

City Council Work Session

Tuesday, May 27, 2014

6:00 p.m.

Exhibit Hall – 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 R-2014-26:** Resolution – Adoption of the VRS Employer Contribution Certified Rate of 11.90% for the City and 8.72% for the City Schools – Mary Blowe, Finance Director (pages 3-9)
- 3.2 CU-14-230:** Conditional Use Permit – Request of Greenway Engineering on behalf of the Winchester SPCA for animal shelter use at 111 Featherbed Lane (*Map Number 252-01-31A*) zoned Commercial Industrial (CM-1) District (*Allows converting a former print shop building to a pet adoption center*) – Aaron Grisdale, Director of Zoning & Inspections (pages 10-17)
- 3.3 O-2014-22:** AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS **SA-14-199** (*The amendment eases restrictions on approving subdivisions administratively and ensures compliance with State Code on recording plats*) – Tim Youmans, Planning Director (pages 18-22)
- 3.4 CU-14-212:** Conditional Use Permit – Request of Braveger Enterprises, LLC for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (*Map Number 212-01-H-6*) zoned Central Business (B-1) District (*Allows for converting a former personal service establishment to an apartment*) – Tim Youmans, Planning Director (pages 23-28)
- 3.5 CU-14-267:** Conditional Use Permit – Request of Eugene F. Dearing, III for extended stay lodging at 126 North Braddock St (*Map Number 173-01-F-5*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay (*Allows converting a former dental office and apartment building into 4 extended stay lodging units*) – Tim Youmans, Planning Director (pages 29-33)

3.6 O-2014-23: AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (Map Number 153-01-J-3) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT **RZ-14-193** (*Allow light industrial uses not otherwise allowed under B-2 zoning*) – Tim Youmans, Planning Director (pages 34-40)

3.8 O-2014-24: AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (*Map Number 252-01-2*) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY **RZ-14-35** (*Allows a 26 three-bedroom townhouse units on primarily vacant industrial property*) – Tim Youmans, Planning Director (pages 41-85)

4.0 Boards & Commissions Liaison Update

4.1 Old Town Development Board – Jennifer Bell, Downtown Manager

5.0 Executive Session

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 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 AND PURSUANT TO §2.2-3711(A) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF INFORMATION REGARDING THE SUBJECT OF THE EMPLOYMENT, ASSIGNMENT, APPOINTMENT, AND PERFORMANCE OF SPECIFIC PUBLIC OFFICERS APPOINTEES, AND EMPLOYEES OF THE CITY OF WINCHESTER INCLUDING THE APPOINTMENT OF OR PROSPECTIVE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

6.0 Monthly Reports

6.1 Police Department (page 86)

7.0 Adjourn

B-2014-26

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: May 27, 2014 CUT OFF DATE:

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE:

VRS Employer Contribution Rates in accordance with the 2014 Appropriations Act Item 468 H

STAFF RECOMMENDATION:

Recommend adoption of the certified rate of 11.90% and 8.72% for City Schools

PUBLIC NOTICE AND HEARING:

N/A

ADVISORY BOARD RECOMMENDATION:

N/A

FUNDING DATA:

The rate of 11.90% was used in the budget for FY 2015 and 8.72 % for City Schools

INSURANCE:

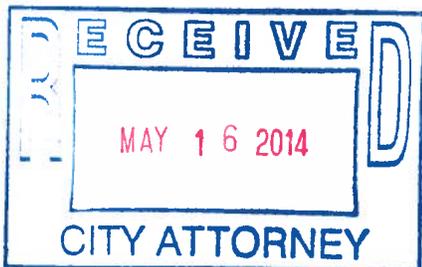
No liability assumed.

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 Interim Human Resources Director, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: [Signature] Date: 5-14-14

Mary Blowe, Finance Director



APPROVED AS TO FORM:

[Signature] 5/16/2014 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Mary Blowe, Finance Director
Date: May 20, 2014
Re: VRS Rate certification

THE ISSUE: VRS offers two different rates for localities to choose from regarding the funding of our retirement pool. There are two resolutions, one for general government and the other for schools employees.

RELATIONSHIP TO STRATEGIC PLAN: With this change, we can work with our community to create a high performing organization.

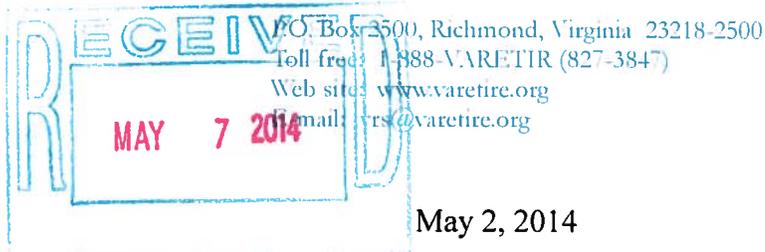
BACKGROUND: The City of Winchester has a desire to contribute as fully as possible to the VRS fund to ensure we have enough funds to pay our retirement costs in the future. Historically, we have gone with the VRS certified rates in order to lower our Other Post Employment Benefit (OPEB) costs. It is in my opinion to be more responsible to fully fund our retirement benefits.

BUDGET IMPACT: The 11.90% rate has already been factored into our FY 2015 budget, so no new impact. The schools have also properly budgeted at their rate of 8.72%.

OPTIONS: The City and Schools other option is to use the alternate rate. If this rate is utilized, please be aware of the following consequences:

- Fewer assets available for benefits
- Lower funded ratio with the next actuarial valuation is performed and in turn a higher calculated contribution rate.
- Require that we include the Net Pension Obligation (NPO) under the Governmental Accounting Standards Board (GASB) in our financial Statements.

RECOMMENDATIONS: Staff recommends the adoption of the 11.90% rate certified for the City and the rate of 8.72% for City Schools by the VRS Board of Trustees for the FY 2015-2016 biennium.



CITY OF WINCHESTER – 55222

Language in the 2013 Appropriations Act, Item 468(H), allowed localities to make an election regarding their employer contribution rate every biennium. You have the opportunity again this year to select which employer contribution rate your locality will pay, beginning July 1, 2014.

Included with this letter is the employer contribution resolution your local governing body will need to pass and then send in to communicate to VRS their election decision.

Employer Retirement Contribution Rate Election

By no later than July 1, 2014, your local governing body must approve one of the following employer contribution rate options for the defined benefit retirement plan in the biennium beginning July 1, 2014:

- 11.90% – the rate certified by the VRS Board of Trustees for the FY 2015-2016 biennium; or
- 9.52% – the alternate rate, which is the higher of the rate certified by the VRS Board for FY 2012 or 80 percent of the VRS Board-certified rate for FY 2015-2016.

Considerations in Electing Your Contribution Rate

The intent of the language in the 2013 Appropriation Act, Item 468(H) was to offer localities and schools some budget relief for the coming fiscal year with respect to the amount of their retirement contributions. However, this does not change the Board-certified rate or the recommended employer contribution rate. Therefore, if you are considering using the Alternate Rate, please be aware that doing so will:

- Reduce contributions to your employer account and the investment earnings they would have generated, which will mean there will be fewer assets available for benefits.

- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.
- Require that you include the Net Pension Obligation (NPO) under the Governmental Accounting Standards Board (GASB) Standards in your financial statements.

Deadline for Resolutions

VRS must receive your formal signed resolution for the employer retirement contribution rate election **by no later than July 10, 2014**. Please send all resolutions to Ms. ZaeAnne Sferra, Employer Coverage Coordinator at P.O. Box 2500, Richmond, VA 23218-2500.

If you have any questions about the information in this packet, please contact Ms. ZaeAnne Sferra, Employer Coverage Coordinator, at zsferra@varetire.org or (804) 775-3514.

Best regards.

Sincerely,



Robert P. Schultze
Director

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the City of Winchester employer code 55222 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the City of Winchester, employer 55222 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

The Certified Rate of 11.90% The Alternate Rate of _____%; and

BE IT ALSO RESOLVED, that the City of Winchester employer code 55222 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of The City of Winchester employer code 55222 are hereby authorized and directed in the name of the City of Winchester to carry out the provisions of this resolution, and said officers of the City of Winchester are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Winchester for this purpose.

Governing Body/School Division Chairman

CERTIFICATE

I, _____, Clerk of the City of Winchester certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City of Winchester held at _____, Virginia at _____ o'clock on _____, 2014. Given under my hand and seal of the City of Winchester this _____ day of _____, 2014.

Clerk

**This resolution must be passed prior to July 1, 2014 and
received by VRS no later than July 10, 2014.**

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the Winchester Public Schools, employer code 5-5522 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Winchester Public Schools, employer 5-5522 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

The Certified Rate of 8.72% The Alternate Rate of _____%; and

BE IT ALSO RESOLVED, that the Winchester Public Schools, employer code 5-5522 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of The Winchester Public Schools, employer code 5-5522 are hereby authorized and directed in the name of the Winchester Public Schools to carry out the provisions of this resolution, and said officers of the Winchester Public Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Winchester Public Schools for this purpose.

School Division Chairman

CERTIFICATE

I, _____, Clerk of the Winchester Public Schools certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Winchester Public Schools held at _____, Virginia at _____ o'clock on _____, 2014. Given under my hand and seal of the Winchester Public Schools this _____ day of _____, 2014.

Clerk

**This resolution must be passed prior to July 1, 2014 and
received by VRS no later than July 10, 2014.**

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2014 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the _____[Locality Name] [employer code] does hereby acknowledge that the _____[School Division Name] has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the _____[Locality Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the _____[School Division Name] to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of _____[Locality Name] [employer code] are hereby authorized and directed in the name of the _____[Locality Name] to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the _____[Locality Name], as appropriate, shall be affixed and attested by the Clerk.

Locality Board Chairman

CERTIFICATE

I, _____, Clerk of the _____[Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the _____[Locality Name] and ratified by the _____[Locality Name] at a lawfully organized meeting of the _____[Locality Name] held at _____, Virginia at _____ o'clock on _____, 2014. Given under my hand and seal of the _____[Locality Name] this _____ day of _____, 2014.

Clerk

This resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (work session), **CUT OFF DATE:** 5/21/14
6/10/14 (regular mtg)

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

ITEM TITLE:

CU-14-230 Request of Greenway Engineering on behalf of the Winchester SPCA for a conditional use permit for animal shelter use at 111 Featherbed Lane (Map Number 252-01-31A) zoned Commercial Industrial (CM-1) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 6/10/14 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. Planning		_____	<u>5/21/14</u>
2. City Attorney		_____	<u>5/21/2014</u>
3. City Manager		_____	<u>5/21/14</u>
4. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: 5/21/14
(Zoning and Inspections)



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: May 27, 2014
Re: CU-14-230 – SPCA Animal Shelter – 111 Featherbed Lane

THE ISSUE:

The SPCA is requesting to establish an animal shelter at the old Impressions Plus building at 111 Featherbed Lane.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

The SPCA recently purchased the subject property, which is immediately adjacent to their existing facility at 115 Featherbed Lane. The organization intends to expand their services and divide up the incoming pet drop-off to be at their existing facility at 115 Featherbed Lane, and to reorganize the internal building footprint of 111 Featherbed Lane for the out-going pets for the adoption center. (Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve the conditional use permit
- Approve the conditional use permit with conditions
- Deny the conditional use permit

RECOMMENDATIONS:

The Planning Commission recommended approved unanimously.



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602

Founded in 1971

April 7, 2014

City of Winchester
Roush City Hall
15 North Cameron Street
Winchester, Virginia 22601



Attn: Tim Youmans, Planning Director
Re: Winchester SPCA, 111 Featherbed Lane

Dear Mr. Youmans:

Greenway Engineering Inc. is pleased to present the Conditional Use Permit Application and letter of compliance in accordance with the City of Winchester Zoning Ordinance Section 18-2. The SPCA is a non-for profit organization located at 115 Featherbed Lane in Winchester. SPCA had recently purchased the adjacent property at 111 Featherbed Lane to expand their services and divide up the incoming pet drop-off to be at the current 115 Featherbed Lane property and reorganize the internal building footprint of the 111 Featherbed Lane building for the out-going pets for the adoption center. The 111 Featherbed Lane parcel is identified as TM #252-01-51, is zoned CM-1, and consist of 1.79 acres. The property currently has two existing buildings on the property, the building to the southern end (back) of the parcel is currently being utilized by Habitat Restore while the building to the north fronting on Featherbed Lane is currently vacant (Old Impressions Plus Building) which is the building in subject pertaining to this Conditional Use Permit Request.

The SPCA is requesting approval from the City of Winchester for a Conditional Use Permit to utilize the Northern Building on the property as an adoption center. The back building use will remain the same as well as the existing features of the property. The CUP request is due to the increasing need for additional space, storage, as well as to expand their services to accommodate the public. This expansion of service to the 111 Featherbed Lane will take the place of the additional space they were hoping to create with a new facility back in 2011 when they applied for CUP #12-360 which is null and voided due to non-activity. Attached are the following:

- Existing Site Conditions Exhibit
- Existing Building Proposed Footprint Uses Exhibit
- Existing Building Elevations (from Original Architectural plans Prepared by David Causey MA)
- \$500.00 Application Fee Check

Please contact me should you have any questions or comments regarding this submittal.

Sincerely,
Greenway Engineering, Inc.

Jeremy Tweedie, Senior Project Manager

CU-14-230

Engineers Surveyors Planners Environmental Scientists

Telephone 540.662.4185 FAX 540.722.9328

www.greenwayeng.com

File #20140527

CU-14-230 Request of Greenway Engineering on behalf of the Winchester SPCA for a conditional use permit for animal shelter use at 111 Featherbed Lane (*Map Number 252-01-31A*) zoned Commercial Industrial (CM-1) District.

REQUEST DESCRIPTION

The request is for a conditional use permit to allow for redevelopment of the former Impressions Plus site for use as an animal shelter.

AREA DESCRIPTION

The site and all surrounding lots on the south side of Featherbed Lane are zoned CM-1. Land to the east, west and south contain animal shelter, office, retail and automotive service uses. The north side of Featherbed Lane has CM-1 zoning across from the subject property and B-2 zoning to the northeast. A large portion of the subject site closest to Featherbed Lane is within the Abrams Creek Floodplain.



STAFF COMMENTS

The *Animal Shelter* use was established as a conditional use in the CM-1 district in 2000, allowing for more than the 25-animal restriction that is otherwise applicable to *Kennels*. Such facilities are required to be no closer than 500 feet from any residential district. The closest residential district is along Glaze Avenue to the northwest, approximately 850 feet away.

The SPCA recently purchased the subject property, which is immediately adjacent to their existing facility at 115 Featherbed Lane. The organization intends to expand their services and divide up the incoming pet drop-off to be at their existing facility at 115 Featherbed Lane, and to reorganize the internal building footprint of 111 Featherbed Lane for the out-going pets for the adoption center. There is a second building on the rear of the subject parcel which is currently in use by Habitat for Humanity as their Re-Store.

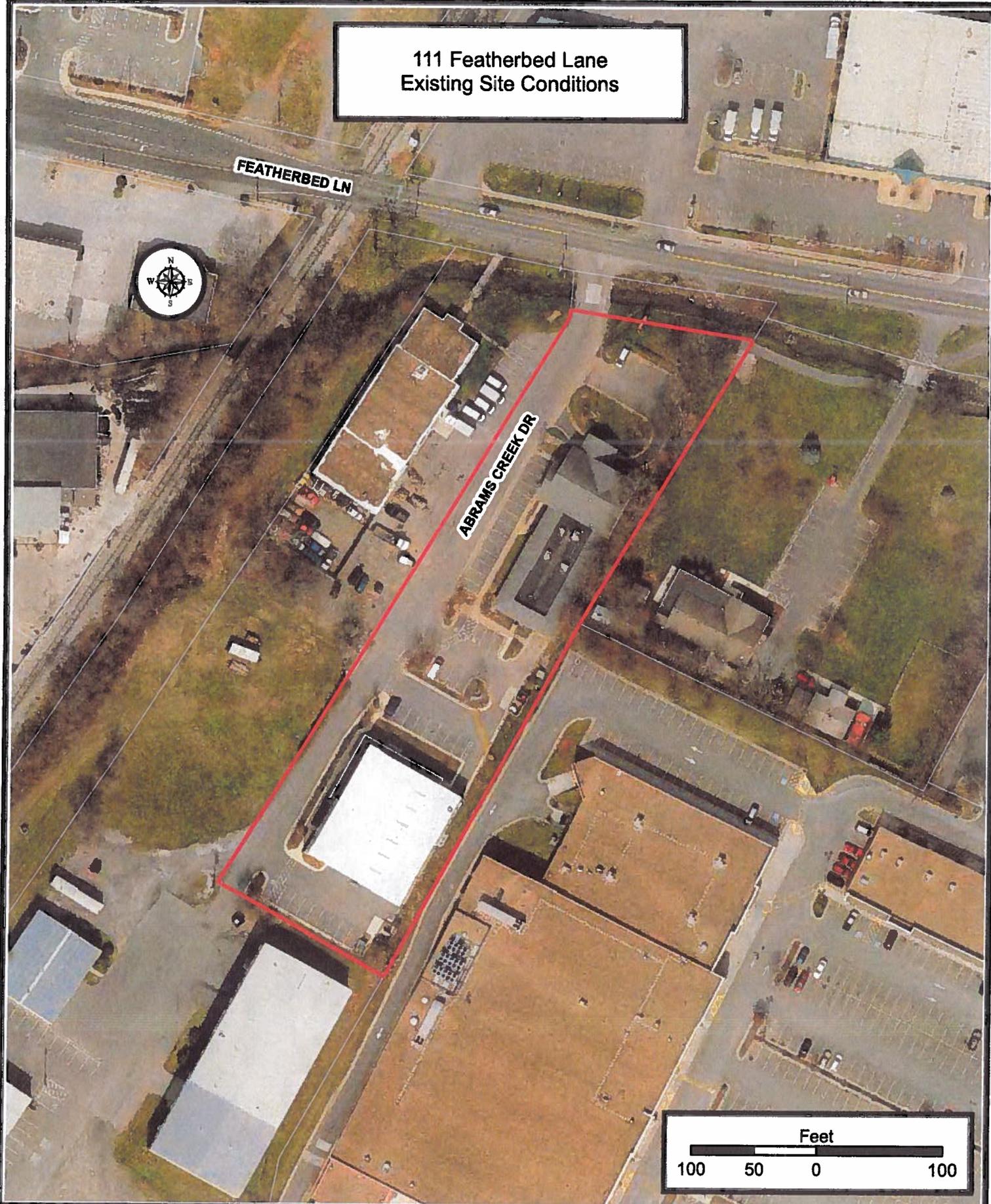
In 2012, City Council approved a conditional use permit for the SPCA to expand their current footprint at 115 Featherbed Lane, including the demolition of existing structures, constructing a new 7,500sf building, and an expanded parking area. However, this approval was never acted upon and as a result the CUP expired in September 2013.

Staff is unaware of any issues that surrounding properties and businesses have had with the current operation. Presently, there are not any proposed site improvements, and therefore a site plan will not be required with the Planning Department. The structure is located within the floodway and 100-year floodplain. Building elevation information and any required flood-proofing of the structure will be reviewed during the review of the building permit for the interior renovation.

RECOMMENDATION

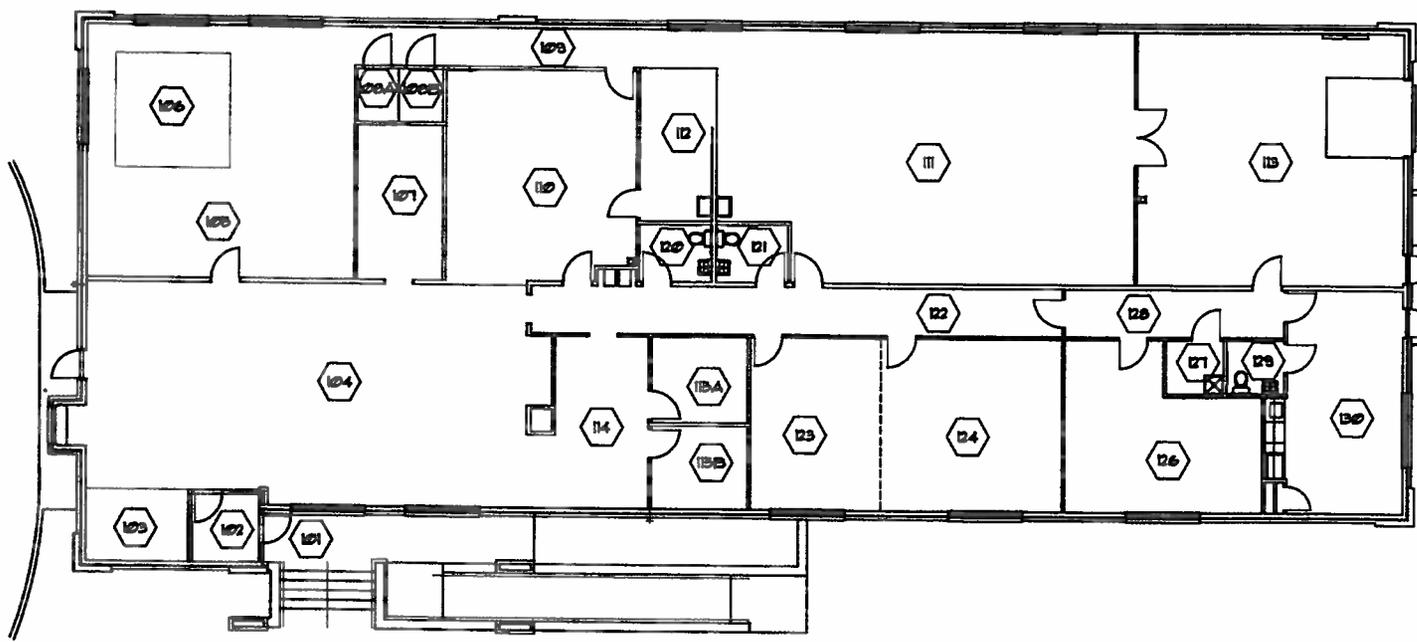
At their May 20, 2014 meeting, the Planning Commission unanimously forwarded **CU-14-230** with a favorable recommendation because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommendation is subject to general conformance with the proposed building interior layout dated April 1, 2014.

111 Featherbed Lane
Existing Site Conditions

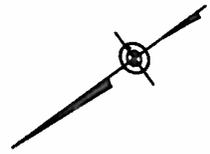


111 FEATHERBED LANE		
EXISTING SITE CONDITIONS		
FREDERICK DOUGLASS VOTING WARD		
CITY OF WINCHESTER, VIRGINIA		
DATE: 2014-04-07	PROJECT ID: 2702S	DESIGNED BY: DWE
SCALE: 1 inch = 100 feet		





- ROOM (#)**
- 101 Entrance
 - 102 Vestibule
 - 103 Nook
 - 104 GreatRoom
 - 105 Cat Display
 - 106 Cat Area
 - 107 File Copy Room
 - 108A Cat Visitation
 - 108B Cat Visitation
 - 109 Corridor
 - 110 Clinic
 - 111 Dog Room
 - 112 Grooming
 - 113 Warehouse
 - 114 Pet Meeting Room
 - 115A Visiting Room
 - 115B Visiting Room
 - 120 Men's
 - 121 Womens
 - 122 Corridor
 - 123 Small Conference
 - 124 Large Conference
 - 125 Closet
 - 126 Office
 - 127 Janitors Closet
 - 128 Corridor
 - 129 Toilet
 - 130 Break Room



DATE: April 1, 2014
SCALE: NTS
DESIGNED BY: JNT
FILE NO.: 2207S
SHEET OF 1
CUP

SPCA

EXISTING BUILDING PROPOSED FLOOR PLAN

CITY OF WINCHESTER, VIRGINIA

GREENWAY
ENGINEERING

GREENWAY ENGINEERING INC.
151 WINDY HILL LANE
WINCHESTER, VIRGINIA 22602
T: (540) 662-4185
www.GreenwayEng.com

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (Work Session), CUT OFF DATE: 5/21/14
6/10/14 (First Reading) 7/8/14 (Second Reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

SA-14-199 AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION
ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS

STAFF RECOMMENDATION:

Approval.

PUBLIC NOTICE AND HEARING:

Public hearing required at second reading on 7/8/14.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously 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. Zoning	<u>ANG</u>		<u>5/21/14</u>
2. City Attorney	<u>[Signature]</u>		<u>5/22/2014</u>
3. City Manager	<u>[Signature]</u>		<u>5/22/14</u>
4. Clerk of Council			
Initiating Department Director's Signature: (Planning)	<u>[Signature]</u>		<u>5/21/14</u>



APPROVED AS TO FORM:

[Signature] 5/22/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: May 21, 2014

Re: SA-14-199 AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS

THE ISSUE:

Amend the Subdivision Ordinance to relax the restriction limiting the number of Minor Subdivisions that can be approved for a property within a 12-month period such that more than one administrative approval could be permitted within a 12-month timeframe. The request also brings the local ordinance into compliance with State Code regarding timeframes for recording approved plats

RELATIONSHIP TO STRATEGIC PLAN:

Goal: Develop a High Performing Organization

BACKGROUND:

See attached staff report

BUDGET IMPACT:

NA

OPTIONS:

- Approve the Subdivision ordinance amendment
- Deny the Subdivision ordinance amendment

RECOMMENDATIONS:

Planning Commission recommended approval.

City Council Work Session
May 27, 2014

SA-14-199 AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS

REQUEST DESCRIPTION

The request would relax the restriction limiting the number of Minor Subdivisions that can be approved for a property within a 12-month period such that more than one administrative approval could be permitted within a 12-month timeframe. The request also brings the local ordinance into compliance with State Code regarding timeframes for recording approved plats.

STAFF COMMENTS

The Land Subdivision Ordinance allows the City Subdivision Administrator to administratively approve Minor Subdivisions which do not entail subdividing parcels into more than 3 lots fronting upon existing public streets where no new streets or utilities are proposed and existing facilities will accommodate the modification. It also requires that the Administrator make a written report of all minor subdivisions at each regular meeting of the Planning Commission.

Section 6-5-3 of the Land Subdivision Ordinance was amended in 1988 to prohibit the Subdivision Administrator from approving any Minor Subdivision within one year of a prior Minor Subdivision for the same parcel or portion thereof. This outright prohibition on approving Minor Subdivisions within 12 months of a prior Minor Subdivision has been found to be an unnecessary impediment to development approval.

The language in Section 6-6 is proposed to be entirely replaced by new language consistent with updates to Virginia Code Section 15.2 which stipulates a 6-month timeframe for recordation of approved subdivision plats in the land records.

RECOMMENDATION

At its May 20, 2014 meeting, the Commission forwarded Subdivision Ordinance Amendment **SA-14-199** to City Council recommending approval because it represents good planning practice.

AN ORDINANCE AMENDING SECTIONS 6-5 AND 6-6 OF THE WINCHESTER LAND SUBDIVISION
ORDINANCE PERTAINING TO APPROVAL OF MINOR SUBDIVISIONS
SA-14-199

WHEREAS, the Land Subdivision Ordinance allows the City Subdivision Administrator to administratively approve Minor Subdivisions which do not entail subdividing parcels into to more than 3 lots fronting upon existing public streets where no new streets or utilities are proposed and existing facilities will accommodate the modification; and,

WHEREAS, the Land Subdivision Ordinance, was amended in 1988 to prohibit the Subdivision Administrator from approving any Minor Subdivision within one year of a prior Minor Subdivision for the same parcel or portion thereof ; and,

WHEREAS; the outright prohibition on approving Minor Subdivisions within 12 months of a prior Minor Subdivision has been found to be an unnecessary impediment to development approval

WHEREAS, the Planning Commission forwarded the request to Council on May 20, 2014 recommending approval of the Land Subdivision Amendment because the amendment represents good planning practice; 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 amendment represents good planning practice.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following Land Subdivision Ordinance provisions are hereby amended and reenacted as follows:

Ed. Note: The following text represents an excerpt of Sections 6-5 and 6-6 of the Land Subdivision Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

SECTION 6-5. MINOR SUBDIVISIONS.

6-5-1 The Administrator may certify a subdivision or re-subdivision as a "minor subdivision" if he/she finds that:

6-5-1.1 The proposal is to divide a parcel of land into not more than three (3) lots fronting up an existing street and not involving a new street or the extension of any existing street, street facilities, or utilities; and existing facilities will adequately accommodate the modification; and

- 6-5-1.2 The proposal will not create a violation of any of the provisions of the Zoning Ordinance; and
- 6-5-2 If the Administrator finds that the proposed subdivision or re-subdivision meets all the requirements as set forth above and elsewhere in this chapter, he/she shall certify the proposed plat as a "minor subdivision", and by affixing a notation to that effect and his signature thereto, grant final subdivision approval. At each regular Planning Commission meeting, the Administrator shall make a written report of all minor subdivisions so classified, certified, and approved for filing.
- 6-5-3 The Administrator may reject ~~No subdivision of a parcel of land may be approved~~ of a subdivision pursuant to this section within one year after the date of recordation of a minor subdivision plat for such parcel or part thereof if he/she finds it contrary to good planning practice. (8-9-88, Case #SA-88-01, Ord. No. 029-88).

SECTION 6-6. RECORDATION.

~~Unless the subdivider shall record his approved final subdivision plat in the office of the Clerk of Circuit Court for the City of Winchester within ninety (90) days after final approval, said final plat approval shall be null and void. The subdivider or his agent shall, in writing, inform the Administrator of the date on which said final subdivision plat was filed and note the deed book and page number thereof.~~

Unless a plat is filed for recordation in the office of the Clerk of Circuit Court for the City of Winchester within six (6) months after final approval thereof or such longer period as may be approved by City Council, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by City Council or its designated administrative agency, or where the developer has furnished surety to City Council or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved by City Council or its designated administrative agency, whichever is greater.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (work session),
6/10/14 (regular mtg)

CUT OFF DATE: 5/21/14

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-14-212 Request of Braveger Enterprises, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (Map Number 212-01-H-6) zoned Central Business (B-1) District.

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 6/10/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

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

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	AMB		5/21/14
2. City Attorney	[Signature]		5/21/2014
3. City Manager	[Signature]		5/22/14
4. Clerk of Council			

Initiating Department Director's Signature:
(Planning Dept)

[Signature] 5/21/14



APPROVED AS TO FORM:

[Signature] 5/21/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: May 21, 2014
Re: **CU-14-212** Request of Braveger Enterprises, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (*Map Number 212-01-H-6*) zoned Central Business (B-1) District.

THE ISSUE:

Conversion of ground floor space most recently occupied as a barber shop (vacant since 2009) to multifamily residential use.

RELATIONSHIP TO STRATEGIC PLAN:

N/A

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

- Approve with conditions as recommended by Planning Commission
- Approve with modified conditions
- Deny

RECOMMENDATIONS:

Planning Commission recommended approval with conditions.

CU-14-212 Request of Braveger Enterprises, LLC for a conditional use permit for conversion of ground floor nonresidential use to residential use at 910 South Braddock Street (*Map Number 212-01-H-6*) zoned Central Business (B-1) District.

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 9-2-16 of the Zoning Ordinance pertaining to conversion of nonresidential ground floor area to residential use.

AREA DESCRIPTION

The property is located in the triangular area bordered by South Braddock St, Gerrard St, and Valley Ave. All properties within the triangle are zoned B-1; uses include fast food restaurant, offices, and the Triangle Diner property. Properties further to the north and south are also zoned B-1 and contain a variety of commercial uses. To the west is the EIP-zoned Handley High School property. Properties to the east are zoned HR-1 and contain residential uses.



STAFF COMMENTS

The CUP request for conversion of a former ground floor barber shop to residential use is outlined in a letter from Michael Lessin dated April 4, 2014. This request applies to the northern ground floor space in the building. The building contains three existing apartments; two upstairs and one in the southern ground floor space. The applicant believes that the subject unit was originally a residential space based on the existing floor plan and amenities (inc. a full bath with tub, 2 rooms with closets that were possibly bedrooms, and a full kitchen). Additionally, City assessment records indicate that the building was known to have four dwelling units at one time. Staff met with the applicant onsite and concurs that the use was likely residential previously.

The door and window openings are more typical of a residential building than of a commercial storefront. The interior layout is such that the bedrooms are oriented toward the rear of the building, away from the street. The unit shares a rear porch with the other ground floor unit, which then provides access to a fenced rear yard shared by all four units.

The property does not provide for any off-street parking spaces onsite; however, the use as a two-bedroom dwelling would have the same or lower parking requirement associated with it than a commercial use in the space. The Planning Director has determined that this segment of South Braddock St does not represent a major commercial street and would suggest that City Council could find the ground-floor residence to be as suitable as nonresidential reuse.

RECOMMENDATION

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

At its May 20, 2014 meeting, the Planning Commission forwarded **CU-14-212** to City Council recommending approval per Sections 9-2-16 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is based upon City Council finding that the proposed ground-floor residential unit is as suitable or preferable to other permitted uses on the ground floor and is subject to conformity with the submitted floor plan depicting a two-bedroom dwelling.

CU-14-212

.....
BRAVAGER ENTERPRISES, LLC
21800 Towncenter Plaza #266A-802, Sterling, VA 20164
Phone 703-661-6100 | Fax 703-722-8689



MEMORANDUM

TO: City of Winchester, City Planning
FROM: Michael Lessin, Managing Director, Bravager
DATE: April 4, 2014
SUBJECT: Change of Use – Commercial to Residential
912/910 S Braddock St (Tax Map 212-I-H-6)

We are the 100% owner of a building located at **912 S Braddock St (Tax Map 212-I-H-6)**. The building is listed as a 4 dwelling unit in the tax records of the City and is located across from Handley High School. The two-story brick building was built in 1946 and consists of Units 1, 2, 3, 4. Three of the four units are currently residential rental apartments. The building contains two doors adjacent to the sidewalk along S Braddock Street. One door is labeled 910 S Braddock, and directly serves Unit 1 (currently a commercial space). The other door is labeled 912 S Braddock and serves a shared hallway serving for the three residential rental apartments -- Unit 2 on the ground level, and then a staircase leading to Unit 3 and Unit 4. *We believe Unit 1 is most appropriately changed back to residential use.*



Unit 1 (910 S Braddock St) has been used for a number of years as a rented commercial space, most recently housing a barber shop with 2 barber chairs, and was in this use when we purchased the building in November 2009. This is the unit we wish to change back to residential use and offer it as a rental apartment. In preparation for this application, it was inspected by the City of Winchester on April 2 and meets the requirements for residential housing. We believe the Unit was originally a residential space, as it already contains a full bathroom with a building original tub, 2 rooms configured as bedrooms each with closets, and a full kitchen with original 1950's kitchen

cabinets. We do not propose to make any structural changes to the unit in connection with a change of use back to residential.

The rest of the building, consisting of Units 2, 3, 4, has been in use as rental apartments for over 50 years to our knowledge. Unit 2 is a 1 bedroom unit on the ground floor, Unit 3 is a 1 bedroom on the second floor, Unit 4 is a 2 bedroom unit on the second floor.

Parking: Change of use from commercial to residential for Unit 1 will result in less use of on-street parking, as the building contains no off-street parking.

Exterior Appearance: No changes proposed. The building had a barber shop sign when it was in that use. The sign was removed when the barber shop vacated.

Current Status: Vacant and being prepared for residential occupancy. We have experienced high demand for rental apartments for the rest of our building and anticipate high rental demand for this unit.

Thank you for considering our application.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lessin', written over a white rectangular background.

**Michael Lessin
Managing Director**

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (work session), CUT OFF DATE: 5/21/14
6/10/14 (regular mtg)

RESOLUTION __ ORDINANCE __ PUBLIC HEARING X

ITEM TITLE:

CU-14-267 Request of Eugene F. Dearing, III for a conditional use permit for extended stay lodging at 126 North Braddock Street (Map Number 173-01-F-5) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay .

STAFF RECOMMENDATION:

Approval with conditions

PUBLIC NOTICE AND HEARING:

Public hearing for 6/10/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval with conditions

FUNDING DATA: N/A

INSURANCE: N/A

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

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 Dept) [Signature] 5/21/14



APPROVED AS TO FORM:

[Signature] 5/21/2014 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: May 21, 2014
Re: **CU-14-267** Request of Eugene F. Dearing, III for a conditional use permit for extended stay lodging at 126 North Braddock Street (*Map Number 173-01-F-5*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

THE ISSUE:

Conversion of ground floor office space and two second floor apartments to extended stay lodging.

RELATIONSHIP TO STRATEGIC PLAN:

Vision 2028, Principle 3: Vibrant Downtown; #6: Increased occupancy with more people living in the Historic Old Town

Vision 2028, Principle 5: Great Neighborhoods with a Range of Housing Choices; #2: Choice of housing opportunities - different life style and price points

Goal 3: Continue Revitalization of Historic Old Town; Objective 5: Increase the number of residents living in Downtown

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

- Approve with conditions as recommended by Planning Commission
- Approve with modified conditions
- Deny

RECOMMENDATIONS:

Planning Commission recommended approval with conditions.

CU-14-267 Request of Eugene F. Dearing, III for a conditional use permit for extended stay lodging at 126 North Braddock Street (*Map Number 173-01-F-5*) zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 9-2-19 of the Zoning Ordinance pertaining to extended stay lodging. The ground floor office spaces and the two second-floor apartments in the two-story structure are proposed for conversion to extended stay lodging.

AREA DESCRIPTION

The property and all adjoining properties along both sides of N. Braddock Street are zoned B-1 with Historic Winchester (HW) overlay District. The site is also located in the Winchester National Historic District and restoration of the circa 1952 structure would likely be eligible for State and Federal Tax Credits. The subject stretch of N. Braddock Street has structures primarily associated with commercial use, including numerous offices and some retail. The site falls within the 100% parking exempt district, although the applicant proposes to lease spaces in the Braddock Street Auto Park or in a private surface lot across the street.



STAFF COMMENTS

The CUP request for conversion of the ground-floor office space and upper level apartments to extended stay lodging use is outlined in a letter from Mr. Dearing of EFD Investments, LLC to the City dated March 4, 2014. The structure has an exterior appearance that lends itself to either commercial or residential use. It already contains two apartments on the upper level of the building. The residentially-scaled door and window openings are typical of a multifamily structure rather than a retail storefront. The building currently has a single recessed doorway directly oriented to N. Braddock Street providing access to all spaces within the building.

There is very little distance between the front of the structure and the public street. The applicant should consider some planter boxes to place out along the front of the building to create some separation between the windows of the front "family room" space and the public sidewalk. One single-bedroom unit is proposed toward the front of the first floor. It does not have a bedroom facing toward the street. A two-bedroom unit is proposed toward the rear of the first floor accessed by a hallway connecting to the front door of the building.

In his letter, the applicant notes the commitment to provide weekly maid service and owner maintenance to ensure that the property is taken care of in a way consistent with the intent of an extended stay lodging facility. Because this is an Extended Stay Lodging proposal (as opposed to a ground-floor residential conversion), there is no provision for the Planning Director to make a determination whether or not the segment of N. Braddock Street represents a major commercial street, thus potentially restricting the ground-floor residential conversion. If proposed as multifamily instead of Extended Stay Lodging, the two ground floor units would not meet the average minimum floor area requirements for neither the one-bedroom unit nor the two-bedroom unit.

Section 1-2-35.1 of the Zoning Ordinance defines 'EXTENDED STAY LODGING' as: *One (1) or more buildings containing individual sleeping rooms, designed for and used primarily by business travelers for more than thirty (30) consecutive days, with garage or parking space conveniently located to each unit. Cooking facilities are provided for each unit. Units are not intended to be primary residences.*

RECOMMENDATION

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

At its May 20, 2014 meeting, the Planning Commission forwarded **CU-14-267** to City Council recommending approval per Sections 9-2-19 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Weekly maid service provided for all four (4) units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,
2. Leasing of at least 2 parking spaces in the Braddock Street AutoPark or other nearby parking lot to ensure compliance with the requirement for garage or parking space conveniently located to each Extended Stay Lodging unit.

March 4, 2014

City of Winchester
Planning Commission

Planning Commission Members:

EFD Investments, LLC has a contract to purchase 126 North Loudoun Street. The building currently has two apartments upstairs and the downstairs was last used as an office and is currently vacant. The site is zoned B-1.

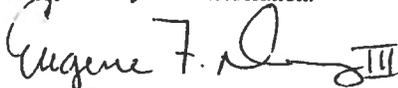
This request is for consideration of extended stay lodging, as defined by 1-2-35.1 of the City of Winchester Zoning Ordinance. The two apartments would remain upstairs and the ground floor would be converted to two apartments. As defined these units will be fully furnished units which will be primarily rented to business travelers who are relocating to the area or are in the area for short term assignments.

This use is listed as a conditional use in the B-1 District. We are not requesting any additional variances. Although this location is parking exempt, we propose to lease space in the Braddock Street Parking Garage for use of the tenants to satisfy the requirement that extended stay units have nearby parking available.

The building is in the Historic District and no changes are proposed to the building footprint or exterior. Since this project is eligible for Federal and State Tax Credits, the final design will have to be approved by these agencies.

We believe that this is an appropriate use for the building. Business travelers typically like the fact that they can walk to the Loudoun Mall area to take advantage of the many restaurants and shops. We believe that this project furthers the goal of having people live and shop in the downtown area. We see no negative impact. These units are designed for single adults. Traffic impact will be minimal since in most cases there would be only one or two trips a day resulting from each unit. These units provide for weekly maid service and owner property maintenance which will insure that the property is well taken care of. The completed project will result in an increased real estate tax base as well as generate revenue through the patronization of local shops and restaurants.

Thank you for your consideration.



Eugene F. Dearing III
EFD Investments, LLC

CU-14-267

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (work session), CUT OFF DATE: 5/21/14
6/10/14 (1st Reading) 7/8/14 (2nd reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-14-193 AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (Map Number 153-01-J-3) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 7/8/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: (Planning) [Signature] 5/21/14



APPROVED AS TO FORM: [Signature] CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Will Moore, Planner
Date: May 21, 2014
Re: RZ-14-193 AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (*Map Number 153-01-J-3*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT

THE ISSUE:

Rezoning the former Health Department (now Gear Clean) property on Commercial St to facilitate expansion of the existing business and to offer additional space for manufacturing and light industrial uses that are not available under the existing B-2 zoning.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1: Grow the Economy; Objective 6: More manufacturing businesses in Winchester

Goal 4: Create a more livable city for all; Objective 3: Manage future growth, development and redevelopment consistent with City's vision, comprehensive plan and development standards and policies

BACKGROUND:

See attached staff report

BUDGET IMPACT:

The applicant has separately submitted a site plan for infill development on the site, including a 14,400sf addition. The requested CM-1 zoning will allow for an additional array of uses to occupy this space. While not quantifiable at this time, additional revenue from the expanded commercial/light industrial use and property assessment is anticipated.

OPTIONS:

- Approve
- Deny

RECOMMENDATIONS:

Planning Commission recommended approval.

Council Work Session
May 27, 2014

RZ-14-193 AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (*Map Number 153-01-J-3*) FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT.

REQUEST DESCRIPTION

The request is to rezone the property to facilitate expansion of the existing business and to offer additional space for manufacturing and light industrial uses that are not available under the existing B-2 zoning.

AREA DESCRIPTION

The subject property currently contains the existing business Gear Clean in the former Health Department building on the north side of Commercial St in the block between Pennsylvania Ave and N Loudoun St. Properties directly to the east are also zoned B-2 and contain an auto parts store and motorcycle sales/service in a former branch bank building. Property to the west and north is zoned CM-1 and contain a variety of contractor and storage uses. Property further to the north includes MR-zoned residences along W. Oates Ave. Property to the south and further to the west is zoned M-1 and contain commercial and industrial uses, including equipment sales/service and apple packing and storage.



STAFF COMMENTS

The proposal for a conventional rezoning (without proffers) of the property is outlined in a letter from Greywolfe, Inc. dated March 31, 2014. The letter cites statements from the Comprehensive Plan specific to the North Geographic Planning Area, including the Economic Development objective to “Work with owners and investors interested in developing properties in the city” and the Land Use objective to “Develop a diversified, sustainable industrial base at appropriate locations which are accessible to transportation facilities.” Additionally, the Character Map in the Comp Plan calls for Commerce Area Revitalization/Infill for the subject and surrounding properties on the north side of Commercial Street.

The applicant has separately submitted a site plan for a 14,400sf addition to the existing 7,440sf building along with associated site improvements, although the plan does not call for a specific use that would be dependent on the rezoning to CM-1. The associated site plan supports the Character Map designation for revitalization/infill at the property. CM-1 designation could support the land use objective for development of a diversified, sustainable industrial base by allowing for an array of light industrial uses that are not otherwise permitted under the current B-2 zoning. Access to transportation facilities from the subject property is convenient, with US 11 (Loudoun St) and US 522 (Fairmont Ave) only a block removed from the property in either direction.

The nearest residential uses are to the north along W. Oates Ave. There is existing CM-1-zoned land with contractor and storage uses located in between the subject property and these residences. It is unlikely that CM-1 zoning on the subject property could create an additional impact on these residential properties considering the surrounding zoning/uses already in place and the separation from the subject property.

RECOMMENDATION

At its May 20, 2014 meeting, the Planning Commission forwarded **RZ-14-193** to City Council recommending approval as depicted on an exhibit titled *“Rezoning Exhibit, RZ-14-193, Prepared by Winchester Planning Department, May 6, 2014”* because the proposed CM-1 zoning is consistent with the Comprehensive Plan Character Map designation for Commerce Area Revitalization/Infill on the north side of Commercial Street.

AN ORDINANCE TO REZONE 1.442 ACRES OF LAND AT 150 COMMERCIAL STREET (*Map Number 153-01-J-3*)
FROM HIGHWAY COMMERCIAL (B-2) DISTRICT TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT

RZ-14-193

WHEREAS, the Common Council has received an application from Construction Management, Inc., on behalf of property owner Major Properties, LLC, to amend the zoning designation associated with 150 Commercial Street, more specifically identified as Tax Map Section 153, Double Circle 1, Block J, Lot 3; and,

WHEREAS, the adopted Comprehensive Plan calls for Commerce Area Revitalization/Infill on the north side of Commercial Street; and,

WHEREAS, Goal 1, Grow the Economy, Objective 6 of the Winchester Strategic Plan calls for more manufacturing businesses in Winchester; and,

WHEREAS, the Planning Commission forwarded the request to Council on May 20, 2014 recommending approval of the rezoning as depicted on an exhibit titled "*Rezoning Exhibit, RZ-14-193, Prepared by Winchester Planning Department, May 6, 2014*" because the proposed CM-1 zoning is consistent with the Comprehensive Plan Character Map designation for Commerce Area Revitalization/Infill on the north side of Commercial Street; 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 Highway Commercial (B-2) District to Commercial Industrial (CM-1) District:

1.442 acres of land at 150 Commercial Street as depicted on an exhibit titled "*Rezoning Exhibit, RZ-14-193, Prepared by Winchester Planning Department, May 6, 2014.*"

REZONING EXHIBIT

RZ-14-193

PREPARED BY WINCHESTER PLANNING DEPARTMENT

MAY 6, 2014



EXISTING

B-2 ZONING FOR 150 COMMERCIAL STREET



PROPOSED

CM-1 ZONING FOR 150 COMMERCIAL STREET

 Conditional Zoning



GREYWOLFE, INC.

1073 REDBUD ROAD • WINCHESTER, VA 22603
(540) 667-2001 • (540) 545-4001 FAX
GREYWOLFEINC@AOL.COM



City of Winchester
Planning Department
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
(540) 667-1815
(540) 722-3618 (Fax)

March 31, 2014

Mr. Youmans,

Please find the attached application for a conventional rezoning for Parcel 153-((01))-3 located at 150 Commercial Street. The property is currently zoned B-2 and the owner, Major Properties, LLC; would like to change the zoning to CM-1.

The Comprehensive Plan identifies this property located in the North geographic area is a prime location to "Work with owners and investors interested in developing" and to "Develop a diversified, sustainable industrial base at appropriate locations which are accessible to transportation facilities". The parcel is also located within the Enterprise Zone.

The owners are submitting site plans to construct an addition to expand their existing business, Gear Clean, and to offer two spaces for manufacturing and office.

There are manufacturing and industrial uses within the CM-1 zoning designation that are not available within B-2.

The impacts on traffic will not change between the uses nor will there any other negative effect for the City. Surrounding properties are already within the CM-1 designation and this change is compatible them.

Thank you,


Gary R. Oates, LS-B, PE
GreyWolfe, Inc.

R2-14-193

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 5/27/14 (work session), CUT OFF DATE: 5/21/14
6/10/14 (1st Reading) 7/8/14 (2nd Reading, Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-14-35 AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (Map Number 252-01-2) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY

STAFF RECOMMENDATION:

Approval subject to the Proffers, Development Plan, and Design/Development Standards

PUBLIC NOTICE AND HEARING:

Public hearing for 7/8/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

On a 4-2 vote, Planning Commission recommended approval subject to the Proffers, Development Plan, and Design/Development Standards

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

Initiating Department Director's Signature: (Planning Dept)

Handwritten signature and date 5/21/14



APPROVED AS TO FORM:

Handwritten signature and date 5/21/14 over CITY ATTORNEY stamp

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tim Youmans, Planning Director
Date: May 21, 2014
Re: **RZ-14-35 AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (Map Number 252-01-2) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY**

THE ISSUE:

Conditionally change the underlying zoning from CM-1 to MR and establish PUD overlay zoning on 2.57 acres of property fronting along the south side of Commerce Street to support the proffered construction of a townhouse development of up to 26 units.

RELATIONSHIP TO STRATEGIC PLAN:

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

BACKGROUND:

See attached staff report

BUDGET IMPACT:

The applicant has submitted a Market and Fiscal Impact Analysis that purports a Net On-Site Fiscal Benefit of \$15,021 to the City. This derived by subtracting the \$86,555 of net City costs from the \$101,676 of net direct City revenues.

OPTIONS:

- Approve the rezoning ordinance
- Deny the rezoning ordinance

RECOMMENDATIONS:

On a 4-2 vote, the Planning Commission recommended approval.

RZ-14-35 AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET (Map Number 252-01-2) FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY

REQUEST DESCRIPTION

The request is to conditionally change the underlying zoning from CM-1 to MR and establish PUD overlay zoning on the entire property to support the proffered construction of a townhouse development of up to 26 units fronting along the south side of Commerce Street.

The submitted Development Plan titled "Generalized Development Plan, Commerce Street Townhomes" dated February 3, 2014 with revision dates of February 14, 2014 (Sheet 1) and February 17, 2014 (Sheet 2) depicts 3 townhouse structures and 26 driveways accessed from a one-way common drive wrapping around at the rear of the buildings leading to optional 1-car garages. The Development Plan depicts 16 on-street parallel parking spaces as well as an area for an undefined number of additional parking spaces along the south side of the rear drive aisle. The request also includes a Proffer Statement dated December 3, 2013 with a latest revision date of February 14, 2014.

AREA DESCRIPTION

The site and all other properties fronting along the east-west section of Commerce Street are zoned CM-1. Land uses include a credit union, mini-warehouse and contractor use. Property to the south of the site along Glaze Avenue is zoned MR and contains single-family dwellings. Properties further to the north along the west side of Commerce St are in single-family residential use.



STAFF COMMENTS

Comprehensive Plan Consistency

The Comprehensive Plan identifies the property as a redevelopment site and calls for adaptive reuse to be more compatible with adjacent residential areas. PUD zoning allows for consideration of up to 18 residential units per acre. At 2.57 acres in size, the property could theoretically support up to 46 units. The choice of townhouse development allows for separate ownership of the units, but reduces the physical ability to maximize the density as could be done with multifamily or apartment-styled condominium development. In general the Comprehensive Plan advocates the following:

Citywide Design Objective #1:

“Employ New Urbanism Principles in new development and redevelopment.”

Citywide Housing Objective #6:

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

The proposed townhouses could serve these targeted populations. The site is also situated in close proximity to a transit stop on the S. Loudoun Street bus route and not too far removed from Shenandoah University.

At 2.57 acres in size, the proposed PUD is considerably below the 5-acre minimum called out in Section 13-1-4.1 of the Zoning Ordinance. However, the Zoning Ordinance allows for the Planning Commission to recommend and City Council to approve a waiver of the 5-acre minimum when the applicant can show that strict adherence would produce unnecessary hardship and preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

Potential Impacts & Proffers

The applicant submitted voluntary proffers to mitigate potential impacts arising from the rezoning of the property from CM-1 supporting nonresidential use to MR with PUD overlay zoning to support 26 townhomes. The latest submitted Proffer Statement is dated February 14, 2014. Generally, the impacts from this rezoning would be the removal of tax-generating commercial development with residential use, which could have some impacts on public education expenditures. Depending upon the number of bedrooms and market targeted for occupancy, it is possible that the 26 units could create negative impacts in the form of school-aged children requiring public education. The applicant notes that the proposal would be for a maximum of 3 bedrooms per unit in both the 16-foot wide units as well as the 20-foot wide units. No floor plans have been submitted to date.

The applicant does proffer to contribute \$300 per townhouse unit to the City to provide for improvements to either Overlook Park or the Quarles Elementary School playground in lieu of dedicating up to 10% of the site for public parkland. Staff believes that a cash proffer in lieu of parkland dedication is desirable.

At the February 18th, March 18th, and April 15th 2014 regular meetings, the Planning Commission tabled the rezoning request in order to allow the applicant time to prepare a Fiscal Impact Analysis for this PUD rezoning application per Sections 13-4-2.2k of the Zoning Ordinance. On May 7, 2014, a Market and Fiscal Impact Analysis was received in the Planning Department. The report assumes that 6 school-aged children (0.222 children per unit) will be generated by the project. The report identifies a \$7,885 annual operating expense per pupil resulting in a total annual school operating cost of \$47,310. Together with other costs to the City, the total annual cost for the 26-unit development is estimated at \$86,655. This figure does not include the capital cost of school facilities to accommodate 6 additional children. This is an important factor since existing schools, especially elementary, are already over capacity in the city.

The fiscal analysis estimates total revenues arising from the development at \$101,676. This includes \$53,105 of real estate tax revenue, \$18,666 of personal property tax revenue, \$22,950 of Non-tax revenue, and a little less than \$7,000 of other revenue. The Non-tax revenue is based upon a per capita

average of \$306 and an estimated total occupancy of 61 persons residing in the 26-unit development. This assumes 2.35 per household. Unless these units are intended for college student occupancies, it is logical to assume that there would likely be only 2 adults. The other .35 persons per unit (i.e. 2.35-2.0=0.35) are most likely children. Assuming this, 0.35 multiplied by 26 units amounts to potentially 9 children, of which some will be below school age. The applicant has indicated that there will be 6 school-aged children. The average pupil generation rate for all townhouses (i.e. many 2-BR units) in Frederick Co per the Development Impact Model is 0.279. The rate employed here for this 'all 3-BR' development is 0.222. It is hard to believe that the rate for this 3-BR development would be any less than the average for all townhouses in the same Winchester-Frederick Co market. Recently proposed townhouse developments in Frederick County include the Madison Village project which proffered \$1,362 for each townhouse unit and \$1,139 for each apartment unit.

The Fiscal Impact Analysis for the Commerce St project indicates a Net On-Site Fiscal Benefit of \$15,021. This derived by subtracting the \$86,555 of net costs from the \$101,676 of net direct revenues. It is surprising, to some degree, that a similar townhouse just over the County line would have a negative net impact resulting in the proffering of \$1,362 for each townhouse unit. It should be noted that just 2 additional school-aged children residing in the townhouse development would tip the net benefit into a net cost to the City at \$7,885 per student.

While this residential rezoning request results in a much smaller quantity of total units than the recently approved Cedar Creek Place project (132 units) and the Jubal Square project (140 units), the quantity of three-bedroom units is a concern. For Commerce St the proposal is for up to 100% of the 26 units to have 3 bedrooms. The Cedar Creek Place proposal included zero (0) three-bedroom units and the Jubal Square project included only 20 three-bedroom units and 8 two-bedroom units with a den. Collectively the 28 Jubal Square units with 3 bedrooms or 2 bedrooms + den constituted only 20% of that total project.

Traffic Impacts

Staff does not believe that a Traffic Impact Analysis should be required by the Planning Commission since Commerce St has adequate capacity to handle the additional traffic.

Site Development and Buffering

Buffering has been provided to screen the townhouse building and rear parking from the existing single-family neighborhood along Glaize Avenue to the south. A detail on the Development Plan calls for an opaque board fence (6' height) and a staggered row of mixed evergreen/deciduous plantings along the rear property line adjoining the Glaize Avenue residential neighborhood. The Plan calls for 2 plants per every 15 feet with half being evergreen and the other half deciduous. The minimum height of installed evergreen plantings is specified at 4' and the minimum caliper of deciduous trees is specified at 1" caliper on the Plan. Both the Plan and the Proffer Statement note that existing "plantings and vegetation" may be used to satisfy the intent of the landscape screens shown as required. Provision 3.5 of the Proffer Statement was amended to include "Adequacy determination to be at time of planting by Zoning Administrator." Staff recommends that 'Planning Director' be substituted for 'Zoning Administrator' and that any existing "vegetation" proposed to meet this intent be clearly depicted on the plan so that it can be evaluated for suitability.

The Development Plan calls for either a double row of evergreen screening (4' min height) or an opaque fence (6' height) along the eastern boundary of the site adjoining the remaining commercially zoned development at the bend in Commerce Street. The applicant is also proffering at least a 100-square foot

landscape area in the front yard of the units. (NOTE: By comparison a typical parking space is at least 162 square feet in size). Staff has encouraged the applicant to employ the New Urbanism practice of keeping the units close to the public street (and putting the parking to the rear). However, since there will be a very small quantity of green space out front, it is important that the developer demonstrate a high quality to that small amount of street-view green space.

Storm Water Management

Storm water management will need addressed. No on-site storm water management is depicted on the Plan, but can be handled during the time of site plan review. The site slopes both to the east as well as to the south. The Plan depicts a natural green area ('Recreational Space') along the southern boundary which should mitigate storm water runoff issues to the Glaze Avenue neighborhood.

Density

The applicant proposes a maximum of 26 townhouses with a maximum of 3 bedrooms per unit. PUD overlay allows for consideration of up to 18 dwelling units per acre, which in the case of 2.57 acres would translate to a maximum of 46 dwelling units. The applicant is proposing a maximum of 26 dwelling units. The actual project density comes out to 10.1 units per acre.

Project Phasing

The applicant has not indicated that there is any proposal to phase in the project as part of the PUD rezoning.

Design Quality

Despite being encouraged to do so, the applicant has not yet submitted any floor plans for this rezoning proposal, and there are few proffers addressing design quality. Proffer 3.1 states that "All buildings on the property shall be constructed using compatible architectural styles." The latest development plan includes an illustrative rendering of the front elevation of the units (Sheet 2, Revised Feb 17, 2014) and proffer 3.2 now states that "unit architecture shall generally conform to the elevation and guidelines" on that sheet of the development plan. The Development Plan depicts rear driveways suggesting access to rear-entry garages although a "Design & Development Standards" sheet notes that the garages are optional. Staff recommends that a note be added to the Development Plan that a fourth bedroom cannot be created in any unit even if the optional garage is converted to living space. The submitted Plan depicts 3 buildings with one building containing 8 townhouse units and the other two buildings containing 9 units. The Design & Development Standards sheet notes that the lots (and thus all of the interior townhouse units) would have a 20-foot minimum width, but then states that up to half of the units may have a 16-foot minimum width. In the High Density Residential (HR) District, where townhouses are allowed by right, the City requires a minimum average townhouse lot width of 22 feet. The applicant should clearly demonstrate how the proposed PUD provides exceptional design to warrant exceptions to these minimum standards that apply where townhouses are permitted without PUD overlay.

RECOMMENDATION

Generally, staff feels that the proposal is consistent with many of the broader elements of the City's long-term vision to provide housing attractive to young professionals and empty-nesters to the City. Staff feels that the use of the PUD provision for this site is acceptable even though it is considerably less than five acres in size, but that the applicant needs to provide better justification from a quality design standpoint for reducing some of the minimum development standards otherwise applicable to townhouse development in the City.

Staff supports a waiver of the 5-acre minimum per Section 13-1-4.1 of the Zoning Ordinance to allow a 2.57-acre PUD because strict adherence would produce unnecessary hardship that would preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

On a 4-2 vote at its May 20, 2014 meeting, the Planning Commission forwarded Rezoning RZ-14-35 to City Council recommending approval because the proposed MR (PUD) zoning, supports the expansion of housing serving targeted populations as called out in the Comprehensive Plan. The recommendation is subject to:

1. the Proffer Statement dated December 3, 2013 and revised February 14, 2014;
2. adherence with the Development Plan titled 'Generalized Development Plan, Commerce Street Townhomes', dated February 4, 2014 with revision dates of February 14, 2014 (Sheet 1) and February 17, 2014 (Sheet 2);
3. the single-page document titled 'Commerce Street Townhomes, Design & Development Standards';

The Planning Commission recommended that City Council approve a waiver of the 5-acre minimum per Section 13-1-4.1 of the Zoning Ordinance to allow a 1.295 acre PUD because the applicant has shown that strict adherence would produce unnecessary hardship that would preclude development that is more compatible with the Comprehensive Plan than that which could be permitted without the PUD zoning.

If Council was inclined to not support the rezoning request, then a motion for an unfavorable vote on the rezoning ordinance could read:

MOVE, that Council disapprove Rezoning RZ-14-35 because the application for the proposed MR (PUD) zoning as submitted: *{pick any or all of the following}*

- a) is less than 5 acres in size and the applicant has not demonstrated a clear hardship for a waiver;
- b) would result in residential-only development less desirable than mixed use advocated in the Comprehensive Plan or commercial-only use allowed under the existing CM-1 zoning;
- c) is based upon a fiscal impact analysis that appears to underestimate public education costs for 3-bedroom units housing school-aged children; and,
- d) lacks sufficient design detail such as floor plans to support 3-story 3-bedroom townhouse development with up to half of the units as narrow as 16 feet.

AN ORDINANCE TO REZONE 2.57 ACRES OF LAND AT 1570 COMMERCE STREET FROM COMMERCIAL INDUSTRIAL (CM-1) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY

RZ-14-35

WHEREAS, the Common Council has received an application from Pennoni Associates Inc. on behalf of Evergreen Real Properties, LLC to rezone property at 1570 Commerce Street from Commercial-Industrial (CM-1) District to Medium Density Residential (MR) District with Planned Unit Development (PUD) Overlay; and,

WHEREAS, the Planning Commission forwarded the request to Council on May 20, 2014 recommending approval of the rezoning request as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-35 Prepared by Winchester Planning Department, February 3, 2014*" because the proposed MR (PUD) zoning supports the expansion of housing serving targeted populations. The recommendation is subject to the proffers in the Proffer Statement dated December 3, 2013 and revised February 14, 2014 and to adherence with the Development Plan titled 'Generalized Development Plan, Commerce Street Townhomes', dated February 4, 2014 with revision dates of February 14, 2014 (Sheet 1) and February 17, 2014 (Sheet 2) and a single-page document titled 'Commerce Street Townhomes, Design & Development Standards'; 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 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 designation of Commercial- Industrial (CM-1) District to Medium Density Residential (MR) District with Planned Unit Development (PUD) Overlay: Approximately 2.57 acres of land at 1570 Commerce Street as depicted on an exhibit entitled '*Rezoning Exhibit RZ-14-35 Prepared by Winchester Planning Department, February 3, 2014.*'

BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to the proffers in the Proffer Statement dated December 3, 2013 and revised February 14, 2014 and to adherence with the Development Plan titled 'Generalized Development Plan, Commerce Street Townhomes', dated February 4, 2014 with revision dates of February 14, 2014 (Sheet 1) and February 17, 2014 (Sheet 2) and a single-page document titled 'Commerce Street Townhomes, Design & Development Standards'.

PROFFER STATEMENT

REZONING: RZ. # _____: CM-1 to MR (PUD)
PROPERTY: 2.5960 Acres +/-;
Tax Map & Parcels 252-01-2 (the "Property")
RECORD OWNER: Evergreen Real Properties LLC
APPLICANT: Evergreen Real Properties LLC
PROJECT NAME: Commerce Street Townhomes
ORIGINAL DATE OF PROFFERS: December 3, 2013
REVISION DATE: February 3, 2014; Revised February 14, 2014



The undersigned owners hereby proffer that the use and development of the subject property ("Property"), as described above, shall be in conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced rezoning is not granted as applied for by the Applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "Final Rezoning" defined as that rezoning that is in effect on the day upon which the City of Winchester Common Council (the "Council") grants the rezoning.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Applicant" as referenced herein shall include within its meaning all future owners, assigns, and successors in interest. When used in these proffers, the "Generalized Development Plan" shall refer to the plan entitled "Generalized Development Plan, Commerce Street Townhomes" prepared by Pennoni Associates Inc., (the "GDP") dated February 3, 2014.

1 LAND USE:

- 1.1 The project shall be designed to create townhouse building lots in general conformance with the GDP, and as specifically set forth in these proffers subject to modifications as necessary upon final engineering including but not limited to intersection alignments.
- 1.2 All development shall be accomplished in general conformance with the "Commerce Street Townhomes, Design and Development Standards", prepared by Pennoni attached hereto and incorporated herein by reference (the "Design and Development Standards").

1.3 Residential development on the Property shall not exceed 26 dwelling units.

1.4 Surface parking shall be allowed in areas delineated. As a minimum, 2 parking spaces per unit shall be provided which may include onsite parking lots, garage and associated private drive spaces, and if provided, public spaces within 300 ft.

1.5 If provided picnic shelters shall not exceed 50 S.F.

1.6 Home occupations as approved by the HOA and allowed by ordinance.

2. CONSTRUCTION OF A UNIFIED DEVELOPMENT:

2.1 The Property shall be developed as one single and unified development in accordance with applicable ordinances and regulations, the GDP as approved by the Council, and this Proffer Statement.

3. ARCHITECTURE, SIGNAGE, AND LANDSCAPING:

3.1 All buildings on the Property shall be constructed using compatible architectural styles. The Applicant shall establish the required Property Owners' Association to enforce and administer a unified development plan in general conformity with the proffered requirements.

3.2 Unit architecture shall generally conform to the elevations and guidelines provided on Sheet 2 of the GDP.

3.3 A 100 SF landscaped area must be maintained within the front yard of each lot.

3.4 Trees meeting the City of Winchester Street Tree Standard shall be provided along the right-of-way. The total trees provided shall be at least 1 tree per 30 ft. of total road frontage.

3.5 Existing onsite plantings and vegetation may be used to satisfy the intent of the landscape screens shown as required on the Generalized Development Plan. Adequacy determination to be at time of planting by Zoning Administration.

3.6 All parking, sidewalk areas shall be of hard surface material, such as concrete, asphalt or pavers. A porous paver system shall also satisfy this requirement.

4. RECREATION AREAS:

4.1 In lieu of the up to 10% land set aside required by the City of Winchester Land Subdivision Ordinance Para. 5-40 and satisfy the recreation development required by Zoning Ordinance Para. 13-1-6, the Applicant shall contribute to the City of Winchester \$300 per lot for improvements to park facilities as deemed appropriate. It is intended that these funds be

used for improvement to recreational facilities at Overlook Park or Quarles Elementary School. Payment to be made at time of occupancy permit issuance.

- 4.2 Common open space shall be provided by designation of an open space easement over landscaped areas of the site and shall be a minimum of 30% of the site area.

5. CREATION OF PROPERTY OWNERS' ASSOCIATION:

- 5.1 The residential portion of the development shall be made subject to a Property Owners' Association(s) (hereinafter "POA") that shall be responsible for the ownership, maintenance and repair of all common areas, including parking areas and driveways within appropriate easements subject to their jurisdiction, and shall be provided such other responsibilities, duties, and powers as are customary for such associations or as may be required for such POA herein.

- 5.2 The POA shall be so established that it possesses all necessary powers to set and revise fees and dues in sufficient sums to perform the responsibilities assigned to it hereunder and under the Declaration to be recorded creating such Association. In addition, upon any conveyance of a residential unit from the builder thereof to a home purchaser, there shall be a fee paid by the home purchaser to the POA in an amount equal to three times the then-current monthly residential dues applicable to the unit so conveyed.

- 5.3 The POA shall comply with Article 9-9 of the Zoning Ordinance.

- 5.4 The POA documents shall be generally modeled on the Rules and Regulations made a part of these proffers.

6. WATER & SEWER:

- 6.1 The Applicant shall be responsible for connecting all lots to the City of Winchester public water and sewer. It shall further be responsible for constructing all facilities required for such connection. All water and sewer infrastructure shall be constructed in accordance with the requirements of the City of Winchester.

7. TRANSPORTATION:

- 7.1 All private streets and parking areas shall be constructed in accordance with the current Virginia Department of Transportation structural standards and shall be owned and maintained by the Property Owners Association served via appropriate easement.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

Evergreen Real Properties, LLC

By: _____
Michael J. Ranberger

Title: President

STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this _____ day of
_____, 2014, by _____.

My commission expires _____
Notary Public _____



EXISTING PLANTINGS AND VEGETATION MAY BE LEFT TO SATISFY THE BUFFER OF THE LANDSCAPE SCREEN. SIGNAGE AS REQUIRED.

DOUBLE ROW EVERGREEN SCREEN MIN HEIGHT 48' OR 6 FT OPAQUE FENCING



ZONING DISTRICT BUFFER
N.T.S.

Prepared by:



Pennoni Associates Inc.
117 East Piccadilly Street, Suite 200
Winchester, Virginia 22601
Tel: 540-687-2139 Fax: 540-665-0493

R2-14-35
GENERALIZED DEVELOPMENT PLAN
COMMERCE STREET TOWNHOMES

1570 COMMERCE STREET
CITY OF WINCHESTER, VIRGINIA

DATE: FEB. 3, 2014

REVISED: FEB. 14, 2014

Sheet 1 of 2



Commerce Street Townhouses - Illustrative Rendering

- The illustrative rendering shows typical fronts of the 20' wide units. The 16' wide units will have similar materials and designs.
- Exterior materials will be vinyl siding with 25% of the fronts done in brick veneer. Some units will have the first floor in brick.
- The 20' wide units will be no more than 1 bedroom, 1 and 1/2 bath unit, with an option for a second 1/2 bath finished on the ground floor with the Rec. Room.
- The 16' wide units will be no more than 1 bedroom, 1 and 1/2 bath unit, with an option for a second 1/2 bath finished on the ground floor with the Rec. Room.
- Windows will be vinyl double hung with low-e insulated glass.
- Exterior doors will be insulated metal six panel or patio doors.
- All trim will be maintenance free, aluminum wrapped, synthetic wood or vinyl in complementary colors.
- Roofing will be 30 year architectural grade fiberblast shingles.
- Garage units (if provided) will have a deck above the garage doors which will access from the kitchens on the second floor level.
- If garage units are provided the 20' wide units will have a two car garage and the 16' wide units will have a one car garage.

UNIT A - ELEVATION #1

UNIT A - ELEVATION #2

UNIT A - ELEVATION #3

UNIT A - ELEVATION #4

Front Elevation

Prepared by:



Pennoni Associates Inc.
 117 East Piccadilly Street, Suite 200
 Winchester, Virginia 22601
 Tel: 540-667-2139 Fax: 540-665-0493

R2-14-35
GENERALIZED DEVELOPMENT PLAN
COMMERCE STREET TOWNHOMES

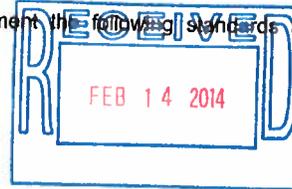
1570 COMMERCE STREET
 CITY OF WINCHESTER, VIRGINIA
 REVISED: FEB. 17, 2014

Sheet 2 of 2

Commerce Street Townhomes

Design & Development Standards

In order to establish the quality appearance of the development the following standards are proposed.



Structure

Single Family Attached, one home per lot.

Relationship of primary façade to Commerce Street.

Setbacks – Allow intimate pedestrian scale to be developed between building and street.

Parking

On-street parking provided.

Overflow parking in rear yard area. Screening to prevent light spillage to adjacent residential.

- Number of Units:** 26 Maximum
- Bedrooms per Unit:** 3 Maximum
- Parking:** 2 Spaces Required per Unit, can be met by public and off street spaces, optional garage units and private driveways.
- Building Height:** 35' maximum
- Building Use:** Single Family Attached Units
- Lot Width:** 20' Minimum except that up to one half of the lots may have a 16' minimum width.
- Front Setback:** Minimum 10'; Maximum 20'
- Side Setback:** Minimum 0'; Maximum 10'
- Rear Setback:** To Parking – Minimum 10'
To Property Line – Minimum 50'
- Block Length:** No More Than 10 Units
- Parking Setbacks:** To Residentially Zoned Property – Minimum 35'
To Property Not Zoned for Residential Use – Minimum 6'
To Public Right-of-Way (exclusive of entrances on public streets) – Minimum 10'

RULES AND REGULATIONS
FOR
COMMERCE STREET REZONING



GENERAL

1. Commerce Street Development Unit Owners Association ("Association"), acting through its Board of Directors, has adopted the following Rules and Regulations ("Regulations"). These Regulations may be amended from time to time by resolution of the Board of Directors.

2. Wherever in these Regulations reference is made to "unit owners," such term shall apply to the owner of any unit, to such owner's tenants whether or not in residence, and such Owner's (or such tenant's) household, servants, employees, agents, visitors, guests, invitees or licensees. Wherever in these Regulations reference is made to the Association, such reference shall include the Association and the managing agent when the managing agent is acting on behalf of the Association.

3. The unit owners shall comply with all the Regulations hereinafter set forth governing the buildings, patios, drives, recreational areas, grounds, parking areas and any other appurtenances.

4. The Association reserves the right to alter, amend, modify, repeal or revoke these Regulations and any consent or approval given hereunder at any time by resolution of the Association or the Board of Directors.

RESTRICTIONS ON USE

5. No part of the development shall be used for any purpose except housing and the common purposes for which the development was designed. Other than any unit designated by the Board of Directors for home occupation use, each unit shall be used as a private residence.

6. No unit owner shall obstruct any of the common elements nor shall any unit owner place or cause or permit anything to be placed on or in any of the common elements (except the areas designated for storage by the Development Instruments or the Board of Directors) without the approval of the Board. Nothing shall be altered or constructed in or removed from the common elements except with the prior written consent of the Board of Directors or the Covenants Committee, as appropriate.

7. The common elements shall be used only for the furnishing of the services and facilities for which the same are reasonably suited and which are incident to the use and occupancy of the units. The sidewalks shall be used for no purpose other than for normal transit.

8. Nothing shall be done or kept in any the common elements which will increase the rate of insurance for the buildings or contents thereof applicable for residential use without the prior written consent of the Board of Directors. No unit owner shall permit anything to be done or kept

in the unit or on the common elements which will result in the cancellation of insurance on the buildings or contents thereof or which would be in violation of any public law, ordinance or regulation. No gasoline or other explosive or inflammable material may be kept in any unit or storage area.

9. All garbage and trash must be placed in proper receptacles designated for refuse and no garbage or trash shall be placed elsewhere on any common element.

10. Except in the recreational areas designated as such by the Board of Directors, no playing or lounging shall be permitted, nor shall baby carriages, velocipedes, bicycles, playpens, wagons, toys, benches, chairs or other articles of personal property be left unattended in parking areas, on sidewalks or lawns or elsewhere on the common elements.

11. The toilets and other water and sewer apparatus shall be used only for the purposes for which they were designed, and no sweepings, matches, rags, ashes or other improper articles shall be thrown therein. The cost of repairing any damage resulting from misuse of any such apparatus shall be borne by the unit owner causing such damage.

12. Each unit owner shall keep the unit in a good state of preservation, repair and cleanliness and shall not sweep or throw or permit to be swept or thrown therefrom, or from the doors, windows or patios thereof, any dirt or other substance.

13. Nothing shall be done in any unit or on the common elements which may impair the structural integrity of any building or which may structurally change any building nor shall anything be altered or constructed on or removed from the common elements, except upon the prior written consent of the Board of Directors.

14. No improper, offensive or unlawful use shall be made of the Property or any part thereof, and all valid laws, zoning ordinances and regulations or all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations or requirements of any governmental agency having jurisdiction thereof relating to any portion of the Property shall be complied with, by and at the sole expense of the unit owner or the Board of Directors, whichever shall have the obligation to maintain or repair such portion of the Property, and, if the latter, then the cost of such compliance shall be a common expense.

15. No unit owner shall make or permit any disturbing noises in any building or do or permit anything which will interfere with the rights, comforts or convenience of other unit owners. All units owners shall keep the volume of any radio, television, musical instrument or other sound producing device in their units sufficiently reduced at all times so as not to disturb other unit owners.

16. The right is hereby given to any owner of any unit to place for sale or for rent signs on any unit owned, but in no event will any sign be larger than one foot by two feet.

17. Draperies, curtain or venetian blinds must be installed by each unit owner on all windows of the unit and must be so maintained thereon at all times.

18. No unit owner shall cause or permit anything to be hung, displayed or exposed on the exterior of a unit, whether through or upon the windows, doors, masonry or patio of such unit that can be seen from the City public street (Commerce Street). The prohibition herein includes without limitation laundry, clothing, rugs, signs, awnings, canopies, shutters, radio or television antennas or any other items. Under no circumstances shall any exhaust fan, air conditioning apparatus, television or radio antennas or other items be installed by the unit owner beyond the boundaries of the lot. No clothesline, clothes rack or any other device may be used to hang any items on any window or patio, nor may such devices be used anywhere on the common elements except in such areas as may be specifically designated for such use by the Board of Directors. Patios shall not be used as storage areas.

PET RULES

19. No animals, livestock, poultry or reptiles of any kind, regardless of number, may be maintained, kept, boarded or raised, in any unit or upon the common elements, except that the keeping of orderly domestic pets (e.g., dogs, cats or caged birds) not to exceed one per unit without the approval of the Board of Directors, and aquarium fish and other limited species of animals which do not normally leave the unit and which do not make any unreasonable disturbance or noise is permitted, subject to the Rules and Regulations adopted by the Board of Directors, and provided that such animals are not kept for breeding purposes.

20. A pet may be maintained in a unit only for so long as it is not a nuisance. Any such pet causing or creating a nuisance or any unreasonable disturbance or noise may be permanently removed from the Development upon ten days written notice from the Board of Directors. Actions which will constitute a nuisance include but are not limited to abnormal or unreasonable crying, barking, scratching or unhygienic offensiveness.

21. Except in pet exercise areas designated by the Board of Directors, pets must be leashed or carried; leashes may not exceed a length which will permit close control of the pet.

22. Pet owners are fully responsible for personal injuries and/or property damage caused by their pets and shall indemnify and hold the Association, each unit owner and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Development.

23. All pets which may leave the unit must be registered and inoculated as required by law and registered with the Association office. The Board of Directors may establish reasonable fees for registration, not to exceed the additional costs incurred by the Association resulting from the presence of the pets.

24. Owners of pets walked upon the common elements must promptly clean up their pet's droppings in all areas outside any authorized pet exercise areas.

PARKING AND STORAGE

25. No personal property may be stored on the common elements except in storage areas designated as such by the Development Instruments or by the Board of Directors. All personal property placed in any portion of a building or any place appurtenant thereto, including without

limitation the storage areas, shall be at the sole risk of the unit owner and the Association shall in no event be liable for the loss, destruction, theft or damage to such property.

26. Should any employee of the Association at the request of a unit owner move, handle or store any articles or handle, move park or drive any automobile placed in the parking areas, then, and in every such case, such employee shall be deemed the agent of the unit owner. The Association shall not be liable for any loss, damage or expense that may be suffered or sustained in connection therewith.

27. Trailers, campers, recreational vehicles, boats and other large vehicles may be parked on the Property only if expressly permitted by the Rules and Regulations and only in such parking areas, if any, as may be designated for such purpose by the Board of Directors. All vehicles shall be parked wholly within parking space lines. No junk or derelict vehicle or other vehicle on which current registration plates are not displayed shall be kept upon any of the common elements; provided, however, that such vehicles may be parked inside the garage located within a unit (if provided). Except in areas designated by the Board of Directors, vehicle repairs other than: (i) emergency maintenance, (ii) ordinary light maintenance (excluding fluid changes and other operations which might soil the common elements) and (iii) normal cleaning are not permitted on the common elements.

28. All unit owners shall observe and abide by all parking and traffic regulations posted by the Association or by municipal authorities. Vehicles parked in violation of any such regulations may be towed away at the unit owner's sole risk and expense.

29. Parking so as to block sidewalks or driveways shall not be permitted. If any vehicle owned or operated by a unit owner shall be illegally parked or abandoned on the Development, the Association shall be held harmless by such unit owner for any and all damages or losses that may ensue, and any and all rights in connection therewith that the owner or driver may have under the provisions of state or local laws and ordinances are hereby expressly waived. The unit owner shall indemnify the Association against any liability which may be imposed on the Association as a result of such illegal parking or abandonment and any consequences thereof.

RECREATIONAL AND COMMON FACILITIES

30. All persons using any of the recreational or common facilities do so at their own risk and sole responsibility. The Association does not assume responsibility for any occurrence, accident or injury in connection with such use. No unit owner shall make any claim against the Association, its servants, agents, or employees, for or on account of any loss or damage to life, limb or property sustained as a result of or in connection with any such use of any of the recreational or common facilities. Each unit owner shall hold the Association harmless from any and all liabilities and any action of whatsoever nature by any tenants, guests, invitees or licensees of such unit owner growing out of the use of the recreational or common facilities, except where such loss, injury or damage can be clearly proved to have resulted from and been proximately caused by the direct negligence of the Association or its agents, servants or employees in the operation, care or maintenance of such facilities.

31. Any damage to a building, the recreational facilities or other common elements or equipment caused by a unit owner or such unit owner's guests or pets shall be repaired at the expense of the unit owner.

ASSOCIATION

32. All charges and assessments imposed by the Association are due and payable on the _____ . Payment shall be made at the managing agent's office by check or money order, payable to the Development. Cash will not be accepted.

33. Complaints regarding the management of the Development or regarding actions of other unit owners shall be made in writing to the managing agent or the Board of Directors.

34. No unit owner shall direct, supervise or in any manner attempt to assert control over or request favors of any employee of the managing agent or the Unit Owners Association.

CONSIDERATION IN USE OF UNITS

35. All persons shall be properly attired when appearing in any common area of the Property and any other public spaces of the Development.

36. All radio, television or other electrical equipment of any kind or nature installed or used in each unit shall fully comply with all rules, regulations, requirements or recommendations of the Board of Fire Underwriters and the public authorities having jurisdiction, and the unit owner alone shall be liable for any damage or injury caused by any radio, television or other electrical equipment in such unit.

GENERAL

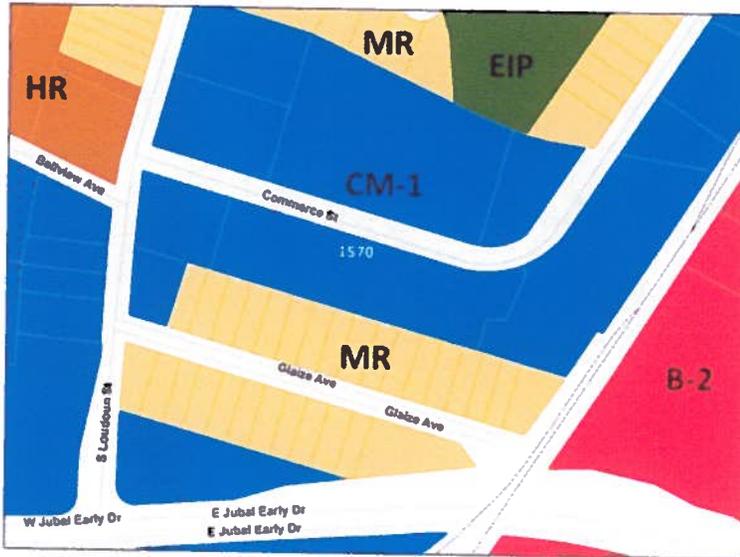
37. The planting of plants, flowers, trees, shrubbery and crops of any type is prohibited anywhere on the common elements without the prior written consent of the Board of Directors. No fences may be erected around or on the common elements

REZONING EXHIBIT

RZ-14-35

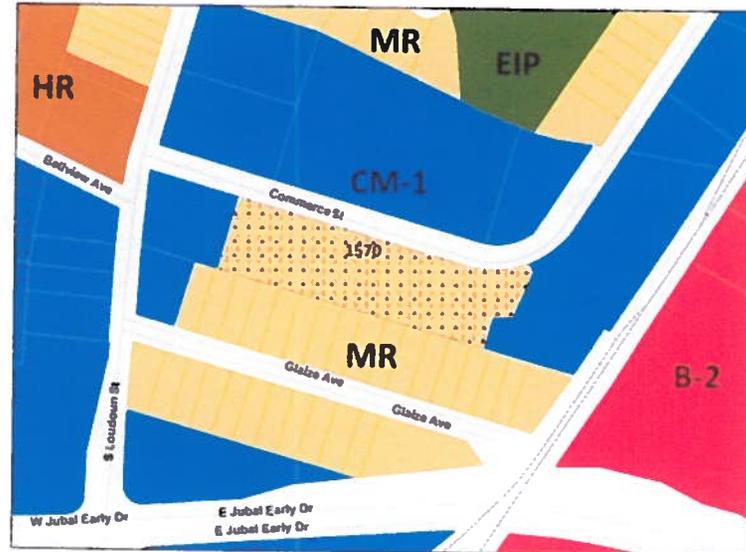
PREPARED BY WINCHESTER PLANNING DEPARTMENT

FEBRUARY 3, 2014



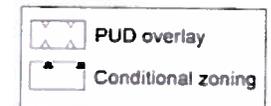
EXISTING

CM-1 ZONING FOR 1570 COMMERCE STREET



PROPOSED

CONDITIONAL MR (PUD) ZONING FOR 1570 COMMERCE STREET



**Market and Fiscal Impact Analysis
for the Commerce Street Townhomes
Development in Winchester, Virginia**

Prepared for:

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May 19, 2014
(Rev. Final)

Market and Fiscal Impact Analysis
for the Commerce Street Townhomes
Development in Winchester, Virginia

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Market and Fiscal Impact Analysis
for the Commerce Street Townhomes
Development in Winchester, Virginia

Introduction

This report is a Fiscal and Economic Impacts analysis of the proposed development of Commerce Street Townhomes, which is to be located on a 2.57 acre parcel at 1570 Commerce Street on the South side of the roadway in the geographic center of the City of Winchester, near the intersection of Commerce Street and South Loudoun Street. It is an attractive vacant site near Overlook Park. The property is currently zoned CM-1 (commercial industrial), and is proposed to be rezoned to B-2 for the purpose of building the townhomes site, which will allow for townhome unit development of up to 26 units.

The actual development plan is still evolving, but will include 26 units, approximately 1 acre of recreational space, and some on site amenities. The requirement of 2 parking spaces per unit will be met with public and off-street spaces, optional garage units, and private driveways. On-street parking in the community will also be available, and there is a parking area set aside next to the recreational space, as well. The following chart shows the development program for the townhome units, in terms of unit mix, unit sizes, and estimated net leases, reported in constant 2014 dollars. The initial development plan calls for all three-bedroom units.

<u>Preliminary Development Plan</u>			
(26 Townhome units)			
<u>Design</u>	<u>Units</u>	<u>Unit Size Range</u> (in sq. ft.)	<u>Net Lease*</u> (2014 dollars)
Three-Bedroom	26	1,800 – 2,200	\$52,840 - \$57,080

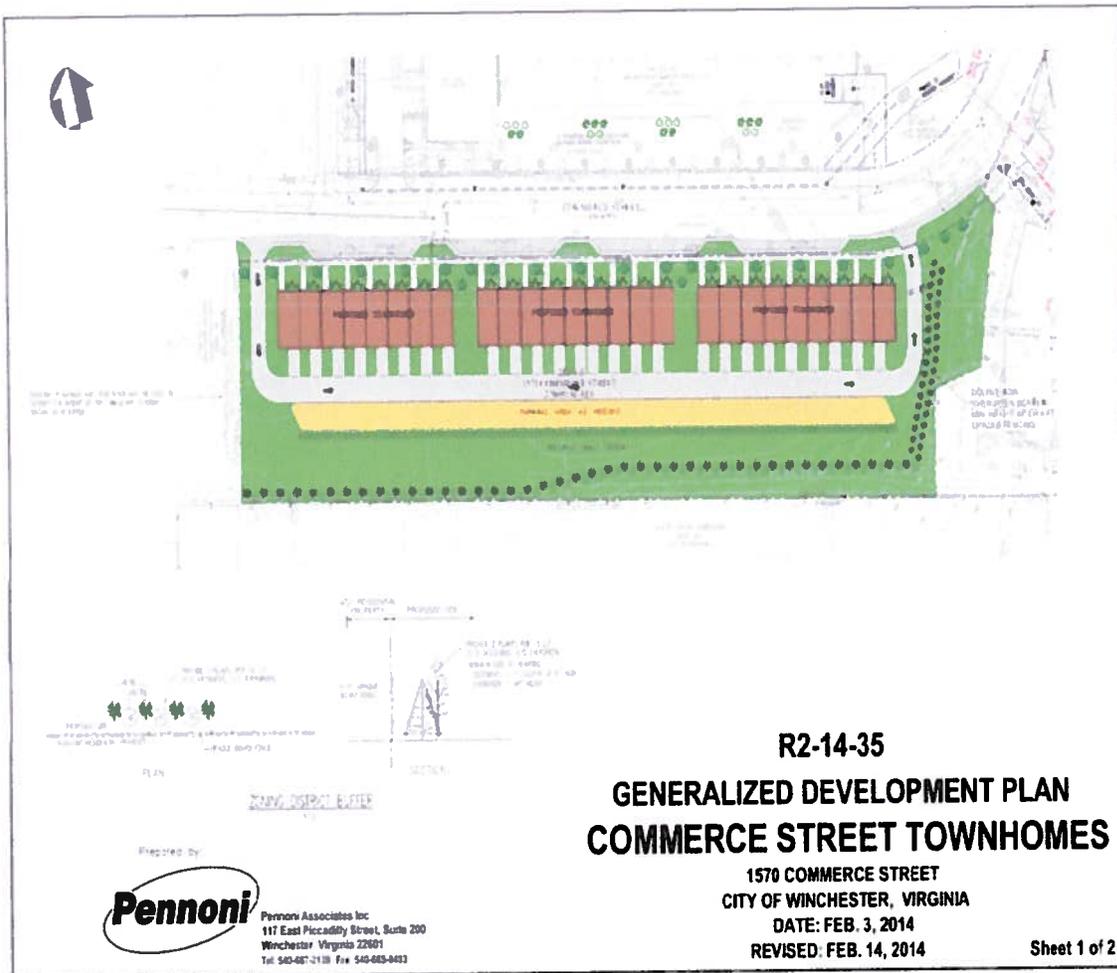
*The term "net lease" is used to show that the "owner" pays for all utilities, fees, and repairs.

Based on these "net leases," we estimate that the average household income of residents at Commerce Street Townhomes will be \$60,000, also reported in constant 2014 dollars. Using the industry accepted average of 30 percent of income allocated to "net lease," a minimum income would be \$57,000 for the three-bedroom units. To use a more conservative figure, we used \$60,000 as the average income for residents at Commerce Street townhomes, as many residents of the three-bedroom units will have incomes well above the minimum requirement.

As planned, the townhome complex is designed to be in the middle of the market for the Winchester area. The net lease rates shown are likely to be conservative, given the design concept and landscaping. These cost estimates were based on other similar townhomes in the Winchester area. Once the townhome unit designs are in place, higher sale prices may be recommended.

The site plan for the development proposal is shown below. All townhomes will be three-story dwellings, and there are 3 separate groupings of townhomes. These will have 8-9 townhomes per grouping, up to 26 units in total. The proposed three-bedroom townhomes will range from 16' wide to 20' wide, depending on interior design.

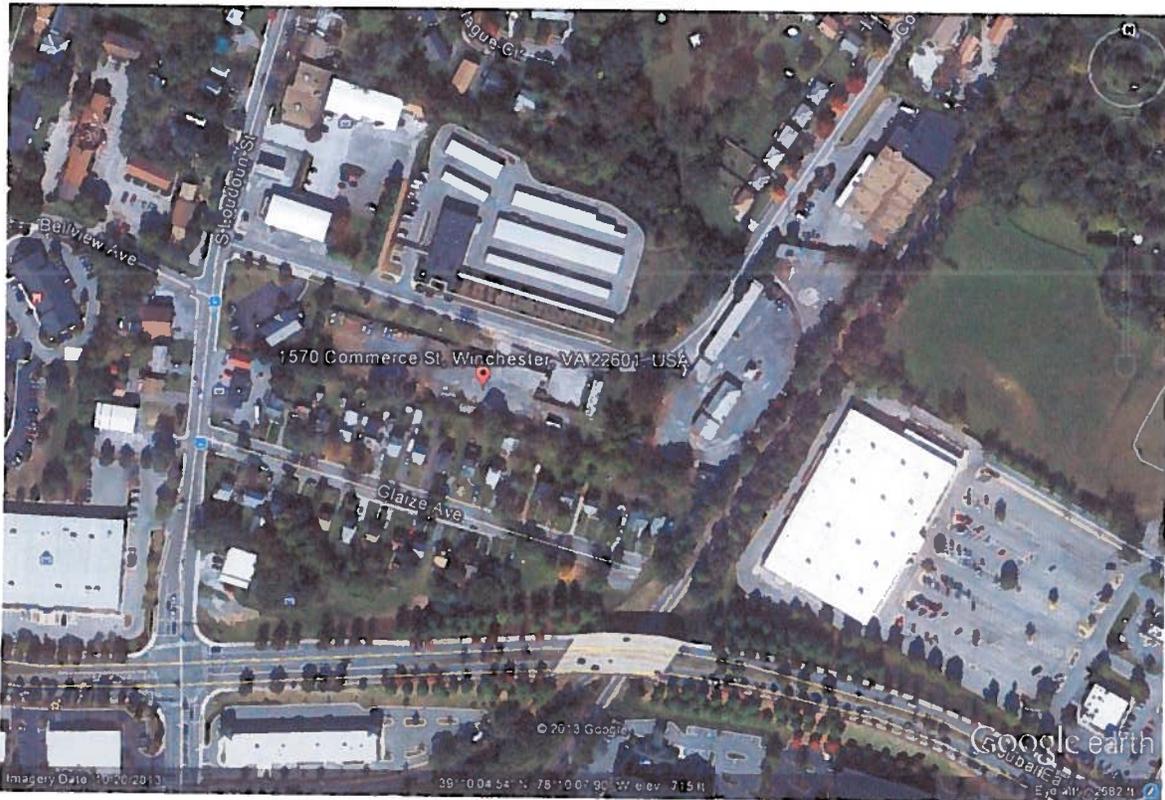
The recreational area is located on the south portion of the property. The recreation area is primarily just a green/garden area, but plans for a possible pavilion, grills, and picnic tables are under consideration.



Site Location Map

Aerial View

The aerial view below shows the site which is currently vacant. The property is surrounded by midscale residential subdivisions and warehouses and other retail on the northern side. One of the City's parks, Overlook Park, is located just to the North of the property.



Commerce Street Townhomes Aerial View of Site

The buildings have an attractive exterior with a mix of brick and veneer on the ground floor and on the second floor in the same area. The upper levels will be vinyl siding, and some of the lower levels will be entirely brick. All trim will be maintenance free, aluminum wrapped, synthetic wood or vinyl in complementary colors. Roofing will be 30 year architectural grade fiberglass shingles, and windows will be vinyl double hung with low-e insulated glass. These townhomes will also contain an in-unit washer/dryer.

All of the townhomes will have a similar three-story elevation, regardless of the final interior design concepts and number of bathrooms. The height of each story is shown in the image below.



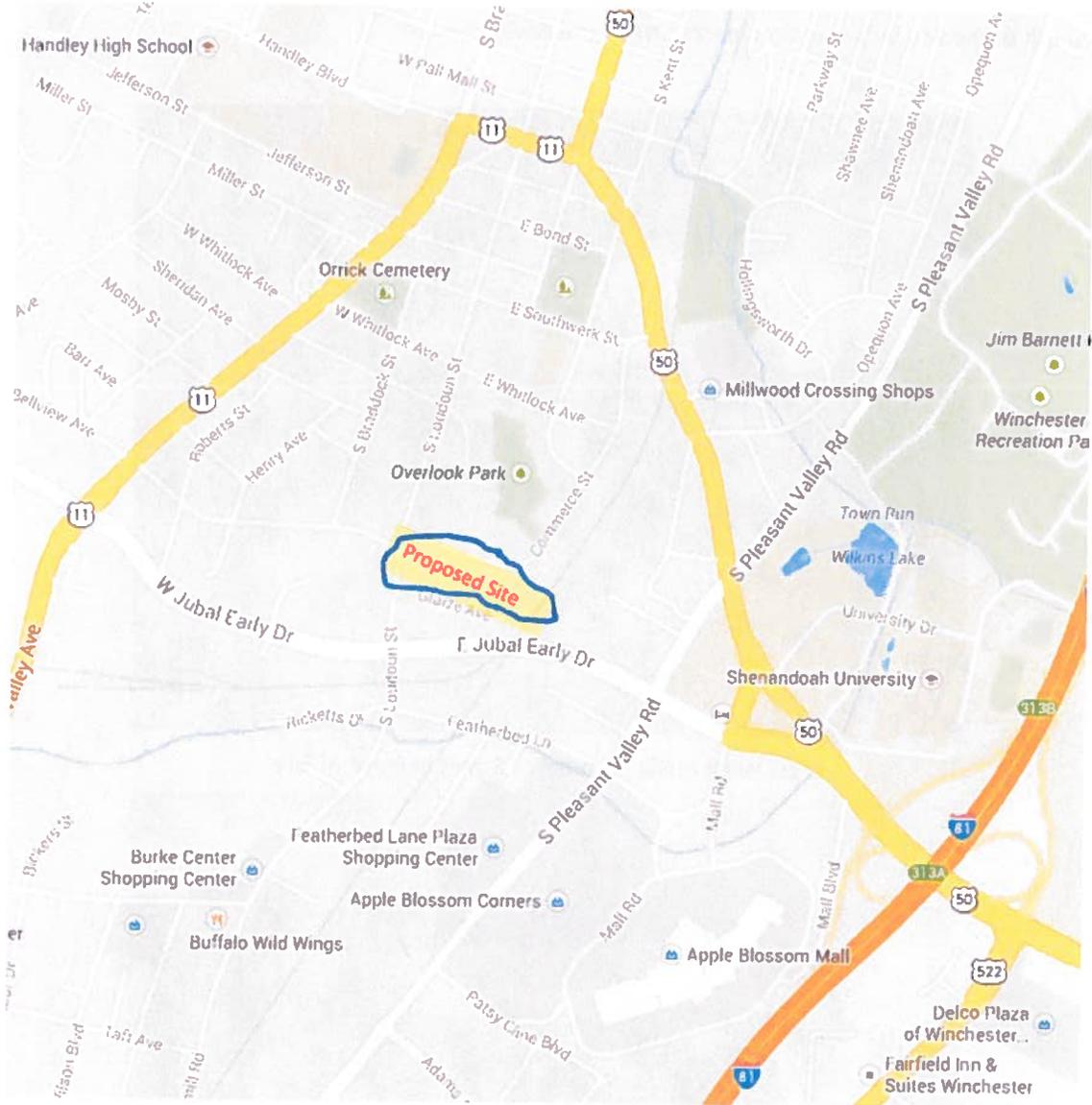
Front View of Townhomes

Site Location and Setting

Commerce Street runs west from the site to S. Loudoun Street, a major thoroughfare through the center of the City. Commerce Street also runs north and interchanges with U.S. Route 50, U.S. Business Route 522 (Millwood Avenue). South Loudon Street interchanges with Jubal Early Drive, reaching U.S. Route 11 to the West and U.S. Route 50 and I-81 to the East. As shown on the previous aerial photo, the townhome site setting is in a medium to high density residential/industrial area with mid-range-priced single family homes to the South.

In terms of regional access, the Commerce site is well located. Access to downtown Winchester is convenient via Loudoun Street and access to the large Apple Blossom Mall area is relatively direct. Overall, the site is attractively located in terms of access and setting. Overlook Park is within walking distance, and several other parks and shopping centers are minutes away. Shenandoah University and the Quarles Elementary School are also extremely close to Commerce Street Townhomes.

Map A – Commerce Street Site Location and Setting



Following are photos of the property. The top photo shows the West side of the entrance from Commerce Street. The middle photo is a view east along Commerce Street showing the remainder of the entrance to the planned community. The third photo is the view from the attractive subdivision to the South of the site between Commerce Street and Glaize Avenue.



View West Along Commerce Street in Front of Site



View East Along Commerce Street in Front of Site



View of the Back of Site from Subdivision South of Site

Overall, the Commerce Street site is well located for new townhome development. Several amenities are nearby and the setting is fully attractive for quality housing. Local and regional accessibility is excellent.

Market Analysis for Townhouse Unit Development

To support the assumptions used in the Market and Fiscal Impacts Analysis, as presented in the next subsection of this report, we included a brief market analysis in support of the 26 townhome units proposed, and the unit characteristics planned. The findings of this market analysis are the basis for the assumptions used to calculate the fiscal and economic impacts of Commerce Street Townhomes.

Demographic Trends and Projections

The market area for the Commerce Street Townhomes includes the City of Winchester and Frederick County. The base demographic data are based on the 2010 Census count with updates to 2012 from the Census' American Community Survey, as well as the Winchester Frederick County Economic Development Commission's 2013 Annual Report and their demographics web-tool. We used the projection date of 2017, even though Commerce Street Townhomes are likely to be started by mid-2014 and could be completed by mid-to-late-2015.

The key demographic factor under study is the magnitude and growth of homeowners with incomes of \$60,000 and above, when incomes are reported in constant 2014 dollars. Statistically, homeowners at Commerce Street Townhomes will need incomes on average of \$57,000+. As noted previously, we have used a more conservative income level of \$60,000+ (rounding up slightly) for our analyses.

From the Winchester Frederick County VA EDC website (<http://winva.com/build-a-report>), by 2013, the Winchester area had 7,155 households with an income between \$50,000 and \$74,999, and 5,374 households with income between \$75,000 and \$99,999. The 2013 Median Household Income in the market area was \$57,234 based on the EDC's data, which supports the targeted audience (buyers) for this development.

In addition to middle- and upper-income renters, Winchester has a second source of townhome unit demand, the upper class students and graduate students at Shenandoah University. We estimate, based on data provided by university officials, that 1,300 students live in off-campus housing. Many live in area townhomes for rent, including locations in Stephens City. University students typically do not pay rents at the top of the market, so this source of rental housing unit demand was not included in our market analysis for Commerce Street.

Market In-Demand for Townhomes

Currently there is only one townhome community that is comparable with the townhomes to be built at Commerce Street. Limestone Place townhomes, built in the early 2000s, are all 22-foot wide units, with 100% brick finish, and have living, dining, and kitchen areas on the entry level. Due to their age, however, Limestone Place units have home values comparable or slightly lower to Commerce Street Townhomes. A quick web-search in May 2014 shows that many of the Limestone Place townhomes have been converted to rentals and short-term corporate housing, with the likelihood of a higher transient population than is planned for the Commerce Street community. In addition to the sizable number of Limestone Place townhomes for rent by professional real estate companies, there are condos for rent and currently 80 rentals in adaptive reuse buildings in Old Town.

There are three key points to be made in regard to the magnitude and quality of the Winchester townhome market:

1. For a relatively large marketplace of over 10,000 households, Winchester has very few townhomes at this quality level, but a significant number of household incomes capable of affording Commerce Street Townhomes.
2. The vacancy rate is near zero for Limestone Place, which is in high demand, and
3. The only comparable townhome community is over 10 years old.

These data indicate a large pent-up demand for new townhome properties.

Pipeline Proposals

There are no other active proposals for very similar new townhome unit developments in Winchester. In Frederick County proper, the Townes at Tasker is an 81 lot townhome development that will begin house construction in a few weeks. These homes are constructed by Dan Ryan Builders. Five units will be available soon, with more in earlier stages of construction. Another mixed size/mixed style development, the Madison Village project (just east of the City along Route 522 South), was recently approved by Frederick County and is slated to have up to 640 units of which about half are proposed as townhouses.

If Commerce Street Townhomes are also approved, the Winchester area townhome market will be increased by approximately 107 o 407 units between Townes at Tasker, Madison Village, and Commerce Street. The Commerce Street Townhomes project, if approved by City officials, will likely be ready for occupancy by sometime in 2015, which may be much sooner than the larger Madison Village project.

Net Lease Rates (Cost of Ownership)

As a Fee Simple sale, the owner pays for all utilities, mortgage, interest, insurance, and taxes. Based on standard utility and other cost factors for this type of home in this region, the "net lease" rate for the three-bedroom properties is estimated to be \$1,420+ per month. (*The term "net lease" is used in available statistical reports to show that the "owner" pays for all utilities, fees, and repairs, whether the unit is leased or rented.)

Conclusions

Based on the relatively low number of current townhomes in the Winchester area, the market area is projected to support far more new townhome units over the 2010 to 2017 forecast period than Townes at Tasker, Madison Village, and Commerce Street Townhomes can support, even combined. There are no other Winchester townhome communities beyond these three in the pipeline to support this demand. Overall, with the pent-up demand that exists for new townhomes due to household growth and a continued slow for-sale housing market locally, the demand for quality townhomes should continue at the same pace, or higher compared with the market for homes during the 2000 decade.

Fiscal and Economic Impacts

The fiscal impacts analysis compares the revenues to be forthcoming from a the apartment and commercial project, Commerce Street Townhomes, with the costs the municipality - here the City of Winchester - that will serve the project, once it is built out and stabilized occupancies have been achieved. The net fiscal benefit from the project will be the difference between those revenues and the costs. The fiscal impacts for Commerce Street Townhomes will include both the on-site revenues and costs generated on-site by the development and also the revenues and costs generated off-site by the economic impacts of the development within the City of Winchester. For these off-site impacts, an economic impacts analysis is undertaken to show how resident expenditures and business purchases will stimulate further business within Winchester, giving the new business receipts, employment and employee earnings resulting from those expenditures. As explained above, the economic impacts will be the basis for fiscal impacts occurring off-site from Commerce Street Townhomes.

On-Site Revenues

Revenues coming directly from Commerce Street Townhomes will consist of revenues generated by the activities on site for the City of Winchester. The analysis to follow will show that the proposed project will generate over \$101,000 in revenues each year for the City after buildout and stable occupancies are achieved. All dollar amounts for revenues and costs due to the development on- or off-site will be expressed in constant year 2014 dollars, with no correction for inflation. This allows a more direct basis for comparison with the present. The analysis of on-site revenues begins with the property taxes and follows with other smaller taxes for the City.

Real Property Tax

Real Estate Assessments for Commerce Street Townhomes are projected to be \$215,000 per unit, including land and land preparation. Total taxable value for the 26 units will come to \$5.59 million. At the real estate tax rate of \$0.95 per \$100 of valuation, real estate tax revenue from this set of 26 townhomes would be \$53,105 each year after buildout, in constant year 2014 dollars.

Personal Property Tax

Personal property taxes for residences in Virginia are based on the depreciated values of vehicles used solely for residential purposes. The first step in calculating the personal property tax for Commerce Street Townhomes residents is to estimate the average depreciated value of vehicles in the City. This is done by dividing the personal property tax that is residential by the number of vehicles in the City. Included in the tax is the Personal Property Tax Relief Act (PPTRA) reimbursement from the Commonwealth to the City. The proportion of the property assessment that is residential for 2014 is 100 percent.

As shown in Table 1, the total residential personal property tax including PPTRA is divided by the tax rate of \$4.50 per \$100 valuation to give the total depreciated value of vehicles in the City as \$198 million. This total value divided by 16,500 estimated vehicles in the City gives an average depreciated value per vehicle of \$11,991.

Table 1. Estimation of the Average Depreciated Value Per Vehicle, Winchester, Virginia, 2013	
	Amount
FY 2014 Personal Property Tax	\$9,621,500
Proportion Residential	0.59
Residential Personal Property Tax	\$5,676,685
PPTRA	\$3,226,980
Total Residential Personal Property Tax	\$8,903,665
Tax Rate	\$0.05
Total Residential Depreciated Value	\$197,859,231
Estimated Number of Vehicles	16,500
Average Depreciated Value per Vehicle	\$11,991
Sources: FY 2014 Adopted Budget for Winchester, Virginia. And the American Community Survey of the U.S. Census Bureau.	

Residents in the Commerce Street Townhomes (at 95% occupancy) are projected to own 42 vehicles based on a metric of 1.66 vehicles per home based on 2011 Census data. With an average taxable value of approximately \$11,991 per vehicle, the total on-site personal property value of resident-owned vehicles would be \$497,627. At the tax rate of \$4.50 per \$100 of valuation, the on-site personal property tax would be \$22,393 annually, in constant 2014 dollars. This is shown in Table 2.

Table 2. Personal Property Taxes (PPT) at Commerce Street Townhomes at Buildout, Winchester, Virginia (constant \$2014)	
	Amount
Commerce Street No. Units	26
Percent Occupied	0.95
Occupied Units	25
Vehicles per Unit	1.66
Number of Vehicles	42
Depreciated Value Per Vehicle	\$11,991
Total Depreciated Value	\$497,627
Tax at \$4.50/\$100	\$22,393
Sources: Table 3 and Management Analysis, Inc.	

Where three adults are living in a three-bedroom townhome, it is likely that the number of vehicles will be three (one for each) as compared to one or two vehicles for the units owned and/or occupied by a couple or a couple with a small child. As such, the estimate of \$22,393 in PPT is conservative.

Utility Tax

For residential households, at least four utilities are typical among most common, which are the gas, electric, telephone, cellular, and internet utilities. Utility taxes are capped by Winchester statute at the rate of \$3.00 per utility per month, and based on the square footage of these townhomes, this maximum value was chosen. The following chart shows that for 26 townhome units at Commerce Street Townhomes (at 95% occupancy), utility taxes would come to \$3,600 per year. (See Table 3.)

Townhome Utility Tax	Amount
Number of Units	26
Occupied at 95%	25
Utilities Per Unit	4
Each Utility Tax/Month	\$3
Number of Months	12
Tax Per Household Nr.	\$144
Total City Utility Tax Revenue	\$3,600

Motor Vehicle Licenses

Each motor vehicle in Winchester is subject to a license fee of \$24 per vehicle. In the derivation of the personal property tax at Commerce Street Townhomes, it was shown that there would be 42 vehicles at the townhomes. At a fee of \$24 per vehicle, the total for the 25 occupied townhomes would be \$1,008 annually.

Where three adults are living in a three-bedroom townhome, it is likely that the number of vehicles will be three (one for each) as compared to one or two vehicles for the units owned and/or occupied by a couple or a couple with a small child. The estimate of \$1,008 in motor vehicle license fees is conservative.

Recordation Tax

The Commonwealth of Virginia taxes all exchanges of real property at the rate of \$0.25 per \$1,000 of value, or .00025. One-third of this amount is returned to the municipality where the transaction occurred. It is assumed that the Commerce Street Townhomes are taxed five times in 20 years, once at initial completion of the construction of the project, and also sold 4 times in 20 years. At the given tax rate, the share for Winchester on the property valued at \$5.69 million would be \$2,347 (See Table 4).

Table 4. Recordation Tax for Commerce Street Townhomes, at Buildout, Winchester, Virginia (constant \$2014)	
	Townhomes
Real Estate Value	\$5,690,000
First and 4 times each 20 years	5
Total Taxable Value	\$28,450,000
Tax at state level	\$0.00025
State Tax	\$7,113
Share to City	0.33
City Recordation Tax	\$2,347
Source: Management Analysis, Inc.	

Non-Tax Revenue

Revenues for the City other than tax revenues total \$16 million, or 20 percent of the budget, for FY 2014. These revenues include local revenues such as fees, charges, and permits. They also include non-local revenues, including revenues from the Commonwealth and from the Federal Government. The fiscal impacts analysis expresses this non-tax revenue on a per capita basis. There were an estimated 26,900 residents in Winchester at the beginning of this fiscal year, and the non-tax revenue on a per capita basis for these people would be \$306. Multiplying this rate by the number of residents at Commerce Street Townhomes (61) gives a total of \$18,666 in projected new non-tax revenue.

Summary of Tax Revenues

In total, the sum of projected revenues forthcoming from Commerce Street Townhomes after buildout would be approximately \$101,676 each year, in constant 2014 dollars. The individual sources of these revenues are summarized in Table 5.

Table 5. Summary of Revenues for Commerce Street Townhomes, at Buildout, Winchester, Virginia (constant \$2014)	
	Townhomes
Real Property Tax	\$53,105
Personal Property Tax	\$18,666
Utility Tax	\$3,600
Motor Vehicle Licenses	\$1,008
Recordation Taxes	\$2,347
Non-Tax Revenue	22,950
Total	<u>\$101,676</u>
Source: Tables 3-6 and Management Analysis, Inc. calculations	

On-Site Costs to the City

Table 6 calculates the costs to the City of Winchester to provide services to the residents at Commerce Street. Explanations of the calculations follow:

- **Residents:** There will be 26 townhomes at Commerce Street. Assuming stable occupancies of 95 percent (which is conservatively low), there would be 25 occupied units at any time. Census data for Winchester from 2008-2012 indicates there are 2.42 persons per household, so there would be approximately 61 residents. At a cost to the City of \$645 per resident (from the budget for the City of Winchester), the "population cost" of residents would come to \$39,345.
- **Schools:** Pupil generation rate is a key factor in determining the costs of public school education for Commerce Street Townhomes. Census data for Winchester from 2008-2012 indicates there are 2.42 persons per household, 22.2% of which are under 18, but 6.8% of which are under 5.

Because these are starter homes with, likely, single professionals, younger families or persons with no children, we used an assumption of 12% under 5 years of age, instead of the average of 6.8%. We can, therefore, expect 0.222 students per household or approximately six school-age students within the community.

"Overall, only 25% of households now have children, and this is expected to decline to 20% in the next two decades." Page 3, Final Report, Winchester Economic Development Analysis & Master Plan, March 28, 2011

The annual costs to the City of Winchester at buildout and stabilization of Commerce Street Townhomes are calculated in Table 6, below. It applies the population and pupil parameters described above for the community to give the City costs for residential services and facilities, and public school education for residence at the site. The total cost is \$86,865 as shown.

Table 6. Calculation of Costs of Services and Facilities for the City of Winchester to Serve Residents at Commerce Street at Buildout (constant \$2014)	
	<u>Townhomes</u>
Number of Residents	61
Capita Cost Per Resident	\$645
Total Population Cost	\$39,345
Number of Pupils	6
Capita Cost Per Pupil	\$7,885
Total School Cost	\$47,310
Total Cost to the City	\$86,655
Sources: Appendix Table A-3 (Adopted FY 2014 Budget for the City of Winchester) and Management Analysis Inc.	

Net On-Site Fiscal Impact

The chart below summarizes the revenues, costs, and net fiscal benefit to be derived from buildout of the Commerce Street development. The townhomes show a net benefit of about \$15,021. The costs of education drive up the costs to the City for the townhomes. The following sections will show the off-site business spin-off fiscal impacts from the development, which will not significantly alter this net fiscal benefit

<u>Commerce Street On-site Fiscal Benefit</u>	<u>Townhomes</u>
Total Revenue	\$101,676
Less: Total Costs	\$86,655
Net Fiscal Benefit	\$15,021

This figure is based, where appropriate, on an occupancy rate of 95% annually. If all units are sold and occupied for a several years before being re-sold, the Net Fiscal Benefit will be higher than the conservative \$15,021 calculated herein.

Off- Site Economic and Fiscal Impacts

In addition to the revenues and costs that accrue to the City of Winchester from the townhomes "on-site" - that is, due to the apartments and residents themselves - there are also off-site impacts that occur as residents on-site spend their income off-site in the City, and as those off-site businesses re-spend the income from purchases from residents by the purchase of goods and services from other vendors in the City. Consumer budgets are identified by the U.S. Bureau of Labor Statistics by area and income level.

According to the Census data, the median household income in the City of Winchester is \$45,959 averaged over the period 2008-2012. This is close to the income level of households in the comparable complexes and, with inflation to 2015, close to the anticipated average income for Commerce Street Townhome owners. This picture is improved if one assumes that the potential market area for buyers is the greater Winchester area (which includes the Frederick County suburbs), where the median household income averaged \$67,694 county-wide. Commerce Street Townhomes is an ideal in-city starter community for young families and young single professionals. Winchester area consumers spend 25.61 percent for housing and 9.89 percent for home utilities; the taxes for these were discussed previous.

The key finding of the data below is that the new townhome residents are likely to spend 66.81 percent of their purchases in and around the City of Winchester.

Commodity	Percent of Spending
Housing	25.61%
Utilities	9.89%
Groceries (Food and household supplies at local grocery stores and markets)	13.37%
Transportation (Gas, Repairs, Bus Fare, etc.)	11.79%
Healthcare (Visits to local doctors and hospitals, purchased of supplies and medication at local drug stores, etc.)	4.98%
Misc. Goods and Services (Dry cleaning, Hair/Nails, Clothing, Home Furnishings, etc.)	36.67%

Source: Spend Analysis (2013) - "Winchester, VA - W.V. Metro Statistical Area," published January 2014

Consumer and business expenditures made off-site in the City are translated into economic impacts in the City using multiplier matrices provided for the local area by the U.S. Bureau of Economic Analysis. These multipliers capture the round-by-round flows of expenditures in the City initiated by residents of the townhomes. The multipliers are specific to Frederick County, but since the City figures so heavily in the County economy - accounting for almost all of the jobs- it is assumed here that the impacts will apply essentially to Winchester for 60 percent of resident expenditures. Most of the rest of consumer expenditures will leak out of the region.

There are separate matrices for business receipts, employment and employee earnings. The items in the consumer budget are multiplied in turn by these expenditure-specific categories in each matrix and summed to give the "spin-off" or "ripple effect" of circulation of money through the economy. The ripple effects, plus the original consumer expenditures, equal the total economic impacts of townhome residents on the City economy.

Business Receipts

Residents at Commerce Street Townhomes will spend about 66.81 percent (derived from the data above) of their remaining \$50,000 of income after subtracting out ownership costs, or about \$33,405 per household. Some other uses of income are taxes, savings, and transfers to other family members not living on-site. Overall, this is \$868,530 in expenditures from the 26 townhomes, of which \$521,118 (60% of \$868,530) is expected to remain in the City. The ripple or multiplier effect will generate another \$1.3 million in receipts among City businesses from residents, for a total business receipts impact of \$1.9 million from residents. In addition, the business receipts collected from the public will generate additional taxes of \$53,675 as revenue to the City.

<u>Source of Impact in City</u>	<u>Residents</u>
Direct Expenditures	\$ 521,118
Indirect Ripple Effect	\$ 1,157,523
Total Business Receipts	\$1,678,641
Additional Potential Tax Revenue on end-user Business Receipts – Taxes on Items Sold to Customers (10.3% of \$521,118)*	\$53,675

*Based on City's Combined Sale Tax and Meals Tax Rate.

Employment and Earnings

Employment and employee earnings impacts come from the ripple or multiplier effects of resident expenditures on businesses in the City, i.e., these are the employees, and their earnings, that support the increased business receipts in the City. There will be approximately 14 new full-time equivalent employment positions created in Winchester, with earnings for these employees of \$469,000, for average earnings of \$33,500. This is a relatively modest earnings level because so much of the impact is on retail trade and consumer services such as cleaning and laundries and other household services.

Off-Site Fiscal Impact

Table 7 summarizes the revenues and costs to the City of Winchester from the off-site impacts of the Commerce Street Townhomes, for the 14 new employees generated by the business expenditures above. These impacts derive primarily from the \$1.9 million in new business receipts in the City, plus estimates of real property and business personal property for a typical commercial operation. It is proper to look at these impacts as long-term. That is, it is not likely that 14 new employees in many different firms will lead to immediate expansion of the property tax base, but this should happen over time as part of business expansion in the City. Other tax receipts should accrue as soon as consumers at Commerce Street Townhomes begin making expenditures, that is, as soon as the property is built out and stable occupancies are achieved. Revenues are calculated for off-site impacts in the same fashion as on-site revenue impacts were as explained and calculated in preceding paragraphs.

Costs are based on 14 new employees at a cost to the City of \$645 per employee, as derived above in Table 6. As shown below, there is potentially a significant benefit to the City as a result of new resident

expenditure. The initial benefit of \$53,270 will become a small net benefit over time as the impact of the increased consumption and employment ripple and multiply.

Table 7. Annual Off-site Fiscal Impact of Consumer Expenditures From All Residents of Commerce Street at Buildout in Winchester, Virginia (constant \$2014)	
	Townhomes
Real Estate Tax	\$2,144
Business Property Tax	\$1,782
Retail Sales Tax	\$55,110
Motor Vehicle License Tax	\$346
Utility Tax	\$366
Recordation Tax	\$61
Non-tax Revenue	\$2,492
Total Revenue	\$62,300
Less Costs to the City	(\$9,030)
Net Fiscal Benefit to the City	\$53,270
Source: RIMS II Modeling System, U.S. Bureau of Economic Analysis	

Summary of On-Site and Off-Site Fiscal Impacts

The preceding sections of this fiscal and economic analysis have derived both the on-site and off-site impacts of the residents of Commerce Street Townhomes at buildout. As the impact is minimal, it is simpler just to revisit the overall net cost to the City, keeping in mind that fiscal benefits from consumer expenditures will rise over time. The initial net fiscal benefit to the City is \$68,291 annually, becoming even more of a benefit in future years.

Table 8. Summary of Benefits to the City (constant \$2014)	
Net On-Site Benefit of the Townhomes	\$15,021
Net Off-Site Benefit of the Townhomes	\$53,270
Net Total Benefit to the City	\$68,291

The current assessed value of the vacant 2.569 acre Commerce Street property is \$569,500. At the City's Real Estate Tax rate of \$0.95 per \$100 in valuation, this commercially-zoned vacant property generates \$5,410 to the City per year. The net fiscal benefit of Commerce Street Townhomes to the City, therefore, would be significantly higher than the taxes generated for the vacant site as it is now.

Since the area on Commerce Street is currently zoned CM-1 (Commercial Industrial), it is important to consider the potential financial benefits of a commercial/business facility operating in place of

Commerce Street Townhomes. Similar studies show that retail sales tax for applicable businesses would generate considerable revenue to Winchester if such businesses were built on this site.

The Net Present Value of this property to the City is higher with Commerce Street Townhomes as this project is ready to begin immediately. Townhomes that are constructed, sold, and occupied have a higher real estate value than a potential business or warehouse not yet built. The real estate taxes and residential personal property taxes available by approving this development will be considerably higher for Commerce Street Townhomes compared to the cost in lost revenue opportunity while waiting for another businesses offer to build on the site someday in the future.

Appendix: General Fund Expenditure and Reserves

Appendix Table A-1 summarizes expenditures from the General Fund for the City of Winchester from FY 2011 (actual expenditures) to FY 2014 (the current adopted budget). The General Fund Budget sets the revenues and expenditures that most directly impact the citizens and businesses of the City. Included in the General Fund is a transfer of tax monies to the School Board for operations and debt service. There are other sources of funding for schools, such as federal and state funding, that are specific to the School Fund and do not depend on local revenues. There has been a steady growth in General Fund expenditures over this four-year period, of which a small part is due to inflation. Actual General Fund expenditures in FY 2011 were \$66.1 million, compared to the Adopted Budget for FY 2014, the current year, with expenditures budgeted at \$72.1 million.

	<u>FY 2011</u>	<u>FY2012</u>	<u>FY 2013</u>	<u>FY2014</u>
	<u>Actual</u>	<u>Actual</u>	<u>Projected</u>	<u>Adopted</u>
GENERAL GOVERNMENT				
General Government	\$3,496,423	\$4,304,202	\$5,180,565	\$5,419,044
Judicial	\$593,636	\$2,803,718	\$3,059,800	\$3,122,200
Public Safety	\$14,715,540	\$17,118,801	\$18,409,535	\$18,300,464
Public Works	\$3,259,254	\$3,150,423	\$3,308,500	\$3,360,400
Health and Welfare	\$2,568,193	\$1,052,019	\$1,055,261	\$1,063,196
Recreation & Culture	\$4,477,909	\$3,151,966	\$3,006,459	\$3,319,639
Community Development	\$1,919,248	\$1,888,738	\$3,811,752	\$2,032,544
City Debt Service	<u>\$2,290,202</u>	<u>\$1,801,305</u>	<u>\$1,835,400</u>	<u>\$1,652,720</u>
Subtotal	\$33,320,405	\$35,271,172	\$39,667,272	\$38,270,207
PUBLIC SCHOOLS				
Schools Operating	\$25,351,902	\$25,351,902	\$26,651,702	\$26,301,702
Schools Debt Service	<u>\$7,427,421</u>	<u>\$7,218,037</u>	<u>\$7,694,100</u>	<u>\$7,602,700</u>
Subtotal	\$32,779,323	\$32,569,939	\$34,345,802	\$33,904,402
TOTAL GENERAL FUND	\$66,099,728	\$67,841,111	\$74,013,074	\$72,174,609
Percent Schools	49.50%	48.00%	46.40%	47.00%
Source: FY 2014 Adopted Budget, City of Winchester, Virginia				

Corresponding to the General Fund expenditures presented in Table A-1 are the General Fund Revenues as tabulated in summary form in Table A-2. General Fund revenues for the years shown exceed General Fund expenditures for those years, implying the creation of surplus revenues which may be allocated in part to other uses and to reserves. General Fund revenues for FY 2011 (actual) were \$71 million, rising to \$80 million budgeted for FY 2014. FY 2012 is an unusual year, with revenues of \$103 million. The explanation for this unusual amount is the raising of bonds in that year in the amount of \$27 million for

facility construction. Table A-2 also shows the percent of revenue that derives from local taxes, about 80 percent in FY 2014.

	FY 2011 Actual	FY 2012 Actual	FY 2013 Amended	FY 2014 Adopted
Real Estate Taxes	\$24,158,677	\$25,119,396	\$26,708,500	\$27,411,500
Personal Property Taxes	<u>\$9,783,473</u>	<u>\$9,753,481</u>	<u>\$9,911,500</u>	<u>\$9,621,500</u>
General Property Taxes	\$33,942,150	\$34,872,877	\$36,620,000	\$37,033,000
Other Local Taxes	<u>\$25,568,468</u>	<u>\$25,755,729</u>	<u>\$26,191,100</u>	<u>\$26,875,000</u>
Total Taxes	\$59,510,618	\$60,628,606	\$62,811,100	\$63,908,000
Total Non-tax Revenue	<u>\$12,112,785</u>	<u>\$42,721,710</u>	<u>\$18,880,865</u>	<u>\$16,092,000</u>
Total General Fund	\$71,623,403	\$103,350,316	\$81,691,965	\$80,000,000
Percent Local Taxes	83.10%	58.70%	76.90%	79.90%
Source: FY 2014 Adopted Budget, City of Winchester, Virginia				

Table A-3 presents an allocation of FY 2014 General Fund expenditures to users of those funds -- "population" (residents), "employment" (businesses) and "pupils" (for the transfer of General Fund revenues to the School District). Funds are allocated by department in proportion to population (51 percent) and employment (49 percent), except in the cases of health and welfare, community college, and parks, recreation and cultural, which are allocated entirely to population. Resulting per capita costs are \$645 for population, \$515 for employees, and \$7,885 for public school pupils.

Table A-3. Allocation of FY 2014 General Fund Expenditures to Users - Population (Residents), Employment (Businesses), and Pupils (Public Schools K-12)			
-	FY 2014	FY 2014	FY 2014
Department or Use	Population	Employment	General Fund
GENERAL GOVERNMENT			
General Government	\$2,769,484	\$2,649,560	\$5,419,044
Judicial	\$1,595,647	\$1,526,553	\$3,122,200
Public Safety	\$9,352,728	\$8,947,736	\$18,300,464
Public Works	\$1,717,383	\$1,643,017	\$3,360,400
Health and Welfare	\$1,063,196	\$0	\$1,063,196
Recreation & Culture	\$3,319,639	\$0	\$3,319,639
Community Development	\$1,038,762	\$993,782	\$2,032,544
City Debt Service	<u>\$844,647</u>	<u>\$808,073</u>	<u>\$1,652,720</u>
Subtotal	\$21,701,487	\$16,568,720	\$38,270,207
Relative Tax Burden	79.90%	79.90%	79.90%
Tax Burden	\$17,336,233	\$13,235,922	\$30,572,155
Number of Persons	26,881	25,717	52,598
Gen. Gov't Per Capita	\$645	\$515	\$581
PUBLIC SCHOOLS			
Schools Operating	\$26,301,702	\$0	\$26,301,702
Schools Debt Service	<u>\$7,602,700</u>	<u>\$0</u>	<u>\$7,602,700</u>
Subtotal	\$33,904,402	\$0	\$33,904,402
Relative Tax Burden	100.00%	0%	100.00%
School Tax Burden	\$33,904,402	\$0	\$33,904,402
Number of Pupils	4,300	0	4,300
Cost Per Capita	\$7,885	\$0	\$6,299
TOTAL GENERAL FUND	\$55,605,889	\$16,568,720	\$72,174,609
Source: FY 2014 Adopted Budget, City of Winchester, Virginia, Virginia Employment Commission, City of Winchester School Board, U.S. Census of Population, and S. Path & Assoc., Inc.			



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**WINCHESTER POLICE DEPARTMENT
 MONTHLY COUNCIL REPORT
 April 2014**

5 YEAR TREND FOR MAJOR CRIMES- APRIL

	2010	2011	2012	2013	2014
THEFT	65	67	65	44	71
GRAND THEFT	10	16	13	18	13
MVT	1	4	5	1	2
ROBBERY	0	1	4	2	2
RAPE	1	0	2	0	1
B&E	9	10	10	10	15

5 YEAR TREND ENFORCEMENT -Enforcement for APRIL - 5 year trend

	2010	2011	2012	2013	2014
Felony Arrests	17	34	28	29	112
Misdemeanor Arrests	102	246	160	117	303
Legal Document - Felony	36	18	30	42	60
Legal Document - Misdemeanor	133	133	157	165	92
DUI Arrests	18	24	19	14	13
Incident Reports	289	406	315	280	335
Field Contacts Documented	8	63	58	56	19
Speeding - Radar	40	153	85	52	57
Traffic Violations	190	398	257	250	219
Vehicle Crash Investigations	66	65	61	53	33
Warning Citations					52
Vehicle Stops				1132	1002
Parking Violations	106	244	148	201	96

Up-to-date statistics can be found at www.winchesterpolice.org/crimestats/index1.html and up-to-date crime maps are available at www.winchesterpolice.org/crimemap/index1.html.