

City Council Work Session

Tuesday, August 25, 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 Presentation:** Update regarding an appeal of the decision by the Board of Architectural Review (BAR-15-336) regarding the replacement of windows for the property located at 210 South Washington Street – Tim Youmans, Planning Director (pages 3-17)
- 3.2 CUP-15-383:** Conditional Use Permit – Request of ANS Property LLC. for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue (Map Number 290-06- -1) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning. – Tim Youmans, Planning Director (pages 18-36)
- 3.3 CUP-15-388:** Conditional Use Permit – Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC. for a Conditional Use Permit for a single-family detached dwelling at 2413 Valley Avenue (Map Number 270-03- -13) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning. – Tim Youmans, Planning Director (pages 37-44)
- 3.4 SD-15-384:** Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. for subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District. – Tim Youmans, Planning Director (pages 45-49)
- 3.5 O-2015-18:** AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 328 AND 400 HIGHLAND AVENUE AND CONVEY IT TO THE OWNER(S) OF 400 HIGHLAND AVENUE. SV-15-406 – Tim Youmans, Planning Director (pages 50-57)
- 3.6 O-2015-17:** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING

APPEALS; AND VIOLATIONS AND PENALTY. TA-15-376 – Aaron Grisdale, Zoning & Inspections Administrator (pages 58-68)

3.7 O-2015-20: AN ORDINANCE TO AMEND SECTION 2-1 AND 2-2 OF THE WINCHESTER CITY CODE PERTAINING TO THE CITY SEAL AND DUTIES OF THE DEPUTY CLERK OF COUNCIL – Eden Freeman, City Manager (pages 69-74)

3.9 MOTION TO APPOINT _____ AS A MEMBER OF THE PARKS AND RECREATION BOARD.

3.10 MOTION TO APPOINT _____ AS A MEMBER OF THE SHENANDOAH AREA AGENCY ON AGING.

3.11 MOTION TO APPOINT _____ AS A MEMBER OF THE LOCAL BUILDING CODE BOARD OF APPEALS.

4.0 Monthly Reports

4.1 Fire & Rescue Department (pages 75-77)

5.0 Adjournment

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/25/15 (work session) CUT OFF DATE: 8/19/15
9/8/15 (regular mtg/public hearing)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

Appeal of BAR Decision regarding window replacement for Sam Simpson at 210 S. Washington St. (BAR-15-336)

STAFF RECOMMENDATION:

Modify the decision of the Board of Architectural Review

PUBLIC NOTICE AND HEARING:

Public hearing for 9/8/15 Council Meeting

ADVISORY BOARD RECOMMENDATION:

This is an appeal of a decision by BAR to approve a request to replace windows

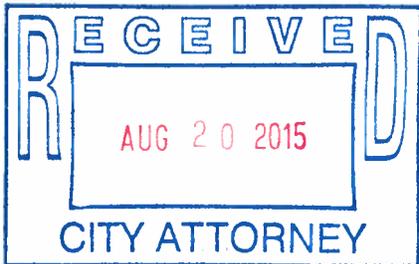
FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: (Planning Dept) [Signature] 8/19/15



APPROVED AS TO FORM: [Signature] CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Timothy Youmans, Planning Director
Date: August 19, 2015
Re: Simpson Appeal of BAR Decision (BAR-15-336) to City Council

THE ISSUE:

An appeal of a BAR decision pertaining to window replacement at 210 S. Washington Street. City Council must hold a public hearing within 60 days of the date of appeal filed on July 17, 2015.

RELATIONSHIP TO STRATEGIC PLAN:

Vision: To be a beautiful, vibrant city with a historic downtown, growing economy, great neighborhoods with a range of housing options and easy movement.

Goal #2: Promote and accelerate revitalization of catalyst and other areas throughout the city.

BACKGROUND:

During a city inspection after a citizen complaint, replacement of windows with new vinyl windows, as well as other exterior changes, was observed at 210 S. Washington Street. Much of the exterior work was already completed and many of the original wooden windows were already replaced with vinyl windows after an extensive renovation project undertaken by the owner, Sam Simpson.

Mr. Simpson was cited by the City's Zoning and Inspections department for not having a certificate of appropriateness (COA) from the BAR for the exterior work and applied for a COA for this work on May 22nd. The first BAR case for this property (BAR-15-310) was heard on June 4, 2015 (see attached minutes of the June 4, 2015 meeting). The Board split the COA for the property into two motions; the first motion approved the exterior changes for the roof materials and door and shutter colors. The second motion denied the replacement vinyl windows due to being an "inappropriate use in the Historic District". During the meeting, it was brought up by Chairman Rockwood of the Board if "replacing the front windows [with wooden windows] would keep the spirit of the District." A decision letter was sent on June 5, 2015 (see attached letter dated June 5, 2015) by Planner I Josh Crump, describing the Board's decision and three options to mitigate the window issue which included; replacing all vinyl windows with wooden windows; replacing the five front vinyl windows with wooden windows; or appealing the BAR's decision to City Council. Mr. Simpson opted for the second option and applied for a COA to replace the five front windows with wooden windows on June 8, 2015.

The BAR heard this matter (BAR-15-336) at its June 18, 2015 meeting (see attached minutes of the June 18, 2015 meeting). At the BAR meeting, Mr. Simpson proposed to remove the five front vinyl windows and replace them with wood windows. He explained it would be a financial hardship to replace all the windows in the house at the same time. The Board indicated they would like to see wood windows on the three sides of the house that are visible and consider the rear of the house a separate issue. The Board suggested a staggered replacement schedule where the front façade windows would be replaced first and then give a lengthy period of time to replace the remainder windows on the sides. The Board's decision in BAR-15-336 approved a COA to replace the wood windows that were existent in the house on the front and side of the house with wood windows as included in the application with simulated divided lights: The windows in the front of the house to be replaced within one year and the windows on the side of the house to be replaced within two years. The rear would be left with vinyl windows since it is not visible from public view and one vinyl window on the side since it was originally vinyl when Mr. Simpson purchased the house.

On July 17, 2015, Mr. Simpson submitted an appeal of the BAR's decision from the June 18th meeting (see attached letters). In a follow up letter, Mr. Simpson clarified his appeal stating that he is appealing the provision in the BAR's decision to replace the side windows with wooden windows and utilizing the vinyl windows that replaced the original windows without a COA. The letter also states Mr. Simpson is willing to replace the windows on the front of the house with wooden windows.

The appeal of the BAR decision and required fee were submitted in accordance with Section 14-9-1 of the Winchester Zoning Ordinance. The Clerk has sixty (60) days to schedule a public hearing with City Council from the date of the appeal. The Zoning Ordinance states that during this review of the appeal, "[t]he same standards shall be applied by Council as are established for the Board of Architectural Review. The Council may affirm, reverse or modify the decision of the Board, in whole or in part."

Chapter 3, page 5 of the Winchester Historic District Design Guidelines, discusses windows as part of Residential Rehabilitation. Portions of the guidelines read: "1. Retain existing windows if possible." "2. Repair existing windows..." "4. Replace existing windows only when they are missing or beyond repair." "5. Do not use materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality of color of the glazing, or the appearance of the frame." "

While the Board gave Mr. Simpson a lengthy period of time to replace the windows on the house due to the financial circumstances involved, the key part of this case is whether the public views from the side of the house portray the same significance as the public view from the front of the house within the Historic District. Section 14-2-1 of the Zoning Ordinances defines 'Exterior Architectural Appearance' to include "*architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of building material; and **type and character of all windows, doors, light fixtures, signs, and appurtenant elements, subject to public view from a public street, public way, or other public places.***"

Attached are Google Street View images taken approximately in July 2014 of 210 S. Washington Street simulating driving or walking past the house. These images show the original window before the replacement windows were installed in early 2015. From the street it is hard to distinguish the material from the window. Further, during the spring and summer months when foliage is still on surrounding landscaping, views to the side of the house from the public view shed are reduced.

BUDGET IMPACT:

None

OPTIONS:

1. Uphold the decision of the Board of Architectural Review to approve the request, in full based upon a finding that the applicant undertook the work without BAR approval and that the Board properly applied the standards for window replacement and gave the applicant reasonable amount of time to complete the work;
2. Modify the decision of the Board of Architectural Review to preclude the replacement of wooden windows for only the sides of the house; or,
3. Reverse the decision of the Board of Architectural Review, in full based upon a finding that the BAR erred in applying the standards established for the BAR.

RECOMMENDATIONS:

Staff recommends that Council consider Option #2



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

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Website: www.winchesterva.gov

June 25, 2015

Samuel Simpson
210 S. Washington Street
Winchester, VA 22601

Dear Mr. Simpson:

On Thursday, June 18, 2015, the Board of Architectural Review acted on the following request:

BAR-15-336 Request of Samuel Simpson for a Certificate of Appropriateness to replace vinyl windows in the front of the house with wood windows at 210 South Washington Street.

On a vote of 5-0, the Board approved **BAR-15-336** with the following comments:

- Replace the wood windows that were existent in the house on the front and side of the house with wood windows as included in the application;
- the one vinyl window on the side of the house to be left as is;
- the windows on the back of the house to be replaced with vinyl windows with simulated divided lights;
- the windows in the front of the house to be replaced within one year;
- the windows on the side of the house to be replaced within two years.

The decision of the Board may be appealed to the Common Council of the City of Winchester within 30 days of the Board's decision. Please do not hesitate to contact me should you have any questions at 667-1815, ext. 1413.

Sincerely yours,

Joshua Crump
Planner I

7/17/15
I would like to appeal this decision

Samuel E. Simpson

I would like to appeal the B.A.R.'s decision to replace the newly installed vinyl windows with wood in the front and both sides. I would like only to replace the front of home with wood and leave the sides vinyl. I do not think the sides ~~of the~~ being vinyl take away from the historic value or look of home.

Thank you.

Samuel E. Simpson
210 S. Washington St.
Winchester, VA

Applicant was not present.

*Mr. Walker made a motion to table **BAR-15-304** until the next meeting. Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 7-0.*

BAR-15-308 Request of Jonathan Sladek for a Certificate of Appropriateness for an accessory building at 436 Lafayette Place.

Mr. Sladek explained that his shop on North Cameron Street had closed and he needed a place to store his tools. He used all reclaimed wood siding and windows to build his shed. Vice Chairman Bandyke said the only issue he had was with the asphalt shingles. Mr. Sladek said he matched them with what was on his house. He scaled down the shed to have the same dimensions as his house. Vice Chairman Bandyke said it was considered a new structure even though it was constructed to look like an old structure. He outlined the rules for roofing materials in the Historic District. Mr. Sladek said he would have done a metal roof if his house had a metal roof. He had to put the shingles up in order to protect his tools inside the shed.

Board members asked questions about the foundation and the materials to be used around the outside of it. Mr. Sladek asked about fencing around his property. He has had several intruders and would like to protect his property better. Chairman Rockwood said the Board could work with him on fencing if it is visible from the public right-of-way. The Zoning office could provide guidelines for construction of one.

The Board members asked questions about visibility of the building from the public right-of-way. Vice Chairman Bandyke asked Ms. Schroth, since she had seen the building, how prominent the roof of the shed is from the right-of-way. She stated that if you are coming down the street from either direction, it is not visible until you are right in front of it. The trees surrounding it are pine so it is not visible during the winter. Chairman Rockwood said if they required a metal roof, it would not have any relation to other structures around it.

*Mr. Serafin made a motion to approve a Certificate of Appropriateness for **BAR-15-308** using half round gutters and having paint colors approved through the Zoning Department. The foundation is to be parged or covered with stone. Shingles are approved as submitted. Vice Chairman Bandyke seconded the motion. Voice vote was taken and the motion passed 7-0.*

BAR-15-310 Request of Sam Simpson for a Certificate of Appropriateness to change the windows, roof and exterior paint at 210 South Washington Street.

Mr. Simpson stated that he was unaware his house was in the historic district until he found a notice on his door. He said he had tried to stay within the period the house was built. There were already some vinyl windows in the home when he had bought it. Some of them were nailed shut. One had a cut out for an air conditioner. He was unaware it was inappropriate to use vinyl windows.

The Board members asked questions about the location of the windows and which had been replaced. Mr. Simpson said he had replaced all but one window. He tried to keep the same look of the home. Vice Chairman Bandyke asked how long Mr. Simpson had owned the home. Mr. Simpson said he bought the home in November 2014 and started the project January 1, 2015. Vice Chairman Bandyke asked if there was any indication when he bought the house that it was in the Historic District. Mr. Simpson said none of the paperwork he received said anything about it. His neighbors had complimented him on bringing the house back to life but they never said anything to him. He did not know until he found the

red notice on his door. He received the postcard from the City eight days before he was given the notice.

Chairman Rockwood said this situation has happened before with other properties. People do renovations without actual knowledge of the policies of the Board. The Board has drawn a firm line on it. Mr. Crump said the guidelines discourage the use of vinyl but they are just guidelines and are there for their accommodation. Vice Chairman Bandyke said he wanted to go on record that vinyl windows are unacceptable in the Historic District. They have never approved vinyl windows. If they disapprove them and City Council makes a decision to reverse it that is their decision. The Board does not accept PVC, composite or vinyl windows. They are efficient, long-lasting products but they are not included in the Historic District. If these windows are approved, it will start a precedent. Mr. Simpson said he kept the same look as the original windows. Chairman Rockwood said he agreed and from the street, it was hard to distinguish. The problem is not all houses are situated like his and it is a recurring problem that comes before the Board. He wondered if replacing the front windows would keep the spirit of the District.

Mr. Simpson said he had put a lot of work into a home that needed it and thought he had done a great job. He apologized for not following procedure and wanted to straighten it out and try to comply with what the Board wanted.

Mr. Serafin said the windows that could be seen from the street should be replaced. If he had brought the project to them beforehand, they would have rejected the vinyl windows. Mr. Simpson asked how home owners are made aware their home is in the Historic District. He has not had anything since the postcard. Chairman Rockwood said if you were going to buy a property anywhere, one of the things that should be looked at is the zoning and where the property lies. A question that should be asked is what are the zoning requirements on a parcel. Mr. Simpson said in the past he has not needed permits for a roof, paint colors or windows until he found out he was in the Historic District. He said Mr. Crump had given him the literature for the District and he is now aware. However, he will be losing money with having to replace the windows. Chairman Rockwood said if he had brought this project before them before starting work, they would have told him what type of windows to use and given him guidance. The Board agreed he had done a nice job on the house. Mr. Simpson said he had grown up in Winchester but had not lived here in 15 years. He thought he was doing the right thing in fixing up the home. He does not live in the house right now due to personal circumstances. Vice Chairman Bandyke asked questions about the roofing, front door and paint colors. The Board decided to make separate motions for the windows and remaining items.

*Vice Chairman Bandyke made two separate motions for **BAR-15-310**.*

*Motion #1- To approve a Certificate of Appropriateness for **BAR-15-310** for the following:*

- *Roofing materials and paint colors as submitted.*

Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 6-0. Ms. Schroth abstained.

*Motion #2-The Board denied a Certificate of Appropriateness for **BAR-15-310** for the following:*

- *The vinyl windows are inappropriate for use in the Historic District.*

Mr. Serafin seconded the motion. Voice vote was taken and the motion passed 6-0. Ms. Schroth abstained.

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15 North Cameron Street
Winchester, VA 22601

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June 5, 2015

Sam Simpson
439 Historic Packhorse Trail
Hedgesville, WV 25427

Dear Mr. Simpson:

On Thursday, June 4, 2015, the Board of Architectural Review acted on the following request:

BAR-15-310 Request to change the windows, roof and exterior paint at 210 South Washington Street. The board split the Certificate of Appropriateness into two motions:

Motion #1- On a vote of 6-0, the Board approved a Certificate of Appropriateness for **BAR-15-310** for the following:

- Roofing materials & colors for the door and shutters as submitted.

Motion #2- On a vote of 6-0, the Board denied a Certificate of Appropriateness for **BAR-15-310** for the following:

- The vinyl windows are inappropriate for use in the Historic District.

City staff would encourage you to review the Winchester Historic District Design Guidelines, specifically Chapter 3, titled "Residential Rehabilitation" regarding windows. It is highly suggested that replacing the installed vinyl windows with materials, such as wood, is more appropriate to the Historic District guidelines. To mitigate the window issue, there are three options we are advising.

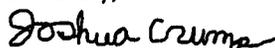
Option A: Resubmit a Certificate of Appropriateness application for the Board of Architectural Review replacing all vinyl windows with wooden windows.

Option B: Resubmit a Certificate of Appropriateness application for the Board of Architectural Review replacing the five front vinyl windows facing South Washington Street with wooden windows.

Option C: Appeal the BAR decision to Winchester City Council. As per section 14-9-1.1 of the Winchester Zoning Ordinance (copy enclosed), the decision of the Board may be appealed in a notice in writing (along with a \$75.00 fee) to the Common Council of the City of Winchester within 30 days of the Board's decision (due by July 6, 2015).

Please do not hesitate to contact me should you have any questions at 667-1815, ext. 1413.

Sincerely,



Joshua Crump
Planner I

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

**BOARD OF ARCHITECTURAL REVIEW
MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on Thursday, June 18, 2015, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Chairman Rockwood, Mr. Serafin, Mr. Walker, Ms. Jackson, Ms. Elgin, Ms. Schroth

ABSENT: Vice Chairman Bandyke

STAFF: Josh Crump, Aaron Grisdale, Carolyn Barrett

VISITORS: Sam Simpson, Samuel Leinbach, Alexander Kilimnik

APPROVAL OF MINUTES:

Chairman Rockwood called for corrections or additions to the minutes of June 4, 2015. Hearing none, Chairman Rockwood called for a motion. Ms. Jackson moved to approve the minutes as submitted. Mr. Walker seconded the motion. Voice vote was taken and the motion passed 6-0.

CONSENT AGENDA:

None

NEW BUSINESS:

BAR-15-327 Request of Samuel P. Leinbach Jr. for a Certificate of Appropriateness to replace and add new storm windows at 317 Fairmont Avenue.

Mr. Leinbach presented his project and gave information about the windows he would like to use. The board members asked questions about the window details. Mr. Leinbach said he was going to replace six windows in the sleeping porch upstairs to start with.

*Mr. Walker made a motion to grant a Certificate of Appropriateness to **BAR-15-327** as submitted for the new storm windows and flush mount installation style. Mr. Serafin seconded the motion. Voice vote was taken and the motion passed 6-0.*

BAR-15-336 Request of Samuel Simpson for a Certificate of Appropriateness to replace vinyl windows in the front of the house with wood windows at 210 South Washington Street.

Mr. Simpson proposed to remove the front vinyl windows and replace them with wood windows. He explained it would be a financial hardship to replace all the windows in the house at the same time. Each window is a different size and custom made for the opening it is in. He would have to remove and reframe the openings for standard sized windows. Mr. Serafin said custom-made wood windows are available. Mr. Simpson said he was having a hard time finding them and the board members named several businesses that carried them.

Mr. Walker said the Board was in a tough position because the windows had already been replaced with vinyl. If they granted a Certificate of Appropriateness, it would set a dangerous precedent for that kind of action to continue. There are guidelines they have to adhere to. He would like to see wood windows on the three sides of the house that are visible and consider the back of the house a separate issue.

Mr. Simpson said he had exhausted all funds making renovations to the house and was in danger of losing it. Had he known the house was in the Historic District, he would not have used vinyl windows. Mr. Serafin said the monetary aspects of a case cannot bear on their decision. They would have to verify financial hardship on every case. Chairman Rockwood suggested the front façade be changed and then give a lengthy period of time to replace the remainder. Mr. Simpson asked what would happen if he had to sell the home. Chairman Rockwood said he could appeal to the City Council. Staff can advise what steps he would need to take to do so. After further discussion by the Board, Chairman Rockwood called for a motion.

*Mr. Serafin made a motion to grant a Certificate of Appropriateness to **BAR-15-336** to replace the wood windows that were existent in the house on the front and side of the house with wood windows as included in the application with simulated divided lights. The one vinyl window on the side of the house to be left as is. The windows on the back of the house to be replaced with vinyl windows. The windows in the front of the house to be replaced within one year. The windows on the side of the house to be replaced within two years. Mr. Walker seconded the motion. Voice vote was taken and the motioned passed 5-0. Ms. Schroth abstained.*

BAR-15-334 Request of Alexander Kilimnik for a Certificate of Appropriateness for the addition/repair of a deck at 107 East Cecil Street.

Mr. Kilimnik spoke about the project and his intentions for the home. He started work in October 2014. He was not aware of the Historic District requirements when he replaced the windows. Mr. Grisdale gave a description and timeframe of the repairs and zoning violations that have occurred on the property since May 2015.

Mr. Kilimnik said he had assumed only houses that had historic plaques needed prior approval for work and his neighbors had the same assumptions. He talked about measures he had taken to protect the house while the stop work order is in effect. He spoke about the condition of the house when he purchased it. Chairman Rockwood asked how many doors and windows had been replaced. Mr. Kilimnik said eight windows and three doors and described their condition before replacement.

Mr. Kilimnik explained his reasons for purchasing the vinyl windows. He had observed similar windows in other parts of the Historic District. Chairman Rockwood pointed out that what was seen on the street may have been done before the BAR existed or could have been a like-for-like replacement. He explained the guidelines concerning integrity of materials and gave examples.

*Mr. Serafin made a motion to table **BAR-15-334** until the application is revised and resubmitted. Ms. Jackson seconded the motion. Voice vote was taken and the motioned passed 5-0.*

Ms. Schroth departed the meeting at 5:05pm.

OLD BUSINESS:

BAR-15-196 Request of 309 BRAD LLC for new construction at 309 North Braddock Street.



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15 North Cameron Street
Winchester, VA 22601

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June 25, 2015

Samuel Simpson
210 S. Washington Street
Winchester, VA 22601

Dear Mr. Simpson:

On Thursday, June 18, 2015, the Board of Architectural Review acted on the following request:

BAR-15-336 Request of Samuel Simpson for a Certificate of Appropriateness to replace vinyl windows in the front of the house with wood windows at 210 South Washington Street.

On a vote of 5-0, the Board approved **BAR-15-336** with the following comments:

- Replace the wood windows that were existent in the house on the front and side of the house with wood windows as included in the application;
- the one vinyl window on the side of the house to be left as is;
- the windows on the back of the house to be replaced with vinyl windows with simulated divided lights;
- the windows in the front of the house to be replaced within one year;
- the windows on the side of the house to be replaced within two years.

The decision of the Board may be appealed to the Common Council of the City of Winchester within 30 days of the Board's decision. Please do not hesitate to contact me should you have any questions at 667-1815, ext. 1413.

Sincerely yours,

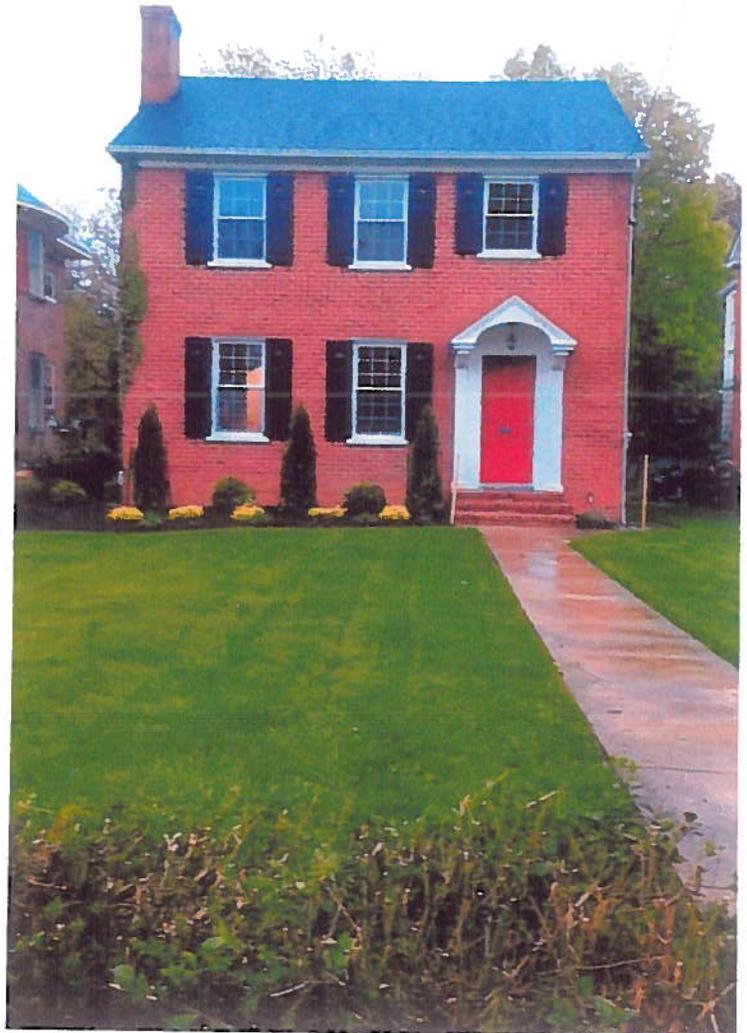
Joshua Crump
Planner I

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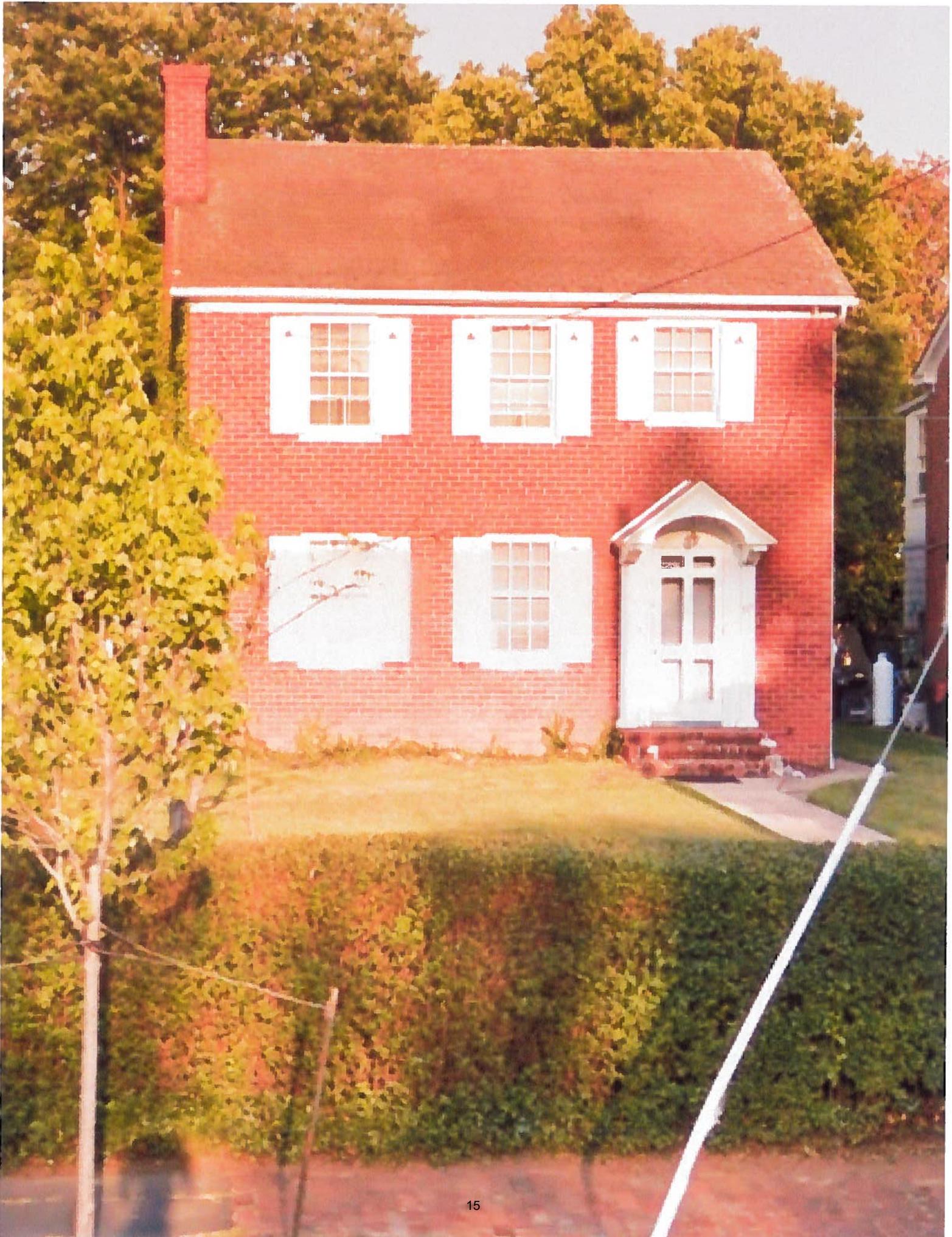
Edit



Before



After







CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 08/25/15 (work session) CUT OFF DATE: 08/19/15
09/08/15 (regular mtg/public hearing)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-15-383 Request of ANS Property LLC. for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

STAFF RECOMMENDATION:

Approval with conditions.

PUBLIC NOTICE AND HEARING:

Public hearing for 09/08/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval with conditions.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Signature] 8/18/15



CITY ATTORNEY [Signature] 8/19/2015

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: August 19, 2015

Re: **CU-15-383** Request of ANS Property LLC. for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

THE ISSUE:

The applicant is requesting a conditional use permit (CUP) to allow for the use of extended stay lodging at 2649 Valley Ave.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the city

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve with conditions as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

RECOMMENDATIONS:

Recommend Option 1

CUP-15-383 Request of ANS Property LLC. for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue (Map Number 290-06- -1) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 8-2-19 of the Zoning Ordinance pertaining to extended stay lodging.

AREA DESCRIPTION

The subject property is located along the southern corridor of Valley Avenue where a hotel (formerly the Americas Best Value Inn) has existed on the property. This corridor where the subject property is located is majority zoned B-2 with Corridor Enhancement Overlay with predominately retail and commercial uses. To the rear of the subject property is a City park (Rolling Hills) zoned Low Density Residential serving as an open space for the Rolling Hills subdivision located further behind the subject property.



STAFF COMMENTS

The CUP request for conversion of the hotel to extended stay lodging use is outlined in a letter from the applicant to the City received on July 6, 2015 (see attached). The applicant also provided supporting materials in the packet including a guest policy, floor plan of the remodeled units, and photos of the buildings.

Hotel use at the site has existed since the 1970's when the current hotel was first constructed and has gone through various ownership and business names over the years. The hotel site is set back well over 300 feet from Valley Ave. and the site consists of three buildings encompassing 76 units. Parking at the site consists of approx. 90 spaces, sufficient for the previous use and proposed use. In her letter, the applicant notes their desire to focus on providing extended housing to corporate businesses in surrounding area. The applicant also notes there have been extensive renovations/upgrades to the property and units recently and have future plans to improve the site such as: repairing the asphalt parking lot, add extensive landscaping, and convert the former swimming pool area into a business center- all which will require a subsequent site plan revision to be submitted to the city.

The Zoning Ordinance defines 'EXTENDED STAY LODGING' as: *"One (1) or more buildings containing individual sleeping rooms, designed for and used primarily by business travelers for more than thirty (30) consecutive days, with garage or parking space conveniently located to each unit. Cooking facilities are provided for each unit. Units are not intended to be primary residences."* Staff reached out to the applicant asking for clarification of the floor plan and providing a kitchen facility. In an email (see attached), the applicant indicated that kitchenettes will be installed in each unit upon approval. At the Planning Commission regular meeting on August 18th, the applicant provided a mock up and details of the proposed cooking facilities. Staff would still wish to be provided a floor plan with the cooking facilities incorporated into the layout of the units for a favorable recommendation from staff, otherwise staff feels this conversion from hotel to extended stay lodging use is an appropriate change of use.

RECOMMENDATION

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

At the August 18, 2015 meeting, the Planning Commission forwarded **CU-15-383** to City Council recommending approval per Sections 8-2-19 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Weekly maid service provided for all 76 units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,
2. A typical floor plan to be submitted to City staff showing kitchen facilities are provided for all 76 units; and,
3. No occupancy of any individual(s) shall be for a period of longer than 9 months within a 12 month period; and,
4. No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the facility within a thirty day continuous period, after which a facility security management plan shall be submitted to and approved by the Chief of Police; and,
5. A six month review of compliance with the permit shall be conducted by staff. Any substantial issues of noncompliance shall cause the CUP to be brought back to City Council for modification or revocation of the permit; and,
6. Staff review and approval of the required site plan.



ANS PROPERTY LLC

PO Box, 4038, Winchester, VA 22604

To: Aaron Grisdale

ANS Inn and Suites vision for the property located at 2469 Valley Ave, is to create a clean, comfortable and affordable option for those in need of extended housing whether its work related or a transitional phrase. Our main focus will be corporations and business's to help support the economic growth in our community. ANS Property LLC has invested over half million dollars in renovations and upgrades to our property to ensure our guests are comfortable and provide everything needed during their stay with us. With your help we are dedicated and determined to create an environment that the City of Winchester will be proud of. We look forward to working with the City of Winchester to make this vision a reality.

Thank you

Priscilla Price

VP of Operations ANS Property LLC

PHONE
PHONE
540-662-2521
540-662-2521

FAX
FAX
540-662-6683
540-662-6683

WEB
WEB
www.ansinnandsuites.com
www.ansinnandsuites.com



ANS PROPERTY LLC

PO Box, 4038, Winchester, VA 22604

ANS Inn and Suites offers five acres in the center of town only minutes away from corporations, businesses and the Winchester Medical Center. We all have been working to put procedures in place to shift our position and perception of establishment in our community.

ANS is staffed with an office manager which is responsible for registering guest but more importantly to enforce our guest policy (see attached). She is also responsible for random room inspections once a week to ensure guest compliance and to relay any maintenance issues to our maintenance manager. Our Vice President of Operations, is responsible for the everyday operations of hotel concerning staff, advertising and sourcing out those in need of our services such as Government agencies, corporations, hospital staff, and utility and real estate companies. The Vice President of the company is on hand daily to ensure all staff is following protocol and procedures. We have maintenance and groundskeeper on staff that are responsible for maintaining property.

We have remodeled and updated all rooms which include new furniture, microwaves, flat screen T.V.'S, refrigerators, coffee makers, new flooring, paint and bathroom fixtures. Our facility will offer cable and WIFI as well. Our rooms are almost 400 sq. ft. of living space. Prices of rooms will reflect that of a professional income.

We have future plans of repairing asphalt, extensive landscaping, and coffee bar/café, business and meeting centers. We will also add a workout facility for our guests to enjoy. Our intent is to provide local and nationwide businesses and organizations all the comforts of home at an affordable price.

Thank you all for your support.

Sincerely,



ANS PROPERTY LLC

PO Box, 4038, Winchester, VA 22604

Guest Policy

We would like each and every resident to enjoy their stay and we ask the each resident consider the following rules:

- Do not obstruct the driveways, sidewalks, entries, stair or hallways
- Do not leave windows or doors in an open position during inclement weather
- Do not hang laundry, clothing, sheets etc., from any window, rail, porch, balcony
- Do not smoke on the interior of any unit or building
- Do not disable the smoke detectors that are in the units
- Do not consume alcoholic beverages outside of your rooms or inside the laundry room.
 - This is also precluded by the Winchester Police Department and you will be subjected to paying a fine and /or other penalties
- If you are returning from an outside job site, remove all mud from shoes/boots before entering the building or take foot wear off and carry to you apartment.
- Keep all lavatories, sinks, toilets and all other water and plumbing equipment in good order. They are to only be used for purposes they are intended for.
- Do not keep dangerous, flammable or explosive items inside of your room
- All trash, garbage, rubbish or refuse should be placed in a tied plastic bag and deposited in the designated area. Do not let trash pile up inside room
- Remember that all tenants are entitled to peace and quiet inside of their room. Keep this in mind when you are coming and going from your room and while adjusting the volume on TVs or radio. There will be no excessive noise after 10:00pm
- Only appliances that are provided by the hotel are to be used in the rooms
- Maintain orderly living space at all times.
- Candle burning is **NOT ALLOWED** in the rooms at any time

Your room has been furnished with

- Coffee maker
- Microwave
- Refrigerator
- TV
- Alarm clock
- Hairdryer- Available Upon request

PHONE
540-662-2521

FAX
540-662-6683

WEB
www.ansinnbedsuites.com

Josh Crump

From: priscilla.ansproperty@gmail.com
Sent: Wednesday, July 29, 2015 2:37 PM
To: Josh Crump
Subject: Re: CUP for 2469 Valley Ave Questions

Hey josh , yes we would convert all units approx 70 units

In rooms currently we have only mini fridge and micro

Kitchenettes will be installed upon approval . Home Depot putting together packages to include cabinets, cook top and sink along with mini fridge and microwave

Sent from my iPhone

On Jul 29, 2015, at 10:12 AM, Josh Crump <Josh.Crump@winchesterva.gov> wrote:

Hello Ms. Price,

I have two quick questions regarding your CUP.

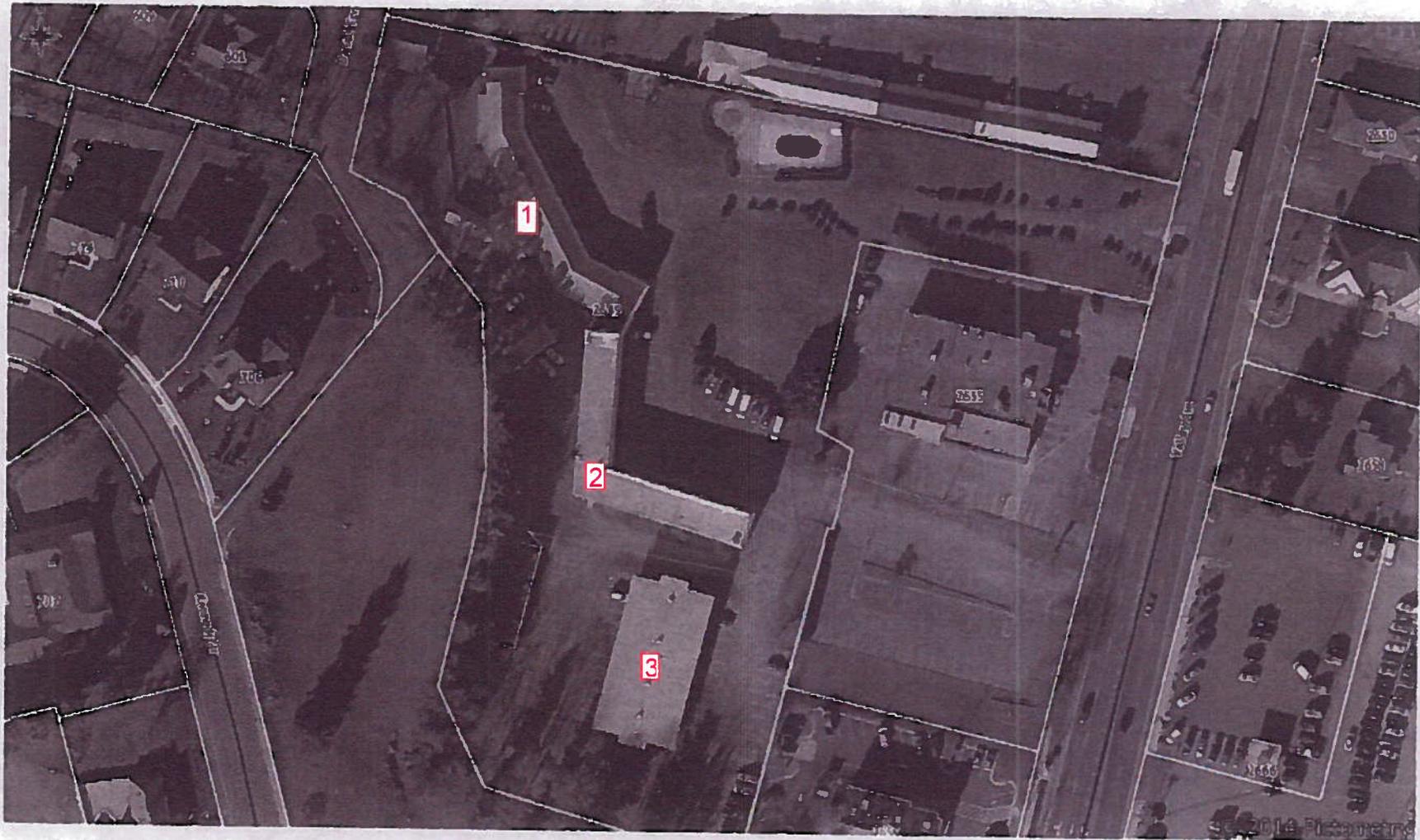
- 1) How many units do you have currently at the Americas Best Value Inn and how many do you plan to convert to extended stay lodging? All of them I presume?
- 2) Are there any kitchen/cooking facilities provided in each unit? The letter and floor layout plan does not give a clear picture if they are in the units or not.

Thanks,

--

Josh Crump
Planner
City of Winchester
15 N. Cameron Street
Winchester, VA 22601
Phone: (540) 667-2117 (direct)
Email: Josh.Crump@winchesterva.gov


www.winchesterva.gov/planning



2649 Valley Ave

Print Date: 06/08/2015
Image Date: 12/30/2014
Level: Community

Building #1

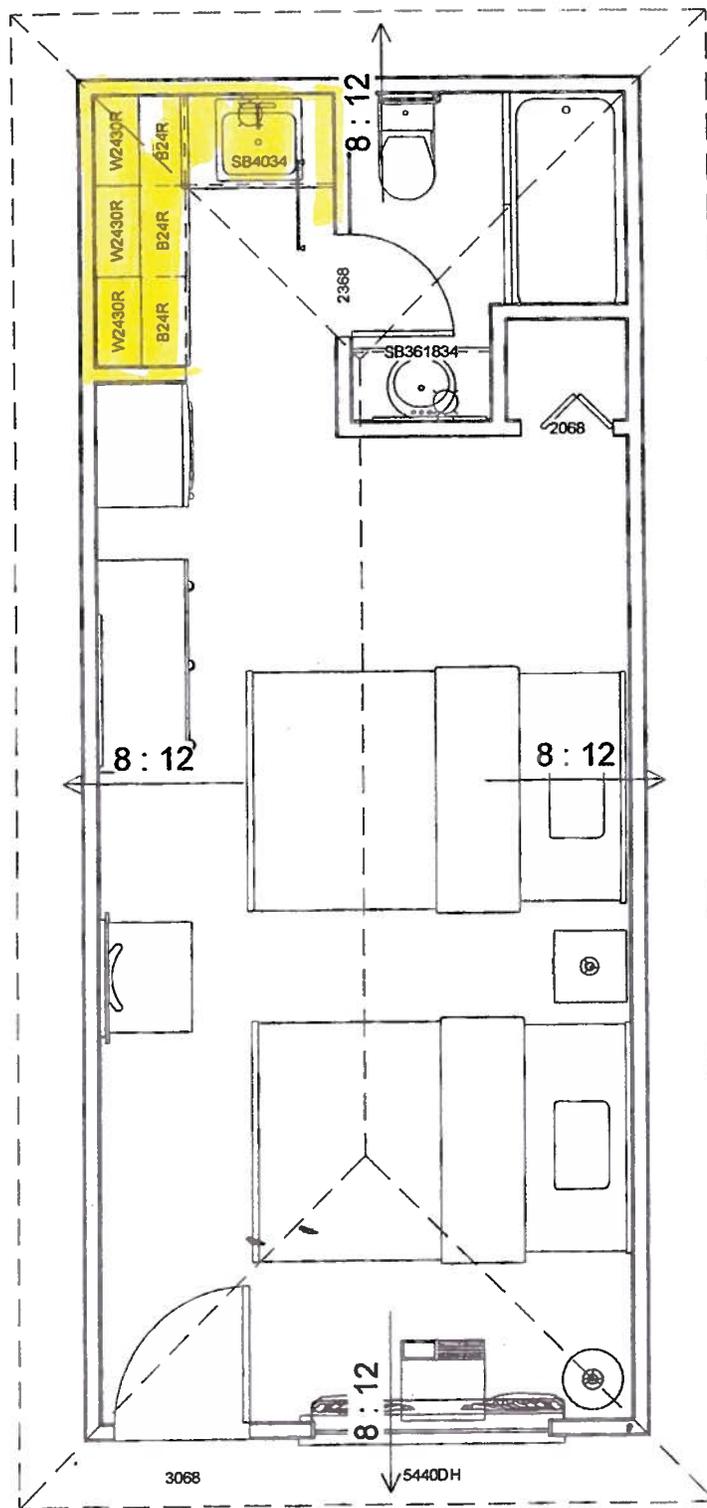


Building #2



Building #3





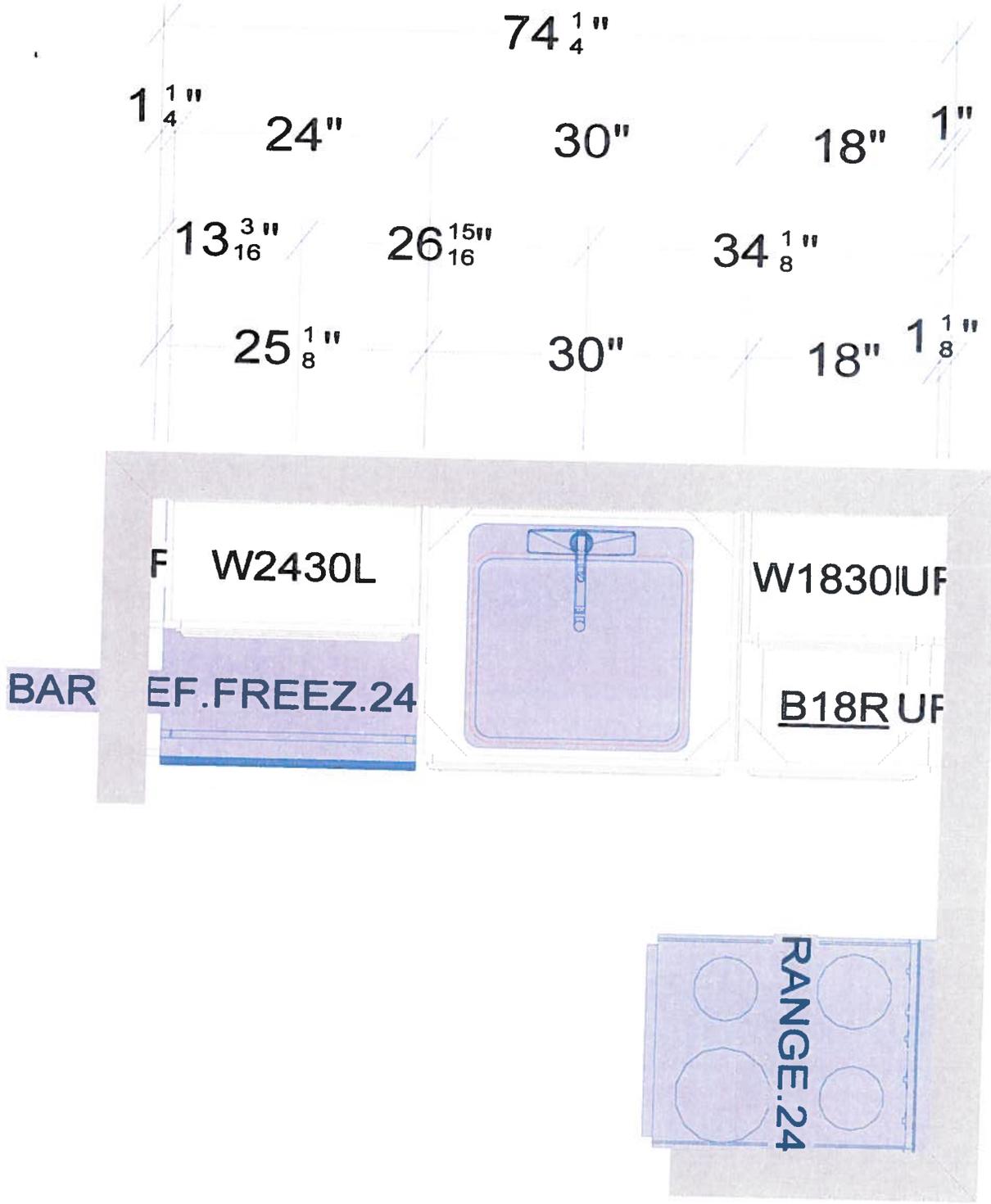
LIVING AREA
 373 sq ft



Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.



Designed: 8/7/2015
Printed: 8/11/2015



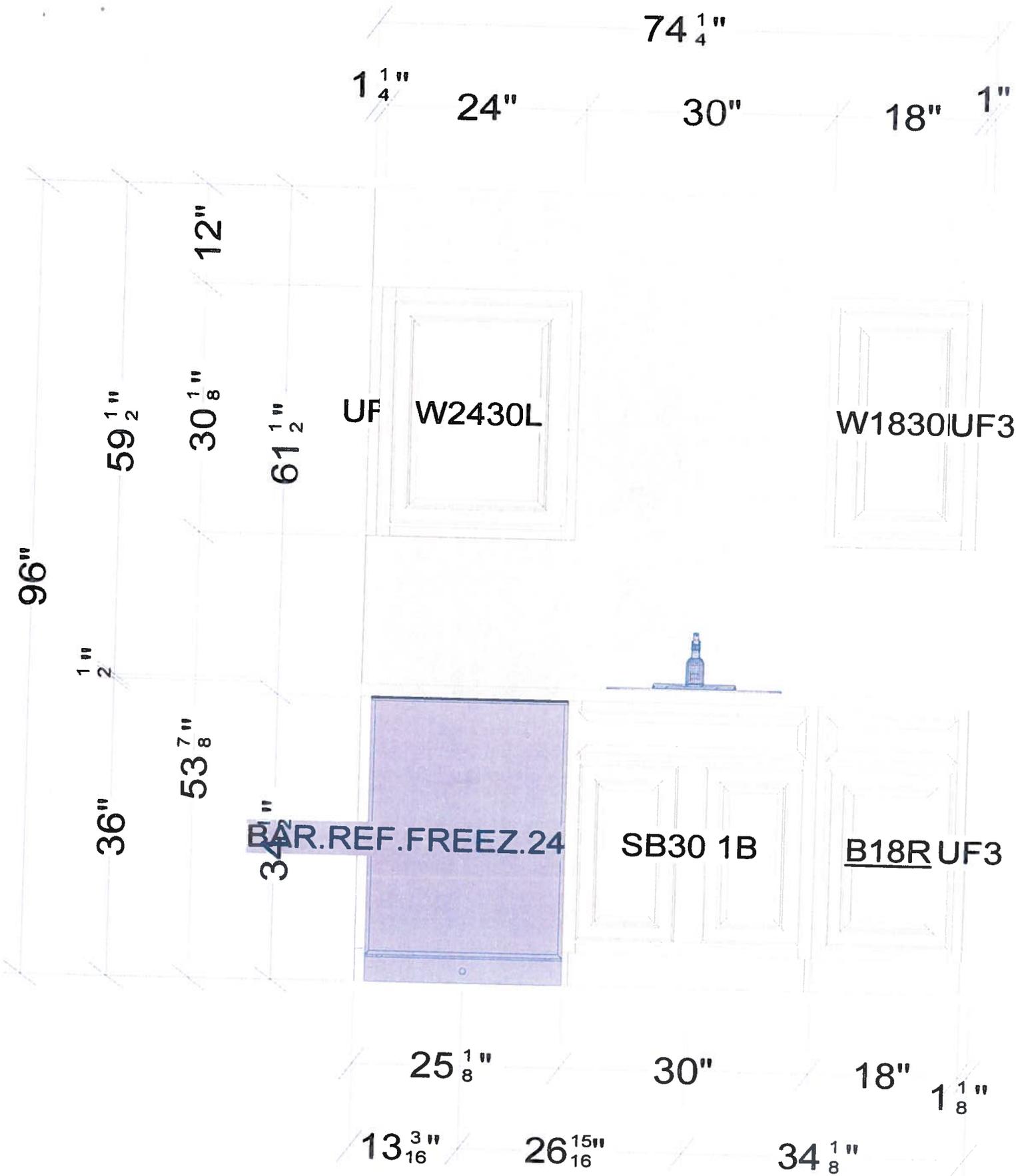
- 40 Total Rooms
- Ceiling Height 95"
- 8' Countertops
- 2 Side splashes

All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.



This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 8/7/2015
Printed: 8/11/2015



All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.



This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 8/7/2015
Printed: 8/11/2015



Tax Confirmation Form

Prior to the initiation of an application for a conditional use permit, variance, rezoning or other land use permit, or prior to the issuance of final approval, the applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the City which have been properly assessed against the subject property have been paid.

(Reference: Winchester Zoning Ordinance Section 23-9)

Applicant Complete This Portion:	
Property Owner Name (As Listed in Tax Records): <i>ANS Property LLC</i>	
Property Address: <i>2649 Valley Ave, Winchester, VA 22604</i>	
Tax Map ID: <i>290-06-1</i>	Real Estate Account ID: <i>5228</i>
Applicant Information:	
Applicant Name: <i>PRISCILLA PRILL</i>	Phone: <i>301-703-0195</i>
Mailing Address: <i>PO BOX 4088 Winchester, VA 22604</i>	Email Address: <i>priscilla.ansproperty@gmail.com</i>

FOR OFFICE USE ONLY	
As of the date of this form, the property presently has:	
<input checked="" type="checkbox"/> No delinquent taxes or liens on record	<input type="checkbox"/> Outstanding delinquent taxes owed the City
Treasurer: <i>JALB</i>	Date of Confirmation: <i>8/17/15</i>
Comments:	

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

Josh Crump

CUP-15-383

From: Timothy Youmans
Sent: Monday, August 17, 2015 8:09 AM
To: Josh Crump
Cc: Aaron Gridale
Subject: FW: CUP-15-383 Request of ANS Property LLC for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue

Josh,
Please check with the Police Dept as to the number of police calls at the property and be prepared to address the question at the public hearing tomorrow. We typically look at a 3-year history, but perhaps 2 years would be adequate to cover the transitional period of ownership and renovation.
Thanks,
Tim

From: Cathy McKee [<mailto:cmck147@yahoo.com>]
Sent: Sunday, August 16, 2015 9:30 AM
To: zzPL-PLNGDEPT
Cc: Eden Freeman
Subject: CUP-15-383 Request of ANS Property LLC for a Conditional Use Permit for extended stay lodging at 2649 Valley Avenue

I received a NOTICE TO ADJOINING PROPERTY OWNERS letter regarding the subject request. I do appreciate the ability to present my position on this request. I would like to tell you right away that I have never been the type to say "not in my neighborhood." I understand the need for low income housing and really do not understand why more isn't provided but I don't believe this property should allow extended stay lodging.

We moved into our home at 701 Kennedy Dr, which is located behind this property. We are retired and our living room looks right over this property and their tree line. I would love nothing better than to not look at the property but as one police officer noted, you can't help but see everything with the view we have. I do not know how my neighbors feel or whether they will even comment but their homes do not look over this property like ours does.

Almost immediately, we were shocked to discover drug deals going on right in front of our home. We called the police numerous times on this activity but the parties were long gone before the police arrived. The buyers always ran back to the property in question. I don't think a week has ever gone by where we have not see a police patrol car in that area. I know of a murder that happened there. An elderly man walking his dog was mugged and robbed across the street from my home. Kids were going under a tree in front of our house to do drugs and drink. Several young couples would go under the tree. One night we heard police sirens running through our development. We looked out to find 3 men running through our yard headed to this property. One night when I was out walking, I was approached by 3 men who wanted money. I told them I called the police when I saw them coming and they ran away. Guess where they ran to? Yes, this same property.

All of a sudden, all this activity stopped. I was thrilled. I could now walk outside after dark without fear. No more police cars in the middle of the night. No more muggings or drug activity. Little did I know the reason this all stopped was because the property was being renovated.

I knew exactly when this property reopened for business. That was the day I witnessed another drug deal going on. The next day, 3 children were throwing rocks at passing cars. I went outside and yelled at them and they ran back to this property. I can only image what else will happen now that people have moved back in. I do fear for my safety walking at night.

So, my challenge to your department. Please ask the Winchester Police Department for a running list of all police calls and activity in this area for the last 4 years. Then you will see that this activity stopped when the property closed for renovations. I know it will be starting back up again if this request is approved.

I respectfully request that this permit be denied. Thank you for taking the time to read this.

Sincerely,

Catherine McKee

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 08/25/15 (work session) CUT OFF DATE: 08/19/15
09/08/15 (regular mtg/public hearing)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

CU-15-388 Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC for a Conditional Use Permit for a single-family detached dwelling at 2413 Valley Avenue zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

STAFF RECOMMENDATION:

Approval with conditions.

PUBLIC NOTICE AND HEARING:

Public hearing for 09/08/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval with conditions.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Signature] 8/18/15



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: August 19, 2015

Re: **CU-15-388** Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC for a Conditional Use Permit for a single-family detached dwelling at 2413 Valley Avenue zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

THE ISSUE:

The applicant is requesting a conditional use permit (CUP) to allow for the use of a single-family detached dwelling at 2413 Valley Ave.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the city

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve with conditions as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

RECOMMENDATIONS:

Recommend Option 1

CU-15-388 Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC for a Conditional Use Permit for a single-family detached dwelling at 2413 Valley Avenue (Map Number 270-03- -13) zoned Highway Commercial (B-2) District with Corridor Enhancement (CE) District Overlay zoning.

REQUEST DESCRIPTION

The request is for Conditional Use Permit (CUP) approval under Section 8-2-11 of the Zoning Ordinance for a single-family detached dwelling on the subject property.

AREA DESCRIPTION

The subject property is located along the southern corridor of Valley Ave where an existing single-family detached dwelling has existed on the property. The "U" shaped parcel also includes two automotive repair service centers on site at 2409 & 2425 Valley Ave. The subject parcel surrounds the property known as 2417 Valley Avenue that was recently used as real estate office and is not affiliated with the applicant/owner. A majority of the surrounding parcels are zoned B-2 with Corridor Enhancement Overlay. The subject property also has access to Hillcrest Alley where residential properties zoned Low Density Residential back to the alley.



STAFF COMMENTS

The CUP request for conversion to a single-family detached dwelling use is outlined in a letter from the applicant, Mr. Peter Grasso, to the City received on July 7, 2015 (see attached). The applicant also provided supporting materials included in the packet including floor plans of the building and photos of the building. As indicated in the letter, the applicant wishes to utilize the existing dwelling as a residence occupation for a licensed acupuncture practice which would be located on the first floor of the building and the second floor would be residence, as shown in the attached floor plans. There was a site plan revision also submitted with the CUP application showing upgrades in parking for the site which include an addition 6 parking spot for parcel which includes 11 spots previously for a new total of 17 parking spots on site.

RECOMMENDATION:

In order for a CUP to be issued, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood.

At the August 18, 2015 meeting, the Planning Commission forwarded **CU-15-383** to City Council recommending approval per Sections 8-2-11 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:

1. Staff review and approval of the required site plan.
2. The parking improvements as shown in the site plan are completed prior to the issuance of the Certificate of Occupancy.

**REQUEST FOR CONVERSION BACK TO SINGLE FAMILY DWELLING for
2413 Valley Avenue, Winchester, VA 22601**

CITY OF WINCHESTER - PLANNING

15 North Cameron Street

Winchester, VA 22601

Tuesday, July 07, 2015

TO WHOM IT MAY CONCERN:

This letter is affirm compliance to the "General Provisions" section 18-2 "Conditional Use Permit" (to include Subsections 18-2-1.1, 18-2-1.1a, and 18-2-1b) herewith.

- Grasso & Sons Development LLC., acknowledges and will subscribe to City conditions, and requirements imposed by the city to include it continuance of said conditions and requirements in accordance to Section 18-2-1.1 for 2413 Valley Avenue, Winchester, VA 22611.
- As stated in Section 18-2-1.1a, Grasso & Sons Development LLC, affirms that proposed "Conditional Use" will not affect adversely the health, safety, or welfare of person residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Additionally, matters to be considered in this connection will not negatively impact traffic congestion, noise, lights, dust, odor, fumes, and vibration, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact. Said property will be used primarily for in residence occupation with one small room on the main level for a licensed acupuncture practice.
- As stated in Section 18-2-1.1b, Grasso & Sons Development LLC, affirms that this "Conditional Use" will conform to the Comprehensive Plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this Ordinance.

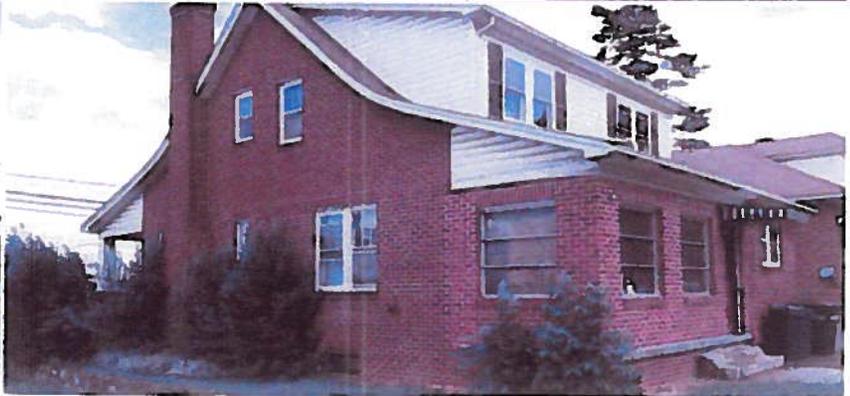
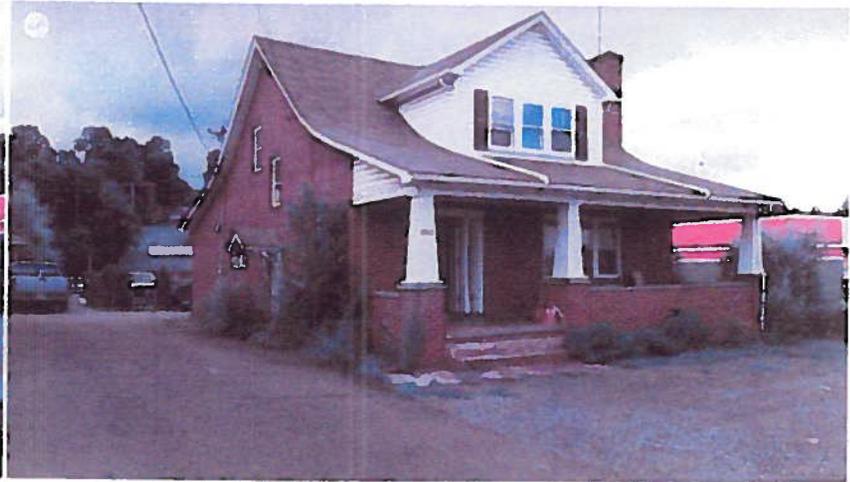
Most Respectfully,



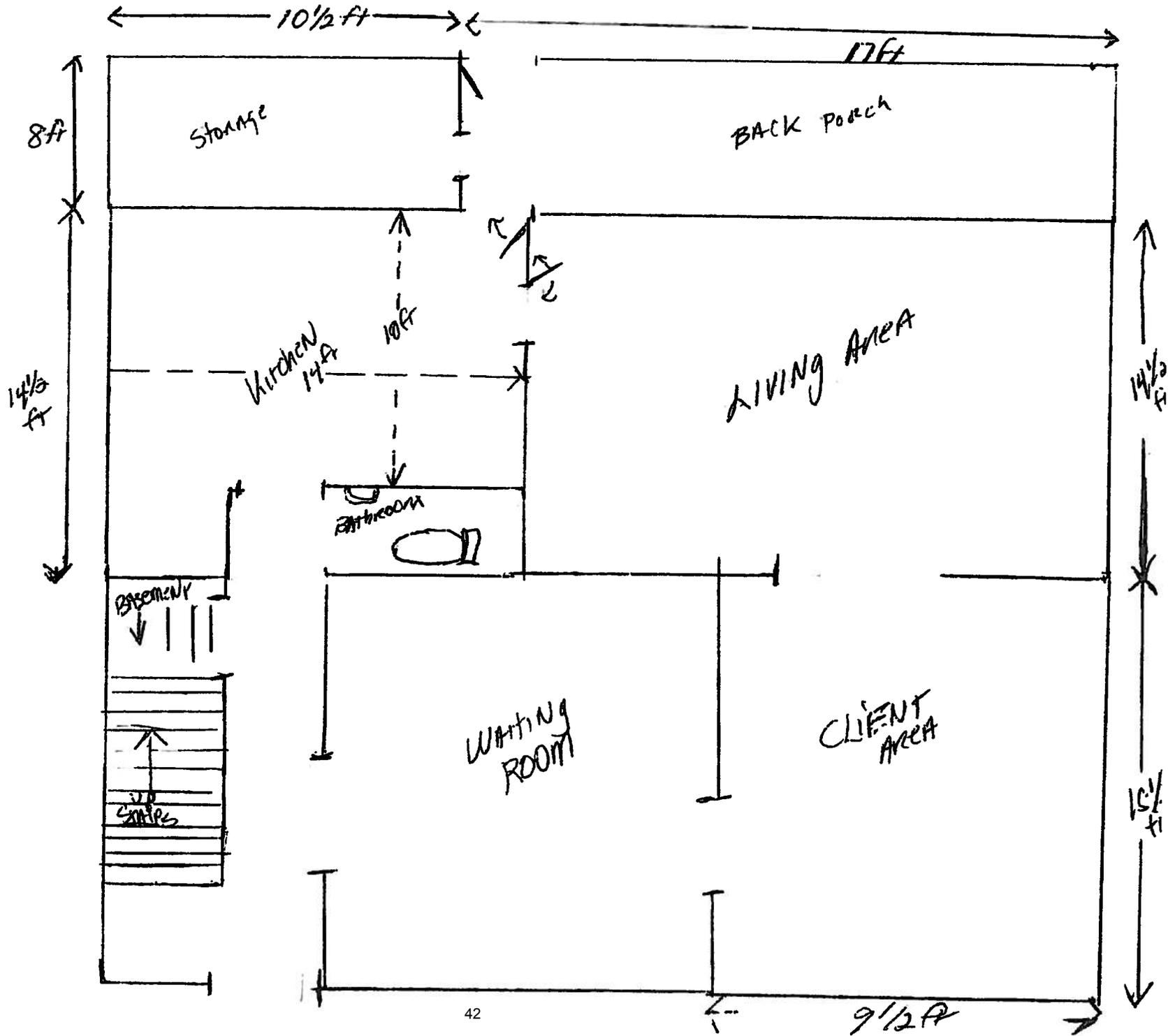
7 JULY 2015

Peter S. Grasso Jr.
President & CEO, Grasso & Sons Development LLC.

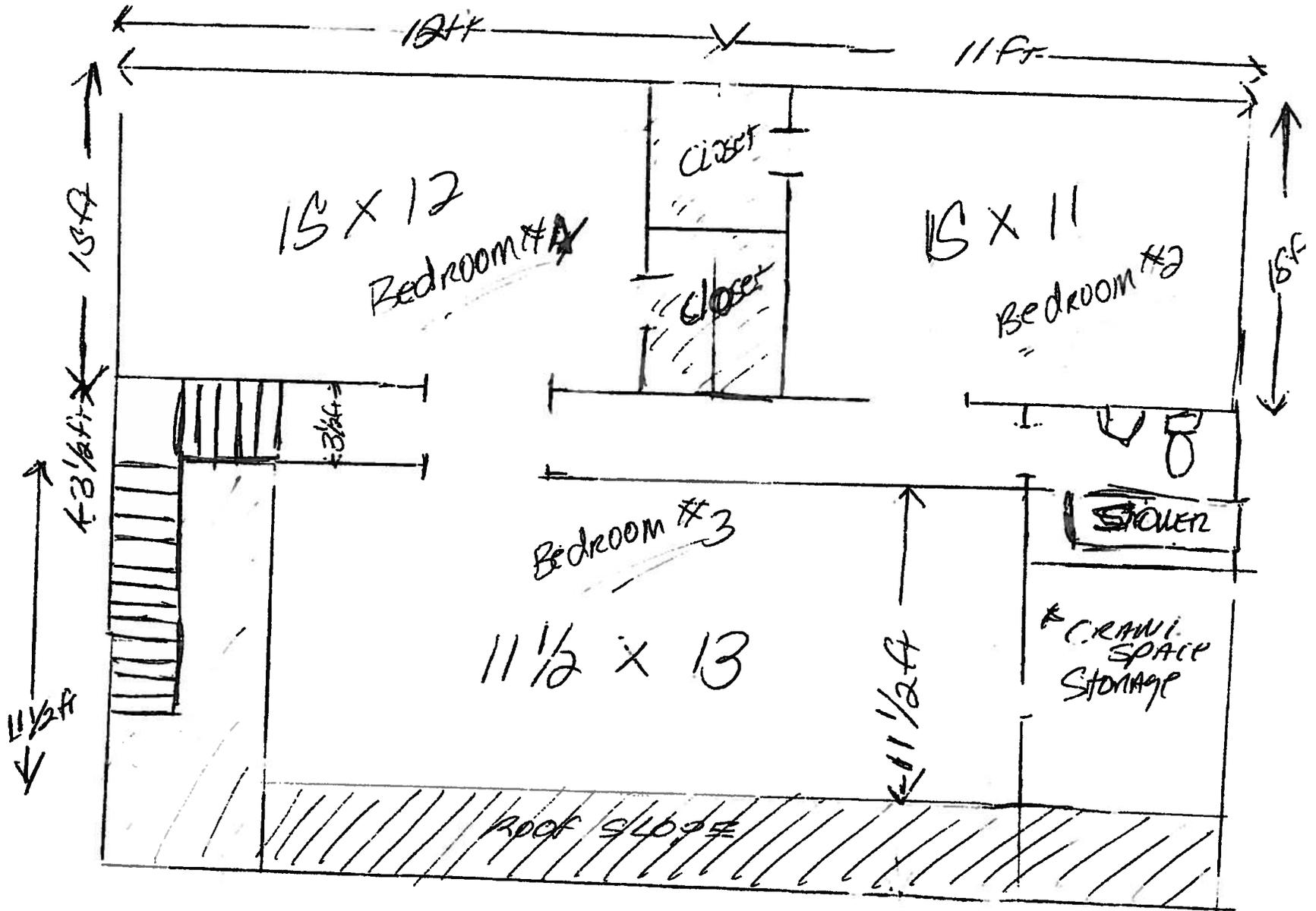
2413 Valley Ave. , Winchester, VA 22601



2413 VALLEY MAIN FLOOR

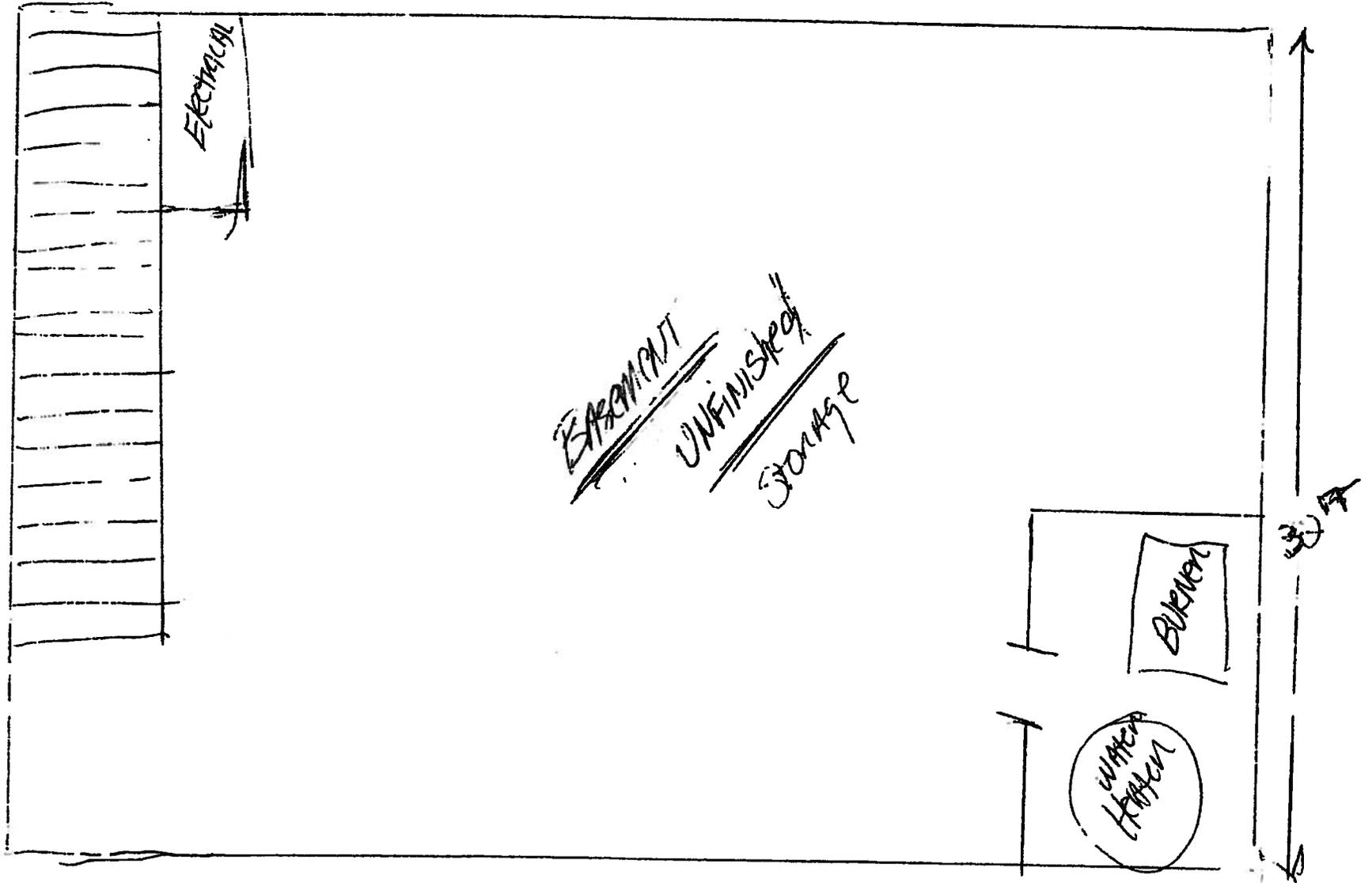


24 1/2 Valley Ave
Second Floor



NOT TO SCALE

2413 Valley Ave
Basement



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 08/25/15 (work session) CUT OFF DATE: 08/19/15
09/08/15 (regular mtg/motion to approve)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING

ITEM TITLE:

SD-15-384 Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District

STAFF RECOMMENDATION:

Approval with conditions.

PUBLIC NOTICE AND HEARING:

None.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval with conditions.

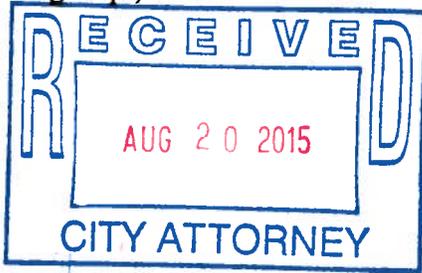
FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: (Planning Dept) [Signature] 8/19/15



APPROVED AS TO FORM: [Signature] 8/20/2015 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: August 19, 2015

Re: **SD-15-384** Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District

THE ISSUE:

The request is for approval of a 10-lot subdivision which includes nine (9) townhouse lots and one common lot containing off-street parking and open space. The proposal includes 9 off-street parking spaces and results in a net increase in green area when compared to the former convenience store use of the site.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the city

BACKGROUND:

See attached staff report

BUDGET IMPACT:

N/A

OPTIONS:

1. Approve as recommended by Planning Commission
2. Deny

RECOMMENDATIONS:

Recommend Option 1

SD-15-384 Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. for subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District.

REQUEST DESCRIPTION

The request is for approval of a 10-lot subdivision which includes nine (9) townhouse lots and one common lot containing off-street parking and open space. The proposal includes 9 off-street parking spaces and results in a net increase in green area when compared to the former convenience store use of the site.

AREA DESCRIPTION

The site is zoned Central Business (B-1) and is not within any overlay district such as the Historic Winchester (HW) historic district nor any Corridor Enhancement (CE) district. Surrounding properties at the other three corners at the intersection of S. Braddock St and W. Pall Mall St are also zoned B-1 and contain a mix of residential and commercial uses. Adjoining property to the north is zoned Residential Business (RB-1) and contains residential use. Land immediately to the west is zoned B-1 and contains a single-family dwelling. Land further to the west along Washington Street is zoned Medium Density Residential (MR) with HW overlay and contains single-family residences. The vacant site previously housed the 7-Eleven convenience store and gas filling operation prior to it relocating to the corner of Gerrard and S. Loudoun Street. The former building was demolished and the asphalt and concrete paving has been removed from the site.



STAFF COMMENTS

Because this townhouse development entails more than 3 proposed lots, it is required to go through a Major Subdivision approval process that requires the Preliminary Subdivision to be handled as a public hearing at the Planning Commission level. A public hearing is not required at the City Council level where a motion is all that is needed to approve or deny the subdivision.

The proposed townhouse development fits well with the character of the downtown streetscape where most of the buildings are situated out close to the street line (as compared to the more suburban arrangement of the former convenience store which was set back from the street with a large expanse of asphalt parking area. Even though the property is not within the local historic district, the applicant has made great strides at designing the townhouses to fit in with the surrounding architecture. The B-1 zoning would permit one or more structures up to 75 feet in height and the 17,100 square foot parcel would allow at least 17 apartments or condos. Depending upon use of density bonuses, the density could be over 35 units.

The proposed townhouses are on separately platted lots ranging in size from 917 to 1,160 square feet in size. The proposed common lot is 8,370 square feet in size. The two-story townhouse units include

basements. The ground floors for the 6 attached units facing only along S. Braddock St are 648sq.ft. (18' X 36'). The ground floors for the two attached units that front along W. Pall Mall St and the one detached unit at the corner are 720 sq. ft. (20' X 36'). A four (4) foot 2nd floor rear overhang is depicted on the site plan drawings for all units. Based upon that larger 2nd floor area, the units (excluding basement area) will range from 1,368-1,520 sq. ft. in size.

The site is located in the 50% reduction parking exemption district which means that the 9 proposed townhouse units, each with two bedrooms, would only require a total of 4 parking spaces. The applicant is providing 9 off-street parking spaces including 1 handicap parking space. The elimination of driveway entrances along S. Braddock Street adds to the supply of onsite parking spaces as well.

A waiver of the 45% green space requirement will be needed with this request. Staff supports this waiver since the resulting development renders a net increase in green area as compare to the former convenience store use. The townhouse site plan includes 17.4% green area whereas the former use contained 11.0% green area. Most of the proposed green area is adjoining the less intensive RB-1 zoned land to the north and northwest. The applicant is proposing to replace existing shade trees within the S. Braddock St public right-of-way. Staff recommends somewhat larger caliper than the minimum 2" caliper for these trees. The applicant should also clarify the minimum height of screening trees and shrubs proposed along the west side of the parking lot adjoining the single-family dwelling.

As a Townhouse Major Subdivision, a draft Deed of Dedication and copy of the Subdivision Covenants and Restrictions must be submitted for City Attorney Review. Since the project includes a common lot for parking and open space, a homeowners association (HOA) must be created. The HOA document must include a mandatory annual budget and clear outline of how the common elements will be maintained (e.g. provisions for maintaining landscaping and parking areas). Since there are no new public improvements (e.g. city streets and utilities) there is no requirement for Subdivision Surety.

At the Planning Commission public hearing, one resident expressed concerns about the availability of on-street parking. The applicant is already providing more than double the amount of off-street parking and the change from the convenience store to the townhouses increases the amount of curbside parking since there would no longer be any driveway openings along the S. Braddock Street frontage.

RECOMMENDATION

Staff feels that the proposed use is desirable and that the proposed subdivision provides increased opportunities for home ownership in the downtown area consistent with the Strategic Plan.

At the August 18, 2015 meeting, the Commission approved the Preliminary Subdivision **SD-15-384** and forwarded Final Subdivision SD-15-384 to City Council recommending approval with a waiver of the green space requirement as shown on the plans. The recommendation is subject to staff review and approval of the Deed of Dedication and HOA documents, including an annual budget for maintenance of common elements.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 08/25/15 (work session) CUT OFF DATE: 08/19/15
09/08/15 (regular mtg/1st Reading); 09/22/15(regular mtg/Public Hearing & Appointment of Viewers); 10/13/15(regular mtg/2nd Reading)

RESOLUTION ___ ORDINANCE ___ PUBLIC HEARING X

ITEM TITLE:

SV-15-406 AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 328 AND 400 HIGHLAND AVENUE AND CONVEY IT TO THE OWNER(S) OF 400 HIGHLAND AVENUE.

STAFF RECOMMENDATION:

Approval with utility easement.

PUBLIC NOTICE AND HEARING:

Public hearing for 09/22/2015 Council meeting.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously recommended approval.

FUNDING DATA: N/A

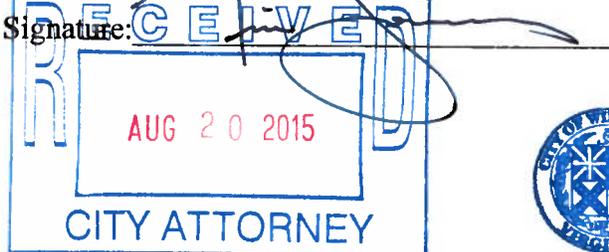
INSURANCE: N/A

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.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Public Services, Police, Fire & Rescue, City Attorney, City Manager, Clerk of Council with handwritten initials and dates.

Initiating Department Director's(Planning)

Date: 8/19/15



APPROVED AS TO FORM: [Signature] CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: August 19, 2015

Re: **SV-15-406** AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 328 AND 400 HIGHLAND AVENUE AND CONVEY IT TO THE OWNER(S) OF 400 HIGHLAND AVENUE.

THE ISSUE:

The request from Habitat For Humanity (HFH) is to vacate a public alley extending off of the east side of Highland Avenue between homes at 328 and 400 Highland Avenue and convey it to HFH.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #2- Promote and accelerate revitalization of catalyst and other areas throughout the city

BACKGROUND:

See attached staff report

BUDGET IMPACT:

Nominal revenue from sale of vacated right of way.

OPTIONS:

1. Approve as recommended by Planning Commission
2. Approve with modifications
3. Deny

RECOMMENDATIONS:

Recommend Option 1

SV-15-406 AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 328 AND 400 HIGHLAND AVENUE AND CONVEY IT TO THE OWNER(S) OF 400 HIGHLAND AVENUE.

REQUEST DESCRIPTION

The request from Habitat For Humanity (HFH) is to vacate a public alley extending off of the east side of Highland Avenue between homes at 328 and 400 Highland Avenue. The short east-west alley connects to Athey Alley- a north-south public alley running along the back of homes along the west side of Gray Avenue and homes along the east side of Highland Avenue. If vacated, the land would be assembled with the property containing a single-family dwelling at 400 Highland Avenue owned by HFH.

AREA DESCRIPTION

The subject alley and all private property adjoining it is zoned Limited High Density (HR-1) District. The predominant land use is single-family residential on relatively small narrow lots.



STAFF COMMENTS

Mr. Michael Butler, President of Habitat For Humanity, has provided a memorandum dated 6-18-15 addressed to Council President Willingham, City Manager Freeman, and Planning Director Youmans outlining the request. In the memo, he notes having conferred with relevant public safety and public services officials as well as the immediately adjoining property owner to the south. Since that owner is agreeable to the vacation and does not wish to acquire any of the vacated alley, then it would be acceptable for City Council to consider vacating the alley and conveying all of it to the applicant to assemble with 400 Highland Avenue.

City Council would need to appoint viewers to determine what, if any, inconvenience would result to affected property owners. The Comprehensive Plan does not call for any changes in the area that would necessitate eliminating or retaining the alley. The only downside of vacating the alley is that it creates a much longer alley without this midblock connection to adjoining public streets.

Council would need to determine what compensation should be received from the grantee of this City property. In the past, alley conveyances in residential district have typically been up to fifty (50) cents per square foot of land conveyed. A Minor Subdivision would also be required to assemble the vacated area into the adjoining property at 400 Highland Avenue. A utility easement would need to be established since there is an existing sanitary sewer line located within the existing alley.

RECOMMENDATION

Based upon the input from relevant City officials, the Planning Commission forwarded **SV-15-406** to City Council recommending approval of vacation and conveyance of the subject alley to the owner of 400 Highland Avenue to be assembled into that property because the request does not conflict with the Comprehensive Plan.

AN ORDINANCE TO VACATE A PORTION OF AN ALLEY RIGHT OF WAY BETWEEN 328 AND 400 HIGHLAND AVENUE AND CONVEY IT TO THE OWNER(S) OF 400 HIGHLAND AVENUE

SV-15-406

WHEREAS, the Common Council has received a request of Mr. Michael Butler on behalf of Habitat for Humanity of Winchester-Frederick County (HFHWFC), owner of certain parcels of real estate known as 400 Highland Avenue, to vacate and convey to HFHWFC all of an unnamed public alley extending from Highland Avenue eastward to Athey Alley, a public alley running in a north-south direction in between Highland Avenue and Gray Avenue, said right of way depicted on an undated exhibit entitled "Location Map~ Unnamed East-West Alley Between Highland Ave & Athey Alley"; and,

WHEREAS, the City is empowered to vacate rights of way in the City and convey them to certain individuals as a condition of vacation pursuant to and in conformance with the provisions of Virginia Code Section §15.2-2006 and §15.2-2008 *et. seq.*, respectively, as amended; and,

WHEREAS, the Planning Commission of the City of Winchester has reviewed the aforesaid request and, at its meeting of August 18, 2015, recommended approval of this action; 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, and viewers were appointed to report on the inconvenience, if any, of said vacation, all as required by and provided for under the Code of Virginia, 1950, as amended; and,

WHEREAS, the viewers have prepared a report in writing, said report concluding that an inconvenience would not result from discontinuing the right of way so long as the necessary easements are established; and,

WHEREAS, the applicant is the property owner of 400 Highland Avenue immediately adjacent to the north side of the public right of way proposed to be vacated and conveyed; and,

WHEREAS, the owner of the property at 328 Highland Avenue immediately adjacent to the south side of the public right of way proposed to be vacated and conveyed has no objection to the vacation and conveyance to the owner at 400 Highland Avenue; and,

WHEREAS, the Common Council has agreed to convey the vacated alley right of way to the applicant for **Fifty Cents (\$0.50)** per square foot subject to the applicant establishing all necessary easements to the City of Winchester to be depicted upon a survey plat.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the public alley right of way depicted on an undated exhibit entitled "Location Map~ Unnamed East-West Alley Between Highland Ave & Athey Alley" be vacated and conveyed to HFHWFC subject to the applicant establishing necessary easements to the City of Winchester.

BE IT FURTHER ORDAINED that this ordinance shall not take effect until such time as the purchaser has secured City approval of an approved Minor Subdivision plat depicting the easements and the required assemblage of the vacated area in with that certain adjoining parcel of real estate owned by the applicant at 400 Highland Avenue, with the sale price for the vacated area being **Fifty Cents (\$0.50)** per square foot. The City Attorney is directed to prepare a deed for this conveyance and the City Manager is directed and authorized to execute all documents and take all actions necessary to carry out this Ordinance.



MEMORANDUM

To: John Willingham, President, Common Council City of Winchester, Virginia
Eden Freeman, City Manager, City of Winchester, Virginia
Tim Youmans, Director, Planning Director, City of Winchester, Virginia

From: Michael Butler, Executive Director, Habitat for Humanity of Winchester-Frederick County, Virginia (HFHWFC)

Subject: Vacation of Alley between 400 and 328 Highland Ave.

Date: 6.18.15

We are requesting the right of way vacation of the alley located between 400 and 328 Highland Ave., and Highland Ave. to Athey Alley.

I have had discussions with the Major Kelly Rice of Winchester Police Department, Chief Alex Baldwin of Winchester Fire and Rescue and Perry Eisenach, Director, Winchester Public Utilities and Works and they find no reasons to oppose the vacation. They understand the reasons for the vacation request and concur that it would be a positive effort.

There are 5 reasons that we are requesting this vacation and they all focus on safety:

1. There is a moderate level of traffic through the alley. Drivers use the alley as a means to get to Athey Alley, as cut through from Elk St. to get to other streets, since they cannot go north on Highland Ave. There are children that live in the 2 houses that border the alley and play in and around the alley. 328 Highland Ave. has been hit on several occasions by cars driving through the alley.
2. People use the alley on foot to cut through to Athey Alley and in addition use the alley as point to cut through yards for multiple reasons. One of those reasons is to avoid being seen on the streets and another is to carry on nefarious activities.
3. Groups of people have been gathering in the alley at all hours of the night and day, which both bothers and concerns the residents.
4. On May 3, 2015 the victim of a shooting in the vicinity of the intersection of Elk and Highland was chased down the Valley and ended up on the back porch of 400 Highland Ave. This incident deeply concerned the residents. This incident showed how the alley leaves them more vulnerable to violence because of its presence.
5. The alley road bed is not being regularly maintained. There are potholes and the road has other irregularities that make it difficult and unsafe to navigate

After the minor subdivision of the property and transfer of the property to HFHWFC, we will within 60 days, transfer the property to the owners of 400 Highland Ave., Brandie and Brandon Brown, a HFHWFC partner family. Soon thereafter the Brown's will construct a fence to surround the property.

Christopher Maben the owner of the property at 328 Highland Ave., just south of the alley in question, approve of the complete vacation of the alley to HFHWFC.

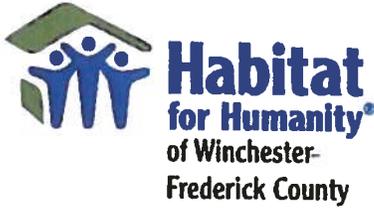
PO Box 1653
Winchester, VA 22604
(540) 662-7066
info@habitatwfc.org
www.habitatwfc.org

Vacation Request, June 18, 2015, Page 2

Habitat would like to request that the alley be vacated by the City of Winchester to HFHWFC, so that we may transfer the property to the home owners at 400 Highland Avenue. We feel this action would be a positive action for the neighborhood. Additionally, since this property will not be used for a commercial or profit making venture, but rather for safety and security purposes, both for the bordering homeowners and the neighborhood in general, we would request that this property be transferred at no cost to Habitat. We hope that you look favorably upon our request and realize the benefit to the community this endeavor will have.

We would like to request that we be provided address labels with the name and mailing address as it appears in Land Records for owners of all properties within 300 feet of any portion of the subject site. We have included the \$25.00 for the labels in the check with the application fee.

Thank you for your support of the Habitat mission.



MEMORANDUM

To: John Willingham, President, Common Council City of Winchester, Virginia
Eden Freeman, City Manager, City of Winchester, Virginia
Tim Youmans, Director, Planning Director, City of Winchester, Virginia

From: Michael Butler, Executive Director, Habitat for Humanity of Winchester-Frederick County, Virginia (HFHWFC)

Subject: Adjacent Land Owners (328 & 400 Highland Ave.) to Alley between 400 and 328 Highland Ave.

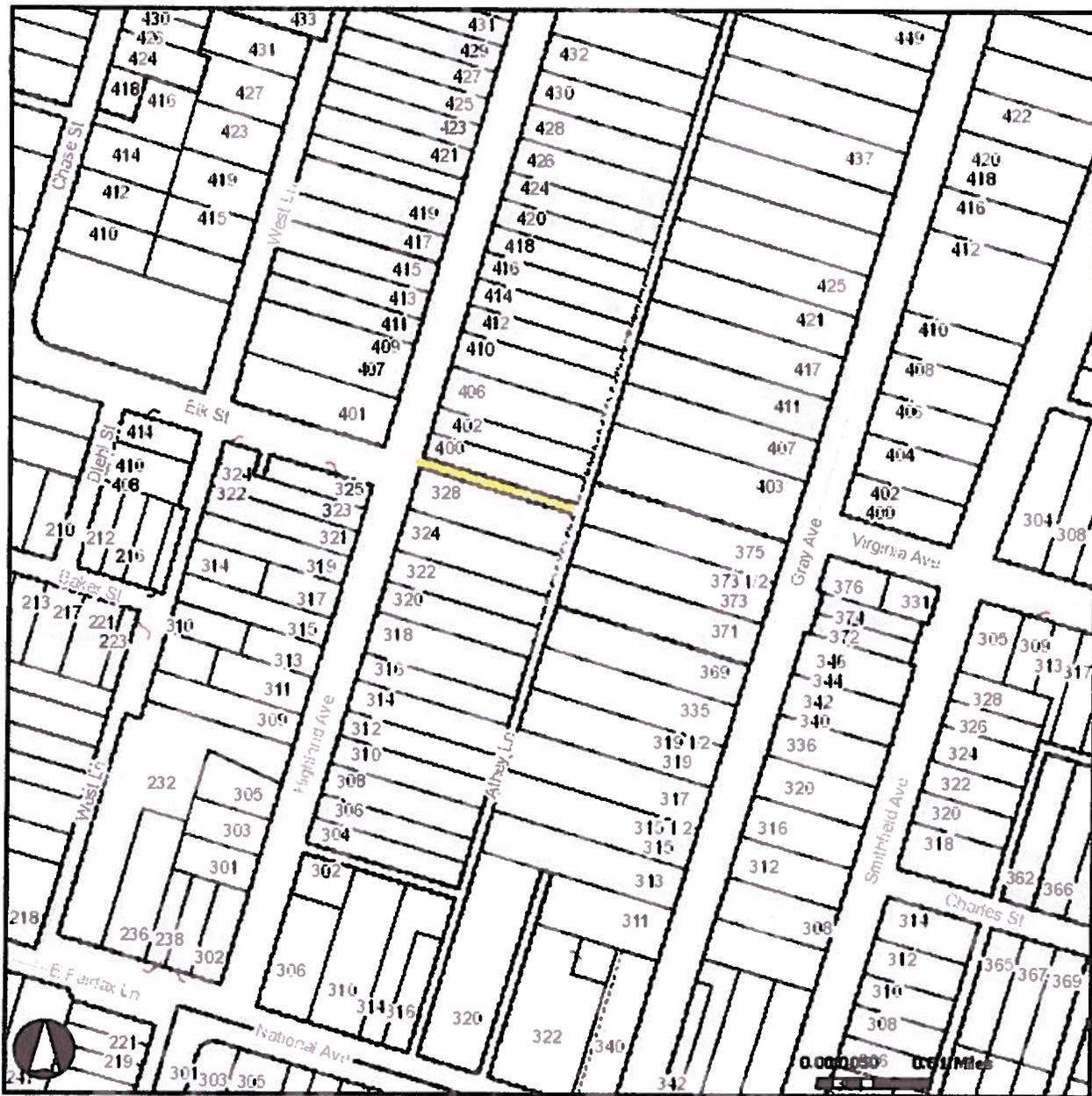
Date: 6.18.15

The landowners that are adjacent to the above referenced alley are:

- Brandie and Brandon Brown, 400 Highland Ave., Winchester, VA 22601 (Owner and occupant of 400 Highland Ave.)
- Chris Maben, CNC Properties, 113 Winns Cir., Winchester, VA 22602 (Owner of 328 Highland Ave.)

After discussion with the land owners they agree with the vacation and closure of the alley as a thoroughfare. The owners of 328 Highland Ave. do not want any ownership of the alley and are willing to cede any ownership to Habitat. The owners of 400 Highland Ave. are willing to take ultimate ownership, from Habitat, of the land that the alley now encompasses. Please see letter addressing request for full explanation of vacation plan.

Map



Parcels



Double Circle



Buildings

Corporate Limits



CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/25/15 (Work Session), CUT OFF DATE: 8/19/15
9/8/15 (1st Reading) 9/22/15 (2nd Reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

TA-15-376 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING APPEALS; AND VIOLATIONS AND PENALTY. (Amendment Will Incorporate Changes to the Board of Zoning Appeals and Family Day Homes Following Legislation Passed During the 2015 General Assembly Session)

STAFF RECOMMENDATION:

Adopt the text amendment.

PUBLIC NOTICE AND HEARING:

Public hearing required with 2nd reading on 9/22/2015.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously forwarded recommendation.

FUNDING DATA: N/A

INSURANCE: N/A

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

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

Initiating Department Director's Signature: (Zoning and Inspections)

Handwritten signature of the initiating department director.

8/18/15



APPROVED AS TO FORM:

Handwritten signature and date 8/19/2015, CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Gridale, Zoning and Building Inspections Director
Date: August 25, 2015
Re: AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING APPEALS; AND VIOLATIONS AND PENALTY. (Amendment Will Incorporate Changes to the Board of Zoning Appeals and Family Day Homes Following Legislation Passed During the 2015 General Assembly Session)

THE ISSUE: A publicly sponsored Zoning Ordinance amendment to incorporate changes following modifications to enabling legislation in the Code of Virginia. The changes affect powers, duties and ex parte communications with the Board of Zoning Appeals, and licensing requirements for Family Day Homes.

RELATIONSHIP TO STRATEGIC PLAN:

(2) Promote and accelerate revitalization of catalyst and other areas throughout the city;

BACKGROUND:

This ordinance incorporates updates mandated by changes to Virginia Code during the 2015 General Assembly session. (See attached staff report).

BUDGET IMPACT:

None

OPTIONS:

- Adopt the ordinance amendment.
- Modify and adopt the ordinance amendment.
- Decline to adopt the ordinance amendment.

RECOMMENDATIONS:

The Planning Commission unanimously forwarded the amendment with a favorable recommendation.

City Council Work Session
August 28, 2015

TA-15-376 AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING APPEALS; AND VIOLATIONS AND PENALTY. (Amendment Will Incorporate Changes to the Board of Zoning Appeals and Family Day Homes Following Legislation Passed During the 2015 General Assembly Session)

REQUEST DESCRIPTION

This is a publicly initiated ordinance amendment to incorporate updates to the Zoning Ordinance as a result of the actions of the General Assembly during their 2015 session. There were two main areas that impact the Winchester Zoning Ordinance: the Board of Zoning Appeals and Family Day Homes.

The more substantive changes dealt with the powers and review standards for the Board of Zoning Appeals, the definition of a variance, and ex parte communications for the BZA. The changes to the BZA review authority eliminates the undefined threshold of a "demonstrable hardship" and replaces the standard with "unreasonably restrict the utilization of the property." Furthermore, the legislation included mandatory provisions pertaining to ex parte communications between the Board of Zoning Appeals, the applicant and staff. The intent is to eliminate the opportunities for discussions about the merits and law of the case outside of the formal hearing.

Secondly, the General Assembly made some major updates to state code pertaining to the licensure and other requirements for family day homes. The main impact on zoning regulations with the Family Day Home pertains to the threshold for when such facilities are permitted by-right and when the facilities may be regulated by local zoning ordinances. Previously any family day home with 5 or less children had to be treated as by-right in a single family dwelling; this threshold has been reduced to four children. Facilities with 4-12 children may be authorized by the Zoning Administrator in the form of a Home Occupation.

RECOMMENDATION

As these are updates to the enabling legislation in the Code of Virginia, Staff recommends favorable recommendation by City Council.

During their August 18th meeting, the Planning Commission forwarded **TA-15-376** with a favorable recommendation because the ordinance as presented provides for good planning practice in ensuring that the City's Zoning Ordinance is consistent with mandatory provisions of the Code of Virginia.

AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 17, 18, AND 21 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO DEFINITIONS; NONCONFORMING STRUCTURES; PERMIT REQUIREMENTS FOR FAMILY DAY HOMES; POWERS, PROCEDURES AND EX PARTE COMMUNICATIONS OF THE BOARD OF ZONING APPEALS; AND VIOLATIONS AND PENALTY.

TA 15-376

Draft 1 – (07/02/15)

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

ARTICLE 1

DEFINITIONS

1-2-94.2 **VARIANCE: A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.**

1-2-94.23 **WELLNESS & FITNESS CENTER: A facility which consists of physical fitness and therapy, wellness services, and related educational and/or informational programs, and sports medicine as the primary components of healthcare services provided. (1/11/11, Case TA-10-473, Ord. No. 2010-63)**

ARTICLE 17

NONCONFORMITIES

SECTION 17-2 NONCONFORMING STRUCTURES

17-2-1 General Requirements

- A. Any lawfully constructed structure which existed at the time of this Ordinance or any amendments thereto may continue in its legally nonconforming status so long as the structure does not violate other legal provisions and otherwise complies with the provisions of this Article.

- B. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- C. A nonconforming structure may be used for any use allowed in the underlying zoning district, subject to all applicable use standards.
- D. ~~If a variance is approved from otherwise applicable zoning district dimensional standards, the subject structure still shall be deemed nonconforming.~~
Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

ARTICLE 18

GENERAL PROVISIONS

SECTION 18-19. HOME OCCUPATIONS.

- 18-19-3 The operation of a family day home may occur as an accessory and subordinate use to a residence provided the following:
- A. A family day home for not more than ~~five (5)~~ **four (4)** children shall be considered as residential occupancy by a single family; and, therefore does not require a Certificate of Home Occupation.
 - B. A family day home serving ~~six~~ **five (5)** through twelve **(12)** children, exclusive of the provider's own children and any children who reside in the home, shall obtain a Certificate of Home Occupation and shall be licensed by the Virginia Department of Social Services, provided the following:
 - 1. Prior to the issuance of a Certificate of Home Occupation for a family day home serving ~~six~~ **five (5)** through twelve **(12)** children, the applicant shall send a notice developed by the Administrator to each adjacent property owner by registered or certified mail, and shall provide proof to the Administrator of the completion of such mailings.

2. If the Administrator receives no written objection from a person so notified within thirty (30) days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of this Ordinance, the Administrator may issue the permit sought.
 3. Any applicant denied a permit through this administrative process may request that the application be considered by City Council after a hearing following public notice per Section 23-7-1 of this Ordinance.
 4. Upon such hearing, City Council may, in its discretion, approve the permit, subject to such conditions as agreed upon by the applicant and the locality, or deny the permit.
- C. No family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered.
- D. A family day home where the children in care are all ~~grandchildren of the provider~~ **related to the provider by blood or marriage** shall not be required to be licensed or obligated to obtain a Certificate of Home Occupation.

ARTICLE 20

BOARD OF ZONING APPEALS

SECTION 20-2. POWERS OF THE BOARD OF ZONING APPEALS.

20-2-1 The Board of Zoning Appeals shall have the following powers and duties:

20-2-2 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Article or of any ordinance pursuant thereto. **The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order,**

requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this Article.

20-2-3

To authorize **grant** upon appeal **or original application** in specific cases such **a** variance from the terms of the ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, as follows: **the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance, provided below:**

20-2-3.1

~~When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.~~

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition related to the property or improvements thereon at the time of the effective date of the ordinance, and:

- A. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;**
- B. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**
- C. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;**

D. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,

E. The relief or remedy sought by the variance application is not available through a special exception process or the process of an administrative modification at the time of the filing of the variance application.

(7/15/09, Case TA-09-66, Ord. No. 2009-18)

20-2-3.2 ~~No such variance shall be authorized by the Board unless it finds:~~**Repealed.**

a. ~~That the strict application of this Ordinance would produce a clearly demonstrable hardship. (9/13/05, Case TA-05-03, Ord. No. 026-2005)~~

b. ~~That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.~~

c. ~~That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

20-2-3.3 Repealed. (10/13/92, Case TA-92-02, Ord. No. 016-92)

20-2-3.4 ~~No variance shall be authorized unless the Board finds that the condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.~~**Repealed.**

20-2-3.5 In ~~authorizing~~**granting** a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure ~~for~~**or** use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

20-2-4 To hear and decide appeals from the decision of the Zoning Administrator **after notice and hearing as provided in this Article.** (10/13/92, Case TA-92-02, Ord. No. 016-92)

20-2-5 Repealed. (9/13/05, Case TA-05-03-05, Ord. No. 026-2005)

20-2-6 To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, **and after public hearing with notice,** the Board shall **may** interpret the map **in such way as to carry out the intent and purpose of the**

ordinance for in the particular section or district in question. The Board shall not have the power to change substantially the locations of district boundaries as established by the Ordinance. (3/15/88, Case TA-87-17, Ord. No. 014-88; 10/13/92, Case TA-92-02, Ord. No. 016-92)

20-2-7 **No provisions of this Article shall be construed as granting the board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.**

SECTION 20-3. PROCEDURES.

20-3-1 An application or appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the locality affected by any decision of the Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance, or any modification of zoning requirements pursuant to §15.2-2286 of the Code of Virginia, as amended. Notwithstanding any charter provision to the contrary **and violations provided in Section 20-2-3**, any written notice of a zoning violation or a written order of the Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with §15.2-2311 of the Code of Virginia, as amended, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. The application or appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator, and with the Board, a notice of appeal specifying the grounds thereof.

The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed

otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Administrator and for good cause shown. (10/13/92, Case TA-92-02, Ord. No. 016-92; 9/14/10, Case TA-10-334, Ord. No. 2010-39)

20-3-2

All applications or appeals to the Board shall be made to the Administrator on a form provided for such purpose, and shall be accompanied by a filing fee as per Section 23-8, evidence of delinquent tax payment per Section 23-9, and disclosure of real party interest per Section 23-10 of this Ordinance. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs. Except as provided for below, the time period for appeal shall be no less than thirty (30) days from the date of receipt of the Notice of Violation sent by the Administrator, pursuant to § 15.2-2311 and § 15.2-2286, Code of Virginia, et seq.: (3/13/90, Case TA-89-12, Ord. No. 008-90; 10/13/92, Case TA-92-02, Ord. No. 016-92; 8/16/02, Case TA-02-04, Ord. No. 014-2002; 3/11/09, Case TA-08-14, Ord. No. 2009-09; 9/14/10, Case TA-10-334, Ord. No. 2010-39)

- a. An appeal period of ten (10) days shall be provided for violations of this Ordinance pertaining to maximum occupancy of residential dwellings.
- b. **Any violation of Sections 18-8-12.1 through 18-8-12.3, pertaining to temporary signs.**
- c. **Any violation of Sections 18-9-5 through 18-9-5.4, pertaining to yard sales.**
- d. **Any violation of Section 18-12, pertaining to visual obstructions.**
- e. **Any violation of Section 18-17, pertaining to mobile storage units and temporary events.**

20-4

EX PARTE COMMUNICATIONS

20-4-1

The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

20-4-2 **Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314 of the Code of Virginia, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704 of the Code of Virginia. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.**

20-4-3 **For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542 of the Code of Virginia. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.**

ARTICLE 21

VIOLATION AND PENALTY

- ~~21-2-2~~ ~~The appeal period for violations of this Ordinance pertaining to the following uses shall be ten (10) days, pursuant to §15.2-2286 (12/10/13, Case TA-13-138, Ord. No. 2013-14):~~
- ~~a. Any violation of Sections 18-8-12.1 through 18-8-12.3, pertaining to temporary signs.~~
 - ~~b. Any violation of Sections 18-9-5 through 18-9-5.4, pertaining to yard sales.~~
 - ~~c. Any violation of Section 18-12, pertaining to visual obstructions.~~
 - ~~d. Any violation of Section 18-17, pertaining to mobile storage units and temporary events.~~

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 8/25/15 (1st Reading) CUT OFF DATE: 08/18/15
9/8/15 (Public Hearing & 2nd Reading)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE: AN ORDINANCE TO AMEND SECTION 2-1 AND 2-2 OF THE WINCHESTER CITY CODE PERTAINING TO THE CITY SEAL AND DUTIES OF THE DEPUTY CLERK OF COUNCIL

STAFF RECOMMENDATION:

None. An overview of the history of the City seal, flag, and logo was presented by staff at the 7/14/15 Council work session. A discussion about a possible alternative design for the seal took place at the 8/11/15 Council work session.

PUBLIC NOTICE AND HEARING:

Public Hearing tentatively scheduled for 9/8/15

ADVISORY BOARD RECOMMENDATION:

None

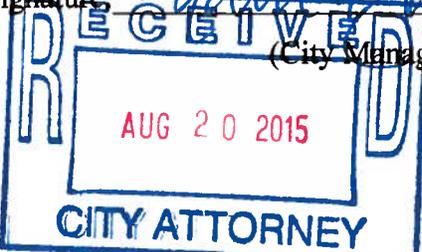
FUNDING DATA: Costs for changing just the official city seal would, at a minimum, include purchasing a new die to press the gold foil seals that are attached to official ordinances and resolutions. Beyond that, Council could direct City staff to replace images of the City seal such as the stained glass piece hanging in the Council Chambers and the piece hanging in the lobby on the 3rd floor of City Hall. New vinyl decals could be requested for use on the lecterns in the 4th floor Exhibit Hall and any other City furniture (or they could simply be removed and not replaced). Elements of the City seal (but not the seal itself) are incorporated into Police Department and Fire and Rescue Department patches and vehicle decals. Council could direct staff to replace these items over an extended period of time as uniforms and vehicles are replaced.

INSURANCE: N/A

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

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

Initiating Department Director's Signature: [Signature] Date: 20 August 15



APPROVED AS TO FORM: [Signature] 8/20/2015 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Eden Freeman, City Manager
Date: August 20, 2015
Re: AN ORDINANCE TO AMEND SECTION 2-1 AND 2-2 OF THE WINCHESTER CITY CODE PERTAINING TO THE CITY SEAL AND DUTIES OF THE DEPUTY CLERK OF COUNCIL

THE ISSUE:

At the August 14, 2015 Work Session of the Common Council, Council directed the City Manager to work with staff to prepare an ordinance to amend City Code to replace the existing city seal with a revised seal that more accurately depicts the four governments to which the City (and the town prior to it becoming a city) was subservient. The amendment also expressly authorizes the Deputy Clerk of Council to seal adopted ordinances and approved resolutions.

RELATIONSHIP TO STRATEGIC PLAN:

Goal #3- Advance the Quality of Life for Winchester residents

BACKGROUND:

During an overview of the seal, it was noted that the center portion of the seal is intended to represent the four governments to which Winchester was subservient. However, it was observed that the flag image for the American government was not very characteristic of the United States flag and that the flag image used to represent the Confederate States of America (CSA) government was a battle flag of the CSA Army rather than a national CSA flag in effect during most of the period that Winchester was under CSA government control. The proposed seal includes an image of the 50-star United States flag in the upper left quadrant (switched with the Union Jack) and an image of the 11-star CSA 'Stars & Bars' flag in the lower right quadrant (switched from the lower left).

Upon further review, it was discovered that modern-day representations of the seal include alterations from the version adopted in 1936. The new seal incorporates the current version of the centerfield portion of the Virginia state flag which was legislature changed in 1950. The updated Virginia flag is relocated to the lower left quadrant of the seal.

BUDGET IMPACT:

Costs for changing just the official city seal would, at a minimum, include purchasing a new die to press the gold foil seals that are attached to official ordinances and

resolutions. Beyond that, Council could direct City staff to remove or replace images of the City seal such as the stained glass piece hanging in the Council Chambers and the piece hanging in the lobby on the 3rd floor of City Hall. New vinyl decals could be requested for use on the lecterns in the 4th floor Exhibit Hall and any other City furniture (or they could simply be removed and not replaced).

OPTIONS:

1. Adopt the amendment
2. Reject the amendment

RECOMMENDATIONS:

Given that the Common Council specifically directed that this item be brought forward and involves a policy decision, Staff is not making a recommendation on the adoption or rejection of this item.

AN ORDINANCE TO AMEND SECTION 2-1 AND 2-2 OF THE WINCHESTER CITY CODE PERTAINING TO THE CITY SEAL AND DUTIES OF THE DEPUTY CLERK OF COUNCIL

WHEREAS, the Common Council of the City of Winchester, Virginia adopted a revised seal on April 1, 1936 to replace an earlier seal that was deemed undesirable; and,

WHEREAS, the City has discussed changes to the City seal and/or the City flag on multiple occasions, including discussions in 1993, 2001, 2003, 2004, and 2006; and,

WHEREAS, Council adopted a City logo on October 12, 2010 recognizing the need to effectively present the City of Winchester in a uniform positive manner to all of its various constituents; and,

WHEREAS, Council directed staff to provide an overview of the history of the city seal, flag, and logo for presentation at the July 14, 2015 Council work session during which it was discovered that modern-day representations of the seal included unauthorized changes to the official seal adopted in 1936; and,

WHEREAS, Council has carefully deliberated the topic of the city seal over several months, listening to city residents as well as citizens of other jurisdictions as to the pros and cons of keeping the existing seal or changing it; and,

WHEREAS, an alternative seal design was presented at the August 11, 2015 Council work session and forwarded for consideration of an ordinance.

NOW, THEREFORE BE IT ORDAINED that the Common Council of the City of Winchester, Virginia, does hereby amend Sections 2-1 and 2-2 of the Winchester City Code as follows and hereby adopts the revised city seal.

BE IT FURTHER ORDAINED that the City Manager is directed to implement the changes to the City seal.

Ordinance No. 2015-XX.

ADOPTED by the Common Council of the City of Winchester on the ____th day of _____ 2015.

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

*Kari J. Van Diest
Deputy Clerk of the Common Council*

ARTICLE I. IN GENERAL

SECTION 2-1. CITY SEAL--DESCRIBED.



**NEW
SEAL**



There is adopted, a Seal of the City of Winchester. The Seal may be used for official **City** purposes only as authorized by the City, and shall be affixed to all **adopted** ordinances and **approved** resolutions. The City Seal, as depicted above, consists of a disc, two inches in diameter with a border or outer circle, within which shall be engraved at the top of the circle, the words "City of Winchester," and at the bottom of the circle the word "Virginia." Within this circle shall be engraved a shield which shall be quartered and shall display thereon **the flags of the governments to which Winchester was subservient**, in the upper left quarter, **a portion of the flag of the United States of America** the Union Jack of Great Britain as it existed during the period when Winchester owed allegiance to that flag; in the upper right quarter, **the Union Jack of Great Britain as it existed during the period when Winchester owed allegiance to that flag** Commonwealth of Virginia; in the lower left quarter, **a facsimile of the circa 2015 center field of the flag of the Commonwealth of Virginia** the cross and stars of the battle flag of the Confederate States of America; and in the lower right quarter, **a portion of the original national flag of the Confederate States of America with eleven stars** a portion of the union with three of the stars, three of the red stripes and two of the white stripes of the flag of the United States of America. At the top and center of the shield shall be a bust of a Shawnee Indian warrior **and a pipe**. Below the shield shall be the **Fairfax family** motto "Fare Fac," and below that the date **year that Col. James Wood founded the old town** "1744." At the right of the shield shall be a decoration of a garland of the ivy vine, and at the left a laurel branch. This seal shall be so

engraved as to produce the above- described design when it is impressed on paper. When the seal is reproduced in colors, the several quarterings, the Indian bust, the laurel and ivy shall be in their proper colors, and the lettering in the outer circle shall be in colonial blue upon a background of colonial buff. This seal shall be the authorized and official and corporate seal of the City and shall be accepted and used as such. (Code 1959, §1-8; Ord. No. 2011-21, 10-11-11)

Charter reference--Authority to use corporate seal, §1.

Cross references--Air pollution commission, §3-2 *et seq.*; building official, §6-1; plumbing and gas inspector, §6-46; electrical inspector, §6-98; housing code board of appeals, §6-331 *et seq.*; elections, Ch. 7; fire department, §10-16 *et seq.*; fire marshal, §10-30 *et seq.*; fire prevention code board of appeals, §10-47(F-105.11); library board, §12-16 *et seq.*; park and recreation council, §18-1; park and recreation board, §18-16 *et seq.*; planning commission, §19-16 *et seq.*; police department, §20-16 *et seq.*; director of utilities, §29-1 *et seq.*; tree commission, §30-32 *et seq.*

SECTION 2-2. SAME--CUSTODIAN; USE.

The Clerk of the Council shall be custodian of the City Seal and City Logo. The Clerk, **or designated Deputy Clerk of Council**, shall affix the City Seal and/or City Logo, as appropriate, to such papers or documents as ~~he may be~~ authorized to ~~affix it~~ **do so** by ordinance or resolution of the Council. (Code 1959, §2-47; Ord. No. 2011-21, 10-11-11)

2015 Fire and Rescue Department Statistics

Month	Incidents											Casualties		Training Hours		Resuscitation Efforts	
	EMS	Fire	Total	Struc. Fire	Fire Other	ALS 1	ALS 2	BLS	Pt. Ref.	Mutual Aid Given	Mutual Aid Recvd.	Fire	Civ.	Dept. Personnel	LFCC Ride-Along Students	Cardiac Arrest	Cardiac Arrest Saved
January	356	111	467	8	103	190	5	123	23	43	12	0	2	1204	0	4	2
February	357	133	490	7	126	179	5	125	21	39	15	0	0	984	0	3	3
March	389	111	500	7	104	201	3	139	26	41	14	0	0	1456	0	3	1
April	397	87	484	4	83	198	7	129	28	32	9	0	0	1660	0	8	1
May	433	127	560	3	124	196	6	141	52	45	7	0	1	1336	0	5	2
June	420	116	536	4	112	219	2	118	42	38	13	0	0	1738	0	2	1
July	430	129	559	3	126	215	3	143	38	48	6	0	0	1083	0	2	1
August			0		0												
September			0		0												
October			0		0												
November			0		0												
December			0		0												
TOTAL	2782	814	3596	36	778	1398	31	918	230	286	76	0	3	9462	0	27	11
	77.36%	22.64%		4.42%	95.58%	50.25%	1.11%	33.00%	8.27%	7.95%	2.11%					40.74%	
	% of Total			% of Fire		% of EMS Responses				% of Total		26.3% National Average					

10 Years of Incidents											
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
4932	5288	5711	5673	5571	5365	5407	5539	5541	5756	5605	5888

Other Monthly Activity:



Newly Promoted Lt. Drew DeHaven and Matt Gearhart

FY 2016 EMS Revenue Recovery Statistics

	Gross Revenue	Manual Contractual Allowances	Automatic Contractual Allowances	Refunds	Net Collectable	Payments from Patients	Payments from Insurance	Total Deposits
JULY	\$192,762.80	\$7,117.76	\$1,293.81	\$556.35	\$183,794.88	\$7,108.46	\$78,342.97	\$85,451.43
AUGUST					\$0.00			\$0.00
SEPTEMBER					\$0.00			\$0.00
OCTOBER					\$0.00			\$0.00
NOVEMBER					\$0.00			\$0.00
DECEMBER					\$0.00			\$0.00
JANUARY					\$0.00			\$0.00
FEBRUARY					\$0.00			\$0.00
MARCH					\$0.00			\$0.00
APRIL					\$0.00			\$0.00
MAY					\$0.00			\$0.00
JUNE					\$0.00			\$0.00
TOTALS	\$192,762.80	\$7,117.76	\$1,293.81	\$556.35	\$183,794.88	\$7,108.46	\$78,342.97	\$85,451.43



2015 Fire Marshal Division Statistics

Month	City Fire Property Dollar Loss/Save			Plan Review		Inspections/Investigations									Public Education			
	Loss	Value	Saved	#	Revenue Generated	Annual Fire Insp.	Follow-up	New Business	Sprinkler	Alarm	Supres.	Site	Other Insp.	FMO Staff Investig.	Smoke Alarms Installs	Car Seat Installs	Pub Ed Children	Pub Ed Adult
January	\$212,000.00	\$1,869,100.00	\$1,657,100.00	10	\$272.34	9	27	0	2	0	1	0	13	3	2	8	0	9
February	\$21,500.00	\$318,200.00	\$296,700.00	7	\$74.46	40	37	0	2	0	0	0	23	2	0	23	3	28
March	\$25,050.00	\$4,673,500.00	\$4,648,450.00	17	\$1,383.12	17	14	0	0	0	1	1	25	3	0	10	39	25
April	\$2,000.00	\$2,000.00	\$0.00	10	\$485.52	20	29	0	2	1	3	0	49	2	0	10	231	230
May	\$10,000.00	\$25,000.00	\$15,000.00	22	\$0.00	10	7	0	6	3	2	7	8	1	4	18	52	31
June	\$6,500.00	\$185,000.00	\$178,500.00	17	\$683.40	33	13	5	3	3	1	0	18	1	1	1	584	617
July	\$1,030.00	\$257,130.00	\$256,100.00	26	\$1,212.78	33	45	3	4	3	1	1	10	2	0	8	100	110
August			\$0.00															
September			\$0.00															
October			\$0.00															
November			\$0.00															
December			\$0.00															
TOTAL	\$278,080.00	\$7,329,930.00	\$7,051,850.00	109	\$4,111.62	162	172	8	19	10	9	9	146	14	7	78	1009	1050

Other Inspections includes:

- Message Permit Inspections
- Complaint Inspections
- Knox Box Installation and Maintenance
- Temporary Use Occupancy Inspections
- Night Club Life Safety Inspections