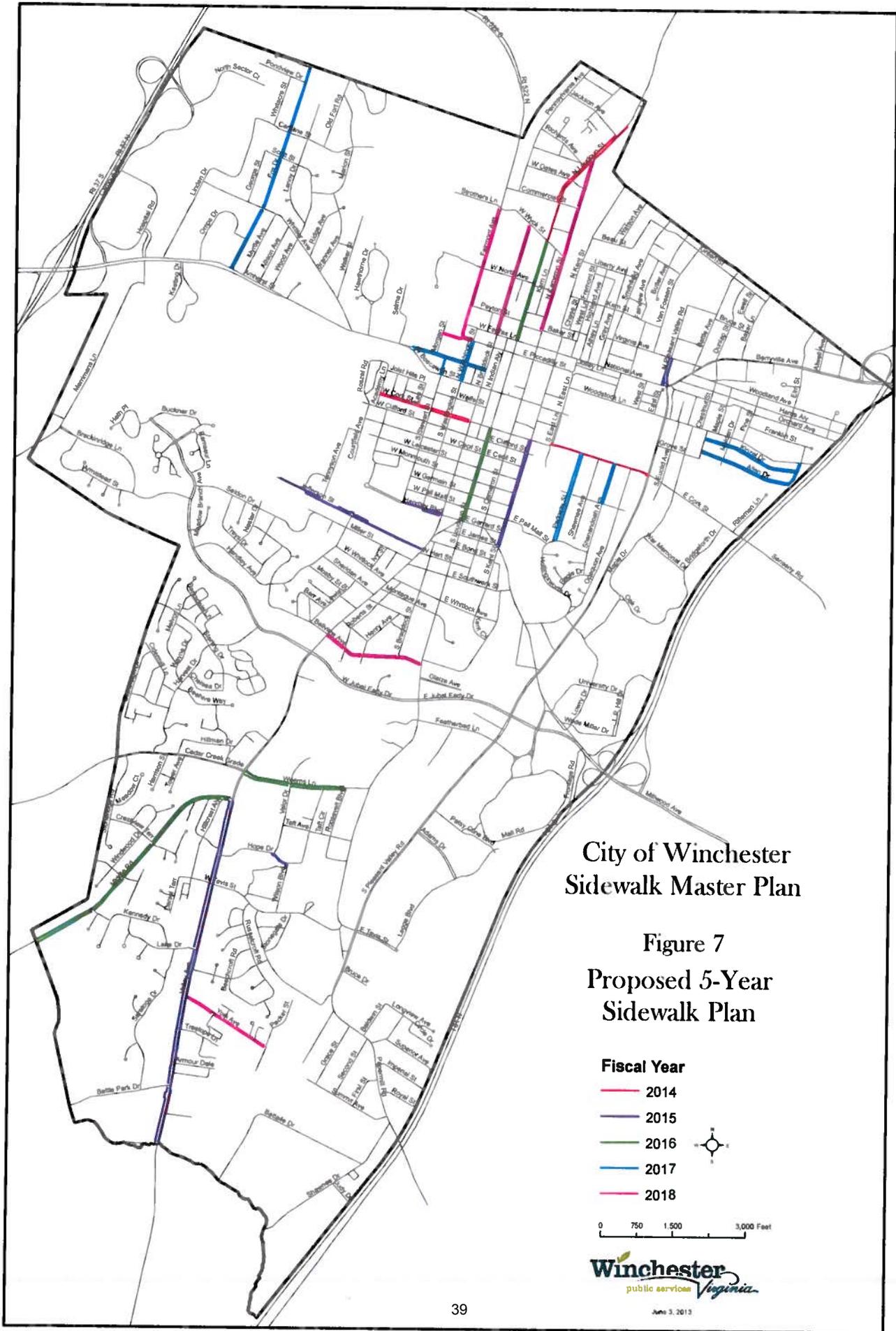
- A
- B
- C



0 750 1,500 3,000 Feet



June 3, 2013



Appendix 1

STREETS AND SIDEWALKS

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

- (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)

Charter reference--Assessments for paving of sidewalks §17.

State Law Reference--Code of Virginia, §15.1-381.

SECTION 26-8. PAVING OF DRIVEWAY ENTRANCES.

City of Winchester
Proposed 5-year Sidewalk Plan
Draft: 6/5/13

Appendix 2

Street	From	To	Linear Feet of Sidewalk	Estimated Cost	Proposed Funding Source	Year	New Sidewalk or Replacement
N. Loudoun	Wyck	City Limit	5,500	\$ 440,000	General Fund	FY2014	Replacement
Cork	Pleasant Valley	East Lane	2,000	\$ 160,000	General Fund	FY2014	Replacement
Cork	Braddock	Academy Ln	2,800	\$ 224,000	General Fund	FY2014	Replacement
				\$ 824,000			
Handley Blvd	Braddock	Stewart	1,600	\$ 128,000	General Fund	FY2015	Replacement
Pleasant Valley	Berryville	Virginia	1,000	\$ 80,000	General Fund	FY2015	Replacement
Jefferson	Valley	End	3,400	\$ 272,000	General Fund	FY2015	Replacement
S. Kent	Cork	Millwood	4,600	\$ 368,000	Utility Project/General Fund	FY2015	Replacement
Valley Avenue	Middle Road	City Limit	12,000	\$ 2,700,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2015	New
				\$ 3,548,000			
N. Loudoun	Fairfax Ln	Wyck	3,800	\$ 304,000	Utility Project/General Fund	FY2016	Replacement
S. Loudoun	Cork	Gerrard	4,000	\$ 480,000	Utility Project/General Fund	FY2016	Replacement
Weems Lane	Valley	Roosevelt	3,800	\$ 855,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2016	New
Middle Road	Valley	City Limit	8,400	\$ 1,890,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2016	New
				\$ 3,529,000			
Amherst	Braddock	Boscawen	3,000	\$ 375,000	Utility Project/General Fund	FY2017	Replacement
Washington	Boscawen	Piccadilly	1,650	\$ 206,250	Utility Project/General Fund	FY2017	Replacement
Stewart	Boscawen	Amherst	720	\$ 90,000	Utility Project/General Fund	FY2017	Replacement
Parkway	Cork	Hollingsworth	3,800	\$ 304,000	Utility Project/General Fund	FY2017	Replacement
Shenandoah Avenue	Cork	Leicester	1,800	\$ 144,000	Utility Project/General Fund	FY2017	Replacement
Kinzel Drive	Christopher	End	3,000	\$ 240,000	Utility Project/General Fund	FY2017	Replacement
Allen Drive	Christopher	End	4,800	\$ 384,000	Utility Project/General Fund	FY2017	Replacement
Fox Drive	Amherst	City Limit	9,000	\$ 2,025,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2017	New
				\$ 3,768,250			
N. Cameron	Baker	N. Loudoun	7,400	\$ 592,000	General Fund	FY2018	Replacement
Fairmont Avenue	Piccadilly	Wyck	5,600	\$ 448,000	Utility Project/General Fund	FY2018	Replacement
Braddock	Fairfax	Wyck	4,600	\$ 368,000	Utility Project/General Fund	FY2018	Replacement
Piccadilly	Washington	Morgan	1,350	\$ 108,000	Utility Project/General Fund	FY2018	Replacement
York Avenue	Valley	Packer	4,000	\$ 900,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2018	New
Bellview Ave.	S. Loudoun	Valley	4,200	\$ 945,000	General Fund/Stormwater Utility/State Revenue Sharing	FY2018	New
				\$ 3,361,000			

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 7.17.2013 CUT OFF DATE: _____

RESOLUTION x ORDINANCE PUBLIC HEARING

ITEM TITLE: 2013 Local Emergency Performance Grant

STAFF RECOMMENDATION: : Apply for and Accept Proceeds of Grant

PUBLIC NOTICE AND HEARING: : N/A

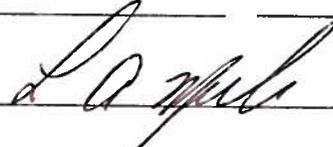
ADVISORY BOARD RECOMMENDATION: : N/A

FUNDING DATA: 1:1 Match through existing budget funding

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. 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.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney		_____	7/17/2013
6. City Manager		_____	7-18-13
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  Date: 7-17-2013



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: L. A. Miller, Emergency Management Coordinator
Date: July 17, 2013
Re: Local Emergency Performance Grant

THE ISSUE: Application and Acceptance of proceeds awarded through the Local Emergency Performance Grant - 2013 (LEPG-2013)

RELATIONSHIP TO STRATEGIC PLAN: Supports Emergency Management Program and relates to Strategic Plan Goal 2 as it supports Public Safety as enhances the quality of City workforce as well as teamwork and collaboration among City departments.

BACKGROUND: The LEMPG of which the City of Winchester has been the recipient for a number of years assist in supporting the Emergency Management program of the city.

BUDGET IMPACT: The grant provides proceeds in the amount of \$8905 on a matching basis to conduct and support the Emergency Management program of the City. The match is obtained from existing Emergency Management funding and requires no additional funding

OPTIONS: Accept of Decline Grant

RECOMMENDATIONS: Staff recommends that City Council permit the City Manager to review and execute all necessary documents to apply for and accept the proceeds of the 2013 LEPG.

**A RESOLUTION TO AUTHORIZE THE APPLICATION OF
THE 2013 LOCAL EMERGENCY MANAGEMENT
PERFORMANCE GRANT TO SUPPORT THE WINCHESTER
EMERGENCY MANAGEMENT PROGRAM**

WHEREAS, the Virginia Department of Emergency Management has made available a grant opportunity to support local Emergency Management Programs; and

WHEREAS, the Winchester Department of Emergency Management strives to maintain an active and comprehensive Emergency Management Program, and

WHEREAS, the City of Winchester has qualified for and been the recipient of the Local Emergency Performance Grant for many years; and

WHEREAS, the Emergency Management Program within the City of Winchester is vital to the overall Public Safety Program of the community; and

WHEREAS, the Common Council of the City of Winchester is a strong proponent of Public Safety within the community.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, Virginia hereby authorizes the City Manager to apply for and accept the Local Emergency Management Performance Grant for 2013 and to sign all necessary and appropriate documents related to the grant.

B-2013-37

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 (regular mtg)

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE:
A RESOLUTION TO ACCEPT CLG GRANT FUNDING THROUGH THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES FOR THE PURPOSES OF AMENDING AND EXPANDING THE NATIONALLY-DESIGNATED WINCHESTER HISTORIC DISTRICT, AMENDING THE PERIOD OF SIGNIFICANCE, AND ESTABLISHING CIVIL WAR INTERPRETIVE SIGNAGE.

STAFF RECOMMENDATION:
Approval to accept 2nd round CLG grant funding.

PUBLIC NOTICE AND HEARING:
N/A

ADVISORY BOARD RECOMMENDATION:
N/A

FUNDING DATA: The grant proposals include up to a \$3,500 local match.

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, City Attorney, City Manager, and Clerk of Council.



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



APPROVED AS TO FORM

[Signature] 7/17/13 CITY ATTORNEY

A RESOLUTION TO ACCEPT CLG GRANT FUNDING THROUGH THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES FOR THE PURPOSES OF AMENDING AND EXPANDING THE NATIONALLY-DESIGNATED WINCHESTER HISTORIC DISTRICT, AMENDING THE PERIOD OF SIGNIFICANCE, AND ESTABLISHING CIVIL WAR INTERPRETIVE SIGNAGE.

WHEREAS, in accordance with §15.2-2306 of the Code of Virginia (1950), et seq., the City of Winchester is enabled to preserve historical sites and architectural areas as defined within §15.2-2201 of the Code of Virginia (1950), et seq.; and,

WHEREAS, a committee appointed by the Common Council of the City of Winchester, known as the Historic Winchester District Design Guidelines Review Committee reviewed the current standards, practices, procedures, and district boundaries; and, within a report of their findings dated February 1, 2010, recommended that the City Council approve funding for the completion of an expansion to the nationally-designated Winchester Historic District; and,

WHEREAS, the City has recently utilized CLG grant funds to undertake a thorough survey of resources within the existing nationally-designated Winchester Historic District, as well as within potential expansion areas, and has completed a Preliminary Information Form recommending a change in the Period of Significance; and,

WHEREAS, the City of Winchester is recognized as a Certified Local Government within the Commonwealth of Virginia; and, as such, is eligible to apply for and receive grant funding through the Virginia Department of Historic Resources for the expressed purposes of cultural resource surveys, among other projects; and,

WHEREAS, the City Manager or his designee submitted grant applications for the purposes of amending and expanding the Nationally-Designated Winchester Historic District, amending the period of significance, and establishing Civil War Interpretive Signage.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Winchester that the City Manager or his designee accept the grants and execute any documents requiring execution by the City of Winchester.

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

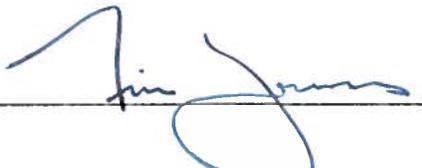
ADVISORY BOARD RECOMMENDATION:
Planning Commission recommended approval.

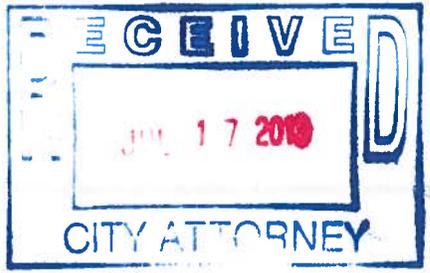
FUNDING DATA: N/A

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: Will Moore, Planner

Date: July 16, 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.

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

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: July 16, 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 create more demand for commercial development elsewhere.

OPTIONS:

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

RECOMMENDATIONS:

Planning Commission recommended approval as proffered.

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*".

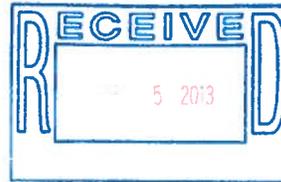
BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the Development Plan titled 'PLAN OF DEVELOPMENT, JUBAL SQUARE APARTMENTS' dated March 23, 2013 including updates of May 16, 2013 and July 1, 2013 as well as the submitted proffers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

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

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."

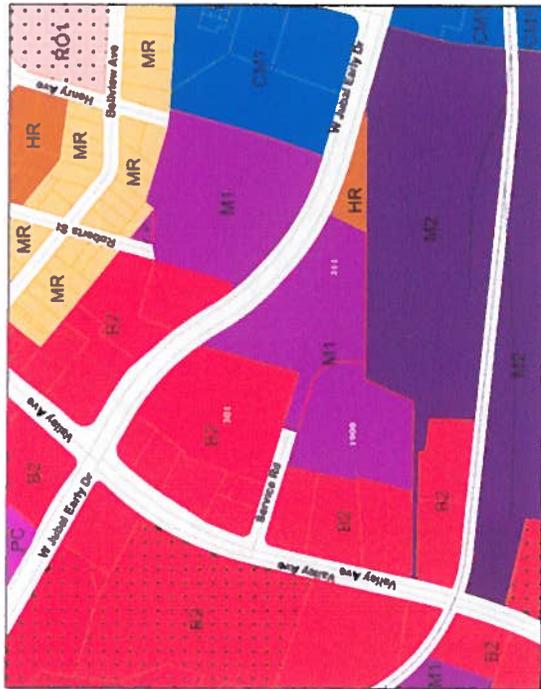
- d. I do recommend restricting parking on the south side of Service Road near the Valley intersection and adding striping to create a left turn lane and right turn lane for traffic turning onto Valley Avenue.

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

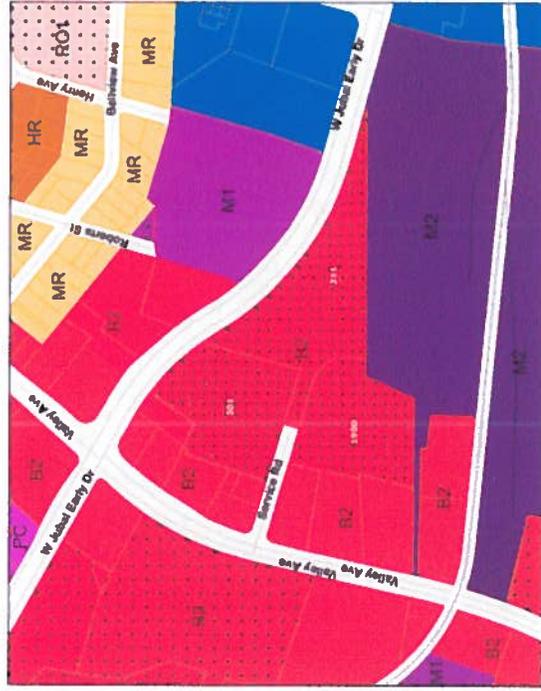
RZ-13-196

PREPARED BY WINCHESTER PLANNING DEPARTMENT
JUNE 4, 2013



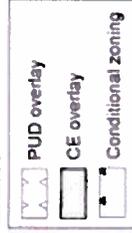
EXISTING

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

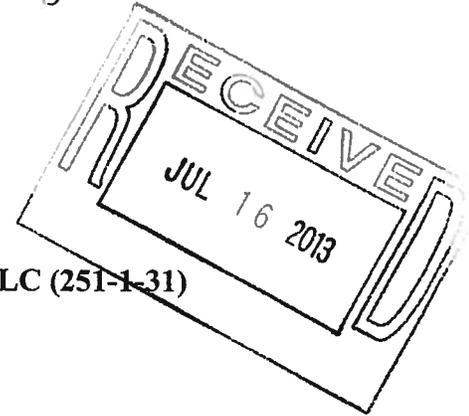


Rec'd at 7/16/13
Plng Comm Public Hearing

**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:

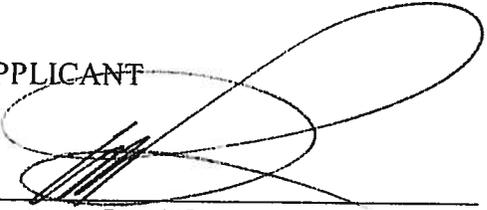
1. The property shall be developed and landscaped substantially in conformance with the Plan of Development prepared by Hamrick Engineering, dated March 23, 2013, revised July 1, 2013, and submitted with this proffer statement.
2. The exteriors of the two (2) buildings facing Jubal Early Drive and east 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

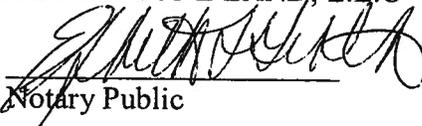
APPLICANT



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 _____

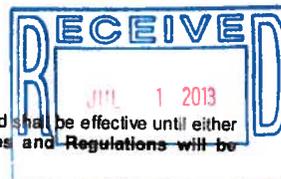
The foregoing instrument was acknowledged before me this ____ day of _____,
2013, by _____, _____ of VALLEY LC.

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.

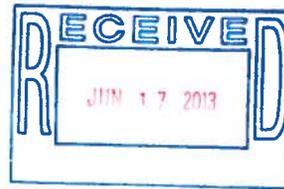
Resident(s) Signature



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 cursive script, appearing to read "Denis Belzile".

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.

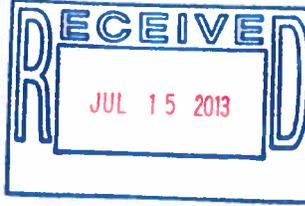
Please let me know if you would like any additional information regarding our project, or further information regarding our support for the Jubal Square Apartments.


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

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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

