City Council Work Session

Tuesday, February 10, 2015
7:00 p.m.
Council Chambers – Rouss City Hall

AGENDA

1.0 Call to Order

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

3.0 Items for Discussion:

3.1 R-2015-06: Resolution – Authorization to accept grant funding in the amount of up to $117,414 and to sign all documents necessary to execute acceptance of this grant – Kevin Sanzenbacher, Chief of Police (pages 2-6)

3.2 Presentation: Annual Update from the Old Town Development Board – Jennifer Bell, Downtown Manager (pages 7-25)

3.3 O-2015-04: AN ORDINANCE TO AMEND ARTICLE IX OF THE WINCHESTER CITY CODE PERTAINING TO ASEMBLIES, DEMONSTRATIONS, AND PARADES – Jennifer Bell, Downtown Manager (pages 26-47)

3.4 O-2015-03: AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- -7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY RZ-14-663 – Tim Youmans, Planning Director (pages 48-107)

4.0 Adjournment

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 2/24/15 **CUT OFF DATE:** 2/5/15

RESOLUTION XX **ORDINANCE** __ **PUBLIC HEARING** __

ITEM TITLE: Resolution to accept funding from the Office of the Attorney General

STAFF RECOMMENDATION: Staff requests Council to approve this resolution

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:N/A

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

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Finance Director	TS		1-28-15
2.			
3.			
4.			
5. City Attorney			2/3/2015
6. City Manager			4/3/2015
7. Clerk of Council			

Initiating Department Director's Signature: _____ 1/27/15
Date

CITY ATTORNEY'S OFFICE Received FEB 2 9 2015 3:15pm WINCHESTER, VA

APPROVED AS TO FORM: _____ 2/3/2015
CITY ATTORNEY

Revised: September 28, 2009

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Chief Kevin L. Sanzenbacher

Date: 1/26/15

Re: Grant Acceptance

THE ISSUE: In November the police department became aware of a grant opportunity, through the Office of the Attorney General, to apply for money that had been made available through a settlement between the Federal Government, the Commonwealth and Abbott Laboratories that brought $33 million to the state to be used by public safety. We applied for that grant in November of 2014, and have been told that at least $117,414 of that request may be granted to the City in the near future. The Winchester Police Department is requesting the Common Council grant the authority to accept this funding.

RELATIONSHIP TO STRATEGIC PLAN: Develop a high performing organization.

BACKGROUND: At the time the WPD became aware that funding was available through the Office of the Attorney General we filed an application for $152,614 to purchase supplies and equipment, pay for overtime and fund a number of community activities. This application has been reviewed and the Office of the Attorney General has responded that we have made the first review and may be awarded up to $117,414 of the original request. They asked that we exclude several items that were not felt to be consistent with the guidelines for the grant and update our application. We have accomplished this and are waiting to hear the final result.

If approved the funds would be allocated as follows:

Promote Relationships with Minority Youth	$21,162
Transportation Van	$35,000
Counselor for the Timbrook House	$10,400
Law Enforcement Equipment	$50,852
Total	$117,414

See the attached table for full description

BUDGET IMPACT: This will have a significant positive impact on future budgets as $44,132 requested for Tasers has been identified as a significant need in the FY 16 fiscal year request being currently reviewed. The other items will not result in any additional cost to the City as once the funding is diminished the function can cease. Also, although the van will be an addition to the fleet, we see this as a cost saving as it will be used to consolidate trips that now require several trips.

RECOMMENDATIONS: The WPD requests that the Common Council accept the awarding of these funds if the final application is approved.

A RESOLUTION TO AUTHORIZE THE CITY TO ACCEPT FUNDING FROM THE OFFICE OF THE ATTORNEY GENERAL

WHEREAS, the City of Winchester is committed to protecting the lives and property of its citizens; and

WHEREAS, the Common Council recognizes the importance to public safety for the police department to have the best training and equipment; and

WHEREAS, the Common Council recognizes the importance for the police department to interact with youth in the community; and

WHEREAS, the Police Department has applied to the Office of the Attorney General for the Commonwealth for money to help fund these needs; and

WHEREAS, the City of Winchester's primary concern is the protection of life and property for the citizens and employees.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Winchester, Virginia hereby authorizes the City to proceed in accepting this grant, if awarded, in the amount of up to $117,414 and authorizes the City Manager to sign all necessary documents to execute acceptance of this grant.

Item Description, Cost Basis, Justification	Requested FUNDS	Total
ITEM:		
#1 Promote Relationships with Minority Youth The funds requested would enhance the effort to have officers to work with minority youth in the community. Money provided would be used to:		
• Rent recreational facilities in the area for youth related activity @ $ 200 per evening one evening a week for 52 weeks- this will promote the relationship between minority youth and the police.	$10,400	
• Provide overtime for officers to act as coaches/mentors during this activity; @ $35w/FICA per hour/2 officers/3hours per night for 52 weeks- the WPD does not have adequate staff to take on this important function without overtime. This funding will allow us to use street officer, the people interacting with kids daily in the centers	$10,062	
• Promote a WPD minority recruitment effort with brochures and handouts $700. The WPD needs to be more reflective of the community to effectively police it. We hope to expand on the number of minority candidates seeking positions as police officers.	$700	$21,162
#2 Transportation Van 12 Passenger Van used to transport young people on the field trips and various recreational venues. This would also be used to transport officers and staff to large events.	$35,000	$35,000
#3Timbrook Youth Reporting Center In order to meet the stated goals of the Timbrook Youth Reporting Center, of improving students GPAs, improving school attendance and reducing recidivism rates the program needs to provide additional counseling services. We believe by focusing efforts on a handful of identified troubled youth, who have already had multiple contacts with courts and police. we can make have long-term impact on crime in the city. This program	$10,400	$10,400

has already made great strides in reducing recidivism rates, improving school attendance and improving academic performance. The funds requested would be used to employ a contractual counseling service. The purpose of this service would be to assess each child that enters the program and develop a plan to assist this child deal with the multitude of issues they are confronted with. These issues include familial drug/alcohol involvement, teen pregnancy, poor academic performance and poor decision making skills. The rate would be $25 per hour/2 hours per night/4 nights per week.		
#4 Law Enforcement Training Equipment The WPD has been very involved with preparing our officers for active shooter training. We have just completed 2 weeks of hands-on, in-school drills. These drills would be enhanced i n the future if officers were equipped with simulated munitions in order to make the training more realistic and help better prepare officers for real life situations.	$6,720	
We would also like to fully equip our patrol force with Tasers. This will require purchasing an additional 34 units at $1,298 per unit	$44,132	$50,852
Grand Total:		$117,414

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 02/10/15 **CUT OFF DATE:** 02/03/15

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

ITEM TITLE: Presentation: Annual Update from the Old Town Development Board

STAFF RECOMMENDATION: N/A

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1.			
2.			
3.			
4.			
5. City Attorney			2/5/2015
6. City Manager			5 Feb 2015
7. Clerk of Council			

Initiating Department Director's Signature: _____ 2/5/15
Date

RECEIVED
FEB 5 2015
CITY ATTORNEY

APPROVED AS TO FORM:
2/5/2015
CITY ATTORNEY

Revised: October 23, 2009

Old Town Winchester

- Promoting the downtown as a dynamic place to live, work and play year round for residents and businesses, employees and tourists.

Branding Campaign

Greatness Begins Here
Old Town
WINCHESTER

Old Town
WINCHESTER

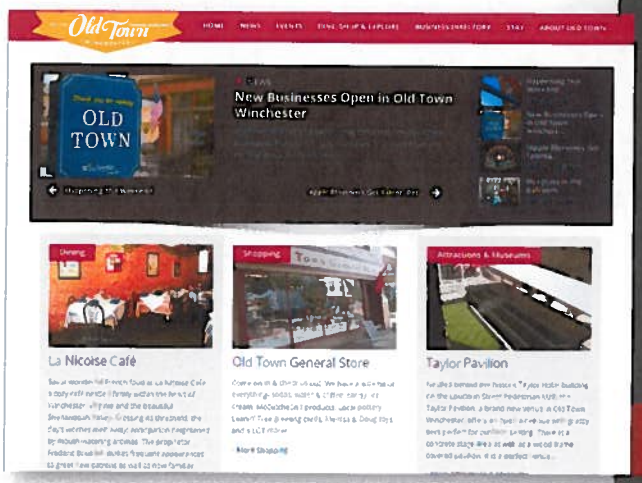
EST. 1752
Old Town
Greatness Begins Here
WINCHESTER

Old Town
WINCHESTER

Old Town
WINCHESTER

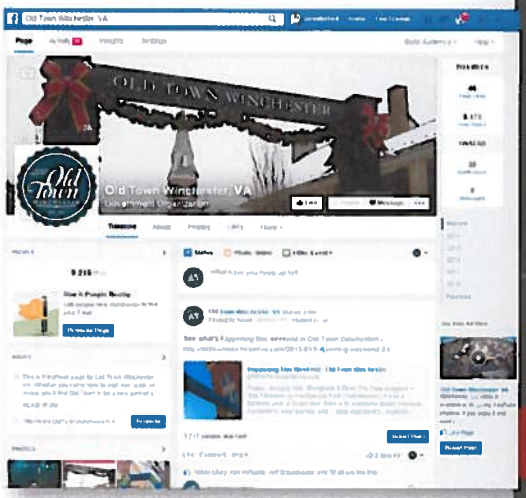
Updated Website

- Mobile-friendly
- Over 190,000 visits in 2014 (up over 17%)



OTW on Facebook

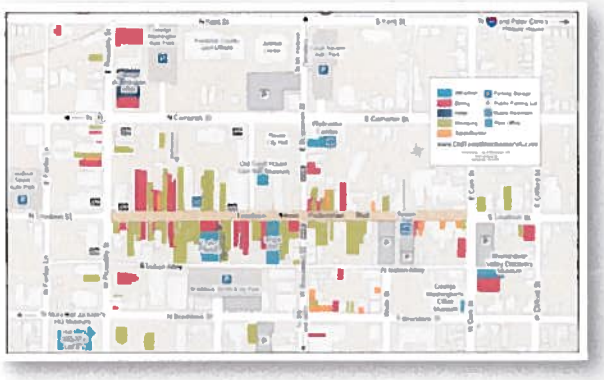
- Over 9,000 fans
- An increase of 3,000 since 2013
- An increase of almost 6,000 since 2012



New OTW Mobile App

Over 500 downloads in the first few months

New Shopping & Dining Guide



Over 40,000 guides have been distributed since the first edition in February 2013.

Monthly Newsletter

Currently working to upgrade newsletter to electronic version similar to *CitE-News* (iContact)

Old Town Welcome Center

Promotional A-frame sign created

Portrait of George Washington installed

New logo added in lobby

OTW Walking Tours

Over 2,400 people assisted since opening.
OTW Walking Tour pamphlets updated and reprinted

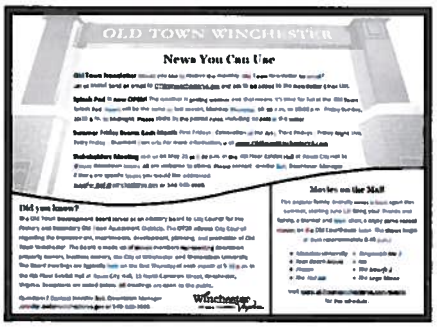
Secondary District Improvements

New lightpole banners with brand

Business Resources

- Two free workshops held for downtown businesses
- Free one-on-one consulting services offered to retail & restaurant businesses
- Hosted Virginia Main Street Essentials Training for 66 people

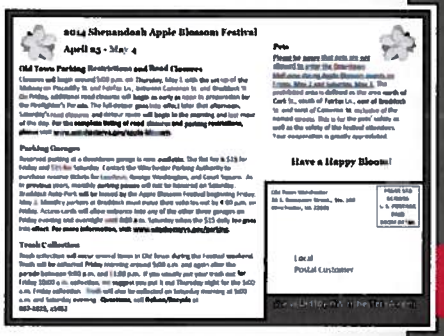
Stakeholder Mailings


OLD TOWN WINCHESTER

News You Can Use

Did you know?

Movies on the Mall


2014 Shenandoah Apple Blossom Festival

April 25 - May 4

Old Town Parking Restrictions and Road Closures

Pets

Have a Happy Bloom!

Parking Garages

Trash Collection

Old Town Façade Grant

- $20,000 VMS Grant
- Almost $40,000 in private investment
- 9 buildings improved

24 New Businesses in 2014

Local Challenge Grant

Received $5,000 from VA Commission for the Arts used to sponsor:

ArtScape Banners

Bluemont Concerts

First Night Winchester

Holiday Events

- Santa's Headquarters
- Holly Jolly
- Parade

Chocolate Escape

Spooktacular

7 Major Events in Old Town

Through Full Circle Marketing Contract

Events Expansion Strategy

- New Events Organized by the Special Events Coordinator:
  - Kidz Fest – May 17
  - Jazz at the Taylor Pavilion – Sept. 14 & 28 and Oct. 12

New Event: Kidz Fest

New Event Series: Sunday Jazz

Downtown Videos

- Five videos produced
- Promoting Old Town
- Highlighting events

2104 Event Statistics

Event Contractor Events	13 days, 9 events: 8 Family-Friendly, 1 Adult
Walk/Run Events	7 events: all Family-Friendly
Adult-Oriented Events	7 days
Family-Friendly Events	68 days
New Events	2 event contractor; 8 other
Total Number of Event Days	75 days

Special Event Contract

- Three-year Special Events Promoter contract with Full Circle Marketing:
  - 2014 retainer costs: $71,802
    - (60% of costs towards events - $43,081)
  - Direct Event Expenses approximately: $116,436
  - 2014 Event Revenue approximately: $147,922
  - Gross Profit: $31,486
  - Media and trade value over: $150,000

Parking Revenue

- Event marketing encouraged garage use
- During the 2014 major events:
  - 3,500 more cars used the garages than in 2012
  - Increased Parking Revenue:
    - $9,500 more spent in garages during events than in 2012

Meals Tax Comparison

- **Downtown Meals Tax Revenue:**
  - 2012: $487,458
  - 2013: $589,585
  - 2014: $817,409

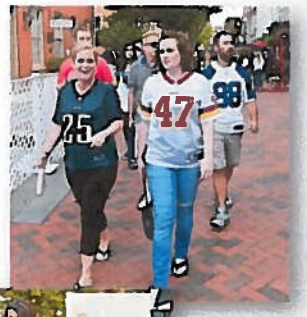
INCREASE IN TAX COLLECTED (2014 v. 2013): $227,870

- **Downtown Meals Spending:**
  - 2012: $9,749,171
  - 2013: $11,791,709
  - 2014: $14,764,827

INCREASE IN $ SPENT (2014 v. 2013): $2,974,029

Changing the Vibe

- Attracting a younger crowd
- Attracting thousands of people per event
- Changing the perception of Winchester

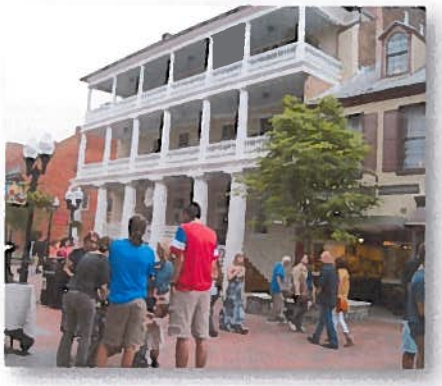


Changing the Vibe

- People enjoying the Mall, shopping, dining, playing and meeting friends

Value of Downtown Events

- Increased reputation of Winchester as a great place to live, work, play and invest
- More people in the downtown – more opportunities for shopping and dining spending
- More activities for residents to enjoy
- Economic Development



OTW Next Steps

- Continue Brand Roll Out
- Continue Marketing & Promotions
- Develop a Downtown Farmers' Market
- Facilitate Downtown Events
- Continue Business Support & Recruitment
- Develop an Open Late Program
- Recommend Way-finding Signage Updates
- Assist Secondary District Businesses
- City of Winchester Special Events Policy

Questions

Special Events Policy

- Specifying overall event goals
- Application Fee
- Clarity of process

Special Events Policy

"It is the aspiration of this policy that all events will foster a vibrant engaging environment for our residents, stakeholders, and visitors. Such events should not incur a financial drawback to city taxpayers while offering when possible, reasonable profit opportunities to merchants."

- OTDB

Questions?

Greatness Begins Here

Old Town WINCHESTER

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: ~~1/13/15~~ 10 Feb 2015 **CUT OFF DATE:** 1/8/15

RESOLUTION ___ **ORDINANCE** _X_ **PUBLIC HEARING** ___

ITEM TITLE: Change in Ordinance Article IX

STAFF RECOMMENDATION: The staff requests Council action

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: OTDB recommends the establishment of a Special Events Policy

FUNDING DATA: N/A

INSURANCE: N/A

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

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Police Chief			1/19/15
2. Public Services	T.E.		1/15/15
3. Fire			1/20/15
4. Finance			1/20/15
5. City Attorney			1/21/2015
6. City Manager			22 Jan 2015
7. Clerk of Council			

RECEIVED FEB 5 2015 4:22 pm CITY ATTORNEY

Initiating Department Director's Signature: _____ 12/12/14 Date

CITY ATTORNEY'S OFFICE Received JAN 1 5 2015 2:00 PM WINCHESTER, VA

CITY ATTORNEY'S OFFICE Received JAN 2 1 2015 2:00 PM WINCHESTER, VA

APPROVED AS TO FORM: _____ 1/20/2015 CITY ATTORNEY

Revised: September 28, 2009

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Jennifer Bell, Downtown Manager

Date: December 16, 2014

Re: **Change in ARTICLE IX. ASSEMBLIES, DEMONSTRATIONS AND PARADES**

THE ISSUE: As the City, especially in the downtown, has placed more emphasis on events there has been an increase in Special Event Applications from 77 in 2012 to 90 in 2014. There are new groups organizing events and this has led to questions about the permits required and procedures in holding events as well as the city's view on special events. There have also been increased administrative costs incurred by the application review process. The changes being proposed to Article IX will clarify several minor issues with the existing ordinance. Recommended changes will also grant the authority for fees to be charged to applicants. The attached Special Event Policy will offer greater clarity to the City of Winchester event process.

RELATIONSHIP TO STRATEGIC PLAN: Develop a High Performing Organization; Create a More Livable City For All and the Revitalization of Historic Old Town.

BACKGROUND: After Council established a Community Event Policy as a Strategic Plan Priority, the Old Town Development Board began working on developing a policy for Old Town. Many of the principles and information in the policy were applicable to the City of Winchester as a whole. They recommended that the policy they developed be sent to Council. A stakeholder group of event organizers was invited to give feedback and suggestions on a draft Special Event Policy. After staff review of the document, it was edited and made increasingly user friendly with many changes occurring to the original in order to develop the attached Special Event Policy. In order to provide greater clarity to the event process and offset some costs the city incurs from events the Draft Special Event Policy was developed including recommended permit fees.

BUDGET IMPACT: This action will have a positive impact on the current fiscal situation since the City will be receiving reimbursement for costs already being absorbed by the operating budget of each department.

OPTIONS: The options are as follow:

1. Approve the ordinance as drafted to allow for the collection of fees.
2. Change the fee structure to standardize fee collection based on services rendered by the City to the event.
3. Make no changes to the existing ordinance prohibiting the possibility of any fees being collected.

RECOMMENDATIONS: Staff recommends that the Council adopted the revisions to Article IX as drafted and approve the use of a Special Event Policy.

AN ORDINANCE TO AMEND ARTICLE IX OF THE WINCHESTER CITY CODE PERTAINING TO ASSEMBLIES, DEMONSTRATIONS AND PARADES

WHEREAS, Winchester Police Department believes the current version of Article IX can be confusing to the public and does not allow for the collection of fees; and,

WHEREAS, it is the belief of City that ordinances should be clear; and,

WHEREAS, Common Council for the City of Winchester believes that the implementation of such changes will be of benefit to the citizens of the City of Winchester.

NOW therefore be it ORDAINED that Article IX of the Winchester City Code is hereby amended as follows:

ARTICLE IX. ASSEMBLIES, DEMONSTRATIONSAND PARADES

SECTION 14-146. PURPOSE.

14 - 46 **MOTOR VEHICLES AND TRAFFIC**
Pursuant to the authority granted to the city by the Code of Virginia and its general police powers, the city does hereby adopt the following sections in order to provide for the public health, safety and general welfare in the city, to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, and to ensure the safe and unimpaired use and enjoyment of public property in places open to the general public and otherwise to regulate and control the time, place and manner of activities that would otherwise threaten or impair the public health, safety, and welfare in the city while also encouraging the exercise of the rights to free speech and assembly in the city. (Ord. No.19-2006, 5-3-2006)

SECTION 14-147. DEFINITIONS.

The following terms shall have the meanings set out herein:

(a) Parade means any march, demonstration, procession or motorcade consisting of people, animals, or vehicles, or a combination thereof upon the streets, sidewalks or other public areas within the city with an intent or likely effect of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks, or other public property.

(b) Public assembly means any meeting, demonstration, picket line, rally or gathering of more than ten (10) people for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks, or other public property within the city or that interferes with or has a tendency to interfere with the normal use of any public property in a place open to the general public.

(c) "Spontaneous event" shall mean an unplanned or unannounced coming together of people, animals or vehicles in a parade or public assembly which was not contemplated beforehand by any participant therein and which is caused by or in response to unforeseen circumstances or

events occasioned by news or affairs first coming into public knowledge within five (5) days of such parade or public assembly.

(d) "Special Event" means any "Public Assembly" which occurs upon City property or that requires the closure of City streets, sidewalks or parks or where it is anticipated that over twenty-five (25) people may gather and participate, or which requires licenses and permits by City departments beyond the assembly permit required by this Section. This may include but is not limited to fairs, festivals, carnivals, sporting events, foot runs, markets, dances, and exhibitions.

SECTION 14-148. PERMIT REQUIRED.

(a) It shall be unlawful for any person to conduct or participate in a parade, public assembly, or special event unless a written permit has not been issued in accordance with the provisions of this article.

(b) The provisions of this permit shall not apply to:

(1) Spontaneous events;

(2) Recreational activities, including jogging or walking, that do not require closing public streets or other public streets or other public rights-of-way and that do not interfere with or have a tendency to interfere with the normal use of any public property in a place open to the general public;

(3) Door-to-door advocacy, including canvassing, pamphleteering, religious or political proselytizing and the distribution of written materials, and similar activities that do not interfere with or have a tendency to interfere with the free passage of pedestrians and vehicles on the public rights-of-way or the normal use of any public property in a place open to the general public;

(4) Door-to-door sales of goods or services, and similar activities that do not interfere with or have a tendency to interfere with the free passage of pedestrians and vehicles on the public rights-of-way or the normal use of any public property in a place open to the general public; provided, however, that any persons or organizations engaging in such activities shall comply with any other applicable requirements of the code of the City of Winchester;

(5) Funeral processions;

(6) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

(7) The United States army, navy, air force and coast guard, the military forces of the state and the police and fire divisions of the city;

(8) A governmental agency/agencies acting within the scope of its functions; or

(9) Park and recreation areas that are regulated by the city's Parks and Recreation Department.

(c) Permits may be granted if they are requested by individuals or organizations who desire to have a permit, even though the permit is not required under this section.

SECTION 14-149. APPLICATION.

(a) Any person desiring to conduct a parade or special event shall make written application to the Chief of Police, or his designee, at least sixty (60) days prior to such parade or event. Any person desiring to conduct a public assembly shall make written application to the Chief of Police, or his designee, at least five (5) days prior to such public assembly. Such application shall set forth the following information:

(1) The name, address and telephone number of the person requesting the permit;
(2) The name and address of any organization or group the applicant is representing;
(3) The name, address and telephone number of the person who will act as the parade or public assembly leader or chairman and who will be responsible for the conduct of the parade or public assembly;
(4) The type of parade, public assembly, or special event, including a description of the activities planned during the event;
(5) The date and time (start and ending) of the parade, public assembly, or special event;
(6) The specific location or locations where the parade, public assembly, or special event is to be held;
(7) If a parade, the specific assembly and dispersal locations, the specific route, and the plans, if any, for assembly and dispersal;
(8) The approximate number of people who, and animals and vehicles which will constitute such parade or public assembly and the type of animals and a description of the vehicles;
(9) A statement as to whether the parade, public assembly, or special event will occupy all or only a portion of the width of the streets or sidewalks or other public rights-of-way proposed to be traversed or used;
(10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade, public assembly or special event; and
(11) Such other information as the Chief of Police, or his designee, may deem reasonably necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and for the protection of public health, safety and welfare.

(b) The Chief of Police, or his designee, shall not issue the permit if any information supplied by the applicant is false or intentionally misleading.

(c) The Chief of Police, or his designee, shall have the authority to and shall make reasonable efforts to consider an application hereunder which is filed less than five (5) days before the date the parade or assembly is proposed to be conducted if, after due consideration of the date, time, place and nature of the parade or public assembly, the anticipated number of participants and the city services required in connection with the event, and where good cause is otherwise shown, the Chief of Police, or his designee determines that the waiver of the permit application deadline will not present an undue hazard to public safety.

(d) A permit will not be issued ~~unless an appropriate~~until the required permit fee is paid ~~upon issuance of the permit~~as outlined in the administrative special event policy as approved by the City Manager. ~~Fees or portions of fees can be waived for events supported by the City through the budget process.~~

SECTION 14-150. ISSUANCE OR DENIAL OF PERMIT.

(a) The Chief of Police, or his designee, shall issue the permit within three (3) days of receipt of a completed application for a public assembly, and within thirty (30) days of receipt of a completed application for a parade or special event; but, in any event prior to the scheduled parade or public assembly if the application has been timely submitted and it has been determined by the Chief of Police that the proposed parade, public assembly or special event

will not endanger the public health, welfare or safety, applying the following criteria and finding that:

(1) The time, duration, route and size of the event will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic or the normal use of public property in a place open to the general public;
(2) The event is not of such a nature that it will require diversion of so great a number of police and fire personnel to properly police the line of movement in the areas contiguous thereto so as to impair the normal protection of the remainder of the city;
(3) The applicant has, where appropriate, designated monitors sufficient to control the orderly conduct of the event in conformity with such permit;
(4) The conduct of the event will not unduly interfere with the proper fire and police protection of, or ambulance service to, the remainder of the city, or unreasonably disrupt other public services and protection normally provided to the city;
(5) The event will not interfere with another event for which a permit has been granted;
(6) The event proposed will not violate, and will conform with all applicable state regulations and laws governing the proposed event; and
(7) If alcoholic beverages are to be served at the event, the applicant must comply with all applicable provisions of the State Code and local ordinances pertaining to serving and consumption of alcoholic beverages. Additionally:

a. The applicant may be required to demonstrate that adequate measures have or otherwise will be taken to ensure the safety of persons who may become impaired or intoxicated at the event.

b. The applicant may be required to demonstrate that adequate measures have or otherwise will be taken to ensure that underage persons are not served or permitted to consume alcoholic beverages at the event.

c. The possession of open containers and consumption of alcoholic beverages is strictly prohibited upon any public school grounds or public park within the City. No permit shall be issued to any applicant where alcohol is to be served upon public school grounds or in a public park.

d. The Chief of Police shall call upon the members of a special advisory committee appointed by the City Manager to assist in determining whether adequate measures to ensure public safety are available for a proposed parade or public assembly where alcoholic beverages are to be served.

(8) <u>The required fee, as determined, has been received upon approval of the application.</u>

(b) For parades, special events, or public assemblies held on a regular or recurring basis at the same location, an application for an annual permit covering all such parades or assemblies during the calendar year may be filed with the Chief of Police, or his designee, at least sixty (60) days before the date and time at which the first such parade or special event is proposed to commence and at least five (5) days before any public assemblies. The Chief of Police, or his designee, may and shall make reasonable efforts to waive the minimum period after due consideration of the factors specified in subsection (c) in the previous section.

(c) If the Chief of Police, or his designee, denies an application, he shall promptly mail to the applicant a notice of his action, stating the reasons for his denial of the permit, and notifying the applicant of his right to appeal the denial pursuant to Section 14-155 of this article.

(d) If two or more applications are submitted requesting a permit under this article for an event to be used at the same time and place, the application first filed shall be granted if it meets the requirements of this article;

(e) Nothing in this article shall permit the Chief of Police, or his designee, to deny a permit based upon political, social or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited.

SECTION 14-151. ALTERNATIVE PERMIT.
The Chief of Police, or his designee, in denying a permit for an event shall be empowered to authorize the conduct of the event on a date, at a time, at a place, or over a route different from that proposed by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the Chief of Police, or his designee. An alternate permit shall conform to the requirements of and shall have the effect of a permit under this article.
(Ord. No. 2012-06, 4-10-12)

ATTACHMENT A

SPECIAL EVENT MOU

_____ has applied for a Special Event Permit with the Winchester Police Department. We recognize that the issuance of this permit is contingent upon the following conditions:

1. _____
2. _____
3. _____
4. _____
5. _____

We understand if these conditions are not met then the Chief of Police may deny our application or rescind our Special Event Permit at any time, including during the event, in which case the event would have to cease operations.

Organization Name _____

Applicant Name _____

Address _____

_____

Phone # home _____cell_____

Signature _____

JURISDICTION	SPECIAL EVENT ORDINANCE	FEES FOR SERVICES	COMMENTS
Blacksburg	Yes	Yes	Require application fee and charge for excess services by police.
Harrisonburg	Yes	Yes	Fee for barricades and extra police patrol @$35/hour
Leesburg	Yes	Yes	Required to pay for services deemed necessary by Town
Fredericksburg	Yes	Yes	Working on policy. Currently have mixed processes.
Staunton	No	Unknown	
Charlottesville	Yes	Yes	Fees very dependent on number of people attending event and if alcohol will be served.
Frederick County	No	No	
Waynesboro	No	Unknown	

Special Events

Special Events provide opportunities to promote community welfare and quality of life, help build a sense of community, showcase local and regional talent, enrich cultural opportunities, draw residents and first-time visitors to the City of Winchester, contribute to the economy of the community and establish an active community.

The City of Winchester recognizes the benefits and opportunities made available through Special

Events that provide a benefit to the larger community and fit within the capacities of developing a vibrant city.

A permit is required for any "special event" or "public assembly" which occurs upon City property which requires the closure of the City streets, sidewalks or parks or where it is anticipated over 25 people may gather and participate. Article IX Section 14 – 146 - 157 of City Code.

Guiding Principles

It is the aspiration of this policy that all events will foster a vibrant engaging environment for our residents, stakeholders, and visitors. Such events should not incur a financial drawback to city taxpayers while offering, when possible, reasonable profit opportunities to merchants.

Partnerships between the City, event sponsors and the community are valuable in ensuring successful events. We recognize that events require logistical support and commitment from the sponsoring entities and that the City requirements may represent a significant portion of an event's costs. When setting fees and conditions for events, the City has considered impacts on the event's costs while balancing the City obligation to protect public health and safety, and provide financial oversight to the citizens of Winchester. In general, special events will provide full cost recovery to the City. Outside entities receiving financial assistance for special events from the City are required to provide the Council or their designee with a business plan and/or provide a full disclosure of all expenses and revenues related to the event.

It is our goal to have successful cost-effective special events that enrich and enliven the community and provide opportunities for the use of volunteer services from volunteer agencies and organizations when deemed feasible and practical, and when cost savings will be achieved that will not negatively impact public health, welfare and safety.

Application Process for All Events

The Chief of Police or designee serves as a resource to advise and guide organizations seeking to host events within the City of Winchester. Any public gathering or special event that requires use of any portion of public property within the City of Winchester must first submit a special event application at least 60 days prior to the event and complete all necessary documents in order to obtain approval from the Chief of Police or designee. There is no guarantee that an event will be approved solely based upon the submission of an application. The City of Winchester has the authority to block off days specifically for city-sponsored events in which private entities may not compete.

Private events on private property do not require a Special Event Permit but may be subject to permitting such as for amusement devices or vendors.

Approval Process for All Events

All applications must be submitted to the Winchester Police Department. Upon receipt, the application will be forwarded to applicable City Departments and Agencies for review and returned to the Police Department with any comments. The Chief of Police will give final approval or denial of an application and the applicant will be notified. A signed Memorandum of Understanding may be required between all parties involved.

Important Contacts

Commissioner of the Revenue: (540) 667-1815	Health Agent: (540) 722-3480	Zoning and Inspections: (540) 667-1815	Parks and Recreation: (540) 667-4946	Old Town Winchester: (540) 535-3660	Winchester Police Department: (540) 545-4722

CITY OF WINCHESTER

Special Events Application Check List

Before submitting a Special Event Application, be sure to review the items listed below, as applicable to your event. All applications must include the * items.

	Complete the City of Winchester Special Events Application*
	Complete and Sign the Hold Harmless Agreement.*
	A Certificate of Insurance listing the City of Winchester as Additionally Insured.*
	An Endorsement Page issued by insurance company.*
	Obtain VA ABC permit if serving alcohol. Visit http://www.abc.virginia.gov/licensing/banquet.htm for information or call the Regional ABC Office at (540) 332-7800. *Fees apply.*
	Obtain Health Department permit if serving food. Call (540) 722-3480 for information. *Fees apply.*
	Contact Winchester Parking Authority if requesting use of any public parking. (540) 722-7575
	Contact Old Court House Civil War Museum if planning to use the area in front of the Court House. (540) 542-1145 (Additional permissions required by neighboring property owners.)
	Obtain permit and schedule inspection for tents greater than 900 sq. ft. Call Zoning and Inspections at (540) 667-1815 for information. Tent Permit Application *Fees apply.*
	Obtain permit and inspection for inflatables. Call Zoning and Inspections at (540) 667-1815 for information. Amusement Device Permit and Information *Fees apply.*
	Obtain permit and inspection for stages. Call Zoning and Inspections at (540) 667-1815 for information. Building Permit Application (temporary structure) *Fees apply.*
	Order portable restrooms; 1 per 100 people expected to attend. Call the Heath Department at (540) 722-3480 for information.
	Contact Commissioner of the Revenue for appropriate reporting and tax collection information, if charging admission. (540) 667-1815
	Contact Commissioner of the Revenue for appropriate reporting and tax collection information, if food or merchandise will be sold. Submit Vendor List to Commissioner of the Revenue and Treasurer. (540) 667-1815
	Obtain Fireworks permit issued by Fire & Rescue Department if requesting to launch fireworks. Call the Fire Marshall's office at (540) 662-2298 for information. Fireworks Permit Application *Fees apply.*
	If having a parade, submit Event Site Plan, including Parade Route.
	Submit check for application fee made out to the City of Winchester.

Submitting Your Permit Application

To complete the application process, send all required information to the City of Winchester Police Department, 231 E Piccadilly Street, Winchester, VA 22601 at least 60 days prior to the requested event date. If additional information is required you will be notified. Once an event is approved you will receive an official permit and statement of applicable charges. The permit will not be approved until payment is received.

Useful Information when planning an event in the City of Winchester

ALCOHOLIC BEVERAGES:

If alcoholic beverages are to be served at the event, the applicant must comply with all applicable provisions of the State Code and local ordinances pertaining to serving and consumption of alcoholic beverages. Additionally:

- The applicant will be required to demonstrate that adequate measures have or otherwise will be taken to ensure the safety of persons who may become impaired or intoxicated at the event.
- The applicant will be required to demonstrate that adequate measures have or otherwise will be taken to ensure that underage persons are not served or permitted to consume alcoholic beverages at the event.
- The possession of open containers and consumption of alcoholic beverages is strictly prohibited upon any public school grounds or public park within the City. No permit shall be issued to any applicant where alcohol is to be served upon public school grounds or in a public park.
- A copy of the ABC License must be submitted to the City of Winchester prior to the event. The event must serve in a restricted area to meet ABC guidelines and restrict any alcoholic beverages from being taken outside the restricted area. Additional security details are required and the number will be set by the Chief of Police or a designee. Key staff will be required to attend mandatory ABC training and have one trained supervisor at each location serving alcohol. Volunteers serving alcoholic beverages are expected to receive basic training and not drink during the event. Organizers must develop a means of identifying those of age and those not of age that is approved by the ABC. No alcohol should be served after 11 p.m. The City of Winchester reserves the right to deny, restrict, or cause to cease the serving of alcohol either prior to the event or during the event.

COSTS FOR SPECIAL EVENTS:

Anyone hosting an event in the City of Winchester must pay a permit fee. The fee costs vary depending on the type of event being held. Event organizers are expected to cover all costs associated with required security, safety, electricity use, water use, and trash removal in order to protect the health, welfare and safety of citizens and should submit a plan with their application including names of private providers who will provide these services.

SPECIAL EVENT PERMIT FEES:

A permit fee must be submitted with the Special Event Permit Application. Fees will not be refunded if the event is cancelled only if the permit is denied. The fees are administrative fees based on the complexity of the event. If the event meets any of the criteria of the higher permit fee designation they must pay the higher fee.

- General Special Event Permit Fee $50
  Applies to: Events with less than 100 participants which do not involve blocked streets, do not require inspections and will not serve alcohol.
- Intermediate Special Event Permit Fee $150
  Applies to: Events with vendors or ones utilizing city electricity
- Advanced Special Event Permit Fee $250
  Applies to Parades/ Walks or Runs which request blocked streets, events with Alcohol, events anticipating more than 1000 participants, events with fireworks.

Other considerations impacting event costs:

- **Additional fees may be required depending upon the services requested directly from the City of Winchester e.g. Police, Fire Rescue, Trash Removal etc.**
- Anticipated attendance at the special event of 2000 or more people (including clean-up fees);

- A street closure anticipated to have a major effect on the flow of traffic in the area, e.g. closure of two or more intersections and rerouting of transit services or other public transportation.
- Vendors shall meet indemnification requirements.
- If a sponsoring organization fails to adequately provide clean-up in accordance with the plan submitted, the City may conduct the necessary clean-up and bill the sponsoring organization for such costs. The sponsoring organization must make payment to the City upon receipt of the City's invoice for such costs.

REVOCATION OF PERMIT:

The Chief of Police, or his designee, shall have the authority to revoke any permit issued pursuant to this article if any information supplied by the applicant is discovered to be false or intentionally misleading or if any term, condition, restriction or limitation of the permit has been substantially violated or if there is any continued violation of the terms, conditions, restrictions or limitations of the permit after the applicant or anyone acting in concert with him is notified of a violation of the permit by an appropriate law enforcement official. A decision by the Police Chief or designee to revoke a permit is final and the City of Winchester and employees shall bear no financial burden for expenses incurred due to a cancellation of a permit.

DENIAL OF PERMIT:

The Chief of Police, or his designee, may reject an application if it has been determined by the Chief of Police that the proposed parade, public assembly or special event will endanger the public health, welfare or safety. A permit can be denied if the time, duration, route and size of the event will unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic or the normal use of public property in a place open to the general public. If the event will require diversion of so great a number of police and fire personnel to negatively impact the normal protection of the remainder of the city. If the applicant has not, where appropriate, assigned enough people to ensure the event will be controlled properly. If the conduct of the event will unduly interfere with the proper fire and police protection of, or ambulance service to, the remainder of the city, or unreasonably disrupt other public services and protection normally provided to the city. If the event will interfere with another event for which a permit has been granted. If the event proposed will violate, and will not conform with all applicable state regulations and laws governing the proposed event. If alcoholic beverages are to be served at the event, the applicant is not compliant with all applicable provisions of the State Code and local ordinances pertaining to serving and consumption of alcoholic beverages. If two or more applications are submitted requesting a permit under this article for an event to be held at the same time and place, annual events shall be granted first if it meets the requirements. Otherwise the first filed application if it meets the requirements shall be granted the permit.

APPEAL:

Any person which has received a letter of denial or revocation for a Special Event Permit from the Chief of Police, or their designee, may appeal the denial to the City Manager, or their designee, by filing with the City Manager's office a written notice of appeal within five (5) working days after the date of denial or revocation.

INDEMNIFICATION:

The applicant shall indemnify and hold harmless the City of Winchester, its officers, agents, employees and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damages to persons or property resulting from the special event which were caused by the omissions or authorized acts of the applicant officers, agents or employees.

If the City incurs any costs as a result of the applicant's failure to comply with any provisions, or if City property is destroyed or damaged by reason of a special event, the applicant shall reimburse the City for its actual costs, including the actual replacement or repair cost of the destroyed property. Tents used for events must be appropriately weighted so as not to cause damage or injury. The City may retain a deposit or portion thereof as full or partial reimbursement for any damage.

OLD TOWN EVENTS:

Events held in the primary or secondary district have the potential to receive additional benefits of downtown promotion and support. They are governed by the Old Town Special Event Policy Guidelines and Special Event Permit Requirements. Refer to these guidelines for additional information.

INSURANCE REQUIREMENTS:

All Special Events permitted by the City of Winchester require general liability in the amount of one million dollars for the duration of the event, which names the City of Winchester, its officers, agents and employees or volunteers as additionally insured.

- A certificate of insurance and an endorsement naming the City of Winchester as an additional insured shall be provided to the City no later than thirty (30) days prior to the event, and must be approved as to form and sufficiency by the City.
- The applicant may apply for insurance under Tenant User Liability Insurance Program (TULIP).

LOGISTICS:

In order to have the best possible events and increase communications between the event organizer and city staff additional information may be required depending on the scope of the event. If event details change from the initial permitted application organizers must contact the City of Winchester in writing to notify them of the change. Significant changes to the event may require the filing of a new permit application. Events setting up in more than one location must provide a map or drawing illustrating the locations to be used. Events using tents must follow the recommended tent guidelines and properly weight their tents.

First Aid and Medical: Events may require provision of first-aid and medical personnel.

Food vendors: Event Coordinators are expected to comply with all local Health Department regulations for food vendors including submitting the coordinator application to the Health Department and ensuring food vendors submit to the health department the Temporary Event Food Permit Application as well as paying any yearly fees. Contact information: Frederick County/Winchester Environmental Health, 107 N Kent Street #201, Winchester, VA 22601 (540) 722-3480.

Hours: Events activities are limited to 7 a.m. – 11 p.m. Events must comply with City of Winchester noise ordinance which can be found on the City's website www.winchesterva.gov.

Tents: Tents having an area 900 square feet or larger require an inspection and permit by the Fire Marshal and Building Inspector. All tents must have proper weights suited to the size of the tent for each leg.

Security: As an event organizer, you are required to provide a safe and secure environment for your event. This is accomplished through pre-planning by anticipating potential problems and concerns related to the event activities and surrounding environment. (The City of Winchester Police Chief will have sole discretion on all security companies used for events, as they will have the final decisions in all matters involving safety and security at events.)

Evaluation: An evaluation by the event organizer is requested for all City of Winchester events at the conclusion of the event. A sample evaluation form is available requesting the number of actual attendees, impact to Winchester businesses etc.

COMPLIANCE WITH DIRECTIONS AND CONDITIONS:

Every person to whom a permit is issued under this article shall substantially comply with all permit terms and conditions and with all applicable laws and ordinances. The parade or assembly chairman or other person heading or leading the event shall carry the permit upon his person during the conduct of the event, and show the permit when requested to do so. Any violation of this ordinance shall be punishable by a fine of up to $500.00. Any willful and intentional disregard for the procedures established in this ordinance may be punishable as a Class 2 Misdemeanor.

CITY OF WINCHESTER

Winchester Virginia

Date Application was received:

Special Events Application

The City of Winchester has enacted an ordinance for assemblies, demonstrations, special events and parades in Section 14-146 through 157. All requests must be submitted to the office of the Chief of Police for review. The information required on this form is consistent to the enacted City ordinance. The information requested by the application form will be used to determine your eligibility for the special event permit request. Please type or print clearly. **The event will not be considered for approval until the entire application and all of its parts are received.** Applications are due to the Winchester Police Department (231 East Piccadilly Street or 540-542-1314), no later than 60 days prior to the proposed parade or special event and 5 days prior to an assembly.

Choose One: ☐ **Parade/Special Event** ☐ **Assembly (Refer to Code Section 14-147)**

Event:		**Date of Application:**	
Requested Date:	1st Choice	2nd Choice	
Sponsored By:			
ORGANIZERS' CONTACT INFORMATION			
Primary:	Name	Cell Phone	
	Address	Work Phone	
	Email	Home Phone	
Secondary:	Name	Cell Phone	
	Address	Work Phone	
	Email	Home Phone	
Requested Area(s):	*Check all that apply* ☐ Old Town District ☐ City Streets ☐ Parking Lots ☐ Parks ☐ Other		
Exact Location for the Event:			
Event Hours:	Exact event times: to	Set up time	Clean up time
Anticipated Attendance Per Day:	Participants (volunteers, staff…)	Spectators	

FOR OFFICE USE			
Host Department:	☐ Approved ☐ Denied	**Chief of Police:**	☐ Approved ☐ Denied
Primary:	☐ Approved ☐ Denied	**Insurance Provided?**	☐ Yes ☐ No
Comments/Special Considerations: See last page		**Copy To:** ☐ City Manager ☐ Fire Chief ☐ Frederick County Parks & Rec ☐ Public Works ☐ Parks & Recreation ☐ Civil War Museum ☐ Commissioner of the Rev. ☐ Risk Manager ☐ Other: ☐ Chief of Police ☐ OTW ☐ File ☐ WPA ☐ Zoning ☐ Health Dept. ☐ BB&T Bank ☐ Feltner	
Chief of Police Signature:	**Date:**		
Special Events Permit #:			

HOLD HARMLESS AGREEMENT

If your event application is approved, a signed copy of the below Hold Harmless Agreement must be submitted prior to the start of the event.

All permits and/or applications are conditional upon proper insurance, or other City and state agency requirements. Approved permits will be revoked prior to the event if conditions are not met

I have read the above statements and the below agreement and understand my responsibilities and rights.

_____*(Initial)*

_____(Legal name of business/organizer, exactly as it appears on Certificate of Insurance.), shall defend and hold harmless the City of Winchester, its officers, employees, agents, and representatives thereof, harmless from all suits, actions, claims of any kind, including attorney's fees, brought on account of any personal injuries, damages, or violation of rights sustained by any person or property in consequence of any neglect on behalf of _____ (Legal name of business/organizer), while their personal property is situated on City property.

_____(Legal name of business/organizer) shall further hold the City of Winchester harmless from any claims or amounts arising from violation of any law, bylaw, ordinance, regulation or decree.

Legal name of business/organizer (as it appears above): _____

By (Signature): _____

Name (Printed): _____

Title: _____

Address: _____

Signature: _____ Date: _____

Comments/Special Considerations:

GENERAL EVENT INFORMATION

Complete the following questions. Please provide additional information as needed.

1. Event Name			
2. Name of insurance company providing Certificate of Insurance for the event: *Note: The City shall receive a certificate and endorsement page of a GL policy in the amount of one million dollars listing the City of Winchester as additionally ensured. The endorsement must be issued by the insurance company. A notation on the certificate of insurance is not sufficient.*			
3. Will the activity require the blocking of any surrounding streets? *IF YES, 60 day notice required.*	Yes	No	Which streets?
4. Has your organization held this event in the past?	Yes	No	If yes, where and when?
5. Will you be requiring assistance from Winchester Fire and Rescue? *IF YES, 60 day notice required.* *A fee may apply.*	Yes	No	What kind of assistance?
6. Will you be requesting assistance from the Police Department? *IF YES, 60 day notice required.* *A fee may apply.*	Yes	No	What kind of assistance?
7. Will you have private security on site?	Yes	No	If yes, who?
8. Will you need electricity?	Yes	No	If yes, why and where?
9. Will amplification equipment be used? *NOTE: All events must comply with the City of Winchester's noise ordinance (Chapter 17).*	Yes	No	If yes, what length of time?
10. Will you need space for primitive or RV camping? *IF YES, 60 day notice required.*	Yes	No	Notify the Health Department with plan and submit with this application.
11. Will you need water hook ups? *IF YES, 60 day notice required.*	Yes	No	If yes, for what purpose and where?
12. Will items be left overnight?	Yes	No	If yes, what and where?
13. Will you request/bring the following? *IF YES, 60 day notice required.*	Yes	No	Choose all that apply.
Requesting: *(specify quantity)* *Not available at most locations.* Tables: _____ Chairs: _____	**Bringing:** *(specify quantity)* Tents: _____ Size(s): _____ Location: _____ *900+ sq.ft. must be inspected and have an Occupancy Permit issued. NO EXCEPTIONS.*		Tables: _____ Chairs: _____ Stage (size): _____ Radio Remote Signs/Banners Size(s): _____ Location: _____
14. Will there be any other large structures used in conjunction with your event? (Examples: Stage, bleachers, inflatables*, etc.)	Yes	No	List type, size, and quantity. **If inflatables will be used, insurance and inspection are required. Contact the Zoning and Inspections office. (540) 667-1815*
15. Portable restroom requirements. The estimated # of people expected to attend the event will determine the # of portable restrooms needed. *If using portable restrooms, 60 day notice required.*	____ # of people ÷ 100 =	____ # of restrooms	NOTE: The Health Department requires one portable restroom and one hand washing station per 100 people (include at least one handicap accessible restroom in total).

16. Will there be balloon or helicopter rides? *IF YES, 60 day notice required.*	Yes	No	
17. Will there be any mechanical rides? *IF YES, 60 day notice required.*	Yes	No	If yes, an amusement device permit is needed from the Zoning and Inspections office. (540) 667-1815
18. Will the event require use of any parking lots as staging areas? *Contact the Winchester Parking Authority to request city parking.*	Yes	No	If yes, list lots.
19. Will the event require additional spectator parking than regularly available? *Contact the Winchester Parking Authority to request city parking.*	Yes	No	Hours: Areas:
20. Will alcohol be served? *IF YES, 60 day notice required. All state and local ordinances must be followed. NOTE: Alcohol is NOT permitted on park grounds. Additional security requirements and fees may apply.*	Yes	No	Event must obtain a VA ABC permit; comply with state code and 16-32; and 14-150 of the City Ordinance.
21. Will food be served? *IF YES, 60 day notice required.*	Yes	No	You must have a permit from the local Health Department (540) 722-3480 at least 30 days prior to the event.
22. Will food, merchandise or services be sold? *IF YES, 60 day notice required. All vendors except those selling unprocessed food products must have a current business license. Contact the Winchester Commissioner of the Revenue. The collection and filing of any applicable taxes will be the responsibility of the individual vendor.*	Yes	No	Event Organizer must submit vendor list to Winchester's Commissioner of the Revenue and Treasurer.
23. Will admission fees, entry fees or other fees be charged as part, or in association with the event? *IF YES, you must contact Winchester's Commissioner of the Revenue (540) 667-1815 at least 30 days prior to the event.*	Yes	No	If yes, fee amounts?
24. Is this event a fundraiser for your organization?	Yes	No	
25. Will there be animals? *IF YES, 60 day notice required.*	Yes	No	How many and what kind?
26. Will there be fireworks? *IF YES, 60 day notice required. Contact Winchester Fire and Rescue for application and permit process.*	Yes	No	
27. Will there be a parade? *IF YES, 60 day notice required. A diagram must be submitted along with this application. IF NO, skip to #30.*	Yes	No	If yes, where and what route?
28. List the streets that will be partially or entirely occupied during the parade.	Entire streets occupied:		Street portions occupied:
29. Will there be vehicles in the parade?	Yes	No	If yes, how many and what type?
30. Will the event need barricades to control or redirect traffic? *IF YES, 60 day notice required.*	Yes	No	If yes, what intersections?
31. Please attach a site plan of your event to this application.			

32. Describe your event and the planned activities.

33. What items or tasks will your organization be providing or performing for the event? (Please list all)

34. The following information will form the basis of a memo of understanding between the organization hosting the event and the City of Winchester.

Are you requesting any items/tasks that the City of Winchester will need to provide or perform?
(Please list all pertaining to your event.)

COMPLETE A & B IF EVENT IS IN JIM BARNETT PARK

A. If your request is in Jim Barnett Park, does your event require shutting down any of the following? *Check all that apply.*	Athletic Fields War Memorial Building Shelters	Any Park Road City Roads Other
B. I understand that my organization will charged a fee by Winchester Parks & Recreation for the use of the above facilities and for event maintenance and services._____*(initial)*		

COMPLETE C-E IF EVENT IS IN OLD TOWN WINCHESTER

Special conditions apply when using the Old Town Mall as a venue. Contact the Downtown Manager at (540) 535-3660 or OTW@winchesterva.gov to discuss your plans. Conditions, regulations are subject to change at the discretion of the Downtown Manager and/or as revisions and amendments occur with regard to city zoning, codes and regulations. Event Organizers are responsible for ensuring that all participating vendors comply with the conditions.

C. Will the event require the blocking of any surrounding streets? *If yes, indicate which streets.*	Yes	No	Boscawen Street Braddock Street Cameron Street	Cork Street Piccadilly St. Indian Alley
D. Will the event require use of any parking lot(s). *If yes, contact the Winchester Parking Authority at (540) 722-7575 or wincparking@winchesterva.gov to initiate the request process.*			Yes	No
E. Will the event require use of the steps or lawn of the 1840 Frederick County Courthouse? *If yes, contact the Frederick County Parks & Recreation Department at (540) 665-5600 to obtain their request form.*			Yes	No

SUBMIT TO: Winchester Police Department, 231 E. Piccadilly Street, Winchester, VA 22601 or FAX: (540) 542-1314

NOTE: Your application will be reviewed by several City of Winchester departments. Additional information may be required before granting permission for the event. An event coordinator will be required to sign a memorandum of understanding and Hold Harmless Agreement prior to the event.

Approval/Denial Process:

Police Dept Receives Application → City Depts & Other Agencies Review → Application & Docs Returned to Police Dept → WPD Chief Approval/ Denial → Memo of Understanding May Be Developed

Event Location

Event maps are required for all events. A detailed event map may be attached to the application or drawn below. Site maps should include a description of activities in the event locations, such as stage set up location, event entry and exits, water stations, start/finish sites, tent locations, blocked streets, inflatables, and vendor locations. Please write this description in the space provided below or attach the details as a Word document. If large tents are used additional plans will be required to illustrate the tent set up and safe egress points. Locations of portable restrooms must be highlighted as well.

Race, run, walk and parade routes need to be approved by the City and should be clearly drawn to show all streets being blocked. If holding an event in Old Town and requesting a limited area instead of the full walking mall make a note on the map.

Note that you must submit a copy of your site plan with your completed application.

CITY OF WINCHESTER

Winchester Event Evaluation Form

Name of Event: _____ Date of Event: _____

How many people attended the event? _____ How many tickets were sold? _____

What did participants like about the event? _____

_____

What did participants want to change about the event? _____

_____

Which Winchester businesses were involved in this event? _____

_____

Did restaurants indicate if the event favorably or unfavorably impacted their business? _____

_____

Did retail shops indicate if the event favorably or unfavorably impacted their business? _____

_____

What were the event goals?_____

_____

Were event goals met?_____

Do you anticipate holding this event again in Winchester?_____

What could the City of Winchester have done to make your event more successful? _____

_____

Please return this survey within 30 days after the event is completed to: City of Winchester, 15 N. Cameron Street, Winchester, VA 22601

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 1/27/15 (1st work session) 2/10/15 (2nd work session) 2/24/15 (2nd reading/Public Hearing) **CUT OFF DATE:** 02/5/15 2/24/15 (1st reading)

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

ITEM TITLE:
RZ-14-663 AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- - 7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY.

STAFF RECOMMENDATION:
Table unless issues raised at 1/27/15 work session are adequately addressed.

PUBLIC NOTICE AND HEARING:
Public hearing tentatively for 3/10/2015 Council meeting.

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.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1. Zoning & Inspections	AMG		2/5/15
2. City Attorney			2/5/2015
3. City Manager			5 Feb 2015
4. Clerk of Council			

Initiating Department Director's Signature: _____ 2/5/15
(Planning Dept)

RECEIVED FEB 2015 CITY ATTORNEY

APPROVED AS TO FORM: _____ 2/6/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: February 5, 2015

Re: **RZ-14-663** AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- - 7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY

THE ISSUE:
Conditional rezoning with proffers from medium density residential district zoning and some RB-1 (CE) zoning to medium density residential district zoning with Planned Unit Development overlay which would allow for a 170-unit apartment development with clubhouse and pool on the property. The proposal is in the form of a PUD, but is not an age-restricted development as recommended in the Comprehensive Plan.

RELATIONSHIP TO STRATEGIC PLAN:
Goal 2: More Livable City for All

BACKGROUND:
See attached staff report, proffer statement, Development Plan, and Market/Fiscal Impact analysis.

BUDGET IMPACT:
Possible impacts on schools if projected number of school-aged children from the 170-unit development exceeds 27 students. The applicant is projecting only 13.4 students.

OPTIONS:
1. Approve as recommended by Planning Commission
2. Table request
3. Deny request

RECOMMENDATIONS:
Recommend option 2 unless issues raised by Council at January 27th 2015 work session are adequately addressed at February 10th work session.

City Council Work Session
February 10, 2015

RZ-14-663 AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- - 7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY.

REQUEST DESCRIPTION

The request would conditionally rezone land from RB-1(CE) and MR to MR with a PUD overlay which would allow up to 26 townhouse-styled rental units and 144 apartment units for a total of 170 dwellings units as outlined in the letter (see attached) from the applicant dated October 21, 2014. The request includes proffers (see attached proffer statement dated October 21, 2014 including December 11, 2014 and February 2, 2015 revisions) relating to the development of the PUD.

AREA DESCRIPTION

The subject portion of the Ridgewood Orchard land is vacant, except for a small portion of an unused driveway extending from Merrimans Lane to the Sacred Heart Church site which borders the subject site to the north. The Sacred Heart property is zoned LR and contains a church and private school in addition to a residential unit. Land adjacent to the site to the east is zoned LR and comprises the undeveloped westerly portion of the Glass-Glen Burnie Foundation land. Land to the west includes the proposed Meadow Branch Avenue and the proposed John Kerr Elementary school site which was recently rezoned Education, Institution & Public (EIP).

Land to the south is part of the Moffett Estate and is primarily undeveloped. The easternmost portion of the Moffett land was conditionally rezoned from LR to MR in 2008 to support medium density residential use along the east side of Meadow Branch Avenue extended. Land to the northwest, including the land to the west of the 'tail' of RB-1 land included in this rezoning, is conditionally zoned B-2. It is vacant and is intended for a limited array of commercial uses including retail and restaurant.

STAFF COMMENTS

The applicant has provided a number of updated exhibits and documents which supersede those submitted with the original application in October of 2014. This includes an updated Statement of Justification titled 'Meadow Branch Luxury Apartments, Winchester, Va'; a revised Proffer Statement dated December 11, 2014 titled 'Proffer Statement, A Proposed Rezoning, for a Portion of Tax Map

Parcel ID: 149-1-7'; a copy of a Memo dated October 6, 2014 from Mr. Ed Smith, Director of Operations, Winchester Public Schools to the Winchester School Board members; a Market and Fiscal Impact Analysis, Meadow Branch Apartments, Winchester, Virginia dated November 2014; and a revised PUD Development Plan titled 'Ridgewood Orchard, Land Bay 'C' Apartments, Development Plan dated December 11, 2014. These materials are attached for reference.

The Comprehensive Plan identifies the area as a Redevelopment Site and notes that the neighboring regional medical center makes the site attractive for housing for high-income seniors and healthcare professionals. It calls for a variety of housing types for the central portions of the site. The Plan, which was just updated in 2014, states: "*Zoning for development in this central area should be medium density unless age-restricted housing is proposed, in which case, high density zoning may be appropriate.*" The 2014 update was specifically undertaken with the intention of guiding development along the unbuilt portion of Meadow Branch Avenue through the Moffett and Ridgewood Orchard land with the assumption that the replacement John Kerr Elementary School would be constructed in this location.

Earlier versions of the draft update to the Comprehensive Plan in 2014 for the subject 10.59-acre portion of the Ridgewood property situated along the east side of Meadow Branch did not explicitly include the statement about zoning for medium density development. The language was added at the request of City Council to intentionally clarify that high density development may be appropriate only if two conditions are included which are:

- Planned Unit Development (PUD) overlay zoning; and,
- Age-restrictive housing

The submitted rezoning request does fulfill the first prerequisite (PUD zoning), but is not limited to age-restricted housing. The request is, thus, contrary to the Comprehensive Plan in this regard. In the attached Statement of Justification titled 'Meadow Branch Luxury Apartments, Winchester, Va', the applicant makes a strong case for why adherence to the age-restriction recommendation of the Comprehensive Plan update should not be required and instead allow for market rate apartments that would appeal to two of the three targeted populations identified in the Comp Plan and the Economic Master Plan. The applicant emphasizes the importance of the location to the regional medical center and the strong attraction for young professionals, all of whom would not meet age-restriction qualifications, and empty-nesters, some of whom may not meet the criteria for age-restriction.

The Statement of Justification outlines the unlikelihood that families with school-aged children would want to rent a more expensive luxury apartment as compared to renting or purchasing a less expensive single-family house elsewhere in the City. Estimates of school-aged population are included in the report with good examples of comparable market rate developments. These estimates indicate low rates of student population.

POTENTIAL IMPACTS & PROFFERS

Since this is a conditional rezoning request, the applicant has voluntarily submitted proffers to mitigate potential impacts arising from the rezoning of the property from RB-1(CE) & MR to MR (PUD). The October 21, 2014 Proffer Statement, including revisions dated December 11, 2014 and February 2, 2015, is structured to address five areas under the heading of "Proffers Relating To The Use In The Proposed Planned Unit Development District (Land Bay C): These are: Street Access and Improvements; Site Development; Recreation, Landscaping and Design; Meadow Branch Avenue Extension; and Phasing.

Street Access & Improvements

The applicant proffers that Meadow Branch Avenue entrances will be as depicted on the Generalized Development Plan (GDP). The latest version of the GDP depicts two entrances onto Meadow Branch Ave, one situated at the fully signalized intersection opposite of the employee and parent drop-off/pick-up entrance to the proposed John Kerr Elementary School (JKES) and one aligning with the median crossing opposite of the bus and delivery access to JKES. This latter access point to the proposed apartment area was not depicted on the approved subdivision plans nor the approved Meadow Branch Avenue engineering plans that the City commissioned. It is, however, addressed in the recently approved Memorandum of Agreement (MOA) between the City and Ridgewood Orchard. A southbound left-turn lane is now shown on the Development Plan at this location and the conversion of this approved 3-way intersection to a 4-way intersection may affect safe afternoon dismissal of school buses from JKES. No signalization is anticipated at this intersection and none is warranted given the close proximity to the fully signalized intersection just to the north. Staff has advised that a Traffic Impact Analysis (TIA) will likely be required as part of the rezoning if this intersection remains part of the proposal. The TIA was submitted on December 12, 2014 and was reviewed by the Public Services Director and agreed with the findings.

Planning staff generally advocates for more than one entrance for a large residential development. However, the provision of inter-parcel access to the Moffett property to the south and to the Sacred Heart property to the north makes it likely that the development would be served by at least two connections to the public street system. The Meadow Branch Ave project currently calls for the City to construct a right-in/right-out access to the Moffett property fairly close to where the inter-parcel connection is called for.

Site Development

Site Development proffers help to mitigate potential impacts arising from the inclusion of townhouse styled rental units in the project and by limiting the number of bedrooms which might otherwise create increased school-aged population placing demands on the City's overcrowded schools. The applicant proposes to construct 144 traditional apartments of which, no more than 24 would have three bedrooms. None of the 26 townhouse units would have more than two bedrooms. All of the rental units would be Market Rate units (i.e. no subsidized housing units), as stated in the third paragraph on page three of the December 11, 2014 revised proffer statement. Further, the applicant proffers that none of the townhouse units would be available for sale as owner-occupied units for a period of 40 years.

The Site Development proffers also address the minimum size for the community building (5,000 sq. ft of finished space) and the minimum size of the swimming pool (1,800 sq. ft.). Qualitative standards for exterior finishes of the apartment buildings and clubhouse are also specified in general conformity with the elevations included in the GDP. This includes consistency of design, color, and materials on the garage and maintenance structures as well. Lastly, the Site Development proffer notes that no "vertical" construction would occur on the 0.54-acre narrow strip (the "tail") of land between Meadow Branch Avenue and the Sacred Heart property, thus assuring that this will serve as open space.

Recreation, Landscaping & Design

Under the Recreation, Landscaping and Design proffer, the applicant proffers screening and buffers as depicted on the GDP in addition to what is otherwise required by the Zoning Ordinance. A second part of the landscape proffer calls for providing street trees along Meadow Branch Ave consistent with the species called for along the John Kerr School site across the street.

A third part of the Recreation, Landscaping and Design proffer calls out the inclusion of 10-foot wide paved hiker/biker trails through the site as depicted on the GDP. The plan currently shows two trails connecting the Green Circle Trail out along Meadow Branch Avenue to the eastern boundary of the site (allowing for connection to future trails on the Glass-Glen Burnie property) along both the far north and south boundaries of the site. The applicant is working with MSV to build trail and cattle fencing in return for a grading easement on the MSV property. To mitigate the potential impact of having the northerly trail situated so close in behind the 12 townhouse units proposed close to the Sacred Heart property boundary, a screen consisting of 5-foot tall evergreens planted 4 feet apart has been included in the proffers and depicted as an element of the PUD Development Plan. Phasing of the trail along the south property line is tied to occupancy of the third apartment building.

Meadow Branch Avenue extension

The fourth major proffer heading pertains to the construction of Meadow Branch Avenue extension. It is important to note that this roadway construction is linked to the proposed JKES school project and was tied in with a separate Memorandum of Understanding and Project Administration Agreement which was executed on December 12, 2014." The extension of Meadow Branch Ave does not only "benefit the PUD (as stated in the Proffer Statement), it is critical to providing public street access to this proposed portion of the Ridgewood Orchard site being proposed for more intensive development.

Phasing

The last proffer pertains to Phasing. It indicates that all construction will be done as a single phase of development, but indicates that occupancies will be phased. It indicates that the inter-parcel connecting private roadways depicted on the GDP will be constructed with a final coat of paving before the first apartment occupancies are to occur. The applicant proffers that they will have the final surfacing done in the other areas where the occupancies are requested as those occupancies are requested. It is understood that the clubhouse and pool will be completed and operational before the first occupancy permit is requested and that the timing of the trails and other amenities would be as noted in the 'Recreation, Landscaping, and Design' proffer above.

MARKET AND FISCAL IMPACT ANALYSIS

On December 2, 2014, the applicant submitted a Market and Fiscal Impact Analysis for the Meadow Branch Apartment project dated November 2014. The study examines the anticipated revenues and costs associated with the 170-unit project and concludes that there would be a net fiscal benefit for the $30 million Meadow Branch Apartment development. Projected revenue and expense calculations are included in Table 4 on page 22 of the attached report. On-site impacts are expected to produce a surplus of $95,200 (incorrectly noted as $97,410 in the original report) annually due to the few public school pupils which are expected in the apartments, based on pupil rates at Stuart Hill and other projects identified by the Winchester public school district. Apartment resident expenditures in the City are projected to generate $22 million in new business receipts and these new business receipts are projected to produce a fiscal surplus of $51,000 annually for the City. Total fiscal benefit is projected at $148,000 annually in constant year 2014 dollars.

The analysis identifies projected revenues totaling $417,930. This includes $285,000 of real estate tax, $110,670 of personal property tax, and $15,500 of consumer utility tax, and $6,380 of motor vehicle licensing revenue. The report includes $380 of recordation tax which would not be realized assuming that all units remain rental and therefore should not be included, thus reducing the figure to $417,550.

With regard to costs, the study concludes that there would be 162 of the 170 apartments occupied at any time and that would translate to 249 residents. Based upon the City's current budget, the per capita cost equals $956 annually. The total per capita annual expense would therefore equal $238,240. The study also assumes that there would be approximately 13 school-aged children generated by the 162 occupied units based upon a generation rate of 0.079 students per occupied unit. At a cost of $6470 per pupil, that translates to an annual school impact of $84,110 (incorrectly noted as $82,280 on Page 33 of the fiscal impact analysis). Together, the $238,240 of per capita expenses and $84,110 of school expenses adds up to $322,350 of annual cost for the 170-unit apartment project.

Based upon a projected positive annual fiscal impact (net revenue) of $95,200, that would mean that up to 27 students could be generated before the project would cause a negative impact on the City. The analysis submitted to the City incorrectly noted this threshold at 35 students. It is worth noting that the existing Medium Density (MR) residential zoning would permit single-family detached homes on lots as small as 8,000 square feet. After netting out land for public streets, the 10.59-acre site could probably yield 40-45 homes. Given the proximity to the new John Kerr School, these homes would likely contain 3-5 bedrooms and generate considerably more than the 13 school-aged children projected to result from the rezoning allowing the 170 apartment units.

THE GENERALIZED DEVELOPMENT PLAN

The GDP consists of 3 pages which were most recently updated on December 11, 2014. The first page depicts the subject 10.59-acre portion of the Ridgewood Orchard parcel as it exists at the time of the rezoning application. This exhibit depicts the proposed Meadow Branch Avenue right of way and the proposed ultimate configuration of the JKES site as well as the recently rezoned 11.64-acre commercial areas of the larger Ridgewood site. It is important to note that the Major Subdivision approved by City Council back on October 14, 2014 was only recorded on December 12, 2014. Likewise a Minor Subdivision required to assemble the adjacent DBL Holdings property into the JKES and Ridgewood Orchard sites was recorded on that same date.

Density

The second page of the GDP is the actual conceptual Development Plan depicting the layout of the improvements on the site and the areas that are set aside for active and passive open space. The applicant is proposing 170 units on 10.59 acres of land including the 0.54 of RB-1 land that may get conveyed off to the Catholic Diocese to assemble in with the adjoining Sacred Heart property. The resulting density is 16.1 units per acre where the MR(PUD) zoning would permit up to 18 units per acre.

Apartment Building Layout

The 170 unit project includes 144 traditional apartment units consisting of two 3-story apartment buildings each containing 24 apartments out closer to an open space along Meadow Branch Ave and two 4-story buildings each containing 48 apartments back closer to the rear of the site adjoining the Glass-Glen Burnie property. The 4-story buildings would each have basement parking and elevators. Ample surface parking is provided along private drives to the east and west sides and north end of the front two buildings and along the east side and south end of the rear two buildings. A limited number of garages are available to tenants of the front two buildings in two freestanding structures to the rear of these buildings.

Townhouse Layout

The remaining 26 rental units are in the form of two-bedroom townhouse units situated within six structures located along the north end of the site closer to Sacred Heart Church. Twelve of these units are proposed to have parking pads situated to the front of the units (similar in fashion to the older Orchard Hill townhouses without garages). The other 14 units would have basement level garages that would be accessed from private alleys along the rear of the units. The result of this layout is that no garages would be oriented to Meadow Branch Avenue. The inclusion of the rear alley access to the majority of these units also minimizes the presence of back-out conditions for tenants onto the private access roadway serving the 96 apartments to the rear of the site. Staff has some concerns about the ability to easily access the rear entry garages from the alleys, which in many cases immediately adjoin the rear wall of the townhouse structures. These concerns can probably be addressed at the time of site plans assuming the rezoning is approved.

Amenities and Open Space

The latest development plan depicts a clubhouse located very close to the main entrance to the apartment complex. It is proposed as a 2-story structure that would have lower level access out the rear to a fenced in recreation area that includes an outdoor swimming pool, concrete deck, and small grassed area. A separate volleyball court is proposed near the south central portion of the site with sidewalks and trails connecting the apartments to the clubhouse and recreational amenities. The site summary indicates that the site contains 5.35 acres of recreational open space where 4.77 acres are required at a minimum. Of that open space, 0.95 acres is allocated to developed (active) recreational use. This reflects compliance with the requirement for 20% of the overall open space being in the form of active recreational space.

Circulation & Access

The GDP depicts the proffered inter-parcel connections to the Sacred Heart property and to the Moffett Estate property. These are desirable features. The Plan also depicts a second full access (e.g. left-turns permitted) out to Meadow Branch Avenue across from the bus/delivery access to the JKES site. Staff has indicated that this is problematic and would recommend that a Traffic Impact Analysis be provided to examine intersection impacts at this unsignalized intersection. Staff feels that the fully signalized intersection aligning with the main entrance to JKES should be the only access point directly to Meadow Branch Avenue.

Floor Plans & Building Elevations

The third page of the GDP contains detailed floor plans and a single 'front' elevation for the various residential buildings proposed on the site with the exception of the two freestanding garage structures and a maintenance building proposed very close to the 10-wide trail running along the boundary with the Moffett Estate. No side elevations are provided for any of the buildings, but some rear elevations of the apartment buildings and townhouses were submitted just before the December 16, 2014 Commission meeting. The elevations and floor plans appear to be generally consistent with the layout depicted on the GDP. There are multiple floor plans for both the traditional apartment building units as well as the townhouse-styled units.

Since this is a sloped site, it was desirable to have a few cross-sectional views of the development showing how the site slopes away from Meadow Branch Avenue and how the 4-5 story elevations of the two rear buildings would relate to the adjoining Glen Burnie property. One sectional view was provided which clearly shows how the 4-5 story buildings at the rear (east) part of the site will appear no taller than the 3-story apartment buildings up closer to the front (west) part of the site as viewed from Meadow Branch Avenue.

RECOMMENDATION

Staff still feels that the fully signalized access point at the northern (main) entrance to the JKES site is adequate to handle the apartment development traffic and that the proffered inter-parcel accesses to the Sacred Heart property to the north and the Moffett Estate property to the south will adequately provide for any needed alternative emergency response. However, the TIA that was submitted on December 12, 2014 indicates that there would not result in an unfavorable Level of Service (LOS) for traffic on the public roadway even though it would operate at a poor LOS on the private apartment development roadway.

Regarding public input on the rezoning request, the City received comments from only two households. Via email, Mr. & Mrs. Dan Troup questioned the school-aged children projection and encouraged the Commission to follow the Comprehensive Plan. Via two emails from Mr. & Mrs. John Beyrau and by Mrs. Beyrau's attendance at the December 16th Commission public hearing, they expressed concerns about safety and traffic impacts associated with Meadow Branch Avenue being extended.

At its January 20, 2015 meeting, the Commission forwarded **RZ-14-663** to City Council unanimously recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-14-663, Prepared by Winchester Planning Department, December 1, 2014" because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the site. The approval is subject to the Generalized Development Plan revised as of December 11, 2014 and the proffers in the proffer statement titled "Proffer Statement a Proposed Rezoning" dated October 21, 2014 and revised on December 11, 2014.

The request was reviewed at the January 27, 2015 Council work session. Numerous concerns were expressed by City councilors, particularly with regard to the following issues:

1. Use of the $333K proffered funds associated with Meadow Branch Ave construction
2. Accuracy of school student projections in the Fiscal Impact Analysis
3. Definitions of 'market-rate' included in the Proffer Statement
4. Restrictions associated with the intended HUD 221(d)4 financing program as it pertains to the ability of the intended purchaser of the site to ensure rent levels utilized in the Fiscal Impact Analysis and to the management and maintenance requirements during the 40-year period linked to the financing

The attorney for the applicant indicated that he would provide additional information about the terms and conditions of the HUD financing program and would submit amended proffers to address concerns of City Council. The request was carried forward to the February 10th Council work session.

On Wednesday, February 4, 2015, the City received an electronic version of an amended proffer statement dated February 2, 2015. Staff met with the attorney for the applicant on Thursday, February 5, 2015 to review the amended proffers. These revisions reinserted the language stating that rents charged would be market rate. It also incorporates clearer language about the perimeter screening along the eastern boundary and notes that the phasing of development will be as identified on the GDP. The revised proffers do little if anything to address the four areas of concern noted above. During the Thursday meeting, the applicant indicated that a formally submitted revision to the GDP will be submitted and that the proffer statement may be further amended.

The attached ordinance provides for a favorable action to rezone the property. If Council is not supportive of the rezoning request then a motion to deny could read:

MOVE, that City Council disapprove **RZ-14-663** because the application for the proposed rezoning, as submitted:

1. is inconsistent with the age-restriction recommendation included in the updated Comprehensive Plan
2. lacks measures to sufficiently mitigate potential negative impacts such as increased numbers of school-aged children

AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (Map Number 149-01- - 7-A), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY.

RZ-14-663

WHEREAS, the Common Council has received an application from Pennoni Associates, Inc. on behalf of Ridgewood Orchard LTD Partnership to rezone property at 200 Merrimans Lane from Conditional Residential Business (RB-1) district with Corridor Enhancement (CE) district overlay (0.80 acres) and Conditional Medium Density Residential (MR) district (9.79 acres) to Medium Density Residential (MR) district with Planned Unit Development (PUD) district overlay; and,

WHEREAS, the Planning Commission forwarded the request to Council on January 20, 2015 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-663, Prepared by Winchester Planning Department, December 2, 2014*" because the proposed Medium Density Residential (MR) district with Planned Unit Development (PUD) district overlay supports the redevelopment site as designated in the Comprehensive Plan. The recommendation is subject to adherence with the Generalized Development Plan revised as of December 11, 2014 and the submitted proffers dated October 21, 2014 revised as of February 2, 2015; 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 provides for residential space in support of the redevelopment site character designation 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 Conditional Residential Business (RB-1) district with Corridor Enhancement (CE) district overlay (0.80 acres) and Conditional Medium Density Residential (MR) district (9.79 acres) to Medium Density Residential (MR) district with Planned Unit Development (PUD) district overlay:

10.59 acres of land at 200 Merrimans Lane as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-663 Prepared by Winchester Planning Department, December 2, 2014*".

BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the with the Generalized Development Plan revised as of December 11, 2014 and submitted proffers dated October 21, 2014 revised as of February 2, 2015.

Ridgewood Orchard – Land Bay C Apartments
Rezoning and PUD Application

Statement of Justification
October 21, 2014

The subject application proposes to rezone 0.80 acres of existing RB-1 (Residential Business) District to the MR (Medium Density Residential) District and combine that area with 9.79 acres of existing MR zoning to provide for a 10.59 Acre Planned Unit Development (PUD). The application would provide for up to 26 townhouse style rental units and 144 apartment units for a total of 170 proposed dwelling units for the site.

Location and Background

The site is a 10.59 acre portion of tax map parcel 149-01-7-A (the "Property") and is located east and adjacent to the planned extension of Meadow Branch Avenue across from the location of the future John Kerr Elementary School. The applicant has prepared a Development Plan as required by the Zoning Ordinance requirements for the PUD district. Sheet 1 of 2 on the Development Plan identifies the proposed project in relationship with the surrounding properties. As shown, the Property is approximately 1,000 feet south of the intersection of Meadow Branch Avenue and Amherst Street. The location of the site in such close proximity to Winchester Medical Center is ideal for luxury style apartment dwellings.

The Property as well as adjoining areas were originally subject to the Smith Estate rezoning application approved by City Council in 2005. The 2005 rezoning provided for MR and RB-1 uses on the subject Property. In July of 2014, City Council approved a revision to the Comprehensive Plan to facilitate the construction of the new John Kerr Elementary School and the extension of Meadow Branch Avenue. In September of 2014, City Council approved a rezoning application which includes the subject Property and adjoining areas for construction of the new elementary school and Meadow Branch Avenue. In addition, the 2014 rezoning application removed the proffered conditions associated with the 2005 application from the subject Property. This proposed rezoning application would consolidate the Property under the MR Zoning District and proposes to develop the site as a single, cohesive project under the City's PUD requirements.

Proposed Development Plan

The proposed development of the site includes a total of 170 dwelling units, consisting of 26 townhouse style rental units and 144 total apartment units across four apartment buildings. The two apartment buildings fronting the site at Meadow Branch Avenue will be three story structures. The remaining two apartment buildings at the rear of the site will have four finished floors with structured parking below. The two buildings with four floors will also have elevator access.

A clubhouse and pool facility is centrally located to serve the needs of the development. The clubhouse will be a minimum of 5,000 finished square feet and include a pool deck area that is at least 80 feet wide and 120 feet long. Ample pedestrian facilities will be provided on the Property as well, including a 10 foot hiker-biker trail connection from Meadow Branch Avenue through the site to the common property line with the Glass Glen Burnie Foundation.

Site parking needs are accommodated through surface parking as well as structured parking below the two easternmost apartment buildings. In addition, several above grade garage spaces located between the apartment buildings will also be available as an option for residents.

Access is provided at two points to Meadow Branch Avenue across from the planned access points for the new elementary school. In addition, an interparcel connection will be made between the internal street network and the adjoining parking area of Sacred Heart.

The development will include two primary stormwater management areas, including underground facilities at the rear of the site as shown on the Development Plan as well as two facilities within the open space between the apartment buildings.

Conformance with the Comprehensive Plan

The Property is within the West Central Planning Area of the Winchester Comprehensive Plan. In July of 2014, City Council adopted amendments to this area. The amendment included the following language applicable to the subject Property:

> ***As part of a Planned Unit Development, a variety of housing types, ranging from luxury condominiums/apartments to high-and mid-rise retirement housing and assisted living, may be appropriate for the central portions of the site.***

The proposed development is consistent with the future land use identified by City Council as part of the recent amendments to the Comprehensive Plan.

The Winchester Comprehensive Plan notes that the City has a deficit of paved and unpaved trails. The proposed Development Plan includes a paved trail that will connect the future Green Circle along Meadow Branch Avenue with the Glass Glen Burnie Foundation Property.

Impacts to Community Facilities

The original 2005 rezoning provided for up to 115 total dwelling units (75 RB-1 zoned apartments and 40 MR zoned singles). That original rezoning area is now comprised of this PUD application as well as B-2 zoned commercial areas and a future elementary school as a result of the recently approved rezoning application. The proposed Development Plan includes a total of 170 units within a well-planned development that will be geared towards young professionals and empty-nesters. Recent studies in the area have identified that apartments in the higher rent segments generate very few school age children due to the market segment served by such units. The resulting overall development plan for the area should result in fewer net impacts to community facilities, especially considering the new elementary school and the offsetting revenues that will be generated by the future commercial uses in the adjoining B-2 area.

.E CO FILE COPY

PROFFER STATEMENT

A PROPOSED REZONING

for

A PORTION OF

TAX MAP PARCEL ID: 149-1-7

Prepared For: Ridgewood Orchard Limited Partnership
549 Merrimans Lane
Winchester, Virginia 22601

Prepared By: Thomas Moore Lawson, Esquire
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604
Tel: 540-665-0050

Original Date: October 21, 2014

Revised: February 2, 2015

CLEAN VERSION

RECEIVED
FEB 4 2015
VIA EMAIL

INTRODUCTION

The undersigned applicant hereby proffers that in the event that the Council of the City of Winchester ("Council") shall approve the rezoning of two tracts of land on Tax Map Parcel ID 149-1-7, totaling 10.59 acres (the "Property") as shown on the plan entitled "Ridgewood Orchard Land Bay C Apartments Development Plan" dated October 21, 2014 and revised February 2, 2015 (the "GDP"), with one tract consisting of 9.79 acres from Medium Density Residential District ("MR") to MR with a Planned Unit Development District ("PUD") overlay and a second tract consisting of 0.80 acres from RB-1 to MR with a PUD overlay, then development of the subject properties shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

The conditions proffered herein supersede all prior proffers submitted by the owner on the Property. All prior proffers affecting these areas are hereby revoked by the owner.

PROFFERS RELATING TO USE IN THE PROPOSED PLANNED UNIT DEVELOPMENT DISTRICT

The Property shall be subject to the standards provided in the City of Winchester Zoning Ordinance Article 13.

Street and Access Improvements

The owner proffers to design and construct a series of private streets within the Property as shown on the GDP. The entrances to the Property will be as generally shown on the GDP. The number of entrances to the Property will be limited to that shown.

The owner proffers to also design and construct an interparcel connection from the Property's north entrance to the boundary of Tax Map Parcel 149-01-6 owned by The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia (the "Diocese") as shown on the GDP and will grant the Diocese a non-exclusive easement for the access and use of said connection.

The owner proffers to also design and construct an interparcel connection at the Property's southern boundary to Tax Map Parcel 169-1-5, as shown on the GDP.

Site Development

The Property shall be developed as a multi-family project (the "Project") consisting of no more than one hundred seventy (170) apartment homes and a clubhouse with pool and amenities generally consistent with the GDP. Buildings 1 and 2, as shown on the GDP, shall consist of a total of forty-eight (48) apartments in three-story buildings on slab. Buildings 3 and 4, as shown on the GDP, shall consist of a total of ninety-six (96) apartments with an elevator and basement level parking. These two buildings will have a four-story elevation facing northwest. The

twenty-six (26) townhouse-style apartments will be constructed along the northern Property boundary, as shown on the GDP, and will be two stories.

The apartments and club house shall be constructed in general accordance with the elevations depicted on the GDP and shall primarily consist of red brick and ground face block with white cementitious siding in select areas. The architectural style and building materials used for all elevations of the apartments and club house shall be consistent with the design, color, and materials depicted on the elevations depicted on the GDP. Additionally, the single story garage structures and maintenance building, as identified on the GDP, shall be designed and constructed to be consistent with the materials and colors of the apartment buildings.

Development of the Property shall consist of one, two and three bedroom apartments; however, the Project shall not have more than twenty-four (24) three-bedroom apartments. Further, no three-bedroom townhouse-style apartments will be built within the Project.

The owner proffers that all of the apartments (residential units) within the development shall be market rate. Market rate is being proffered in order to distinguish the multi-family apartment units that are being proffered in this community from some other existing multi-family stock in the City of Winchester as of the time of the filing of this rezoning and Proffer Statement. This market rate concept is further elaborated upon in the market analysis authored by S. Patz and Associates, Inc.

The rents charged for the apartments within the Project shall be market rate.

The apartments and club house developed on the Property, shall be built in general accordance with the floor plans shown on the GDP (with variations for handicapped accessible units, units accessed other than from the stairwell or units modified due to construction restraints such as an elevator wall).

The club house shall be a minimum of 5,000 finished square feet and associated amenities shall include a pool deck area of approximately seventy (70) feet by ninety (90) feet, as depicted on the GDP, and a swimming pool with a minimum water surface area of 1,800 square feet.

The club house and pool area shall be operational and available for use prior to the issuance of occupancy permits for any apartments constructed on the Property.

In response to stated concerns received from the City of Winchester, the owner does proffer that the townhouse-style apartments shall not be sold as independent dwelling units for a term of at least forty (40) years from the date of the approval of the rezoning.

No vertical construction shall occur on the 0.54 acres bordering Meadow Branch Avenue Extension as shown on the GDP.

Recreation, Landscaping and Design

In the location depicted on the GDP along the eastern Property boundary, the Applicant shall provide evergreen trees between the parking areas and the eastern Property boundary. Said landscaping shall satisfy the perimeter screening requirements of Section 19-5-6.4d of the Winchester Zoning Ordinance for that portion of the Property. Landscaping will be provided for the other perimeter areas of Property as well. The landscaping plan shall be incorporated as

part of the site development plan. The landscaping plan shall be approved by the Planning Commission as part of the design of these areas.

Development of the Property shall include street trees along the Meadow Branch Avenue frontage. Said trees shall consist of a mixture of Sugar Maples and Pin Oaks in order to coordinate with and compliment the planned landscaping for the future, adjoining John Kerr Elementary School.

Development of the Property shall include 10 foot asphalt hiker/biker trails as depicted on the GDP, including a connection from the planned Green Circle Trail at Meadow Branch Avenue Extended to the Glass Glen Burnie Foundation property line. Said trails shall be constructed and necessary public pedestrian access easements dedicated to the City of Winchester as development of the adjoining apartment buildings is completed. The site plan for the Property shall identify the specific sequence of construction for the proposed buildings, parking, and trail system. At a minimum, the 10 ft asphalt trail along the southern Property boundary shall be constructed and easements dedicated prior to issuance of the occupancy permit for the third apartment building.

A screen, consisting of a single row of evergreens planted no more than four (4) feet apart with a minimum height of 5 feet at time of planting, in accordance with Winchester Zoning Ordinance requirements, shall be located along the northern Property boundary between the proposed hiker/biker trail and the townhouse style rental units. This screen shall not be planted within a stormwater conveyance channel and shall additionally satisfy the requirements of Section 19-5-6.4d of the Winchester Zoning Ordinance for that portion of the Property.

Meadow Branch Avenue Extension

The owner has entered into an agreement with the City of Winchester to provide up to One Million Dollars ($1,000,000.00) in funding (the "Agreement") to be used in conjunction with matching funds being provided by the Commonwealth of Virginia (the "Project Administration Agreement") for the installation of the Meadow Branch Avenue Extension running from Merrimans Lane to the property line between Ridgewood Orchard Limited Partnership and Moffett Farms, LLC. The owner understands that the Meadow Branch Avenue Extension is beneficial to the development of the property, in particular the development of the market rate apartments. To the extent the aforementioned One Million Dollar contribution is not sufficient after having been spent in conjunction with the funds from the Project Administration Agreement, and pursuant to the Project Administration Agreement and the Agreement then the owner proffers to pay such additional monies as may be required to complete the installation of the Meadow Branch Avenue Extension up to a maximum of Three Hundred Thirty-Three Thousand Dollars ($333,000.00). This amount shall only be paid if said funds are spent pursuant to the terms of the Agreement.

Phasing

Applicant proposes to develop the Property as a single phase, but does expect that certain units will be delivered for occupancy before others. The general sequence of construction is identified by the GDP. As part of the overall construction, however, the inter-parcel connections to adjoining properties, as depicted on the GDP will be completed to final paving prior to occupancy of the first apartment building. As additional apartment buildings are completed, final paving necessary to serve those apartment units shall be provided prior to issuance of an occupancy permit for the applicable apartment units.

The conditions proffered above shall be binding on the heirs, executors, administrators, assigns, and successors in the interest of the owner. In the event that the City Council of Winchester grants this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the City of Winchester Codes.

SIGNATURES APPEAR ON THE FOLLOWING PAGE(S)

Submitted By:

Ridgewood Orchard Limited Partnership

By: _____

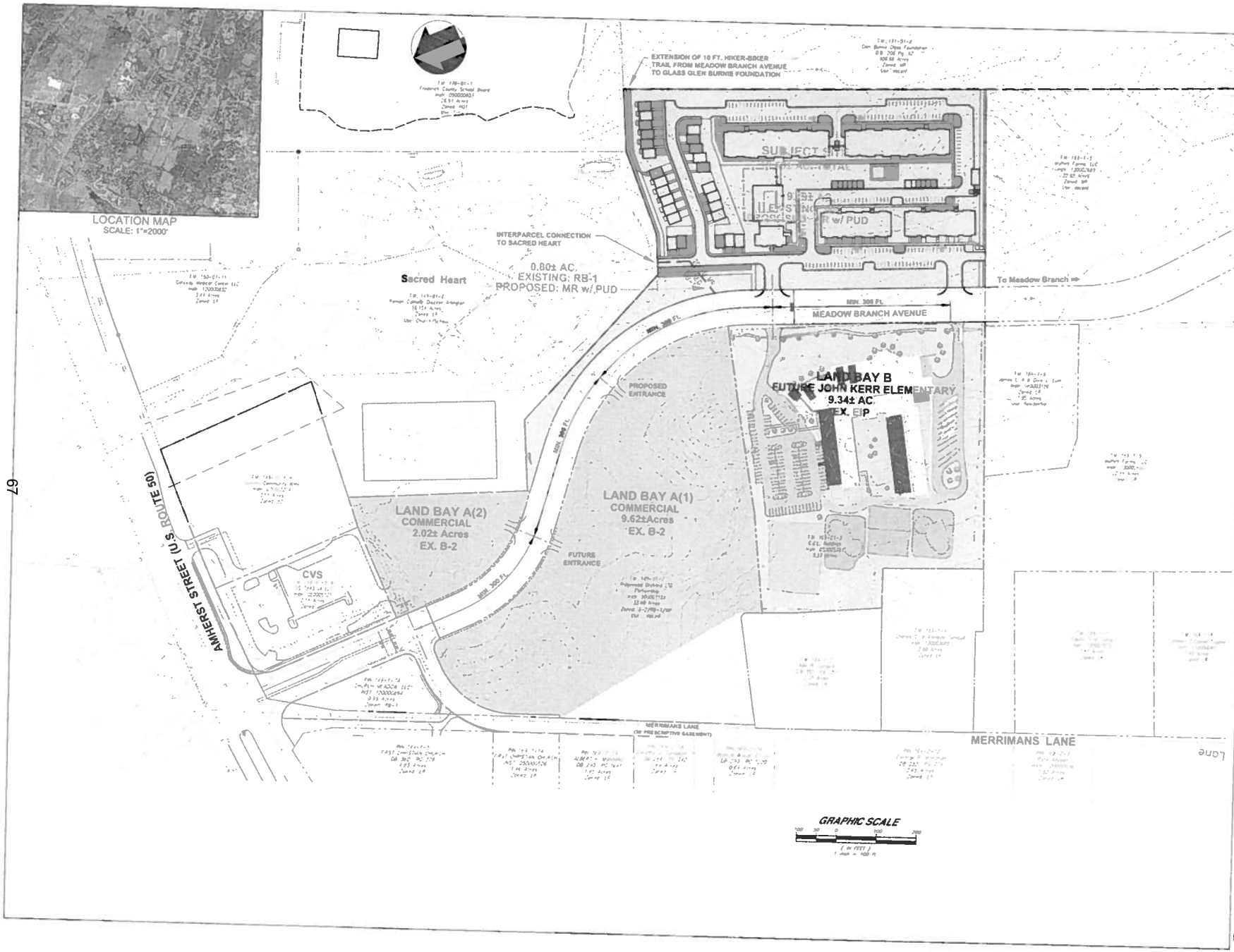
Date: _____

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

The foregoing instrument was acknowledged before me this ___day of _____, 2015, by _____ .

My commission expires on _____

Notary Public _____



Pennoni Associates Inc.

Engineers • Surveyors • Planners • Landscape Architects

117 East Piccadilly Street, Suite 200
Winchester, Virginia 22601
Ph 540-667-2330 Fax 540-665-0493

Pennoni

DATE	NO	REVISIONS	BY
11-05-14	1	Application Resubmission	ELM
12-11-14	1	REVISED PER DRT COMMENTS	PRS

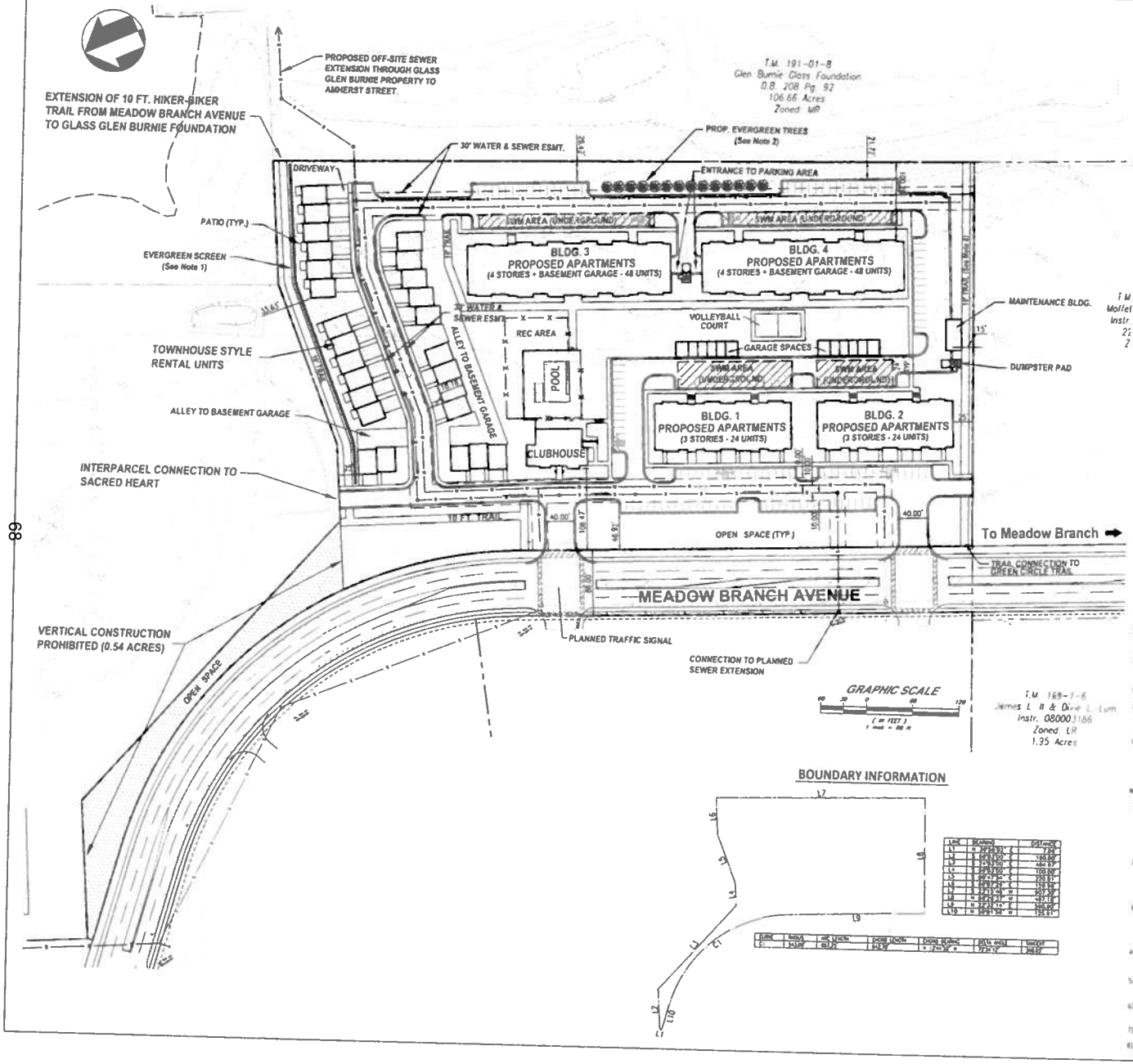
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK

CONTEXT MAP

RIDGEWOOD ORCHARD
LAND BAY C APARTMENTS
DEVELOPMENT PLAN
WINCHESTER, VIRGINIA

JOB NO. ROLP1402
SHEET 1 OF 3

SCALE 1"=100'
DESIGN BY PRS
DATE 10-21-14



Site Summary

Owner	Ridgewood Orchard LTD Partnership
Tax Map Parcel	149-1-7 (portion)
Site Area	10.59 Acres
Existing Zoning	MR (9.79 Acres) RB-1 (0.80 Acres)
Proposed Zoning	MR with PUD Overlay
Existing Use Proposed Use	Vacant Residential Apartments

Development Summary

Proposed dwelling units:	170
Maximum density: Proposed density:	18 units/acre 16.1 units/acre

Unit Mixture

Apartments:	One Bedroom	44
	Two Bedroom	76
	Three Bedroom	24
		144 total apartments
Townhouse Rental Units:	Two Bedroom	26 total townhouse style rental units

Building Information:

	Apt Bldg 1/2	Apt Bldg 3/4	Townhomes	Clubhouse	Maintenance Bldg
Finished floors	3	4	2*	2**	1
Maximum height	48 ft	55 ft	30 ft	30 ft	15 ft
Basement parking	no	yes	varies*	no	no

*Townhomes may include alley accessed, basement level garages as shown

**Includes finished basement level with walkout access to pool area.

Building Setbacks

Front (Meadow Branch Avenue)	106'
Rear	100'
Side	25' (Accessory Maintenance Bldg at 15')

Area Summary

Common Open Space	4.39 acres (includes developed recreation space)
Developed Recreation Space	0.95 acres (includes clubhouse)
Buildings	1.89 acres (includes clubhouse, includes patio areas)
Access Roads and Parking	2.93 acres
Sidewalks	0.39 acres
Open Space Remnants/Dumpster Pads	0.03 acres
	10.59 acres total

Open Space and Recreation Area Information

Common Open Space/Rec Area Required	4.77 Acres (45%)
Common Open Space/Rec Area Provided	5.35 Acres (50%)
Developed Recreation Area Required	0.95 Acres (20% of required Open Space)
Developed Recreation Area Provided	0.95 Acres (20%)

Parking Information

Parking Required:	44 units (1 bedroom) @ 1 space/unit	44 spaces
	126 units (2-3 bedrooms) @ 2 spaces/unit	252 spaces
		296 spaces req'd
Parking Provided:	Townhouse rental units	52 spaces (driveways or garage)
	Surface Parking	213 spaces
	Structured Parking	88 spaces (Below Apartment Buildings 3 and 4)
		153 total parking provided

Notes:

1) A landscape buffer/screen shall be provided along the north, east, and south project boundaries consisting of a single row of evergreens from the current Evergreen Screening Suggestion List planted no more than four feet apart and not less than five feet tall at time of planting. At the northern Property boundary, the landscape screen shall be located between the trail and apartment buildings.

2) In addition to the evergreens provided per Note 1 above, in order to provide improved screening along the south property boundary, the Developer shall install a single row of evergreen trees in the general location depicted on the plan. Said trees shall be a minimum height of five feet at time of planting.

3) Street trees shall be provided along the Meadow Branch Avenue frontage. Said trees shall be a mixture of Sugar Maples and Pin Oaks in order to coordinate with the planned landscaping for the frontage of the adjoining John Kerr Elementary site. Said trees may be included as part of the landscaping requirements at time of site plan.

4) The project shall be constructed in a single phase of development. Occupancy permits for individual apartment buildings will be obtained as units are made ready for occupancy.

5) Final layout subject to minor modifications to accommodate final engineering and subject to approval at time of site plan.

6) Maintenance of recreation areas (including open space and clubhouse/pool facility) shall be the responsibility of the management entity created for the development.

7) Topographic contours shown at two foot intervals.

8) Trail along southern Property boundary to be constructed and public access easements dedicated prior to issuance of occupancy permit for third apartment building.

Pennoni Associates Inc.

Engineers • Surveyors • Planners • Landscape Architects

117 East Piccadilly Street, Suite 200
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Ph: 540-667-8159 Fax: 540-665-0493

Pennoni

DATE	NO	REVISIONS	BY
11-25-14	1	APPLICATION SUBMITTAL	RLB
12-11-14	2	REVISED PER CITY COMMENTS	PRS

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK

SITE LAYOUT

RIDGEWOOD ORCHARD
LAND BAY C APARTMENTS DEVELOPMENT PLAN
WINCHESTER, VIRGINIA

JOB NO. ROLP1402

SHEET 2 OF 3

SCALE 1"=60'

DRAWN BY PRS

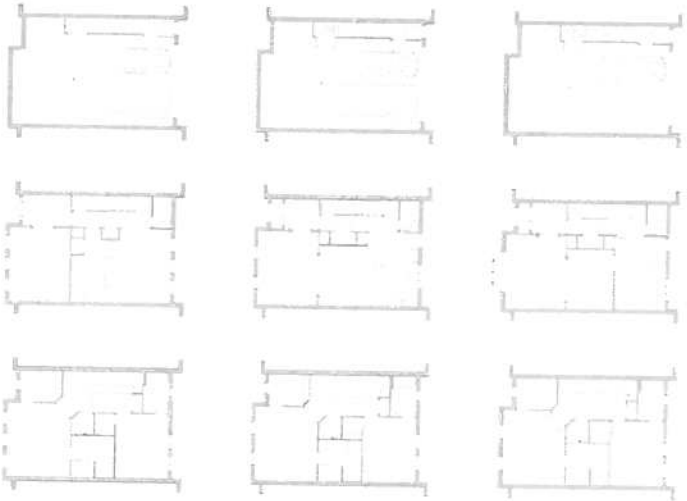
DATE 10-21-14

CLUB HOUSE - TYPICAL ELEVATION

CLUB HOUSE - TYPICAL FLOOR PLAN

TOWNHOUSE STYLE APARTMENT UNITS - TYPICAL ELEVATIONS

APARTMENT BUILDING (FOUR STORY) - TYPICAL ELEVATION



TOWNHOUSE STYLE APARTMENT UNITS - TYPICAL FLOOR PLANS (W/ BASEMENT GARAGE)

APARTMENT BUILDING (THREE STORY) - TYPICAL ELEVATION

THREE AND FOUR STORY APARTMENTS - TYPICAL FLOOR PLANS

TOWNHOUSE STYLE APARTMENT UNITS - TYPICAL FLOOR PLANS (W/OUT BASEMENT GARAGE)

Pennoni Associates Inc.

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Ph. 540-667-8139 Fax 540-665-0483

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK

DATE	NO	REVISIONS	BY
11-25-14	1	APPLICATION REVISIONS	RLB
12-11-14	1	REVISED PER CITY COMMENTS	TMG

ARCHITECTURAL ELEVATIONS AND FLOOR PLANS

RIDGEWOOD ORCHARD
LAND BAY C APARTMENTS
DEVELOPMENT PLAN
WINCHESTER, VIRGINIA

JOB NO. ROLP1402
SHEET 3 OF 3

SCALE 1"=60'
DRAWN BY PRS
DATE 10-21-14

Pennoni

Market and Fiscal Impacts Analysis
Meadow Branch Apartments
Winchester, Virginia

Prepared for:

Denise LaCour
Denstock LLC

November, 2014

Revised 1/27/2015

S. Patz and Associates, Inc.
46175 Westlake Drive, Suite 400
Potomac Falls, Virginia 20165

▪ S. PATZ & ASSOCIATES, INC ▪

▪ REAL ESTATE CONSULTANTS ▪

November 24, 2014

Ms. Denise LaCour
Denstock LLC
1430 Rolkin Court
Suite 301
Charlottesville, Virginia 22911

Dear Ms. LaCour:

Attached is our market study and fiscal impacts analysis for the proposed 170-unit, upscale apartment complex, Meadow Branch Apartments, that is planned for construction during mid-2015 to mid-2016 on an attractive parcel of land located along Meadow Branch Avenue extended. The apartment site is planned for rezoning to MR with a PUD overlay zone. Construction will commence once the extension of Meadow Branch Avenue is completed.

Within the report to follow is a summary market study that evaluates market support for new apartment unit development. The findings show full market support for Meadow Branch Apartments, as planned.

The fiscal impacts analysis is based, in part, on the market study findings, and in part, on the evaluation of the City of Winchester's annual budget, and a comparison of costs and revenues related to new, residential real estate development.

The chart below summarizes the findings for both on-site fiscal impacts for Meadow Branch and for off-site impacts. Altogether, the apartments would produce a net surplus revenue of $143,000 annually.

	Direct On-site	Spin-off Off-site	Total Fiscal Impact
Revenues	$417,550	$142,460	$560,010
Costs	-$324,860	-$91,900	-$416,760
Net Benefit	$92,690	$50,560	$143,250

46175 Westlake Drive ▪ Suite 400 ▪ Potomac Falls, Virginia 20165 ▪ 703.421.8101 ▪ 703.421.8109 fax ▪ spatzec@comcast.net

The detailed data and analysis to support this conclusion is presented in the attached report. Please call if additional data or clarification are needed. We remain available to continue to assist you with the rezoning proposal.

Sincerely,

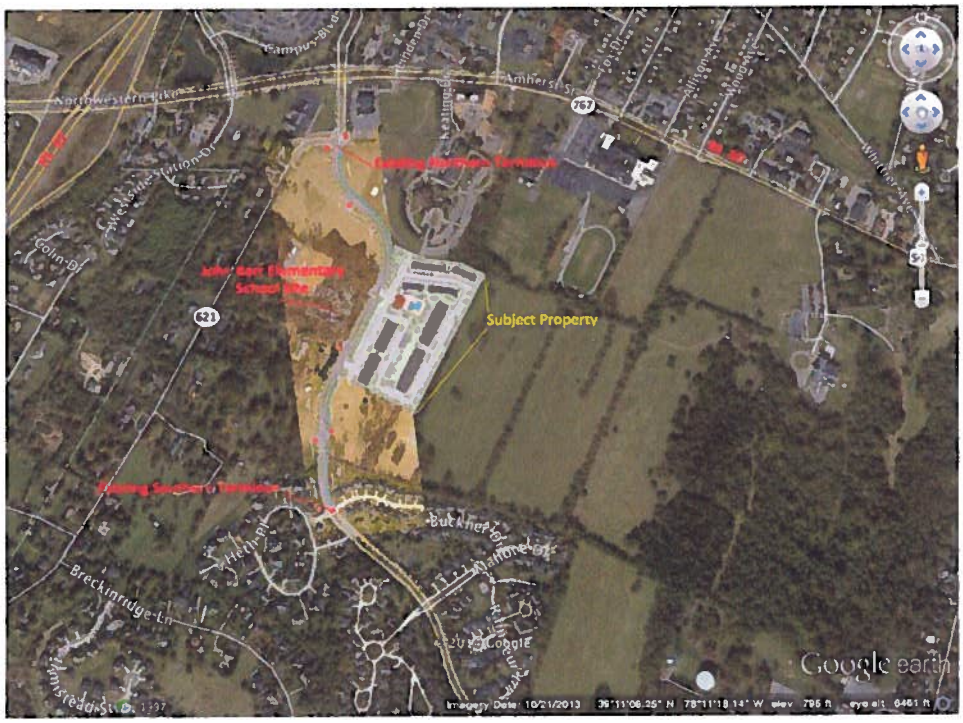
Stuart M. Patz
President

Cc: Mr. Thomas Lawson

Introduction

The following is a market analysis and fiscal impacts analysis (FIA) for the proposed development of the 170-unit, Meadow Branch Apartments, planned for construction during mid- to late-2015 and with a projected opening date of mid-2016. The site is located along Meadow Branch Avenue extended and directly across from the site proposed for the new John Kerr Elementary School.

The following aerial shows the site location and configuration. The site fronts on Meadow Branch Avenue and extends north along the planned alignment of the new roadway. Meadow Branch Avenue is planned for extension from its current southern terminus during mid-2015 to mid-2016, as it is needed to serve the new school. The new road will extend north and intersect with Amherst Street (U.S. Route 50) just east of Linden Drive. In addition to the new school site on the immediate west of the apartment site, Sacred Heart Catholic School and Church abuts the north side of the property. The area to the east is meadowland and to the south, along Meadow Branch Avenue, are higher priced single family homes.

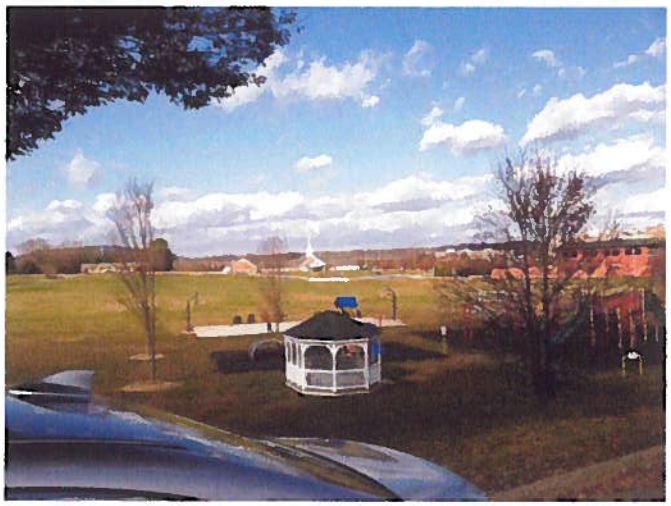


Aerial View of Meadow Branch Apartment Site

Following are three photos of the Meadow Branch Avenue proposed right-of-way. The first photo is a view north from the current terminus of Meadow Branch Avenue. This view, noted by No. 1 on the next aerial, shows an area with a mixture of meadowland and treed areas. The second photo (No. 2) is a view east from a site along Merriman's Lane to where the roadway right-of-way exists, in the center of the new extension. The third (No. 3) photo looks south from the church parking lot which abuts the site. The comparison of the two aerials shows that the Meadow Branch Apartments site is primarily wooded and runs throughout an attractive undeveloped neighborhood of the City.

No. 1

No. 2



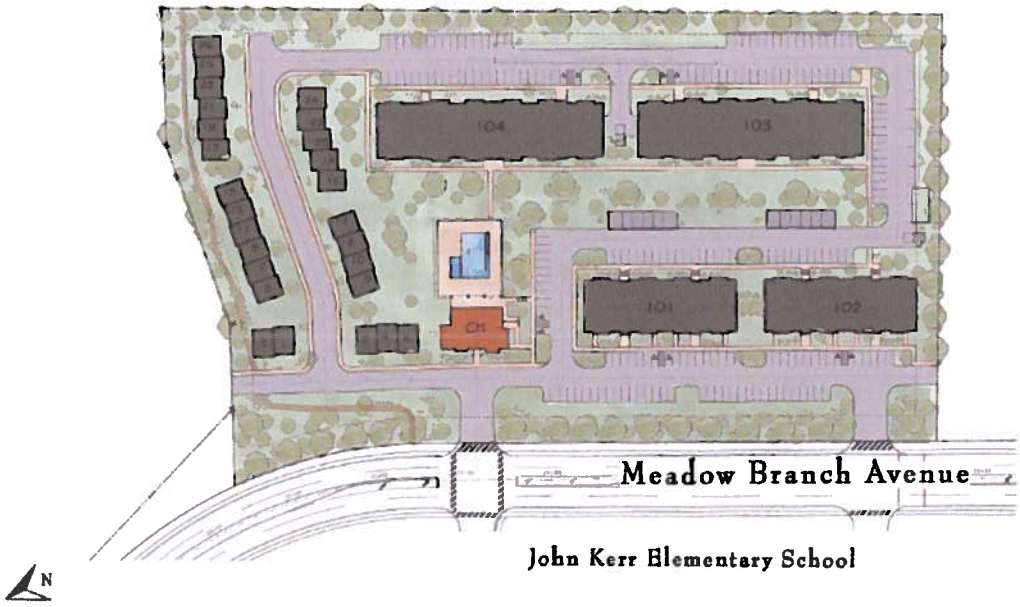
No. 3

The two aerials show that the site is in close proximity to U.S. 50, one of the primary east-west arterials in the City of Winchester and to the Winchester Medical Center, which is located along Route 50 just west of the intersection of Routes 50 and Meadow Branch Avenue. Route 37 intersects with Route 50 to the immediate west of the hospital campus and is an excellent limited-access highway that runs north-west along the western boundary of Winchester.

Map Showing Location of Photos of Site

The proposed site plan is presented next. It includes two four-story buildings with 48 units per building and two three-story buildings with 24 units each. On the north side of the property are two-story apartment buildings with a townhouse design. The apartment complex will be amenitized with a pool and clubhouse. The 10.6-acre site is being developed at a low density of 17 units per acre. The four-story buildings will be elevator served. The site will have garage parking as well as the required number of surface parking spaces. The proposal is for a rezoning change from MR (9.79 acres) and RB1 (0.8 acres) to MR with a PUD overlay.

Meadow Branch Apartments
Winchester, Virginia



Next shown is an elevation of the four-story apartment building. It has the same exterior design as the three-story garden building. The buildings have enclosed stairwells, large windows and a predominately brick exterior.

Meadow Branch Apartments

The sponsor reports that the project will have a total cost of approximately $30 million, including the cost of the upscale apartment buildings with high-end interior finishes; the on-site amenities, including the clubhouse and pool; and the garage buildings. This total cost of $176,500 per unit will place the apartment complex at the top of the market for apartment units in Winchester.

Data in Table 1 show the proposed unit mix and rents. The unit mix includes 44 one-bedroom units, 96 two's and 24 three's. The apartment units in the two-story buildings will be two-bedroom with 2.5 baths.

All of the apartment units are very spacious and are designed for young professionals and empty nesters, i.e., mature families who move from homes into a maintenance-free environment.

Also shown in the table are the proposed rents, reported in constant 2014/15 dollars. These rents range from $1,000 to $1,100 for a one-bedroom to $1,300 to $1,350 for a two-bedroom with two full baths. The three's, also with two full baths, are expected to generate rents of $1,375 to $1,500. The two-bedroom two-story units will have a rent of $1,500. These rents exclude utility costs. One-bedroom units require families with incomes of over $40,000. The two- and three-bedroom units require incomes of up to $60,000.

Table 1 **Apartment Unit Base Characteristics and Proposed Rents 1/, Meadow Branch Apartments, November, 2014**

Unit Type	# of Units	Living SF	Rent/Unit	Rent/PSF
Garden - 1 BR/1 BA	12	920	$ 1,000	$ 1.09
Garden - 2 BR/2 BA	12	1,280	$ 1,300	$ 1.02
Garden - 2 BR/2 BA w/ Sunroom	16	1,300	$ 1,325	$ 1.02
Garden - 3 BR/2 BA	8	1,503	$ 1,375	$ 0.91
Elevator - 1 BR/1 BA	32	915	$ 1,100	$ 1.20
Elevator - 2 BR/2 BA	32	1,280	$ 1,350	$ 1.05
Elevator - 2 BR/2 BA w/Sunroom	16	1,342	$ 1,375	$ 1.02
Elevator - 3 BR/2 BA	16	1,652	$ 1,500	$ 0.91
TH - 2 BR/2.5 BA	26	1,514	$ 1,500	$ 0.99
TOTALS	**170**	**216,732**	**$ 223,000**	**$ 1.03**

Note: 1/ Rents exclude utilities.
Source: Denico Development

Following is a brief description of the apartment proposal in terms of unit features and amenities.

Each apartment unit will offer energy-saver appliances, granite countertops, in-unit washer and dryer, electric fireplaces, electronic locks, crown molding in the living room, blinds, ceiling fans, walk-in closets and ceramic tile, wood laminate or carpet flooring.

The project will also offer a state-of-the-art Club House with fitness center, media room, business center and entertainment area, and a swimming pool with large sundeck and grill area.

Other amenities include a walking trail that will connect Meadow Branch Avenue to the extensive walking trails being planned by the Museum of the Shenandoah Valley. Covered parking will be in the two four-story buildings. In addition, as shown on the site plan rendering above, the project will have extensive green space for outdoor passive recreation. There are a limited number of parking garages behind the three-

story buildings and some at the two-story apartment buildings. An on-site management office will be located in the clubhouse.

Section I – Market Analysis

The Winchester area has a small and modest apartment market. Current apartment properties are somewhat mature and far below the quality of the Meadow Branch Apartments proposal. There are, however, three new active proposals. These, along with the Meadow Branch proposal, will greatly improve the area's rental apartment market. This section of the report presents the market support for the proposal, including a demographic analysis of the market area, which includes both the City of Winchester and adjacent Frederick County. The demographic analysis is followed by an analysis of the higher rent apartment properties in the market area, almost all of which are in the City of Winchester.

The Census population count for 2010 for the two jurisdictions within the market area is a combined 104,510. The 2010 market area census is nearly 22,000 above the 2000 count, which is an average net population growth of 2,000 per year. The majority of the market area population, and most of the growth over the past 30± years, has been in the County. The most recent (2013) population estimate for the two jurisdiction market area is 108,540, or 4,000 above the 2010 census count.

The population forecast of 118,800 by 2018 is based on a lower growth rate in the market area compared with the 2000 decade. The population growth during the 2010 to 2013 period has been slower due to the past recession and the effects of expected continued modest growth in the new home sales market. However, area jobs and employment are now increasing and the FBI, in particular, is expected to bring in 1,200 employees to the market area by 2016. While that is not a "hard and fast" date, many of the new employees are likely to move to the market area by 2018. The FBI already has staff in the County.

The comparison between at-place jobs and employment is modest in terms of out-commuting. The past higher gas prices have been a deterrent for market area workers to commute to Northern Virginia. This could change. All of these factors were taken into account for our forecast population of 118,800 by 2018.

Table 2: Trends and Projections of Population and Households by Tenure and Income, Greater Winchester Market Area, 1990-2018 (Constant 2014 Dollars)

	1990	2000	2010	2018
Market Area Population	67,670	82,790	104,510	118,800
Winchester City	21,950	23,590	26,200	--
Frederick County	45,720	59,210	78,310	--
Group Quarters Population	1,220	1,570	1,940	2,100
Household Population	66,450	81,220	102,570	116,700
Persons Per Household	2.60	2.53	2.60	2.53
Households	25,550	32,100	39,470	46,130
Percent Renters	32.9%	30.5%	30.2%	30.7%
Renter Households	8,500	9,780	11,940	14,160
Renters Within Income Category 1/	4,010	4,300	5,010	6,160
Percent Within Income Category 1/	47.2%	44.0%	42.0%	43.5%

Note: 1/ Renter households with incomes exceeding $42,000.

Source: 1990, 2000 and 2010 U.S. Department of Commerce, Bureau of the Census; and S. Patz and Associates, Inc.

Half of the market area's Group Quarters population consists of students in on-campus dorms at Shenandoah University. The other half of the Group Quarters population is persons in hospitals, assisted living facilities and institutions. The growth in Group Quarters shown in Table 2 is based on the new dorm rooms expected to be built by Shenandoah University by 2018. The subtraction of Group Quarters population from total population is Household Population, which are the basis for the projection new housing unit demand.

Household Trends. In 2010, the market area had 39,470 households based on the census count. This total is 7,400± more than in 2000. A key point in the growth of households is that the average household size increased considerably during the 2000 decade from 2.53 to 2.60 in 2010. This is the result of persons doubling up during the recession due to job losses and/or salary reductions. It is also the result of persons not forming their own household due to the overall economy. The increase in the average household size meant that growth in 2010 was below the level normally created by population growth.

For 2018, a reversal of the increase in the average household size is expected to decrease to 2.53, the same rate as in 2000. At this rate, households are expected to increase to 46,130 by 2018, a net growth of nearly 6,700 households.

Renter Households. In 2010, the census count showed that 30.2 percent of all market area households were renters. That percentage would include Shenandoah University students who live off campus. The percentage of renters in the market area declined over the past 20+ years. It has continuously been below the state and national averages. However, based on the data to be presented below on new apartment unit additions to the market area since 2010, and for the post-2014 period, a slight increase in the percentage of renters is expected. The market area is projected to have 30.6 percent renter households by 2018, or 14,110 renters.

Higher-Income Renter Households. We used $42,000 as the minimum household income for renters who can afford the rents at new apartment developments. Those rents are approximately $1,050 to $1,100 net for a new one-bedroom unit and $1,300± net for a two-bedroom with two full baths, and $1,450 to $1,500 for a three or two-bedroom townhome. At 30% of income allocated to net rent, a household with an income of $42,000 can afford a net rent of approximately $1,050. For the higher rent apartment units at Meadow Branch, renters with incomes of $50,000 and $60,000 will be required.

The 2010 Census did not provide income data. The ACS data are not fully usable related to household income calculation, as they are not consistent with past biannual census counts. Thus, the 2010 estimate for renters with incomes of $42,000+, when incomes are reported in 2014 dollars, is based on a calculation of trend data from the 1990 and 2000 census by the staff of SPA.

Our estimates show that the market area has 5,010+ renters in the income category under study in 2010 and that total is expected to expand to 6,160 renters by 2018.

Overall, there has been steady demographic growth in the market area and that trend should continue. There has been a sizable growth in renters during the 2000 decade, with approximately 30 percent of net household growth renter households. These data show a continued need for new rental housing. In the paragraphs below, the rental household data and trends will be compared with past apartment unit development and active proposals to calculate net apartment unit demand over the forecast period.

Base Economic Trends

At-place jobs in the market area increased in 2010, 2011, 2012 and 2013, after a decline in 2009 during the recession. The 2013 data show the market area's at-place jobs are at the level of the peak year of 2008 at nearly 52,000 and are likely to continue to expand with an improving national economy.

This trend is also true for employment, which differs from at-place jobs and refers to the number of market area residents who are employed. Market area employment is increasing and unemployment is decreasing.

There are a few large developments in the market area that are expected to generate net population, employment and job growth, including:

- **Navy Federal Credit Union** completed construction on a 56,000 square foot Building II of its existing Frederick County campus on Security Drive in August, 2013, where 450 people will be hired by 2018. Since locating to the County in 2006, Navy Federal has grown from 60 to more than 1,000 employees. Most of the new jobs are customer support positions with salaries above $40,000.

- **Dormeo Octaspring**, a mattress manufacturer, opened its 2nd U.S. facility in the Fort Collier Industrial Park. Twenty people are now employed at the 38,000 square foot facility. The plant produces foam coils.

- **Barrett Machine**, a metal fabrication company, announced in March, 2014 that it would expand its Frederick County facility and hire 27 new employees.

- **M & H Plastics**, a manufacturer of plastic bottles and containers, announced in July, 2014 that it would add 45 new jobs.

- **Evolve Stone**, a manufacturer of natural themed play environments, announced in March, 2013 that it would hire 46 people at its 15,000 square foot facility in the Stonewall Industrial Park. Operations in the new factory began in May, 2013.

- **Creative Urethanes**, manufacturer of castable and reaction injecting molding and stamping, announced in February, 2014 that it would expand its Winchester operation at Westview Business Centre by adding 54 new employees.

- **White House Foods**, an apple products processing company, announced in March, 2014 that it would expand in Winchester by adding 31 new jobs.

- **Joe's Steakhouse** opened a new 11,000 square foot restaurant in Winchester in June, 2014 where it employs about 50 people.

- **Henkel-Harris Co.**, a household furniture manufacturer, announced in April, 2014 that it would hire 18 new employees at its Winchester location.

- **HP Hood** operates a 375,080± square foot milk plant at 160 Hood Way where it employs over 420 people. The company announced in May, 2013 that it would expand the facility to increase ultra-high temperature production capacity, creating 75 new jobs. The Winchester plant first opened in 2001 with 170 employees and has been steadily growing since then. The 75 additional jobs will bring its total employment up to 500 workers. The majority of these new jobs will be operating positions from within the plant and will be permanent hourly positions.

- **Pactiv Corporation**, a manufacturer of corrugated containers, announced in November, 2013 that it would hire 25 new employees.

- **Amherst Medical Office Building**. Construction on this three-story Class B office building began in early-2013 and was completed in mid-2014. This 57,695 square foot building is fully occupied with medical office tenants.

- **McKesson Corp.**, a health care services and information technology company, completed a new distribution center in 2013 that employs 200 people. The company distributes medical and surgical supplies to physician offices, surgery centers, long-term care facilities and home care businesses.

- **The Shenandoah Valley Discovery Museum** opened in a new 20,000 square foot location in mid-2014 at 19 W. Cork Street.

- **Chuck E. Cheese** opened a new location in August, 2013 in Winchester where it employs 50 people.

- **The FBI** is currently planning on building a 256,430± square foot facility in Frederick County, called the Records Management Facility. The facility will consolidate FBI's paper records and also provides storage for National Archives and Records Administration's (NARA) compliant records in an environmentally conditioned, fire-protected space. The proposed facility will include a record management building. This facility was anticipated to open in 2016 and employ as many as 1,200 people, but the timeline has been delayed. Construction could begin in 2017. As always, thee is no certainty with this proposal, but our research shows a strong likelihood that it will occur.

- **Winchester Marketplace**. This 50,000 square foot retail center, to be located at 1523 S. Pleasant Valley Road, is currently under construction. It is located across South Pleasant Valley Road from Sheetz and beside the Dick's Sporting Goods store. The property would include a 3,450 square foot Roy Rogers restaurant. Up to 180 permanent jobs could be created at the new retail center. The site plan includes a 5,700 square foot commercial pad site located behind the existing Jiffy Lube. Two more buildings are included in the site plans: an L-shaped building with wings measuring 21,000 and 12,000 square feet and another building measuring 8,140 square feet.

- Several small developments are in planning within Frederick County, primarily in and around the industrial parks. These include a planned 75,000 square foot building expansion by Greenbay Packaging at 285 Park Center Drive and a 29,000 square foot warehouse expansion at 774 Smithfield Avenue.

In total, these new companies and local expansions will add approximately 2,600 new full-time employment, in addition to new construction jobs. These totals will increase on an annual basis.

Apartment Market Analysis

Next presented is a summary of the apartment market in the Winchester area. For this analysis, we studied market support for 170 new apartment units at the Meadow Branch development. The study is for a new, upscale modern apartment complex. The forecast date for unit delivery is 2016. Current market area net rents (2014 dollars) for new attractive units at an amenitized apartment complex are $1,000+ for a one-bedroom and $1,200+ net for a two-bedroom with two full baths. Thus, the Meadow Branch proposal will be more upscale compared with the current market.

Within these parameters, market support is analyzed for renter households with incomes of $42,000 and above. A $1,050 net rent will require an income of $42,000 and above, based on 2014 dollars and allocating 30 percent of totals income for net rent. Thus, we used $42,000 and above as the minimum household income for the target market for Meadow Branch Apartments.

The market area demographic analysis was presented in Table 2. The key demographic factor under study for new apartment unit development is the magnitude and growth of renters with incomes of $42,000 and above. Our analysis shows that the market area has over 5,000 renter households with incomes of $42,000+ in 2010, at the time of the Census count. By 2018, this total is expected to increase to about 6,150, or a growth of 1,150 renters for the 2010 to 2018 period, or nearly 300 households per year on average.

Competitive Apartment Market. The following table shows a list of existing rental housing units that would be competitive, or somewhat competitive, with new units at Meadow Branch, once built. While most marketplaces throughout Virginia have had an abundance of new apartment unit development since the start of the recession, this is not the case in the Winchester area.

The two newest apartment developments were built in 2005. There has been a considerable number of adaptive reuse buildings opened for apartment units in downtown Winchester over the past few years, but overall, the Winchester area apartment market is modest and has had only modest growth. There are only a few upscale properties.

Summerfield and Stuart Hill are the two newer and better apartment properties in the market area. In studying the Winchester area apartment market, only 40± percent of the identified better rental units are in defined apartment complexes. There are condos for rent, a sizable number of towns for rent by professional real estate companies, and currently 80± rentals in adaptive reuse buildings in Old Town.

This list does not include rentals by individual owners - we found very few available units on Craig's List - and does not include single-family home rentals. Some of the units are rented by university students, but that is a small total of the occupancy shown in Table 3.

There are five key points shown by the data in Table 3 in regard to the magnitude and quality of the Winchester apartment market:

1. For a marketplace with 5,500± renters (in 2014) with incomes of $42,000+, the total competitive apartment unit count is modest, at 1,360± units, and particularly given the fact that many of the apartment units listed in Table 3 are well below the rents proposed for new apartment unit development at Meadow Branch and do not compete for the $42,000+ income renter;

2. The vacancy rate is near zero for the identified higher rent properties;

3. Most of the new apartment units being placed on the market at this time are one-bedroom units in upper floors of renovated Old Town buildings; (except for the units recently opened at Cedar Hill as noted below);

4. Nearly 60 percent of the apartment units that are listed in Table 3 were built prior to 2000; and

5. Tasker Village, with 64 units, is the only market rent newer apartment complex in Frederick County. Many of the other rental units in the County are at towns and condos for rent.

Table 3 Characteristics of Competitive Apartment Complexes and Other Higher End Rentals, Meadow Branch Market Area, November, 2014

	Date Built	Total Units
Apartment Complexes		
Summerfield	2005	64
Treetops	1995	52
Stuart Hill	2003	180
Tasker Village	2005	64
Pemberton	1998	120
Peppertree	1987/89	194
(Subtotal)		(672)
Other Rentals 1/		
Lakeside Condo	Mid-2000's	50
Tevis St. Apartments	1997	20
Fox Court	2002/03	25
Windstone TH's	2003	75
Limestone TH's	Mid-2000's	20
Old Town Rentals	2006/13	45
Saunders Construction Rentals	NA	120
Oakcrest Realtors	NA	130
Hables Real Estate	NA	210
(Subtotal)		(695)
Total 2/		1,359 2/

Notes: 1/ Totals include rentals that are managed by these companies.
2/ Excludes the recently built Cedar Hill Apartments.

Source: Field and telephone survey by S. Patz & Associates, Inc.

Pipeline Proposals. At this time, there are three active proposals for new apartment unit development in the market area, plus additional adaptive units in and near the downtown.

1. Jubal Square is a 140-unit apartment proposal that has been approved by City officials for rezoning. Jubal Square is expected to attract Shenandoah University students for at least 40 of the 140 planned units. This proposal will likely be ready for occupancy by sometime in Fall, 2016 or shortly after. The expected start date is early-2015. The proposal includes 28 three-bedroom units and 20 two-bedroom units with dens. The remainder are one- and two-bedroom units.

2. Heritage Commons is a large PUD in active planning in Frederick County, but adjacent to the City. The location is along U.S. Route 522 just south of the intersection of Route 522 and Route 50 and across from

Airport Road. The apartment section will be built in phases with the initial phase being approximately 200 units in size. These units are to be as upscale as Meadow Branch. Construction is expected to start by mid-2015 with project opening in mid- to late-2016.

3. Cedar Hill is a new construction 48-unit apartment building that was opened in 12-unit phases. The first building opened in mid-2013. The second building was available for occupancy by the end of 2013. Both of these buildings are fully occupied. The last two buildings are still under construction, with one planned for completion by year-end 2014 and the last expected to open in early-2015. This is a non-amenitized property and likely an attractive property for university students given its location. The units are two- and three-bedroom with somewhat modest rents.

4. Old Town Properties. City officials have approved the addition of 120 apartment units in adaptive reuse buildings in Old Town. These will open for lease-up over the next year or two. There are 40± new units in active planning and other buildings being studied.

These pipeline proposals are summarized in the chart to follow with an adjustment for apartment units expected to have some units occupied by Shenandoah University students. At this time, the market area has 490 units in active planning, plus the 170 units at Meadow Branch, for a total of 660 units. This is within a marketplace with a pent-up demand for new units.

Number of Planned Apartment Units (2013-2018)	
Jubal Square	100 1/
Cedar Hill	30 1/
Old Town Properties	160
Heritage Commons	200
Total	490 (rounded)
Note: 1/ Adjusted to exclude college student occupancy.	

Conclusions

The market area renter household totals are expected to expand by 2,200± by 2018. Of these, 1,150 renters, or 52 percent, are expected to be in the $42,000+ income range. The expected number of apartment unit additions to the market area by 2018 is 660. Thus, based on net renter household growth and the pent-up demand that exists, full market support exists for the list of new apartment units shown above.

The market support for Meadow Branch will be further enhanced as Jubal Square and Cedar Hill are likely to attract students. Heritage Commons (see photo below) will be located in the County, and away from the Winchester Medical Center and Route 50 corridor west. Only Meadow Branch Apartments and the new units at Heritage Commons will compete for the $42,000+ rental apartment market.

Apartment Product to be Built at Heritage Commons
(example is The Reserve at Belvedere in Charlottesville)

Section II Fiscal and Economic Impacts of the Proposed Meadow Branch Apartments

This section of the report presents the methodology and findings of a Fiscal and Economic Impacts study for the proposed Meadow Branch Apartments in Winchester, Virginia. The fiscal impacts analysis compares the tax revenues to be forthcoming from a project, with the tax-supported costs the City will entail to serve the project, once it is built 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 Meadow Branch will cover activity on the site and fiscal impacts created off-site due to the spin-off effect of resident expenditures within the City. For off-site impacts, an economic impacts analysis is also undertaken to show how resident expenditures will stimulate business within Winchester, giving the new business receipts, employment and employee earnings resulting from those expenditures.

Summary of Impacts

Table 4 below presents the revenues, costs, and net fiscal benefit (revenue surplus or deficit) for Meadow Branch Apartments, and for the economic business that is generated in the City by the apartment proposal. On-site impacts produce a surplus of $93,000 annually due to the few public school pupils which are expected in the apartments, based on experience at Stuart Hill and other projects identified by the Winchester public school district. The apartment resident expenditures in Winchester will generate $22 million in new business receipts in the City, and these new business receipts will produce a fiscal surplus of $51,000 annually for the City. The data in Table 4 will be explained fully in the body of this section of the report. Total fiscal benefit, or surplus, will come to $143,000 annually in constant year 2014 dollars.

Table 4. Summary of Fiscal Impacts of Meadow Branch On the City of Winchester, Virginia, both On-site and Off-site (constant 2014 dollars)

Source of Fiscal Impacts on the City	Apartment Impacts On-site In Winchester	Apartment Impacts Off-site In Winchester	Total Apartment Fiscal Impacts
Revenues to the City	$417,550	$142,460	$560,010
City Costs	-$324,860	-$91,900	-$416,760
Net Fiscal Benefits	$92,690	$50,560	$143,250

Notes: 1/ Data are rounded to the nearest ten dollars.
Source: City of Winchester and SPA.

In addition to the fiscal impacts, the economic impacts off-site in the City from residences at Meadow Branch would be appreciable. Apartment residents would spend $6.9 million in expenditures at businesses in the City, with another $14.7 million in business expenditures being generated by the "ripple effect" of apartment resident expenditures throughout the local economy. This would add a total of $21.6 million in business activity in the City. (All dollar amounts are in constant 2014 dollars.) Total new employment generated would be 121, with annual earnings of $4.3 million. These new off-site impacts would also generate a fiscal impact for the City, as is shown above. **These economic impacts are based on multipliers provided by the U.S. Bureau of Economic Analysis for the Winchester area economy.**

The body of this part of the report presents the derivation of fiscal and economic impacts to be derived from the development of Meadow Branch. These impacts include the net fiscal benefits of the apartments, being the difference between revenue generated for the City of Winchester and the costs of public services to serve the development. As stated above, economic impacts include new business revenue, employees, and employee earnings that would accrue in the City as a result of resident expenditures in the City annually. The analysis is based on allowance for lease-up and achievement of stable occupancies after buildout of the project.

On-site Fiscal Impacts: City Revenue from Meadow Branch Apartments

The following analysis derives the revenues generated "on-site" for the City. "On-site" denotes those revenues that are derived directly from Meadow Branch Apartments, ignoring "off-site" impacts on local businesses. Those off-site impacts will be treated separately as "economic impacts," although their fiscal benefits will also be assessed. Data in tables to follow are rounded off to the nearest ten dollars and represent annual amounts after buildout.

Table 5 summarizes the revenues to accrue to the City from the development and occupancy of Meadow Branch Apartments. The two property taxes would account for 95 percent of the revenue to be generated on-site at the apartments. Three smaller taxes and fees account for only five percent of the total of $418,000 in total tax revenue. Each revenue source will be explained and the revenue derived in the paragraphs to follow. A separate section of the report will address the costs of services and facilities the City must provide to serve the development.

Table 5. Summary of Annual Revenues for the City from Meadow Branch Apartments at Buildout, Winchester, Virginia (constant $2014)

	Amount	Percent
Real Estate Tax	$285,000	68.3%
Personal Property Tax	$110,670	26.5%
Consumer Utility Tax	$15,500	3.7%
Motor Vehicle Licenses	$6,380	1.5%
Total Revenue	$417,550	100.0%

Note: 1/ Assumes property sale in time, which is not anticipated by the sponsor (see below).
Source: City of Winchester

Real Estate Tax

Development costs for Meadow Branch Apartments are projected to be approximately $170,000 per apartment unit, including land and land preparation. This leads to a total property development cost of $30± million. Tax assessment at market value at build-out is projected to be $30 million in today's dollars. At the real estate tax rate of $0.95 per $100 of valuation, real estate taxes would be $285,000 each year after buildout, in constant year 2014 dollars. The calculation of this tax is shown in Table 6.

Table 6. Real Estate Tax for Meadow Branch Apartments, Winchester, Virginia (constant $2014)

	Amount
Cost per Unit	$170,000+
Number of Units	170
Total Cost	$30,000.000
Tax Rate	0.0095
Real Estate Tax	$285,000

Source: Denico Development and City of Winchester.

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 Meadow Branch 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 tax budgeted for 2014 is 59 percent, based on the percentage of the real estate tax base that is residential of the total residential plus

commercial. As shown in Table 7, 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 $159 million. This total value divided by 17,200 estimated vehicles in the City gives an average depreciated value of about $9,300 per vehicle.

Table 7. Estimation of the Average Depreciated Value Per Vehicle, Winchester, Virginia, 2014

	Amount
FY 2015 Personal Property Tax	$7,700,000
Proportion Residential	0.59
Residential Personal Property Tax	$4,543,000
PPTRA	$2,622,100
Total Residential Personal Property Tax	$7,165,100
Tax Rate	$0.045
Total Residential Depreciated Value	$159,224,444
Estimated Number of Vehicles	17,210
Average Depreciated Value per Vehicle	$9,250

Sources: FY 2015 Adopted Budget for Winchester, Virginia. And the American Community Survey of the U.S. Census Bureau.

Residents at Meadow Branch Apartments are projected to own 266 vehicles based on current average ownership rates in the city. At just under $9,300 per vehicle, the total on-site personal property value for residents would come to $2.5 million. At the tax rate of $4.50 per $100 of valuation, the on-site personal property tax would be $110,700 annually in constant 2014 dollars. This is shown in Table 8.

Table 8. Personal Property Taxes at Meadow Branch Apartments at Buildout, Winchester, Virginia (constant $2013)	
	Amount
Meadow Branch No. Units	170
Percent Occupied	0.95
Occupied Units	162
Vehicles per Unit	1.65
Number of Vehicles	266
Depreciated Value Per Vehicle	$9,252
Total Depreciated Value	$2,459,228
Tax at $4.50/$100	$110,670
Source: City of Winchester and SPA.	

Consumer Utility Tax

Consumer utility taxes are taxes on expenditures on consumer utilities, such as electric, gas, telephone, and cable. While the tax rates for the different utilities vary, experience has shown that the average tax is about $2.00 per utility per month. This analysis assumes an apartment unit vacancy rate of five percent to allow for lease-up and normal turnover. This may be conservative, as Meadow Branch may achieve a higher occupancy rate than 95 percent. At this rate, there are 162 occupied apartment units, or households. For four utilities per household, averaging $2.00 per utility per month for 12 months, the total utility tax for Meadow Branch Apartments would be $15,500 annually.

Consumer Utility Taxes at Meadow Branch Apartments, at Buildout, Winchester, Virginia (constant $2014)	
	Amount
Number of Units	170
Occupied at 95%	162
Utilities Per Unit	4
Each Utility Average	$2.00/mo.
Number of Months	12
Total Utility Tax	$15,500

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 Meadow Branch, it was shown that there would be 266 vehicles at the apartments. At a fee of $24 per vehicle, the total for the apartments would be $6,380 annually.

$25

Summary of Revenues

In total, the sum of projected revenues forthcoming from Meadow Branch Apartments after buildout would be approximately $418,000 each year, in constant $2014 dollars. The individual sources of these revenues are summarized in Table 9.

Table 9. Summary of Annual Revenues for the City from Meadow Branch Apartments at Buildout, Winchester, Virginia (constant $2014)		
	Amount	**Percent**
Real Estate Tax	$285,000	68.3%
Personal Property Tax	$110,670	26.5%
Consumer Utility Tax	$15,500	3.7%
Motor Vehicle Licenses	$6,380	1.5%
Total Revenue	$417,550	100.0%

Source: City of Winchester and SPA

On-site Fiscal Impacts: City Costs to Serve Meadow Branch Apartments

The focus of the fiscal impacts analysis of costs to the City of Winchester are the General Fund Budget expenditures expressed on a per capita basis. Expenditures are allocated by type to residents, public school pupils, and businesses (in terms of numbers of employees) on a proportional basis according to utilization by those two types of persons. These costs cover both operations for services and capital improvements in the form of annual debt service to support the capital improvements programs of the City. Budget expenditures will be discussed below, and per capita costs will be calculated. Applying these per capita costs to the characteristics of Meadow Branch Apartments produces an estimate of the annual costs to the City for service to the apartments.

Per Capita Expenditures

The fiscal impacts methodology for determining costs of new development to the City of Winchester is to express budget expenditures on a per capita basis. For residents, this will be per person residing in the City, and for businesses, this will be per employee working in the City. The allocation of General Fund budgeted expenditures to persons and employees is derived in Table 10. For most expenditure items, except schools, the total budgeted expenditures for FY 2015 are allocated proportionally to

population (53 percent) and employees (47 percent). However, for two expenditure categories, all expenditures are allocated to population. These are Health and Welfare and Recreation and Culture, including parks.

For the City budget in FY2015, 82 percent of all General Fund expenditures must be supported by taxes. An examination of budgeted revenues for the year will demonstrate this proportion:

Table 10. General Fund Revenue by Type, and Percent from Local Taxes, Winchester, Virginia, FY2015

General Property Taxes	$37,632,000
Other Local Taxes	$29,953,000
Subtotal Local Taxes	$67,585,000
Non-tax Revenue	$14,482,000
Total Gen. Fund Revenue	$82,067,000
Percent Tax Revenue	82.4%

Source: Adopted FY 2015 Budget for the City of Winchester, Virginia.

When the expenditure for each type of user are summed and the tax-supported proportion calculated, and net is divided by the number of persons of that type, the per capita expenditures result. For residents, this is $956 per person; for businesses, and $761 per employee. Schools are treated separately, as shown in Table 10. When General Fund transfers to the schools are divided by the number of pupils, the result is a per capita cost of $6,470 per pupil. **Again, this amount is the tax requirement to fund the schools.** The School Fund also has other sources of revenues, such as State and Federal transfers.

Table 11. Allocation of General Fund Expenditures by Type to Residents (Population) and Businesses (Employees), City of Winchester, Virginia (current dollars)

	FY 2015 Adopted: Population	FY 2015 Adopted: Employment	FY 2015 Adopted: Total
General Gov't Admin.	$2,959,806	$2,665,739	$5,625,545
Judicial Administration	$1,672,904	$1,506,696	$3,179,600
Public Safety	$10,035,161	$9,038,135	$19,073,296
Public Works	$4,036,784	$3,635,716	$7,672,500
Health & Welfare	$3,179,065	$0	$3,179,065
Parks, Rec. & Culture	$3,276,654	$0	$3,276,654
Community Development	$994,594	$895,778	$1,890,372
Debt Service	$5,445,226	$4,904,224	$10,349,450
Total Except Education	$31,600,194	$22,646,288	$54,246,482
Percent Tax Support	82.4%	82.4%	82.4%
Tax-supported Expenditures	$26,023,848	$18,649,998	$44,673,846
Number of Persons	27,216	24,512	51,728
Per Capita Tax Support	$956	$761	$864
Education	$27,820,518	$0	$27,820,518
Number of Pupils	4,300	0	4,300
Per Capita Tax Support	$6,470	$0	$6,470
Total General Fund	$59,420,712	$22,646,288	$82,067,000

Sources: FY 2015 Adopted Budget for Winchester, Virginia; Virginia Employment Commission; School District of Winchester, Virginia; and S. Patz & Assoc., Inc.

Tax-supported Costs of Meadow Branch

As explained above, costs to the City to serve the Meadow Branch Apartments are derived by multiplying the per capita costs of residents and public school pupils by the numbers of those persons. These are tax-supported costs, to be compared to the taxes generated by Meadow Branch. The costs will cover operating costs for general government and schools and the costs of facilities in terms of debt service for capital improvements. There are expected to be about 250 residents at Meadow Branch, including children, based on the number of residents per unit at Stuart Hill, as Stuart

Hill is the largest and most upscale apartment property in the City at this time. It was shown above, that the average tax-supported cost for residents in the City is $956. For these residents, total tax-supported costs to the City would be $238,200.

	Amount
Residents	249
Expenditure Per Capita	$956
Population Expenditures	$238,240

A comparison of pupil generation rates for comparable apartments with similar rents is shown in the chart below. Stuart Hill is a comparable apartment in Winchester. Three other apartment comparables have been identified by the Winchester Public Schools in a memo from the Director of Operations of the school district to school board members, dated October 6, 2014. The findings of these comparables are shown in the accompanying chart, yielding an average of 0.079 pupils per apartment unit as the comparable pupil generation rate. These other apartment communities are not located in the City. 37 West is a Lynchburg property. Stone Creek Village and Arden Place are located in Charlottesville.

School Pupils Per Apartment Unit at Apartment Properties Identified by Officials of Winchester Public Schools

Apartments	Units	Pupils	Pupil/Unit
Stuart Hill	180	9	0.050
37 West	144	12	0.083
Stone Creek Village	264	29	0.110
Arden Place	212	13	0.061
Total	800	63	0.079

With 170 total units, or households, the pupil generation rate of 0.079, derived above, yields 13 pupils projected for Meadow Branch, at buildout. Tax-supported costs

per pupil were shown above to be approximately $6,500. For 13 pupils, this is a need for $82,300 in taxes for schools from the apartments.

	Amount
Total Units	170
Students per Unit	0.079
Number of students (avg.)	13.4
Cost Per Pupil	$6,470
Cost of Schools	$86,620

Costs for residents of $238,240 and for school pupils of $86,620 yields a total of $324,860 as the total tax-supported costs of providing services and facilities to the apartments annually, in constant year 2014 dollars. Analysis can show that based solely on the on-site revenues and costs, Meadow Branch could support as many as 27.7 pupils and still break even.

If the project were to include off-site revenues and costs, Meadow Branch could support an additional 7.8 students for a total of 35.5 students and still break even.

Fiscal Impacts

The chart below compares the tax revenues expected from Meadow Branch with the tax-supported costs required to serve the apartments. The net fiscal benefit will be an annual surplus of $92,690, in constant year 2014 dollars.

	Amount
Total Tax Revenue	$417,550
Total Tax-supported Costs	-$324,860
Net Fiscal Benefit	$92,690

Off-site Impacts: Economic and Fiscal

In addition to the revenues and costs that accrue to the City of Winchester from the apartments "on-site" - that is, due to the apartments and residents themselves in their dwellings, there are also off-site impacts that occur as residents spend part of their income in the City, and as businesses re-spend the income from purchases by 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. There is no direct budget information for Winchester, and the income level for the Washington, D.C. area is too high to be applicable here. Instead, national data for a budget for income in the $50,000's-$60,000's has been chosen. This is the income level of households in the comparable complex, Stuart Hill Apartments. Among the larger expenditures by consumers are 19 percent for shelter and 27 percent for retail trade, including automobiles.

Consumer 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 at the apartments. The multipliers are specific to Frederick County and the City, 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 from the apartments will apply essentially to Winchester. 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 "ripple effect" (spin-off or multiplier effects) of circulation of money through the economy. The ripple effects, plus the original consumer expenditures, equal the total economic impacts of apartment residents on the City economy.

Business Receipts

Residents at Meadow Branch Apartments are likely to spend about 78 percent of their income, or about $45,000 per household. Other uses of income are taxes and savings, for example. Overall, this is $6.9 million in expenditures from apartment residents. The ripple or multiplier effect will generate another $14.7 million in receipts among City businesses, for total business receipts impact of $21.6 million. These business receipts are broken down by business sector in the matrices and will form the basis for many tax receipts for the City from the impacted businesses.

Source of Impact	Business Receipts
Direct Consumer Expenditures	$6,921,735
Indirect Ripple Effect	$14,662,689
Total Business Receipts	$21,584,424

Employment and Earnings

Since there are only a few employees on-site at the apartments, all employment and employee earnings impacts come from the ripple or multiplier effects on businesses, i.e., employee earnings that support increased business receipts in the City. There will be 121 new full-time equivalent employment positions created in Winchester, with earnings for these employees of $4.3 million, for an average earnings of $35,400. 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 12 summarizes the revenues and costs to the City of Winchester from the off-site impacts of the Meadow Branch Apartments. These impacts derive primarily from the $21.6 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 121 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 Meadow Branch Apartments begin making expenditures, that is, as soon as the property is built out and stable occupancies are achieved. In the short run, revenues should start at $100,000, rising to $142,000, as businesses expand physically. Costs are based on 121 new employees at a cost to the City of $761 per employee, as derived above. With costs of $91,900, net fiscal benefits should start with a net surplus of about $63,000 annually in the short run, rising to $92,000 over time.

Table 12. Off-site Fiscal Impact of Consumer Expenditures From Residents of Meadow Branch Apartments in Winchester, Virginia (constant $2014)

	Amount
Annual Revenues for the City:	
Real Estate Tax	$34,430
Business Property Tax	$16,310
BPOL Tax	$33,920
Retail Sales Tax	$22,370
Motel Tax	$9,810
Meals Tax	$24,790
Other Local Taxes	$780
Recordation Tax	$50
Total Revenue	$142,460
Less Costs to the City	-$91,900
Net Fiscal Benefit to the City	$50,560

Source: RIMS II Modeling System, U.S. Bureau of Economic Analysis

On-site and Off-site Fiscal Impacts

The chart below summarizes the previous findings for on-site fiscal impacts for Meadow Branch and the off-site impacts presented above. Altogether, the apartments would produce a net surplus revenue of $143,000 annually.

	Direct On-site	Spin-off Off-site	Total Fiscal Impact
Revenues	$417,550	$142,460	$560,010
Costs	-$324,860	-$91,900	-$416,760
Net Benefit	$92,690	$50,560	$143,250