

**PLANNING COMMISSION
WORK SESSION AGENDA
December 9, 2014 - 3:00 PM
Fourth Floor Exhibit Hall
Rouss City Hall**

1. Review agenda for December 16, 2014, regular meeting
2. Committee reports
3. Status of projects pending Council approval
4. Announcements

**PLANNING COMMISSION
AGENDA
December 16, 2014 - 3:00 PM
Council Chambers - Rouss City Hall**

1. POINTS OF ORDER

- A. Roll Call
- B. Approval of Minutes – November 18, 2014
- C. Correspondence
- D. Citizen Comments
- E. Report of Frederick Co Planning Commission Liaison

2. PUBLIC HEARINGS – New Business

- A. **CU-14-640** Request of Joshua Schakola on behalf of Verizon Wireless for a conditional use permit for modifications to a telecommunication tower at 799 Fairmont Ave (Map Number 153-01- -2-A) zoned Limited Industrial (M-1). **(Mr. Grisdale)**
- B. **TA-14-698** AN ORDINANCE TO AMEND AND REENACT ARTICLES 1, 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. **(Mr. Grisdale)**
- C. **RZ 14-628** AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY. **(Mr. Crump)**
- D. **RZ-14-663** AN ORDINANCE TO CONDITIONALLY REZONE 10.59 ACRES AT 200 MERRIMANS LANE (*Map Number 149-01- - 7-A*), FROM CONDITIONAL RESIDENTIAL BUSINESS (RB-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY (0.80 ACRES) AND CONDITIONAL MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT (9.79 ACRES) TO MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OVERLAY. **(Mr. Youmans)**

3. PUBLIC HEARINGS – Continued

4. NEW BUSINESS

5. OLD BUSINESS

6. OTHER BUSINESS

A. Administrative Approval(s):

- 1) Site Plan Report
 - (a) SP-14-727** Spring St. & S. Pleasant Valley Ave – Winchester Marketplace Phase I - Major Revision

7. ADJOURN

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, November 18, 2014, at 3:00 p.m. in Council Chambers, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER: Vice Chairman Slaughter called the meeting to order at 3:00 p.m.
PRESENT: Vice Chairman Slaughter, Commissioner Smith, Commissioner McKannan, Commissioner Loring, Commissioner Wolfe, Chairman Wiley (Arrived late)
ABSENT: Commissioner Shickle
EX-OFFICIO: Councilor Tagnesi, City Manager Freeman
FREDERICK CO. LIAISON: Absent
STAFF: Tim Youmans, Aaron Grisdale, Josh Crump, Catherine Clayton
VISITORS: Brent Markee, Charles Jackson, Debborah Walker, Chris Maben, Ben Pelletier, James Testa, Joshua Schakola, Arthur Christjohn, Shane Powers

APPROVAL OF MINUTES:

Vice Chairman Slaughter called for corrections or additions to the minutes of the October 21, 2014, meeting. Hearing none, he called for a motion. Commissioner Smith moved to approve the minutes as submitted. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 5-0.

CORRESPONDENCE:

Mr. Youmans advised the Commission that there are no changes to the public hearing items on the agenda however; they have received an updated agenda only as it relates to the addition of two site plans for Administrative Approval under Item 6A, SP-14-650 and SP-14-713

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

None.

PUBLIC HEARINGS – NEW BUSINESS:

TA-14-476 AN ORDINANCE TO AMEND AND REENACT ARTICLE 17 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO NONCONFORMING USES AND VESTED RIGHTS. (Mr. Grisdale)

Mr. Grisdale presented the staff report stating that this is a staff drafted amendment intended for public initiation through the Planning Commission. This amendment is a staff drafted and a Planning Commission initiated amendment. As part of an internal zoning ordinance review team, numerous areas were identified within Article 17 that needed to be updated to conform to the Code of Virginia, as well as modern planning practices. As a result of a several month long editing process, staff completed a

rewrite of Article 17. The Code of Virginia §15.2-2307 enables localities to adopt provisions pertaining to nonconformities, as well as providing for certain provisions that must be included within local Zoning Ordinances. This ordinance amendment incorporates the requirements of §15.2-2307 as well as applying more specific uniform standards for nonconforming uses, structures, and lots of record.

The revised Article has been restructured as to allow for better readability and organization among topics. The previous ordinance was not well organized and as a result the provisions were difficult for citizens, businesses, and developers to read and understand. Furthermore, most of the provisions of the ordinance had not be revisited or revised since the adoption of the 1976 Zoning Ordinance.

The new Article is categorized into four parts: General Provisions, Nonconforming Structures, Nonconforming Uses, and Nonconforming Lots:

1. General Provisions –
 - a. Definitions of common terms used in the Article
 - b. Standards that apply in each nonconformity situation
 - c. Vested rights
 - d. Determination of a nonconforming status by the Zoning Administrator
2. Nonconforming Structures –
 - a. General requirements that apply to all nonconforming structures
 - b. Enlargement of nonconforming structures
 - c. Modification/restoration/replacement of such structures
 - d. Destruction of nonconforming structures
 - e. Common repairs and maintenance
 - f. Expiration of nonconforming status
3. Nonconforming Uses –
 - a. General provisions that apply to all nonconforming uses
 - b. Expiration of a Nonconforming Use
 - c. Change of a Nonconforming Use
 - d. Expansion of a Nonconforming Use
4. Nonconforming Lots –
 - a. Development on a Nonconforming Lot
 - b. Highway Realignment or Condemnation

Some of the important specific changes within the rewrite of Article 17 include:

1. Establishing clearer provisions as to how a determination of a nonconforming status occurs by the Zoning Administrator. (Section 17-1-4)
2. Codifying the existing practice of allowing for the modification of a nonconforming structure provided that the modification reduces the extent of the nonconformity. (Section 17-2-3)
3. Modifying the amount of repair/maintenance that can be conducted on a nonconforming structure. Previously, owners were limited to 10% of the replacement value of the structure per calendar year; now owners can complete repairs up to 35% of the replacement value of the structure per year. (Section 17-2-5)
4. Allows for the owner of a nonconforming use to pursue a conditional use permit (CUP) to change an existing nonconforming use to a more restricted and less intensive nonconforming use. This will allow for greater flexibility for owners to use their property, while also measuring and mitigating potential impacts from the change in use. The ordinance includes specific evaluation factors to be considered by the Planning Commission and Council for each proposal. If Council believes that the proposal is consistent with the Comprehensive Plan, the

neighborhood, and will not have unmitigated impacts they can approve the new use. (Section 17-3-3)

Staff believes that this is a more readable ordinance that makes the City's standards clearer for the public to understand. The standards are also consistent with the enabling provisions of the Code of Virginia and are consistent with good planning practice. Mr. Grisdale concluded by saying that staff recommends a favorable recommendation and that he is available for questions.

Vice Chairman Slaughter called for questions from the Commission.

Commissioner Loring asked if staff has received any comments from the public to which Mr. Grisdale responded no, he has not. Commissioner Loring then reiterated that the City will be fully compliant with the State Code to which Mr. Grisdale responded yes, with this particular ordinance.

Vice Chairman Slaughter asked, that if the Commission finds that this does not have the desired effect, it would be easy later to change certain parameters of this and roll back some things that we find may be abused. Mr. Grisdale responded that if we do find things that are not working as intended, we are always able to go back through this process and make those adjustments and fine tune them and try to get back on the track that Planning Commission and Council desire.

Vice Chairman Slaughter Opened the Public Hearing

Vice Chairman Slaughter Closed the Public Hearing

Vice Chairman Slaughter called for discussion from the Commission.

Commissioner Smith said that he believes it is more advantageous for property owners. Councilor Tagnesi asked if the 35% came from the Code of Virginia to which Mr. Grisdale responded no, rather it is something that staff came up with. The areas that State Code mandates in the language that we incorporate in our ordinance basically pertains to vested rights, the expiration of a nonconforming use or status; it is pretty narrow, the rest of the ordinance is up to the locality and that is one of the provision that is. Vice Chairman Slaughter said that he is back and forth on this because he likes the rigidness that we have right now with getting people to a conforming use but he can see the logic in giving people a bit more flexibility so it does make sense to give it a chance knowing that if it is not working, the Commission can revisit it and make it better later.

Hearing no other discussion, Vice Chairman Slaughter called for a motion.

Commissioner Loring moved to forward TA-14-476 to City Council with a favorable recommendation because the amendment, as proposed, is consistent with good planning practice by establishing clear provisions for nonconforming uses, structures, and lots, as well as ensuring current provisions are consistent with the Code of Virginia.

Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 5-0.

RZ-14-625 AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (Map Number 192-01-S-12) and 118 W. Leicester Street (Map Number 192-01-S-13) FROM MEDIUM DENSITY

RESIDENTIAL (MR) DISTRICT ZONING WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY TO
RESIDENTIAL BUSINESS (RB-1) DISTRICT ZONING WITH HISTORIC WINCHESTER (HW) DISTRICT OVERLAY.
(Mr. Youmans)

Mr. Youmans presented the staff report stating that this request is to conditionally rezone two adjoining lots along the north side of W. Leicester Street . The request does include proffers and these proffers are such that it restricts the use of those lots to residential use only, specifically two townhouses. Rezoning to the RB-1 district would allow for construction of two townhouses similar in scale to the two blighted dwelling units that were demolished on the properties in recent years. The MR zoning would not allow for an attached unit, not even a single family attached, so it makes it impractical to do that under MR. There is absolutely no interest on the part of the property owner to have any kind of commercial use there and the proffers would forever prohibit any kind of commercial use. That is the one concern that staff heard from people who called the Planning Department but staff did reassure them that, as it is proposed, there would be no opportunity to do anything other than one townhouse unit on each of those two lots. The Comprehensive Plan calls for Neighborhood Stabilization in this area. The conditional rezoning would support appropriately scaled redevelopment of two townhouse dwellings (one dwelling per lot) on an infill basis. The two attached dwellings that previously existed on the two lots were demolished a few years ago due to their blighted condition. The current MR zoning would not permit any reasonable use of the property. Additionally, the rezoning does not affect the Historic Winchester (HW) overlay zoning. Any construction on the lots would need to comply with historic district standards and a certificate of appropriateness would need to be issued by the Board of Architectural Review. Mr. Youmans reiterated the fact that there is absolutely no chance that there can be any kind of commercial use. He concluded by stating that staff recommends approval and that he is available for questions.

Vice Chairman Slaughter called for questions from the Commission.

Commissioner McKannan asked about the MR zoning and if the property stays with this zoning, the applicant could not construct the townhouses to which Mr. Youmans said that they could not. Commissioner McKannan then asked what the applicant could do if the applicant built on there. Mr. Youmans said that it would have to be very, very narrow single family detached residences. Particularly the westerly lot as it becomes so narrow that it almost becomes unreasonable under that land use restriction even to be able to do the minimal kind of use on the property. Commissioner McKannan then asked, if the applicant would combine the two lots, what possibilities would they have at that point. Mr. Youmans said that if the applicant is forced to combine the two lots then you could build one single family detached dwelling but then you are forcing the property owner to do a resubdivision of the land and that includes a lengthy process.

Commissioner Loring - for clarification, the townhouses that are proposed are attached because there is no setback. Mr. Youmans said that they are attached and that is desirable from a compatibility standpoint. Mr. Youmans said that this particular street has a number of narrow lots along the North side. This is effectively providing the owner a means to rebuild back in character with that particular section of the neighborhood. Commissioner Loring then asked if they would be attached to the house that was originally attached to the one unit that was demolished to which Mr. Youmans said, that as long as it can meet the building code, the assumption is that they would build right up to it. Vice Chairman Slaughter asked if they would have to get permission from the other property owner to build in such a manner to which Mr. Youmans said that as long as the applicant stays within the boundaries of their own property, he does not believe that they would need permission from the other property

owner; however, it would be up to the building official to determine as part of the building permit review process how the zero lot line construction has to be done.

Commissioner Smith asked if the townhouses that have been proposed to be built will be the same height and width as the previous house to which Mr. Youmans said that decision would be up to the applicant to propose a layout and then the Board of Architectural Review to decide the aesthetics of it. Mr. Youmans reiterated that the properties are in the historic district and they would remain in the historic district.

Vice Chairman Slaughter – sensing that there may be a question that comes up in the public hearing, he asked Mr. Youmans to explain that procedure. Mr. Youmans said that a site plan for townhouse development would be required and staff would be looking at how they are providing off-street parking spaces and that would be the main thing depicted on the site plan other than the unit dimensions themselves. Mr. Youmans said that the redevelopment of the easterly lot would have to respect the easement for the alley.

Commissioner McKannan asked if there is a reason that this was originally zoned MR versus HW now since there were attached dwellings there prior to this or is this something that was grandfathered in. Mr. Youmans said that when they created the zoning map originally for this area, probably 1960, they basically struck a line center between Washington Street and Braddock Street without necessarily looking at the characteristics of these lots being much smaller and more consistent with the size requirements in the RB-1 district rather than the MR. He added that it was not an issue until the owner demolished the blighted structures.

Vice Chairman Slaughter asked if the applicant would like to address the Commission.

Brent Markee, Triple T Construction, on behalf of the applicant, stated that when the owner had purchased the properties, the original intention was to restore the structures for rentals; however, based upon his understanding, the units were beyond restoration and needed to be demolished. He then said that it is his understanding that the owner cannot combine the lots to build even a single family dwelling, which financially would not have been feasible anyway. He reiterated that the owner has no desire to encroach in the right-of-way for the alley and there is no desire to attach the new unit to the other unit because it has now been repaired and it looks very nice. He said that he would be glad to answer any other questions.

Vice Chairman Slaughter Opened the Public Hearing

Chris Maben, adjoining property owner, said that he feels that the neighborhood is represented here and that we are opposed to turning this in to a high density situation. Essentially it is a very strange lot and the parking in this area is already challenged. We are opposed to anything other than a single family home.

Charles Jackson, owner of 110, 112, 113, and 114 W. Leicester Street, stated that the applicant does not own the alley and that he has part of the alley and he uses it to pull trash out from the rear of his property. He also said that parking or using the alley for traffic will present a hazard. He said that he does not want townhouses there because townhouses do not fit in to the historic district.

Deborah Walker, 808 Kennedy Drive, said that although she no longer lives in the neighborhood, she has taken over some property on Leicester Street that was owned by her uncle, Dr. H.M. Brooks. She

said that she agrees with Mr. Jackson. She then said that she is looking to do some upgrading to some of the properties that she owns there and she has to do what the Board of Architectural Review says and that she does not see townhouses fitting in the neighborhood. She also said that this area is not conducive for a new structure. She then said that if the easement to the alley is "shut off," she would be landlocked to the parcel that she owns behind 110 W. Leicester. She closed by saying that she is not opposed to a single family home if it is constructed to fit in with the rest of the houses.

Patricia Bland, 124 W. Leicester Street, stated that she disagrees with putting a new home there because it would not look right. She said that when she wanted to do things to her house, like vinyl siding, she wasn't allowed.

Brent Markee, representative of the applicant, reiterated that the alley would not be blocked and everything will be done to historic standards, and the lots cannot be combined. We would like to build something there but we cannot build a single family home because zoning will not allow it.

Vice Chairman Slaughter called for order in Chambers.

Vice Chairman Slaughter Closed the Public Hearing

Vice Chairman Slaughter called for discussion from the Commission.

Commissioner Smith asked if there is a potential plan or design for the townhouses that the applicant wants to build here. Mr. Youmans said that we do not because they did not proffer a layout but because they are in the historic district, it does fall upon the BAR and they do impose standards so that ensures that the character of the new construction will have to adhere to the same standards that the existing development does so, no, they will not be able to use vinyl siding or inappropriate materials.

Vice Chairman Slaughter said to clarify that point, anything that other residents of that street have had to adhere to according to the BAR, the new construction will have to adhere to the exact same criteria and guidelines as what those renovations adhere to. Mr. Youmans said yes, pretty much. The BAR looks at new construction in the context of the historic setting. Commissioner Loring then asked about the height of the building to which Mr. Youmans said that is everything, the scale, the mass, the relationship to the street and adjoining buildings. Mr. Youmans said what would be awkward here is if the Planning Commission insisted on elevations and took on the role of being the determiner of the aesthetics and that would take that away from the entity that City Council has designated to do that which is the Board of Architectural Review so that is why he did not want the Commission to approve a set of plans that the BAR might disagree with.

Commissioner Smith asked about the easement to which Mr. Youmans said that it is on the easterly portion and the alley is still there and the records do not indicate that it is a publicly-platted alley, meaning separate and apart from either property on either side. He added that he believes that it is accurately presented as an alley that is available and must be retained for passage of vehicles but it is partially on the subject property and partially on Mr. Jackson's property. Mr. Youmans said that the applicant has no intention, nor would he be allowed, to encroach in to that alleyway.

Commissioner Loring asked when the two previous structures were demolished, how long ago. Mr. Grisdale advised that it was about 2012 or so. Chairman Wiley asked if that was done on the part of the owner proactively or was it required by the City in terms of constant letters that it be torn down. Mr.

Grisdale responded that it was a result of some long standing code enforcement issues and deferred maintenance at the property which eventually got to a point where it was unsafe. Chairman Wiley said that the owner was proactive about taking care of that, is that correct, to which Mr. Grisdale said the owner was proactively working with the building official on that.

Commissioner Loring – to clarify, there are two lots there, correct. Mr. Youmans said that there are two grandfathered lots there. Commissioner Loring said that the option to build one house on the two lots is not really on the table. Mr. Youmans said that he would clarify that, if the owner was required to assemble those two properties together, which is a resubdivision, something which you would not typically force a property owner to do, but if it were done, they would still not meet standards for lot area, lot width and yard requirements. As for the front yard, we do have a provision that allows for an individual to average the setbacks with the structures on either side so they would not need a variance for the front yard setback to build right up in line with the structures on either side. The difficulty of not supporting the conditional rezoning that effectively allows them to rebuild to the same intensity that was there for possibly centuries, the Commission would be putting a hardship on the owner to say, yes you have two lots but you cannot enjoy your use of those two lots.

Vice Chairman Slaughter allowed Chris Maben to ask Mr. Youmans about the nonconforming lots and whether the Commission would allow the owner to build a single structure since they are nonconforming. Mr. Youmans deferred to Mr. Grisdale. Mr. Grisdale responded that those two lots are nonconforming lots of record and there are provisions in the zoning ordinance in our current nonconforming language that would allow for someone to build on those; however, there are still some minimal standards associated with that. There are some minimum setbacks, yard requirements and things of that nature. Mr. Grisdale added that with the very small size of these two lots, it would very difficult or impractical to build anything on either of those lots just because of how small they are.

Commissioner Loring asked what the actual dimensions of the lots are. Mr. Youmans said that 116, which is the easterly lot, is indicated on the survey to be 26.67 feet wide as compared to the minimum lot width in the MR district which is 60 feet, so you can see that is not even half the minimum requirement. The total square footage of that lot is 3,023 square feet and it does show the alley separate from the lot as an undefined width. Mr. Youmans then said that he does not have the width of the lot at 118 but that it is narrower than the 26 foot lot line.

Vice Chairman Slaughter asked Mr. Youmans to clarify the easement going back in to the back and asked if there are any existing lots back there. Mr. Youmans said that he hesitates to do that because what is depicted on the assessor's records because it appears that the boundaries have been changed or are inaccurate on the assessor's records. He added that to his knowledge, there is not a landlocked parcel in the back that depends only on the alleyway. Vice Chairman Slaughter said that the alley was not created as an easement to a particular lot back there to which Mr. Youmans responded no, it is a very old alley and a very old area of the City and there have been no changes to the property boundaries in that area. Mr. Youmans said that it is one of the few blocks between Boscawen Street and Gerrard Street or actually in this case, Handley Boulevard, where you do not have a defined north-south alley. Vice Chairman Slaughter then asked if there are any units that are not attached there to which Mr. Youmans said that they are all attached. He added that the character of this portion of the MR district is such that all of the units are attached to each other.

Vice Chairman Slaughter then reminded Mr. Charles Jackson that the public comment section is closed as Mr. Jackson was speaking out of turn in the audience. Vice Chairman Slaughter then allowed Mr. Jackson one quick comment.

Mr. Charles Jackson said that staff had things wrong and that the house on 116 W. Leicester Street was originally on Cecil Street and Mr. Washington owned 118 and then he said that they pulled that house in there and it was not attached like the rest of the houses and that is why there is no record of it.

Vice Chairman Slaughter called for additional questions from the Commission. Additionally, he reiterated that the duties of the Planning Commission are tough and in this circumstance, elevations and such are going to be handled by the BAR. What the Planning Commission is looking at is if the zoning fits, the use, and if it is consistent with the Comprehensive Plan. So, whatever decision the Commission makes, there will still be others, BAR and City Council, which will have an opportunity to look at this and offer their insight. He added that having said that, are there any other comments or discussion.

Commissioner Loring stated that what the Planning Commission is focusing on is the zoning and whether it is correct for these two lots. Vice Chairman Slaughter said yes the zoning but also whether it is consistent with the Comprehensive Plan and what it calls for about redevelopment areas and the hardship on the property owner because the property owner has certain rights and the Commission must take that in to account.

Chairman Wiley said that there are challenges. The property owner is trying to be proactive and they are trying to make something work. This is what the City wants and he added that he is in favor of the request.

Hearing no other comments or discussion from the Commission, Vice Chairman Slaughter called for a motion.

Chairman Wiley moved to forward RZ-14-625 to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-14-625, Prepared by Winchester Planning Department, 10-3-2014" because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the site. The approval is subject to the proffers in the proffer statement titled "Rezoning Request Proffer" dated October 31, 2014.

Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

Vice Chairman Slaughter reiterated to the residents that the Planning Commission is offering a recommendation. This will go to City Council and residents will have an opportunity to speak there as well and voice any additional concerns you may have with the project.

Vice Chairman Slaughter returned leadership of the meeting to Chairman Wiley at 3:51 p.m.

CU-14-637 Request of Ben Pelletier on behalf of Verizon Wireless for a conditional use permit for modifications to telecommunication antennas at 1955 Valley Avenue (Map Number 251-01- -5) zoned Limited Industrial (M-1) District. (Mr. Crump)

Mr. Crump presented the staff report stating that the applicant is proposing to remove twelve (12) of the fifteen (15) existing antennas and replace them with twelve (12) new antennas as part of an upgrade of existing rooftop telecommunications facilities at 1955 Valley Avenue. The applicant originally applied for a conditional use permit to install a rooftop telecommunications facility at the subject property in 2011. The application was recommended for approval by the Planning Commission and subsequently by City County on May 10, 2011. In the applicant's most recent request, a total of 12 of the original 15 panel antennas would be removed and replaced with antennas similar or smaller in size. The antennas are proposed to be painted to match the brick building as they were originally. Both the existing and proposed antennas will be flush mounted to the existing penthouse in accordance with the prior approval. All proposed improvements are outside and to the rear of the warehouse, the applicant has proposed a number of measures to minimize the potential visual impacts on the surrounding area. He concluded by stating that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Loring asked if the property owner agrees with this request. Mr. Crump advised that he does and also that the property owner must also sign the original application.

Chairman Wiley Opened the Public Hearing

Ben Pelletier, applicant, said that he is available for questions.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission.

Commissioner Slaughter stated that this is pretty straightforward and that he is okay with the request.

Hearing no other discussion, Chairman Wiley called for a motion.

Commissioner Loring moved to forward CU-14-637 to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

- 1. Submit an as-built emissions certification after the facility is in operation;*
- 2. Removal of the Nextel equipment as noted on the submitted plans;*
- 3. The applicant, tower owner, or property owner shall remove equipment within ninety (90) days once the equipment is no longer in active use; and,*
- 4. Submit a bond guaranteeing removal of facilities should the use cease.*

Commissioner Slaughter seconded the motion. Voice vote was taken and the motion passed 6-0.

CU-14-638 Request of James Testa of Testa, Inc., for a conditional use permit single family detached dwelling at 2905 Shawnee Drive (Map Number 332-03- -89) zoned Highway Commercial (B-2) District. (Mr. Crump)

Mr. Crump presented the staff report stating that the applicant had originally intended to develop the property into a commercial use and demolish the existing dwelling. The applicant now wishes to utilize the dwelling as a residential rental property. The proposed use as a single family dwelling does require a CUP within the B-2 District and there will be no upgrades or modifications to this property associated with this CUP. He concluded by stating that he is available for any questions.

Chairman Wiley called for questions from the Commission.

Commissioner Slaughter said that at one point this was a residential property to which Mr. Crump stated that is correct.

Commissioner Loring said that on one of the exhibits in the applicant's proposal, there is a dashed line through the property. He asked if the applicant is intending to split the property to which Mr. Crump responded no, the applicant is not; however, the applicant is here and he could possibly speak more to this.

James Testa, applicant, stated that the dashed line in the exhibit was the old, original property line before he combined the parcels.

Chairman Wiley Opened the Public Hearing

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission. Hearing none, he called for a motion.

Commissioner Smith moved to forward CU-14-638 to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood.

Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.

CU-14-640 Request of Joshua Schakola on behalf of Verizon Wireless for a conditional use permit for modifications to a telecommunications tower at 701 Fairmont Avenue (Map Number 153-01- -2-A) zoned Limited Industrial (M-1) District. (Mr. Grisdale)

Mr. Grisdale presented the staff report stating that the applicant is proposing to add three (3) new antennas and install one (1) GPS antenna as part of an upgrade of existing telecommunications facilities at the tower located on the National Fruit property. The applicant intends to add these three (3) antennas to the pre-existing lattice tower behind existing antennas. The additional antennas are proposed in order to have additional capacity and uninterrupted coverage in response to increasing demand for streaming and data usage. The applicant does not intend on expanding the existing ground support equipment with this request. He concluded by stating that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Loring reiterated that the applicant will not be making the tower higher to which Mr. Grisdale responded that they will not increase the height.

Chairman Wiley Opened the Public Hearing

Joshua Schakola, applicant, said that he is available for questions.

Arthur Christjohn, 523 Fairmont Avenue, said that he has a problem with Verizon altogether because they use his driveway to park in so they can work on their equipment. He has a problem with their request as a whole and he asked the Commission to say no.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for discussion from the Commission. Hearing none, he called for a motion.

Commissioner Loring moved to forward CU-14-640 to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

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

Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 6-0.

RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PEPERMILL ROAD (Map Number 291-02- -1) FROM INTENSIVE INDUSTRIAL (M-2) DISTRICT ZONING TO COMMERCIAL INDUSTRIAL (CM-1) DISTRICT ZONING. (Mr. Youmans)

Mr. Youmans presented the staff report stating that this is a request to conditionally rezone from M-2 to CM-1 the southerly 70-foot wide portion of the Silver Lake property currently housing Noland. The rezoning would allow for this 0.736-acre area to be assembled in with the adjoining vacant lot owned by Silver Lake that is already zoned CM-1 so that it can be enlarged to accommodate a grocery store. The request includes proffers which would limit the use to retail and would only take affect if the related boundary line adjustment between the two parcels is recorded. Land to the south and the east is zoned CM-1 and has been developed with retail, restaurant, and service used. This includes the Bank of Clarke County site which shares access to South Pleasant Valley Road and Papermill Road with the vacant site proposed for grocery store development. Land to the west is zoned M-2 and includes the Cavalier Kitchens site. The Comprehensive Plan calls for Commerce Area Revitalization/Infill in this area. The rezoning to CM-1 is consistent with this vision. The Plan advocates proactively redeveloping property where needed to achieve maximum sustainable potential. The subject portion of the industrial site housing Noland Company is underutilized and is enclosed by an unattractive chain link fence with strands of barbed wire on top that detracts from the emerging national chain retail and restaurant area to the east and south. The proffer linking the effectuation of the rezoning to the related boundary line adjustment ensures that the rezoning action will not result in split zoning on the existing M-2 property. We do not have a site plan as yet because they did not proffer a site plan. He concluded by stating that staff does recommend approval and that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Wolfe asked if there are any traffic concerns. Mr. Youmans said that he does not want to put too much emphasis on the preliminary site plan concept but there would be access via a shared driveway coming in from South Pleasant Valley Road on the east that today comes in and comes down to serve the bank on the corner. There would also be the shared driveway coming down to Tevis Street and that is a right-in, right-out only because of the raised concrete median in that location. These existing conditions should mitigate any potential impacts on traffic but, in addition to that, there will be a new driveway coming out to Papermill Road in the area of the 70-foot swath.

Commissioner McKannan asked if the Commission will see a site plan to which Mr. Youmans said, at least for an administrative authorization, yes.

Commissioner Smith said that on Pleasant Valley the sidewalk ends and he asked if there will be an extension of the sidewalks to which Mr. Youmans said yes, north of the driveway entrance there will be an extension.

Chairman Wiley said that based upon the Nolan operation, will the CM-1 usage be in conformance or not if this is to be rezoned. Mr. Youmans said that he does not believe that they do any industrial fabrication there, rather it is a wholesaler.

Chairman Wiley Opened the Public Hearing

Shane Powers, applicant, said that he is available for questions.

Chairman Wiley Closed the Public Hearing

Chairman Wiley called for questions or discussion from the Commission.

Commissioner Loring asked if there have been any questions or input from the public. Mr. Youmans responded that everyone wants to know who it is but other than that, no, we have not.

Commissioner Slaughter said that generally it makes sense and he sees no reason not to approve the rezoning since it is consistent with the Comprehensive Plan and this is the area that the City wants this type of development, especially with the infill of commercial. He said that he would be in favor of a motion to recommend approval.

Hearing no other comments or discussion, Chairman Wiley called for a motion.

Commissioner Slaughter moved to forward RZ-14-639 to City Council recommending approval as depicted on an exhibit entitled "Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department, 10-7-2014" because the request is consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the site. The approval is subject to the proffer statement titled "2508 Papermill Road, Winchester, Virginia 22601 Rezoning Request Proffer" dated October 14, 2014.

Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

TA-14-645 AN ORDINANCE TO AMEND AND REENACT ARTICLES 3, 4, 5, 5.1, 6, 7, 8, 9, 10, 11, 12, 13, 15, 15.1, 16, 16.1, 18, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO TELECOMMUNICATIONS FACILITIES, PERMIT AND REVIEW REQUIREMENTS, AND FEES. (Mr. Gridale)

Mr. Gridale presented the staff report stating that this is an ordinance amendment initiated by City Council to revise how we handle our telecommunications requests. The intent of Council is to have staff explore ways to streamline the review and permitting process for telecommunications facilities. Following a review of our Zoning Ordinance provisions and provisions of the Middle Class Tax Relief Act of 2012, staff has presented some opportunities to facilitate a more streamlined review process for collocations and modifications of existing facilities. At their October 14, 2014, meeting, City Council initiated this text amendment and sent it to the Planning Commission for review and recommendation. The updated provisions in the draft amendment categorize the types of requests received from telecommunications providers into three groups: new telecommunications facilities, major modifications, and minor modifications. New facilities and major modifications will still require the CUP process; however, minor modifications will be an administrative review and approval.

Major modifications are based upon FCC guidance as to what constitutes a substantial increase in size of an existing facility:

- The height of the existing facility is increased by more than ten percent (10%) from the current height or twenty (20) feet, whichever is greater;
- More than 4 new equipment cabinets or 1 new shelter;
- Protrusion of more than twenty (20) feet or width of the tower, whichever is greater; or,
- Excavation outside existing leased or owned property and current easements.

Minor modifications include new antennas that do not meet the threshold for major modifications, as well as collocations on existing towers and buildings. The applicant will be able to submit an application for administrative review and approval. Through this process, the applicant will still need to secure additional zoning requirements, if needed, such as Historic Winchester and Corridor Enhancement district approval. A fee of \$500 will be associated with the application. The ordinance will also include the same three basic requirements for administrative approval as are typically included with a telecommunications CUP approval: certification the antennas meet federal requirements, bond covering removal of the equipment, and a requirement to remove the equipment once it is no longer in active use.

Mr. Gridale said that staff recommends that this ordinance receive a favorable recommendation. He concluded saying that he is available for questions.

Chairman Wiley called for questions from the Commission.

Commissioner Smith asked if the fees that are attached are consistent with other localities. Mr. Gridale responded that they are and we are not proposing to modify the Conditional Use Permit fee for the current review process but there would be a fee associated with the administrative review process to cover the expenses.

Commissioner McKannan commented that most of the fee is for advertising costs, is that correct. Mr. Gridale said that when we typically charge fees they go for staff review, advertising fees, and any other fees associated with that review so that is why you see this lower fee for the administrative review because it is less intensive than the current process.

Chairman Wiley said that the current two projects that the Commission just passed would be administrative reviews to which Mr. Grisdale said yes, the two from the meeting today would be handled as administrative reviews.

Commissioner Loring said given that, do the providers think this is a good idea to which Mr. Grisdale said that although he cannot speak for them, he would think so.

Commissioner Slaughter asked if it would make sense to add language for minor modifications that if staff comes up against something unforeseen, then staff could ask the applicant to go through the CUP process. Mr. Grisdale said that is possible and staff can take a look to see if there is some type of situation that would present itself. Typically with a minor modification it would be a collocation or removal of some of the existing equipment, so it would be pretty rare that staff runs in to that type of instance. He said that he does understand the concern because there may be an unusual circumstance that may popup. Mr. Grisdale said that staff will take a look and if there is a concern, staff can ask that language be included at the Council review. Commissioner Loring said that it makes sense, just as a catchall.

Chairman Wiley Opened the Public Hearing

Justin White, consulting firm, said that he had a few things that he hoped that would be clarified going forward either in the text or from guidance by staff, particularly relating to various carriers. It was not clear from the text whether the two conditions or the Board process would be required. The first question is if there is a carrier looking at a site and a second carrier comes along and wants to add equipment, it would be a new site for them but it would not necessarily fall in to the major modification categories, would they be required to get a conditional use permit for themselves or would they “take shelter” under the original one. The second question has to do with how things are counted, how the cabinets are counted, for example. When there are multiple carriers at a site potentially adding or removing cabinets from their own sections, how is that counted and when would a major modification kick in. Is it per carrier, is it per platform, or is it per site. These are some things that we need to see some more clear guidance on.

Commissioner Smith asked what exactly is meant by cabinets. Mr. White said that the cabinets are a piece of equipment that spans all of the equipment platforms and carriers have anywhere from one to four per site.

Chairman Wiley Closed the Public Hearing

Mr. Grisdale clarified saying in terms of how the language is structured in the proposal, basically there are certain things that are major modifications if a request does not meet those thresholds, then by default, falls to a minor modification and thus an administrative review. A potential hypothetical situation, let’s say we have some building-mounted antennas that has had one conditional use permit come through as a new request; a second carrier comes along later and wants to add antennas, that would be a minor modification because it already went through the conditional use process initially unless it meets one of those five criteria included within the major modification. Most of those types of requests will fall as a minor modification as long as they are not the initial request. In terms of the cabinet count, for those modifications, they are cumulative over time. So, for instance, if we have five modifications over two years, each one is adding a new equipment cabinet, the fifth one would put it over the threshold for a major modification.

Commissioner Smith said that when a carrier no longer wants to use one of the cabinets, they would need to remove it and then a new carrier comes in and wants to add a new cabinet in place of the old equipment, then this would be considered a new one. Mr. Gridale said that this would probably fall into the minor modifications unless it is meeting those thresholds, i.e., percentages, expansions, and so forth; then it would fall under a major modification. It would be the cumulative effect, if someone is removing something and someone else is adding something, it would be a net-zero effect.

Commissioner Loring asked if a sentence needs to be added to indicate that it is cumulative up to the threshold. Mr. Gridale said that there is some existing language in Article 18-2-1.2, subsection 3v.

Chairman Wiley called for additional questions or discussion from the Commission. Hearing none, he called for a motion.

Commissioner Smith moved to forward TA-14-645 to City Council recommending approval because the amendment, as proposed, presents good planning practice by providing for a more streamlined review process for telecommunications facility installations and modifications.

Commissioner Loring seconded the motion. Voice vote was taken and the motion passed, 6-0.

PUBLIC HEARINGS – Continued

None.

NEW BUSINESS:

TA-14-698 AN ORDINANCE AMENDING AND REENACTING ARTICLES 1, 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. (Mr. Gridale)

Mr. Gridale presented the staff report stating that this is a staff drafted ordinance amendment pertaining to mobile food establishments (food trucks), which staff is requesting the Planning Commission initiate. Over the last several months, staff has received inquiries about the permissibility of food trucks on private property within the City. Presently the Zoning Ordinance does not have clear provisions that address this issue. Staff developed a working group with representatives from the restaurant community, a food truck operator, City staff, a previous Planning Commissioner, and a representative from the Chamber of Commerce to discuss the issue and develop a draft ordinance. The committee developed this draft ordinance which we believe provides for basic guidelines for the operation of mobile food establishments within the City as well as baseline protections of public health and safety.

Mr. Gridale further advised that the proposed ordinance will allow for a mobile food establishment operator to apply for a permit that can be used for up to ten (10) properties throughout the year. Also, the amendment establishes several basic documents to be submitted with the permit applicant, including property owner permission, a site sketch, and documentation of licensure from the Commissioner of Revenue's office and Department of Health. The draft ordinance also establishes basic operational requirements, including hours of operation, where such vending may take place, signage,

refuse requirements, and parking requirements. He also said that these are yearly permits therefore, if we realize that something is not working, we can come back and revisit it. He concluded by stating that staff recommends the text amendment be initiated for public review and that he is available for questions.

Commissioner Wiley asked if they were able to get anything worked out about the tax situation. Mr. Grisdale responded that he did reach out to the Commissioner of Revenue who advised that they will be responsible for full tax compliance with business licenses, meals taxes, and business personal property taxes. As such, they have a number of tools and techniques that they use in order to ensure that any business complies with the particular reporting and payment of their taxes.

Commissioner Smith asked if the vendors will be subject to impromptu health department inspections as well since they will be moving to different locations. Mr. Grisdale responded that he cannot speak for the health department and that his basic understanding is that they have the one-time, yearly inspection but that he does not believe they follow them from place to place. He did say that he can reach out to the health department before next month's meeting and public hearing to try to get some more information.

Commissioner Loring asked if there is any restriction on the number of permits. Mr. Grisdale responded that there is no provision that would limit the number to one (1), so hypothetically, an applicant could apply for two (2) or three (3).

Commissioner Slaughter – to clarify, with the ten (10) sites, they have to present site sketches and everything for every site that they are potentially going to go to and they are strictly limited to those sites, and there is no grandfathering. Mr. Grisdale said that is correct and they would present those sketches up front so that staff can confirm that they are not going to be taking up fire lanes, required parking spaces, and such other things. There will be no grandfathering because this is not establishing a nonconforming situation because it is not a permanent use on a piece of property.

Commissioner Smith questioned if there is a mobile food truck with permission from a property owner, and the owner becomes unhappy with the mobile food truck owner because of circumstances such as trash being left on the property, or too many people coming there, what recourse does the property owner have to remove the mobile food truck. Mr. Grisdale said that in terms of enforcement, the Zoning Administrator has the ability to revoke an issued permit for noncompliance with the stated standards in the ordinance and there is a revocation provision included within the ordinance should someone fail to comply with any of the requirements.

Chairman Wiley called for additional questions or discussion. Hearing none, he called for a motion.

Commissioner Slaughter moved to initiate TA-14-698, per the attached resolution. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 6-0.

OLD BUSINESS:

None.

OTHER BUSINESS:

A. Administrative Approvals:

1) Site Plan Report

(a) SP-14-650 1600 Amherst Street – Omp’s Funeral Home – Minor Revision

Chairman Wiley moved to approve. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

(b) SP-14-687 1328-1470 Commerce Street – Rosenberger’s – Minor Revision

Commissioner Smith moved to approve. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.

(c) SP-14-693 901 Amherst Street – Glass-Glen Burnie Foundation – Minor Revision

Chairman Wiley recused himself. Commissioner Loring moved to approve. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 5-0.

(d) SP-14-695 805 Cedar Creek Grade – Petal Properties – Minor Revision

Commissioner Loring moved to approve. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.

(e) SP-14-713 28 South Braddock Street – Allen Rogers – Minor Revision

Commissioner Loring moved to approve. Commissioner McKannan seconded the motion. Voice vote was taken and the motion passed 6-0.

ADJOURN:

With no further business before the Commission, the meeting adjourned at 4:55 p.m.

CU-14-640 Request of Joshua Schakola on behalf of Verizon Wireless for a Conditional Use Permit for modifications to a telecommunications tower at 799 Fairmont Avenue (Map Number 153-01- -2-A) zoned Limited Industrial (M-1) District.

REQUEST DESCRIPTION

The applicant is proposing to add three (3) new antennas and install one GPS antenna as part of an upgrade of existing telecommunications facilities at the tower located on the National Fruit property at 799 Fairmont Avenue.

AREA DESCRIPTION

The existing tower is located in a wooded area in the northwest portion of the ±68 acre, M-1 zoned National Fruit Product Company industrial property. Land to the east is also zoned M-1 and includes the migrant worker camp and some single family residences along the west side of Fairmont Ave. Land to the west is zoned LR and is vacant. Land further to the southwest includes an M-1 zoned City water tank and an LR zoned single family residence. Land directly to the north is located in Frederick County and includes vacant land in the Rural Area (RA) and Residential Performance (RP) Districts.



STAFF COMMENTS

The applicant intends to add three antennas mounted to the pre-existing lattice tower behind existing antennas. The additional antennas are proposed in order to additional capacity and uninterrupted coverage in response to increasing demand for streaming and data usage. Collocation of antennas on existing structures as proposed is encouraged within the Zoning Ordinance. The applicant does not intend on expanding the existing ground support equipment with this request. ****Due to a scrivener's error in the public advertisement this item was re-advertised for this month's public hearing****

RECOMMENDATION

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

A favorable motion could read:

MOVE the Commission forward **CU-14-640** to Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the

neighborhood nor be injurious to adjacent properties or improvements in the neighborhood. The recommended approval is subject to the following conditions:

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

OR

An unfavorable recommendation from the Planning Commission to City Council should cite the reasons why the proposal as submitted or modified could negatively impact the health, safety or welfare of those residing or working in the area and/or why it would be detrimental to public welfare or damaging to property or improvements in the neighborhood.

VERIZON WIRELESS
Winchester

Statement of Compliance

Verizon Wireless at 799 Fairmont Ave

Winchester, VA 22601

(Proposal is for minor alteration to the Verizon installation on Tower)

Description of Proposed Use.

The Applicant is submitting this application to modify its antennas installation on the tower. The alteration consists of adding three (3) Remote Radio Heads (RRH), one (1) per sector, behind an existing antenna. There will also be an addition of three (3) Distribution Boxes, one (1) per sector, behind an existing antenna. One (1) GPS antenna will be added to the existing cable ice bridge. One (1) existing hybrid cable will be removed from the tower and replaced with three (3) new hybrid cables.

The proposed telecommunications installation is a vital part of Verizon Wireless' area wide wireless communications network. As part of that network, Verizon Wireless requires a wireless communications facility in order to provide seamless coverage in City of Winchester area next to offices, businesses as well as those travelling through the city area.

The proposed alteration is required in response to an increasing demand for streaming and data usage. Without the proposed alteration, customers will be unable to access or maintain a transmission speed of information and will not be able to obtain dependable service for voice communications.

The existing communications facility is a passive facility and will not have employees or personnel, hours of operation or impacts on traffic around the facility. The communications facility does not create any noise, dust, fumes or vibrations. The wireless facility will continue to be unmanned with one (1) or two (2) monthly maintenance visits. The use is not hazardous or in conflict with existing and anticipated traffic in the surrounding neighborhood.

Requirement for Proposed Use

Telecommunication carriers must locate antenna sites according to a network design within relatively limited geographic parameters in order to provide uninterrupted coverage. The demand for wireless Internet access and the use of "Smart Phones" has exponentially increased the demand. In order to meet demand, Verizon seeks to make the most efficient use of each facility. By collocating antennas on a rooftop with existing telecommunications facilities, Verizon makes better use of the space while avoiding the need to erect a new antenna support structure or install antennas on another structure.

VERIZON WIRELESS
Winchester

The proposed heights of the replacement antennas are at a sufficient height so as to permit radio signals to clear any obstructions while simultaneously providing coverage to the intended service area.

This site offers both an excellent land-use and visual solution to Verizon Wireless' coverage objective within the narrow placement parameters of this particular search area.

Conformance with the General Provisions of the Conditional Use Permit

A Conditional Use Permit is hereby requested as the intended collocation complies with the following regulations set forth in Section 18-2.

18-2-1 Conditional Use Permit

18-2-1.1

Conditional use permits may be granted by the City Council for any of the uses for which a permit is required by the provisions of this Ordinance. In granting any such use permit, the City Council may impose any such conditions in connection therewith as will assure that it will conform with the requirements contained herein and will continue to do so, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. A conditional use permit shall not be issued unless the City Council shall find that:

- a. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons 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. Among matters to be considered in this connection are 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.
- b. The proposal as submitted or modified 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.

COMPLIANCE: Radio Frequencies do not affect the health safety or welfare of persons residing or working in the neighborhood per the FCC regulations. This is an existing passive facility, unmanned with only one (1) or two (2) monthly maintenance visits and does not be create any noise, dust, fumes or vibrations.

18-2-1.2

Proposals for transmitting and receiving facilities and towers for cellular communications systems and similar communications systems shall demonstrate the following: (2/14/96, Case TA-95-07, Ord. No. 002-96; 8/13/13, Case TA-13-198, Ord. No. 2013-21)

VERIZON WIRELESS
Winchester

- All possible means for sharing space on existing towers or on existing buildings or other structures have been exhausted and no alternative other than constructing a new tower exists, and if a new tower is proposed, the applicant as executed a Letter of Intent to share space on their tower and negotiate in good faith with other interested parties.;
- The height of any tower is not more than the minimum to accomplish required coverage and any new tower is separated from property lines in a residential district by not less than the height of the tower. In no case shall any tower exceed 75 feet in height in a LR, MR, HR, HR-1, RO-1, RB-1 or HS Districts, nor 100 feet in the B-1, B-2, CM-1, PC, MC or HE-1 Districts, nor 200 feet in the M-1 or M-2 Districts;
- The tower construction is of a design which minimizes the visual impact and the tower and other facilities have been camouflaged and/or screened from adjacent properties and rights of way to the maximum extent practicable. To this end, the proposal must provide for retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening must, at a minimum, meet the requirements of Section 19-5-6.4d of this Ordinance. The Planning Commission may recommend and the City Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility;
- The electromagnetic fields do not exceed the radio frequency emission standards established by the American National Standards Institute or standard issued by the Federal Government subsequent to the adoption of this Ordinance.

COMPLIANCE: The proposed alteration is to an existing telecommunications tower shared by other wireless telecommunications carriers thereby eliminating the need to locate on other structures which do not support existing telecommunications facilities or the need to erect a new tower.

18-2-3 Procedures

18-2-3.1

The procedures governing this application for and the granting of conditional use permit where required by this Ordinance shall be as follows: (10/11/83, Case 83-06, Ord. No. 034-83)

18-2-3.2

The applicant, who shall be a record owner, or contract owner with written approval of the owner, of the land involved (if a contract owner, copy of said contract shall be filled with and made a part of application), shall make application for the use permit to the Administrator on the form provided for that purpose, giving all information required by such form, including such other information which the Administrator may deem necessary for an intelligent consideration of the project for which a permit is desired. The application shall be accompanied by the 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 for this Ordinance and ten (10) copies of the following: (10/13/92, Case TA-92-02, Ord. No. 016-92; 8/16/02, Case TA-02-04, Ord. No. 014-2002)

VERIZON WIRELESS
Winchester

COMPLIANCE: The applicable applications have been signed by the property owner who is engaged in an amendment to the current leased space with Verizon Wireless for the alterations of the space.

18-2-3.3

A site plan in accordance with Article 19 of this Ordinance.

COMPLIANCE: The site plans have been submitted with the Conditional Use Application.

18-2-3.4

The front, side, and rear elevations and floor plans of the proposed buildings.

COMPLIANCE: No new building is proposed, the alteration is on an existing Tower.

18-2-3.5

Public Notice and Hearing. The Administrator shall submit the conditional use permit application and copies of the site plan to the Commission, which shall make a recommendation to the City Council with shall approve, approve with conditions, or deny the application. No such use permits shall be considered by the Commission or the Council except after notice and hearing as per Section 23-7-1 of this Ordinance. Written notice shall be provided per Section 23-7-2 of this Ordinance for both the Commission and City Council hearings. (2/9/88, Case TA-87-14, Ord. No. 009-88; 10/13/92, Case TA-92-02, Ord. No. 016-92)

COMPLIANCE: Upon acceptance of the application, the applicant will conform to the guidelines for notification of any such hearings held by the Commission and City Council.

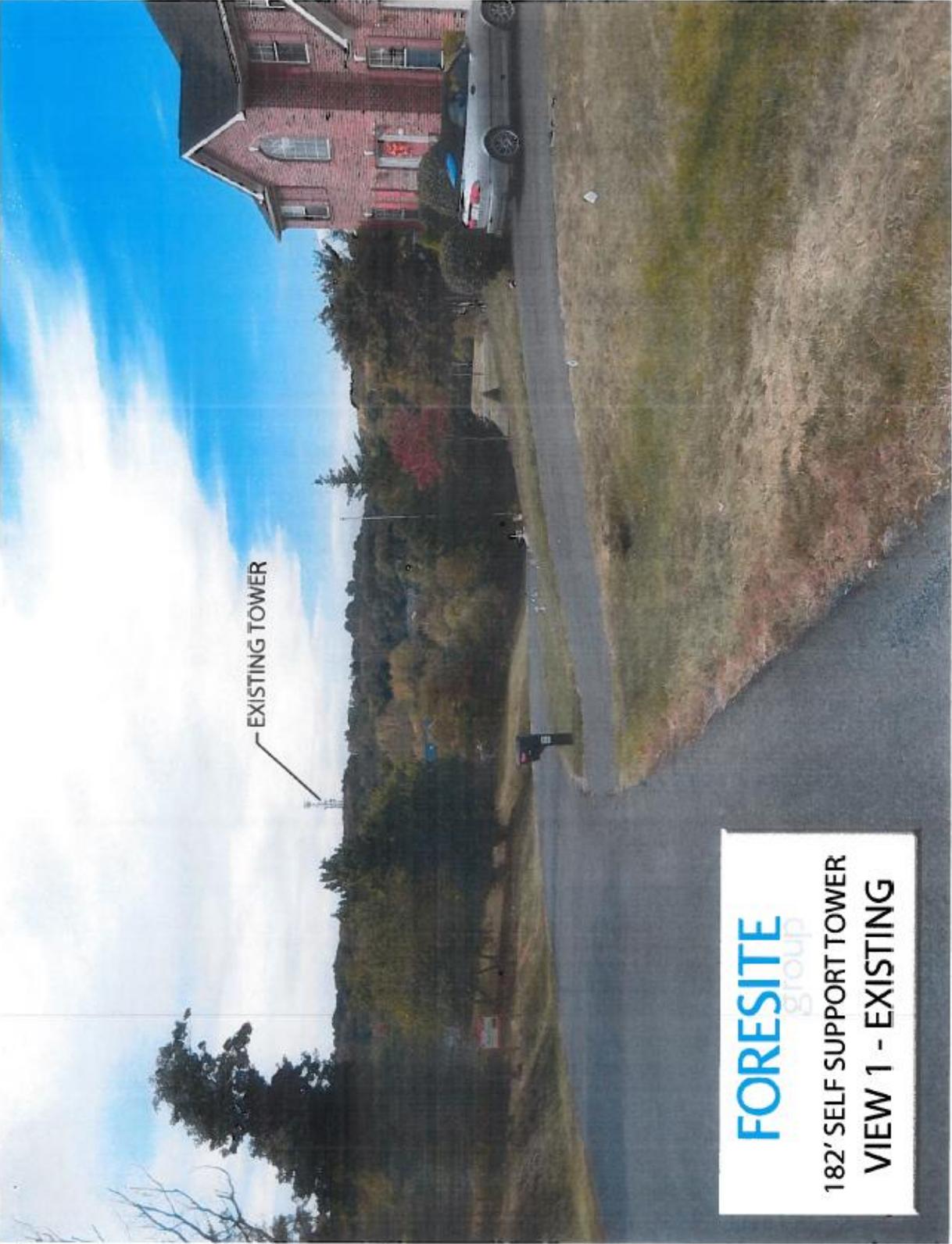
18-2-3.6

Notification Signs. For the hearing by both the Commission and City Council, the applicant shall place notification signage as per Section 23-7-3 of this Ordinance. (2/9/88, Case TA-87-14, Ord. No. 009-88; 10/13/92, Case TA-92-02, Ord. No. 016-92)

COMPLIANCE: Upon notice of scheduled hearing, applicant shall comply with proper posting of notification signs.

X

Joshua Schakola
Zoning Specialist





TA-14-698 AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES.

REQUEST DESCRIPTION

This is a staff drafted and publicly initiated ordinance amendment pertaining to mobile food establishments (food trucks).

STAFF COMMENTS

Over the last several months staff has received several inquiries about the permissibility of food trucks on private property within the City. Presently the Zoning Ordinance does not have clear provisions that address this issue. Staff developed a working group with representatives from the restaurant community, a food truck operator, City Staff, a previous Planning Commissioner and a representative from the Chamber of Commerce to discuss the issue and develop a draft ordinance. The committee developed this draft ordinance which we believe provides for basic guidelines for the operation of mobile food establishments within the City as well as baseline protections of public health and safety.

The proposed ordinance will allow for a mobile food establishment operator to apply for a permit that can be used for up to ten (10) properties throughout the year. Additionally, the amendment establishes several basic documents to be submitted with the permit application, including property owner permission, a site sketch and documentation of licensure from the Commissioner of Revenue's office and Department of Health. Furthermore the draft ordinance also establishes basic operational requirements, including hours of operation, where such vending may take place, signage, refuse requirements, and parking requirements.

This proposal is consistent with City Council's Strategic Plan: Goal 1 – Grow the Economy, Objective 4 – Increase number of start-up businesses and Objective 5 – More diverse local economy.

RECOMMENDATION

Staff recommends approval.

A possible motion could read:

MOVE, the Planning Commission forward **TA-14-698**, with a favorable recommendation because the proposed amendment establishes baseline operational requirements and includes provisions for the protection of public health and safety, while also allowing for increased start up business opportunities consistent with the City's Strategic Plan.

AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES.

14-698

Draft 2 – 12/2/2014

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**

SECTION 1-2. DEFINITIONS.

1-2-65.1 **MOBILE FOOD ESTABLISHMENT: A readily movable wheeled vehicle or towed vehicle designed and equipped for the preparation, service and/or sale of food. This term includes mobile food units, food trucks, and similar apparatuses.**

SECTION 18-25 **MOBILE FOOD ESTABLISHMENTS**

The intent of this section is to establish basic operational standards for mobile food establishments as well as appropriate protections of public health, safety and welfare for their operation on private property. Mobile food establishments are by definition itinerant and not permanent fixtures to a specific property.

18-25-1 **GENERAL REQUIREMENTS**

- A. For the purposes of this Section, the terms permittee, operator, and vendor all shall mean a licensed mobile food establishment, as defined in Section 1-2-65.1.**
- B. A mobile food establishment permit authorized by the Administrator shall be required prior to the operation of a mobile food establishment on a privately owned parcel.**
- C. A mobile food establishment permit allows the permittee to operate at up to ten (10) different properties. An applicant may apply for more than one (1) such permit. A fee as provided in Section 23-8 of this Ordinance shall be required for each permit.**
- D. A mobile food establishment permit is valid through December 31 of the year upon which the permit was issued.**
- E. A mobile food establishment does not include outside vendors permitted pursuant to Section 18-7 of this Ordinance pertaining to uses on the public sidewalk in the Primary and Secondary Assessment districts.**
- F. A mobile food establishment permit may be revoked by the Zoning Administrator at any time, due to the failure of the permit holder to comply with all requirements of this Article. Notice**

of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation in accordance with Article 21 of this Ordinance.

18-25-2 **APPLICATION REQUIREMENTS**

- A. Applicants for a mobile food establishment permit authorizing the operation on private property must provide:
- 1) A City business license (or a statement from the Commissioner of Revenue that no City business license is required);
 - 2) A valid permit from the Virginia Department of Health stating that the mobile unit meets all applicable standards. A valid health permit must be maintained for the duration of the mobile food establishment permit;
 - 3) Written permission from the owner(s) of the private properties upon which the permittee will operate;
 - 4) Description of the days of the week and hours of operation for proposed vending at each proposed property; and,
 - 5) A sketch to be approved by the Zoning Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit;
- B. A permit shall not be required for the location or setup of a mobile food establishment on private property for the catering or providing of food service to a closed private event (such as weddings, birthdays, picnics, etc.). During such an event no public vending shall be permitted.
- C. A permit and fee shall not be required for individual mobile food establishments if the operator is participating in an approved fair, festival, or similar event on private property, approved by a temporary event permit pursuant to Section 18-17-3 of this Ordinance.

18-25-3 **OPERATIONAL REQUIREMENTS**

- A. Operation of a mobile food establishment may take place between the hours of 7:00 a.m. and 10:00 p.m.
- B. No vendor shall remain on site at one property for more than forty-eight (48) consecutive hours.
- C. Vendors shall comply with Article 17 of City Code pertaining to noise control.
- D. Only food and non-alcoholic beverages incidental to the permitted vendor shall be sold from the mobile unit. Retail sales of merchandise are permitted as an accessory use to the primary use of food sales.
- E. One 10'x10' tent and a table that fits underneath may be utilized to provide condiments to patrons.

- F. Portable receptacles for the disposal of waste materials or other litter shall be provided. All waste shall be removed and disposed of daily by the mobile food establishment operator. Public trash receptacles shall not be used for compliance with this section.
- G. No liquid or solid wastes may be discharged from the mobile unit.
- H. Signage:
 - 1) Signage may be imprinted on the exterior body of a licensed mobile food establishment and include the use of an attached or detached menu board.
 - 2) Advertisements for businesses other than the mobile food establishment may not be utilized.
- I. No tables or chairs for patron's use may be set up in association with the mobile food establishment.
- J. The operator of a permitted mobile food establishment must conspicuously display the approved permit for public inspection.
- K. All required taxes must be paid and in conformance with Article 27 of City Code.
- L. A three-foot wide clearance area must be maintained around the mobile food establishment.

18-25-4 LOCATION REQUIREMENTS

- A. Mobile food establishments shall only be permitted in districts that permit a restaurant by-right.
- B. Mobile units may be located in any off-street parking lot in a location that does not block any drive aisles, ingress and egress from the property, or designated fire lanes. In no situation shall vendors be permitted to operate on grass, dirt or other non-improved parking surfaces.
- C. No parking space that satisfies a Zoning Ordinance parking requirement shall be converted into a parking space or vending area to accommodate a mobile food establishment.

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.
- e. Any violation of Section 18-25, pertaining to mobile food establishments.

SECTION 23-8. FEES.

<u>23-8-19</u>	<u>Mobile Food Establishment Permit</u>	<u>\$500</u>
-----------------------	--	---------------------

RZ 14-628 AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (*Map Number 233-01- -3*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

REQUEST DESCRIPTION

The request is to rezone from MR to MR with a PUD overlay which would permit enlarging the existing nursing home without increasing the number of beds as outlined in the letter (see attached) from the applicant dated October 3, 2014.

AREA DESCRIPTION

The property currently contains the existing business Evergreen Health & Rehab, an assisted living/nursing home facility. To the north and east is City owned land zoned Education, Institution and Public Use District (EIP) which includes parts of the Green Circle Trail and Shawnee Springs Preserve. To the south is a residential area zoned MR. The adjacent parcels to the west are zoned Central Business District (B-1) buffered by Millwood Ave and the CSX Railroad line. Portions of the property lie within the 100-year floodplain and a variance was granted by the Board of Zoning Appeals on November 12, 2014 for expansion of the structure and use of the facility.



STAFF COMMENTS

In a letter (see attached) to the Planning Director dated October 3, 2014, Mr. Donald Crigler of DFC Architects, PC, applicant for the owner (Long Term Care Properties, LLC), states that the rezoning will bring the Nursing Home/Assisted Living Facility use back to a by-right use. The use was established in 1968 and was a by-right use until 1990 when the property was rezoned MR, thus establishing a “non-conforming use” and preventing the opportunity for expansion. The proposed site plan and elevations shows a 3,000 sq. ft. footprint for a 6,000 sq. ft. two story addition. The expansion is intended to improve the operation of the facility itself and does not increase the number of patient beds or staff. Consequently, this expansion and improvements should have no impact on the City, fiscally or in terms of traffic. The expansion is also in line with the City’s Comprehensive Plan for the area, which calls for proactive redevelopment of property where needed to achieve maximum sustainable potential.

RECOMMENDATION

Staff recommends approval of the rezoning. A favorable motion could read:

MOVE, that the Commission forward **RZ-14-628** to City Council recommending approval as depicted on an exhibit entitled “Rezoning Exhibit RZ-14-628, Prepared by Winchester Planning Department, 10-03-2014” because the request is consistent with the Comprehensive Plan which calls for Redevelopment in the site.

AN ORDINANCE TO REZONE 5.1674 ACRES OF LAND AT 380 MILLWOOD AVENUE (Map Number 233-01- - 3) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

RZ-14-268

WHEREAS, the Common Council has received an application from DFC Architects, PC on behalf of Long Term Care Properties, LLC to rezone property at 380 Millwood Avenue from Medium Density Residential District to Medium Density Residential District with Planned Unit Development District overly; and,

WHEREAS, the Planning Commission forwarded the request to Council on December 16, 2014 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-628, Prepared by Winchester Planning Department, 10-03-2014*" because the proposed MR zoning with PUD overlay facilitates redevelopment as designated in the Comprehensive Plan and,

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

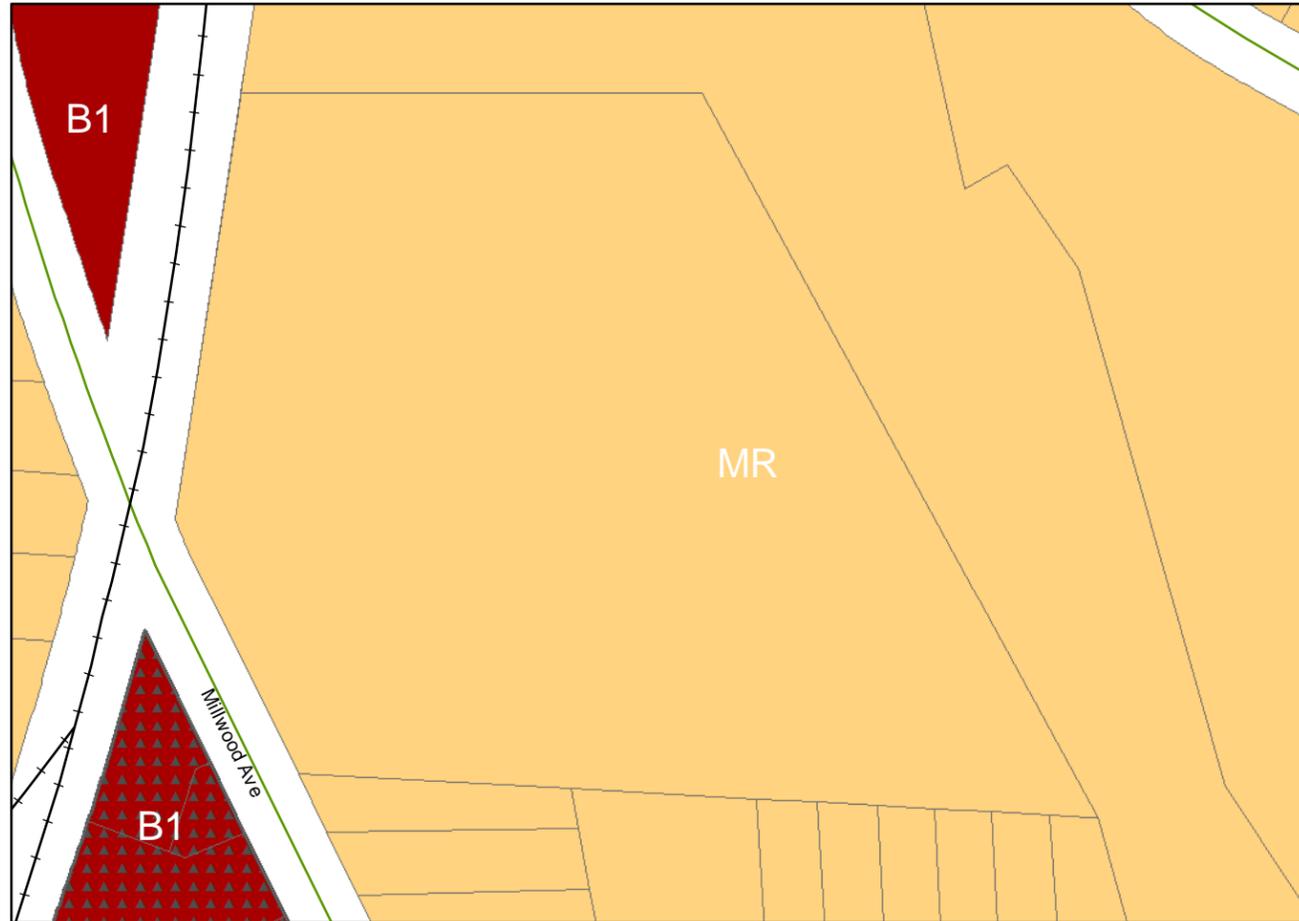
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation Medium Density Residential District to Medium Density Residential District with Planned Unit Development District overly: 5.1674 acres of land at 380 Millwood Avenue as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-628, Prepared by Winchester Planning Department, 10-03-2014*".

REZONING EXHIBIT

RZ-14-628

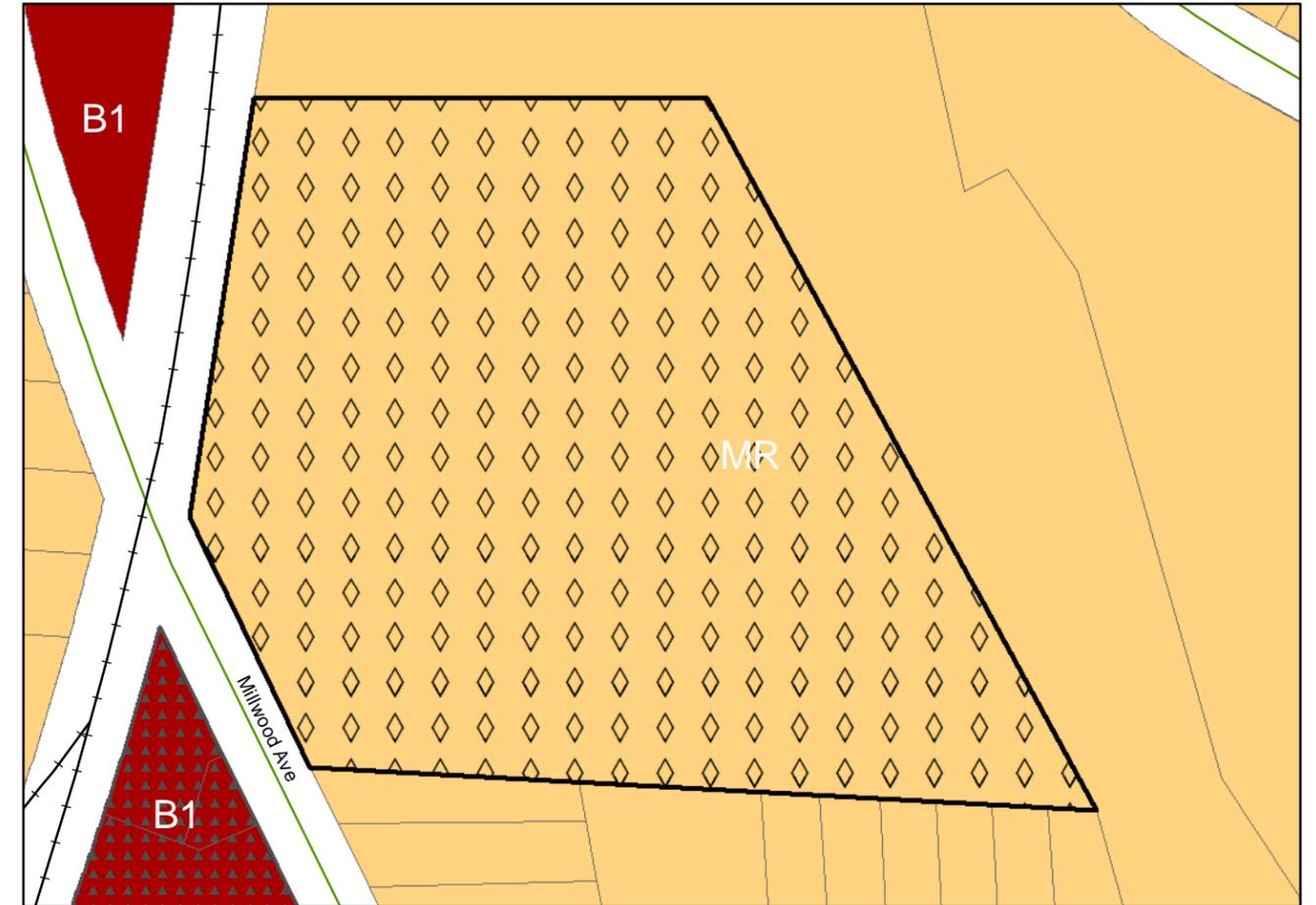
PREPARED BY WINCHESTER PLANNING DEPARTMENT

10-03-2014



EXISTING

MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING
FOR 380 MILLWOOD AVENUE

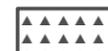


PROPOSED

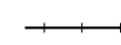
MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING
WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY
FOR 380 MILLWOOD AVENUE



Zoning Overlay Overlay

-  Conditional
-  PUD

Zoning MZONE

-  B1 Central Business District
-  MR Medium Density Residential District
-  Railroad

■ DFC Architects, PC ■

October 3, 2014

RE: Rezoning for a Planned Unit Development Overlay for
Evergreen Health & Rehab
380 Millwood Ave.
Winchester, Va 22601

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

Dear Tim,

I have enclosed an application for a re-zoning to place a Planned Unit Development overlay on the above referenced site. As you are aware the site is 5.1674 acres and therefore qualifies for a PUD overlay. The PUD will bring the use back to a "by-right" use for this site. It was brought to our attention that the current Zoning of MR which was done in 1990, actually made the existing use a "non-conforming use" and therefore eliminates the opportunity to expand the existing facilities. This use was established in 1968 and was a by right use from 1968 until the rezoning in 1990. I am submitting a site plan showing a new 3,000 square foot footprint for a 6,000 square foot, two story addition. I have included architectural plans and elevations of the proposed addition, since the project was ready to be started in September, until we discovered this zoning issue. I would appreciate any assistance that you can provide in expediting this process, since this rezoning was done prior to the current owners purchase of the facility in 2005. I would note that this expansion is designed to improve the care of the existing residents and does not add any additional beds, or staff. The rooms will be enlarged to accommodate the rehabilitation function on one wing and the long term care done on the other wing. It is also designed to meet the current HC accessibility standards for a Nursing facility.

As you may be aware this facility is the largest Nursing Home in the City of Winchester and provides more than 3 times as many licensed beds as any other facility in the City. Evergreen provides 65% of the total licensed Nursing home beds within the City of Winchester. If you have any further questions or need any additional information please feel free to contact me.

Sincerely,



Donald F. Crigler
President
DFC Architects, PC

Attachment: Planning Statements

29 E. Boscawen Street Ph.: (540) 678-0560 Winchester, Virginia 22601

Statement of Relationship to Comprehensive Plan

Section 13-4-2.2 j.

The current use was established 46 years ago and has been continuous to date. This use was established in 1968 and was a by right use from 1968 until a rezoning in 1990 which resulted in the use becoming a “grandfathered non-conforming use”. This status prevents any expansion of the current use or building that houses the current use. The Comprehensive Plan envisions this area of the City for Institutional Use which does the current use is in keeping with, along with it’s residential character for elderly care.

Traffic Analysis

Section 13-4-2.2 k.

The proposed expansion does not increase the number of patient beds (it provides larger rooms for patients) and does not require any additional staff, therefore there should be no traffic impact once the expansion is complete.

Fiscal Impact Analysis

Section 13-4-2.2 l.

There is no fiscal impact on the City anticipated by this expansion since the occupants and staff are not increasing.



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 722-3618
TDD: (540) 722-0782
Website: www.winchesterva.gov

November 13, 2014

DFC Architects, PC
Attention: Don Crigler
29 E. Boscawen Street
Winchester, VA 22601

Dear Mr. Crigler:

On Wednesday, November 12, 2014, the Board of Zoning Appeals acted on the following request:

BZA-14-517 Request of DFC Architects, PC, on behalf of the property owner, Long Term Care Properties, LLC, for variances pertaining to an expanded use and structure in the 100 year floodplain pursuant to Sections 14.1-15-3C, D, E, and J and Section 14.1-15-6A of the Winchester Zoning Ordinance, for the property located at 380 Millwood Avenue (*Map Number 233-01- -3 - > <01*), zoned Medium Density Residential (MR) District with Floodplain (FP) District overlay. The applicant is requesting these variances to obtain relief from required flood proofing and building elevation requirements for a proposed building expansion.

On a vote of 4-0, the Board approved a variance to DFC Architects, PC, on behalf of the property owner, Long Term Care Properties, LLC, for variances pertaining to an expanded use and structure in the 100 year floodplain pursuant to Section 14.1-15-6A of the Winchester Zoning Ordinance, for the property located at 380 Millwood Avenue (Map Number 233-01- -3 - > <01), zoned Medium Density Residential (MR) District with Floodplain (FP) District overlay, with the following conditions:

- a. The issuance of this variance is approved only for the expansion as proposed within the application materials, including those materials that were presented to the Board today, November 12, 2014.
- b. The issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

This variance is approved because:

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.
- 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Aaron M. Grisdale".

Aaron M. Grisdale, CZA
Director of Zoning and Inspections

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

PROJECT NUMBER:
1302
 DRAWN BY: TWN
 CHECKED BY: DC

REVISIONS: 
 1)
 2)

EXISTING / DEMO PLANS
EVERGREEN
 Renovation of Wing 1 & 3

SHEET TITLE:

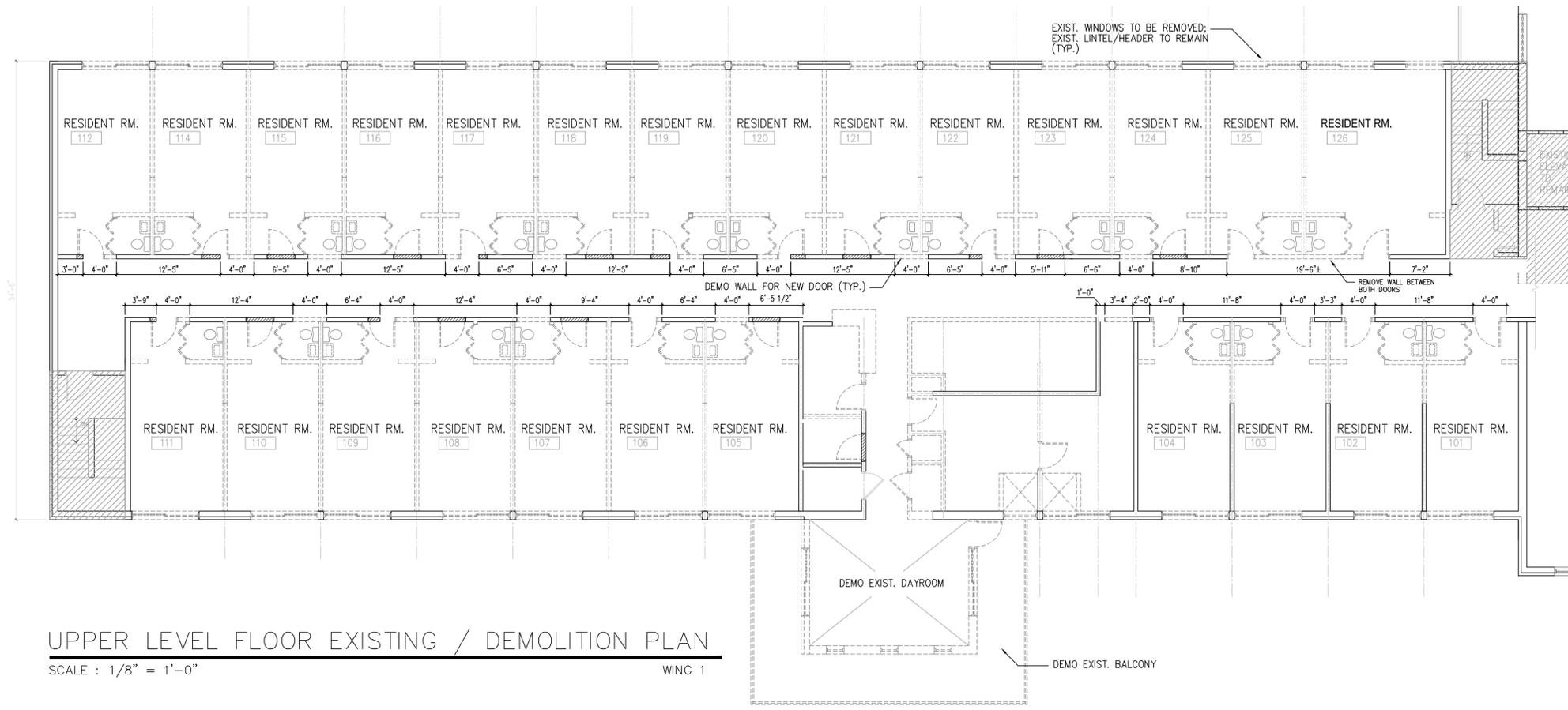
PROJECT NAME:

CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER
 ADDRESS:
 380 MILLWOOD AVENUE
 WINCHESTER, VA 22601

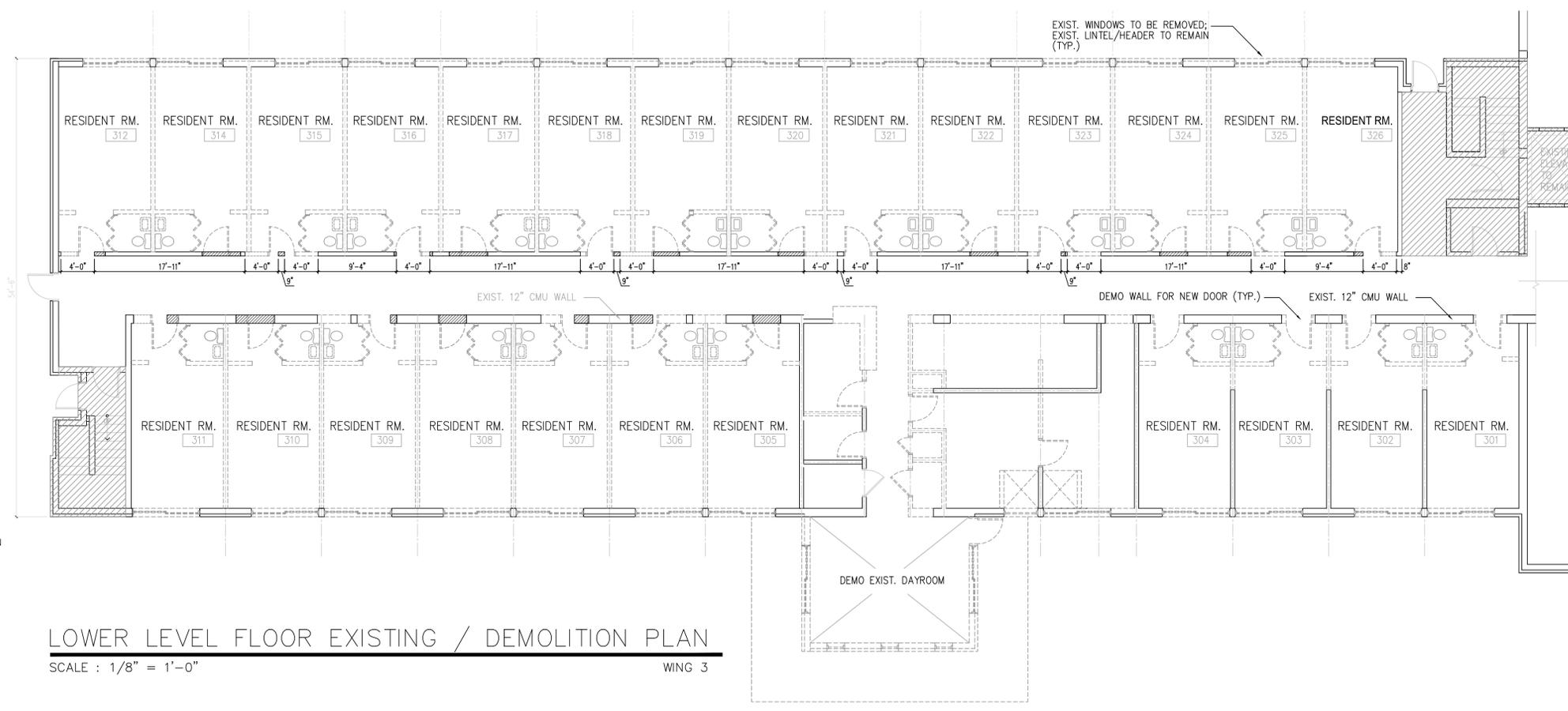
07.17.2014

SHEET No.

D1.00



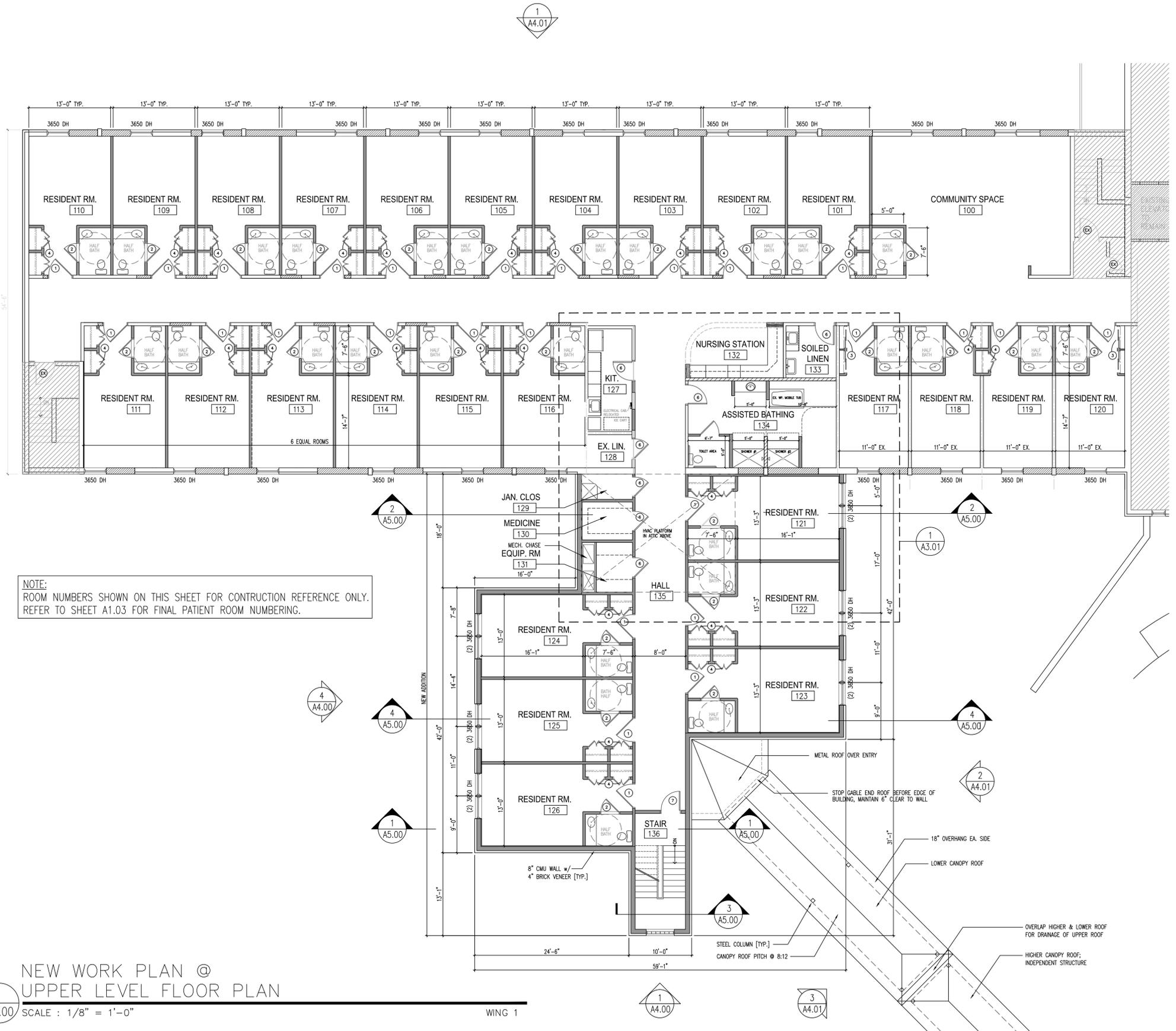
UPPER LEVEL FLOOR EXISTING / DEMOLITION PLAN
 SCALE : 1/8" = 1'-0"
 WING 1



LOWER LEVEL FLOOR EXISTING / DEMOLITION PLAN
 SCALE : 1/8" = 1'-0"
 WING 3

LEGEND

-  DEMOLITION
-  EXISTING CONSTRUCTION TO REMAIN
-  INFILL @ EX. WALL / OPENING
-  EXISTING DOORS TO REMAIN
-  DOORS TO BE REMOVED
-  WINDOWS TO BE REMOVED
-  ROOMS AND AREAS NOT IN CONTRACT



FINISH SCHEDULE:

FLOOR

1. COMMERCIAL CARPET
2. VINYL TILE
3. CERAMIC TILE
4. QUARRY TILE
5. MARBLE TILE
6. CONCRETE (PAINTED)
7. LAMINATED HARDWOOD

BASE

1. MATCH EXIST. BASE
2. WOOD BASE
3. CERAMIC BASE
4. CARPET BASE
5. VINYL BASE

WALL

1. MATCH EXIST. WALL
2. EXPOSED BRICK
3. CONCRETE BLOCK (PTD.)
4. DRYWALL (PTD.)
5. DRYWALL (WALL COVERING)
6. CERAMIC TILE

CEILING

1. MATCH EXIST. CEILING
2. 2X2 LAY-IN TILE
3. 2X4 LAY-IN TILE
4. LAY-IN TILE (SANITARY)
5. DRYWALL (PAINTED)
6. DRYWALL (TEXTURED)

LEGEND:

- FINISH SCHEDULE SYMBOL
- CEILING HEIGHT
- CEILING
- WALL
- BASE
- FLOOR

NOTE:
ROOM NUMBERS SHOWN ON THIS SHEET FOR CONSTRUCTION REFERENCE ONLY.
REFER TO SHEET A1.03 FOR FINAL PATIENT ROOM NUMBERING.

1
A2.00

NEW WORK PLAN @
UPPER LEVEL FLOOR PLAN

SCALE : 1/8" = 1'-0"

LEGEND

- EXIST. CMU WALL
- EXIST. WALLS
- NEW WALLS
- INFILL EXIST. OPG
- ROOMS AND AREAS NOT IN CONTRACT

DFC Architects, PC
29 East Boscawen Street (540) 678-0560
Winchester, VA 22601

PROJECT NUMBER:
1302

DRAWN BY: TWN
CHECKED BY: DC

REVISIONS:

- 1)
- 2)

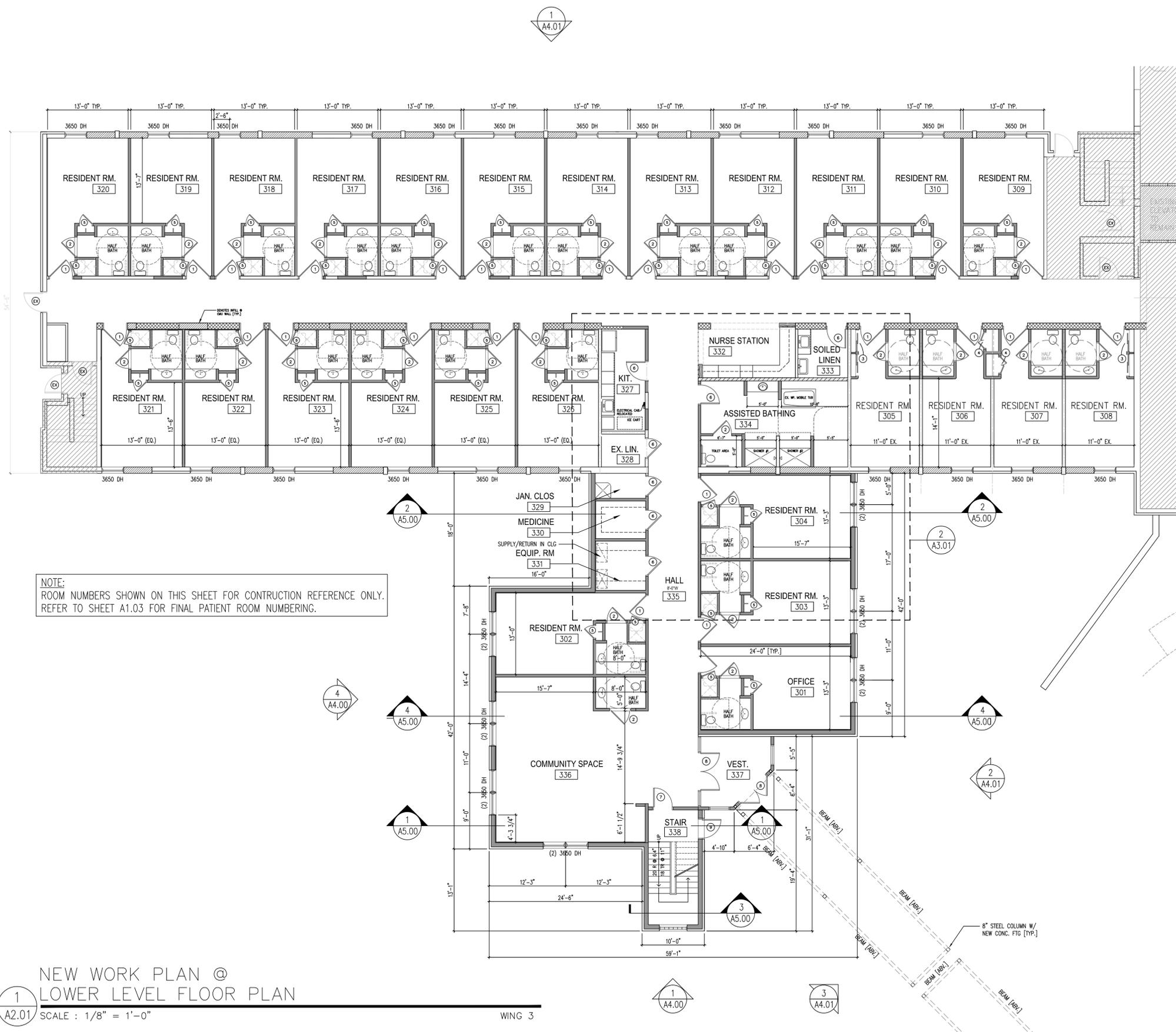
SHEET TITLE:
FLOOR PLAN @ UPPER LEVEL

PROJECT NAME:
EVERGREEN
Renovation of Wing 1 & 3

CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER
ADDRESS:
380 MILLWOOD AVENUE
WINCHESTER, VA 22601

07.17.2014

SHEET No.
A2.00



NEW WORK PLAN @ LOWER LEVEL FLOOR PLAN

1 A2.01 SCALE : 1/8" = 1'-0"

WING 3

FINISH SCHEDULE:

FLOOR

1. COMMERCIAL CARPET
2. VINYL TILE
3. CERAMIC TILE
4. QUARRY TILE
5. MARBLE TILE
6. CONCRETE (PAINTED)
7. LAMINATED HARDWOOD

BASE

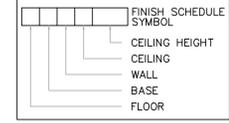
1. MATCH EXIST. BASE
2. WOOD BASE
3. CERAMIC BASE
4. CARPET BASE
5. VINYL BASE

WALL

1. MATCH EXIST. WALL
2. EXPOSED BRICK
3. CONCRETE BLOCK (PTD.)
4. DRYWALL (PTD.)
5. DRYWALL (WALL COVERING)
6. CERAMIC TILE

CEILING

1. MATCH EXIST. CEILING
2. 2X2 LAY-IN TILE
3. 2X4 LAY-IN TILE
4. LAY-IN TILE (SANITARY)
5. DRYWALL (PAINTED)
6. DRYWALL (TEXTURED)



LEGEND

- EXIST. CMU WALL
- EXIST. WALLS
- NEW WALLS
- INFILL EXIST. OPG
- ROOMS AND AREAS NOT IN CONTRACT

DFC Architects, PC
29 East Boscawen Street (540) 678-0560
Winchester, VA 22601

PROJECT NUMBER:
1302
DRAWN BY: TWN
CHECKED BY: DC

REVISIONS:

1)
2)

FLOOR PLAN @ LOWER LEVEL

EVERGREEN
Renovation of Wing 1 & 3

SHEET TITLE:

PROJECT NAME:

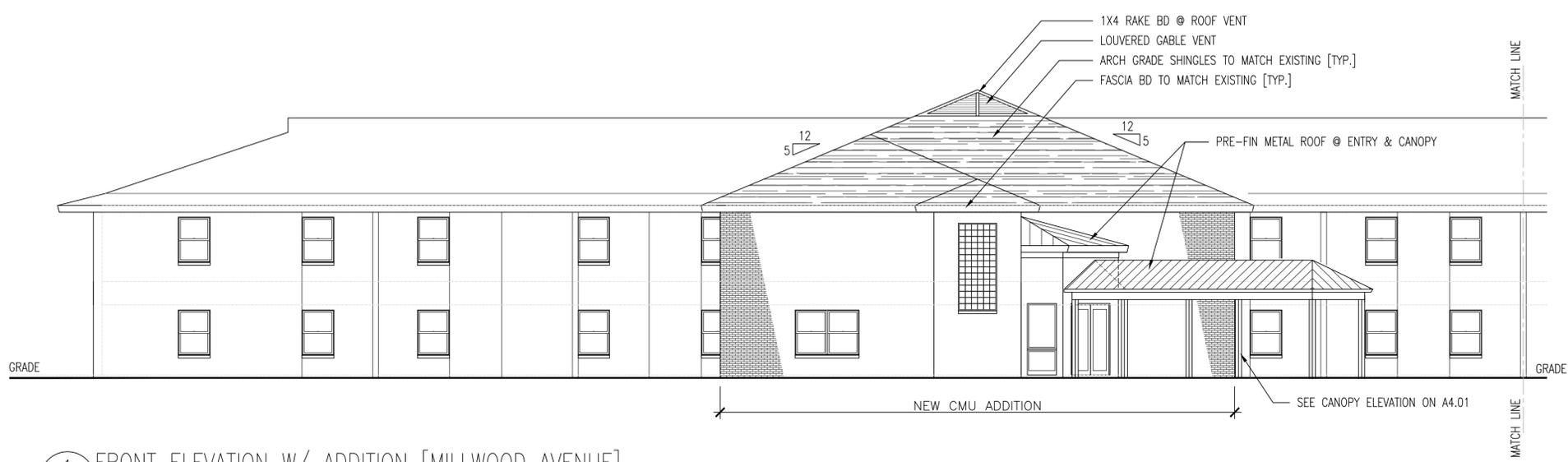
CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER

ADDRESS:
380 MILLWOOD AVENUE
WINCHESTER, VA 22601

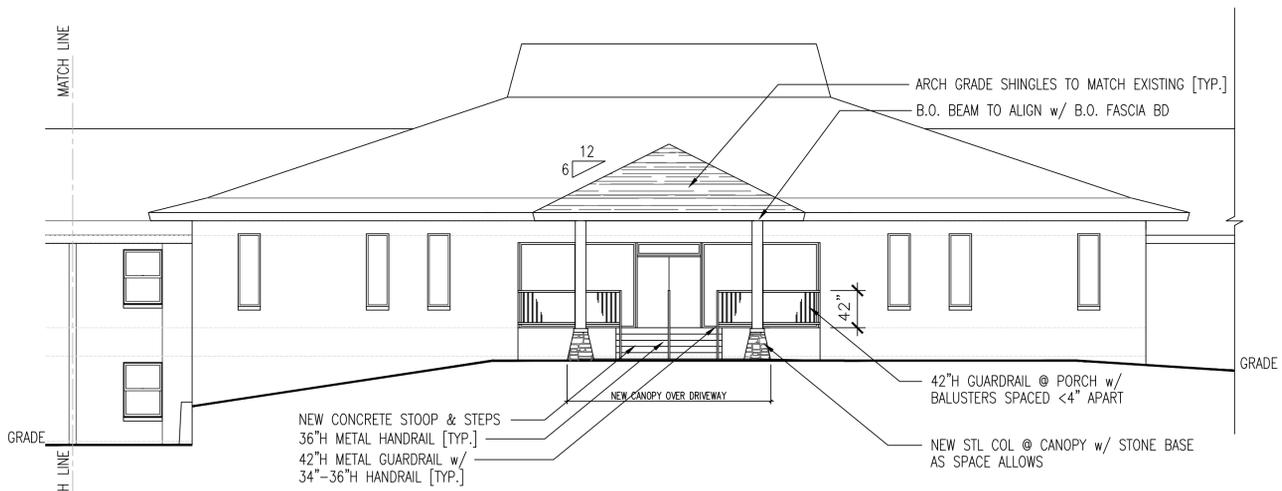
07.17.2014

SHEET No.

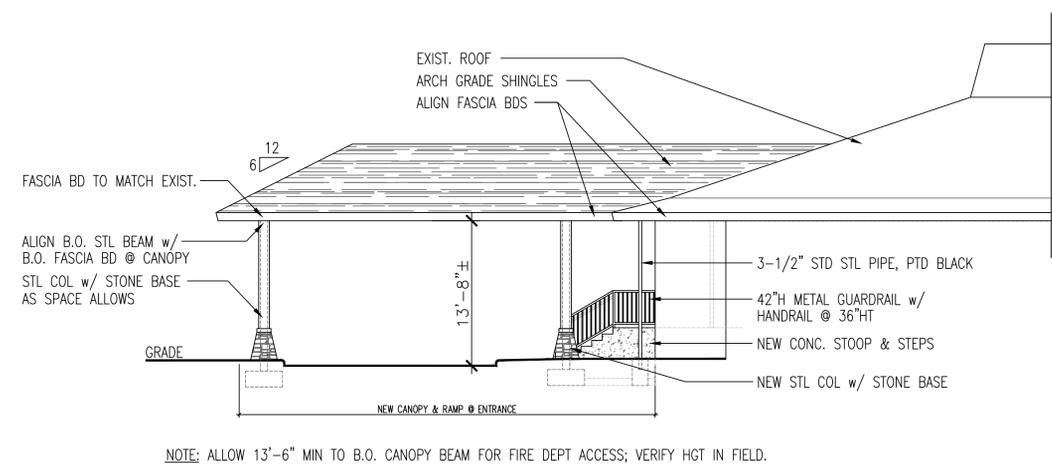
A2.01



1 FRONT ELEVATION W/ ADDITION [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"

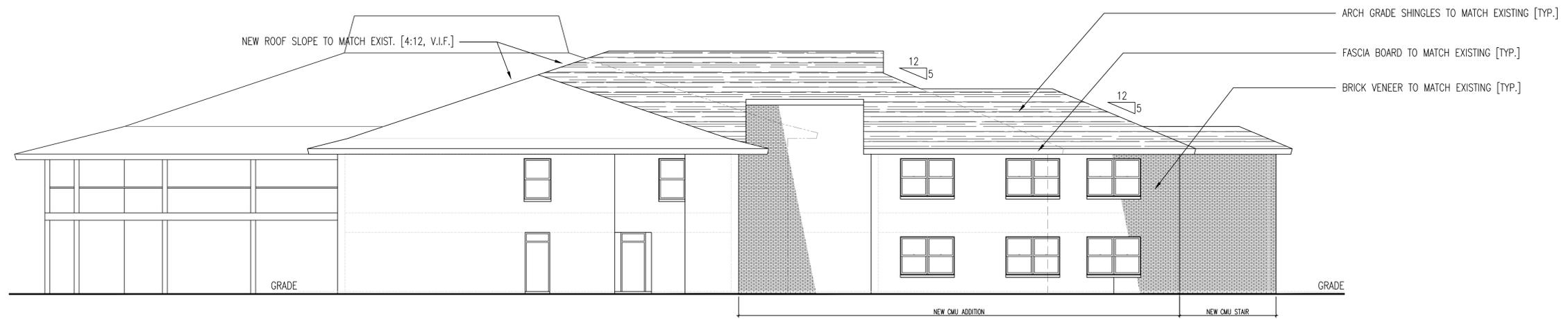


2 FRONT ELEVATION @ NEW MAIN ENTRANCE CANOPY [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"



3 SIDE ELEVATION @ NEW MAIN ENTRANCE CANOPY [MILLWOOD AVENUE]
 A4.00 SCALE: 1/8" = 1'-0"

NOTE: ALLOW 13'-6" MIN TO B.O. CANOPY BEAM FOR FIRE DEPT ACCESS; VERIFY HGT IN FIELD.



4 LEFT SIDE ELEVATION [NORTH]
 A4.00 SCALE: 1/8" = 1'-0"

PROJECT NUMBER:
1302

DRAWN BY: TWN
 CHECKED BY: DC

REVISIONS: 

- 1)
- 2)

SHEET TITLE:
BUILDING ELEVATIONS

PROJECT NAME:
EVERGREEN
 Renovation of Wing 1 & 3

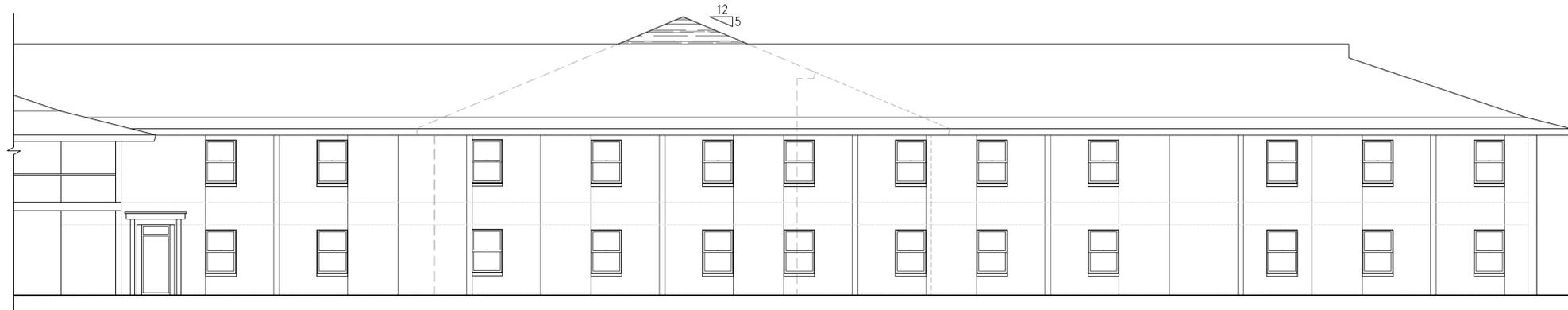
SHEET TITLE:

CLIENT INFORMATION:
EVERGREEN HEALTH & REHABILITATION CENTER
 ADDRESS:
 380 MILLWOOD AVENUE
 WINCHESTER, VA 22601

07 . 17 . 2014

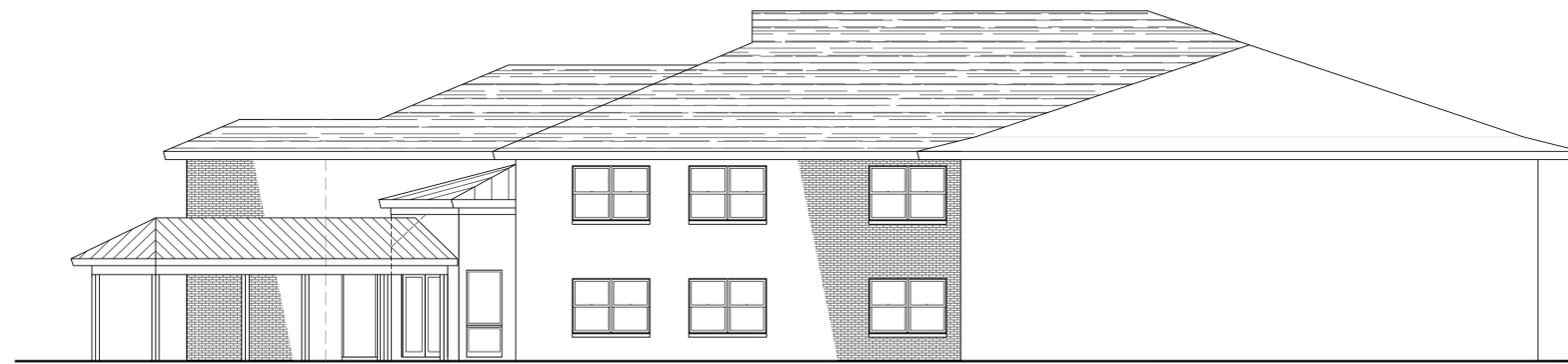
SHEET No.

A4.01



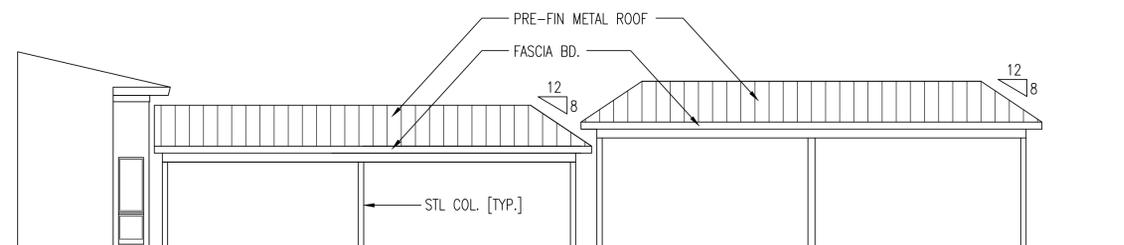
1 REAR ELEVATION [EAST]

A4.01 SCALE: 1/8" = 1'-0"



2 LEFT-SIDE ELEVATION @ ADDITION [SOUTH]

A4.01 SCALE: 1/8" = 1'-0"



3 ELEVATION @ NEW WALKWAY CANOPY

A4.01 SCALE: 1/8" = 1'-0"

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

REQUEST DESCRIPTION

The request is to conditionally rezone from RB-1(CE) and MR to MR with a PUD overlay which would allow up to 26 townhouse-styled rental units and 144 apartment units for a total of 170 dwellings units as outlined in the letter (see attached) from the applicant dated October 21, 2014. The request includes proffers (see attached proffer statement dated October 21, 2014 including a November 25, 2014 revision) relating to the development of the PUD.

AREA DESCRIPTION

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



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

address six areas under the heading of “Proffers Relating To The Use In The Proposed Planned Unit Development District (Land Bay C): These are: Street Access and Improvements; Site Development; Recreation, Landscaping and Design; Meadow Branch Avenue Extension; Stormwater Management; and Phasing.

Street Access & Improvements

Regarding street and access impacts, the applicant proffers that Meadow Branch Avenue entrances will be as depicted on the Generalized Development Plan (GDP). The latest version of the GDP depicts two entrances onto Meadow Branch Ave, one situated at the fully signalized intersection opposite of the employee and parent drop-off/pick-up entrance to the proposed John Kerr Elementary School (JKES) and one aligning with the median crossing opposite of the bus and delivery access to JKES. This latter access point to the proposed apartment area was not depicted on the approved subdivision plans nor the approved Meadow Branch Avenue engineering plans that the City commissioned. No southbound left-turn lane is provided at this location and the conversion of this approved 3-way intersection to a 4-way intersection will further complicate safe afternoon dismissal of school buses from JKES. No signalization is anticipated at this intersection and none is warranted given the close proximity to the fully signalized intersection just to the north. Staff has advised that a Traffic Impact Analysis (TIA) will likely be required as part of the rezoning if this intersection remains part of the proposal. Specifically the impact on this intersection needs to be studied.

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

Site Development

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

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

Recreation, Landscaping & Design

Under the Recreation, Landscaping and Design proffer, the applicant proffers screening and buffers as depicted on the GDP in addition to what is otherwise required by the Zoning Ordinance. A second part of the landscape proffer calls for providing street trees along Meadow Branch Ave at a rate of 1 tree for every 50 linear feet. Unless this is in addition to the 1 frontage tree for every 35 linear feet otherwise

STAFF COMMENTS

The applicant has provided a number of updated exhibits and documents on December 2, 2014 which supersede those submitted with the original application in October of 2014. This includes an updated Statement of Justification titled 'Meadow Branch Luxury Apartments, Winchester, Va'; a revised Proffer Statement dated November 25, 2014 titled 'Proffer Statement, A Proposed Rezoning, for a Portion of Tax Map Parcel ID: 149-1-7'; a copy of a Memo dated October 6, 2014 from Mr. Ed Smith, Director of Operations, Winchester Public Schools to the Winchester School Board members; a Market and Fiscal Impact Analysis, Meadow Branch Apartments, Winchester, Virginia dated November 2014; and a revised PUD Development Plan titled 'Ridgewood Orchard, Land Bay 'C' Apartments, Development Plan dated November 25, 2014. These materials are attached for reference.

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

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

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

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

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

POTENTIAL IMPACTS & PROFFERS

Since this is a conditional rezoning request, the applicant has voluntarily submitted proffers to mitigate potential impacts arising from the rezoning of the property from RB-1(CE) & MR to MR (PUD). The October 21, 2014 Proffer Statement, including revisions dated November 25, 2014, is structured to

required for all developments, this would actually represent a proffer to provide less than the minimum standard applicable citywide.

A third part of the Recreation, Landscaping and Design proffer calls out the inclusion of 10-foot wide hiker/biker trails through the site as depicted on the GDP. The plan currently shows trails connecting the Green Circle Trail out along Meadow Branch Avenue to the eastern boundary of the site (allowing for connection to future trails on the Glass-Glen Burnie property) along both the far north and south boundaries of the site. The GDP and proffer statement do not specify the surfacing of the trails. Preferably, the trails would have asphalt surfacing. Staff also feels that there should be some addressing of the potential impact of having the northerly trail situated so close in behind the 12 townhouse units proposed close to the Sacred Heart property boundary. An evergreen screen would seem desirable as an element of the PUD Development Plan.

Meadow Branch Avenue extension

The fourth major proffer heading pertains to the construction of Meadow Branch Avenue extension. It is important to note that this roadway construction is linked to the proposed JKES school project and is now pending approval of a separate Project Administration Agreement which the applicant notes as having already been entered into. As of the preparation of this staff report, that agreement has not been finalized. City staff has concerns about the wording of this proffer and feels that the referenced agreement should be finalized before any conditional rezoning is considered by the Planning Commission or City Council. The PUD does not only “benefit” from the extension of Meadow Branch Ave (as stated in the Proffer Statement), it is critical to providing public street access to the proposed portion of the Ridgewood Orchard site being proposed for more intensive development.

Stormwater Management

The fifth proffer pertains to Stormwater Management and does not proffer anything above and beyond the minimum standard applicable to development that is not dependent upon rezoning. It therefore is not a legitimate proffer.

Phasing

The last proffer pertains to Phasing. It indicates that all construction will commence at once, but indicates that occupancies will be phased. It indicates that all private roadways depicted on the GDP will be constructed at least to a base coat of paving before the first occupancies are to occur. It is unclear as to whether the applicant will have the final surfacing done in the areas where the occupancies are requested. If not, then the proffer again represents an intent to do less than what would be required of apartment developments not requiring rezoning. It is also unclear as to whether or not the clubhouse and pool will be completed and operational before the first occupancy permit is requested and what the timing of the trails and other amenities would be.

MARKET AND FISCAL IMPACT ANALYSIS

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

receipts and these new business receipts are projected to produce a fiscal surplus of \$51,000 annually for the City. Total fiscal benefit is projected at \$148,000 annually in constant year 2014 dollars.

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

With regard to costs, the study concludes that there would be 162 of the 170 apartments occupied at any time and that would translate to 249 residents. Based upon the City's current budget, the per capita cost equals \$956 annually. The total per capita annual expense would therefore equal \$238,240. The study also assumes that there would be approximately 13 school-aged children generated by the 162 occupied units based upon a generation rate of 0.079 students per occupied unit. At a cost of \$6470 per pupil, that translates to a school impact of \$82,280 annually. Together, the \$238,240 of per capita expenses and \$82,280 of school expenses adds up to \$320,520 of annual cost for the 170-unit apartment project.

THE GENERALIZED DEVELOPMENT PLAN

The GDP consists of 3 pages which were most recently updated on November 25, 2014 and received by City staff on December 2, 2014. The first page depicts the subject 10.59-acre portion of the Ridgewood Orchard parcel as it exists at the time of the rezoning application. This exhibit depicts the proposed Meadow Branch Avenue right of way and the proposed ultimate configuration of the JKES site as well as the recently rezoned 11.64-acre commercial areas of the larger Ridgewood site. It is important to note that the Major Subdivision approved by City Council back on October 14, 2014 has not yet been recorded. Likewise a Minor Subdivision required to assemble the adjacent DBL Holdings property into the JKES and Ridgewood Orchard sites has not been filed far less approved and recorded.

Density

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

Apartment Building Layout

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

Townhouse Layout

The remaining 26 rental units are in the form of two-bedroom townhouse units situated within six structures located along the north end of the site closer to Sacred Heart Church. Twelve of these units

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

Amenities and Open Space

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

Circulation & Access

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

Floor Plans & Building Elevations

The third page of the GDP contains detailed floor plans and a single 'front' elevation for the various residential buildings proposed on the site with the exception of the two freestanding garage structures and a maintenance building proposed very close to the 10-wide trail running along the boundary with the Moffett Estate. No side or rear elevations are provided for any of the buildings. The elevations and floor plans appear to be generally consistent with the layout depicted on the GDP. There are multiple floor plans for both the traditional apartment building units as well as the townhouse-styled units. Since this is a sloped site, it would be desirable to have a few cross-sectional views of the development showing how the site slopes away from Meadow Branch Avenue and how the 4-5 story elevations of the two rear buildings would relate to the adjoining Glen Burnie property.

RECOMMENDATION

Staff has some reservations as to recommending that the Planning Commission and City Council move forward with actions on this conditional PUD rezoning request before the Major Subdivision creating the subject site and establishing Meadow Branch Avenue is completed. The applicant incorrectly notes in the Proffer Statement that the applicant has entered into an agreement with the City to provide up to

One Million Dollars in funding for the construction of Meadow Branch Avenue. This agreement should be executed before the rezoning is acted upon.

Staff has indicated that a Traffic Impact Analysis (TIA) , or at a minimum, an intersection analysis, should be submitted if the second access point to Meadow Branch Avenue is proposed at the unsignalized intersection. Staff feels that the fully signalized access point at the northern (main) entrance to the JKES site is adequate to handle the apartment development traffic and that the proffered inter-parcel accesses to the Sacred Heart property to the north and the Moffett Estate property to the south will adequately provide for any needed alternative emergency response. No TIA has been submitted with the application to date.

A number of smaller concerns have been identified above in this report. This includes some concerns about proffering things that are deficient to minimum standards applicable to all apartment developments (e.g. frontage trees, asphalt surfacing at the time of occupancies, unclear timing of recreational amenities relative to initial occupancy permits, etc.) as well as concerns with some design issues depicted on the GDP (e.g. proximity of the northerly trail to the rear of the townhouse units, missing building elevations, surfacing of bike/hike trails, etc.). Staff did not have sufficient time to undertake a full review of the extensive changes submitted to the Planning Department on Tuesday, December 2, 2014.

For these reasons, staff would recommend that the Planning Commission table the request for at least one month. A motion to table could read:

MOVE, that the Commission table **RZ-14-663** until the January 20, 2015 regular meeting to allow adequate time for staff to fully review the revised documents and exhibits and to provide adequate time for the applicant to address the comments and concerns that City staff identifies.

-OR-

A **favorable** motion could read:

MOVE, that the Commission forward **RZ-14-663** to City Council recommending approval as depicted on an exhibit entitled “Rezoning Exhibit RZ-14-663, Prepared by Winchester Planning Department, December 1, 2014” because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the site. The approval is subject to the Generalized Development Plan revised as of November 25, 2014 and the proffers in the proffer statement titled “Proffer Statement a Proposed Rezoning” dated October 21, 2014 and revised on November 25, 2014.

-OR-

An **unfavorable** motion could read:

MOVE, that the Commission forward **RZ-14-663** to City Council recommending disapproval because the application for the proposed as submitted:

1. could result in development less desirable than the existing MR/RB-1 zoning;
2. relies upon access to a public street shown in a Major Subdivision that has not yet been recorded and is subject to an Agreement not yet executed;
3. lacks measures to sufficiently mitigate potential negative impacts such as intersection impacts caused by introducing an additional access point opposite of the JKES bus access point (*and any other potential impacts*);
4. (*other potential reasons*)

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

RZ-14-663

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

WHEREAS, the Planning Commission forwarded the request to Council on December 16, 2014 recommending approval of the rezoning as depicted on an exhibit entitled *“Rezoning Exhibit RZ-14-663, Prepared by Winchester Planning Department, December 2, 2014”* because the proposed Medium Density Residential (MR) district with Planned Unit Development (PUD) district overlay supports the redevelopment site as designated in the Comprehensive Plan. The recommendation is subject to adherence with the Generalized Development Plan revised as of November 25, 2014 and the submitted proffers dated October 21, 2014 revised as of November 25, 2014; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein provides for residential space in support of the redevelopment site character designation in the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Conditional Residential Business (RB-1) district with Corridor Enhancement (CE) district overlay (0.80 acres) and Conditional Medium Density Residential (MR) district (9.79 acres) to Medium Density Residential (MR) district with Planned Unit Development (PUD) district overlay:

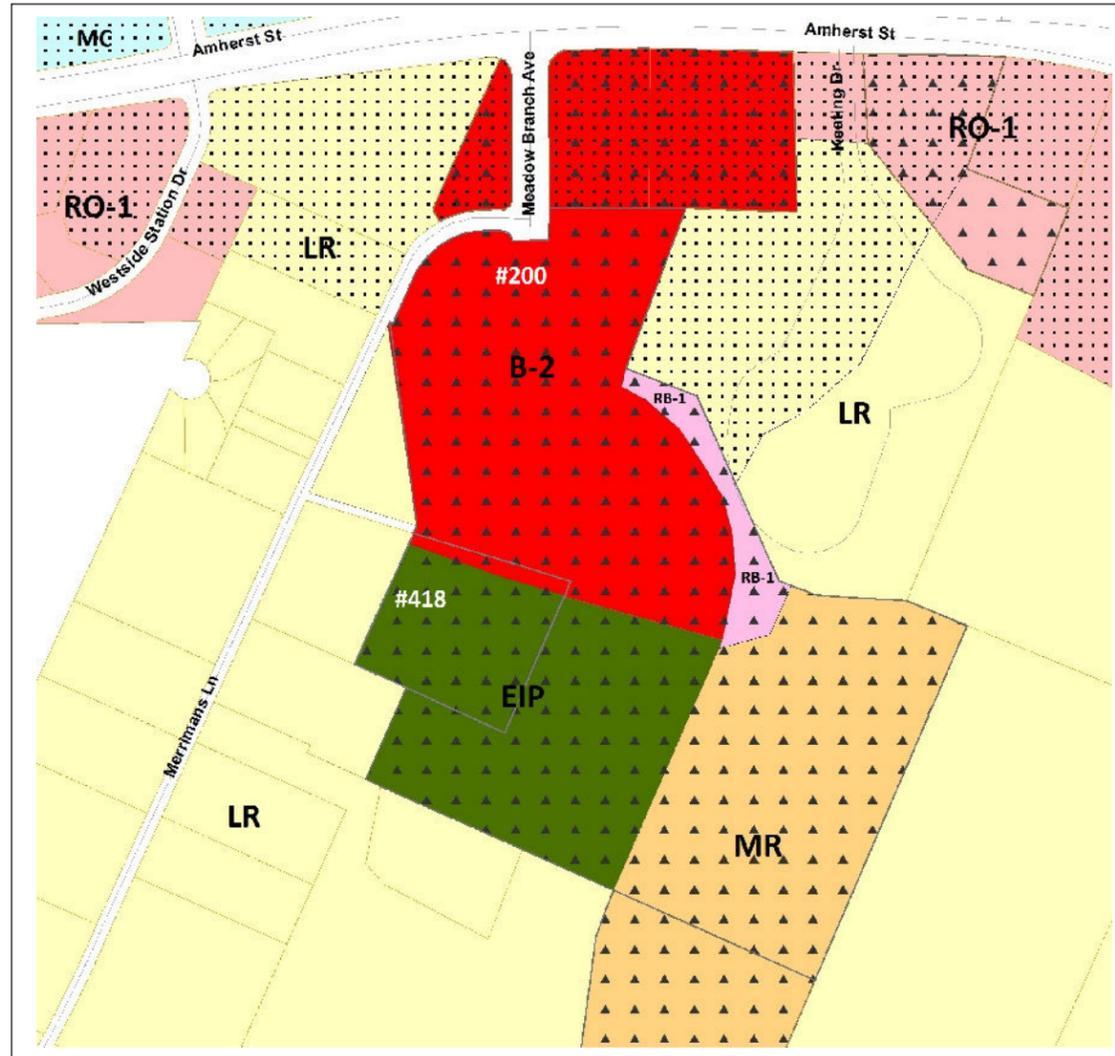
10.59 acres of land at 200 Merrimans Lane as depicted on an exhibit entitled *“Rezoning Exhibit RZ-14-663 Prepared by Winchester Planning Department, December 2, 2014”*.

BE IT FURTHER ORDAINED by the Common Council of the City of Winchester, Virginia that the rezoning is subject to adherence with the with the Generalized Development Plan revised as of November 25, 2014 and submitted proffers dated October 21, 2014 revised as of November 25, 2014.

REZONING EXHIBIT

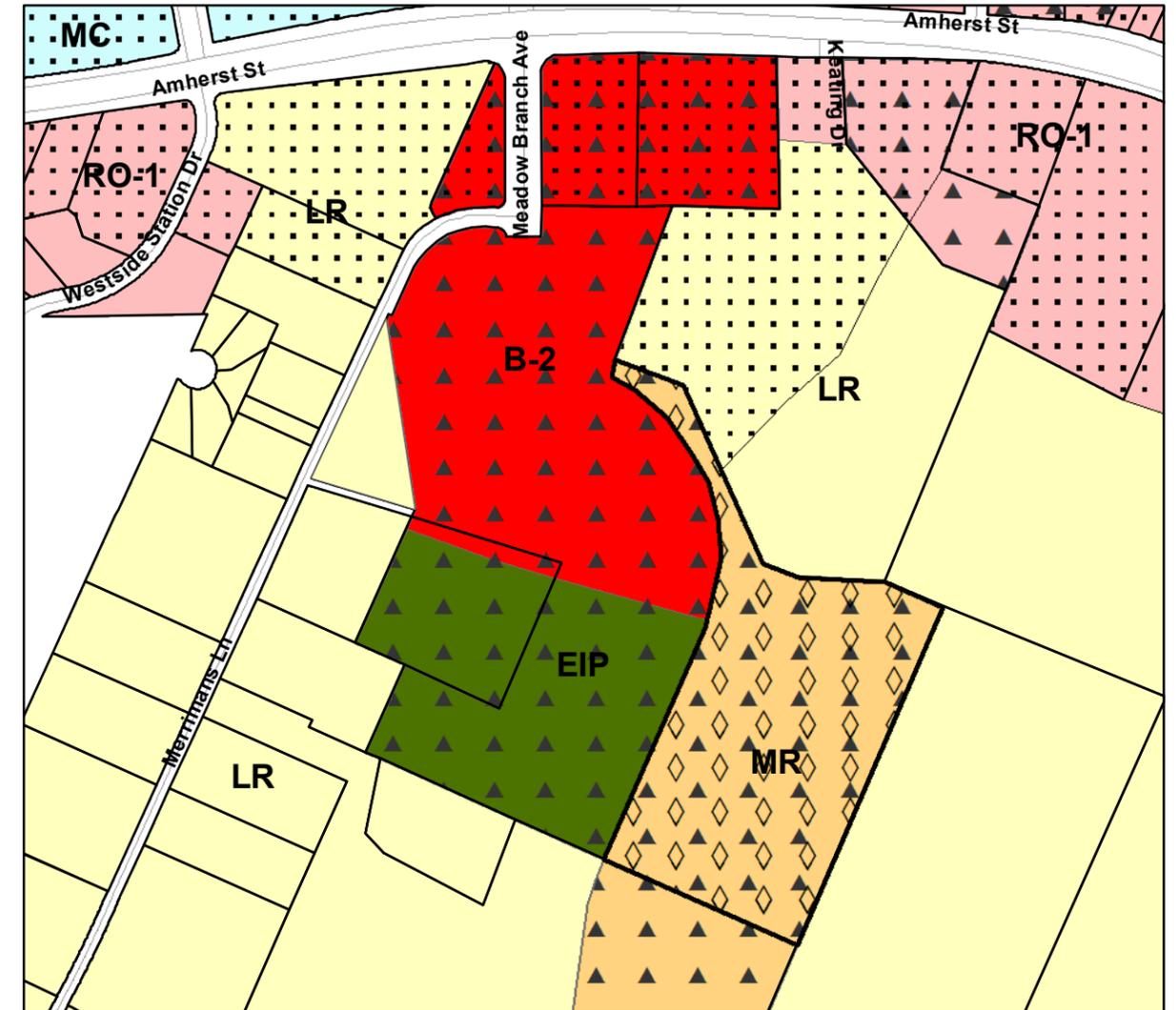
RZ-14-686

PREPARED BY WINCHESTER PLANNING DEPARTMENT
DECEMBER 2, 2014



EXISTING

RESIDENTIAL BUSINESS DISTRICT
& MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING
FOR 200 MERRIMANS LANE



PROPOSED

MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING
WITH PLANNED UNIT DEVELOPMENT (PUD) OVERLAY
FOR 200 MERRIMANS LANE

Zoning MZONE

- B2 Highway Commercial District
- LR Low Density Residential
- MC Medical Center District
- MR Medium Residential District
- RB1 Residential Business District
- 51 RO1 Residential Business District

Zoning Overlay Overlay

- CE- Amherst
- ▲ ▲ Conditional
- ▽ ▽ PUD



**Ridgewood Orchard – Land Bay C Apartments
Rezoning and PUD Application**

**Statement of Justification
October 21, 2014**

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

Location and Background

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

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

Proposed Development Plan

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

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

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

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

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

Conformance with the Comprehensive Plan

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

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

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

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

Impacts to Community Facilities

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

MEADOW BRANCH LUXURY APARTMENTS WINCHESTER, VA

This memorandum shall serve to describe in detail the proposed 170-unit Meadow Branch Apartments, the financing of the project, the markets the project is intended to serve, the anticipated impact of the apartment complex on the Winchester school system, the inclusion of the townhouse-style apartments in the project, the fiscal benefit of the project for the City of Winchester and the project’s embodiment of many of the goals set forth in the 2011 Economic Development Analysis & Master Plan for the City of Winchester.

PROJECT

The proposed Meadow Branch Luxury Apartments project, to be located across Meadow Branch Avenue from the soon-to-be-constructed John Kerr Elementary School in Winchester, Virginia, will consist of 170 Class A luxury apartments. Since the subject developer typically builds and holds all of the projects constructed, it is critical to the long-term success of the project that the product offering be as varied as possible in order to be competitive with fluctuating market trends in the future. Therefore, the project will offer several product types, including garden-style apartments with a limited number of free-standing garages, apartments in two elevator buildings with covered parking and townhouse-style apartments. Except for the townhouse-style apartments, which will exclusively offer two-bedroom units, the project will offer 1-, 2- and 3-bedroom apartments. A breakdown of the types of apartments and the unit mix is set forth below:

TABLE 1		
Meadow Branch Proposed Unit Type		
Three storied garden-style apartments	48	
Four-storied buildings with elevator and covered parking	96	
Townhouse-style apartments	<u>26</u>	
TOTAL	170	
Garages	12	

TABLE 2		
Meadow Branch Proposed Unit Mix		
One bedroom - one bath	44	26%
Two bedrooms - two baths	102	60%
Three bedrooms - two baths	<u>24</u>	<u>14%</u>
TOTAL	170	100%

In deference to the comments provided by several members of the Planning Commission and the City Council, any three bedroom units originally planned for the townhouse-style apartments have been eliminated. All of the townhouse-style apartments are two-bedroom only without an additional room that could be used as a third bedroom.

It is also critical to the long-term success of the project that the appearance of the proposed apartment complex be well-received in the local community. Therefore, special attention is given to complementing the surrounding buildings such as the Church, the commercial buildings, the new elementary school and the homes located nearby. Specifically designed to blend in with the upscale feel of the surrounding area, the Meadow Branch Apartments will offer a red-brick and ground face block masonry façade unlike anything built in Winchester to date. As seen by the elevation rendering of the three story building below, the building elevations and roof lines have been purposely designed to break up the massing and portray the apartments as townhomes rather than the typical apartment building. Further, some units will have bay windows and all will have enclosed sunrooms or sitting areas rather than the typical balcony porch with railing. The stairwells will be enclosed.

FIGURE 1
Three Story Building Elevation



To further ensure the success of the project, each apartment home will offer energy-saver appliances, granite countertops, washer and dryer, electric fireplaces, electronic locks, crown molding in the living room, blinds, ceiling fans, walk-in closets and ceramic tile, wood laminate or carpet flooring.

The project will also offer a state-of-the-art Club House with Fitness Center, media room, business center and entertainment area (all of which will be accessible 24-hours a day), swimming pool with large sundeck and grill area, Club Room for social events and a leasing center.

Other amenities include a walking trail that will connect Meadow Branch Avenue to the extensive walking trails being planned by the Museum of the Shenandoah Valley, garages for a limited number of apartment homes and covered parking in the two four-story buildings that will have an elevator (Buildings 103 & 104). In addition, as seen by the site plan rendering below, the project will have extensive green space for the outdoor enjoyment of its residents.

FIGURE 2
Site Plan Rendering



In deference to the neighbors, Sacred Heart Academy and Sacred Heart of Jesus Catholic Church, the townhouse-style apartment homes have been purposely lined up along the common boundary between the subject property and Sacred Heart; it was felt that two-story apartment homes would be a better and softer transition than a three- or four-story building looming over the church and school.

Clearly, the quality of the proposed project and the amenities offered will place the Meadow Branch Luxury Apartments at the top of the rental market in Winchester and the rents will reflect this position. Rents will range from a low of \$1,000/month for one bedroom apartments

to \$1,500/month for a three bedroom apartment. Residents will pay for all utilities except for trash removal.

FINANCING

Financing for the Meadow Branch Luxury Apartments will be provided by the U.S. Department of Housing & Urban Development (“HUD”) under Section 221(d)(4). Not to be confused with subsidized housing offered by other HUD programs like Section 8, the HUD 221(d)(4) program offers financing for market-rate, Class A luxury apartments. Rents charged are as high as the market can bear. Examples of other 221(d)(4) projects built by the developer include the Stone Creek Village Apartments (www.scvaps.com), Lakeside Apartments (www.liveatlakeside.com), Waverly Place Apartments (www.waverlyplacelouisa.com) and The Apartments at Goose Creek (www.goosecreekapts.com).

HUD does have other financing programs for rental products, one of which is Section 231 for elderly housing. The 231 program requires that every single resident be over the age of 62 and prohibits the developer from offering resident-friendly services such as transportation, food, health care inspections and laundry services. (If these services are offered, HUD mandates that the developer use another program specifically for health-care related facilities). Clearly, there is a limited number of potential residents above the age of 62 who do not need any of the type of services described above; for that reason, this HUD program is rarely used.

A special subset of the HUD 221(d)(4) program is intended for “housing for the elderly”, which specifically mandates that at least one occupant of the apartment must be at least 62 years of age. However, management cannot prohibit younger people living in the same apartment, including school-age children; otherwise, management would be guilty of discrimination based on familial status.

HUD will not permit one project to be governed by separate programs. Therefore, the Meadow Branch Luxury Apartments must elect one of the above-programs for a market rate project. Due to the restrictions described above for the section 231 financing and the special subset of the 221(d)(4) program, coupled with the developer’s intent to create a long-term successful project, the general Section 221(d)(4) financing is the only financing that will be pursued.

TARGETED MARKETS

With its upscale apartments, extensive amenity package and close proximity to the Winchester Medical Center, the Meadow Branch project is specifically designed to appeal to two demographics: the young and the aging.

The Young

As cited in the Economic Development Analysis and Master Plan generated for the City of Winchester in 2011 ("Winchester Master Plan"), there is a decided lack of housing for the young professionals or entrepreneurs in Winchester. Other than Stuart Hill, the City's housing supply is comprised primarily of aging properties that cannot offer well-appointed apartments or features that appeal to the mobile, technologically advanced younger set. For that reason, as stated in the Winchester Master Plan, many of these younger professionals do not live in the City. Further, it has been suggested that it is difficult for local companies trying to hire talented young professionals to attract them to the area due to the dearth of an available supply of Class A rental properties in Winchester.

A targeted group of these young professionals are the doctors and nurses who work at the Winchester Medical Center. The Meadow Branch site was purposely selected due to its proximity to the Medical Center; it is our understanding that some of the doctors and nurses are temporarily employed or are on rotation and need short-term housing. Meadow Branch will be able to offer quality housing in close proximity to the Medical Center on a short-term basis. By offering furnished apartments on a short-term rental basis, Meadow Branch will be able to accommodate this sector of the market who need to live only temporarily in Winchester.

Another subset of the targeted younger demographic are the 300 students attending the Pharmacology School located across Route 50 at the Winchester Medical Center. Conveniently located near the Pharmacology School, Meadow Branch will be attractive for those graduate students who want an easy commute to school. It is envisioned that these graduate students will likely have roommates in order to share the relatively high cost of the rent and will be potential occupants of the 2 and 3 bedroom apartment homes.

The Aging

At the other end of the spectrum are the generally affluent "empty nesters". Near or at retirement age and with children who have their own families, the "empty nester" wants to downsize from a single-family home. This sector has the "lock and leave" mentality; they are no longer interested in mowing the yard or repairing the roof. Instead, they want to be able to leave for a week to visit the grandchildren, take a cruise or go on a vacation without worrying about the maintenance of their home. However, and this is critical, downsizing is not to be interpreted as meaning that they are willing to sacrifice the comforts of home. They want high-end appointments in their apartments and engaging amenities and are willing and able to pay for it.

Because they are downsizing from a larger home, most "empty nesters" prefer to rent 2 or 3-bedroom apartment homes. Often they do not want to part with furniture that they had in their single-family homes or they want extra rooms for when the children and grandchildren visit, which prompts them to lease the larger apartments.

Meadow Branch will also be especially attractive to the "empty nester" sector due to its close proximity to the Winchester Medical Center. The aging sector typically requires the services of the local medical community more than any other age group and thus Meadow Branch's convenient location to such a highly acclaimed medical facility will be extremely appealing.

IMPACT ON SCHOOL SYSTEM

The Meadow Branch Luxury Apartments should not pose a relative burden on the school system for several reasons.

First and foremost, as stated previously, Meadow Branch is specifically designed to attract the young professionals and the empty nesters, who typically do not have children living with them. As explained before, the three bedroom units at Meadow Branch are designed for (i) three roommates; (ii) two roommates who also want a study; or (iii) empty nesters who want bedrooms for their children and grandchildren to visit or simply want more room to accommodate their furniture. While admittedly across the street from the proposed John Kerr Elementary School, the Meadow Branch Apartment site was specifically selected due to its proximity to the Winchester Medical Center and not the school.

Second, the high rents that will be charged at Meadow Branch will make home ownership by a family with children a more attractive option. With one bedroom rents estimated to start at \$1,000, two bedroom rents in the \$1,300 range and three bedrooms in the \$1,500 range, Meadow Branch will have rents that will rival the mortgage payment on a single family home with its own yard. For example, at the Red Bud Run community in Stephenson, a three bedroom, 1,747 square foot single family home with 2-car garage can be purchased for \$264,990. Assuming that a family were to make a 10% down payment and get a 30 year fixed mortgage at the current interest rate of 3.95%, their monthly mortgage payment would be only \$1,131 a month. Even if the interest rate were to move up to 5%, their monthly mortgage payment would still only be \$1,280 a month, well below the three bedroom rent at Meadow Branch Apartments. It is most likely that families with children would be more inclined to purchase a three or four bedroom home with a yard with a lower mortgage payment than it would cost to live in a three bedroom apartment at Meadow Branch.

It is important to note that the subject property could easily be developed into 40 single family lots under the current zoning. If Dan Ryan Builders or another tract builder of similar ilk were to purchase the property, it is highly likely that the close proximity of the new John Kerr Elementary School would be used as a selling point, thereby generating a large number of school-age children within the single family development.

Therefore, ignoring the fact that the Meadow Branch Luxury Apartments are targeting renters without children, statistics and actual data prove that the proposed 170 unit luxury apartment project would generate less children than if the project were to be developed as a 40 single family lot development.

For example, the statistics shown in Table 3 below indicate that 100 apartments would generate 22 children while 100 owned single-family homes would generate 58 children. Further, if all of the 100 homes were rented rather than owned, the number of children per 100 single-family homes would increase to a staggering 77.

TABLE 3
School-Age Children Per 100 Households

School-Age Children Per 100 Households					
	Total	Single-family renter	Single-family owner	Multi-family renter	Multi-family owner
All	42	65	43	24	9
Built before 1990	38	62	36	25	*
Built 1990-2004	51	75	56	23	*
Built 2005-2012	51	77	58	22	*

SOURCE: NMHC TABULATIONS OF CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY, 2012
*Sample size too small to produce reliable data for multifamily owner homes built after 1989. Note: Multifamily refers to buildings with five or more units; as such, "total" includes two- to four-unit multifamily homes, which are not shown separately.

If the subject property were to be developed by-right as 40 single-family homes, and if all the homes were owned, it is estimated that 23 children would be generated by the 40 homes as seen in Table 4. However, as projected in the Winchester Master Plan, approximately 55% of the households in the City in 2015 will be renters. Assuming that to be true, it is likely that some of the single-family homes on the Meadow Branch property will be rented. Table 4 shows a matrix of the number of homes that might be rented if the subject property were to be developed as a subdivision with the resulting number of school-age children ; for example, if all 40 homes were rented, the number of school children generated is projected to be as high as 31.

TABLE 4
Number of School-Age Children Generated Based on % of 40 Single-Family Homes Owned

	# of Children	
	100%	23
	90%	24
	80%	25
	70%	25
	60%	26
	50%	27
	40%	28
	30%	29
	20%	29
	10%	30
	0%	31

% of Single-Family Homes Owned

Comparatively, the number of school-age children projected to be generated by the proposed 170 apartments is 37 as seen in Table 5 below. However, it can be argued that these statistics include Class A, B and C apartments in their data. If the data were narrowed to include only Class A luxury apartments which charge higher rents, residents are less likely to have children for the reason described above; families will be more prone to purchase a home for the same or less monthly expenditure. Support for this proposition is evidenced by the research provided by Ed Smith, Director of Operations for the Winchester Public School system, a copy of which is attached as Exhibit 1.

TABLE 5
Number of School-Age Children Based on 170 Apartment Homes

	# of Children
22	37
21	36
20	34
19	32
18	31
17	29
16	27
15	26
14	24
13	22
12	20
11	19
10	17
9	15
8	14
7	12
6	10
5	9

Number of School-Age Children Per 100 Apartments

- Based on Stone Creek Actuals (11 children/100 units)*
- Based on 37 West Actuals (.083 children per 100 units)*
- Based on S. Patz Report (.079 children per 100 units)*
- Based on Arden Place Actuals (6 children per 100 units)*
- Based on S. Patz study of Racey Meadows (2013)
(5 children/100 units)*

Mr. Smith researched actual data on three luxury Class apartment projects in Virginia, all of which had fewer children per 100 units than the 22 children per 100 units projected in Table 3. Based on Mr. Smith's research, it is projected that the Class A luxury Meadow Branch Apartments will generate as high as 19 children and as few as 10 children, a range well below the lower number of 23 students if the property were to be developed as a single-family subdivision with 100% owned homes and much lower than the 31 students projected if all of the 40 homes were rented. Table 5 above also reflects the fact that, in S. Patz's fiscal impact study of the formerly proposed Racey Meadows project in Winchester, Stuart Hill in 2013 only had 9 children in its 180 apartments for a ratio of 5%. Based on this information, Meadow Branch would then generate only 9 school-age children. Mr. Patz, in his Market and Fiscal Impacts Analysis for Meadow Branch Apartments dated November 24, 2014, further concluded that the proposed apartment community would generate only 7.9 children per 100 units or 13 children.

It has also been suggested by some that Meadow Branch's close proximity to the new John Kerr Elementary School would be an incentive for families to locate to Meadow Branch in the express hope of having their children within walking distance of the school. However, the Class A luxury apartments referred to as Stone Creek in Table 5 above and located in Charlottesville, Virginia are situated immediately adjacent to the Monticello High School, across the street from the private Tandem School and less than a half mile away from Cale Elementary School; yet, it only has 11 children per 100 units. Further, as developer and owner of the Stone Creek Apartments, the subject developer can attest that the vast majority of these children do not stay in the complex for more than a year. Most of these children are products of an on-going divorce and are simply residing at Stone Creek in order to stay at a particular school until the end of the school year. In summary, families are not moving to Stone Creek in order to get in the school system; rather, they are already a part of the school system and thus there is no net impact.

Without the benefit of the statistics discussed above that prove unequivocally that Meadow Branch Luxury Apartments will not have a net impact on schools relative to the property being developed as a single-family subdivision, some have suggested that the perceived impact of school-age children can be eliminated by developing the apartment complex as an age-restricted (55+) community. An age-restricted community is not possible with the intended financing and not desired given current demographic characteristics.

First of all, HUD financing, as discussed above, will not permit an economically feasible method of restricting children at Meadow Branch. HUD Section 231 prohibits anyone under the age of 62 living at the complex but also prohibits the offering of age-related services; thus this program is not economically viable on its face due to the very limited market that the apartments could serve. Further, a special subsection of the Section 221(d)(4) program requires at least one resident per apartment to be over the age of 62 but it permits any number of children as well; this program would not achieve the goal of no children at the project. As a result, the intended financing will not permit a 55+ age-restricted product.

Second, ignoring the financing limitations, one should be hesitant to encourage age-restricted communities as to do so could spell doom for the long term viability of the project. For example, of the 74 million Baby Boomers, 40 million are now between the ages of 56 and 66 years and are turning 65 at a rate of 8,000 per day. They are educated (19% have their

bachelor's degree), wealthy (they possess 70% of the total wealth in the US) and account for 40% of total consumer demand.

Referred to as the Leading-Edge Boomers, this sector has a history of disrupting past patterns and challenging past ideas and ways of living and working. They are healthier and more energetic, and they expect to have a longer, healthier, active and more productive life than any previous generation. Cultural anthropologist Mary Catherine Bateson writes that they don't see turning 65 as retirement but as "Adulthood Part II". They are physically active and do not envision themselves as "seniors". They do not want to be marketed to as seniors and are likely to want something quite different from what today's housing communities for seniors provide. As John K. McIlwain, Senior Resident Fellow at the Urban Land Institute (ULI) wrote in the study Housing in America: The Baby Boomers Turn 65, "A shift may well be occurring in the housing market with long-term implications, namely, that Leading-Edge Boomers are not as interested in age-restricted communities as past generations. They are not looking to retire early and are not seeking to isolate themselves among the elderly."

As support for McIlwain's proposition, the active adult community sector is in fact in crisis. Since the beginning of the Great Recession, age-restricted communities have faced difficulties finding new residents to replace those leaving, causing a rising vacancy rate in most communities. This has led to a number of developers trying to lift age restrictions from existing active adult communities. In the New York Times on June 9, 2011, Lisa Provost reported that the Connecticut towns of Ellington, Tolland, and Southington had all approved requests to lift age restrictions for troubled developments. Developers in other towns in New Jersey are similarly pressuring the municipalities to remove age restrictions from their developments.

The Comprehensive Plan acknowledges that the subject site's proximity to the neighboring medical center makes it attractive to housing for high-income professionals and seniors. Further, the Comprehensive Plan identifies that a variety of housing types, including luxury apartments, may be appropriate for the subject site when proposed as a Planned Unit Development (PUD). Meadow Branch Apartments is proposed to be developed as a PUD with an underlying MR (Medium Density Residential) zoning designation, consistent with the Comprehensive Plan. The Comprehensive Plan also suggests that high-density zoning may be appropriate for age-restricted housing. However, it is the belief of the subject developer that this recommendation was based on the desire of the City to have a development that generated no children. What was not contemplated was that the development of the property into an age-restricted community might be unwise, as discussed in the ULI study, as it would ignore the current trend of Leading-Edge Boomers rejecting the premise of age-restricted communities. To ignore this trend could possibly result in an economically unviable project and potentially become an eyesore for the City. In fact, given the current trends in marketing to Leading-Edge Boomers, it is probable that the Meadow Branch Luxury Apartments will attract more seniors by not designating the community as age-restricted, resulting in a vibrant and economically stable community for the City of Winchester

Further, this recommendation of age-restricted apartments is most likely based on the belief that unrestricted-age apartments would be populated by numerous children. However, the above analysis has statistically shown that luxury apartments would generate less school-age children than if the property were to be developed into 40 single-family lots

THE TOWNHOUSE-STYLE APARTMENT

The 26 two-bedroom townhouse-style apartments have been designed specifically for two reasons. First, it is strongly felt that two-story buildings are a much more neighborly transition from Sacred Heart to the apartment community in that the buildings along the common boundary will only be two stories tall rather than a looming three or four story building. Second, the fundamentals of a successful multi-family project in today's economy dictate that a project owner offer a varied array of apartment types and prices. The townhouse-style apartments provide an appealing product to doctors and young professionals and empty nesters who want luxury rental accommodations, the ability to park right outside their unit and do not want anyone living over them.

It is very important to note that townhouse-style apartments are a for-rent product only. Unlike townhouses, which are typically sold to a homeowner, townhouse-**style** apartments cannot be sold. The argument made herein regarding the number of school-age children in luxury apartment communities holds for the townhouse-style apartments too; the fact that the apartments are built to look like a townhouse does not encourage more children. For example, the townhouse-style apartments are only two bedrooms. But second, and even more importantly, these apartments will demand the highest rents in the project, making the economic analysis of rent vs. buy discussed herein even more applicable.

Apartments designed to look like townhouses are critically different than townhouses developed to be sold. For-sale townhouses do typically attract families with young children because of the entry-level price for home ownership. As with the Red Bud Run analysis discussed above, a townhome on Haverford Court just outside the City of Winchester is listed for \$244,866. Assuming the same financing as discussed above, a homebuyer paying 10% down for a 30-year fixed mortgage at 3.95% would end up having to make a \$1,045.78 monthly payment, well below the \$1500/month that will be charged for the townhouse-style apartment at Meadow Branch. Even if the homebuyer's loan interest were to increase to 5%, the homeowner would be paying only \$1,183.04 per month, still well below the \$1500/month rent that will be charged at Meadow Branch.

Since townhouses for sale typically do generate school-age children, a concern has been expressed that the townhouse-style apartments at Meadow Branch will be offered for sale at a future date. First, the particular HUD financing applicable to Meadow Branch will not permit a for-sale product; it is expressly mandated that all of the units be for rent. However, to assuage the concern expressed, the developer will proffer as a condition of this rezoning that the townhouse-style apartments will not ever be offered for sale for a period of forty (40) years from the date of the Certificate of Occupancy.

FISCAL IMPACT

According to a Market and Fiscal Impacts Analysis prepared by S. Patz and Associates dated November 24, 2014, the total on-site and off-site fiscal benefit of the Meadow Branch Apartment project is a net \$147,970. A copy of this report has been submitted with this memorandum.

ALIGNMENT OF PROJECT WITH WINCHESTER MASTER PLAN

As can be seen below, the Meadow Branch Luxury Apartment project as proposed embodies many of the goals and objectives of the 2011 Economic Development Analysis & Master Plan prepared by Herd Planning & Design, Ltd ("Master Plan").

♦ *"These two demographic sectors ["empty nest" households and young "creative class" households], in many ways, represent not just potential population growth, but also economic growth in and of themselves, since they would tend to raise the average income, diversify and upgrade the educational levels of the population and work force, and provide the labor resources desired by the emerging jobs in the modern, high-tech economy." (pg 17).*

As stated herein, Meadow Branch is targeting this exact demographic and can be instrumental in raising the income and educational level of the City of Winchester.

♦ *"RECOMMENDATION: Improve and expand the overall housing stock, to provide for and attract both older and younger age household populations, thereby raising the average household income in the City."(pg 18)*

Meadow Branch, with its high rents, superior product and advantageous location, will definitely improve the existing housing stock as well as attract higher income tenants than otherwise may currently live in the City.

♦ *"**Residential Market:** [...] reveals the need to target two segments within this demographic: the young and the aging.For the retirees and the aging population, access to the Medical Center and healthcare industries [is important]." (pg 83)*

The Meadow Branch Luxury Apartments' Site was specifically selected due to its proximity to the Winchester Medical Center. This Medical Center will draw retirees who desire to live close to healthcare facilities.

♦ *"The City has a large percentage of renters and a large number of low- and moderate-renters. Thus, there is more low-rent apartment properties in the City compared with newer, upscale ones.....The upscale market has been successful to date but is still fully underserved.....The City should encourage upgrades to some of the mature and low rent housing stock." (Appendix A-34)*

Meadow Branch will be the most upscale apartment community in Winchester and demand rents well above the rates charged by most of the existing apartment communities. With its luxury apartment homes, Meadow Branch will attract affluent, educated renters, which will only benefit the City. In addition, while it cannot be quantified, competition can serve to encourage existing apartment complexes to upgrade their offerings in order to be competitive. For example, a project just completed in the Town of Louisa by the developer resulted in one competitor replacing the roof and all of the siding in the competitor's project as well as making improvements to the interiors of the apartments. Another local competitor installed all new appliances, added washers and dryers to the units and repainted the property inside and out. According to the local townspeople and contractors, no improvements had been made in many years prior to the advent of the new apartments. So, while the Master Plan recommends that the City encourage improvements to the existing apartment inventory, the market itself will be the biggest impetus for capital improvements.

◆ ***"RECOMMENDATION: Develop mixed-use neighborhood centers and corridors that combine housing (for young and old households), retail, and office/employment uses, integrated within a compact, walkable area that will create the kind of urban amenity environment sought by the "creative class" and "empty nest" demographic sectors (the six catalyst sites offer special opportunities for this type of development)." (pg 19)***

Property along the proposed Meadow Branch Avenue is one of the six catalyst sites referred to in the Master Plan. This PUD development has the opportunity to create the mixed-use center described above. The Meadow Branch Apartments will attract the young and the aging due to its proximity to the Winchester Medical Center and the School of Pharmacology; its high rents will result in affluent renters who will raise the median income of the City as well as spend more dollars in the economy than would less affluent residents. Residents of the Meadow Branch Apartments will also be able to walk to churches and retail, most notably the proposed commercial parcels adjacent to the subject property. With the construction of 170 apartments next door, the owner and/or developer of the adjacent commercial areas will be able to attract quality commercial tenants, which in turn will generate additional sales tax revenue for the City.

PROFFER STATEMENT

A PROPOSED REZONING

for

A PORTION OF

TAX MAP PARCEL ID: 149-1-7

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

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

Original Date: October 21, 2014

Revised: November 25, 2014

INTRODUCTION

The undersigned applicant hereby proffers that in the event that the Council of the City of Winchester ("Council") shall approve the rezoning of two tracts of land on Tax Map Parcel ID 149-1-7, totaling 10.59 acres (the "Property") as shown on the plan entitled "Ridgewood Orchard Land Bay C Apartments Development Plan" dated October 21, 2014 and revised November 25, 2014 (the "GDP"), with one tract consisting of 9.79 acres from Medium Density Residential District ("MR") to MR with a Planned Unit Development District ("PUD") overlay and a second tract consisting of 0.80 acres from RB-1 to MR with a PUD overlay, then development of the subject properties shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

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

PROFFERS RELATING TO USE IN THE PROPOSED PLANNED UNIT DEVELOPMENT DISTRICT

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

Street and Access Improvements

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

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

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

Site Development

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

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

The apartments and club house shall be constructed in general accordance with the elevations depicted on the GDP and shall primarily consist of red brick and ground face block with white cementitious siding in select areas.

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

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

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

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

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

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

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

Recreation, Landscaping and Design

The Applicant shall provide, in addition to Zoning Ordinance requirements, a single row of evergreen trees between the two parking areas at the eastern Property boundary, as shown on the GDP. Landscaping will be provided for the other perimeter areas of Property as well. The landscaping plan shall be incorporated as part of the site development plan. The landscaping plan shall be approved by the Planning Commission as part of the design of these areas.

Development of the Property shall include street trees along the Meadow Branch Avenue frontage at a minimum rate of 1 tree per 50 linear feet of frontage. Said trees shall consist of a mixture of Sugar Maples and Pin Oaks in order to coordinate with and compliment the planned landscaping for the future, adjoining John Kerr Elementary School.

Development of the Property shall include 10 foot hiker/biker trails as depicted on the GDP, including a connection from the planned Green Circle Trail at Meadow Branch Avenue Extended to the Glass Glen Burnie Foundation property line. Said trails shall be in place and necessary public pedestrian access easements dedicated to the City of Winchester prior to occupancy permits being issued for any apartments constructed on the Property.

Meadow Branch Avenue Extension

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

Stormwater Management

All stormwater management and stormwater quality facilities shall be installed in accordance with the standards and specifications of the Winchester Public Works Department. These facilities shall be maintained by the owner of the development and be constructed so as to secure the safety of the public at all times.

Phasing

Applicant proposes to commence construction on all units within the complex at the same time but does expect that certain units will be delivered for occupancy before others. As part of the overall construction, however, the roadway connections as depicted on the GDP will be installed and will have at least a base coat of asphalt on them at the time of the occupancy for the first apartment building.

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

SIGNATURES APPEAR ON THE FOLLOWING PAGE(S)

Submitted By:

Ridgewood Orchard Limited Partnership

By: _____

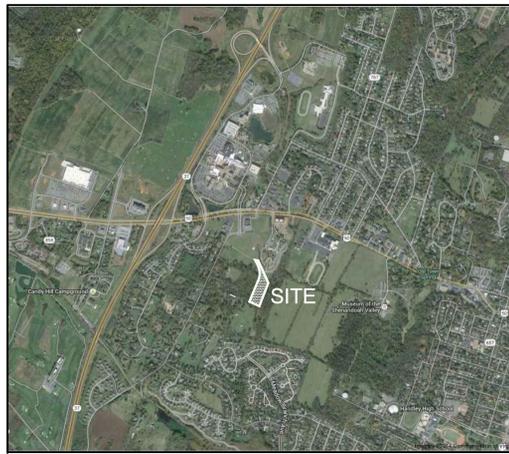
Date: _____

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

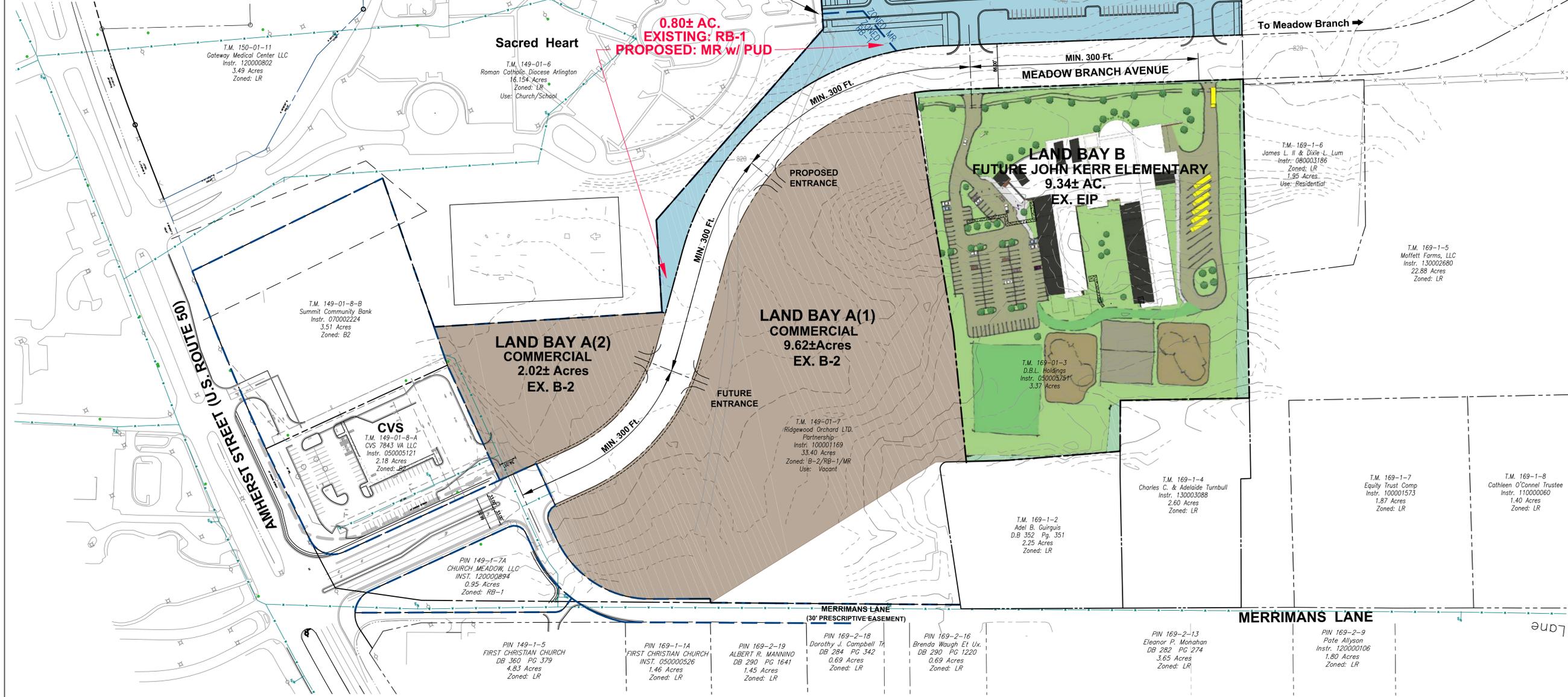
The foregoing instrument was acknowledged before me this ____day of _____, 2014,
by _____ .

My commission expires on _____

Notary Public _____



LOCATION MAP
SCALE: 1"=2000'



Pennoni Associates Inc. Engineers • Surveyors • Planners • Landscape Architects

117 East Piccadilly Street, Suite 200
Winchester, Virginia 22601
Ph: 540-667-2139 Fax: 540-665-0493

Application	Revisions	DATE	NO.	REVISIONS	BY
11-25-14					

CONTEXT MAP

RIDGEWOOD ORCHARD
LAND BAY C APARTMENTS
DEVELOPMENT PLAN
WINCHESTER, VIRGINIA

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

JOB NO.
ROLP1402
SHEET 1 OF 3

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



EXTENSION OF 10 FT. HIKER-BIKER TRAIL FROM MEADOW BRANCH AVENUE TO GLASS GLEN BURNIE FOUNDATION

PROPOSED OFF-SITE SEWER EXTENSION THROUGH GLASS GLEN BURNIE PROPERTY TO AMHERST STREET.

T.M. 191-01-8
Glen Burnie Glass Foundation
D.B. 208-Pg. 92
106.66 Acres
Zoned: MR

Site Summary

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

Development Summary

Proposed dwelling units: 170
Maximum density: 18 units/acre
Proposed density: 16.1 units/acre
Unit Mixture:
Apartments: One Bedroom - 44
Two Bedroom - 76
Three Bedroom - 24
144 total apartments
Townhouse Rental Units: Two Bedroom - 26 total townhouse style rental units

Building Information:

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

*Townhomes may include alley accessed, basement level garages as shown.
**Includes finished basement level with walkout access to pool area.

Building Setbacks

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

Area Summary

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

Open Space and Recreation Area Information

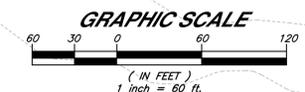
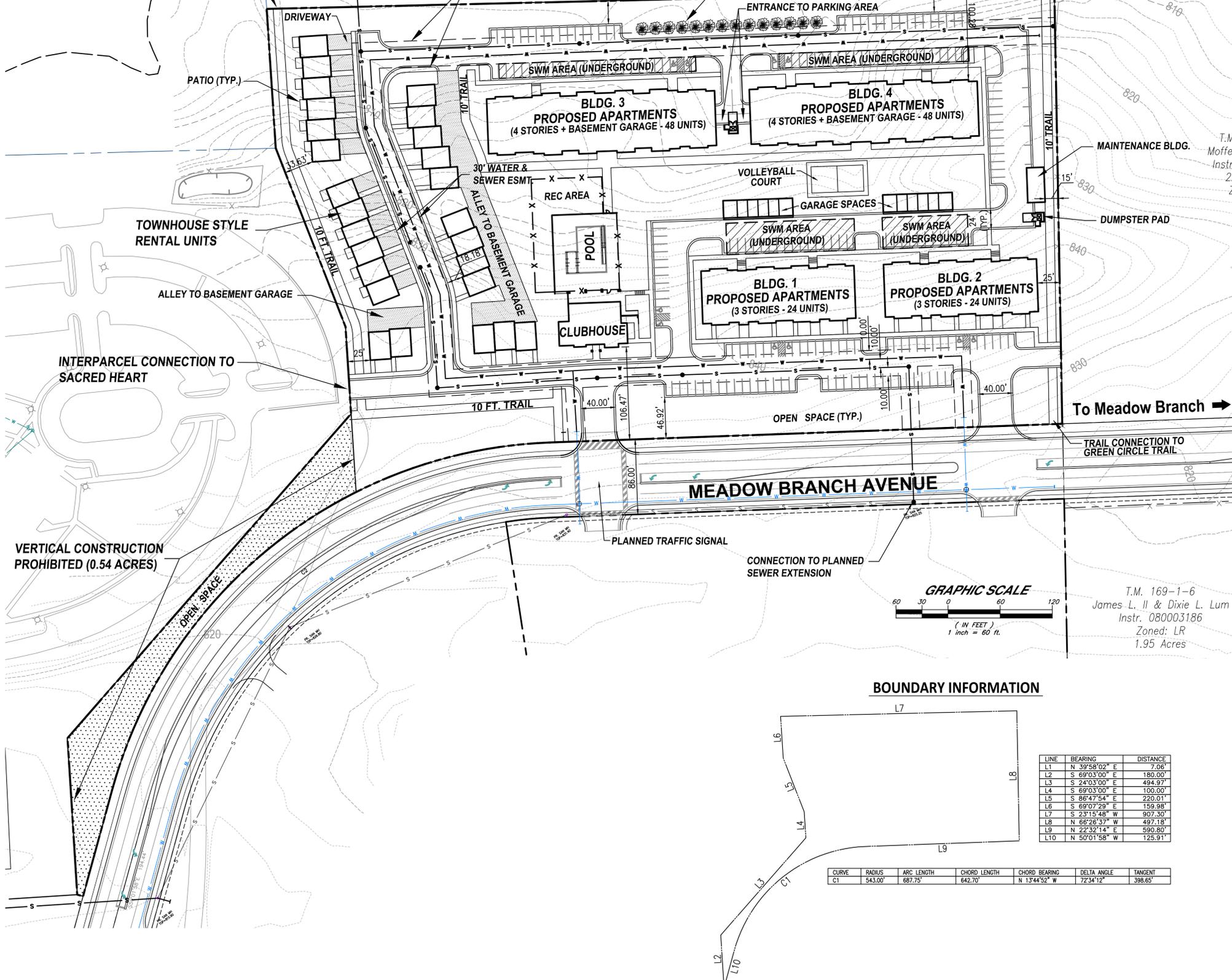
Common Open Space/Rec Area Required	- 4.77 Acres (45%)
Common Open Space/Rec Area Provided	- 5.35 Acres (50%)
Developed Recreation Area Required	- 0.95 Acres (20% of required Open Space)
Developed Recreation Area Provided	- 0.95 Acres (20%)

Parking Information

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

Notes

- 1) A landscape buffer shall be provided along the north, east, and south project boundaries consisting of a single row of evergreens from the current Evergreen Screening Suggestion List planted no more than four feet apart and not less than five feet tall at time of planting.
- 2) In addition to the evergreens provided per Note 1 above, in order to provide improved screening along the south property boundary, the Developer shall install a single row of evergreen trees in the general location depicted on the plan. Said trees shall be a minimum height of five feet at time of planting.
- 3) Street trees shall be provided along the Meadow Branch Avenue frontage (minimum 1 tree per 50 feet). Said trees shall be a mixture of Sugar Maples and Pin Oaks in order to coordinate with and complement the planned landscaping for the frontage of the adjoining John Kerr Elementary site. Said trees may be included as part of the landscaping requirements at time of site plan.
- 4) The project shall be constructed in a single phase of development.
- 5) Final layout subject to minor modifications to accommodate final engineering and subject to approval at time of site plan.
- 6) Maintenance of recreation areas (including open space and clubhouse/pool facility) shall be the responsibility of the management entity created for the development.
- 7) Topographic contours shown at two foot intervals.



T.M. 169-1-6
James L. II & Dixie L. Lum
Instr. 080003186
Zoned: LR
1.95 Acres

BOUNDARY INFORMATION

LINE	BEARING	DISTANCE
L1	N 39°58'02" E	7.06'
L2	S 69°03'00" E	180.00'
L3	S 24°03'00" E	494.97'
L4	S 69°03'00" E	100.00'
L5	S 86°47'54" E	220.01'
L6	S 69°07'29" E	159.98'
L7	S 23°15'48" W	907.30'
L8	N 66°28'37" W	497.18'
L9	N 22°32'14" E	590.80'
L10	N 50°01'58" W	125.91'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	543.00'	687.75'	642.70'	N 13°44'52" W	72°34'12"	398.65'



Pennoni Associates Inc. Engineers • Surveyors • Planners • Landscape Architects

NO.	DATE	REVISIONS	BY
1	11-25-14	APPLICATION	KLM

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

SITE LAYOUT

RIDGEWOOD ORCHARD
 LAND BAY C APARTMENTS
 DEVELOPMENT PLAN
 WINCHESTER, VIRGINIA

INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

	JOB NO.	ROLP1402
	SHEET	2 OF 3
SCALE	1"=60'	DRAWING NO.
DRAWN BY	PRS	
DATE	10-21-14	
APPROVED		



CLUB HOUSE - TYPICAL ELEVATION



CLUB HOUSE - TYPICAL FLOOR PLAN



TOWNHOUSE STYLE APARTMENT UNITS - TYPICAL ELEVATIONS



APARTMENT BUILDING (FOUR STORY) - TYPICAL ELEVATION



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



One Bedroom Plan



APARTMENT BUILDING (THREE STORY) - TYPICAL ELEVATION



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



Two Bedroom Plan



Two Bedroom Plan w/ Sun Room

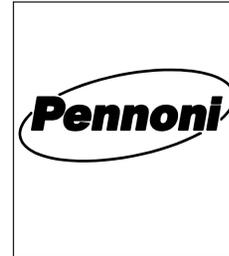


Three Bedroom Plan

THREE AND FOUR STORY APARTMENTS - TYPICAL FLOOR PLANS

Pennoni Associates Inc. Engineers • Surveyors • Planners • Landscape Architects

117 East Piccadilly Street, Suite 200
 Winchester, Virginia 22601
 Ph: 540-667-2139 Fax: 540-665-0493



DATE	NO.	REVISIONS	BY
11-25-14	1	APPLICATION REVISIONS	KLU

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

ARCHITECTURAL ELEVATIONS AND FLOOR PLANS

RIDGEWOOD ORCHARD
 LAND BAY C APARTMENTS
 DEVELOPMENT PLAN
 WINCHESTER, VIRGINIA

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	JOB NO. ROLP1402
	SHEET 3 OF 3

SCALE 1"=60'	DRAWING NO.
DRAWN BY PRS	
DATE 10-21-14	
APPROVED	

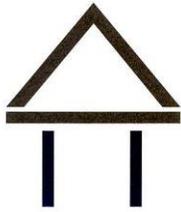
Market and Fiscal Impacts Analysis
Meadow Branch Apartments
Winchester, Virginia

Prepared for:

**Denise LaCour
Denstock LLC**

November, 2014

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



■ S. PATZ & ASSOCIATES, INC ■
■ REAL ESTATE CONSULTANTS ■

November 24, 2014

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

Dear Ms. LaCour:

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

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

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

The chart below summarizes the findings for both on-site fiscal impacts for Meadow Branch and for off-site impacts. Altogether, the apartments would produce a net surplus revenue of \$148,000 annually.

	<u>Direct On-site</u>	<u>Spin-off Off-site</u>	<u>Total Fiscal Impact</u>
Revenues	\$417,930	\$142,460	\$560,390
Costs	<u>-\$320,520</u>	<u>-\$91,900</u>	<u>-\$412,420</u>
Net Benefit	\$97,410	\$50,560	\$147,970

Ms. Denise LaCour
November 24, 2014

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

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart M. Patz". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Stuart M. Patz
President

Cc: Mr. Thomas Lawson

Introduction

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

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



Aerial View of Meadow Branch Apartment Site

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



No. 1



No. 2



No. 3

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



Map Showing Location of Photos of Site

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

Meadow Branch Apartments



John Kerr Elementary School Site

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



Meadow Branch Apartments

The sponsor reports that the project will have a total cost of approximately \$30 million, including the cost of the upscale apartment buildings with high-end interior finishes; the on-site amenities, including the clubhouse and pool; and the garage

buildings. This total cost of \$176,500 per unit will place the apartment complex at the top of the market for apartment units in Winchester.

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

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

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

<u>Unit Type</u>	<u># of Units</u>	<u>Living SF</u>	<u>Rent/Unit</u>	<u>Rent/PSF</u>
Garden - 1 BR/1 BA	12	920	\$ 1,000	\$ 1.09
Garden - 2 BR/2 BA	12	1,280	\$ 1,300	\$ 1.02
Garden - 2 BR/2 BA w/ Sunroom	16	1,300	\$ 1,325	\$ 1.02
Garden - 3 BR/2 BA	8	1,503	\$ 1,375	\$ 0.91
Elevator - 1 BR/1 BA	32	915	\$ 1,100	\$ 1.20
Elevator - 2 BR/2 BA	32	1,280	\$ 1,350	\$ 1.05
Elevator - 2 BR/2 BA w/Sunroom	16	1,342	\$ 1,375	\$ 1.02
Elevator - 3 BR/2 BA	16	1,652	\$ 1,500	\$ 0.91
TH - 2 BR/2.5 BA	26	1,514	\$ 1,500	\$ 0.99
TOTALS	170	216,732	\$ 223,000	\$ 1.03
Note: 1/ Rents exclude utilities.				
Source: Denico Development				

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

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

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

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

Section I - Market Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Base Economic Trends

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

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

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

- **Navy Federal Credit Union** completed construction on a 56,000 square foot Building II of its existing Frederick County campus on Security Drive in August, 2013, where 450 people will be hired by 2018. Since locating to the County in 2006, Navy Federal has grown from 60 to more than 1,000 employees. Most of the new jobs are customer support positions with salaries above \$40,000.
- **Dorneo Octaspring**, a mattress manufacturer, opened its 2nd U.S. facility in the Fort Collier Industrial Park. Twenty people are now employed at the 38,000 square foot facility. The plant produces foam coils.
- **Barrett Machine**, a metal fabrication company, announced in March, 2014 that it would expand its Frederick County facility and hire 27 new employees.

- **M & H Plastics**, a manufacturer of plastic bottles and containers, announced in July, 2014 that it would add 45 new jobs.
- **Evolve Stone**, a manufacturer of natural themed play environments, announced in March, 2013 that it would hire 46 people at its 15,000 square foot facility in the Stonewall Industrial Park. Operations in the new factory began in May, 2013.
- **Creative Urethanes**, manufacturer of castable and reaction injecting molding and stamping, announced in February, 2014 that it would expand its Winchester operation at Westview Business Centre by adding 54 new employees.
- **White House Foods**, an apple products processing company, announced in March, 2014 that it would expand in Winchester by adding 31 new jobs.
- **Joe's Steakhouse** opened a new 11,000 square foot restaurant in Winchester in June, 2014 where it employs about 50 people.
- **Henkel-Harris Co.**, a household furniture manufacturer, announced in April, 2014 that it would hire 18 new employees at its Winchester location.
- **HP Hood** operates a 375,080± square foot milk plant at 160 Hood Way where it employs over 420 people. The company announced in May, 2013 that it would expand the facility to increase ultra-high temperature production capacity, creating 75 new jobs. The Winchester plant first opened in 2001 with 170 employees and has been steadily growing since then. The 75 additional jobs will bring its total employment up to 500 workers. The majority of these new jobs will be operating positions from within the plant and will be permanent hourly positions.
- **Pactiv Corporation**, a manufacturer of corrugated containers, announced in November, 2013 that it would hire 25 new employees.
- **Amherst Medical Office Building**. Construction on this three-story Class B office building began in early-2013 and was completed in mid-2014. This 57,695 square foot building is fully occupied with medical office tenants.
- **McKesson Corp.**, a health care services and information technology company, completed a new distribution center in 2013 that employs 200 people. The company distributes medical and surgical supplies to physician offices, surgery centers, long-term care facilities and home care businesses.
- **The Shenandoah Valley Discovery Museum** opened in a new 20,000 square foot location in mid-2014 at 19 W. Cork Street.
- **Chuck E. Cheese** opened a new location in August, 2013 in Winchester where it employs 50 people.

- **The FBI** is currently planning on building a 256,430± square foot facility in Frederick County, called the Records Management Facility. The facility will consolidate FBI's paper records and also provides storage for National Archives and Records Administration's (NARA) compliant records in an environmentally conditioned, fire-protected space. The proposed facility will include a record management building. This facility was anticipated to open in 2016 and employ as many as 1,200 people, but the timeline has been delayed. Construction could begin in 2017. As always, there is no certainty with this proposal, but our research shows a strong likelihood that it will occur.
- **Winchester Marketplace.** This 50,000 square foot retail center, to be located at 1523 S. Pleasant Valley Road, is currently under construction. It is located across South Pleasant Valley Road from Sheetz and beside the Dick's Sporting Goods store. The property would include a 3,450 square foot Roy Rogers restaurant. Up to 180 permanent jobs could be created at the new retail center. The site plan includes a 5,700 square foot commercial pad site located behind the existing Jiffy Lube. Two more buildings are included in the site plans: an L-shaped building with wings measuring 21,000 and 12,000 square feet and another building measuring 8,140 square feet.
- Several small developments are in planning within Frederick County, primarily in and around the industrial parks. These include a planned 75,000 square foot building expansion by Greenbay Packaging at 285 Park Center Drive and a 29,000 square foot warehouse expansion at 774 Smithfield Avenue.

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

Apartment Market Analysis

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

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

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

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

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

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

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

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

1. For a marketplace with 5,500± renters (in 2014) with incomes of \$42,000+, the total competitive apartment unit count is modest, at 1,360± units, and particularly given the fact that many of the apartment units listed in Table 3 are well below the rents proposed for new apartment unit development at Meadow Branch and do not compete for the \$42,000+ income renter;
2. The vacancy rate is near zero for the identified higher rent properties;
3. Most of the new apartment units being placed on the market at this time are one-bedroom units in upper floors of renovated Old Town buildings; (except for the units recently opened at Cedar Hill as noted below);
4. Nearly 60 percent of the apartment units that are listed in Table 3 were built prior to 2000; and
5. Tasker Village, with 64 units, is the only market rent newer apartment complex in Frederick County. Many of the other rental units in the County are at towns and condos for rent.

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

	<u>Date Built</u>	<u>Total Units</u>
<u>Apartment Complexes</u>		
Summerfield	2005	64
Treetops	1995	52
Stuart Hill	2003	180
Tasker Village	2005	64
Pemberton	1998	120
Peppertree	1987/89	<u>194</u>
(Subtotal)		(672)
<u>Other Rentals 1/</u>		
Lakeside Condo	Mid-2000's	50
Tevis St. Apartments	1997	20
Fox Court	2002/03	25
Windstone TH's	2003	75
Limestone TH's	Mid-2000's	20
Old Town Rentals	2006/13	45
Saunders Construction Rentals	NA	120
Oakcrest Realtors	NA	130
Hables Real Estate	NA	<u>210</u>
(Subtotal)		<u>(695)</u>
Total 2/		1,359 2/
Notes: 1/ Totals include rentals that are managed by these companies.		
2/ Excludes the recently built Cedar Hill Apartments.		
Source: Field and telephone survey by S. Patz & Associates, Inc.		

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

1. Jubal Square is a 140-unit apartment proposal that has been approved by City officials for rezoning. Jubal Square is expected to attract Shenandoah University students for at least 40 of the 140 planned units. This proposal will likely be ready for occupancy by sometime in Fall, 2016 or shortly after. The expected start date is early-2015. The proposal includes 28 three-bedroom units and 20 two-bedroom units with dens. The remainder are one- and two-bedroom units.
2. Heritage Commons is a large PUD in active planning in Frederick County, but adjacent to the City. The location is along U.S. Route 522 just south of the intersection of Route 522 and Route 50 and across from

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

3. Cedar Hill is a new construction 48-unit apartment building that was opened in 12-unit phases. The first building opened in mid-2013. The second building was available for occupancy by the end of 2013. Both of these buildings are fully occupied. The last two buildings are still under construction, with one planned for completion by year-end 2014 and the last expected to open in early-2015. This is a non-amenitized property and likely an attractive property for university students given its location. The units are two- and three-bedroom with somewhat modest rents.
4. Old Town Properties. City officials have approved the addition of 120 apartment units in adaptive reuse buildings in Old Town. These will open for lease-up over the next year or two. There are 40± new units in active planning and other buildings being studied.

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

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

Conclusions

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

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



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

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

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

Summary of Impacts

Table 4 below presents the revenues, costs, and net fiscal benefit (revenue surplus or deficit) for Meadow Branch Apartments, and for the economic business that is generated in the City by the apartment proposal. On-site impacts produce a surplus of \$97,000 annually due to the few public school pupils which are expected in the apartments, based on experience at Stuart Hill and other projects identified by the Winchester public school district. The apartment resident expenditures in Winchester will generate \$22 million in new business receipts in the City, and these new business receipts will produce a fiscal surplus of \$51,000 annually for the City. The data in Table 4 will be explained fully in the body of this section of the report. Total fiscal benefit, or surplus, will come to \$148,000 annually in constant year 2014 dollars.

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

<u>Source of Fiscal Impacts on the City</u>	<u>Apartment Impacts On-site In Winchester</u>	<u>Apartment Impacts Off-site In Winchester</u>	<u>Total Apartment Fiscal Impacts</u>
Revenues to the City 2/	\$417,930	\$142,460	\$560,390 2/
City Costs	<u>-\$320,520</u>	<u>-\$91,900</u>	<u>-\$412,420</u>
Net Fiscal Benefits	\$97,410 2/	\$50,560	\$147,970 2/

Notes: 1/ Data are rounded to the nearest ten dollars.

2/ Includes possible high estimate for recordation tax (see below on page 23).

Source: City of Winchester and SPA.

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

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

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

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

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

<u>Table 5. Summary of Annual Revenues for the City from Meadow Branch Apartments at Buildout, Winchester, Virginia (constant \$2014)</u>		
	<u>Amount</u>	<u>Percent</u>
Real Estate Tax	\$285,000	68.2%
Personal Property Tax	\$110,670	26.5%
Consumer Utility Tax	\$15,500	3.7%
Motor Vehicle Licenses	\$6,380	1.5%
Recordation Tax	<u>\$380 1/</u>	<u>0.1%</u>
Total Revenue	\$417,930	100.0%
Note: 1/ Assumes property sale in time, which is not anticipated by the sponsor (see below).		
Source: City of Winchester		

Real Estate Tax

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

Table 6. <u>Real Estate Tax for Meadow Branch Apartments, Winchester, Virginia (constant \$2014)</u>	
	<u>Amount</u>
Cost per Unit	\$170,000+
Number of Units	170
Total Cost	\$30,000.000
Tax Rate	0.0095
Real Estate Tax	\$285,000
Source: Denico Development and City of Winchester.	

Personal Property Tax

Personal property taxes for residences in Virginia are based on the depreciated values of vehicles used solely for residential purposes. The first step in calculating the personal property tax for Meadow Branch is to estimate the average depreciated value of vehicles in the City. This is done by dividing the personal property tax that is residential by the number of vehicles in the City. Included in the tax is the Personal Property Tax Relief Act (PPTRA) reimbursement from the Commonwealth to the City. The proportion of the property tax budgeted for 2014 is 59 percent, based on the percentage of the real estate tax base that is residential of the total residential plus

commercial. As shown in Table 7, the total residential personal property tax including PPTRA is divided by the tax rate of \$4.50 per \$100 valuation to give the total depreciated value of vehicles in the City as \$159 million. This total value divided by 17,200 estimated vehicles in the City gives an average depreciated value of about \$9,300 per vehicle.

<u>Table 7. Estimation of the Average Depreciated Value Per Vehicle, Winchester, Virginia, 2014</u>	
	<u>Amount</u>
FY 2015 Personal Property Tax	\$7,700,000
Proportion Residential	0.59
Residential Personal Property Tax	\$4,543,000
PPTRA	\$2,622,100
Total Residential Personal Property Tax	\$7,165,100
Tax Rate	\$0.045
Total Residential Depreciated Value	\$159,224,444
Estimated Number of Vehicles	17,210
Average Depreciated Value per Vehicle	\$9,250
Sources: FY 2015 Adopted Budget for Winchester, Virginia. And the American Community Survey of the U.S. Census Bureau.	

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

Table 8. Personal Property Taxes at Meadow Branch Apartments at Buildout, Winchester, Virginia (constant \$2013)

	<u>Amount</u>
Meadow Branch No. Units	170
Percent Occupied	0.95
Occupied Units	162
Vehicles per Unit	1.65
Number of Vehicles	266
Depreciated Value Per Vehicle	\$9,252
Total Depreciated Value	\$2,459,228
Tax at \$4.50/\$100	\$110,670
Source: City of Winchester and SPA.	

Consumer Utility Tax

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

**Consumer Utility Taxes at
Meadow Branch
Apartments, at Buildout,
Winchester, Virginia
(constant \$2014)**

	<u>Amount</u>
Number of Units	170
Occupied at 95%	162
Utilities Per Unit	4
Each Utility Average	\$2.00/mo.
Number of Months	12
Total Utility Tax	\$15,500

Motor Vehicle Licenses

Each motor vehicle in Winchester is subject to a license fee of \$24 per vehicle. In the derivation of the personal property tax at Meadow Branch, it was shown that there would be 266 vehicles at the apartments. At a fee of \$24 per vehicle, the total for the apartments would be \$6,380 annually.

Recordation Tax

The Commonwealth of Virginia taxes all exchanges of real property at the rate of \$0.25 per \$1,000 of value, or .00025. One-third of this amount is returned to the municipality where the transaction occurred. It is assumed that the Meadow Branch Apartments are taxed three times in 20 years, once at initial completion of the construction of the project, and sold twice in 20 years. This may not be the case for a successful upscale apartment property, particularly given the sponsor's company policy for a "long-term" hold. At the given tax rate, the revenue share for Winchester for the property valued at \$9.24 million would be \$7,500, with an annual average over 20 years of \$380, as shown below.

<u>Recordation Tax for Meadow Branch Apartments, at Buildout, Winchester, Virginia (constant \$2014)</u>	
	<u>Amount</u>
Real Estate Value	\$30,000,000
First and Once each 20 years 1/	3
Total Taxable Value	\$90,000,000
Tax at state level	0.00025
State Tax	\$22,500
Share to City	33.3%
City Recordation Tax	\$7,500
Annual Average	\$380
Note: 1/ Property sale is not anticipated by the Sponsor.	

Summary of Revenues

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

<u>Table 9. Summary of Annual Revenues for the City from Meadow Branch Apartments at Buildout, Winchester, Virginia (constant \$2014)</u>		
	<u>Amount</u>	<u>Percent</u>
Real Estate Tax	\$285,000	68.2%
Personal Property Tax	\$110,670	26.5%
Consumer Utility Tax	\$15,500	3.7%
Motor Vehicle Licenses	\$6,380	1.5%
Recordation Tax	<u>\$380 1/</u>	<u>0.1%</u>
Total Revenue	\$417,930	100.0%
Note: 1/ See above description.		
Source: City of Winchester and SPA		

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

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

Per Capita Expenditures

The fiscal impacts methodology for determining costs of new development to the City of Winchester is to express budget expenditures on a per capita basis. For residents, this will be per person residing in the City, and for businesses, this will be per employee working in the City. The allocation of General Fund budgeted expenditures to persons and employees is derived in Table 10. For most expenditure items, except schools, the total budgeted expenditures for FY 2015 are allocated proportionally to population (53 percent) and employees (47 percent). However, for two expenditure categories, all expenditures are allocated to population. These are Health and Welfare and Recreation and Culture, including parks.

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

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

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

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

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

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

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

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

Tax-supported Costs of Meadow Branch

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

including children, based on the number of residents per unit at Stuart Hill, as Stuart Hill is the largest and most upscale apartment property in the City at this time. It was shown above, that the average tax-supported cost for residents in the City is \$956. For these residents, total tax-supported costs to the City would be \$238,200.

	<u>Amount</u>
Residents	249
Expenditure Per Capita	\$956
Population Expenditures	\$238,240

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

<u>School Pupils Per Apartment Unit at Apartment Properties Identified by Officials of Winchester Public Schools</u>			
<u>Apartments</u>	<u>Units</u>	<u>Pupils</u>	<u>Pupil/Unit</u>
Stuart Hill	180	9	0.050
37 West	144	12	0.083
Stone Creek Village	264	29	0.110
Arden Place	<u>212</u>	<u>13</u>	0.061
Total	800	63	0.079

With 162 occupied units, or households, the pupil generation rate of 0.079, derived above, yields 13 pupils projected for Meadow Branch, at buildout. Tax-

supported costs per pupil were shown above to be approximately \$6,500. For 13 pupils, this is a need for \$82,300 in taxes for schools from the apartments. At \$6,500 per pupil, Meadow Branch could support a total of approximately 35 students and still provide a net positive impact to the City.

	<u>Amount</u>
Occupied Units	162
Students per Unit	0.079
Number of students	13
Cost Per Pupil	\$6,470
Cost of Schools	\$82,280

Costs for residents of \$238,240 and for school pupils of \$82,280 yields a total of \$320,520 as the total tax-supported costs of providing services and facilities to the apartments annually, in constant year 2014 dollars.

Fiscal Impacts

The chart below compares the tax revenues expected from Meadow Branch with the tax-supported costs required to serve the apartments. The net fiscal benefit will be an annual surplus of \$97,400, in constant year 2014 dollars.

	<u>Amount</u>
Total Tax Revenue	\$417,930
Total Tax-supported Costs	<u>-\$320,520</u>
Net Fiscal Benefit	\$97,410

Off-site Impacts: Economic and Fiscal

In addition to the revenues and costs that accrue to the City of Winchester from the apartments “on-site” – that is, due to the apartments and residents themselves in

their dwellings, there are also off-site impacts that occur as residents spend part of their income in the City, and as businesses re-spend the income from purchases by residents by the purchase of goods and services from other vendors in the City. Consumer budgets are identified by the U.S. Bureau of Labor Statistics by area and income level. There is no direct budget information for Winchester, and the income level for the Washington, D.C. area is too high to be applicable here. Instead, national data for a budget for income in the \$50,000's-\$60,000's has been chosen. This is the income level of households in the comparable complex, Stuart Hill Apartments. Among the larger expenditures by consumers are 19 percent for shelter and 27 percent for retail trade, including automobiles.

Consumer expenditures made off-site in the City are translated into economic impacts in the City using multiplier matrices provided for the local area by the U.S. Bureau of Economic Analysis. These multipliers capture the round-by-round flows of expenditures in the City initiated by residents at the apartments. The multipliers are specific to Frederick County and the City, but since the City figures so heavily in the County economy; accounting for almost all of the jobs; it is assumed here that the impacts from the apartments will apply essentially to Winchester. There are separate matrices for business receipts, employment and employee earnings. The items in the consumer budget are multiplied in turn by these expenditure-specific categories in each matrix and summed to give the "ripple effect" (spin-off or multiplier effects) of circulation of money through the economy. The ripple effects, plus the original consumer expenditures, equal the total economic impacts of apartment residents on the City economy.

Business Receipts

Residents at Meadow Branch Apartments are likely to spend about 78 percent of their income, or about \$45,000 per household. Other uses of income are taxes and savings, for example. Overall, this is \$6.9 million in expenditures from apartment residents. The ripple or multiplier effect will generate another \$14.7 million in receipts

among City businesses, for total business receipts impact of \$21.6 million. These business receipts are broken down by business sector in the matrices and will form the basis for many tax receipts for the City from the impacted businesses.

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

Employment and Earnings

Since there are only a few employees on-site at the apartments, all employment and employee earnings impacts come from the ripple or multiplier effects on businesses, i.e., employee earnings that support increased business receipts in the City. There will be 121 new full-time equivalent employment positions created in Winchester, with earnings for these employees of \$4.3 million, for an average earnings of \$35,400. This is a relatively modest earnings level because so much of the impact is on retail trade and consumer services such as cleaning and laundries and other household services.

Off-site Fiscal Impact

Table 12 summarizes the revenues and costs to the City of Winchester from the off-site impacts of the Meadow Branch Apartments. These impacts derive primarily from the \$21.6 million in new business receipts in the City, plus estimates of real property and business personal property for a typical commercial operation. It is proper to look at these impacts as long-term. That is, it is not likely that 121 new employees in many different firms will lead to immediate expansion of the property tax base, but this should happen over time as part of business expansion in the City. Other tax receipts should accrue as soon as consumers at Meadow Branch Apartments begin making expenditures, that is, as soon as the property is built out and stable occupancies are achieved. In the short run, revenues should start at \$100,000, rising to \$142,000, as businesses expand physically. Costs are based on 121 new employees at a cost to the

City of \$761 per employee, as derived above. With costs of \$91,900, net fiscal benefits should start with a net surplus of about \$63,000 annually in the short run, rising to \$92,000 over time.

Table 12. <u>Off-site Fiscal Impact of Consumer Expenditures From Residents of Meadow Branch Apartments in Winchester, Virginia (constant \$2014)</u>	
	<u>Amount</u>
<u>Annual Revenues for the City:</u>	
Real Estate Tax	\$34,430
Business Property Tax	\$16,310
BPOL Tax	\$33,920
Retail Sales Tax	\$22,370
Motel Tax	\$9,810
Meals Tax	\$24,790
Other Local Taxes	\$780
Recordation Tax	<u>\$45</u>
Total Revenue	\$142,455
Less Costs to the City	- <u>\$91,900</u>
Net Fiscal Benefit to the City	\$50,555
Source: RIMS II Modeling System, U.S. Bureau of Economic Analysis	

On-site and Off-site Fiscal Impacts

The chart below summarizes the previous findings for on-site fiscal impacts for Meadow Branch and the off-site impacts presented above. Altogether, the apartments would produce a net surplus revenue of \$148,000 annually.

	<u>Direct On-site</u>	<u>Spin-off Off-site</u>	<u>Total Fiscal Impact</u>
Revenues	\$417,930	\$142,460	\$560,390
Costs	<u>-\$320,520</u>	<u>-\$91,900</u>	<u>-\$412,420</u>
Net Benefit	\$97,410	\$50,560	\$147,970
Note: Total Fiscal Impact includes recordation taxes for two property sales over the next 20 years, which may not occur.			



MARK Y. LINEBURG, Ed.D.
SUPERINTENDENT

MARK L. MIEAR, Ed.D.
ASSISTANT SUPERINTENDENT

TO: School Board Members

FROM: Ed Smith, Director of Operations

DATE: 10/6/2014

SUBJECT: Information Regarding Luxury Apartments Impact on Schools

Background:

The owner of the land that will be across the street from the new John Kerr Elementary School has indicated his interest in developing the land into a luxury apartment complex.

I have researched several similar luxury apartment complexes and their impact on surrounding schools in 2 different locations. The information is outlined in the chart below:

Student Impact on Luxury Apartment Complexes

Complex	Pricing	Units	Students	Students per Apt
37 West Lynchburg, VA (Campbell County)	\$800 – 1 BR \$1000 – 2 BR \$1100 – 3BR	144	ES – 3 MS – 2 HS – 7 Total – 12	.083
Stone Creek Village Charlottesville, VA (Albermarle County)	\$1000-1200 – 1 BR \$1300-1400 – 2 BR \$1500-1600 – 3BR	264	ES – 11 MS – 7 HS – 11 Total – 29	.11
Arden Place Charlottesville, VA (Albermarle County)	\$900-1200 – 1 BR \$1280-1360 – 2 BR \$1545 – 3BR	212	ES – 10 MS – 2 HS – 1 Total – 13	.06

Recommendation:

No recommendation, this is for board information only.

Strategic Plan Reference:

3. 1 Provide safe, clean, and appropriate physical environments conducive to teaching and learning

Law, Policy, Regulation:

Policy FA – Facilities Development

Fiscal Impact:

None