



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, APRIL 12, 2017
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda:

Pursuant to established procedures, the Board should adopt the Agenda for the meeting.

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: A)

Citizen Comments (Agenda Items Only, That Are Not Subject to Public Hearing.)

Board of Supervisors Comments

Minutes: (See Attached) ----- A

1. Regular Meeting, March 8, 2017.

County Officials:

1. Committee Appointments. **(See Attached) ----- B**
2. Adoption of Fiscal Year 2017-2018 Budget, Fiscal Year 2017-18 Appropriations and Setting of 2018 Tax Rates. **(See Attached)----- C**
3. Request from Commissioner of the Revenue for Refund. **(See Attached) -- D**

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4. Response to School Board Capital Request.

Public Hearing:

1. Twelve Month Outdoor Festival Permit Request of Trumpet Vine Farm (DeMarchi Spears). Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Trumpet Vine Farm, 266 Vaucleuse Road, Stephens City, Virginia, Back Creek Magisterial District. Property Owned by DeMarchi Spears. **(See Attached)**----- **E**
2. Outdoor Festival Permit Request of William Aikens, Top of Virginia Building Association – BBQ Blast. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, May 20, 2017, from 11:00 A.M. to 6:00 P.M.; on the Grounds of Stonewall District Ruritan, Clearbrook, Virginia. Property Owned by Stonewall District Ruritan Club. **(See Attached)**----- **F**

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #01-17 for Bowman Library (Shenandoah Mobile LLC) Wireless Commercial Telecommunication Facility, Submitted to Construct a Wireless Telecommunications Consisting of a 195 Foot Telecommunication Monopole Tower with Supporting Equipment in a Fenced Compound. The Property is Located at the Bowman Library, 871 Tasker Road and is Identified with Property Identification Number 75B-A-1 in the Shawnee Magisterial District. **(See Attached)** ----- **G**
2. Conditional Use Permit #10-16 for William Conley, Submitted for a Cottage Occupation-Furniture Repair Shop. The Property is Located at 5738 North Frederick Pike (Route 522 North) and is Identified with Property Identification Number 19-A-25D in the Gainesboro Magisterial District. **(See Attached)** ----- **H**
3. Conditional Use Permit #02-17 for Salvatore Carrano, which Submitted for a Rooming House (AirBnB). The Property is Located at 132 Seabreeze Lane, and is Identified with Property Identification Number 54I-7-1-90 in the

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Red Bud Magisterial District. **(See Attached)**----- I

4. Rezoning #01-17 for DMJ Holding, L.L.C., Submitted by Painter-Lewis, P.L.C., to Revise Proffers Associated with Rezoning #05-09. This Revision Seeks to Remove a Proffer which Currently Prohibits Fast Food Restaurants with Drive Through Service Windows. The Properties are Located at the Northwest Corner of the Intersection of Route 50 and Route 781 (Custer Avenue). The Properties are Identified with Property Identification Numbers 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19 and 64A-4-20, in the Shawnee Magisterial District.
(See Attached) ----- J

Other Planning Items:

1. Discussion - Medical Offices in the RP (Residential Performance) and RA (Rural Areas) Districts as a Conditional Use. **(See Attached)** ----- K
2. Discussion - Permitted and Conditional Uses in the RA (Rural Areas) District. **(See Attached)**----- L
3. Discussion - Front Setbacks for Accessory Uses on Private Right-of-Ways in the RA (Rural Areas) District. **(See Attached)**----- M

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

CONSENT AGENDA

A

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
MARCH 8, 2017

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, March 8, 2017, 7:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, Virginia.

PRESENT

Chairman Charles S. DeHaven, Jr., Blaine P. Dunn, Bill M. Ewing, Gene E. Fisher, Gary A. Lofton, Judith McCann-Slaughter, and Robert W. Wells.

CALL TO ORDER

Chairman DeHaven called the meeting to order.

INVOCATION

Vice Chairman Fisher delivered the invocation.

PLEDGE OF ALLEGIANCE

Supervisor Ewing led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Chairman DeHaven stated the Board needed to amend the agenda to add number 5 under County Officials with reference to legal actions.

Upon a motion made by Supervisor Dunn, seconded by Supervisor Fisher, the Board approved the agenda as amended by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

CONSENT AGENDA - APPROVED

Upon a motion made by Supervisor Ewing, seconded by Supervisor Dunn, the Board approved the following items under the consent agenda:

- Minutes - Tab A;
- Resolution and Charter Agreement Establishing the Skyline Regional Criminal Justice Academy - Tab C;
- Memorandum Re: Closing of County Offices for Annual Apple Blossom Festival - Tab D;
- Transportation Committee Report - Tab E.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn stated he would be holding a Town Hall meeting on March 11, 2017, 10:00 A.M., at the Greenwood Mill Elementary School.

MINUTES - APPROVED UNDER CONSENT AGENDA

The minutes of the Closed Session and Regular Meeting of January 25, 2017; Regular Meeting of February 8, 2017; Budget Work Session of February 15, 2017; Work Session with School Board of February 22, 2017; and Budget Work Session of February 22, 2017, were approved under the consent agenda.

COUNTY OFFICIALS

PRESENTATION OF RESOLUTION OF APPRECIATION TO JOHN TRENARY

Chairman DeHaven and Vice Chairman Fisher presented the Resolution of Appreciation to former Building Official John Trenary.

Mr. Trenary was present to accept the resolution.

COMMITTEE APPOINTMENTS

There were no committee appointments made.

RESOLUTION (#060-17) AND CHARTER AGREEMENT ESTABLISHING THE SKYLINE REGIONAL CRIMINAL JUSTICE ACADEMY - APPROVED UNDER CONSENT AGENDA

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FREDERICK, VIRGINIA**

WHEREAS, the TOWN OF BERRYVILLE, the COUNTY OF CLARKE, the COUNTY OF FREDERICK, the FREDERICK COUNTY EMERGENCY COMMUNICATIONS CENTER, the TOWN OF FRONT ROYAL, the LORD FAIRFAX COMMUNITY COLLEGE, the TOWN OF MIDDLETOWN, the NORTHWESTERN REGIONAL JAIL AUTHORITY, the RSW REGIONAL JAIL AUTHORITY, the TOWN OF STEPHENS CITY, the TOWN OF STRASBURG, the COUNTY OF WARREN, the CITY OF WINCHESTER, and the COUNTY OF RAPPAHANNOCK, have agreed to form a regional criminal justice academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia in order to furnish the highest achievable level of professional law enforcement and criminal justice-related training to the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advance training programs; and

WHEREAS, it is necessary for the participating members to enter into an agreement establishing the regional criminal justice academy that sets forth the relationship between the members and the regional criminal justice academy.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Frederick, Virginia as follows:

1. The Frederick County Board of Supervisors hereby agrees to establish the Skyline Regional Criminal Justice Academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia.

2. At its regular meeting of March 8, 2017, the Frederick County Board of Supervisors authorized the County Administrator to sign the Charter Agreement Establishing the Skyline Criminal Justice Academy, a copy of which is attached to this Resolution.

ADOPTED March 8, 2017.

MEMORANDUM RE: CLOSING OF COUNTY OFFICES FOR ANNUAL APPLE BLOSSOM FESTIVAL - APPROVED UNDER CONSENT AGENDA

County Offices will be closed on Friday, May 5, 2017 for the Annual Apple Blossom Festival.

LEGAL ACTIONS - APPROVED

Upon a motion made by Vice Chairman Fisher, seconded by Supervisor Dunn, the Board authorized the County Attorney to file court papers to accomplish the removal of masonry mailboxes from the right-of-way at 161 and 308 Saint Andrews Court in the Back Creek District, as the placement of such mailboxes currently prevents acceptance by VDOT of Saint Andrews Court into the Secondary Street System.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

Upon a motion made by Vice Chairman Fisher, seconded by Supervisor Wells, the Board authorized the County Attorney to file court papers to accomplish the appointment of a successor executor to sell the property located at 2543 Martinsburg Pike in the Stonewall District, as the current condition of the property is in violation of the County's zoning ordinance and the record

owner of the property is deceased.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

COMMITTEE REPORTS

TRANSPORTATION COMMITTEE REPORT - APPROVED UNDER CONSENT AGENDA

The Transportation Committee met on February 27, 2017 at 8:30 a.m.

Members Present

Gary Lofton – Chairman (voting)
Judith McCann-Slaughter (voting)
Gene Fisher (voting)
Kevin Kenney (liaison PC) filling in for Gary Oates
James Racey (voting)
Barry Schnoor (voting)

Members Absent

Mark Davis (liaison Middletown)
Gary Oates (liaison PC)
Lewis Boyer (liaison Stephens City)

Items Requiring Action

None

Items Not Requiring Action

1. SmartScale Update

Mr. Terry Short of VDOT was on hand to give the Committee an overview of the SmartScale program.

2. MPO Draft Work Program

Staff presented the MPO Draft work program (attached) and gave the Committee an update on the projects of particular impact to the County.

3. County Projects Update

Snowden Bridge Boulevard:

Final items are being addressed as this project wraps up. Staff is working with VDOT and the Graystone Development regarding final items needed to get the road into the state system.

Tevis Street Extension/Airport Road/I-81 Bridge:

Bridge design is ongoing and environmental documents for VDOT are being completed. Bridge design has reached 75%, but comments are pending from VDOT on earlier submissions. Staff is also working with VDOT to clarify the status of the stubs to the north and south of the roundabout. The TIA is complete and has been submitted. This will allow refinements to the 30% design of the surface streets to meet traffic volumes.

Renaissance Drive:

Currently working with CSX on MOU for the future crossing. The MOU is now being circulated for signatures. The County's Transportation Partnership Opportunity Fund Application has been recommended for approval by the Governor's Advisory Committee and agreements are expected shortly. The agreements are currently in the process of getting signed by the pertinent members of the Governor's cabinet.

Valley Mill Road Realignment:

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete design through 100%. Upon approval by the private party partner, the next phase of design will begin.

Coverstone Drive:

No activity at this time.

Jubal Early Drive Extension and Interchange with Route 37:

Initial meetings regarding a draft agreement and follow up application for additional revenue sharing funds has been held with the private partner team.

4. Other

PUBLIC WORKS COMMITTEE REPORT - APPROVED

Vice Chairman Fisher presented the Public Works Committee report.

The Public Works Committee met on Tuesday, February 28, 2017, at 8:00 a.m. All members were present. The following items were discussed:

Items Requiring Action

1. Disposition of Shawneeland Council House (Clowser House) - Approved to Forward to Public Hearing

The committee had a discussion led by Rod Williams, County Attorney on a Draft 99 year lease agreement between Frederick County, Virginia and the Clowser Foundation concerning the disposition of the council house located in the Shawneeland Sanitary District. The Clowser Foundation and the Shawneeland Sanitary District Advisory Committee (SSDAC) met on Thursday, February 23, 2017 and agreed on the lease agreement terms. Supervisor Robert Wells recommended approval and committee member Whitney "Whit" Wagner seconded the motion. The committee unanimously approved the motion. Consequently, the attached agreement (attachment 1) is being sent for the board's approval.

Upon a motion made by Vice Chairman Fisher, seconded by Supervisor Lofton, the Board forwarded the lease agreement regarding the Shawneeland Council House (Clowser House) to public hearing.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

Items Not Requiring Action

1. Miscellaneous Reports

- a. Tonnage Report
(Attachment 2)
- b. Recycling Report
(Attachment 3)

- c. Animal Shelter Dog Report
(Attachment 4)
- d. Animal Shelter Cat Report
(Attachment 5)

2. A Closed Session was convened in Accordance with the Code of Virginia, 1950, as Amended, Section 2.2-3711, Subsection A, (3), for discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. No action was taken in the closed session.

PLANNING COMMISSION BUSINESS:

PUBLIC HEARING

PUBLIC HEARING - REZONING #02-17 FOR EXPRESS OIL CHANGE & TIRE ENGINEERS, SUBMITTED BY GREENWAY ENGINEERING, INC., TO REZONE 0.604+/- ACRES FROM THE B2 (GENERAL BUSINESS) DISTRICT TO THE B3 (INDUSTRIAL TRANSITION) DISTRICT WITH PROFFERS. THE PROPERTY IS LOCATED ON THE WEST SIDE OF FRONT ROYAL PIKE (ROUTE 522 SOUTH) AND IMMEDIATELY SOUTH OF THE IHOP RESTAURANT APPROXIMATELY 1,000' SOUTH OF THE INTERSTATE 81 EXIT 313, AND IS IDENTIFIED BY PROPERTY IDENTIFICATION NUMBER 64-A-1F IN THE SHAWNEE MAGISTERIAL DISTRICT. - (RESOLUTION #061-17) - APPROVED

Assistant Planning Director Candice Perkins appeared before the Board and presented this rezoning request. She stated this was an application to rezone a total of 0.604+/- acres of land from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers. She stated the applicant is seeking to rezone the site to the B3 District to enable the construction of an express oil and tire facility. She further stated the applicant has excluded a number of uses in the proffer statement (such as landscape services, warehousing, utility facilities, and trailer parking). Ms. Perkins further stated this property is located within the sewer and water service area (SWSA) and is located within the limits of the Senseny/Eastern Frederick Land Use Plan of the 2035 Comprehensive Plan. The Comprehensive Plan identifies this property with a

commercial land use designation which is consistent with the current zoning and the requested zoning of the subject property. She went on to say that access to the property is proposed via a new right-in/right-out entrance onto Front Royal Pike (Route 522); this proposed new entrance will be shared with the adjacent IHOP Restaurant. She further stated an interparcel connection with the IHOP Restaurant is also proffered that would allow vehicles to access the existing traffic signal located at Front Royal Pike (Route 522)/Travel Lodge Drive. Ms. Perkins stated the applicant has also provided a monetary contribution of \$0.10 per building square foot for Fire and Rescue.

Supervisor Lofton asked about the barrier to prevent left turns into and out of the site, where it would be and what type of barrier it would be.

Ms. Perkins stated the barrier would be decided during the site plan phase and would be whatever VDOT decides.

Evan Wyatt with Greenway Engineering appeared before the Board on behalf of the application and introduced Mr. John Davis with Express Oil and Mr. Charles Thompson, purchaser of the franchise, who traveled from Alabama in order to be in attendance should the Board have any questions. He stated this was the fifth franchise in Virginia and the first one along the I-81 corridor. He further stated there is a proffer commitment for interparcel connectivity and there is an agreement for shared right in/right out entrance off Route 522. Mr. Wyatt went on to say VDOT is amenable to this but requires an access management exception to the spacing distance requirement due to the location of the entrance and the proximity of the signalization. Mr. Wyatt addressed the barrier and stated that was part of the discussion with VDOT and in order to get the right in/right out shared access, some type of median barrier would

be required.

Vice Chairman Fisher stated the importance of the barrier and it needed to be of a substantial structure.

Supervisor Dunn thanked the two gentlemen that were in attendance and had traveled a good distance to be present on behalf of this request.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion made by Vice Chairman Fisher, seconded by Supervisor Dunn, rezoning request #02-17 of Express Oil Change and Tire Engineers was approved.

**AN ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #02-17 EXPRESS OIL CHANGE & TIRE ENGINEERS**

WHEREAS, Rezoning #02-17 of Express Oil Change & Tire Engineers, submitted by Greenway Engineering, Inc., to rezone 0.604 acres from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers, with a final revision date of September 9, 2016 was considered. This rezoning is seeking to rezone the site to the B3 District to enable the construction of an express oil and tire facility. The site is located on the west side of Front Royal Pike (Route 522 South) and immediately south of the IHOP Restaurant, approximately 1,000 feet south of Interstate 81, Exit 313 in the Shawnee District and is identified by Property Identification No. 64-A-1F; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on February 15, 2017 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on March 8, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 0.604 acres from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers with a final revision date of September 9, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property Owner is attached.

This ordinance shall be in effect on the date of adoption.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Bill M. Ewing	Aye
Gene E. Fisher	Aye
Gary A. Lofton	Aye
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

OTHER PLANNING ITEMS

MASTER DEVELOPMENT PLAN #01-17 OF FREEDOM MANOR - INFORMATION ONLY

Planner Tyler Klein appeared before the Board to present this item. He stated this master development plan proposal is to develop 47 acres of land zoned RP (Residential Performance) District with 90 single-family detached clustered units and 100 single-family attached (townhome) units (total density of 5.47 units/acre). He further stated this master development plan also includes proffered improvements including site access, connectivity, recreational units and amenities. He went on to say this master development plan appears to be consistent with the requirements of the zoning ordinance. He concluded by saying this plan was before the Board for information only.

MASTER DEVELOPMENT PLAN #03-17 OF SOUTHERN HILLS PHASE II - INFORMATION ONLY

Planner Tyler Klein appeared before the Board to present this item. He stated this master development proposal is to develop 37.79 acres of land zoned RP (Residential Performance) District with 130 single-family detached (SFD) units. He further stated this master development plan also includes 2.56 acres of land zoned B2 (General Business) District of right-of-way reservation for a future major collector road (Southern Warrior Drive Extension). He went on to say this master development plan appears to be consistent with the requirements of the zoning ordinance. He concluded by saying this plan was before the Board for information only.

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

Ruth Perrine, Back Creek District, addressed the Board with reference to the Clowser House and expressed her gratitude to Mr. Williams and Mr. Downing for meeting with the Shawneeland District Advisory Committee and the citizens committee to preserve the Clowser House for assisting them in reaching some common ground, and thanked the Board of Supervisors for supporting the terms mutually agreed upon to save the Clowser House by moving the process forward to public hearing.

Mary Ann Johnson, Stonewall District, addressed the Board and stated that a quality education was a high priority for her and her husband when they were raising their children who are now grown. She stated quality education is the responsibility of the parent but also the community. She stated she and her husband are senior citizens on a fixed income and are willing to pay increased taxes to support education and felt schools were a priority over other new buildings. She stated you can lose many things in life but you can never lose an education. She

asked the Board to quickly move forward with the school projects.

Allison Behan, Stonewall District, addressed the Board and apologized to the Board for her comments at a previous meeting that they were not taking any action when in fact they had been meeting at various times. She stated from the public's perspective they did not see any action and the Board needed to bring that to the public so they can see there is discussion and movement. She stated the Board needed to share information. She went on to say that the county is growing and that delaying construction of the school projects will cost higher later and is a disservice to the children.

Nancy Heisey, Gainesboro District, addressed the Board and asked them to fully fund the School Board budget. She stated she has grandchildren that are exposed to educational opportunities and those opportunities cost money. She stated each year there is a new class of kindergarteners as well as a graduating class and that children are our future.

Amy Hall, Shawnee District, addressed the Board and stated her daughter attends Sherando High School and due to her educational and social development, she is thriving. She stated this would not be possible if not for the teachers and administrators at Sherando. She stated she does not understand how our community can encourage industrial and economic growth and celebrate tourism while teachers and schools are being pushed to the extremes. She went on to say that Sherando is overcrowded, the classes are huge, the teachers are working long hours, yet it is questioned as to whether or not to build another high school. She further stated a fourth high school was needed years ago. She stated new businesses are moving into Frederick County, the hospital is growing, housing communities are popping up; growth is occurring. She stated the Board needed to plan for the future and invest in the school capital projects. She

further stated the decisions and actions of the Board will determine the future wellbeing of the entire community.

Nina Koch, Shawnee District, addressed the Board and stated education was a priority for her and her husband and after researching the area and the schools, they chose to move to Frederick County. She stated her children have graduated and her oldest child is the “proof in the pudding” as he is special needs. She further stated they struggled throughout his education with completing homework, with social skills, emotional outbursts, and disciplinary issues. She stated with the support of student services, special services and support from school administrators and staff, he graduated from Sherando High School. She went on to say teachers are not only educators, but they provide emotional support, social role modeling, direction and whatever is necessary to achieve the success of students. She stated Frederick County schools are successful and when her children complete their education journey, they will have the degrees and skills to take and practice anywhere. She stated whether her children decide to return to Frederick County will depend in large part on whether the public services are available that will enhance their lives and support their children and their education. Ms. Koch further stated those services depend on whether the Board supports the budget requests that allow the public services to meet the community needs and accommodate growth. She asked the Board to consider the ramifications of approving a budget that forces the schools and public services to do more with less again.

Joy Kirk, Back Creek District, addressed the Board and stated her children are graduates of James Wood High School. She stated the County has a good school system and good community services. She stated the County needed to celebrate what they are doing; they need

to recognize the quality of education they are providing and the hours of work faculty and staff are putting in. She went on to say the County has great community services and public servants who work hard to make citizens feel safe and protected. She stated she hoped her children would decide to settle here, that this is a place they would want to live and raise their family, but in order to do so, the County needed to make progress.

There were no further comments.

Chairman DeHaven closed the Citizen Comments portion of the meeting.

BOARD OF SUPERVISORS COMMENTS

Vice Chairman Fisher stated he wanted to compliment everyone involved in working on the Clowser House; that they were able to meet face to face and come to an agreement. He stated everyone did an outstanding job.

Supervisor Wells thanked all that came out to speak. He stated that teachers and other staff spend hours over and above to help. He thanked all of them and all volunteers for their time.

Chairman DeHaven acknowledged a framed artwork that was given to the county by Helen and Michael Lake, a copy of Norman Rockwell's Freedom of Speech painting.

ADJOURN

UPON MOTION MADE BY VICE CHAIRMAN FISHER, SECONDED BY SUPERVISOR SLAUGHTER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THE MEETING WAS ADJOURNED. (7:50 P.M.)

B



Brenda G. Garton
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Brenda G. Garton, County Administrator
DATE: April 6, 2017
RE: Committee Appointments

Listed below are the vacancies/appointments due through May, 2017. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

MARCH 2017

Social Services Board

Linda M. Martenson – Member-At-Large Representative
211 Woodcrest Drive
Winchester, VA 22603
Home: (540)667-2994
Term Expires: 03/13/17
Four year term

(Staff has been advised that Ms. Martenson does not want to be reappointed.)

APRIL 2017

Board of Building Appeals

Richard A. Ruckman – Frederick County Representative
481 Stonymeade Drive
Winchester, VA 22602
Home: (540)667-2697
Term Expires: 04/08/17
Five year term

Clay A. Whitacre – Frederick County Representative
304 Whitacre Road
Gore, VA 22637
Home: (540)888-3898
Term Expires: 04/25/17
Five year term

*(FYI - There are seven members on the Board of Building Appeals. One member serves as an alternate. Members serve a five year term. **Members should, to the extent possible, represent different occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect.**)*

Historic Resources Advisory Board

Elizabeth B. Fravel – Opequon District Representative
5211 Main Street
Stephens City, VA 22655
Home: (540)869-4378
Term Expires: 04/26/17
Four year term

(The Historic Resources Advisory Board is comprised of nine members, one member from each magisterial district and three members at large.)

MAY 2017

No appointments due for May 2017.

BGG/tjp

C

FY 2017-2018 BUDGET RESOLUTION

WHEREAS a notice of public hearing and budget synopsis has been published and a public hearing held on March 22, 2017, in accordance with Title 15.2, Chapter 25, Section 15.2-2506, of the Code of Virginia, 1950 as amended.

THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Frederick, Virginia, that the budget for the 2017-2018 Fiscal Year as advertised in The Winchester Star on March 13, 2017, be hereby approved in the amount of \$418,605,833.

BE IT FURTHER RESOLVED that the County of Frederick budget for the 2017-2018 fiscal year be adopted and the funds appropriated as follows:

General Operating Fund	\$179,608,916
Regional Jail Fund	22,363,837
Landfill Fund	9,732,241
Division of Court Services Fund	651,446
Shawneeland Sanitary District Fund	957,660
Airport Operating Fund	1,555,958
Lake Holiday Sanitary District Fund	779,998
EMS Revenue Recovery Fund	1,593,084
Economic Development Authority Fund	606,820
School Operating Fund	159,879,495
School Debt Service Fund	16,396,229
School Capital Projects Fund	3,738,287
School Nutrition Services Fund	7,552,580

School Textbook Fund	3,937,383
NREP Operating Fund	5,511,899
NREP Textbook Fund	65,000
Consolidated Services/Maintenance Fund	3,600,000
School Private Purpose Funds	75,000

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Frederick, Virginia, does herein adopt the tax rates for the 2017 assessment year as follows:

Property Taxes – Rates per \$100 of assessed value

\$0.60	Applied to real estate, including mobile homes
\$4.86	Applied to personal property including business equipment
\$2.25	Applied to personal property on one vehicle to volunteer firefighters that are approved and registered with the Frederick County Fire and Rescue Department
\$0.01	Applied to airplanes
Zero tax	Applied to antique vehicles and mopeds
\$2.00	On declining values to be applied to machinery and tools. The declining values are 60% for year one, 50% for year two, 40% for year three, and 30% for year four and all subsequent years.
\$2.00	On apportioned percentage of book values to be applied to Contract Classified Vehicles and equipment

Business and Professional Occupational License Rates

Contractors	\$0.16 per \$100 of gross receipts
Retail	\$0.20 per \$100 of gross receipts

Financial, Real Estate, and Professional Services \$0.58 per \$100 of gross receipts

Repair, personal and business services and all other businesses and occupations not specifically listed or exempted in the County Code \$0.36 per \$100 of gross receipts

Wholesale \$0.05 per \$100 of purchases

The tax rates for other businesses and occupations specifically listed in the County Code are also unchanged.

Other General Taxes

Meals tax 4% of gross receipts

Transient Occupancy tax 2.5% of gross receipts

Vehicle License Taxes \$25 per vehicle and \$10 per motorcycle

Sanitary Landfill Fees

\$47 Per ton for commercial/industrial

\$42 Per ton for construction demolition debris

\$18 Per ton for municipal waste

\$36 Per ton for municipal sludge

\$12 Per ton for Miscellaneous Rubble Debris

Shawneeland Sanitary District Taxes

\$190 Unimproved Lots

\$560 Improved Lots

Lake Holiday Sanitary District Taxes

\$678 Buildable Lots

\$264

Unbuildable Lots

Lots owned by Lake Holiday Country Club, Inc.

\$0

Buildable Lots and Unbuildable Lots

Star Fort Subdivision Taxes/Fees

\$60 Per Lot

Street Light Fees

Oakdale Crossing and Fredericktowne \$60 annually

Green Acres \$25 annually

BE IT FURTHER RESOLVED that appropriations are hereby authorized for the central stores fund, special welfare fund, comprehensive services fund, county health insurance fund, school health insurance fund, length of service fund, special grant awards fund, employee benefits fund, maintenance insurance fund, development project fund, sales tax fund, commonwealth sales tax fund, unemployment compensation fund, Forfeited Assets Program, and Four-For-Life, Fire Programs and Economic Incentive funds equal to the total cash balance on hand at July 1, 2017, plus the total amount of receipts for the fiscal year 2017-2018. The Fire Company Capital appropriation will include the current year appropriation plus any unused funds at the end of the fiscal year 2017.

BE IT FURTHER RESOLVED that funding for all outstanding encumbrances at June 30, 2017, are re-appropriated to the 2017-2018 fiscal year to the same department and account for which they are encumbered in the 2016-2017 fiscal year.

BE IT FURTHER RESOLVED that the construction fund projects are appropriated as a carryforward in the amount that equals the approved original project cost, less expenditures and encumbrances through June 30, 2017 .

D



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Ellen E. Murphy, Commissioner of the Revenue
Frederick County Board of Supervisors

CC: Brenda G. Garton, County Administrator

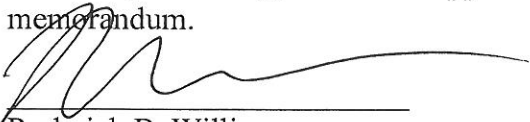
FROM: Roderick B. Williams, County Attorney

DATE: March 28, 2017

RE: Refund – Racey, Joseph H., Sr.

I am in receipt of the Commissioner's request, dated March 10, 2017, to authorize the Treasurer to refund Joseph H. Racey, Sr. the amount of \$4,491.64, for duplicate tower taxation for 2014, 2015 and 2016. This refund resulted from correction of the assessment of a telecommunications tower on certain real property. The State Corporation Commission is responsible for making such assessments and one of its assessors last month verified that the SCC had already included the tower in its assessments against the public service company that owns the tower itself. Therefore, the County cannot include the value of the tower in the value of the real property and the refund is due.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.


Roderick B. Williams
County Attorney

Attachment



Frederick County, Virginia
Ellen E. Murphy
Commissioner of the Revenue
107 North Kent Street
Winchester, VA 22601
Phone 540-665-5681 Fax 540-667-6487
email: emurphy@co.frederick.va.us



March 10, 2017

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board
Brenda Garton, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Racey, Joseph H. Sr.

A handwritten signature in cursive script, appearing to read "E. Murphy".

Please approve a refund of \$4,491.64 for refund of duplicate tower taxation after correction of records by the SCC of Virginia for 2014, 2015 and 2016 in the name of Joseph H. Racey, Sr. This refund is for correction of state reported tower assessment as discovered by the SCC assessor on his February 2017 visit to verify.

Please note: Under our assessment software, the individual abatements print with the most recent ownership name even when the original invoice was different. Refer to the "Update" cumulative printout to see which taxpayer paid for which assessment period and to verify Mr. Racey's refund.

To comply with requirements for the Treasurer to apply this refund board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$4,491.64.

Date: 3/13/17

Cash Register: COUNTY OF FREDERICK

Time: 16:34:26

Customer Name: RACEY JOSEPH H SR
 Total Transactions: 92
 Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2014	1	00316490001	\$752.90-	\$.00	\$752.90-
-	RE2014	2	00316490002	\$752.90-	\$.00	\$752.90-
-	RE2015	3	00318400001	\$720.72-	\$.00	\$720.72-
-	RE2015	4	00318400002	\$720.72-	\$.00	\$720.72-
-	RE2016	5	00315280001	\$772.20-	\$.00	\$772.20-
-	RE2016	6	00315280002	\$772.20-	\$.00	\$772.20-

F3=Exit F14=Show Map# Total Paid : \$4,491.64
 F15=Show Balance F18=Sort-Entered F21=CmdLine
 F20=Attach

Needs Board Approval

E



**APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA**

(Please Print Clearly)



APPLICANT INFORMATION

Name of Applicant: Trumpet Vine Farm (DeMarchi Spears)

Telephone Number(s): 540 868 1413 home office cell 540 664 8079 home office cell

Address: 266 Vauckee Rd Stephens City Va 22655

Contact Email: demarchispears@yahoo.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event	Name of Festival: _____			
Cost of Admission to Festival: _____		Business License Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
Location	Address: <u>266 Vauckee Rd Stephens City Va 22655</u>			
Owner of Property	Name(s): <u>DeMarchi Spears</u> Address: <u>(see Above)</u> <small>(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)</small>			
Promoter	Name(s): <u>DeMarchi Spears</u> Address: <u>(see above)</u> <small>(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)</small>			
Financial Backer	Name(s): <u>DeMarchi Spears</u> Address: <u>(see above)</u>			
Performer	Name of Person(s) or Group(s): <u>T.B.D.</u> _____ _____ <small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small>			

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). copy attached OR copy to be provided as soon as available *N/A*

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

Portable potties & Trash cans will be provided

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

T.B.D. each event

4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

Middle town & Stephens City

5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

Same as above

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)

Ample parking is provided around Event area

7. State whether any outdoor lights or lighting will be utilized: YES NO

If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

*T.B.D. per each event lighting is from string lights & tents
Event area is large enough that lighting will not extend onto
neighboring property*

8. State whether alcoholic beverages will be served: YES NO

If yes, provide details on how it will be controlled.

*ABC Licences & permits will be handled per each event & that info
will be provided to County*

(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)

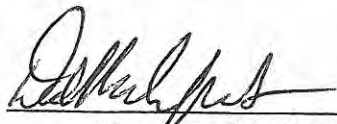
FESTIVAL PROVISIONS

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

CERTIFICATION

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.



Signature of Applicant

DeMarchi Spears
Printed Name of Applicant

Date: 2/19/17

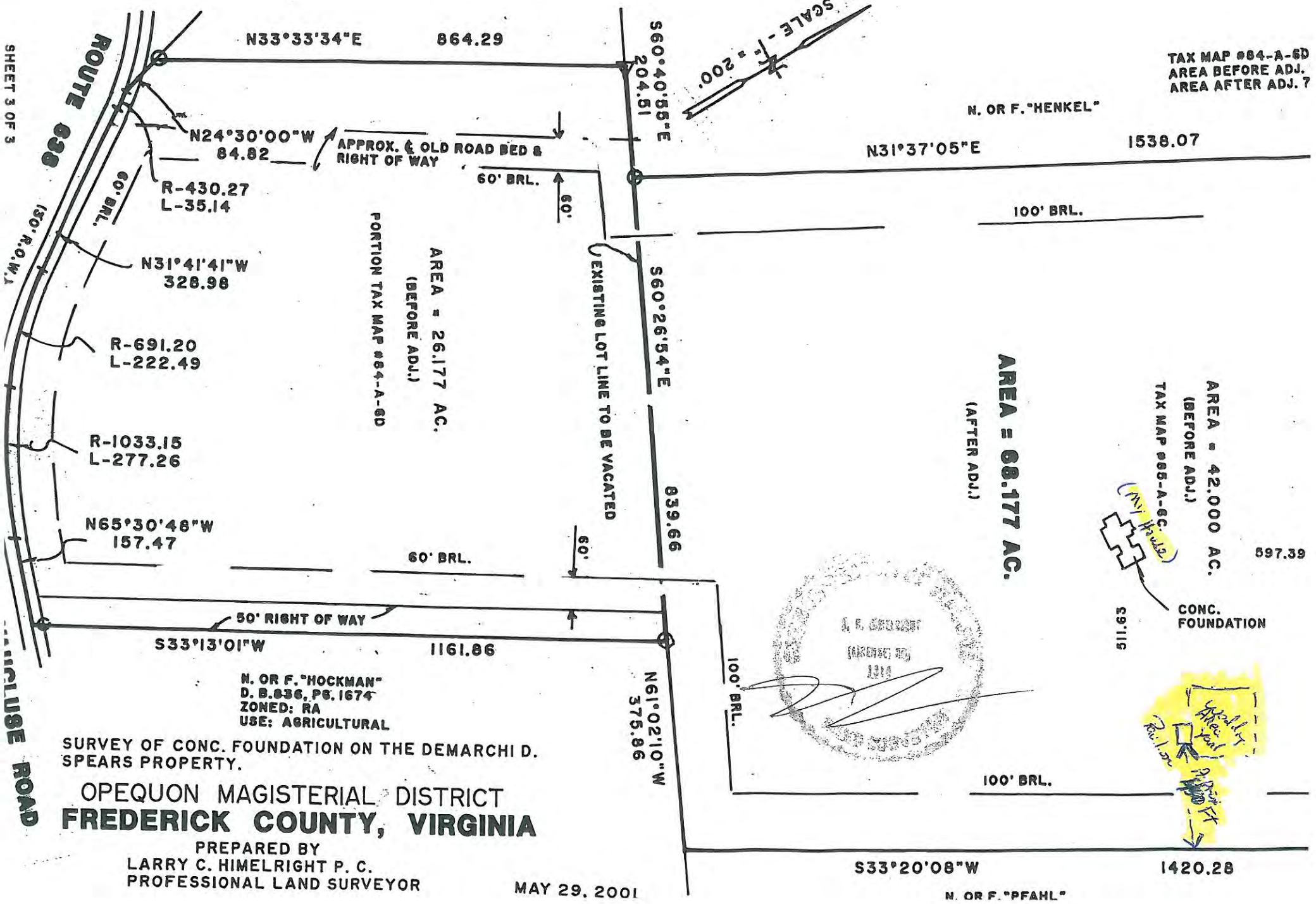
THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.

Weddings as of FEB. 2017

1. Smith wedding 5/6
2. Natalie and Chris 5/20
3. Boyer wedding 5/27
4. Alex wedding 6/24
5. Green wedding 8/12
6. Coluzzi wedding 9/2
7. Lawson wedding 9/9
8. Synder wedding 9/30
9. Knot wedding 10/7
10. Sixma wedding 10/28

SHEET 3 OF 3

TAX MAP #84-A-6D
AREA BEFORE ADJ.
AREA AFTER ADJ. 7



ROUTE 838

GRASSY ROAD

N33°33'34"E 864.29

N24°30'00"W 84.82
APPROX. & OLD ROAD BED &
RIGHT OF WAY

R-430.27
L-35.14

N31°41'41"W
328.98

R-691.20
L-222.49

R-1033.15
L-277.26

N65°30'48"W
157.47

S33°13'01"W 1161.86

N. OR F. "HOCKMAN"
D. B. 836, P. 6. 1674
ZONED: RA
USE: AGRICULTURAL

SURVEY OF CONC. FOUNDATION ON THE DEMARCHI D.
SPEARS PROPERTY.

OPEQUON MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

PREPARED BY
LARRY C. HIMELRIGHT P. C.
PROFESSIONAL LAND SURVEYOR

MAY 29, 2001

AREA = 26.177 AC.
(BEFORE ADJ.)
PORTION TAX MAP #84-A-6D

EXISTING LOT LINE TO BE VACATED

N61°02'10"W
375.86

S60°40'55"E
204.81

S60°26'54"E

839.66

100' BRL.



N. OR F. "HENKEL"

N31°37'05"E

1538.07

AREA = 68.177 AC.
(AFTER ADJ.)

100' BRL.

AREA = 42,000 AC.
(BEFORE ADJ.)
TAX MAP #85-A-6C

597.39



59.115

CONC.
FOUNDATION



100' BRL.

S33°20'08"W

1420.28

N. OR F. "PFAHL"

SCALE - 1" = 200'

F



APPLICATION FOR OUTDOOR FESTIVAL PERMIT COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)



APPLICANT INFORMATION				
Name of Applicant: <u>WILLIAM AIKENS</u>				
Telephone Number(s): <u>540-667-3752</u> <input type="checkbox"/> home <input checked="" type="checkbox"/> office <input type="checkbox"/> cell <u>340-974-2739</u> <input type="checkbox"/> home <input type="checkbox"/> office <input checked="" type="checkbox"/> cell				
Address: <u>1025 MARTINSBURG PIKE</u>				
Contact Email: <u>william@aikensgroup.com</u>				
FESTIVAL EVENT ORGANIZATIONAL INFORMATION				
Festival Event	Name of Festival: <u>BBQ Blast</u>			
Cost of Admission to Festival: <u>5.00/10.00</u>			Business License Obtained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>May 20, 2017</u>	<u>11am</u>	<u>6pm</u>	<u>2500 total</u>	<u>1000</u>
Location	Address: <u>Stonewall District Ruritan Grounds</u>			
Owner of Property	Name(s): <u>Stonewall District Ruritan Club</u>			
	Address: _____			
(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)				
Promoter	Name(s): <u>TOP OF VIRGINIA BUILDING ASSOCIATION</u>			
	Address: <u>1830 MILLWOOD PIKE WINCHESTER VA 22602</u>			
(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)				
Financial Backer	Name(s): <u>TOP OF VIRGINIA BUILDING ASSOCIATION</u>			
	Address: <u>1830 MILLWOOD PIKE WINCHESTER VA 22602</u>			
Performer	Name of Person(s) or Group(s): _____			
	<u>THE RUST SHAKERS</u> (subject to change)			

(*NOTE: Applicant may need to update information as performers are booked for festival event.)				

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). copy attached OR copy to be provided as soon as available
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
Securing dumpster and trash boxes along with clean up crew.

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).
Vendors will have certification and inspection.

4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
Request EMT to be on site along with local fire department.

5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.
All tents to have fire extinguishers to code. Working with local fire department for protection.

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)
Site survey planned for placement.

7. State whether any outdoor lights or lighting will be utilized: YES NO
If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.
Daytime so lighting not applicable.

8. State whether alcoholic beverages will be served: YES NO
If yes, provide details on how it will be controlled.
Servers to be at or above legal age and double check if customer appears questionable. Wristbanded for customers with proof of age only.

(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)

FESTIVAL PROVISIONS

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

CERTIFICATION

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.



Signature of Applicant

William Aikens

Printed Name of Applicant

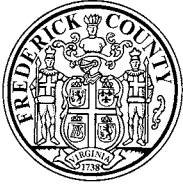
Date: 03/17/2017

THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.



	<h1>BBQ</h1> <p><i>BLAST</i></p>	<p>Saturday May 20, 2017 11am - 6pm</p>	<p>Advance \$5</p>
		<p>Frederick County Fairgrounds Stonewall Ruritan Grounds, Clearbrook, VA</p>	<p>Day Of \$10</p> <p>BBQ Tastings & Beverages Sold Separately</p>
			

G



CONDITIONAL USE PERMIT #01-17
Bowman Library- 871 Tasker Road
Shenandoah Mobile LLC
Staff Report for the Board of Supervisors
Prepared: March 31, 2017
Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	03/01/17	Public Hearing Held; Denied
Board of Supervisors:	04/12/17	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING: This is a request for a Conditional Use Permit to enable the construction of a 165-foot Monopole-Type Commercial Telecommunications Facility. Should the Board of Supervisors find the use to be appropriate, Staff would suggest the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for co-locating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. All antennas will be flush mounted to the tower.
6. The tower will be painted brown.
7. The tower will not be lighted.
8. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
9. Any expansion or modification of this use will require a new Conditional Use Permit.

In addition, should the Board of Supervisors find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 43' to allow the tower to be 127' from the identified property would be appropriate.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located at 871 Tasker Road, Stephens City, Virginia.

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER: 75B-A-1

PROPERTY ZONING & PRESENT USE: Zoned: RP (Residential Performance)
Land Use: Library

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RP (Residential Performance)	Use: Residential
South: RP (Residential Performance)	Use: Residential
East: RP (Residential Performance)	Use: Open Space
West: RP (Residential Performance)	Use: Vacant

PROPOSED USE: This is a request for a Conditional Use Permit to enable the construction of A 195-foot Monopole-Type Commercial Telecommunications Facility.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a site plan for this property appears to have little measurable impact on Route 642, the VDOT facility which would provide access to the property. Present entrance is adequate for the proposed improvements. Should business ever expand in the future, entrance may need to be upgraded.

Frederick County Inspections: Structure shall comply with The Virginia Uniform Statewide Building Code and Section 312, Use Group U (Utility and Miscellaneous) of The International Building Code 2012.

Per the Section 102.3 of The Virginia Uniform Statewide Building Code, 2012 Edition, Section 102.3 VUSBC exempts equipment, related wiring, and poles and towers supporting the related wiring installed by a provider of publicly regulated utility service. The exemption shall apply only if under applicable federal and state law the ownership and control of the equipment and wiring is by the service provider or its affiliates. Such exempt equipment and wiring shall be

located on either public right-of-way or private property for which the service provider has the rights of occupancy and entry; however, the structures, including their service equipment, housing, or supporting such exempt equipment and wiring shall be subject to the USBC. The installation of equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

Construction of the structural slab requires a building permit. Plans submitted shall be sealed by a Virginia Registered Design Professional.

Please note the requirements in Chapter 17 of the IBC for special inspections for this type of structure. (soil, concrete, bolts, etc.)

Winchester-Frederick County Health Department: The Frederick County Health Department has no objection to this project since no wells or septic systems will be affected by this addition to 75B-A-1.

Frederick County Sanitation Authority: Approved as noted (2) Items.

Frederick County Fire Marshall: *Please see attached email from Barbara Johnson, Secretary, Fire & Rescue dated January 18, 2017.*

City of Winchester: No comments.

Winchester Regional Airport: *Please see attached letter from Serena Manuel, Executive Director dated January 23, 2017.*

Planning and Zoning: The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) provides guidance when considering any land use action. This proposed 195-foot monopole-type commercial telecommunication facility is located on a 16+/- acre property that is zoned RP (Residential Performance) District. The property is located within the UDA and SWSA as identified within the Comprehensive Plan, and is located within the Southern Frederick Area Plan. These plans identify this area to remain residential in character.

The Frederick County Zoning Ordinance allows for commercial telecommunication facilities in the RP (Residential Performance) Zoning District with an approved Conditional Use Permit (CUP). The properties immediately adjacent to this proposed Conditional Use Permit (CUP) are currently zoned RP (Residential Performance) Zoning District.

The zoning ordinance requires that all proposed telecommunication facilities be subject to additional performance standards in order to promote orderly economic development and mitigate the negative impacts to adjoining properties, residential properties, land use patterns, scenic areas and properties of significant historic value. Furthermore, the Frederick County Zoning Ordinance requires an Applicant to provide confirmation that an attempt was made to co-

locate on an existing telecommunication facility, and possible co-location structures. The Applicant has provided an inventory of existing telecommunication facilities, and no other telecommunication facility or possible co-location opportunity structures exist in this area. Should this facility be approved this commercial telecommunication facility will be positioned to provide the existing and future land uses in this area of the County with telecommunication needs.

Waiver:

This proposed telecommunication tower is required to be setback from the property line 200'. (tower is 195' in height and the RP Zoning District height maximum is 45', $195' - 45' = 150'$). The normal setback (50') per RP Zoning District plus one foot for every foot over the maximum height of the district (45') this telecommunication tower is 150' higher than is allowed in the district ($50' + 150' = 200'$). The site plan notes this tower at 127' from the property line and the setbacks cannot be met. The property adjacent to the setback waiver request is open space and adjacent to the lake.

The Applicant is requesting a waiver to reduce the required setback as set forth in Section 165-204.19 of the zoning ordinance. The Applicant has provided documentation from a certified Virginia engineer with verification that the tower is designed and will be constructed in a manner that, should the tower collapse for any reason, the collapsed tower will be contained in an area around the tower, with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. Should this waiver be granted, the result will be a 73' setback reduction. ($200' - 127' = 73'$).

STAFF CONCLUSIONS FOR THE 03/01/17 PLANNING COMMISSION MEETING:

Should the Planning Commission find this use appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for co-locating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit

In addition, should the Planning Commission find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 73' to allow the tower to be 127' from the identified property would be appropriate.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 03/01/17 MEETING:

Staff reported this proposed 195 foot monopole-type commercial telecommunication facility is located on a 16+/- acre property that is zoned RP (Residential Performance) District. Mr. Cheran continued the property is located within the UDA and SWSA as identified within the Comprehensive Plan, and is located within the Southern Frederick Area Plan. Staff noted these plans identify this area to remain residential in character. Staff explained the Frederick County Zoning Ordinance allows for commercial telecommunication facilities in the RP (Residential Performance) Zoning District with an approved Conditional Use Permit (CUP).

Staff reported the Applicant is requesting a waiver to reduce the required setback as permitted by the Zoning Ordinance and should this waiver be granted, the result will be a 73' setback reduction. He noted this proposed telecommunication tower is required to be setback from the property line 200'. Staff presented a location map of the property and the site of the pole.

Staff concluded should the Planning Commission find this use appropriate, Staff recommends the following conditions:

1. All review agency comments shall be complied with at all times.
2. The tower shall be available for co-locating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Staff noted, in addition should the Planning Commission find the waiver to the required setback acceptable; a motion to recommend approval of setback reduction of 73' to allow the tower to be 127' from the identified property would be appropriate.

Commissioner Unger asked what the reason was that the Applicant is in need of a waiver. Staff explained the site for the tower is close to the property line.

Mr. Ed Donahue, local council for Shentel came forward. He noted Lynn Koerner would be explaining the site acquisition process, and the setback waiver. Mr. Donahue also mentioned Mr. Chris Sahr of Shentel who is a senior RF (radio frequency) engineer will explain the propagation maps, the need, and how the site fits within the network.

Mr. Lynn Koerner, site acquisition consultant with Shentel came forward. Mr. Koerner began by giving a brief overview of how Shentel decided on this location. Mr. Koerner presented mapping that reflected the existing tower sites closest to the target area which included: Sherando High School, the old Armel School on Route 522 South, Hockman property, and the Exxon Station at Stephens City. He noted the objective is to get a tower in the middle which will off load the other sites and provide the necessary coverage in the middle of the area. Mr. Koerner continued the water tank at FCSA was looked at as a possible location; however there is an installation on the water tank; the option to rebuild this installation will not work for this project after extensive testing has been completed. Mr. Koerner reported another site that was considered was the CVS/Handy Mart at the intersection of Tasker Road and Warrior Drive; it was determined this location was not tall enough to place antennas high enough to clear the trees to provide the necessary coverage. After discussions with Frederick County, a site was considered for Sherando Park; however that site was determined to not be feasible for this project. Mr. Koerner stated a property on Land Grant Lane was looked at and the property owner is in the process of planning to build a home in the spot the tower would need to be placed. Mr. Koerner noted they also spoke with FCSA in regards to the location at Lakeside Drive and the collection pond which was also not feasible due to a deed restriction; and the owners are not interested in leasing the property across for the library.

Mr. Koerner reported after exhausting all the mentioned sites he then approached Frederick County and formally asked if the County would be interested in leasing the property at the Bowman Library; a lease was negotiated and presented to the Board of Supervisors. Mr. Koerner continued balloon testing was completed on the site at which time he presented various photos of the proposed tower from different locations where it would be visible. Mr. Koerner reported a community meeting was held on January 17, 2017 at the Bowman Library which resulted in very good discussion. In regards to Commissioner Unger's question why it is being moved back; Mr. Koerner explained between where the proposed tower site is and the fence there is a sanitary line that goes through the area that they want to make sure remains protected.

A Commission Member inquired is this tower to improve service or provide service. Mr. Koerner noted he would let Mr. Chris Sahr address that question.

Commission Member Thomas noted the topography slopes in that area towards Lakeside Drive, therefore the waiver is from the rear property line in an unoccupied area; on the eastern side towards Lakeside Drive should the tower ever collapse would there be provisions or insurance from the engineer that it would not end up falling on Lakeside Drive or rolling into Lakeside Drive with a monopole tower that would have the ability to go down the slope. Mr. Koerner explained the engineer report that has been provided with the application notes the tower will be designed to collapse within about 73'. The Commission Member noted that is part of his concern, and will there be a barrier to keep it from rolling

to Lakeside Drive should it collapse. Mr. Koerner stated a barrier is not being designed at this time however that can be addressed and research will be done if necessary.

A Commission Member inquired was the feedback at the community meeting positive/negative. Mr. Koerner noted there were comments regarding health effects, the eco system, and real estate values.

Mr. Chris Sahr, a radio frequency engineer for Shentel came forward to speak as to why Shentel would like to put a tower at the Bowman Library. Mr. Sahr presented mapping depicting each Shentel customer as of 2015 in the Lakeside area. He noted there are quite a few customers in this area in need of improved service and it is a concentrated area. He noted the goal of Shentel is to improve service in this area and by placing the tower at the Bowman Library it would improve the service to over 2,000 customers in the localized area.

Mr. Donahue commented regarding the community meeting; evidence supports there are no real effects on property values when placing a tower. He shared information that the FCC provided and Shentel must be in compliance at all times.

There were eight citizens that came forward to speak during the Public Hearing. Some of the concerns voiced were: ill health impacts, eco-system hazards, safety hazards should the tower collapse, an eye sore in the community, and property values.

The Chairman commented there are a number of things involved with this application and the Planning Commission has a specific layer of it and it's their job to find out whether or not this proposal meets the requirements of the telecommunication laws and the other is to determine if this is a good land use.

Mr. Ed Donahue addressed the title/deed issue; this has been answered and satisfied with the County Attorney. He noted environmental test have been performed and came back clean.

A Commission Member reminded the Planning Commission to keep in mind the Commissions responsibility is to determine whether from a land use planning perspective particular uses are suitable to the County's Comprehensive Plan. He noted cell towers have been controversial in the past and due to demands we need to have them. He asked everyone to look at our Comprehensive Plan, Ordinances, Zoning requirements, and determine if this particular use is compliant with our other ordinances and uses in the area.

A Commission Member commented ownership aside, land use compatibility is an issue and we have an obligation to be sure that where these facilities are placed "fit" within the broader community. He continued this tower is right in the heart of a residential area and near a prominent public site. He noted he understands the reasoning of Shentel however he views this as an incompatible use at this location.

A Commission Member made a motion to recommend approval; there was not a second to the motion.

A motion was made, seconded, and passed to recommend denial of CUP #01-17 Bowman Library-Shenandoah Mobile LLC.

Absent: Oates, Ambrogio, Manuel

YES: 9 Members NO: 1 Member

ACTIONS SINCE THE PLANNING COMMISSION 03/01/17 MEETING:

The Planning Commission held a public hearing on this proposed Conditional Use Permit (CUP) for a 195-foot monopole-type commercial telecommunications facility. There were eight citizens that came forward to speak during the Public Hearing. Some of the concerns voiced were: ill health impacts; eco-system hazards, safety hazards should the tower collapse, an eye sore in the community, property values. The Planning Commission voted to recommend denial of this CUP.

The Applicant has met with staff to mitigate and modify the conditions of this CUP, to address the adjoining property owners concerns. These modifications include: Lowering the mono-type tower from 195' to 165' in height, making all antennas flash mounted to the tower, painting the tower brown, and not be lighted (See attachments)

Waiver:

This proposed telecommunication tower is required to be setback from the property line 127' (tower is 165' in height and the RP Zoning District height maximum is 45', $165' - 45' = 120'$). The normal setback (50') per RP Zoning District plus one foot for every foot over the maximum height of the district (45') this telecommunication 120' higher than is allowed in the district ($50' + 120' = 170'$). The site plan notes this tower at 127' from the property line and the setbacks cannot be met. The property adjacent to the setback waiver request is open space adjacent to the lake.

The Applicant is requesting a waiver to reduce the required setback as set forth in Section 165-204.19 of the zoning ordinance. The Applicant has provided documentation from a certified Virginia engineer with verification that the tower is designed and will be constructed in a manner that, should the tower collapse for any reason, the collapsed tower will be contained in an area around the tower, with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. Should this waiver be granted, the result will be a 43' setback reduction ($170' - 127' = 43'$).

CONCLUSION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

Should the Board of Supervisors find this use for a 165 ft. Commercial Telecommunications Facility to be appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for co-locating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.

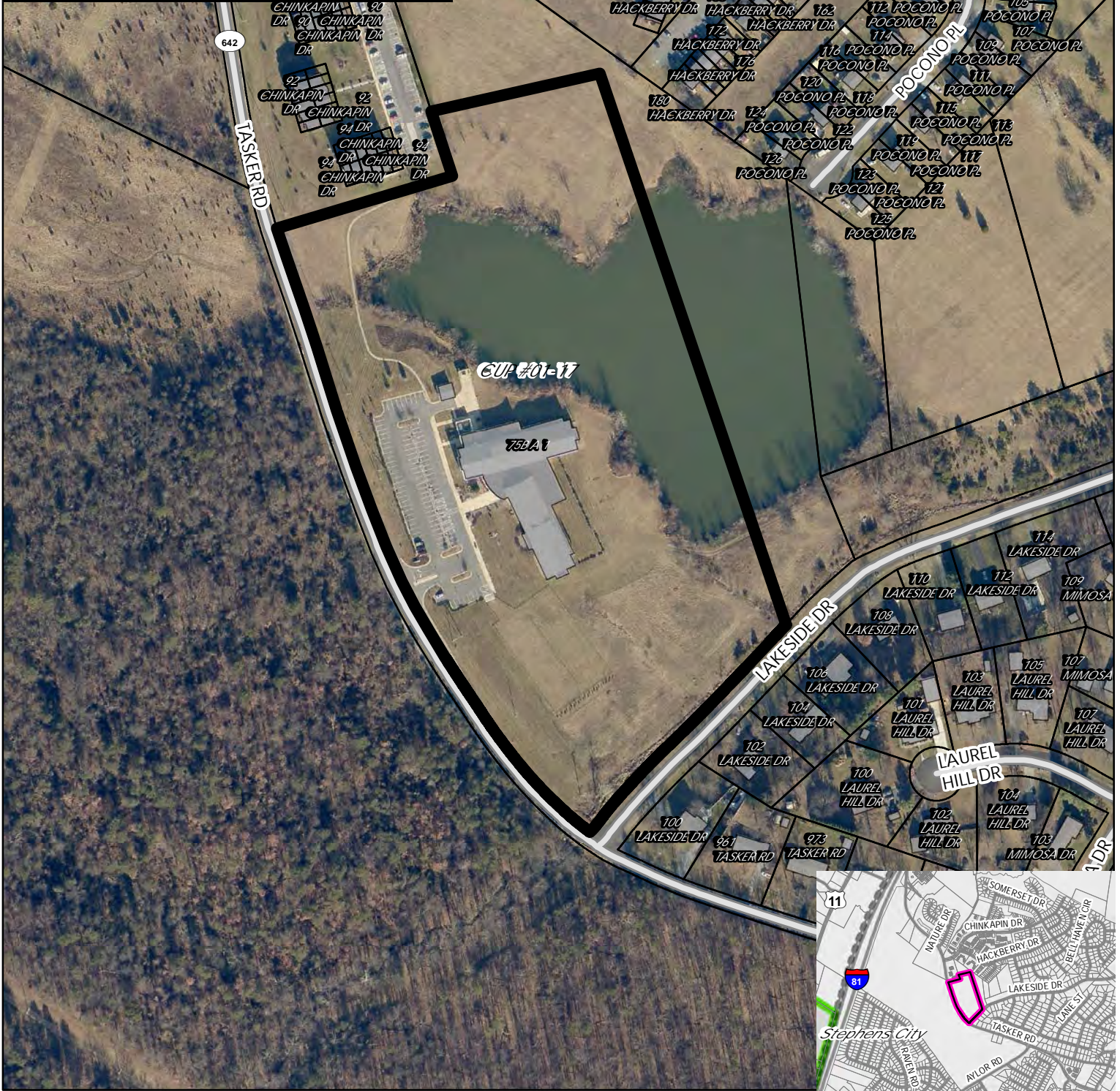
5. All antennas will be flushed-mounted to the tower.
6. The tower will be painted brown.
7. The tower will not be lighted.
8. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
9. Any expansion or modification of this use will require a new Conditional Use Permit




In addition, should the Board of Supervisors find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 43' to allow the tower to be 127' from the identified property would be appropriate.

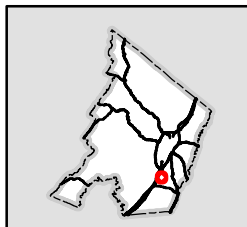
Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

CUP # 01 - 17 Bowman Library

PIN:
75B - A - 1
Cell Partnership for Shenandoah Mobile



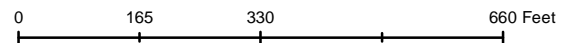
-  Applications
-  Parcels
-  Building Footprints



CUP # 01 - 17 Bowman Library

PIN:
75B - A - 1
Cell Partnership for Shenandoah Mobile

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: February 6, 2017
Staff: mcheran





*Lynn Koerner - 540-335-0030
Site Acquisition and Project Development
Contractor for Shentel*

March 28, 2017

Zoning and Subdivision Administrator
107 North Kent
Suite 202
Winchester, VA 22601

Re: Shenandoah Mobile LLC - Shentel) - Site 15449 - Tasker - Conditional Use Permit

Dear Sir:

Shenandoah Mobile LLC (Shentel) is seeking a Conditional Use Permit under the Frederick County Zoning Ordinance for an unmanned wireless telecommunications facility. The facility will consist of a new 165' tall monopole structure with 4' lightning rod, with a 70' x 70' equipment compound within a 100' x 100' lease area. Shentel proposes to place their antenna and remote radios at a RAD center of 193'. Pursuant to the Zoning Ordinance, Shentel has designed the facility to accommodate a minimum of three (3) additional carriers. The entire compound area will be surrounded by an 8'tall board fence with additional landscaping. Access to the facility will be from a 20' access drive from the Library access and overflow parking area. The access drive is proposed to be constructed and covered with stabilization materials equivalent to the materials in the existing overflow parking area.

The telecommunications facility will have no impact on the air quality, water quality, radiation exposure, light pollution, noise pollution, or traffic congestion. The site will be routinely maintained with a minimum of one monthly visit. The facility will have limited access and parking for a standard size vehicle. The site has been designed to specifications provided for fire apparatus access road turnaround per the fire marshal's comments.

The Property consists of approximately 16 acres and is zoned RP, Residential Performance. Adjoining properties are also zoned RP, Residential Performance.

Zoning and Subdivision Administrator

March 28, 2017

Page 2

The Property is owned by Frederick County and is currently improved with the Bowman Library and surrounding parking lots. The monopole and associated compound will be sited on the north east side of the Property and will be screened with a board fence and vegetative plantings.

Requirements:

This Facility will be part of Shentel's telecommunications network as illustrated on the engineering plans and propagation maps included with this application. Shentel's objective is to provide capacity for Sprint service east of Interstate 81 and along Tasker Road and into the area of the many residence in the subdivisions. The proposed installation will not only fill service gaps, but will enhance 4G-LTE data service to residences in the surrounding area. Currently due to the high demand of high-speed data, the existing surrounding cell sites do not support the capacity needs for the area. This site will offload the existing sites and enhance data speeds. There are no existing structures within the search area to support Shentel's antennas.

Zoning:

In accordance with the requirements of Section 165-204.19 (1)-(5), Shentel submits the following information.

1. Propagation maps depicting the need for improved service in the target area
2. The search area map
3. Shentel confirms that a complete search of the search ring was conducted and that no existing infrastructure is available on which to co-locate. Shentel has an installation on the nearby water tank at the Sanitation Authority and determination was made that this site does not support the need and will not work. Upon making the determination that no other structures were available in this area, Shentel then sought a rawland site to develop this proposal.
4. Radio Frequency Engineer's letter documenting compliance with Federal Communications Commission ANSI/EEE Standards.
5. The Site Agreement dated Dec 2, 2016 and signed by both Shentel and Frederick County addresses the information that both parties are aware of the requirements as stated in paragraph 165-204.19(7) regarding tower removal.

Section 165-204.19 of the Zoning Ordinance provides the performance standards for telecommunication uses. The proposed facility complies with the performance standards as follows:

The Board of Supervisors may reduce the required setback distance for commercial telecommunications facilities as required by 165-201.038(8) of this chapter if it can be demonstrated that the location is of equal or lesser impact. When a reduced setback is requested for a distance less than the height of the tower, a certified Virginia engineer

shall provide verification to the Planning Commission that the tower is designed, and will be constructed, in a manner that if the tower collapses for any reason the collapsed tower will be contained in an area around the tower with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. In no case shall the setback distance be reduced to less than the distance of the tower height. Commercial telecommunications facilities affixed to existing structures shall be exempt from setback requirements, provided that they are located no closer to the adjoining property line from the existing structure.

Response: Shentel is seeking a waiver of the setback requirement from the northern property line. The monopole setback will be 127' from the northern boundary line of the parcel (tower is 165' in height and the RP Zoning District height maximum is 45', 165'-45'=120') The normal rear setback is (50') in RP Zoning District plus one foot for every foot over the maximum height of the district (45') = 120' higher than is allowed in the district. (50' + 120' = 170') The site plan indicates that the tower is placed 127' from the property line and the setbacks cannot be met. The resulting computation is (170'-127' = 43') resulting in a waiver request of 43'. It should be noted that the northern property cuts thru the lake which will preclude any development. The placement of the tower is to the rear of the parcel to utilize some of the vegetation as well as remain removed from the easement area for the sanitary line running from the library towards Lakeview Drive. The setback is less than the height of the proposed structure and verification from a certified engineer from Valmont Structures is provided with the application concerning this matter.

(2) Monopole-type construction shall be required for new commercial telecommunications towers. The Board of Supervisors may allow lattice-type construction for new telecommunications tower when existing or planned residential areas will not be impacted and when the site is not adjacent to identified historical resources.

Response: The proposed tower will be a monopole type construction.

(3) Advertising shall be prohibited on commercial telecommunications facilities except for signage providing ownership identification and emergency information. No more than two signs shall be permitted. Such signs shall be limited to 1.5 square feet in area and shall be posted no higher than 10 feet above grade.

Response: There will be no signs or advertising on the facility other than permitted by this paragraph.

(4) When lighting is required on commercial telecommunications facility towers, dual lighting shall be utilized which provides daytime white strobe lighting and nighttime red pulsating lighting unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission. Strobe lighting shall be shielded from ground

view to mitigate illumination to neighboring properties. Equipment building and other accessory structures operated in conjunction with commercial telecommunications facility towers shall utilize infrared lighting and motion detector lighting to prevent continuous illumination.

Response: The tower will not be lighted unless required by the FAA or as provided as a condition of approval by the Board of Supervisors. If lighting of the tower is required that lighting will be in accordance with the FAA and this paragraph. All other associated lighting will comply with the requirements of this paragraph.

(5) Commercial telecommunications facilities shall be constructed with materials of a galvanized finish or painted a noncontrasting blue or gray unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission.

Response: The tower will be of a galvanized, gray finish

(6) Commercial telecommunications facilities shall be adequately enclosed to prevent access by persons other than employees of the service provider. Appropriate landscaping and opaque screening shall be provided to ensure that equipment buildings and other accessory structures are not visible from adjoining properties, road or other rights-of-way.

Response: All associated equipment at the base of the monopole structure will be within a 70' x 70' compound area surrounded by an 8' tall wood fence with a tree planting proposed around the perimeter of the fence.

(7) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the Frederick County Department of Planning and Development. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed within the ninety-day period, the County will remove the facility and a lien may be placed to recover expenses.

Response: If the tower facility is not used for a continuous period of 12 months it will be removed along with all associated equipment and fencing as defined in the lease agreement dated December 2, 2016.

Compliance with the Frederick County Comprehensive Plan:

Although telecommunications facilities are not specifically addressed, Shentel feels that this proposed facility is in accordance with the design principals of the Urban Area. Many people are replacing their landline phones with wireless phones and devices. This area of the county is built up with many residents. Shentel seeks to improve service in

Zoning and Subdivision Administrator
March 28, 2017
Page 5:

this area where there is existing demand and where future growth is anticipated. This site has been sited to improve service for the residents and visitors of this portion of Frederick County and to ensure reliable coverage for emergency response personnel and those who depend upon them.

Shentel is sensitive to the importance of preserving the natural and historic resources of the County. Shentel is required, as part of the Conditional Use Permit Application process to provide documentation of review pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act and the State

Historic Preservation Office (SHPO). Our consultant has conducted his evaluation of the area and has submitted the report to the State. The preliminary report will demonstrate that there are no adverse effects of surrounding historic resources and a final report will be provided upon receipt.

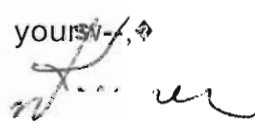
Shentel submits that the proposed tower is in keeping with the core values and principals outlined for this area of Frederick County.

Conclusion:

We respectfully submit that the conditional use permit be approved as it is in conformance with the Frederick County Comprehensive Plan and meets the standards in the Frederick County Zoning Ordinance, with the exception of the setback requirement from the northern property line from which we are requesting a waiver, as outlined above.

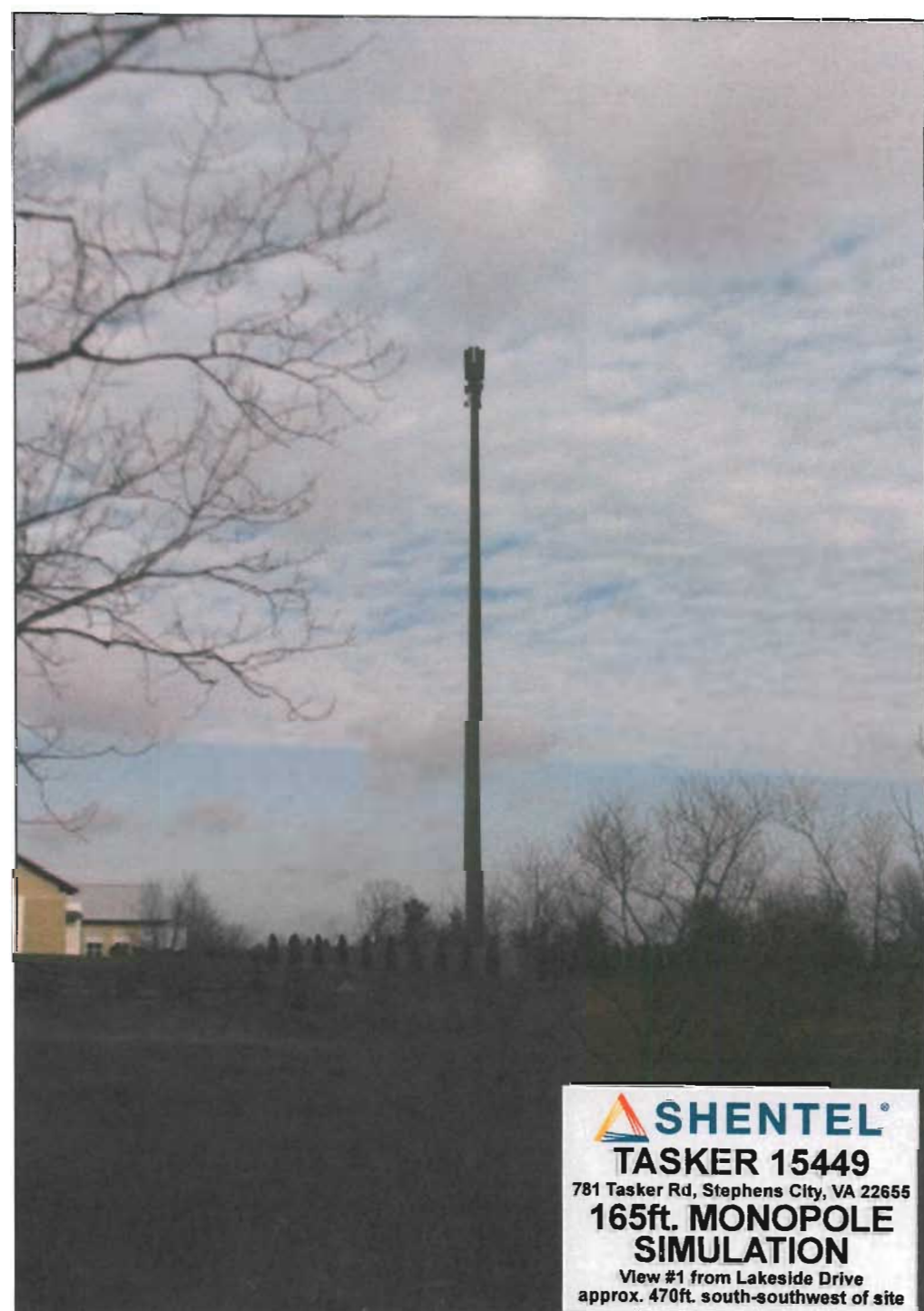
Please contact me at (540)335-0030 should you have any questions.


Attachments
as

(-u yours

rner
Site Acquisition
and Project Development
Contractor for Shentel



 **SHENTEL[®]**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**195ft. MONOPOLE
SIMULATION**
View #1 from Lakeside Drive
approx. 470ft. south-southwest of site



 **SHENTEL[®]**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**165ft. MONOPOLE
SIMULATION**
View #1 from Lakeside Drive
approx. 470ft. south-southwest of site



TASKER 15449

781 Tasker Rd, Stephens City, VA 22655

**195ft. MONOPOLE
SIMULATION**

View #2 from Mimosa Drive
approx. 1,090ft. east-northeast of site

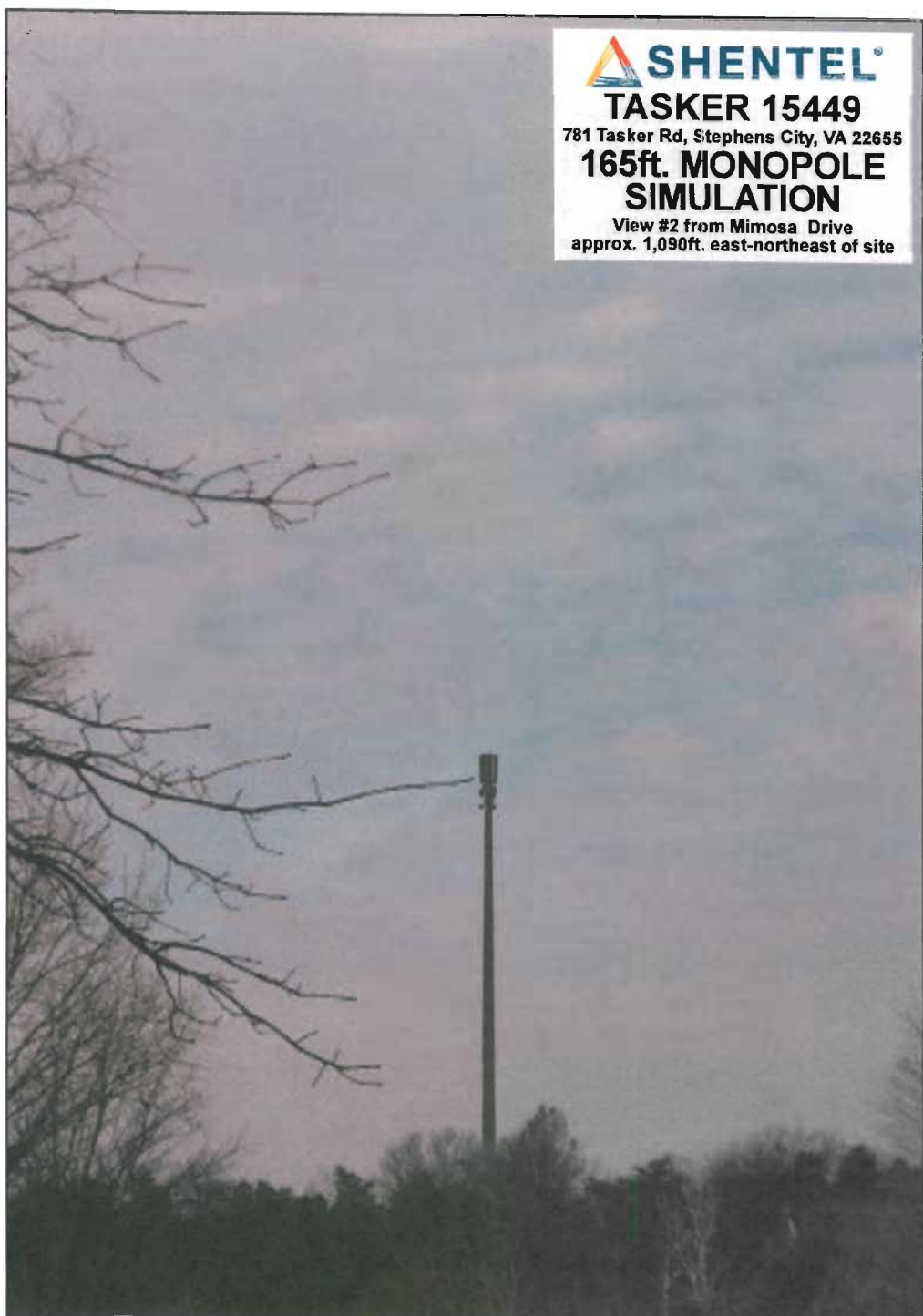


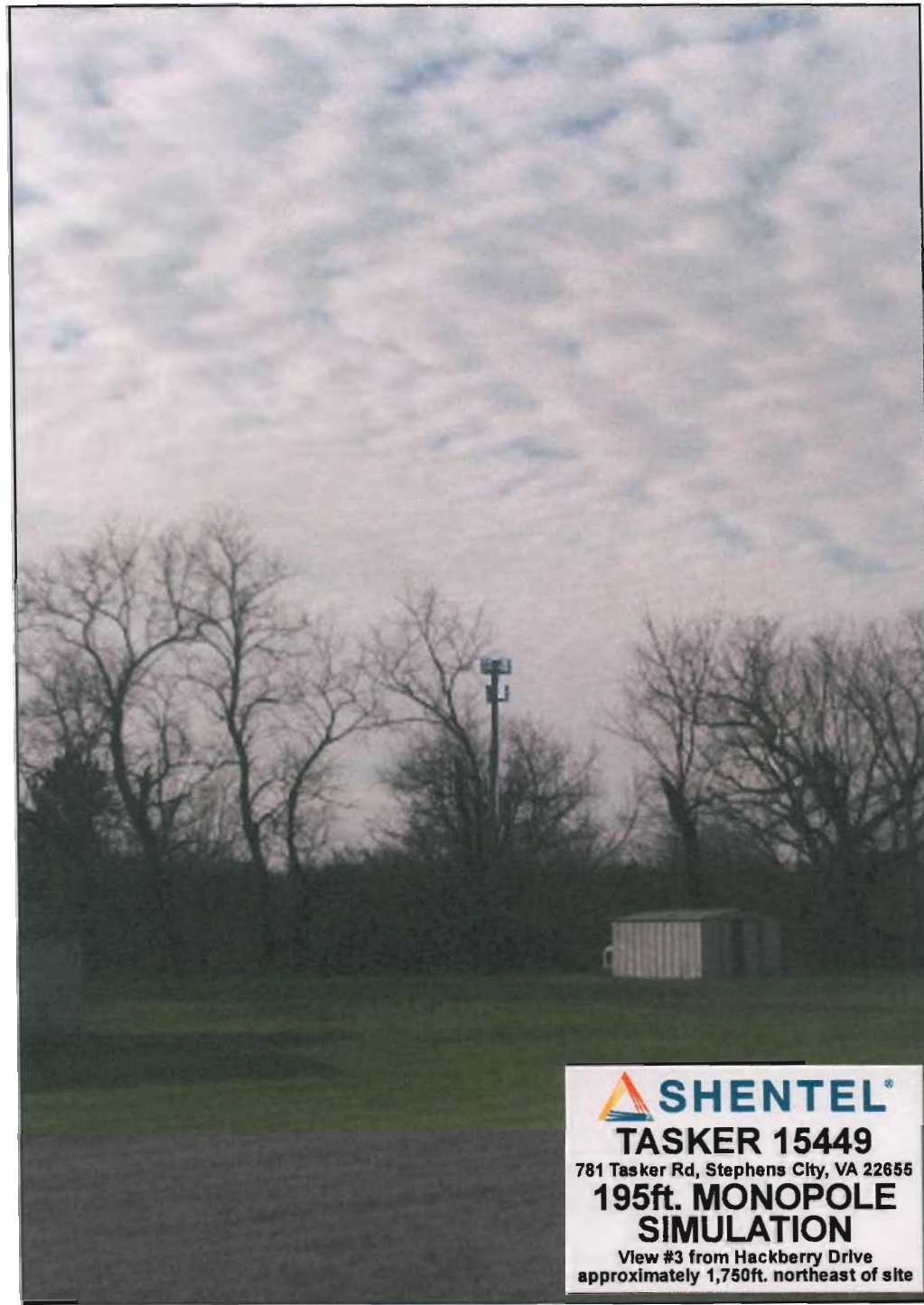
TASKER 15449


781 Tasker Rd, Stephens City, VA 22655

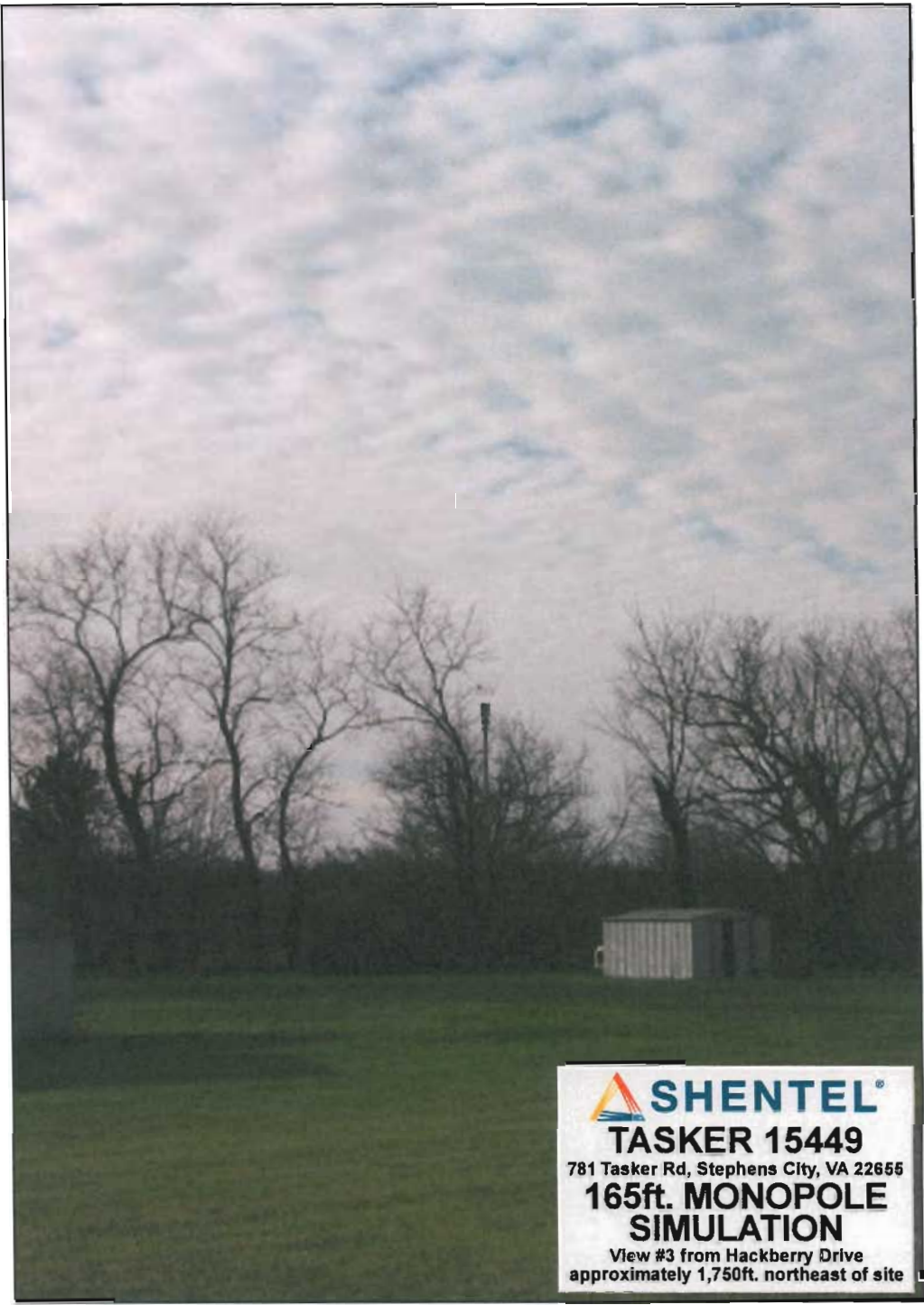
**165ft. MONOPOLE
SIMULATION**


View #2 from Mimosa Drive
approx. 1,090ft. east-northeast of site

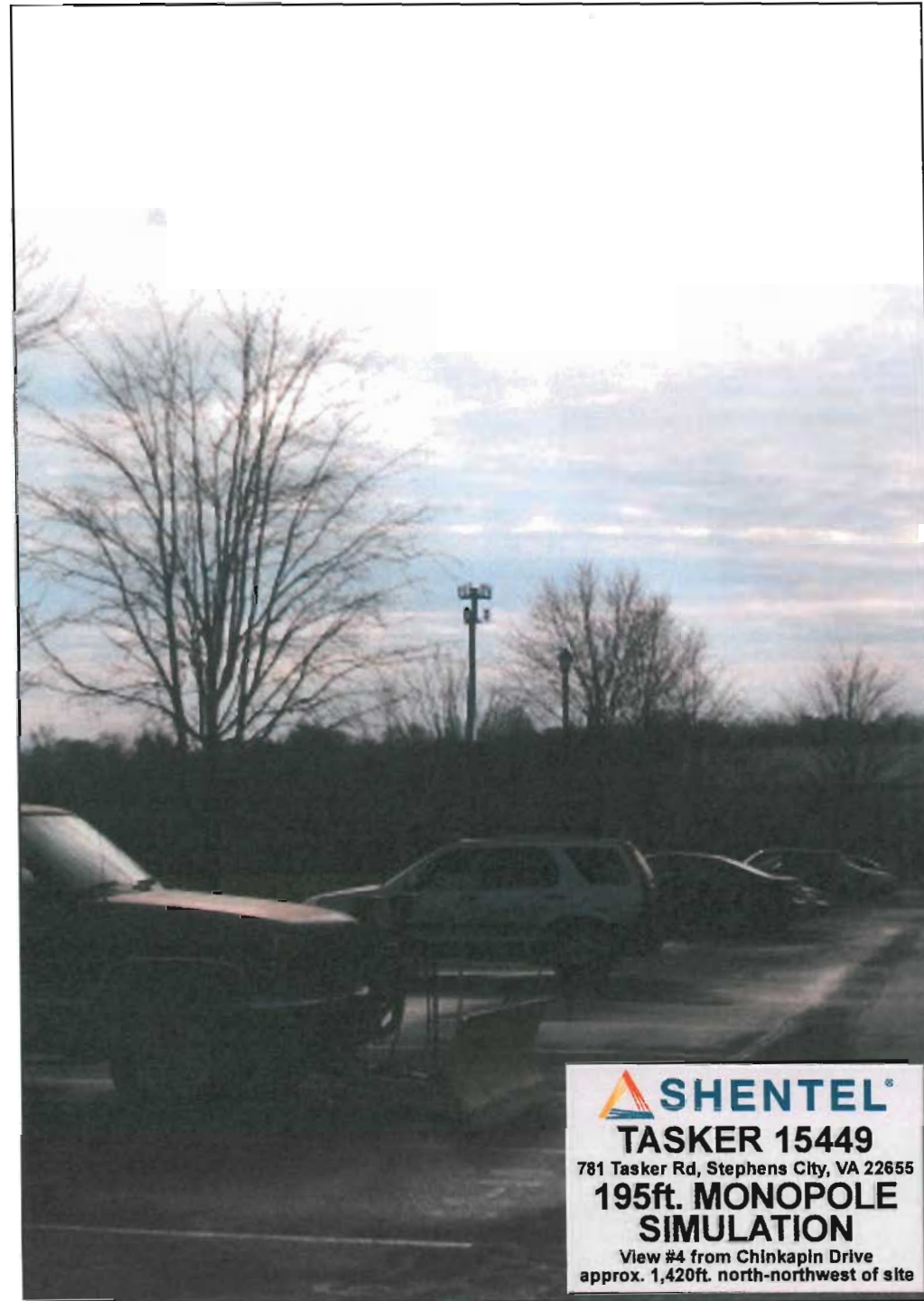





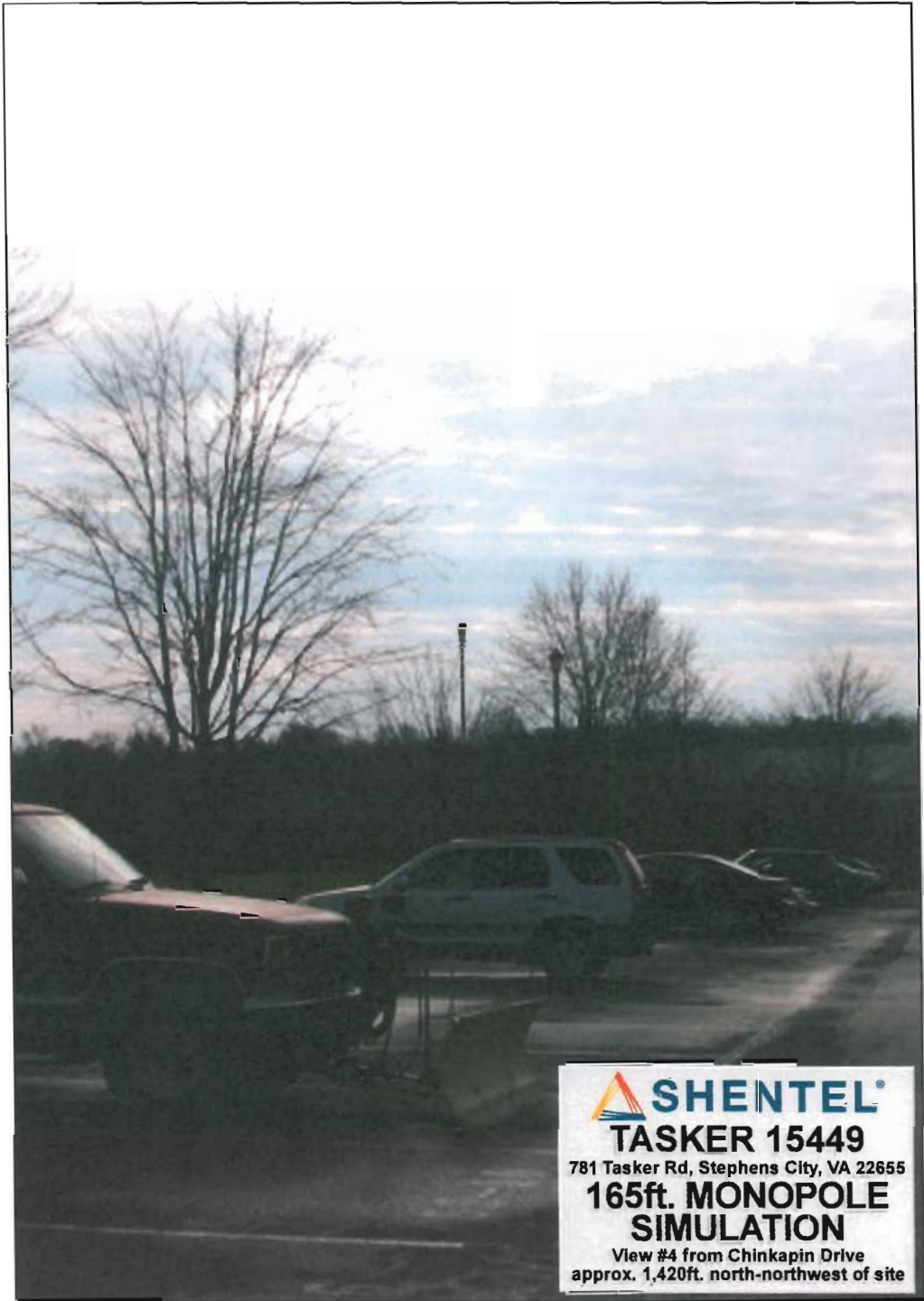
 **SHENTEL®**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**195ft. MONOPOLE
SIMULATION**
View #3 from Hackberry Drive
approximately 1,750ft. northeast of site




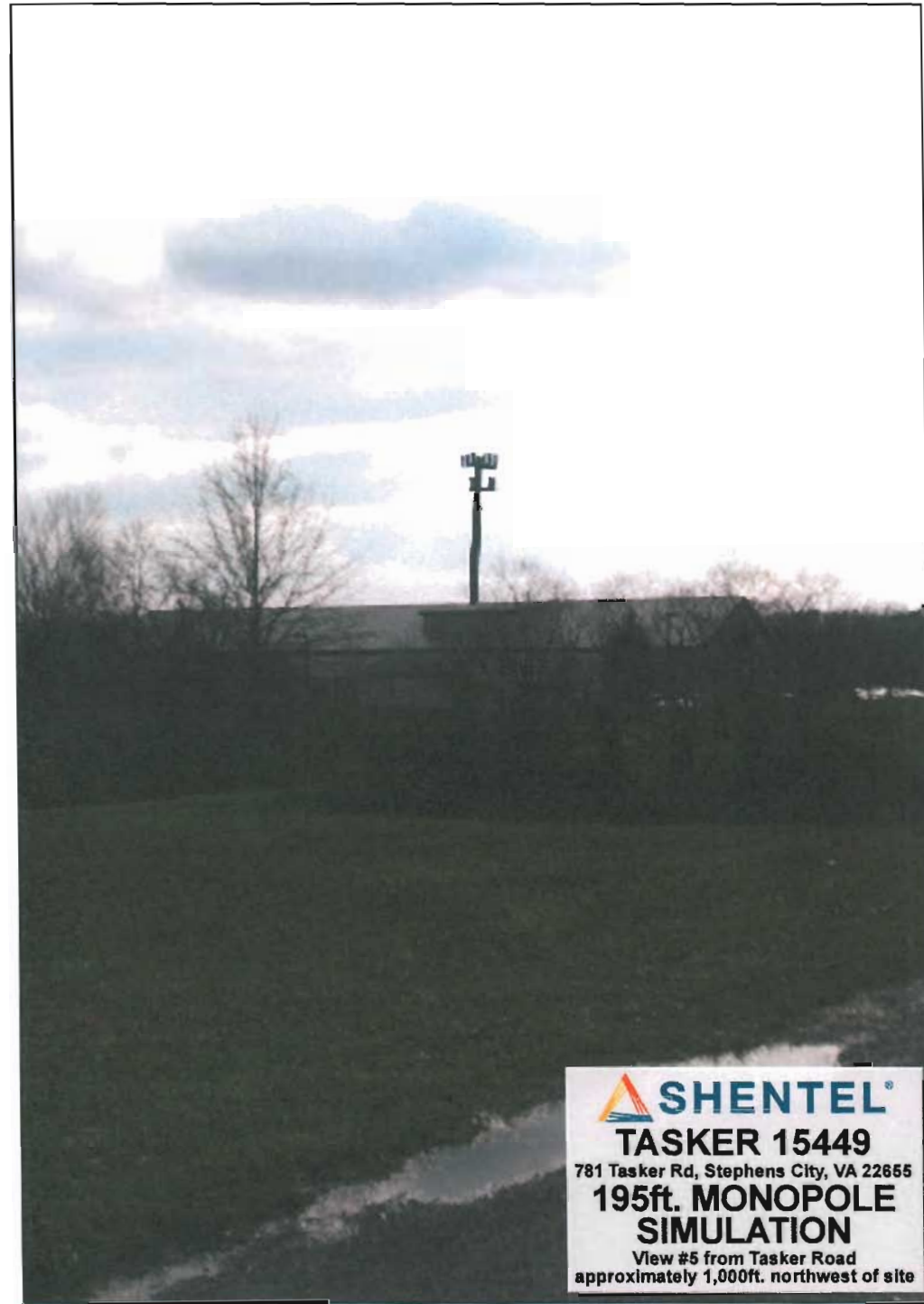
 **SHENTEL®**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**165ft. MONOPOLE
SIMULATION**
View #3 from Hackberry Drive
approximately 1,750ft. northeast of site




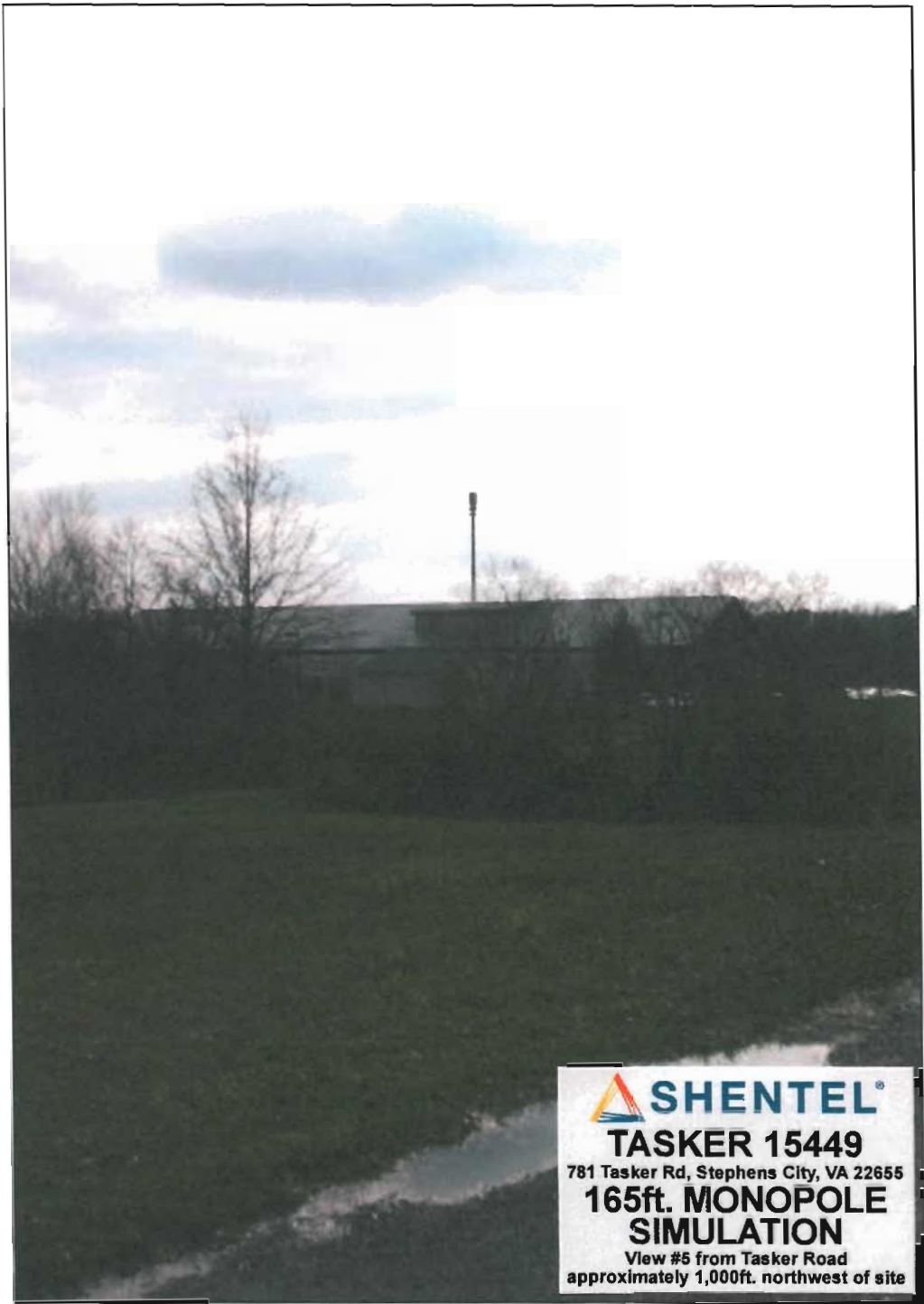
 **SHENTEL®**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**195ft. MONOPOLE
SIMULATION**
View #4 from Chinkapin Drive
approx. 1,420ft. north-northwest of site




 **SHENTEL®**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
**165ft. MONOPOLE
SIMULATION**
View #4 from Chinkapin Drive
approx. 1,420ft. north-northwest of site



 **SHENTEL[®]**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
195ft. MONOPOLE
SIMULATION
View #5 from Tasker Road
approximately 1,000ft. northwest of site



 **SHENTEL[®]**
TASKER 15449
781 Tasker Rd, Stephens City, VA 22655
165ft. MONOPOLE
SIMULATION
View #5 from Tasker Road
approximately 1,000ft. northwest of site



SITE NUMBER: 15449

SITE NAME: TASKER

ADDRESS: 871 TASKER ROAD, STEPHENS CITY, VA 22655

PROJECT TYPE: NEW EQUIPMENT AND NEW ANTENNAS ON A NEW 165' MONOPOLE W/ 4' LIGHTNING ROD

SHENTEL
Shenandoah Mobile, LLC
500 SHENTEL WAY
P.O. BOX 459
EDINBURG, VA 22826-0280
(540) 986-5123

T-SQUARED SITE SERVICES, LLC
2500 HIGHLAND ROAD, SUITE 201
HERMITAGE, PA 16148
www.t-squared.com

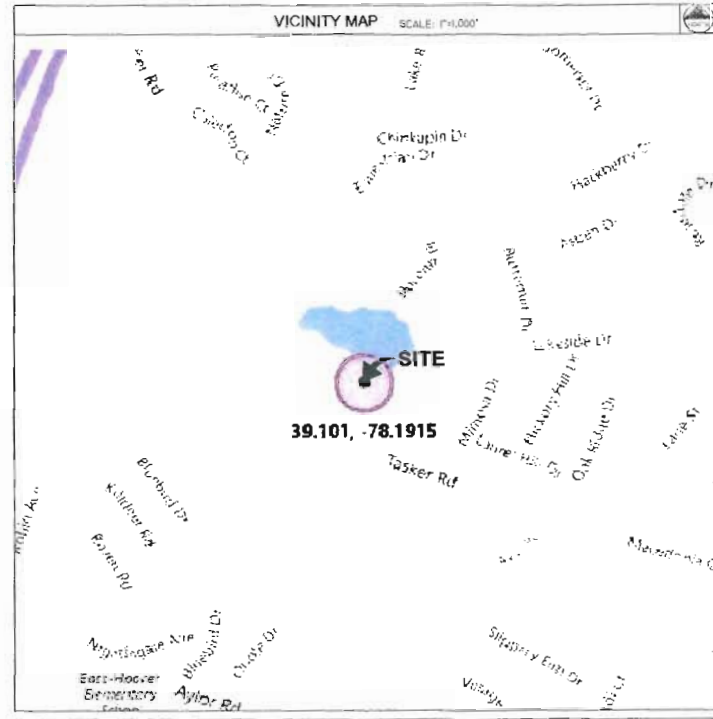
PROJECT SUMMARY	
SITE NUMBER:	15449
SITE NAME:	TASKER
SITE ADDRESS:	871 TASKER ROAD, STEPHENS CITY, VA 22655
TOWER OWNER/ DEVELOPER:	SHENANDOAH MOBILE, LLC 500 SHENTEL WAY EDINBURG, VA 21740 PHONE: 800-768-5200
ZONING JURISDICTION:	FREDERICK COUNTY
ZONING:	RP
PROPERTY ID NUMBER:	75B-A 1
PROPERTY AREA:	16 ACRES
PROPERTY OWNER:	FREDERICK COUNTY VIRGINIA 87 N KEAT ST WINCHESTER, VA 22601
POWER PROVIDER:	SHENANDOAH VALLEY ELECTRIC
TELCO PROVIDER:	SHENTEL FIBER

APPLICANT INFORMATION	
APPLICANT:	SHENTEL SHENANDOAH MOBILE, LLC 500 SHENTEL WAY P.O. BOX 459 EDINBURG, VA 22826 PHONE: 540-986-5123

ARCHITECT/ENGINEER INFORMATION	
ENGINEER:	T-SQUARED SITE SERVICES 2500 HIGHLAND ROAD, SUITE 201 HERMITAGE, PA 16148 PHONE: 724-308-7855 CONTACT: MARK THOMPSON

PROJECT DESCRIPTION	
THIS PROJECT CONSISTS OF THE INSTALLATION OF PCS EQUIPMENT, CONCRETE SLAB, SUPPORT FRAMES, ICE BRIDGES, AND ANTENNA FRAMES AND CABLES ON A NEW 165' MONOPOLE W/ 4' LIGHTNING ROD WITHIN A NEW FENCED COMPOUND.	

BUILDING CODE	
USE GROUP: U (UTILITY)	FIRE CODE: NFPA 241 & NFPA 1 (CHPT 16)
CONST. TYPE: TOWER - 2C	



DRIVING DIRECTIONS	
AT EXIT 313, TAKE RAMP RIGHT FOR US-17 NORTH / US-50 WEST / US-522 NORTH TOWARD WINCHESTER TAKE RAMP FOR I-81 S. AT EXIT 310, TAKE RAMP RIGHT FOR VA-37 TOWARD KERNSTOWN, TURN LEFT ONTO VA-37 S, TURN RIGHT ONTO TASKER RD, SITE LOCATION ON THE LEFT.	
(NAD 83) LATITUDE: 39.100792° N	LONGITUDE: -78.191553° W

APPROVAL LIST	
SITE AC	_____
ZONING	_____
R.F.	_____
CONSTR. MANAGER	_____
NETWORK-TELCO	_____
NETWORK-POWER	_____
PROPERTY OWNER/REP.	_____
OPERATIONS	_____
G.C.	_____

SHEET INDEX	
SHEET	DESCRIPTION
T-1	TITLE SHEET
1 of 3	SITE SURVEY (BY APX LAND SOLUTIONS)
2 of 3	SITE SURVEY (BY APX LAND SOLUTIONS)
3 of 3	SITE SURVEY (BY APX LAND SOLUTIONS)
Z-1	ENLARGED SITE PLAN
Z-2	ADJOINING PROPERTIES MAP
Z-3	ADJOINING PROPERTIES
Z-4	ADJOINING PROPERTIES
Z-5	SITE PLAN
Z-6	COMPOUND PLAN
Z-7	ELEVATION & ANTENNA PLANS
D-1	ANTENNA DETAILS

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL PLUMB & DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME.

HANDICAP REQUIREMENTS
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS IS NOT REQUIRED.

SUBMITTALS			
7	03.15.17	REDLINE REVISION	KE
6	2.01.17	REDLINE REVISION	KE
5	2.01.17	REDLINE REVISION	KE
4	1.30.17	REDLINE REVISION	KE
3	1.25.17	REDLINE REVISION	KE
2	1.13.17	REDLINE REVISION	KE
1	1.9.17	REDLINE REVISION	KE

PROJ. NO.: 10024
CHECKED BY: C.W.Clover, P.E.

SITE INFORMATION:
TASKER
SITE NO. 15449
871 TASKER ROAD,
STEPHENS CITY, VA 22655

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1



SHENTEL
 500 SHENTEL WAY
 P.O. BOX 459
 EDINBURG, VA 22622-0260
 (541) 984-5123



T-SQUARED SITE SERVICES, LLC
 2500 HIGHLAND ROAD, SUITE 201
 HERMITAGE, PA 16148
 www.t-sqrd.com

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SUBMITTALS		
7	03.15.17	REDLINE REVISION KE
6	2.01.17	REDLINE REVISION KE
5	2.01.17	REDLINE REVISION KE
4	1.30.17	REDLINE REVISION KE
3	1.25.17	REDLINE REVISION KE
2	1.13.17	REDLINE REVISION KE
1	1.9.17	REDLINE REVISION KE

PROJ. NO.: 10024

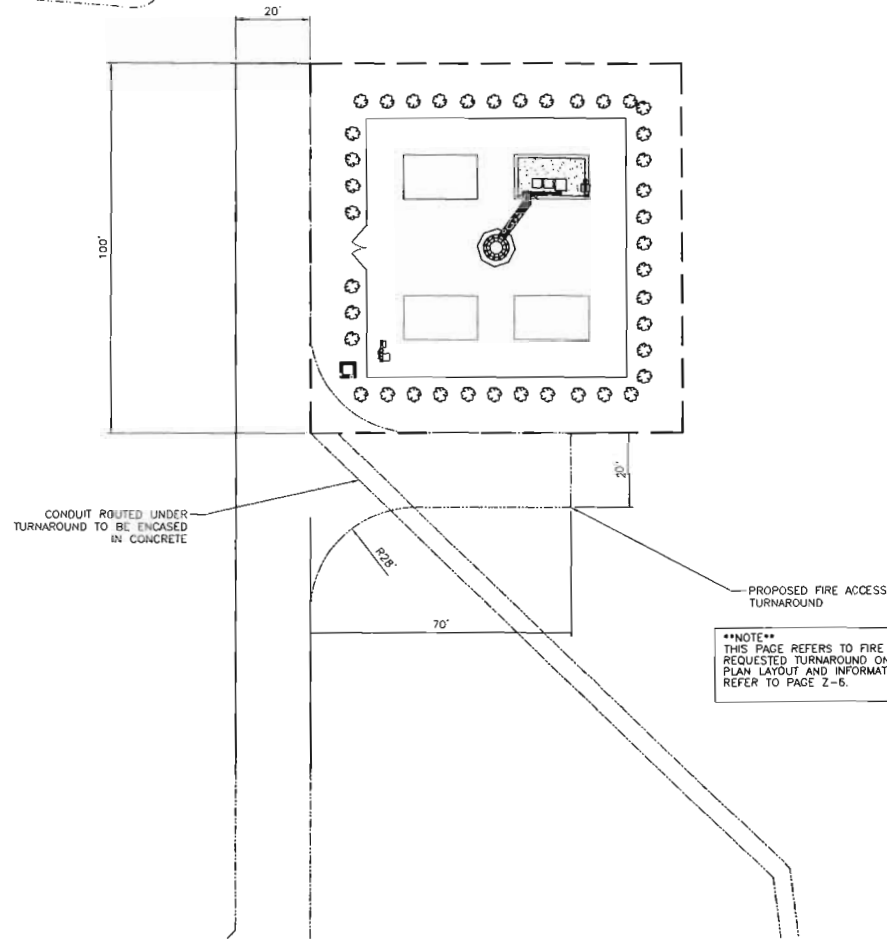
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SITE INFORMATION:
 TASKER
 SITE NO. 15449
 871 TASKER ROAD,
 STEPHENS CITY, VA 22655

SHEET TITLE:
 FIRE ACCESS
 TURNAROUND LAYOUT

SHEET NUMBER:
 Z-1



****NOTE****
 THIS PAGE REFERS TO FIRE DEPARTMENT REQUESTED TURNAROUND ONLY. FOR SITE PLAN LAYOUT AND INFORMATION PLEASE REFER TO PAGE Z-5.



TURNAROUND PLAN

SCALE: N.T.S

1

REVISIONS	
7	03.15.17 REDLINE REVISION KE
6	2.01.17 REDLINE REVISION KE
5	2.01.17 REDLINE REVISION KE
4	1.30.17 REDLINE REVISION KE
3	1.25.17 REDLINE REVISION KE
2	1.14.17 REDLINE REVISION KE
1	1.9.17 REDLINE REVISION KE

PROJ. NO.: 10024

CHECKED BY: G.W.Clover, P.E.

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SITE INFORMATION:
 TASKER
 SITE NO. 15449
 871 TASKER ROAD,
 STEPHENS CITY, VA 23055

SHEET TITLE:
 SITE PLAN

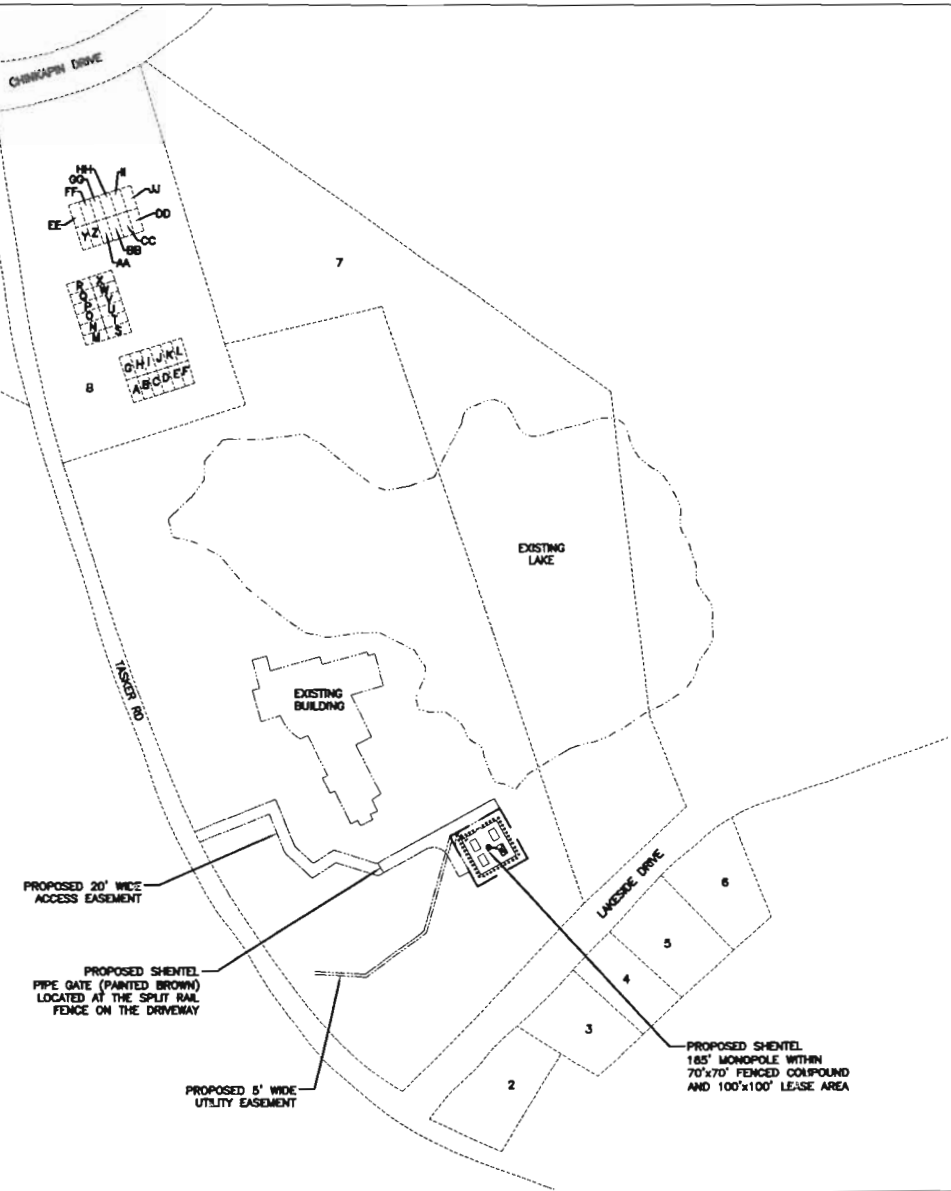
SHEET NUMBER:
 Z-2

FRONT YARD	35'
REAR YARD	50'
SIDE YARD	15'
HEIGHT	45'

****NOTE****
 ABOVE TABLE BASED ON FREDERICK COUNTY, VA CODE ARTICLE IV- AGRICULTURAL AND RESIDENTIAL DISTRICTS PART 402- RP RESIDENTIAL PERFORMANCE DISTRICT 165-402.09 PARAGRAPHS L AND M

FRONT YARD WEST	419' ±
REAR YARD EAST	127' ±
SIDE YARD NORTH	970' ±
SIDE YARD SOUTH	189' ±
CLOSEST RESIDENCE	254' ±

****NOTE****
 EARTHSHIELD GRASS-TRAC GRASS REINFORCEMENT MESH TO BE INSTALLED IN ALL DISTURBED AREAS



SITE PLAN
 SCALE: N.T.S.





Shenandoah Mobile, LLC

500 SHENTEL WAY
P.O. BOX 459
EDINBURG, VA 22824-0280
(540) 984-5123



T-SQUARED CITY SERVICES, LLC

2500 HIGHLAND ROAD, SUITE 201
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SURROUNDING PARCELS

MAP CALLOUT	PIN	OWNER	MAILING ADDRESS	PARCEL ADDRESS	DEED BK/PG	ZONING	AREA (ACRES)
1	75 A 78	MACK WINFRED W ETALS C/O HACKWOODS LLC	PO BOX 367, WOODSTOCK VA 22664	N/A	780 / 703	RP	199.59
2	75B 6 A 27	BARTON JOHN W	100 LAKESIDE DR, STEPHENS CITY, VA 22655	SAME	577 / 106	RP	N/A
3	75B 6 A 26	SILVESTER DEBORAH D	102 LAKESIDE DR, STEPHENS CITY, VA 22655	SAME	N/A	RP	N/A
4	75B 6 A 25	DAVIS TIMOTHY E DAVIS DARLENE K	104 LAKESIDE DR, STEPHENS CITY, VA 22655	SAME	751 / 292	RP	N/A
5	75B 6 A 24	WELLS FARGO BANK NA	3476 STATEVIEW BLVD, FORT MILL, SC 29715	106 LAKESIDE DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
6	75B 6 A 23	JORDAN EUGENE R	108 LAKESIDE DR, STEPHENS CITY, VA 22655	SAME	563 / 710	RP	N/A
7	75B A 1E	LAKESIDE HOMEOWNERS ASSOCIATION INC	PO BOX 10821 CHANTILLY VA 20153	N/A	869 / 1134	RP	2.72
8 - 8J	SEE	PAGE	2-3	FOR	PARCELS	15-15J	N/A

SHEETS		
7	03.15.17	REDLINE REVISION KE
6	2.01.17	REDLINE REVISION KE
5	2.01.17	REDLINE REVISION KE
4	1.30.17	REDLINE REVISION KE
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2	1.13.17	REDLINE REVISION KE
1	1.9.17	REDLINE REVISION KE

PROJ NO.: 10024

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SITE INFORMATION:

TASKER
SITE NO. 15449

871 TASKER ROAD,
STEPHENS CITY, VA 22655

SHEET TITLE:
ADJOINING PROPERTIES

SHEET NUMBER:
Z-3

PARCELS 8 - 8JJ

MAP CALLOUT	PIN	OWNER	MAILING ADDRESS	PARCEL ADDRESS	DEED BK/PG	ZONING	AREA (ACRES)
B	75B A 80C	SATAN ENTERPRISES INC	46412 ESTERBROOK CIR, STERLING VA 20165	N/A	843 / 1624	RP	2
BA	75B 15 3 7	DUNHAM RAYMOND & DUNHAM PENNY J	137 HEARTHSIDE LN, WILLIAMSBURG VA 23185	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BB	75B 15 3 8	TROUT SHANNON G	94 CHINKAPIN DR, UNIT 8, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BC	75B 15 3 9	DINELLO STEPHEN P	94 CHINKAPIN DR, UNIT 9, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BD	75B 15 3 10	HOGUE SHARON A	94 CHINKAPIN DR, UNIT 10, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BE	75B 15 3 11	LOOSE STEVEN J	94 CHINKAPIN DR, UNIT 11, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BF	75B 15 3 12	NORTON ASHLEY L	94 CHINKAPIN DR, UNIT 12, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BG	75B 15 3 1	CARRARA MAUREEN J	2048 RIVER RD, POTSDAM, NY 13676	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BH	75B 15 3 2	BUHL JOHN D JR	1304 SEVERN WAY STE F, STERLING, VA 20166	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BI	75B 15 3 3	KNOWLES MAURA F	94 CHINKAPIN DR, UNIT 3, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BJ	75B 15 3 4	PHELPS PROPERTIES LLC	111 RANGER CT, WINCHESTER, VA 22602	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BK	75B 15 3 5	PETERSON KARTER L	94 CHINKAPIN DR, UNIT 5, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	850 / 958	RP	N/A
BL	75B 15 3 6	PARNELL RONALD K	94 CHINKAPIN DR, UNIT 6, STEPHENS CITY, VA 22655	00094 CHINKAPIN DR, STEPHENS CITY, VA 22655	957 / 500	RP	N/A
BM	75B 15 2 6	REEVES MATTHEW C & AMANDA E	92 CHINKAPIN DR, UNIT 6, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BN	75B 15 2 5	CHO YUNSIK & SODKHWAN	92 CHINKAPIN DR, UNIT 5, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	869 / 1330	RP	N/A
BO	75B 15 2 4	CLEM GORDON E & MARGARET A	92 CHINKAPIN DR, UNIT 4, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BP	75B 15 2 3	BOSACCO ROBERT D	92 CHINKAPIN DR, UNIT 3, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BQ	75B 15 2 2	WHITACRE LESTER V TRUSTEE, THE LESTER V WHITACRE TRUST	1534 CEDAR CREEK GR, WINCHESTER, VA 22602	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BR	75B 15 2 1	FRANKLIN DONALD L	92 CHINKAPIN DR, UNIT 1, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BS	75B 15 2 12	VAN DE RIET MALCOLM H II & MELANIE P	801 STERLING DR, WINCHESTER VA 22601	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BT	75B 15 2 11	YATES DEVON A	92 CHINKAPIN DR, UNIT 11, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BU	75B 15 2 10	SVER ESTHER A	92 CHINKAPIN DR, UNIT 10, STEPHENS CITY, VA 22655	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BV	75B 15 2 9	DESMARIS MARC F	162 UPPER RIDGE RD, WINCHESTER, VA 22603	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BW	75B 15 2 8	SALIAN MARY W TRUSTEE	6911 PORTOBELLO RD, MC LEAN, VA 22101	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BX	75B 15 2 7	FLANIGAN RYAN K & REBECCA A	17157 MAGIC MOUNTAIN DR, ROUND HILL, VA 20141	00092 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BY	75B 15 1 7	FLANIGAN RYAN K & REBECCA A	17157 MAGIC MOUNTAIN DR, ROUND HILL, VA 20141	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BZ	75B 15 1 8	AMOS GEORGE T	90 CHINKAPIN DR, UNIT 8, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BAA	75B 15 1 9	LOCKHART KECIA	90 CHINKAPIN DR, UNIT 9, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BBB	75B 15 1 10	EVERHART SEAN A & LAINE S	104 APPOMATTOX DR, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BCC	75B 15 1 11	SYMONS JAMES H	90 CHINKAPIN DR, UNIT 11, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BDD	75B 15 1 12	DU PLESSIS KIRK	634 MAPLE ST, INDIANA, PA 15701	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BEE	75B 15 1 1	MAGNET PROPERTIES LLC	263 WINDY RIDGE RD, FRONT ROYAL, VA 22630	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BFF	75B 15 1 2	LANAGHAN THOMAS J & GWENDOLYN M	843 FEVERFEW CT NW, ACWORTH, GA 30102	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BGG	75B 15 1 3	TRIPLETT JE ELLEN	90 CHINKAPIN DR, UNIT 3, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BHH	75B 15 1 4	CJ MANAGEMENT LLC	801 ARMISTEAD ST, WINCHESTER VA 22601	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BII	75B 15 1 5	KASE ADAM RICHARD & CASTLE EMILY MICHELLE	90 CHINKAPIN DR, UNIT 5, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A
BJJ	75B 15 1 6	OVERAND JODI R	90 CHINKAPIN DR, UNIT 6, STEPHENS CITY, VA 22655	00090 CHINKAPIN DR, STEPHENS CITY, VA 22655	N/A	RP	N/A

SHENTEL
Shenandoah Metro, LLC
 500 SHENTEL WAY
 P.O. BOX 459
 EDWARDS, VA 22827-0229
 (540) 986-5123

T²
T-SQUARED SITE SERVICES, LLC
 2500 HIGHLAND ROAD, SUITE 201
 HERMITAGE, PA 16148
 www.t-sqrd.com

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SUBMITTALS		
7	03.15.17	REDLINE REVISION KE
8	2.01.17	REDLINE REVISION KE
5	2.01.17	REDLINE REVISION KE
8	1.30.17	REDLINE REVISION KE
3	1.28.17	REDLINE REVISION KE
8	1.13.17	REDLINE REVISION KE
1	1.9.17	REDLINE REVISION KE

PROJ NO: 10024

CHECKED BY: G.W Clower, P.E.

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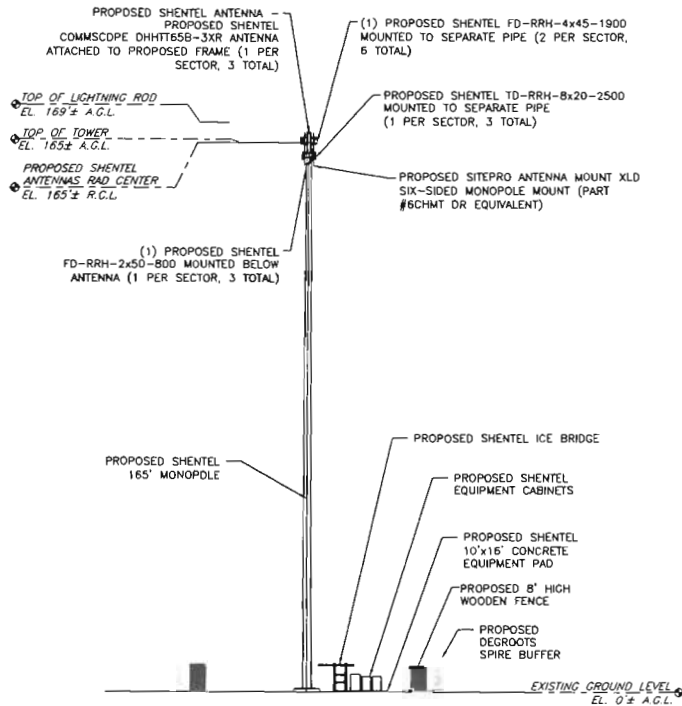
SITE INFORMATION:
 TASKER
 SITE NO. 15479
 371 TASKER ROAD,
 STEPHENS CITY, VA 22655

SHEET TITLE:
 ADJOINING
 PROPERTIES

SHEET NUMBER:
 Z-4

****NOTE****
TOWER IS TO HAVE LIGHTING IN ACCORDANCE WITH FAA REGULATIONS

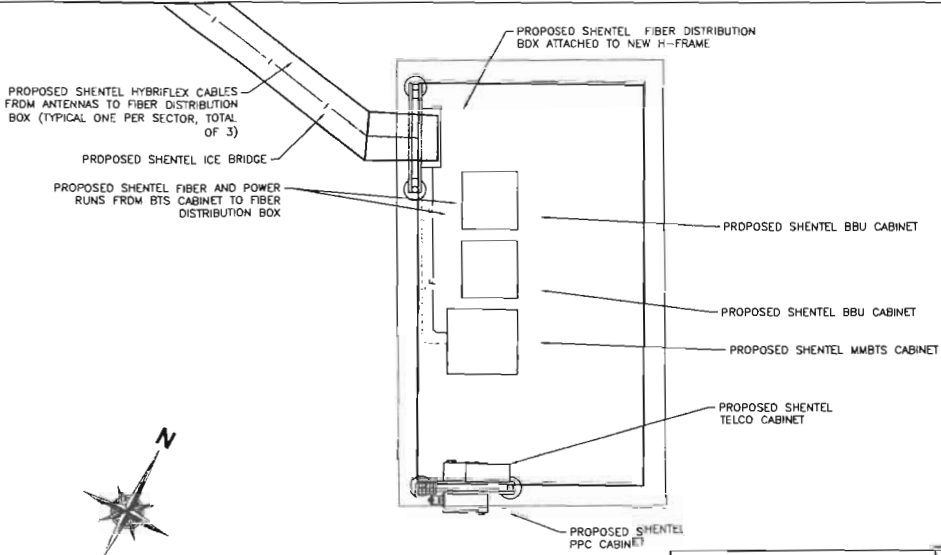
****NOTE****
TOWER, ANTENNAS, CABLES, AND ALL APPURTENANCES SHALL BE PAINTED RED/WH. EXACT COLOR CHOICE SHALL BE PROVIDED BY LANSX.ORD.



ELEVATION

SCALE: N.T.S

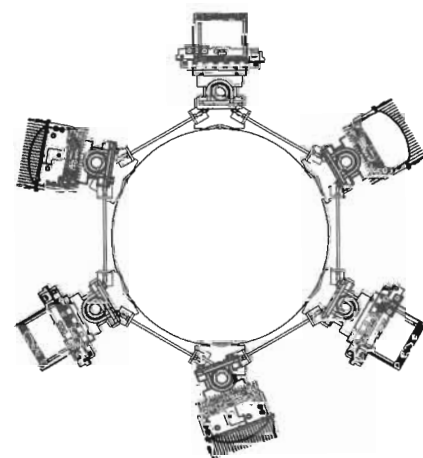
1



EQUIPMENT PLAN

SCALE: N.T.S

2



NOT USED

SCALE: N.T.S

3

SHENTEL
Infrastructure Group, LLC
870 SHENTEL WAY
P.O. BOX 269
FARMERSBURG, VA 22826-0269
(540) 981-2173

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2500 HIGHLAND ROAD, SUITE 201
HERMITAGE, PA 16148
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SUBMIT #15			
7	04.15.17	REVISION	KE
6	02.01.17	REVISION	KE
5	01.01.17	REVISION	KE
4	1.30.17	REVISION	KE
3	1.28.17	REVISION	KE
2	1.13.17	REVISION	KE
1	1.9.17	REVISION	KE

PROJ. NO.: 10024
CHECKED BY: C.W.Clawer, P.E.

SITE INFORMATION:
TASKER
SITE NO. 15449
871 TASKER ROAD,
STEPHENS CITY, VA 22655

SHEET TITLE:
ELEVATION &
EQUIPMENT PLAN

SHEET NUMBER:
Z-7



SHENTEL
 500 SHENTEL WAY
 P.O. BOX 459
 CHESAPEAKE, VA 22824-0213
 (540) 964-3125



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 2500 HIGHLAND ROAD, SUITE 201
 HERMITAGE, PA 16148
 www.t-sqrd.com

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SUBMITTALS			
7	03.15.17	REDLINE REVISION	KE
6	2.01.17	REDLINE REVISION	KE
5	2.04.17	REDLINE REVISION	KE
4	1.30.17	REDLINE REVISION	KE
3	1.25.17	REDLINE REVISION	KE
2	1.13.17	REDLINE REVISION	KE
1	1.9.17	REDLINE REVISION	KE

PROJ. NO.: 10024

CHECKED BY: G.W. Clover, P.E.

DATE: 03/15/17

Blank area for notes or additional information.

SITE INFORMATION:
 TASKER
 SITE NO. 15449
 871 TASKER ROAD,
 STEPHENS CITY, VA 22655

SHEET TITLE:
 SITE PLAN

SHEET NUMBER:
 Z-5



SITE PLAN

SCALE: N.T.S

1

REVISIONS			
7	03.15.17	REDLINE REVISION	KE
6	2.01.17	REDLINE REVISION	KE
5	2.01.17	REDLINE REVISION	KE
4	1.30.17	REDLINE REVISION	KE
3	1.25.17	REDLINE REVISION	KE
2	1.13.17	REDLINE REVISION	KE
1	1.9.17	REDLINE REVISION	KE

PROJ. NO.: 10024

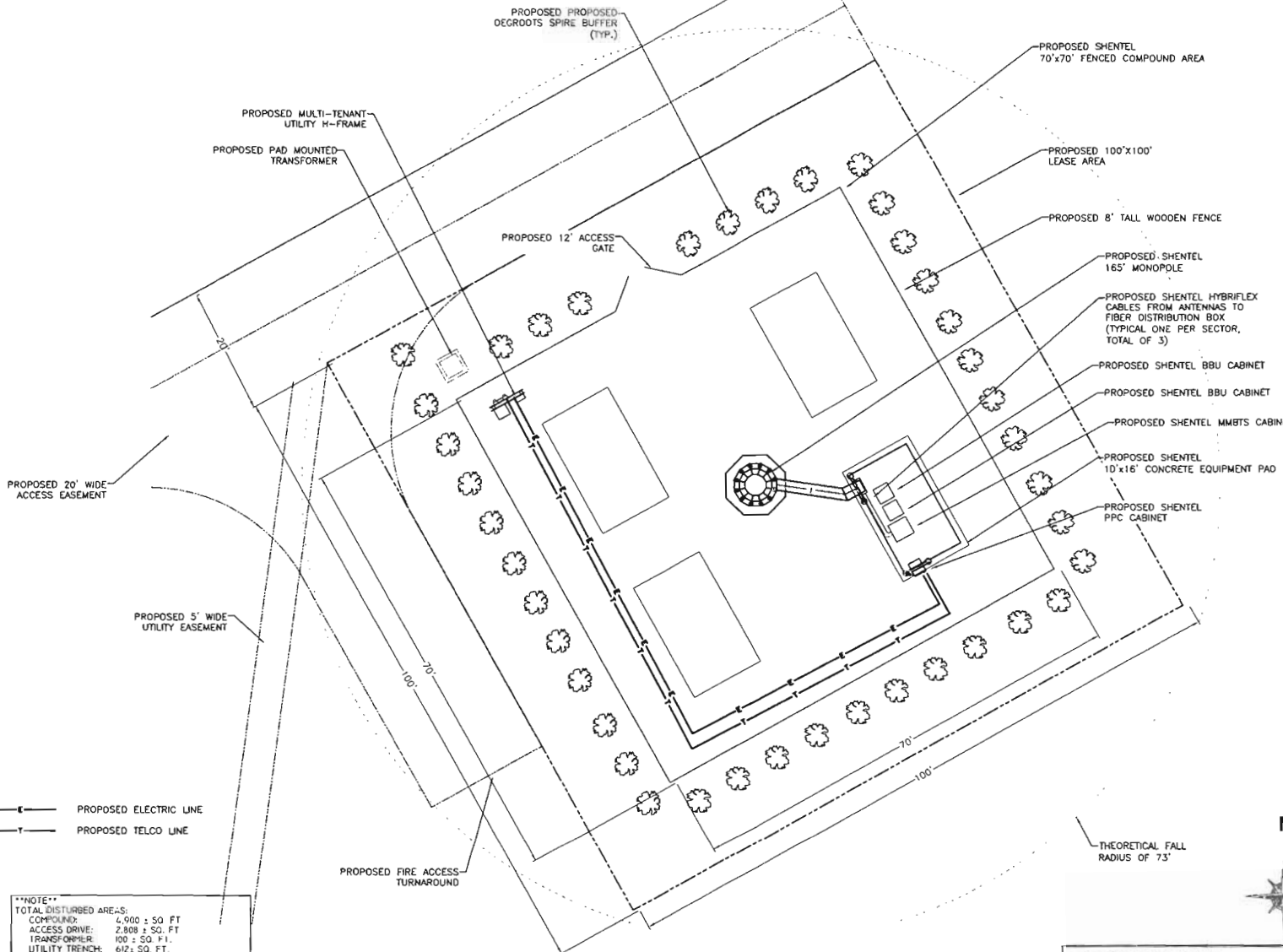
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SITE INFORMATION:
TASKER
SITE NO. 15449
671 TASKER ROAD,
STEPHENS CITY, VA 22655

SHEET TITLE:
COMPOUND PLAN

SHEET NUMBER:
Z-6



****NOTE****
TOTAL DISTURBED AREAS:
COMPOUND: 4,900 ± SQ. FT.
ACCESS DRIVE: 2,808 ± SQ. FT.
TRANSFORMER: 100 ± SQ. FT.
UTILITY TRENCH: 612 ± SQ. FT.
TOTAL OVERALL DISTURBED AREA: 8,420 ± SQ. FT.

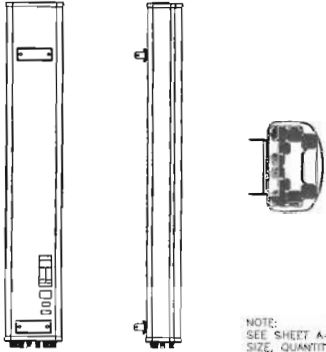
THEORETICAL FALL RADIUS OF 73'

COMPOUND PLAN

SCALE: 3/32" = 1'-0" (3/16"=1'-0" ON 22"x34" SHEET)

1

COMMSCOPE MULTIBAND ANTENNA MODEL NO. DHHTT65B-3XR	
WEIGHT W/O MOUNT	45.4 LBS.
DIMENSIONS (WxHxD)	11.9"x72.1"x7.1"
MAX WIND SPEED	150 MPH
CONNECTOR TYPE	4-1-9.5 DIN FEMALE/ 7-16 DIN FEMALE (BOTTOM)



NOTE:
SEE SHEET A-2 FOR ANTENNA
SIZE, QUANTITY AND LOCATION.

DHHTT65B-3XR ANTENNA DETAIL

SCALE: N.T.S

1

NOT USED

SCALE: N.T.S

3

SHENTEL
Hermitage, VA 22824
800 ONEWAY WAY
P.O. BOX 459
COLUMBIA, VA 22824-0280
(540) 782-5973

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2500 HIGHLAND ROAD, SUITE 201
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SUBMITTALS		
7	03.15.17	RESUBMIT REVISION KE
6	2.01.17	RESUBMIT REVISION KE
5	2.01.17	RESUBMIT REVISION KE
A	1.30.17	RESUBMIT REVISION KE
3	1.28.17	RESUBMIT REVISION KE
2	1.13.17	RESUBMIT REVISION KE
1	1.9.17	RESUBMIT REVISION KE

PROJ. NO.: 10024

CHECKED BY: C.W.Clower, P.E.



SITE INFORMATION:

TASKER
SITE NO. 15449

477 TASKER ROAD
STEPHENS CITY, VA 22655

SHEET TITLE:
ANTENNA
DETAILS

SHEET NUMBER:
D-1

**800 MHz REMOTE RADIO HEAD
FD-RRH-2x50-800**

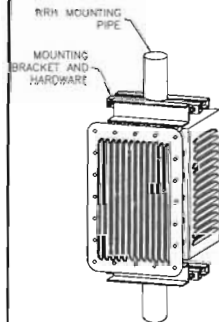
WEIGHT	64 LBS.
DIMENSIONS (WxHxD)	13"x19.7"x15"
OUTPUT POWER	100W
POWER REQ.	-48VDC

**1900 MHz REMOTE RADIO HEAD
FD-RRH-4x45-1900**

WEIGHT	60 LBS.
DIMENSIONS (WxHxD)	11"x25"x10.7"
OUTPUT POWER	180W
POWER REQ.	-48VDC

**2500 MHz REMOTE RADIO HEAD
TD-RRH-8x20-2500**

WEIGHT	66 LBS.
DIMENSIONS (WxHxD)	17.5"x25.4"x5.7"
OUTPUT POWER	60W
POWER REQ.	-48VDC



NOTE:
SEE SHEET A-2 FOR RRH
QUANTITY AND LOCATION.

NOTE:
CONTRACTOR IS RESPONSIBLE FOR
ACQUIRING THE MOST RECENT PLUMBING
DIAGRAMS ONCE SITE IS READY FOR
CONSTRUCTION.

RRH DETAIL

SCALE: N.T.S

5

NOT USED

SCALE: N.T.S

6



DONOHUE & STEARNS, PLC

March 17, 2017

Rod Williams, Frederick County Attorney
107 North Kent Street, 3rd Floor
Winchester, Virginia 22601

Re: Conditional Use Permit No. 01-17 – Shenandoah Mobile LLC - 15449 Tasker – 871 Tasker Road, Stephens City, VA – Bowman Library Property

Mr. Williams:

As a follow up to the Planning Commission meeting held on March 1, 2016 regarding the Conditional Use Permit application by Shenandoah Mobile LLC ('Shentel'), I wanted to provide you with additional information pursuant to comments from the Commissioners and public concerning Shentel's application for a new telecommunications facility at the Bowman Library.

Shentel Radio Frequency engineers have targeted the area near the intersection of Tasker Road and Aylor Road, east of Interstate 81 at Stephens City to provide much needed wireless service for Shentel/Sprint customers in this heavily populated area of Frederick County. Shentel's Site Acquisition Specialist, Mr. Lynn Koerner, searched for co-location possibilities within a designated search ring area. After not being able to find any existing structures within the search area capable of addressing the service need, Mr. Koerner then looked for parcels for a 'raw land' telecommunications facility. The new cell site search ring considered both the service coverage requirement as well as the existing Shentel cell sites that surround the area lacking service.

These are the existing Shentel cell sites that surround the area lacking service:

1. Site 09532: 2839 Front Royal Pike on radio station property to the east;
2. Site 03180: 221 Spotswood Court near Sherando High School to the south;
3. Site 10055: 738 Fairfax Pike on the Exxon sign at intersection of VA 277 and I-81 to the southwest; and
4. Site 03022: 121 Soldiers Rest Lane to the northwest.

This is a copy of the search ring used to find candidates capable of providing required service:



- 1. CVS Rooftop
- 2. Convenience Store
- 3. Vacant Parcels Tasker & Warrior
- 4. Sherando Park
- 5. Landgrant Lane
- 6. Greenway Church
- 7. Frederick County Sanitation Authority
- 8. Wakeland Manor HOA
- 9. Winifred Hack (Backwoods LLC)
- 10. Large Parcel - Winchester ARTRIP
- T = Proposed Tower

These are the locations within the search ring that were considered as potential candidates to meet the service requirements:

Map No.	Location	Reason for Rule Out
1	Rooftop of CVS-660 Warrior Drive	Insufficient height to clear trees and provide effective signal propagation.
2	New Structure at Convenience Store 760 Warrior Drive	Mr. Koerner spoke with Ken Rice of HN Funkhouser, but could not achieve a structure of sufficient height while complying with setbacks.
3	Vacant Parcels at Corner of Warrior/ Tasker	Mr. Koerner spoke with Mike Bryant, the attorney for Bowman and Shoemaker. The property owner was not interested in leasing space as they are reserving the parcel for future development.
4	Sherando Park	Just inside the search ring on the south. Mr. Koerner spoke with Jonathan Turkel of Frederick County and Cynthia Waymack from the Virginia Department of Conservation and Recreation in Richmond. Because the Park was purchased under a grant that mandated a one-for-one replacement of any square footage used from an adjacent parcel, the proposal would require state action and had a low likelihood of approval.
5	Landgrant Lane, LLC 107 Emory Court	Mr. Koerner spoke with property owner, Jeff Barrentine. Mr. Barrentine has plans to build a new home on the only portion of the property that would meet requisite setbacks.
6	Greenway Church 1275 Tasker Road	Pastor was not interested in steeple/ sign or bell tower.
7	Frederick County Sanitation Authority (North End of Lakeside Drive)	FCSA contact not interested in leasing space due to reversionary clause in deed. Presence of retention ponds on parcel would make siting difficult.
8	Wakeland Manor HOA Parcel (Open Space Parcel – North End of Lakeside Drive)	This parcel is designated open space at the end of Lakeside Drive and is adjacent to the FCSA property. Mr. Koerner did begin negotiations with the HOA Board, its attorney and developer, but the HOA ultimately decided against signing the lease.
9	Large Parcel to the South of Bowman Library	A representative for property owner, Winifred Hack, stated that they were not interested in leasing space as they were planning to use the property for future development and did not want to develop around a tower.
10	Large Parcel to the North of Frederick County Sanitation Authority property	Owned by Winchester ARTRIP LLC. Shentel RF Engineering concluded that anything north of the FCSA would not provide the required service.

11	Water tank at FCSA property	The water tank at the FCSA property located at 315 Tasker Road was also considered, but was ruled out by RF as it would not achieve the necessary coverage improvement needed to the east near the intersection of Tasker Road and Aylor Road.
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Mr. Koerner contacted Mr. Mark Cheran, Frederick County Zoning and Subdivision Administrator, concerning pending applications from other wireless carriers. Mr. Koerner also inquired about available opportunities on the library parcel owned by Frederick County.

As a County-owned property, the Bowman Library was considered as a viable raw land opportunity. This parcel met zoning requirements for siting, and a new tower on this parcel is capable of meeting Shentel's service requirements. Mr. Koerner and Shentel RF engineer, Chris Sahr, met with Mr. Cheran and County staff in June and August of 2016, and then again with you in September and October for lease negotiations. The Board of Supervisors voted to approve the lease agreement between Shentel and the County at their November meeting. The lease was executed in December of 2016.

In response to the neighborhood concerns and objections to the proposed facility, Shentel would like to propose the following visual mitigation techniques:

- 1). reducing the height of the proposed tower facility from 195 feet to 165 feet above ground level
- 2). flush-mount the antennas and ancillary tower equipment
- 3). paint the proposed tower brown

Shentel representatives would like to set up a meeting with you, Mr. Cheran, the Supervisor for the Shawnee District, Mr. Gene Fisher, and also Mr. Robert Wells of the Opequon District, at least a week prior to the April 12th Board of Supervisor meeting. We would like to discuss Shentel's options to achieve our needs to provide the required service in this area.

We appreciate your continued consideration of this matter, and are we happy to answer any questions you may have regarding the above.

Sincerely,



Edward L. Donohue

CC: Mr. Mark Cheran, Frederick County Zoning and Subdivision Administrator
 Mr. Gene E. Fisher, Board of Supervisor member – Shawnee District
 Mr. Robert W. Wells, Board of Supervisor member – Opequon District

Lynn Koerner

From: Barbara Johnson <bjohnson@fcva.us>
Sent: Wednesday, January 18, 2017 11:52 AM
To: 'Lynn Koerner'
Subject: RE: Conditional Use Permit - Telecommunications Monopole Tower

You do not have to send us the revisions. When you go in front of the Board for your Conditional Use Permit approval they'll ask you if there were any comments that needed corrections, and you can tell them at that time what corrections you have made or did not make.

From: Lynn Koerner [<mailto:lynnk@shentel.net>]
Sent: Wednesday, January 18, 2017 9:39 AM
To: Barbara Johnson
Subject: RE: Conditional Use Permit - Telecommunications Monopole Tower

Thank you.

I will review and make any necessary changes to our drawings. If it is determined that we make changes to the drawings, do I need to resubmit the comment sheet back to you with the revisions?

Thanks

Lynn


From: Barbara Johnson [<mailto:bjohnson@fcva.us>]
Sent: Wednesday, January 18, 2017 9:33 AM
To: 'lynnk@shentel.net'
Subject: Conditional Use Permit - Telecommunications Monopole Tower

Good Morning - Please find attached the Plan Review and Comment Sheet (2 pages) from the Fire Marshal's Office regarding the Conditional use Permit that was submitted for a Telecommunications Monopole Tower in Frederick County, VA. Also attached is a copy of the Frederick County Fire Prevention Code that refers to fire department apparatus access roads.

If you should have any questions please call our office at the number listed below.

Barbara

Barbara Johnson, Secretary
Frederick County Fire & Rescue
Life Safety Division/Office of the Fire Marshal
1080 Coverstone Drive
Winchester, VA 22602
(540) 665-6350
FAX (540) 678-4739

 Save a tree...please don't print this e-mail unless you really need to.



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

January 23, 2017

Lynn Koerner
Shenandoah Mobile, LLC
3126 South Ox Road
Edinburg, Virginia 22824

VIA EMAIL

Re: Conditional Use Permit
195' AGL Monopole – 199' AGL with Equipment
871 Tasker Road, Stephens City, Virginia
Shawnee Magisterial District

Dear Mr. Koerner:

On behalf of the Winchester Regional Airport Authority I offer the following comments on the above referenced application for a conditional use permit for construction of a 195' monopole. Based on the specifications included with the application the structure will have a max height of 199' to accommodate wireless equipment.

1. In accordance with the Code of Virginia, Section 15.2-2294 and Federal Title 14 of the Code of Federal Regulations CFR Part 77, applicant is required to file Form 7460-1 with the Federal Aviation Administration for an airspace study analysis. Upon completion of the aeronautical study by the FAA, a copy must be forwarded to this office for review and record. The form and directions can be found online at the FAA's website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
2. Cranes and/or temporary construction equipment exceeding the maximum height provided by the applicant will require separate filing with the FAA for review and comment prior to start of construction.
3. Any and all requirements specified by the FAA in the final airspace determination must be complied with at all times and should be included in all construction specification documents.
4. For continued safe and efficient operations of all aircraft and helicopters transitioning through the airspace of the Winchester Regional Airport, the Authority requests all towers be lighted and/or marked in accordance with FAA Advisory Circular 70/7460-1L, Change 1 as a condition of approval by Frederick County even if not required by the FAA.

Provided all conditions are met, the Winchester Regional Airport Authority has no objections to the Conditional Use Permit Application.

Should you have any questions or need additional information, please contact this office (540) 662-5786.

Sincerely,

S. R. Manuel
Executive Director

Err: Chad Carper, FAA/WADO
Scott Denny, VDOA
Adam Switzer, Delta Airport Consultants



Proposed Case for VA: 2017-AEA-384-OE

For information only.
This proposal has not yet been studied. Study outcomes will be posted at a later date.
Public comments are not requested, and will not be considered at this time.

Overview

Study (ASN): 2017-AEA-384-OE
Prior Study:
Status: Work In Progress

Received Date: 01/17/2017
Entered Date: 01/17/2017
Map: [View Map](#)

Construction Info

Notice Of: CONSTR
Duration: PERM (Months: 0 Days: 0)
Work Schedule: 02/17/2017 to 08/17/2018

Structure Summary

Structure Type: Monopole
Structure Name: Tasker
FCC Number:

Structure Details

Latitude (NAD 83): 39° 06' 02.85" N
Longitude (NAD 83): 78° 11' 28.87" W
Datum: NAD 83
City: Stephens City
State: VA
Nearest County: Frederick

Height and Elevation

Site Elevation:	Proposed 725
Structure Height:	199
Total Height (AMSL):	924

Frequencies

Low Freq	High Freq	Unit	ERP	Unit
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

[← Previous](#) [Back to Search Result](#) [Next →](#)



Submittal Deadline	<u>2/3/17</u>
P/C Meeting	<u>3/1/17</u>
BOS Meeting	<u>4/12/17</u>

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner Other

NAME: Shenandoah Mobile LLC

ADDRESS: PO Box 459 500 Shentel Way. Edinburg, VA 22824

TELEPHONE: 540-335-0030 (Lynn Koerner - Site Acquisition Consultant)

2. Please list all owners, occupants, or parties in interest of the property:

Frederick County, Bowman Library parcel

3. The property is located at: (please give exact directions and include the route number of your road or street)

871 Tasker Road, Stephens City, Virginia. From I-81 exchange Route 37 proceed East to Tasker Road and proceed 1 1/2 mile to the right on Tasker to the Bowman Library on the left

4. The property has a road frontage of 1275.26 feet and a depth of 618 West / 458 East feet and consists of 16 acres. (Please be exact)

5. The property is owned by Frederick County Virginia as evidenced by deed from County School Board of Frederick County (previous owner) recorded in deed book no. 861 on page 1042, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 75B-A-1
Magisterial District Shawnee
Current Zoning RP

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Vacant	RP
East	Residential	RP
South	Vacant	RP
West	Townhouses	RP

8. The type of use proposed is (consult with the Planning Dept. before completing):

Telecommunications tower facility to include tower and related ground support equipment

9. It is proposed that the following buildings will be constructed:

No buildings

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name Hack Winifred W. Etals	C/O Hackwoods LLC. PO Box 367
Property # 75 - A - 78	Stephens City, VA 22664
Name Barton, John W.	100 Lakeside Drive
Property # 75B - 6 - A - 27	Stephens City, VA 22655
Name Silvester, Deborah D.	102 Lakeside Drive
Property # 75B - 6 - A - 26	Stephens City, VA 22655
Name Davis, Timothy and Darlene	104 Lakeside Drive
Property # 75B - 6 - A - 25	Stephens City, VA 22655
Name Wells Fargo Bank NA	3476 Stateview Blvd
Property # 75B - 6 - A - 24	Fort Mill, SC 29715
Name Jordan, Eugene R.	108 Lakeside Drive
Property # 75B - 6 - A - 23	Stephens City, VA 22655
Name Lakeside Homeowners Association Inc	PO Box 10821
Property # 75B - A - 1E	Chantilly, VA 20153

Name and Property Identification Number	Address
Name Satian Enterprises Inc	46412 Esterbrook Circle
Property # 75B - A - 80C	Potomac Falls, VA 20165
Name These are the adjoining parcel owners	Additional property (townhouse) owners are provided on the address labels and shown on the drawings
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.

SEE DRAWINGS - 15449 - Tasker

12. Additional comments, if any: None

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant 

Signature of Owner 

Owners' Mailing Address 107 N. Kent, Winchester, VA 22601

Owners' Telephone No. 540-722-8383

<p>TO BE COMPLETED BY THE ZONING ADMINISTRATOR:</p> <p>USE CODE: _____</p> <p>RENEWAL DATE: _____</p>
--



Special Limited Power of Attorney
County of Frederick, Virginia
 Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents: That I (We)

(Name) County of Frederick, Virginia (Phone) _____

(Address) 107 North Kent, Winchester, VA 22601

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. Deed Book 861 on Page 1042, and is described as

Parcel: 75 Lot: B Block: A Section: 1 Subdivision: _____

do hereby make, constitute and appoint:

(Name) Lynn Koerner - Consultant for Shentel (Phone) 540-335-0030

(Address) 3126 South Ox Road, Edinburg, VA 22824

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Variance or Appeal

My attorney-in-fact shall have the authority to offer proffered conditions and to make attendments to previously approved proffered conditions except as follows:

Regarding the telecommunications tower only

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of February, 2017.

Signature(s) *[Handwritten Signature]*

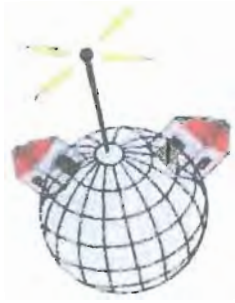
State of Virginia, City/County of Frederick, To-wit:

I, Teresa J. Price, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me, acknowledged the same before me in the jurisdiction aforesaid this 3rd day of Feb, 2017.

Teresa J. Price
 Notary Public

My Commission Expires: July 31





*Lynn Koerner – 540-335-0030
Site Acquisition and Project Development
Contractor for Shentel*

February 2, 2017

Zoning and Subdivision Administrator
107 North Kent
Suite 202
Winchester, VA 22601

Re: Shenandoah Mobile LLC – Shentel) – Site 15449 – Tasker – Conditional Use Permit

Dear Sir:

Shenandoah Mobile LLC (Shentel) is seeking a Conditional Use Permit under the Frederick County Zoning Ordinance for an unmanned wireless telecommunications facility. The facility will consist of a new 195' tall monopole structure with 4' lightning rod, with a 70' x 70' equipment compound within a 100' x 100' lease area. Shentel proposes to place their antenna and remote radios at a RAD center of 193'. Pursuant to the Zoning Ordinance, Shentel has designed the facility to accommodate a minimum of three (3) additional carriers. The entire compound area will be surrounded by an 8'tall board fence with additional landscaping. Access to the facility will be from a 20' access drive from the Library access and overflow parking area. The access drive is proposed to be constructed and covered with stabilization materials equivalent to the materials in the existing overflow parking area.

The telecommunications facility will have no impact on the air quality, water quality, radiation exposure, light pollution, noise pollution, or traffic congestion. The site will be routinely maintained with a minimum of one monthly visit. The facility will have limited access and parking for a standard size vehicle. The site has been designed to specifications provided for fire apparatus access road turnaround per the fire marshals comments.

The Property consists of approximately 16 acres and is zoned RP, Residential Performance. Adjoining properties are also zoned RP, Residential Performance.

The Property is owned by Frederick County and is currently improved with the Bowman Library and surrounding parking lots. The monopole and associated compound will be sited on the north east side of the Property and will be screened with a board fence and vegetative plantings.

Requirements:

This Facility will be part of Shentel's telecommunications network as illustrated on the engineering plans and propagation maps included with this application. Shentel's objective is to provide capacity for Sprint service east of Interstate 81 and along Tasker Road and into the area of the many residence in the subdivisions. The proposed installation will not only fill service gaps, but will enhance 4G-LTE data service to residences in the surrounding area. Currently due to the high demand of high-speed data, the existing surrounding cell sites do not support the capacity needs for the area. This site will offload the existing sites and enhance data speeds. There are no existing structures within the search area to support Shentel's antennas.

Zoning:

In accordance with the requirements of Section 165-204.19 (1)-(5), Shentel submits the following information.

1. Propagation maps depicting the need for improved service in the target area
2. The search area map
3. Shentel confirms that a complete search of the search ring was conducted and that no existing infrastructure is available on which to co-locate. Shentel has an installation on the nearby water tank at the Sanitation Authority and determination was made that this site does not support the need and will not work. Upon making the determination that no other structures were available in this area, Shentel then sought a rawland site to develop this proposal.
4. Radio Frequency Engineer's letter documenting compliance with Federal Communications Commission ANSI/EEE Standards.
5. The Site Agreement dated Dec 2, 2016 and signed by both Shentel and Frederick County addresses the information that both parties are aware of the requirements as stated in paragraph 165-204.19B(7) regarding tower removal.

Section 165-204.19 of the Zoning Ordinance provides the performance standards for telecommunication uses. The proposed facility complies with the performance standards as follows:

The Board of Supervisors may reduce the required setback distance for commercial telecommunications facilities as required by 165-201.03B(8) of this chapter if it can be demonstrated that the location is of equal or lesser impact. When a reduced setback is requested for a distance less than the height of the tower, a certified Virginia engineer

shall provide verification to the Planning Commission that the tower is designed, and will be constructed, in a manner that if the tower collapses for any reason the collapsed tower will be contained in an area around the tower with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. In no case shall the setback distance be reduced to less than $\frac{1}{2}$ the distance of the tower height. Commercial telecommunications facilities affixed to existing structures shall be exempt from setback requirements, provided that they are located no closer to the adjoining property line from the existing structure.

Response: Shentel is seeking a waiver of the setback requirement from the northern property line. The monopole setback will be 127' from the northern boundary line of the parcel (tower is 195' in height and the RP Zoning District height maximum is 45', $195' - 45' = 150'$) The normal rear setback is (50') in RP Zoning District plus one foot for every foot over the maximum height of the district ($45' = 150'$ higher than is allowed in the district. $50' + 150' = 200'$) The site plan indicates that the tower is placed 127' from the property line and the setbacks cannot be met. The resulting computation is $(200' - 127' = 73')$ resulting in a waiver request of 73'. It should be noted that the northern property cuts thru the lake which will preclude any development. The placement of the tower is to the rear of the parcel to utilize some of the vegetation as well as remain removed from the easement area for the sanitary line running from the library towards Lakeview Drive. The setback is less than the height of the proposed structure and verification from a certified engineer from Valmont Structures is provided with the application concerning this matter.

(2) Monopole-type construction shall be required for new commercial telecommunications towers. The Board of Supervisors may allow lattice-type construction for new telecommunications tower when existing or planned residential areas will not be impacted and when the site is not adjacent to identified historical resources.

Response: The proposed tower will be a monopole type construction.

(3) Advertising shall be prohibited on commercial telecommunications facilities except for signage providing ownership identification and emergency information. No more than two signs shall be permitted. Such signs shall be limited to 1.5 square feet in area and shall be posted no higher than 10 feet above grade.

Response: There will be no signs or advertising on the facility other than permitted by this paragraph.

(4) When lighting is required on commercial telecommunications facility towers, dual lighting shall be utilized which provides daytime white strobe lighting and nighttime red pulsating lighting unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission. Strobe lighting shall be shielded from ground

view to mitigate illumination to neighboring properties. Equipment building and other accessory structures operated in conjunction with commercial telecommunications facility towers shall utilize infrared lighting and motion detector lighting to prevent continuous illumination.

Response: The tower will not be lighted unless required by the FAA or as provided as a condition of approval by the Board of Supervisors. If lighting of the tower is required that lighting will be in accordance with the FAA and this paragraph. All other associated lighting will comply with the requirements of this paragraph.

(5) Commercial telecommunications facilities shall be constructed with materials of a galvanized finish or painted a noncontrasting blue or gray unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission.

Response: The tower will be of a galvanized, gray finish

(6) Commercial telecommunications facilities shall be adequately enclosed to prevent access by persons other than employees of the service provide. Appropriate landscaping and opaque screening shall be provide to ensure that equipment buildings and other accessory structures are not visible from adjoining properties, road or other rights-of-way.

Response: All associated equipment at the base of the monopole structure will be within a 70' x 70' compound area surrounded by an 8' tall wood fence with a tree planting proposed around the perimeter of the fence.

(7) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the Frederick County Department of Planning and Development. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed within the ninety-day period, the County will remove the facility and a lien may be placed to recover expenses.

Response: If the tower facility is not used for a continuous period of 12 months it will be removed along with all associated equipment and fencing as defined in the lease agreement dated December 2, 2016.

Compliance with the Frederick County Comprehensive Plan:

Although telecommunications facilities are not specifically addressed, Shentel feels that this proposed facility is in accordance with the design principals of the Urban Area. Many people are replacing their landline phones with wireless phones and devises. This area of the county is built up with many residents. Shentel seeks to improve service in

this area where there is existing demand and where future growth is anticipated. This site has been sited to improve service for the residents and visitors of this portion of Frederick County and to ensure reliable coverage for emergency response personnel and those who depend upon them.

Shentel is sensitive to the importance of preserving the natural and historic resources of the County. Shentel is required, as part of the Conditional Use Permit Application process to provide documentation of review pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act and the State

Historic Preservation Office (SHPO). Our consultant has conducted his evaluation of the area and has submitted the report to the State. The preliminary report will demonstrate that there are no adverse effects of surrounding historic resources and a final report will be provided upon receipt.

Shentel submits that the proposed tower is in keeping with the core values and principals outlined for this area of Frederick County.

Conclusion:

We respectfully submit that the conditional use permit be approved as it is in conformance with the Frederick County Comprehensive Plan and meets the standards in the Frederick County Zoning Ordinance, with the exception of the setback requirement from the northern property line from which we are requesting a waiver, as outlined above.

Please contact me at (540)335-0030 should you have any questions.

Attachments
as

Sincerely yours,



Lynn Koerner
Site Acquisition
and Project Development
Contractor for Shentel



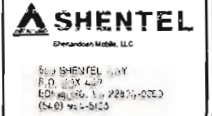
Shenandoah Mobile, LLC

SITE NUMBER: 15449

SITE NAME: TASKER

ADDRESS: 871 TASKER ROAD, STEPHENS CITY, VA 22655

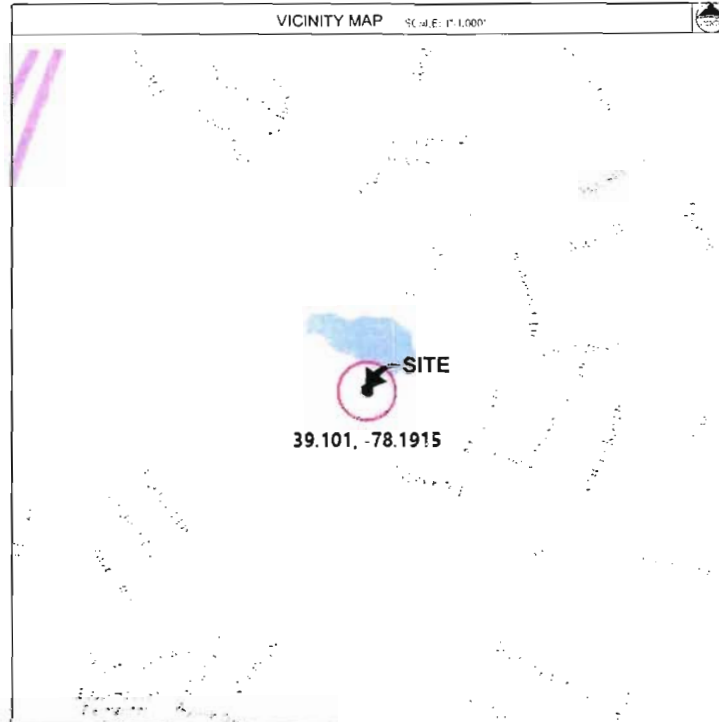
PROJECT TYPE: NEW EQUIPMENT AND NEW ANTENNAS ON A NEW 195' MONOPOLE W/ 4' LIGHTNING ROD



COPYRIGHT © 2011 T-SQUARED SITE SERVICES, LLC

SIGNATURES		
6	2.01.17	REDLINE REVISION KE
5	2.01.17	REDLINE REVISION KE
4	1.30.17	REDLINE REVISION KE
3	1.25.17	REDLINE REVISION KE
2	1.13.17	REDLINE REVISION KE
1	1.9.17	REDLINE REVISION KE
0	12.28.16	ISSUED FOR REVIEW WRS

PROJECT SUMMARY	
SITE NUMBER:	15449
SITE NAME:	TASKER
SITE ADDRESS:	871 TASKER ROAD, STEPHENS CITY, VA 22655
TOWER OWNER/DEVELOPER:	SHENANDOAH MOBILE, LLC 500 SHENTEL WAY EDINBURG, VA 22824 PHONE: 800-767-5203
ZONING JURISDICTION:	FREDERICK COUNTY
ZONING:	RP
PROPERTY ID NUMBER:	75R-2-1
PROPERTY AREA:	15 ACRES
PROPERTY OWNER:	FREDERICK COUNTY VIRGINIA 107 N HIGHT ST WINCHESTER, VA 22601
POWER PROVIDER:	SHENANDOAH VALLEY ELECTRIC
TELCO PROVIDER:	SHENTEL FIBER



APPROVAL LIST	
SITE AC:	
ZONING:	
REF:	
CONSTR. MANAGER:	
NETWORK-TECH:	
NETWORK-POWER:	
PROPERTY OWNER/REP:	
OPERATIONS:	
G.C.:	

SHEET INDEX	
SHEET	DESCRIPTION
1-1	TITLE SHEET
1-1-3	SITE SURVEY (BY APPEL AND SOLUTIONS)
2-1-3	SITE SURVEY (BY APPEL AND SOLUTIONS)
3-1-3	SITE SURVEY (BY APPEL AND SOLUTIONS)
2-1	ENLARGED SITE PLAN
2-2	ADJOINING PROPERTIES MAP
2-3	ADJOINING PROPERTIES
2-4	ADJOINING PROPERTIES
1-4	SITE PLAN
2-4	CONFOCAL PLAN
2-7	BASE STATION & ANTENNA PLANS
6-1	ANTENNA DETAILS

APPLICANT INFORMATION	
APPLICANT:	SHENTEL SHENANDOAH MOBILE, LLC 500 SHENTEL WAY P.O. BOX 459 EDINBURG, VA 22824 PHONE: 540-964-5123

ARCHITECT/ENGINEER INFORMATION	
ENGINEER:	T-SQUARED SITE SERVICES 2500 HIGHLAND ROAD, SUITE 201 HERMITAGE, PA 16149 PHONE: 724-308-7855 CONTACT: MARY THOMPSON

PROJECT DESCRIPTION	
THIS PROJECT CONSISTS OF THE INSTALLATION OF PCS EQUIPMENT, CONCRETE SLAB, SUPPORT FRAMES, ICE BRIDGES, AND ANTENNA FRAMES AND CABLES ON A NEW 195' MONOPOLE W/ 4' LIGHTNING ROD WITHIN A NEW FENCED OUTPOUND.	

BUILDING CODE	
USE GROUP: U (UTIL 17-3)	FIRE CODE: RP-PA 241 B NYVA (CRIPT 16)
CONST. TYPE: TOWER - 2L	

DRIVING DIRECTIONS	
AT EXIT 313, TAKE RAMP RIGHT FOR US-17 NORTH / US-50 WEST / US-522 NORTH TOWARD WINCHESTER TAKE RAMP FOR I-81 S, AT EXIT 310, TAKE RAMP RIGHT FOR VA-37 TOWARD KERNSTOWN, TURN LEFT ONTO VA-37 S, TURN RIGHT ONTO TASKER RD, SITE LOCATION ON THE LEFT.	
(4-D 85)	
LATITUDE: 39.100792° N	LONGITUDE: -78.191533° W

DO NOT SCALE DRAWINGS	
CONTRACTOR SHALL VERIFY ALL PLANS & DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME.	

HANDICAP REQUIREMENTS	
FACILITY IS DESIGNED AND NOT FOR HUMAN HABITATION. HUMANLY ACCESS IS NOT REQUIRED.	

PROJ. NO.: 10024

CHECKED BY: C.W.Clawer, P.E.



SITE INFORMATION:

TASKER
SITE NO. 15449

871 TASKER ROAD,
STEPHENS CITY, VA 22655

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

Tax Map 75, PIN: 75B-A-1E
Lakeside Homeowners Association, Inc.
Deed Book 869, Page 1134

S 17°00'35" E 1104.77'

Tax Map 75, PIN: 75B-A-1
Frederick County Virginia
"Mary Jane & James L. Bowman Library"
Deed Book 861, Page 1042
16 Acres

Rebar Found

LAKESIDE DRIVE

PROPOSED 100' x 100' LEASE AREA
(See Sheet 3 of 3)

PROPOSED 20' WIDE ACCESS EASEMENT
(See Sheet 2 of 3)

PROPOSED 5' WIDE UTILITY EASEMENT
(See Sheet 2 of 3)

Existing Library Building

Existing Paved Parking Lot

PROPOSED 20' WIDE ACCESS EASEMENT
(See Sheet 2 of 3)

Utility Pole #710717006

Utility Pole #710717007

Utility Pole #710717008

Utility Pole #710717009

TASKER ROAD

N 16°20'49" W 301.61'

R=3521.34'
L=230.36'

N 20°05'42" W 55.67'

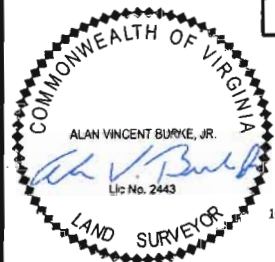
R=1270.07'
L=276.44'

N 32°33'57" W 40.92'

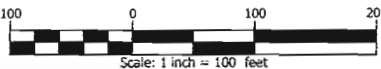
R=2490.35'
L=127.06'

R=843.48'
L=126.80'

R=491.31'
L=116.40'



1-26-2017



PLAN NOTES (cont.):

- The boundary lines shown below are derived from available Deeds, Tax Maps, and Plans of Record, and does not represent an actual boundary survey. See current deed book 861 page 1042, and deed book 632 page 466 for reference.
- Site Address is 871 Tasker Road, Stephens City, Virginia 22655 (Frederick County)
- This plan is subject to all easements and restrictions of record.
- The proposed facility will cause "De Minimis" Increase in Storm water Runoff. Therefore, no structures are proposed.
- No significant noise, smoke, dust, or odor will result from this facility.
- The facility is unmanned and is not intended for human habitation, there is no handicap access required.

PLAN NOTES (cont.):

- The facility is unmanned and does not require potable water or sanitary service.
- The proposed development does not include street signs of any type, and outdoor storage or any solid waste receptacles.
- Power to the facility will be monitored by a separate meter.
- According to FEMA flood insurance rate map community panel number: 540282 0078B, effective August 4th, 1998. The Proposed facility is not in a 100 year flood plan. and is in Zone - X, Other Areas
- One light is proposed at the facility for work while on site.
- Contractor to Test Pit Existing Sanitary Sewer Crossings, and coordinate with Frederick County Sanitation Authority Inspector, Tim Keffer (540-868-1061). A minimum 18" of vertical clearance is required.

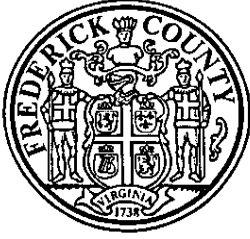
Apex Land Solutions, LLC
223 N. Prospect Street - Suite 304
Hagerstown, Maryland 211740
phone: (240) 455-5209
fax: (866) 914-0344
info.apexlandsolutions@gmail.com

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	Revised Monopole Height	SML	1-4-17
2	Revised FCSA Comments	SML	1-10-17
3	Revised FCSA & FCFM Comments	SML	1-26-17

**SITE SURVEY OF PROPOSED EASEMENTS AND LEASE AREA AT:
THE PROPERTY OF FREDERICK COUNTY VIRGINIA FOR:**

SHENTEL SHENANDOAH PERSONAL COMMUNICATIONS, LLC
SITE # 15449 - TASKER
Tax Map 75, PIN: 75B A 1- Frederick County, VA SHEET 1 of 3

Drawn: S. M. Landis
Checked: A. V. Burke, Jr.
Date: December 19, 2016
Project Number: 16-095
Scale: 1 inch = 100 feet



RESOLUTION

Action:

PLANNING COMMISSION: March 1, 2017 Recommended Denial

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #01-17 BOWMAN LIBRARY – 871 TASKER ROAD SHENANDOAH MOBILE, LLC

WHEREAS, Conditional Use Permit #01-17 to enable construction of a 165 foot Monopole-Type Commercial Telecommunications Facility, submitted by Shenandoah Mobile, LLC, was considered. The Property is located at 871 Tasker Road, Stephens City, Virginia and is further identified with Property Identification Number 75B-A-1, in the Shawnee Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on March 1, 2017, and recommended denial of the Conditional Use Permit; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 12, 2017; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #01-17 to enable construction of a 165 foot Monopole-Type Commercial Telecommunications Facility on the parcel identified by Property Identification Number 75B-A-1 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for co-locating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. The antennas will be “flush-mounted”.
6. The tower will be painted brown.
7. The tower will not be lighted.
8. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
9. Any expansion or modification of this use will require a new Conditional Use Permit.

In addition, should the Board of Supervisors find the waiver to the required setback is acceptable, a motion to recommend approval of the setback reduction of 43’ to allow the tower to be 127’ from the identified property would be appropriate.

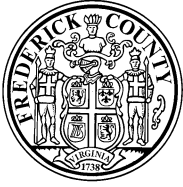
Passed this 12th day of April, 2017 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Judith McCann-Slaughter	_____
Gene E. Fisher	_____	Blaine P. Dunn	_____
Robert W. Wells	_____		

A COPY ATTEST

 Brenda G. Garton
 Frederick County Administrator

H



CONDITIONAL USE PERMIT #10-16
WILLIAM CONLEY – Cottage Occupation, Furniture Repair
Staff Report for the Planning Commission
Prepared: March 31, 2017
Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	03/01/17	Recommended Approval
Board of Supervisors:	04/12/17	Pending

EXECUTIVE SUMMARY: This is a request for a Conditional Use Permit (CUP) for a Cottage Occupation for a Furniture Repair Shop. Should the Planning Commission find this application for a furniture repair shop to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency requirements shall be complied with at all times.
2. No retail sales shall be permitted.
3. Hours of operation Monday-Friday 8:00 a.m. to 5:00 p.m.
4. No employees other than those residing on the property.
5. One (1) Cottage Occupation sign.
6. Any expansion or change of use shall require a new conditional use permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located at 5738 North Frederick Pike, Winchester, Virginia.

MAGISTERIAL DISTRICT: Gainesboro

PROPERTY ID NUMBER: 19-A-25D

PROPERTY ZONING & PRESENT USE:

Zoned: RA (Rural Areas)
Land Use: Residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RA (Rural Areas)	Use: Residential
South: RA (Rural Areas)	Use: Residential
East: RA (Rural Areas)	Use: Residential/Vacant
West: RA (Rural Areas)	Use: Residential

PROPOSED USE: Cottage Occupation-Furniture Repair

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a Conditional Use Permit for this property appears to have little measurable impact on Route 522, the VDOT facility which would provide access to the property. Existing entrance is adequate for proposed use. However, should use ever expand in the future, the entrance may have to be upgraded to VDOT commercial standards.

Frederick County Inspections: Area shall comply with The Virginia Existing Building Code, The Virginia Uniform Statewide Building Code and Section 311 – S-Storage Use Group of the International Building Code/2012. Other Code that applies is ICC/ANSI A117.1-09 Accessible and Usable Building Facilities.

Conditional Use of partial area in existing garage. A change of use permit is required. Please submit a detailed floor plan with your permit that indicates the floor area in the existing garage that will be used for business use.

Separation of garage area shall be maintained as required in IRC Section 302.5.

Storage of flammable/combustible liquids shall be in accordance with T 307.1.1. Storage of such

liquids shall be in an approved storage container as required under International Fire Code/National Fire Protection Agency for the type of liquid stored.

Winchester-Frederick County Health Department: The Frederick County Health Department cannot approve addition of employees. Public use of restroom cannot be approved. Health Department has no objection to the furniture repair business operated by residents of house on property.

Frederick County Fire Marshall: Plans approved. Approved as long as 3 conditions are met. At least 1 5lb ABC fire extinguisher be installed and tagged in the shed. At least one (1) working smoke detector installed in the shed. The fire department has access to the shed and be maintained at all times.

Planning and Zoning: The Frederick County Zoning Ordinance allows cottage occupations in the Rural Areas (RA) Zoning District with an approved Conditional Use Permit (CUP). This proposed cottage occupation will be for a furniture repair business located within an attached garage 21'x 25' in area. The Applicant intends to have two (2) customers per week to the property. The only employees with this CUP shall be those residing on the property. Hours of operation per the Applicant shall be Monday-Friday 8:00 a.m. to 5:00 p.m. This use will have two (2) customers per week. Staff has not added a condition limiting the amount of customers. The Planning Commission may include one if desired.

The subject property is not in an area where a land use study has been adopted by the County. The proposed Cottage Occupation is consistent with the goals of the 2035 Frederick County Comprehensive Policy Plan. Specifically, land use goals for the rural areas of the County identify the importance of maintaining a rural character in areas outside of the Urban Development Area (UDA). Based on the limited scale of the applicant's proposed cottage occupation, it appears it would not have negative impacts on adjoining properties or detract from the rural character of the area.

If approved, the applicant may have one cottage occupation sign no greater than four (4) square feet in size.

STAFF CONCLUSIONS FOR THE 03/01/17 PLANNING COMMISSION MEETING:
Should the Planning Commission find this use appropriate, Staff would recommend the following conditions:

1. All review agency requirements shall be complied with at all times.
2. No retail sales shall be permitted.

3. Hours of operation Monday-Friday 8:00 a.m. to 5:00 p.m.
4. No employees other than those residing on the property.
5. Any expansion or change of use shall require a new conditional use permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 03/01/17 MEETING:

Staff reported this application is for a Cottage Occupation/Furniture Repair Shop and the property is located on North Frederick Pike (Route 522 North) and is zoned RA (Rural Areas) District and the land use is Residential. Staff continued, the Frederick County Zoning Ordinances allows a Cottage Occupation in the Rural Areas Zoning District with an approved CUP (Conditional Use Permit). Staff explained this proposed Cottage Occupation will be for a furniture repair business located within an attached garage approximately 21'x25' in area. Staff recommended the following conditions:

1. All review agency comments shall be complied with at all times.
2. No retail sales shall be permitted.
3. Hours of operation Monday-Friday 8:00 a.m. to 5:00 p.m.
4. No employees other than those residing on the property.
5. One cottage occupation sign is permitted.
6. Any expansion or change of use shall require a new conditional use permit.

A Commission Member asked if this business has been in operation at this location for some time. Staff explained that is correct; this came to the Planning Department as a zoning violation; to resolve the violation the CUP has been brought forth. The Commission Member asked the Applicant if he understood and agrees to all of the conditions presented by Staff. The Applicant stated he understands the conditions and Staff explained them well.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #10-16 for William Conley.

Absent: Ambrogi, Manuel Oates

CONCLUSION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a Cottage Occupation for a Furniture Repair Shop. Should the Planning Commission find this application for a furniture repair shop to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency requirements shall be complied with at all times.

2. No retail sales shall be permitted.
3. Hours of operation Monday-Friday 8:00 a.m. to 5:00 p.m.
4. No employees other than those residing on the property.
5. One (1) Cottage Occupation sign.
6. Any expansion or change of use shall require a new conditional use permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

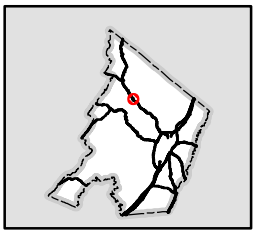
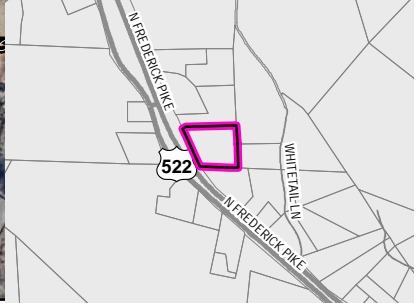
CUP # 10 - 16

William Conley

PIN:
19 - A - 25D
Cottage Occupation

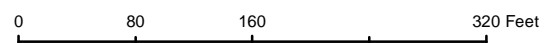


- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- M2 (Industrial, General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)



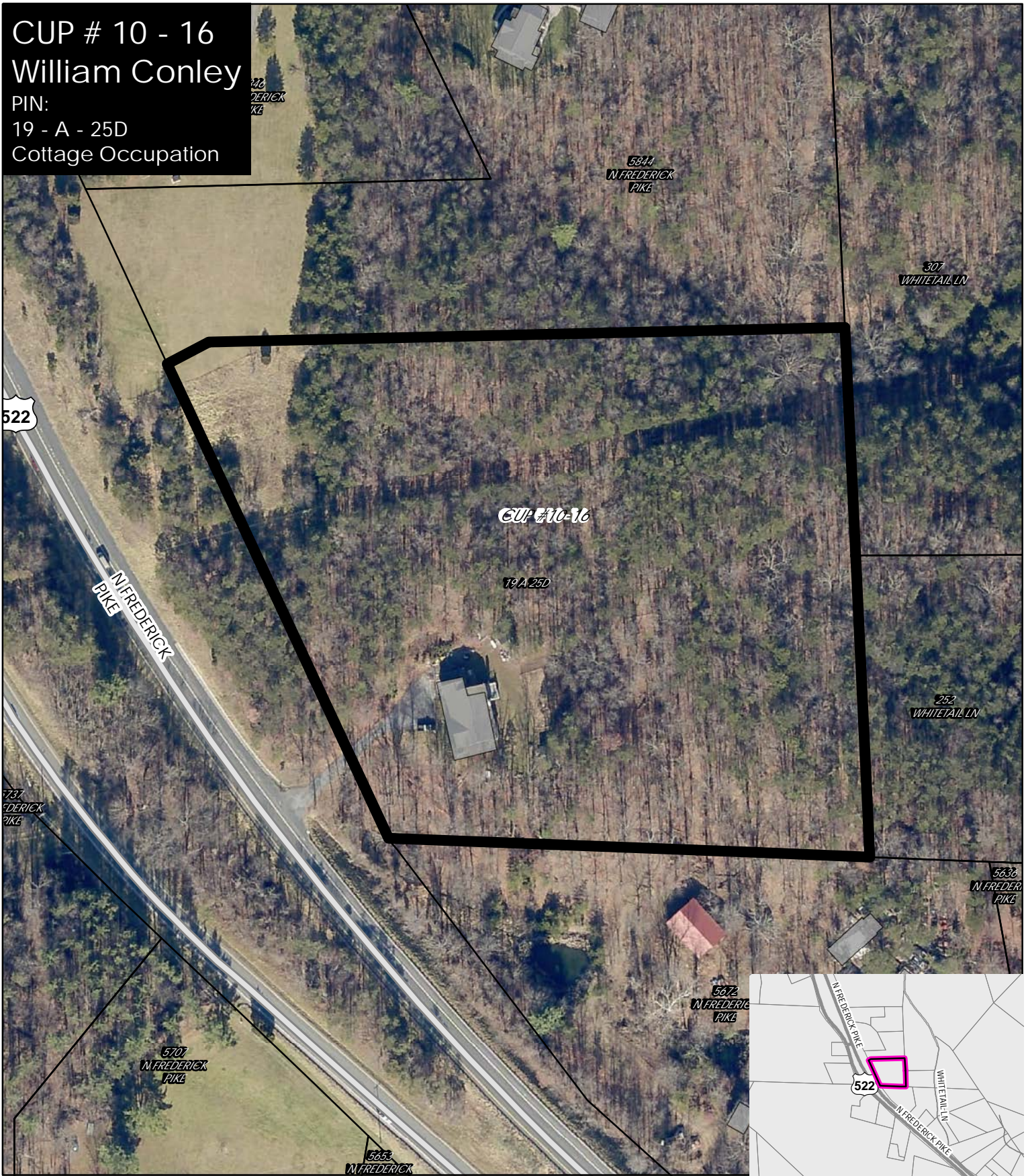
CUP # 10 - 16
William Conley
PIN:
19 - A - 25D
Cottage Occupation

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 1, 2016
Staff: mcheran

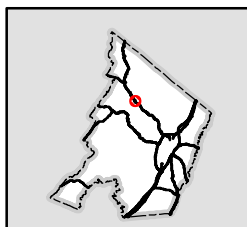


CUP # 10 - 16 William Conley

PIN:
19 - A - 25D
Cottage Occupation



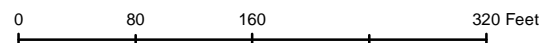
- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints



CUP # 10 - 16 William Conley

PIN:
19 - A - 25D
Cottage Occupation

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 1, 2016
Staff: mcheran





Submittal Deadline	
P/C Meeting	3/1/17
BOS Meeting	4/12/17

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner Other

NAME: William Conley

ADDRESS: 5738 N. Frederick Pike

TELEPHONE: 703-379-1454

2. Please list all owners, occupants, or parties in interest of the property:

N/A

3. The property is located at: (please give exact directions and include the route number of your road or street)

10 miles north of Winchester, VA on
US 522 north bound side

4. The property has a road frontage of 300 feet and a depth of 500 feet and consists of 6.5 acres. (Please be exact)

5. The property is owned by William Conley as evidenced by deed from J. SMELLY DUPAS (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 19 A 250
Magisterial District GAINESBORO
Current Zoning RA

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Residential	RA
East	_____	RA
South	_____	RA
West	_____	RA

8. The type of use proposed is (consult with the Planning Dept. before completing):

Furniture Repair Shop in garage.

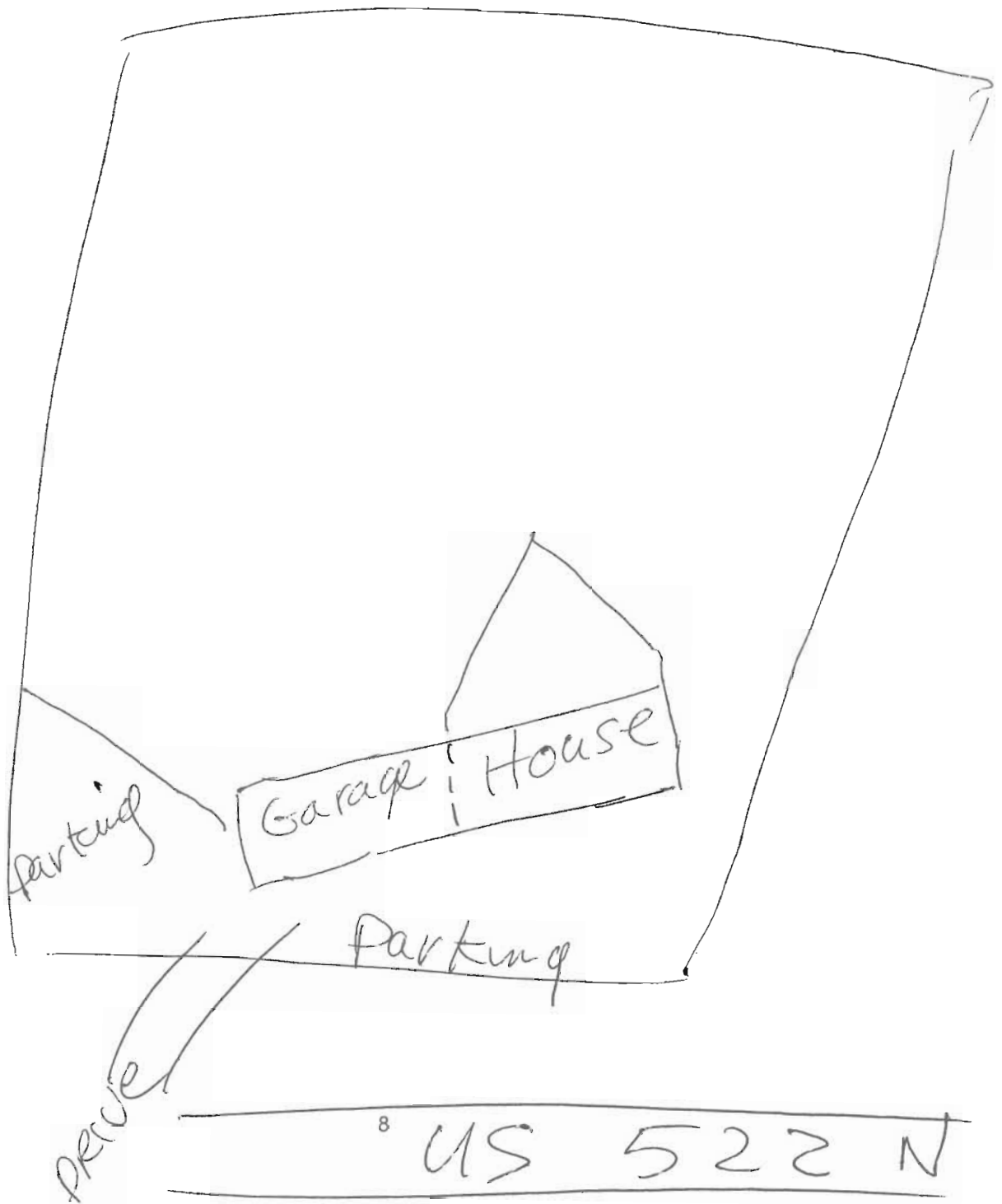
9. It is proposed that the following buildings will be constructed:

N/A

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name Kim Nail	307 Whitetail Ln Winchester, VA 22603
Property # 19-A-27A	
Name Betty Fout	3914 Northerwestern Pk Winchester, VA 22603
Property # 19-A-22	
Name Ward Burnette	5672 N. Frederick Pk Winchester, VA 22603
Property # 29-4-8	
Name Samuel/Mary Plasters	5844 N. Frederick PK Winchester, VA 22603
Property # 19-A-25C	
Name Patrick Whitacre	51 Ambassador Cir. Martinsburg, WV 25405
Property # 29-A-32	
Name Nancy V. Rhodes Etals	582 Apple Orchard Circle Berkeley Springs, WV 25411
Property # 19-A-24	
Name William Conley	5738 N. Frederick Pk Winchester, VA 22603
Property # 19-A-25D	

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.



12. Additional comments, if any: _____

Furniture repair business
2 employees
one customer per week

Open Monday thru Friday
8 AM to 5 PM

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant William J. Smith

Signature of Owner William J. Smith

Owners' Mailing Address 5739 W. Frederick Pike

Owners' Telephone No. 540 888-4039

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:
USE CODE: _____
RENEWAL DATE: _____

NOTES

1. No Title Report Furnished.
2. Easements may exist that are not shown.
3. The original subdivision plat of R. S. Contractor, Inc. is recorded in the Office of the Clerk of the Circuit Court of Frederick County, Virginia in Instrument Number 020012246.
4. The property shown on this plat is located in Zone "C", as shown on F.E.M.A. Flood Insurance Rate Map, Community-Panel Number 510063 0050 B, effective date of July 17, 1978.

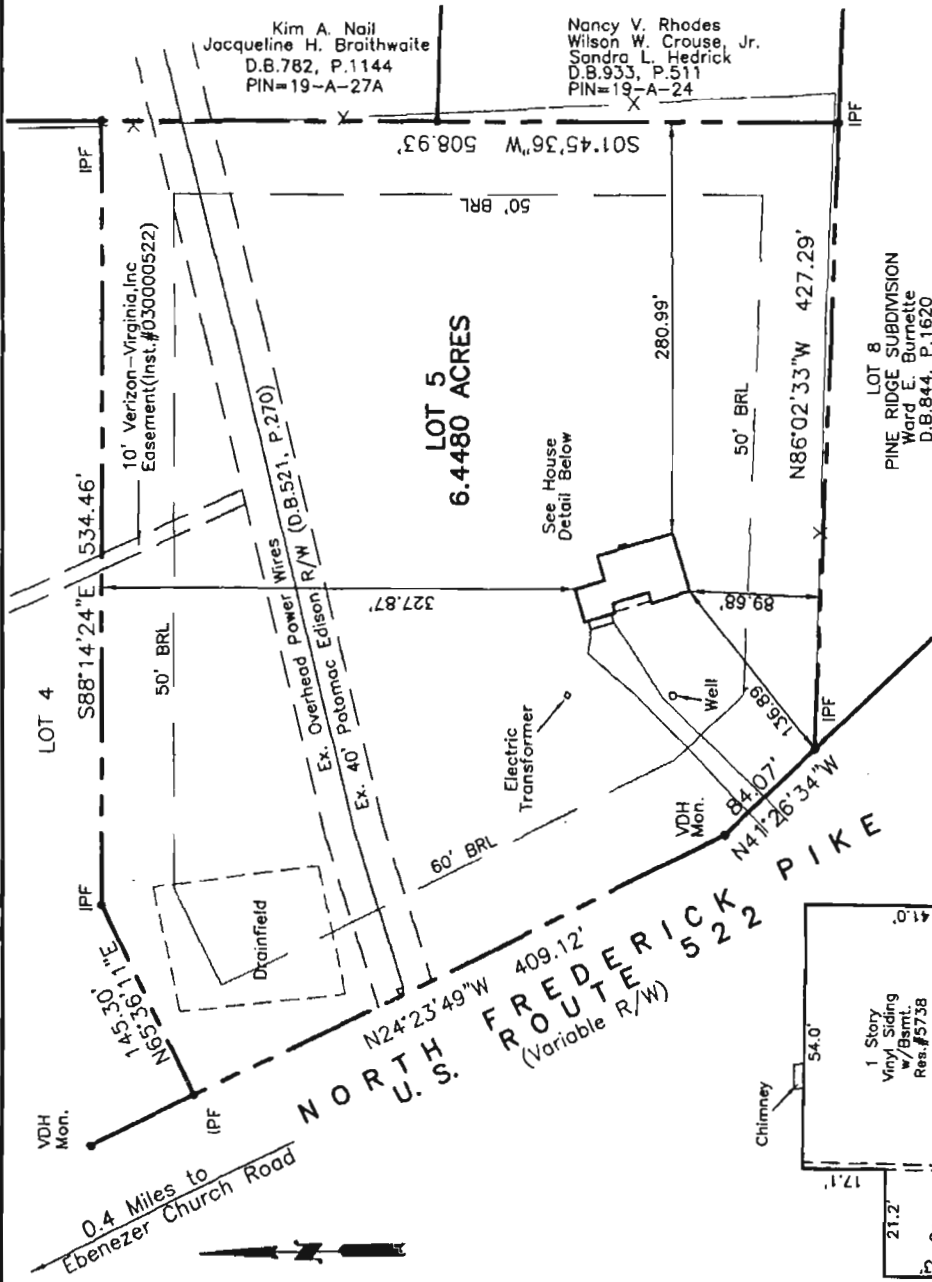
"This is to certify that on July 11, 2003, I made an accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon."



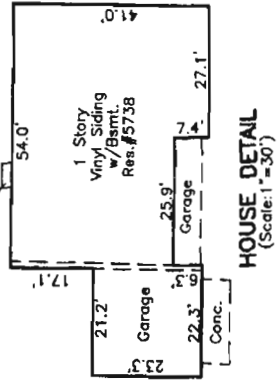
HOUSE LOCATION
LOT 5

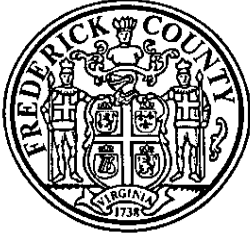
R. S. CONTRACTORS, INC

GAINESBORO DISTRICT
FREDERICK COUNTY, VIRGINIA ££00
SCALE: 1"=100' JULY 11, 2003
PAINTER-LEWIS, P.L.C.
302 SOUTH BRADDOCK STREET
WINCHESTER, VIRGINIA 22601
540-662-5792



LOT 8
PINE RIDGE SUBDIVISION
Ward E. Burnette
D.B. 844, P. 1620
PIN=29-5-6





RESOLUTION

Action:

PLANNING COMMISSION: March 1, 2017 Recommended Approval

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #10-16 WILLIAM CONLEY (Cottage Occupation, Furniture Repair)

WHEREAS, Conditional Use Permit #10-16 William Conley – Cottage Occupation, Furniture Repair, submitted by William Conley, was considered. The Property is located at 5738 North Frederick Pike, Winchester, Virginia and is further identified with Property Identification Number 19-A-25D, in the Gainesboro Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on March 1, 2017, and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 12, 2017; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #10-16 for a Cottage Occupation for Furniture Repair on the parcel identified by Property Identification Number 19-A-25D with the following conditions:

1. All review agency comments shall be complied with at all times.
2. No retail sales shall be permitted.
3. Hours of operation Monday – Friday 8:00 a.m. to 5:00 p.m.
4. No employees other than those residing on the property.
5. One (1) Cottage Occupation sign.
6. Any expansion or change of use shall require a new conditional use permit.

Passed this 12th day of April, 2017 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Judith McCann-Slaughter	_____
Gene E. Fisher	_____	Blaine P. Dunn	_____
Robert W. Wells	_____		

A COPY ATTEST

Brenda G. Garton
 Frederick County Administrator

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CONDITIONAL USE PERMIT #02-17
SALVATORE CARRANO - AirBnB
Staff Report for the Board of Supervisors
Prepared: March 30, 2017
Staff Contact: M. Tyler Klein, AICP, Planner

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	03/15/17	Recommended Approval
Board of Supervisors:	04/12/17	Pending

EXECUTIVE SUMMARY & PLANNING COMMISSION RECOMMENDATION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a Rooming House (AirBnB). Should the Board of Supervisors find this application for a rooming house to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. No more than one room rented at any given time.
3. No employees, other than those residing on the premise, are allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new CUP.

Staff further recommends the Board of Supervisors consider an additional condition noting that at such time the owner sells the property at 132 Seabreeze Lane, the CUP is no longer valid for the address.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located generally south of Valley Mill Road, immediately west of Brookland Lane at 132 Seabreeze Lane, Winchester, Virginia in the Windstone Community.

MAGISTERIAL DISTRICT: Red Bud

PROPERTY ID NUMBER: 54I-7-1-90

PROPERTY ZONING & PRESENT USE:

Zoned: RP (Residential Performance)
Land Use: Residential (Townhome)

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RP (Residential Performance)	Use:	Residential
South:	RP (Residential Performance)	Use:	Vacant/Open Space
East:	RP (Residential Performance)	Use:	Residential
West:	RP (Residential Performance)	Use:	Vacant/Open Space

PROPOSED USE: A rooming house (AirBnB rental) with one (1) bedroom being designated as a short-term rental for out-of-town guests.

REVIEW EVALUATIONS:

Virginia Department of Transportation: This office has no objection to the proposed conditional use.

Frederick County Inspections: Building shall comply with the 2012 Virginia Property Maintenance Code. A building permit is required to add an additional bedroom to the Certificate of Occupancy.

Proprietor occupied bed and breakfast and other transient boarding facilities not more than three stories above grade plan in height, that are also occupied as the residence of the proprietor, with a maximum of five guest room sleeping units provided for the transient occupants are permitted to be classified as either Group R-3 or R-5 provided that smoke alarms are installed in compliance with Section 907.2.11.2 for Group R-3 or Section 314 of the IRC for Group R-5.

(R-5) Smoke alarms shall be listed and labeled in accordance with UL 217 and shall be installed in the following locations:

- In each sleeping area
- Outside each separate sleeping area in the immediate vicinity of the bedrooms
- On each story of the dwelling, including basements and habitable attics

Frederick County Sanitation Authority: No comments.

Frederick County Fire Marshall: Conditional Use Permit (CUP) approved provided the following are met:

There shall be at least one functioning smoke detector in the area(s) that pertain to this CUP. There shall be at least one 5lb. multipurpose ABC fire extinguisher hung and tagged in the area(s) that pertain to this CUP.

Planning and Zoning: This application for a Conditional Use Permit (CUP) is in response to a zoning violation complaint of a rooming house (AirBnB rental) that was received by Staff. Obtaining a CUP for this use is an available option to resolve the issue. A rooming house is a permitted use in the RP (Residential Performance) Zoning District with an approved CUP. The Zoning Ordinance defines boarding or rooming houses as a *dwelling or part thereof where, for compensation, lodging and /or meals are provided to boarders*. The Zoning Ordinance does not specify a restriction on the number of night's guest may stay.

The property is located within the Windstone Subdivision, and is an end unit. The property is surrounded by like dwellings (townhomes) and open (common) space. This proposed use will take place within a three (3) bedroom, 2.5 bath townhome with one (1) room being rented at any given time. The Applicant has two (2) dedicated parking spaces for his unit, and has a dedicated rental room and kitchenette in the walk-out basement reserved for the AirBnB guests. Additional shared visitor parking spaces are also available in the immediate vicinity of the unit. The County's Building Inspections Department issued a separate Certificate of Occupancy (CO) for this new bedroom (attached), and a letter of support from the Windstone Homeowners Association (HOA) has also been provided (attached).

The Applicant is also subject to "Hosting Standards" from AirBnB in serving as a "host," and currently has a five star rating from AirBnB. There will be no outside employees or signage associated with this CUP. The clientele of this use will make a reservation and remit payment via the internet (AirBnB). The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as part of the *Senseny Eastern Frederick Urban Area Plan* and is to remain residential in nature and is not part of any land use study.

Staff further recommends the Board of Supervisors consider an additional condition noting that at such time the owner sells the property at 132 Seabreeze Lane, the Conditional Use Permit is no longer valid for the address. The Applicant would also agree to this Condition.

STAFF CONCLUSIONS FOR THE 03/15/17 PLANNING COMMISSION MEETING:

Should the Board of Supervisors find this use appropriate, Staff would recommend the following conditions:

1. All review agency comments shall be complied with at all times.
2. No more than one room rented at any given time.
3. No employees, other than those residing on the premise, are allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new CUP.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 03/15/17 MEETING:

Staff presented CUP #02-17 at the March 15, 2016 Planning Commission public hearing, noting the site is a suburban single-family attached (SFA) residence (townhome), presently zoned RP (Residential Performance) and the Applicant is seeking a Conditional Use Permit (CUP) for a rooming house/boarding (AirBnB) rental. Staff presented maps identifying the location, an outline of the property, and the proposed illustrative sketch provided by the Applicant, Mr. Klein noted the townhome was an end unit and the Applicant had two designated parking spaces and additional visitor spaces within a short distance of the unit. Staff continued that the property is surrounded by like RP properties, and has open space on two (2) sides. Staff also summarized the proposed conditions, noting the Applicant had agreed to the conditions as presented. Staff concluded that the Applicant had addressed all review agency comments, including getting a separate Certificate of Occupancy (CO) for the rental room, and had addressed all of staff's requests to come into compliance with the Zoning Ordinance.

The Applicant, Salvatore Carrano, made brief remarks, noting he had a former AirBnB guest and neighbor/Homeowner Association (HOA) President in attendance in support of the application. Mr. Carrano noted he was the only resident of the property, lived at the property full-time and was generally home when AirBnB guests were present. Further, Mr. Carrano noted he abides by the rules set forth by AirBnB and all guests were required to submit their driver's license and information through the AirBnB website. Additionally, AirBnB hosts are permitted to approve any bookings prior to the reservation being made.

One member of the public spoke in support of the application, noting that in addition to being a neighbor of the Applicant, he was also President of the Windstone HOA and that he had no objection to the CUP being requested.

The Planning Commission asked Staff if any other rooming houses had been approved. Staff notes that one such case came forward in early-2016 and was denied. However, Staff noted that in this case the owner was renting out multiple bedrooms and that there were objections for neighboring property owners. Staff reiterated they had not received any complaints regarding the application from the immediately adjacent owners. The Planning Commission also asked Staff what is the possibility for other townhomes in the Windstone Community to rent out a room (or

more) in their units. Staff noted that rooming houses/boarding houses require a CUP in the RP District; and that such cases are reviewed on a case-by-case basis, and these would also require public hearings before the Planning Commission and the Board of Supervisors.

The Planning Commission voted 6-2-5 (Kenney & Triplett – No; Mohn, Oates, Unger, Dunlap & Molden absent) to recommend approval with conditions of CUP #02-17 for Salvatore Carrano for a rooming house/boarding house (AirBnB).

EXECUTIVE SUMMARY & PLANNING COMMISSION RECOMMENDATION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a Rooming House (AirBnB). Should the Board of Supervisors find this application for a rooming house to be appropriate, Staff recommends that the following conditions be attached to the CUP:

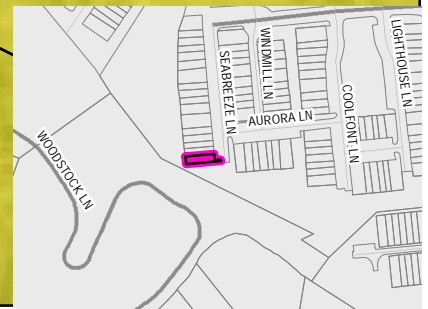
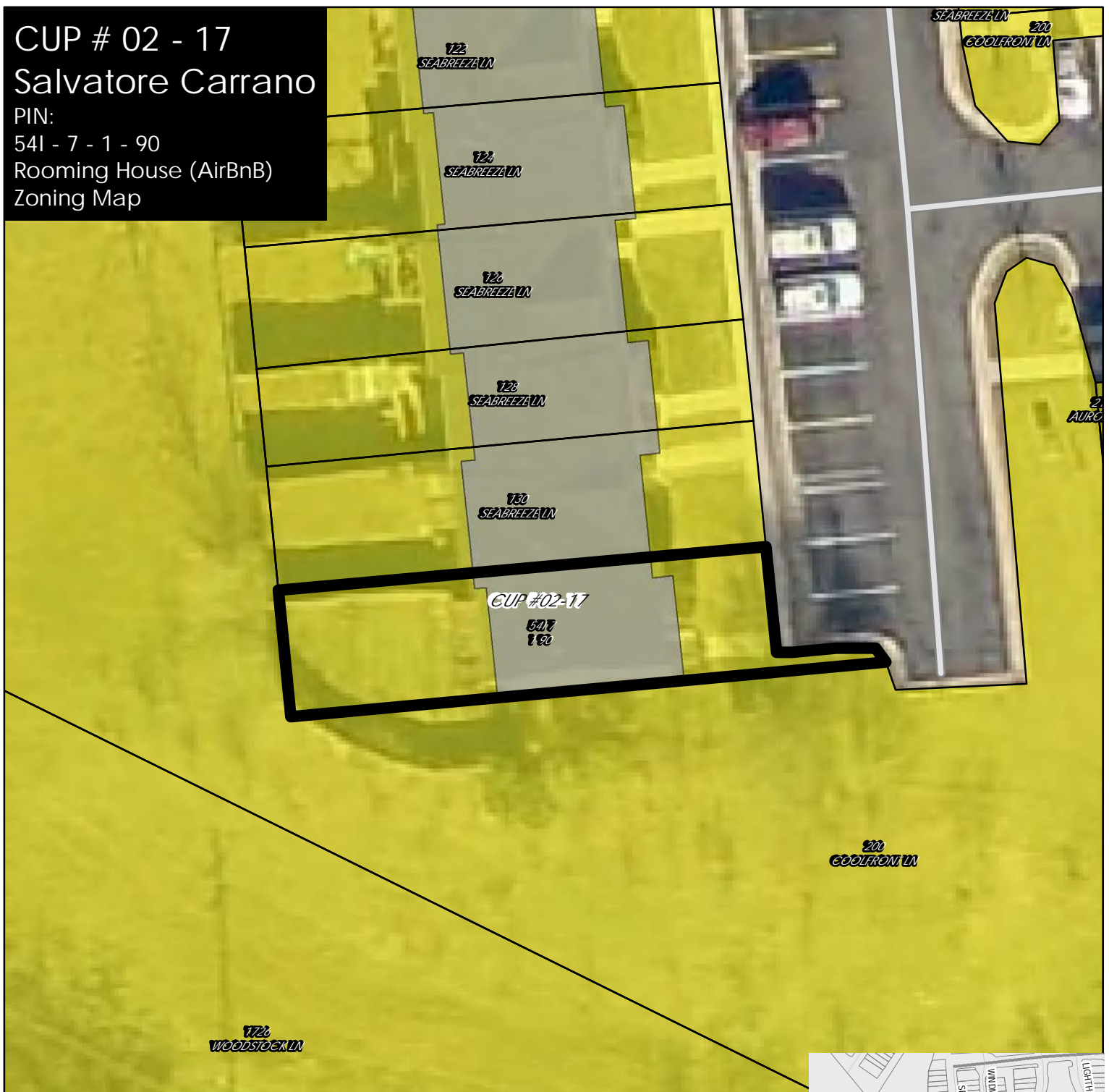
1. All review agency comments shall be complied with at all times.
2. No more than one room rented at any given time.
3. No employees, other than those residing on the premise, are allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new CUP.

















Staff further recommends the Board of Supervisors consider an additional condition noting that at such time the owner sells the property at 132 Seabreeze Lane, the CUP is no longer valid for the address.

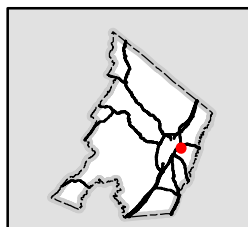
Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

CUP # 02 - 17 Salvatore Carrano

PIN:
541 - 7 - 1 - 90
Rooming House (AirBnB)
Zoning Map



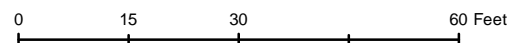
-  Applications
-  Parcels
-  Building Footprints
-  B1 (Neighborhood Business District)
-  B2 (General Business District)
-  B3 (Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Light Industrial District)
-  M2 (Industrial General District)
-  MH1 (Mobile Home Community District)
-  MS (Medical Support District)
-  OM (Office - Manufacturing Park)
-  R4 (Residential Planned Community District)
-  R5 (Residential Recreational Community District)
-  RA (Rural Areas District)
-  RP (Residential Performance District)



CUP # 02 - 17 Salvatore Carrano

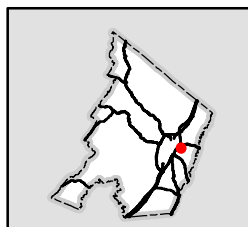
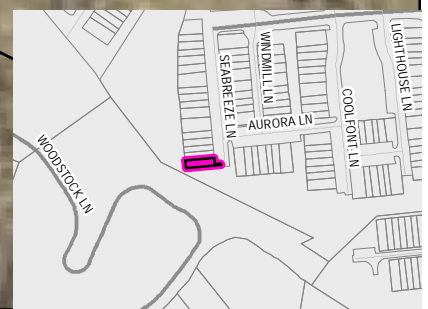
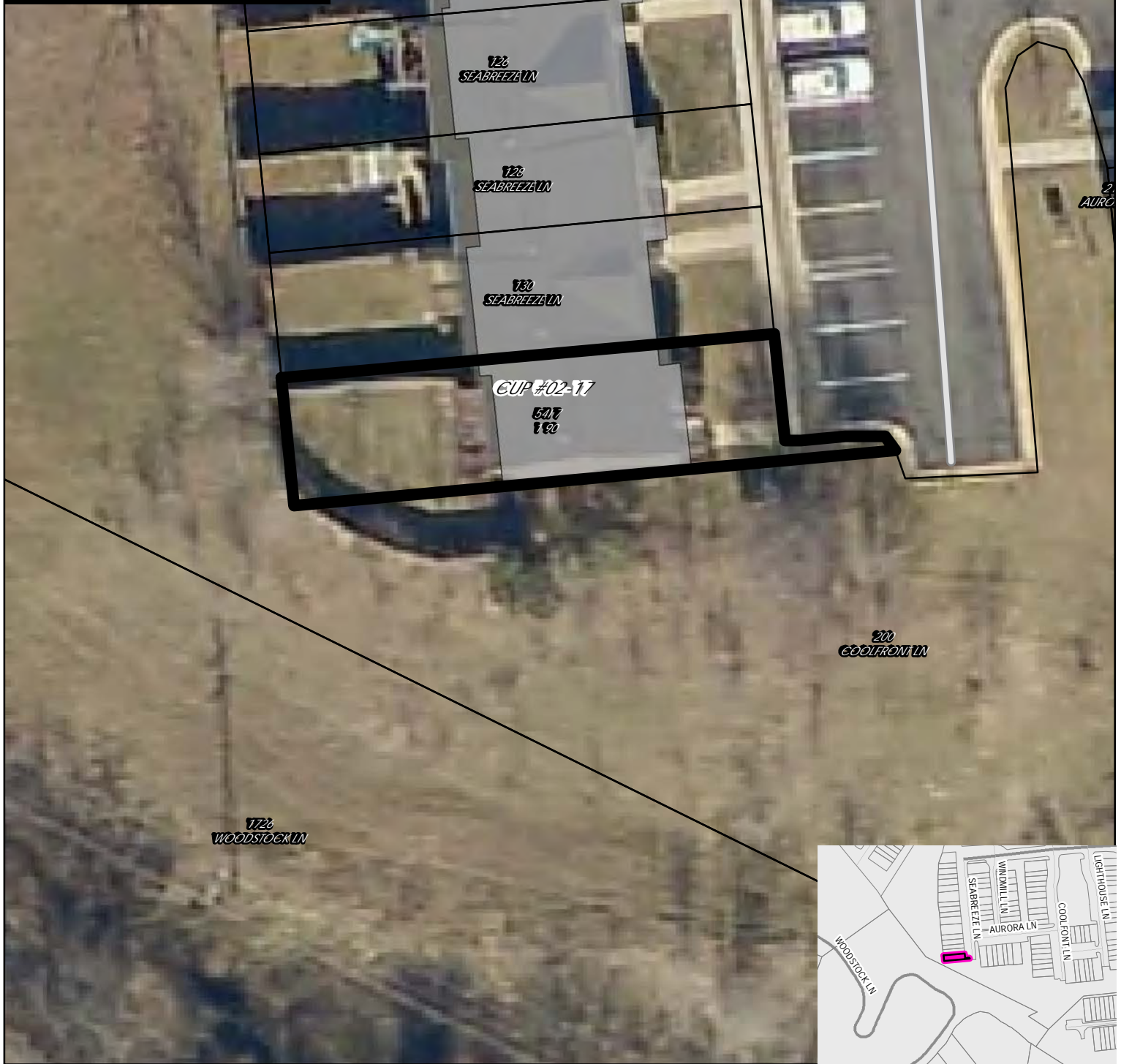
PIN:
541 - 7 - 1 - 90
Rooming House (AirBnB)
Zoning Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: February 7, 2017
Staff: tklein



CUP # 02 - 17 Salvatore Carrano

PIN:
541 - 7 - 1 - 90
Rooming House (AirBnB)
Location Map

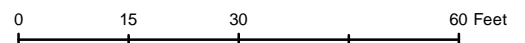


- Applications
- Parcels
- Building Footprints

CUP # 02 - 17 Salvatore Carrano

PIN:
541 - 7 - 1 - 90
Rooming House (AirBnB)
Location Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: February 7, 2017
Staff: tklein





Submittal Deadline	02/03/17
P/C Meeting	03/15/17
BOS Meeting	04/12/17

**APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner Other

NAME: SALVATORE CARRANO

ADDRESS: 132 SEABREEZE LN. 22602

TELEPHONE: 908-405-8227

2. Please list all owners, occupants, or parties in interest of the property:
SALVATORE CARRANO

3. The property is located at: (please give exact directions and include the route number of your road or street)
132 SEABREEZE LN -
OFF BROOKLAND + VALLEY MILL

4. The property has a road frontage of 24 feet and a depth of 92 feet and consists of 0.08 acres. (Please be exact)

5. The property is owned by SALVATORE CARRANO as evidenced by deed from _____ (previous owner) recorded in deed book no. _____ on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 54I-7-1-90
Magisterial District RED BUD
Current Zoning RP (R-5)

7. Adjoining Property:

	USE	ZONING
North	RESIDENTIAL	RS
East		
South		
West		

8. The type of use proposed is (consult with the Planning Dept. before completing):

ROOMING HOUSE / BOARDING
(AIRBNB)

9. It is proposed that the following buildings will be constructed:

N/A

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name ARTURO MORALES Property # 541-7-1-89	130 SEABREEZE LN WINCHESTER VA 22602
Name WINDSTONE HOMEOWNERS Property # 541-7-1-98A	302 W. BOSCAWEN ST., ST.#3B WINCHESTER, VA 22601
Name MARY LINDA REEDER Property # 541-7-1-63	421 FOXRIDGE DR. SW WINCHESTER VA 22602 LEESBURG, VA 20175
Name CHELSEA M. RODRIGUEZ Property # 541-7-1-64	121 SEABREEZE LN WINCHESTER, VA 22602
Name	
Property #	
Name	
Property #	
Name	
Property #	

12. Additional comments, if any: I HAVE BEEN A VERY
SUCCESSFUL HOST ON AIRBNB. I HAVE A 5
STAR RATING AND HAVE NO COMPLAINTS. I HAVE
MADE LIFE LONG FRIENDS OF WHOM I TRUST
WITH MY HOME AND DOG. I HAVE TWO DEDICATED
PARKING SPACES OF WHICH ONE IS DEDICATED TO
ME AND THE OTHER TO AIRBNB. I AM THE ONLY
RESIDENT OCCUPANT IN MY HOME, AS IT DOES NOT
DISTURB ANY OTHER PARKING. I HAVE RECEIVED
BARKING FROM SEVERAL NEIGHBORS AND HAVE
PROVIDED A SAFE SURROUNDING FOR THE COMMUNITY
AND GUESTS BY THE PROCEDURES AIRBNB PROVIDES.

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

→
BACK

Signature of Applicant [Signature] SALVATORE J. CARRANO
Signature of Owner [Signature] 02/03/2017
Owners' Mailing Address 132 SEABREEZE LN.
Owners' Telephone No. 908-405-8227

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____

TO BE APPROVED FOR MY USAGE
AS A HOST OF AIRBNB WOULD BE A PRIVILEGE
I HAVE PUT BACK INTO THE HOME AND
AIRBNB LIVING SPACE ABOUT 50% OF THE
EARNINGS TO ONLY PROVIDE A BETTER HOST
EXPERIENCE. IN CLOSING MANY OF MY
GUEST HAVE DECIDED TO MOVE AND BUY
HOMES, DUE TO THEIR GUEST EXPERIENCE.
PARTIALLY

- THEY ARE VERY WILLING AND ABLE TO
BE PRESENT AND PROVIDE ANY NECESSARY
DOCUMENTATION SUPPORTING MY CASE.

- THANK YOU


EXTERIOR

35' (FENCED)

SHARED BACK YARD
W/ AIRBNB

44'
(FENCED)

MOTION SECURITY LIGHT

(W/ LATCH + LOCK)
GATE

10' 12'
FLOATING WOOD
PATIO

////// - FENCED IN YARD

○ - PATIO LIGHTING FOR WALKING PA

⊙ - FIRE HYDRANT

XXXX - FIRE LANE

KEY - EXTERIOR

3'6"
↑ 13'
STAIRS LEADING TO DECK TO BACKYARD

10'
16'
SECOND LEVEL DECK

33'
EXTERIOR WALKING PATH
LEADING TO WALKOUT BASEMENT ENTRANCE.

GRASS

6'6"

STAIRS TO PRIMARY RESIDENCE (2nd EXIT)

20' INTERIOR (AIRBNB)

SHOWER
BATHROOM

QUEEN SIZE BED

TABLE

(SOFA, LOVE SEAT, COFFEE TABLE)

38'

(NO PARKING)
DEAD END

132 132

PARKING

KEY - INTERIOR

▨ - SEPARATE ENTRANCE (WALK-OUT BASEMENT)

▧ - (DOUBLE WINDOWS W/ LOCKS)

⊠ - REFRIDGERATOR (FULL SIZE) 120 AMP

⊞ - BREAKER BOX

⊞ - CLOSET (MAIN WATER)

△ - FIRE EXTINGUISHER

■ - MICROWAVE

▩ - FLAT SCREEN TV UNIT

County of Frederick
107 North Kent Street
Winchester, VA 22601

Certificate of Occupancy

Permit Number: 0002543-2016

Permit Type:BLD

Date Issued: 1/23/2017

Owner Name: CARRANO, SALVATORE JAMES

Contractor: Owner Contracted

Site Address: 132 Seabreeze Lane
Windstone, Lot 90

Map Number: 54I 7 1 90 Lot: 90 Section: N/A Block: N/A
District: 9 RED BUD USBC Edition: 2012
Area: 10 Red Bud Run Use Group: RESID USE GROUP "R" RESIDENTIAL
Sub Division: WINDSTONE Usage: R0365 ISSUE C.O. FOR EXT. BLDG.
Zoning: RP Residential Performance Construction: 04 REPLACEMENT
Occupant Load: N/A Health Permit#: Water: N/A
Number of Bedrooms->Approved: 0 Built: 3 Sewer: N/A
Date Completed: 1/18/2017 Sprinkler: N Required: N

Nature of Work: Issue CO on existing structure

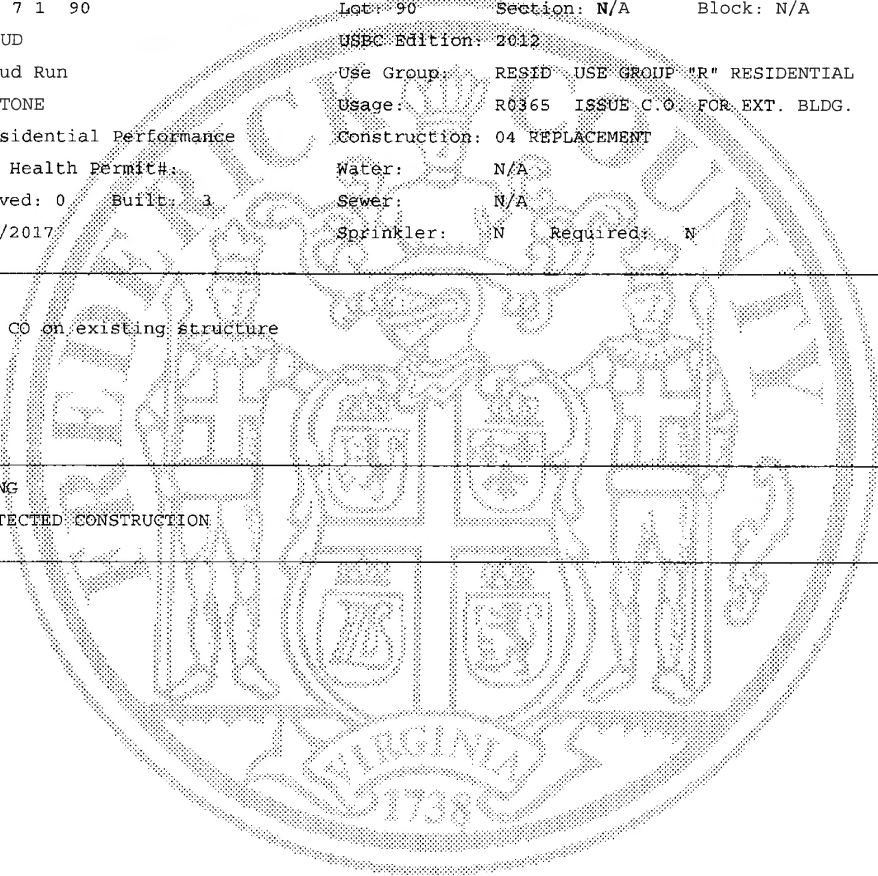
Modifications:

Modifications:

(C.O.)

R-5 SINGLE FAMILY DWELLING

TYPE V COMBUSTIBLE UNPROTECTED CONSTRUCTION



Meredith A. Fleck
Building Code Official *A*

Windstone Homeowners Assoc.
c/o Coventry Group Community Management, Inc.
P.O. Box 2580
Winchester, VA 22604

Phone: 540-535-0816 / Fax: 540-301-5143 / www.windstone.hoa.coventrygrp.com

November 03, 2016

Mark Chernan
Zoning Administrator, Frederick County
107 North Kent Street
Winchester, Virginia 22601

Dear Mr. Chernan:

Coventry Group is writing this letter on behalf of the Windstone Board of Directors. The Windstone Board of Directors met on Wednesday, November 2, 2016. One item of business was to determine if the Board of Directors would support a conditional use permit for an AirB&B at 132 Seabreeze Lane. The Windstone Board of Directors voted unanimously to support the conditional use permit for an AirB&B located at 132 Seabreeze Lane.

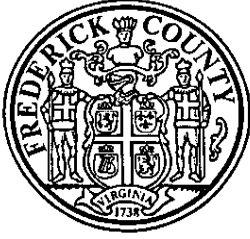
Please advise Jorie Martin at Coventry Group when the public hearing will be held on the conditional use permit. The Board and management would like to opportunity to attend and speak if necessary supporting the request.

If you have any questions or concerns please contact me directly at 540-535-0816 or email me at jmartin@coventrygrp.com

Best Regards,

A handwritten signature in black ink, appearing to read "Jorie Martin", with a long horizontal line extending to the right.

Jorie Martin, PCAM
Community Manager, Windstone HOA



RESOLUTION

Action:

PLANNING COMMISSION: March 15, 2017 Recommended Approval

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #02-17 SALVATORE CARRANO - AirBnB

WHEREAS, Conditional Use Permit #02-17 for a Rooming House (AirBnB), submitted by Salvatore Carrano, was considered. The Property is located generally south of Valley Mill Road, immediately west of Brookland Lane at 132 Seebreeze Lane, Winchester, Virginia in the Windstone Community and is further identified with Property Identification Number 54I-7-1-90, in the Red Bud Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on March 15, 2017, and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 12, 2017; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #02-17 for a Rooming House (AirBnB) on the parcel identified by Property Identification Number 54I-7-1-90 with the following conditions:

1. All review agency comments shall be complied with at all times.
2. No more than one room rented at any given time.
3. No employees, other than those residing on the premise, are allowed with this use.
4. No signage allowed with this use.
5. Any expansion or modification of this use will require the approval of a new CUP.

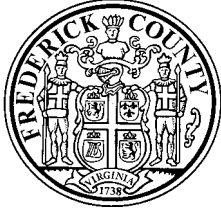
Passed this 12th day of April, 2017 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Judith McCann-Slaughter	_____
Gene E. Fisher	_____	Blaine P. Dunn	_____
Robert W. Wells	_____		

A COPY ATTEST

Brenda G. Garton
 Frederick County Administrator

J



REZONING APPLICATION #01-17

DMJ HOLDING, L.L.C.

Staff Report for the Board of Supervisors

Prepared: March 31, 2017

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	02/15/17 03/15/17	Application sent to Public Hearing Public Hearing Held; Recommended Approval
Board of Supervisors:	04/12/17	Pending

PROPOSAL: To revise proffers associated with Rezoning #05-09. This proffer amendment proposes to remove a proffer which currently prohibits fast food restaurants with drive through service windows. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements are met. All other proffers remain the same.

LOCATION: The properties are located at the northwest corner of the intersection of Route 50 and Route 781 (Custer Avenue).

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

This is an application to amend the proffers from Rezoning #05-09 for 2.85 acres of land. This proffer amendment seeks to remove a proffer which currently prohibits fast food restaurants with drive through service windows. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements and conditions are met.

The properties are located within the UDA and SWSA and are designated as an area of commercial land use by the Eastern Frederick County Long Range Land Use Plan. The site is located in the area covered by the Senseny Eastern Frederick Urban Area Study. The land use plan identifies, more specifically, a commercial designation with a transition back into the surrounding residential land uses.

Staff would note that the approved proffer currently limits any future use(s) to those that will not generate in excess of 200 vehicle trips per hour during any hour. This proffer remains unchanged from the 2009 approval. It should be noted that a fast food restaurant with a drive through could max out the hourly trip cap which would leave the remainder of the property undevelopable. The Planning Commission discussed this application at their meeting on February 15, 2017; the Commission voted to reschedule the application and hold a public hearing. **The Planning Commission did not identify any concerns with the request and recommended approval of the application at their March 15, 2017 meeting.**

Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	02/15/17 03/15/17	Application sent to Public Hearing Public Hearing Held; Recommended Approval
Board of Supervisors:	04/12/17	Pending

PROPOSAL: To revise proffers associated with Rezoning #05-09. This proffer amendment proposes to remove a proffer which currently prohibits fast food restaurants with drive through service windows. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements are met. All other proffers remain the same.

LOCATION: The properties are located at the northwest corner of the intersection of Route 50 and Route 781 (Custer Avenue).

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBERS: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, and 64A-4-20

PROPERTY ZONING: B2 (General Business) District

PRESENT USE: Vacant

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RP (Residential Performance)	Use:	Residential
South:	B2 (General Business)	Use:	Commercial Car Lot
East:	B2 (General Business)	Use:	Vacant
West:	RP (Residential Performance)	Use:	Residential

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: Our District Planning Section has reviewed the DMJ Holdings, LLC Rezoning and Proffer Amendment and offer the following recommendations:

The rezoning application for the DMJ Holdings LLC Proffer Amendment dated August 15, 2016 generally utilized the previously approved proffers with minor edits to permit fast food restaurants with drive through use on the property. The transportation improvements proffers as developed from the recommendations of the previously submitted TIA in 2009 have been maintained with the Proffer #2 “Limitation of Future Development”, which is unchanged from the originally approved proffers, set a property development cap of 200 site generated trips per hour during any hour of the day (based on ITE trip rates). The proposed fast food with drive through lane use (ITE code 934) with a 4,000 square feet gross floor area will exceed this cap in the AM peak hour of the generator. Therefore, as the proffers are currently written, if the proposed fast food land use is developed, the remainder of the property will be undevelopable in the future. Please advise.

Should the Applicant choose to revise the proffers to permit additional development of the property, given the age of the original TIA and change in development intensity, VDOT Staunton District Planning recommends the preparation of an updated TIA to support the proffer amendment.

During the June 28, meeting between VDOT and the developer/property owner at the Edinburg Residency, coordination with the adjacent property owner (additional B2 zoning) to realign/improve Custer Avenue and Pembroke Avenue in order to improve access opportunities to the commercially zoning properties was discussed. Did this outreach take place and were improvements considered?

Frederick County Attorney: *Please see attached letter from Roderick B. Williams, County Attorney, dated September 12, 2016.*

Planning & Zoning:

1) Site History

The original Frederick County Zoning map (USGS Winchester Quadrangle) depicts the zoning for the five parcels which comprise the proposed rezoning as R2 (Residential Limited) District. On February 14, 1990, the R-2 District zoning classification was modified to RP (Residential Performance), during the comprehensive amendment to the County’s Zoning Ordinance. On October 14, 2009 the Board of Supervisors approved Rezoning #05-09 which rezoned the properties to the B2 (General Business) District with proffers.

2) Comprehensive Policy Plan

The 2035 Comprehensive Plan is the guide for the future growth of Frederick County.

The 2035 Comprehensive Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key

components of community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

The Area Plans, Appendix I of the 2035 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

Land Use.

The properties are located within the UDA and SWSA and are designated as an area of commercial land use by the Eastern Frederick County Long Range Land Use Plan. The site is located in the area covered by the Senseny Eastern Frederick Urban Area Study. The land use plan identifies, more specifically, a commercial designation with a transition back into the surrounding residential land uses.

Transportation and Access.

Site access is proposed to be provided from two locations. Primary access to the site is via Route 50 and a secondary access point is proposed to be provided from Route 781 (Custer Avenue) via a modified commercial entrance onto Route 781 generally using the existing right-of-way across the properties frontage. The Route 50 entrance would be in the form of a right in right out only entrance, the Route 781 entrance would be right in only.

Staff would note that the proffer currently limits any future use(s) to those that will not generate in excess of 200 vehicle trips per hour during any hour. This proffer remains unchanged from the 2009 approval. VDOT has expressed concern that a fast food restaurant with a drive through would max out the hour trip cap which would leave the remainder of the property undevelopable.

3) **Proffer Statement – Dated March 24, 2009; revised December 6, 2016:**

1. Generalized Development Plan (unchanged)

Proffers 2-8 remain unchanged

9. The Owner agrees to prohibit the following uses (as listed in the Frederick County Zoning Ordinance) on the property:
 1. Car washes
 2. ~~Fast food restaurants with drive through service window~~ (removed)
 3. Automotive dealers with outdoor display and gasoline service stations
 4. Model home sales offices
 5. Amusement and recreational services operated outdoors
 6. Self-storage storage facilities
 7. Adult retail

Proffer 10 remains unchanged

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 02/15/17 MEETING:

Following the staff presentation of the application, a Commission Member commented that they do not agree that the revision is minor and feels this should go to Public Hearing and allow the neighbors to have a voice, considering the traffic, noise, odors, etc. this will create. The Commission Member inquired was the increase in traffic the only parameter looked at. Staff explained, when reviewing the allowance that is built into the zoning ordinance per the State Code this met those allowances to be considered a minor proffer amendment. The previous rezoning did not have any limitations on the hours of operation and it already allowed for a fast food restaurant and the only addition is the allowance for a drive through and it did not increase the maximum cap on the traffic, it still fell under the minor proffer amendment standards. Three Commission Members inquired how the 200 trips per hour are monitored. Staff explained this would be done through the site plan process and based on the trip generation manual; the use the Applicant is proposing along with the building square footage would have to equate to no more than 200 vehicle trips. Staff noted the only enforcement would be prior to the final approval and based on the square footage what it would generate based on the manuals. A Commission Member commented this should be a Public Hearing so the neighbors have the opportunity to voice concerns, as trips could reach 400. Staff noted the potential would still exist under the previous rezoning because multiple buildings could have been constructed and still would have equated to the certain number of trips per day based on the manual.

A Commission Member commented if adding the drive through component will there be some type of protection for the neighbors from traffic headlights. Staff noted under the site plan, landscaping would have a 36 inch evergreen hedge screening for anything that would generate impacts to lighting. John Lewis of Painter-Lewis, P.L.C representing the Applicant came forward. Mr. Lewis presented a brief overview; since 2009 the original rezoning in which the use of a fast food restaurant was proffered out, the only interest brought forward has been for fast food. He continued, when originally rezoned there was concern from neighbors about a fast food restaurant at which time the owner decided to remove that option. Mr. Lewis explained regarding the trip limitations in the 2009 rezoning there was a 200 peak hour trip limit also, and at that time there was no concern raised on enforcement of this. He noted the reason for this rezoning is there has not been any interest in the parcel other than a fast food restaurant. Mr. Lewis continued they met with the HOA in 2009 and that is how the original proffers were crafted; this time they have tried to contact the HOA and have not heard from anyone, therefore they sent letters to seven adjoining neighbors and they have received a response from one. A final point made by Mr. Lewis is the current zoning ordinance has design standards all of which still apply to this rezoning. A Commission Member commented he agrees it will be highly unlikely a fast food restaurant would exceed the 200 trips in this area. Another Commission Member commented he finds it concerning that in 2009 it was rezoned because adjoining homeowners did not want a fast food restaurant with a drive through and now without giving anyone the opportunity to comment we would then remove this proffer to allow the drive through. It was reiterated by a Commission Member that he would be comfortable if this item were brought back before the Planning Commission as a Public Hearing.

A motion was made, seconded, and unanimously passed to recommend postponement and a Public Hearing to be held of REZ #01-17 for DMJ Holdings L.L.C.

Absent: Mohn, Dunlap

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 03/15/17 PLANNING COMMISSION MEETING:

This is an application to amend the proffers from Rezoning #05-09 for 2.85 acres of land. This proffer amendment seeks to remove a proffer which currently prohibits fast food restaurants with drive through service windows. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements and conditions are met.

The properties are located within the UDA and SWSA and are designated as an area of commercial land use by the Eastern Frederick County Long Range Land Use Plan. The site is located in the area covered by the Senseny Eastern Frederick Urban Area Study. The land use plan identifies, more specifically, a commercial designation with a transition back into the surrounding residential land uses.

Staff would note that the approved proffer currently limits any future use(s) to those that will not generate in excess of 200 vehicle trips per hour during any hour. This proffer remains unchanged from the 2009 approval. It should be noted that a fast food restaurant with a drive through could max out the hourly trip cap which would leave the remainder of the property undevelopable. The Planning Commission discussed this application at their meeting on February 15, 2017; the Commission voted to reschedule the application and hold a public hearing.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 03/15/17 MEETING:

Staff provided an overview of the rezoning application and the proffers. Staff noted that a fast food restaurant with a drive through would max out the hourly trip cap which could leave the remainder of the property undevelopable without a subsequent rezoning. A Commission Member inquired if this is approved and a fast food restaurant is built with the 200 trips per hour max; then a year from now they want to put a doctor's office on the site, who can monitor the trips. Staff explained this is based on the ITE manual for that specific use, therefore if something else were to be placed on the site they would have to come back through the rezoning process.

Mr. John Lewis of Painter-Lewis P.L.C., representing the Applicant came forward and noted he did not have anything additional to add from the previous meeting.

Mr. Josh Phelps, the co-applicant came forward. He explained when they purchased this property in 2005 the economy was doing well then in 2008 the downward spiral happened; they have been sitting on this property since that time. Mr. Phelps continued they have been approached by a potential buyer who wants to put a drive through window restaurant on the property. Mr. Phelps reported the most interested party (which is a very established business) provided statistics that reflect a max of 170 trips per hour in a major metropolitan area such as Charlotte, NC and Atlanta, GA. Mr. Phelps concluded they would like to sell the property and invest the proceeds in their business Winchester Metals which is in need of expansion.

Rezoning # 01-17 DMJ Holdings, LLC
March 31, 2017
Page 7

A motion was made, seconded, and unanimously passed to recommend approval of REZ #01-17 DMJ Holding L.L.C.

Absent: Mohn, Dunlap, Unger, Molden, Oates

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 04/12/17 BOARD OF SUPERVISORS MEETING:

This is an application to amend the proffers from Rezoning #05-09 for 2.85 acres of land. This proffer amendment seeks to remove a proffer which currently prohibits fast food restaurants with drive through service windows. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements and conditions are met.

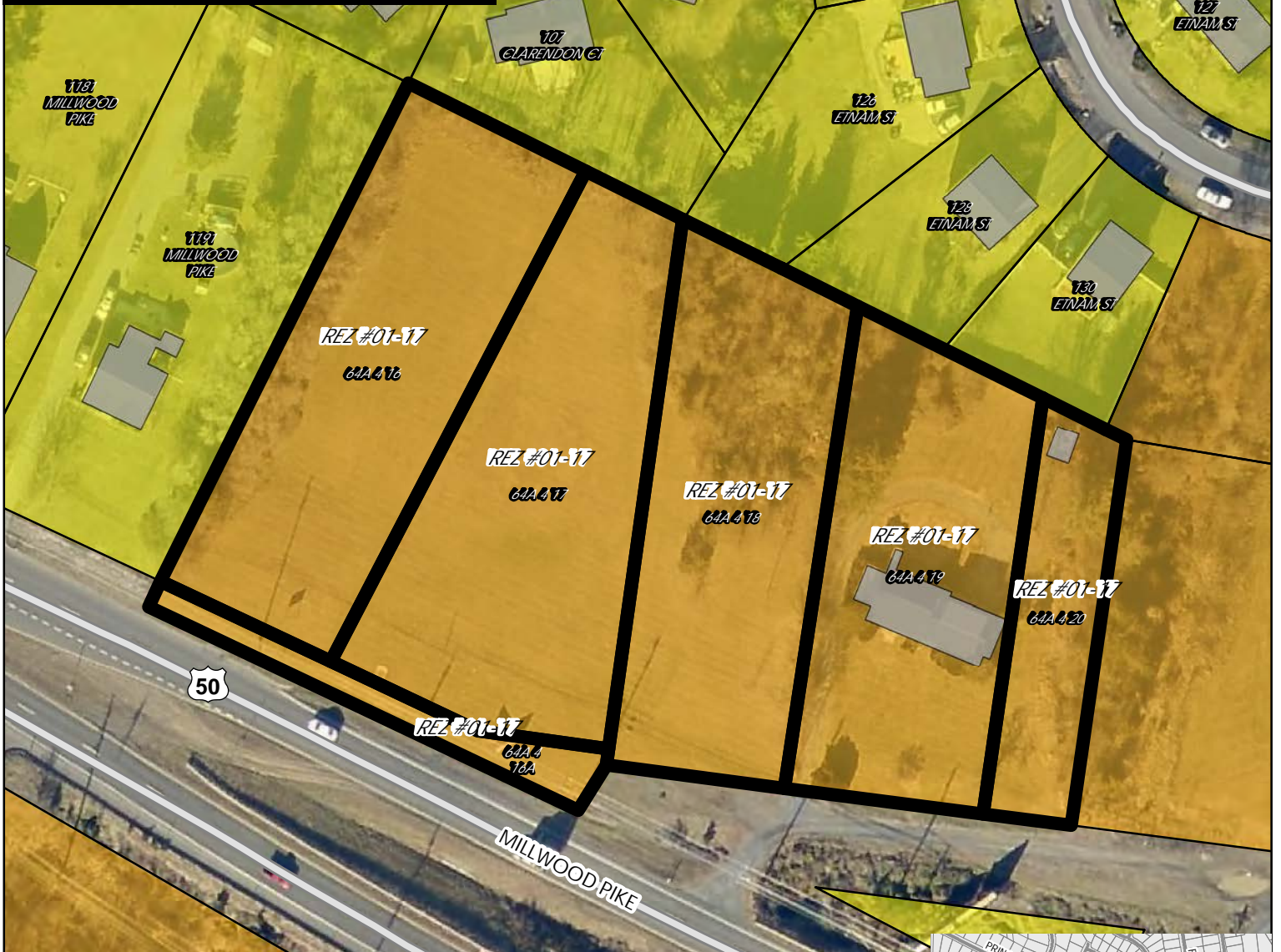
The properties are located within the UDA and SWSA and are designated as an area of commercial land use by the Eastern Frederick County Long Range Land Use Plan. The site is located in the area covered by the Senseny Eastern Frederick Urban Area Study. The land use plan identifies, more specifically, a commercial designation with a transition back into the surrounding residential land uses.

Staff would note that the approved proffer currently limits any future use(s) to those that will not generate in excess of 200 vehicle trips per hour during any hour. This proffer remains unchanged from the 2009 approval. It should be noted that a fast food restaurant with a drive through could max out the hourly trip cap which would leave the remainder of the property undevelopable. The Planning Commission discussed this application at their meeting on February 15, 2017; the Commission voted to reschedule the application and hold a public hearing. **The Planning Commission did not identify any concerns with the request and recommended approval of the application at their March 15, 2017 meeting.**

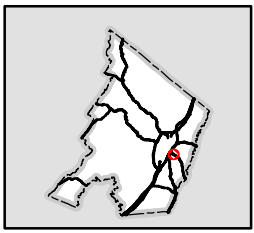
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 01 - 17 DMJ Holdings, LLC

PINs:
64A - 4 - 16, 64A - 4 - 16A, 64A - 4 - 17
64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Zoning Map

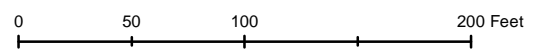


- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial General District)
- MH1 (Mobile Home Community District)
- MS (Medical Support District)
- OM (Office - Manufacturing Park)
- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Areas District)
- RP (Residential Performance District)



REZ # 01 - 17
DMJ Holdings, LLC
PINs:
64A - 4 - 16, 64A - 4 - 16A, 64A - 4 - 17,
64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Zoning Map





Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: January 10, 2017
Staff: cperkins

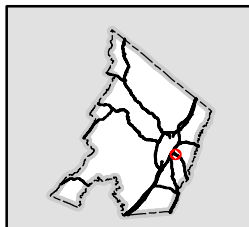


REZ # 01 - 17 DMJ Holdings, LLC

PINs:
64A - 4 - 16, 64A - 4 - 16A, 64A - 4 - 17
64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Location Map



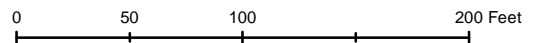
-  Applications
-  Parcels
-  Sewer and Water Service Area
-  Building Footprints



REZ # 01 - 17 DMJ Holdings, LLC

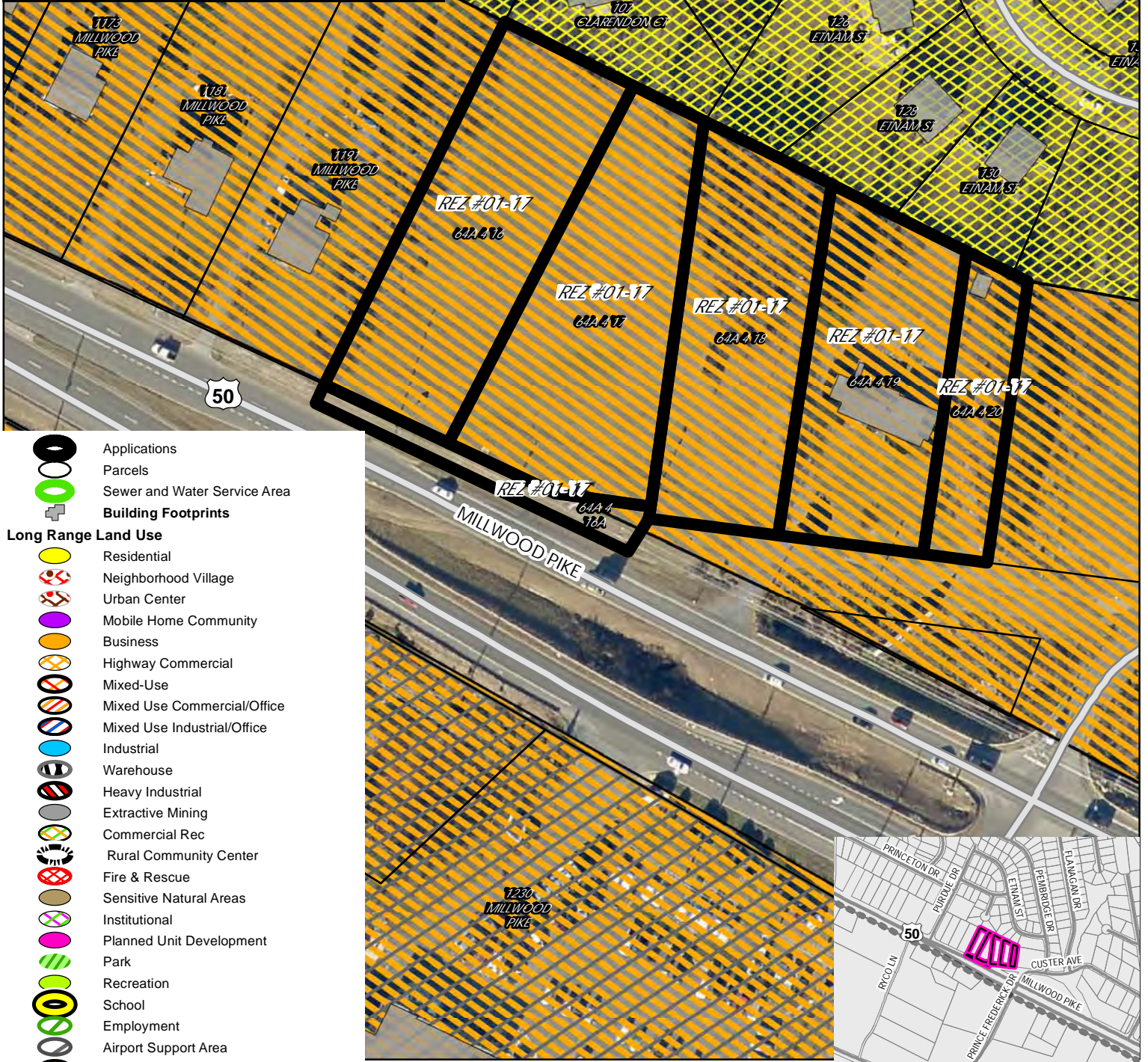
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64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Location Map

Note:
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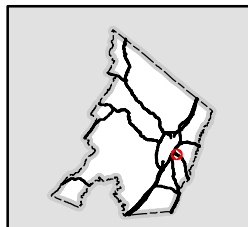


REZ # 01 - 17 DMJ Holdings, LLC

PINs:
64A - 4 - 16, 64A - 4 - 16A, 64A - 4 - 17
64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Long Range Land Use Map



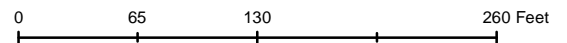
- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Commercial Rec
- Rural Community Center
- Fire & Rescue
- Sensitive Natural Areas
- Institutional
- Planned Unit Development
- Park
- Recreation
- School
- Employment
- Airport Support Area
- B2 / B3
- Residential, 4 u/a
- High-Density Residential, 6 u/a
- High-Density Residential, 12-16 u/a
- Rural Area
- Interstate Buffer
- Landfill Support Area
- Natural Resources & Recreation
- Environmental & Recreational Resources



REZ # 01 - 17 DMJ Holdings, LLC

PINs:
64A - 4 - 16, 64A - 4 - 16A, 64A - 4 - 17,
64A - 4 - 18, 64A - 4 - 19, 64A - 4 - 20
Proffer Amendment
Long Range Land Use Map

Note:
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Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: January 10, 2017
Staff: cperkins





COUNTY of FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail:
rwillia@co.frederick.va.us

September 12, 2016

VIA E-MAIL – office@painterlewis.com – AND REGULAR MAIL

Mr. John Lewis
Painter-Lewis, P.L.C.
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

Re: DMJ Holdings, LLC – Route 50 and Custer Avenue – Proposed Rezoning
– Proffer Statement dated August 15, 2016

Dear John:

You have submitted to Frederick County for review the above proposed proffer statement (the “Proffer Statement”) for the proposed rezoning of 2.85± acres constituting the property of DMJ Holdings, LLC and others, Parcel Identification Numbers 64A-4-16, 64A-4-16A, 64A-4-17, 64A-4-18, 64A-4-19, and 64A-4-20 (collectively, the “Property”), in the Shawnee Magisterial District, from the B2 (Business General) District, with proffers, to the B2 (Business General) District, with revised proffers. I have now reviewed the Proffer Statement and it is my opinion that the Proffer Statement would be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would be legally sufficient as a proffer statement, subject to the following comments:

1. Consistent with the inclusion of Winchester Metals, Inc. as a signatory to the Proffer Statement and my comment in connection with the 2009 rezoning of the Property, it would be appropriate for the cover page of the Proffer Statement to show both DMJ Holdings, LLC and Winchester Metals, Inc. as the record owners. Also, consistent with a more recent best practice the County is following for proffer statements, the references in the Proffer Statement to the “applicant” should be to the “owners”.
2. Proffer 2 – The first five sentences provide only background information and are unnecessary for inclusion in the Proffer Statement.
3. On page 5, in the last paragraph, the second line, “even” should be “event”.

Mr. John Lewis
September 12, 2016
Page 2

I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review will be done by staff and the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roderick B. Williams', with a long horizontal flourish extending to the right.

Roderick B. Williams
County Attorney

cc: Candice E. Perkins, AICP, Assistant Director of Planning and Development

**DMJ HOLDINGS, L.L.C.
WINCHESTER METALS, INC.
ROUTE 50 & CUSTER AVENUE
Amended Proffer Statement**

Original Rezoning #: 05-09

Property: 2.85 acres
PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18,
64A-4-19, 64A-4-20

Owner: DMJ Holdings, L.L.C.
Winchester Metals, Inc.
Mr. Mark Phelps
195 Ebert Road
Winchester, Virginia 22603

Project Name: DMJ Holdings, L.L.C.
Route 50 & Custer Avenue
Shawnee Magisterial District

**Original Date
of Proffers:** March 24, 2009

Revision Date: June 1, 2009
July 1, 2009
August 15, 2016
December 6, 2016

Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540) 662-5792
email: office@painterlewis.com
Job Number: 1603018

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned owner proffers that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application # _____ for the rezoning of parcels TM#'s 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20 from RP to B2, the use and development of the subject property shall be in strict conformance with the following conditions set forth in this proffer except to the extent that such conditions may be subsequently amended or revised by the owner and such are approved by the Board of Supervisors in accordance with the Code of Virginia and the Frederick County Zoning Ordinance. These proffers shall be binding on the owner and their legal successors or assigns.

PROFFERS

1.) Generalized Development Plan

The owner agrees to proffer the Generalized Development Plan (GDP) dated 07/01/09, identified as "Generalized Development Plan DMJ Holdings, L.L.C." and which is attached to the proffer statement, for the purpose of identifying the general configuration of the proposed parcel after consolidation, the location and form of the site access, the approximate location of interparcel access easements, and construction improvements to Route 781, Custer Avenue and Route 50, Millwood Pike. Please refer to the attached drawing named "GDP".

2.) Limitation of Future Development

The owner agrees to limit any future use(s) of the parcel to those uses which will not generate in excess of 200 vehicle trips per hour during any hour. The determination of trip numbers will be accomplished during the site plan review based on the proposed use(s). Trip counts will be determined using the Institute of Traffic Engineers Trip Generation Manual, 9th Edition.

3.) Improvements to Route 50 and Route 781

The owner will make the necessary road frontage improvements, as required by the Virginia Department of Transportation, to Route 50, Millwood Pike, and Route 781, Custer Avenue, in support of the proposed development. The improvements will be designed and submitted for approval to the Virginia Department of Transportation and Frederick County during the site plan review process. Construction of the improvements will be completed prior to the occupancy of any new building on the site. The improvements will include:

- a) The design and construction of a right turn lane westbound on Route 50 with the appropriate length and taper ending in a right in/right out commercial entrance serving as the primary access to the site;
- b) The design and construction of a right turn lane southbound on Route 781 from a proposed right in only entrance to its intersection with Route 50;
- c) The design and construction of a raised median between travel lanes on Route 781 to prevent left turn movements into the right in only entrance described in "b" above;

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

- d) The design and construction of additional vehicle storage area in the existing left turn lane on eastbound Route 50;
- e) The design and construction of bicycle facilities along Route 50 in front of the site;
- f) The design and construction of pedestrian facilities linking Pembridge Avenue with proposed facilities in the Route 50 right of way.

4.) Inter-parcel Circulation and Access

The owner agrees to provide easements which will permit access through the site from all points of right of way ingress and egress to and from the site to the parcels which share a common boundary line to the east and west. The approximate locations of the access points are shown on the GDP. The easements will be defined during the site plan process and recorded by the owner upon approval by Frederick County and prior to the issuance of the first building permit issued for the site.

5.) Monetary Contribution to Frederick County Service Organizations

The owner will donate or will cause to be paid to the Treasurer of Frederick County for Fire and Rescue purposes the sum of \$2,000.00 for impacts to fire and rescue services. This sum will be paid upon the receipt of the first building permit issued for the site, subsequent to the approval of this rezoning.

6.) Monetary Contributions

The owner agrees to provide \$5,000.00, for future transportation improvements within the Route 781 and Route 50 rights-of-way. This sum will be paid to the Treasurer of Frederick County prior to the occupancy of any structure on the property.

7.) Building Design

New buildings shall be constructed using architectural styles and materials which are compatible with the surrounding neighborhood. Design elements shall be compatible with Frederick County and will respect the continuity and character of the existing architectural fabric of the surrounding community. All building façades shall be limited to one or a combination of the following materials: cast stone, stone, brick, glass, wood, stucco, or other high quality, long lasting masonry materials. Metal panels shall be prohibited as a construction material for buildings. Roof materials shall be standing seam metal, architectural shingle, or other high quality material. Flat roofs shall be permitted only to the extent that rooftop mechanical units are screened from the view of adjacent residences. Building height shall be limited to 35 feet as defined in the Frederick County Zoning Ordinance.

8.) Parcel Lighting

The owner recognizes that the illumination associated with future uses and improvements on the parcel could have an impact on the adjacent properties. In order to preclude any negative impacts, the owner agrees to regulate the overall illumination level emanating from the parcel. At the same time, it is necessary to assure that public safety concerns will be satisfied from night time activity associated with future uses of the parcel.

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

1. Pole-mounted and wall-mounted luminaries shall meet the Illuminating Engineering Society (IES) criteria for "cut off" fixtures where the candela per 1000 lamp lumens does not numerically exceed 25 at or above an angle of 90 degrees above nadir. Pole-mounted and wall-mounted luminaries shall not exceed a height of 18 feet as measured from the adjacent ground surface.
2. Front-lighted, freestanding signs shall be lighted from the top, and aimed and/or shielded so that no more than 100 candelas per 1,000 lamp lumens are emitted above a line that is struck through the lamp center and extends at an angle of 80 degrees relative to nadir after the luminaries are in their finally-focused position.
3. Internally and rear-lighted freestanding signs shall be limited to the illumination of the sign letters or characters only. No luminous backgrounds shall be permitted.

9.) Parcel Usage

The owner agrees to prohibit the following uses (as listed in the Frederick County Zoning Ordinance) on the property:

1. Car Washes;
2. (Fast food restaurants with drive through service window) REMOVE
3. Automotive dealers with outdoor display areas and gasoline service stations;
4. Model home sales offices;
5. Amusement and recreational services operated outdoors;
6. Self-service storage facilities;
7. Adult retail

10.) Preservation of Existing Vegetation

Mature vegetation exists along the boundary between the parcel and adjacent residential lots. During the site plan process, the owner will identify existing vegetation within the 25' inactive buffer which can reasonably be preserved and incorporated into the screening requirements as described by the Frederick County Zoning Ordinance. Any such vegetation will be shown within a "non-disturbance" area depicted on subsequent site plans.

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

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 Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

Respectfully submitted by:

[Handwritten Signature]

On Behalf of DMJ Holdings, L.L.C.

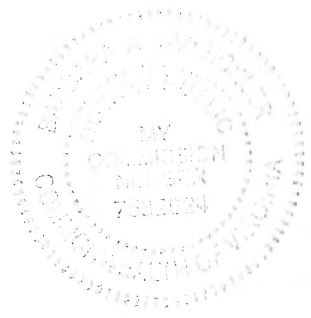
City/County of Frederick, Commonwealth Of Virginia.

The foregoing instrument was acknowledged before me this 4th day of January, 20 17

[Handwritten Signature]
Notary Public

Notary Registration number: 7532024

My commission expires: 9/30/20



[Handwritten Signature]

On Behalf of Winchester Metals, Inc.

City/County of Frederick, Commonwealth Of Virginia.

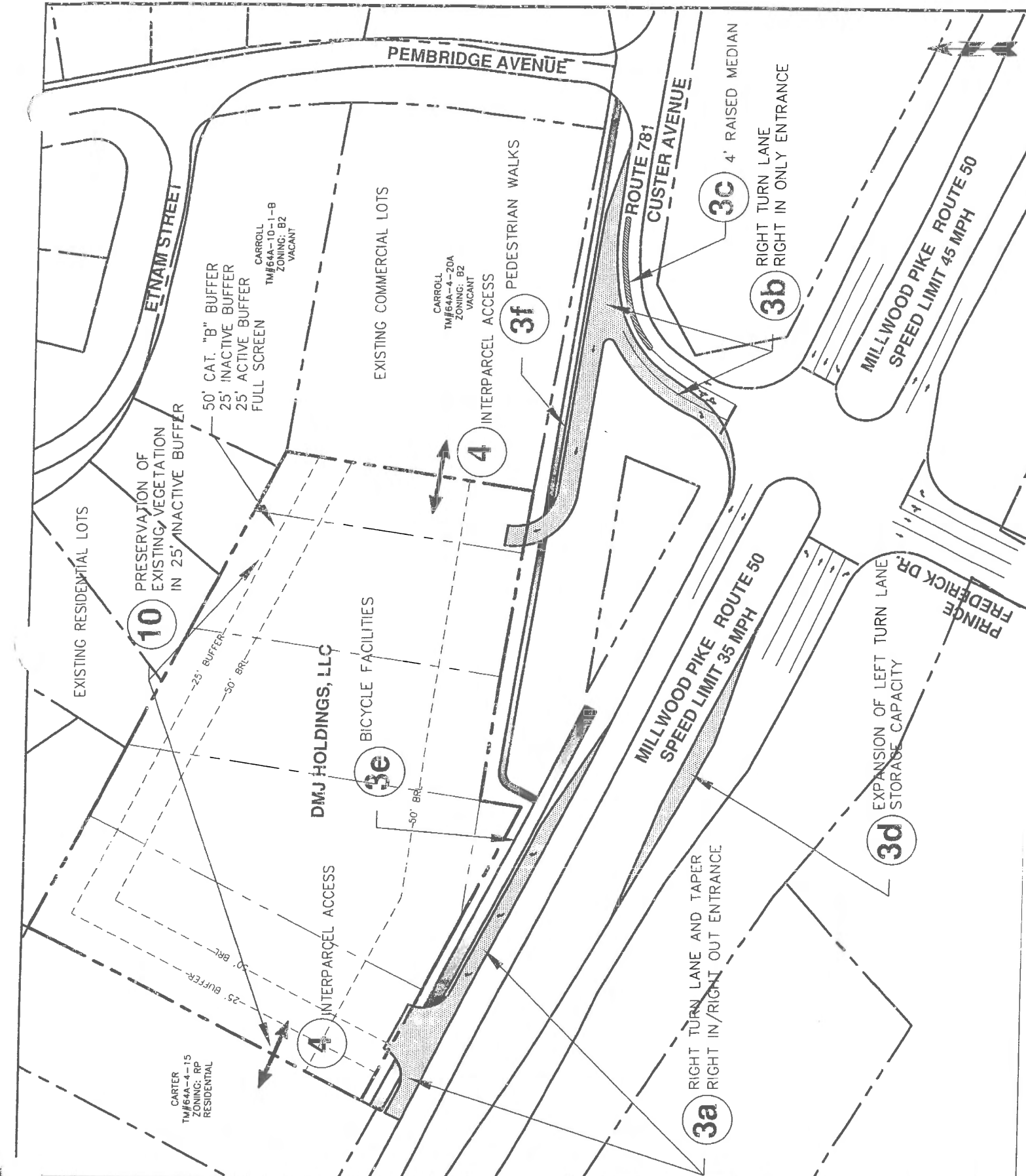
The foregoing instrument was acknowledged before me this 4th day of January, 20 17

[Handwritten Signature]
Notary Public

Notary Registration number: 7532024

My commission expires: 9/30/20





PAINTER-LEWIS, P.L.C.

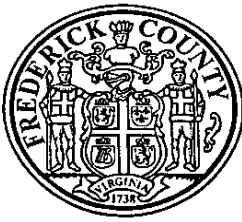
817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**GENERALIZED DEVELOPMENT PLAN
 DMJ HOLDINGS, L.L.C.
 FREDERICK COUNTY, VIRGINIA**

SURVEY: NA	C.I.: NA
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1"=100.0'	DATE: 7/1/09
SHEET:	GDP





AMENDMENT

Action:

PLANNING COMMISSION: March 15, 2017 - Recommended Approval

BOARD OF SUPERVISORS: April 12, 2017 - APPROVED DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #01-17 DMJ HOLDING, L.L.C.

WHEREAS, REZONING #01-17 DMJ Holding, L.L.C., submitted by Painter-Lewis, P.L.C., to remove a proffer which currently prohibits fast food restaurants with drive through service windows, with a final revision date of December 16, 2016 was considered. If approved, the site would permit the construction of fast food restaurants with drive through service windows if all other requirements are met. All other proffers remain the same. The properties are located at the northwest corner of the intersection of Route 50 and Route 781 (Custer Avenue), in the Shawnee District and is identified by Property Identification Nos. 64A-4-16A, 64A04-16, 64A-4-17, 64A-4-18, 64A-4-19 and 64A-4-20; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on March 15, 2017 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on April 12, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to amend the proffers from Rezoning #05-09 to permit the construction of fast food restaurants with drive through service windows if all other requirements are met with a final revision date of December 16, 2016. All other proffers remain the same. The conditions voluntarily proffered in writing by the Applicant and the Property Owner is attached.

This ordinance shall be in effect on the date of adoption.

Passed this 12th day of April, 2017 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Robert W. Wells	_____
Gene E. Fisher	_____	Judith McCann-Slaughter	_____
Blaine P. Dunn	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

DMJ HOLDINGS, L.L.C.
ROUTE 50 & CUSTER AVENUE
Proffer Statement

Rezoning #:

Property: 2.85 acres
PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18,
64A-4-19, 64A-4-20

Recorded Owner: DMJ Holdings, L.L.C.

Applicant: Mr. Mark Phelps
DMJ Holdings, L.L.C.
345 Phelpsmore Road
Winchester, Virginia 22602

Project Name: DMJ Holdings, L.L.C.
Route 50 & Custer Avenue
Shawnee Magisterial District

**Original Date
of Proffers:** March 24, 2009

Revision Date: June 1, 2009
July 1, 2009

Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540) 662-5792
email: office@painterlewis.com
Job Number: 0812002

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned applicant proffers that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application # 05-09 for the rezoning of parcels TM#'s 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20 from RP to B2, the use and development of the subject property shall be in strict conformance with the following conditions set forth in this proffer except to the extent that such conditions may be subsequently amended or revised by the applicant and such are approved by the Board of Supervisors in accordance with the Code of Virginia and the Frederick County Zoning Ordinance. These proffers shall be binding on the owner and their legal successors or assigns.

PROFFERS

1.) Generalized Development Plan

The applicant agrees to proffer the Generalized Development Plan (GDP) dated 7/01/09, identified as "Generalized Development Plan DMJ Holdings, L.L.C." and which is attached to the proffer statement, for the purpose of identifying the general configuration of the proposed parcel after consolidation, the location and form of the site access, the approximate location of interparcel access easements, and construction improvements to Route 781, Custer Avenue and Route 50, Millwood Pike. Please refer to the attached drawing named "GDP".

2.) Limitation of Future Development

A specific use for the parcel has not been identified. The type of use can have a significant traffic impact on local roads and the function of nearby intersections. The Traffic Impact Analysis, which is a part of the rezoning application, incorporated the assumption that the parcel could be developed with a 60 room hotel along with a convenience store with 8 fueling positions. This assumption resulted in relatively high vehicle trip counts when compared to other uses allowed in the B2 zone. These trip counts were used to evaluate potential impacts to the local road network. The applicant agrees to limit any future use(s) of the parcel to those uses which will not generate in excess of 200 vehicle trips per hour during any hour. The determination of trip numbers will be accomplished during the site plan review based on the proposed use(s). Trip counts will be determined using the Institute of Traffic Engineers Trip Generation Manual, 7th Edition.

3.) Improvements to Route 50 and Route 781

The applicant will make the necessary road frontage improvements, as required by the Virginia Department of Transportation, to Route 50, Millwood Pike, and Route 781, Custer Avenue, in support of the proposed development. The improvements will be designed and submitted for approval to the Virginia Department of Transportation and Frederick County during the site plan review process. Construction of the improvements will be completed prior to the occupancy of any new building on the site. The improvements will include:

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

- a) The design and construction of a right turn lane westbound on Route 50 with the appropriate length and taper ending in a right in/right out commercial entrance serving as the primary access to the site;
- b) The design and construction of a right turn lane southbound on Route 781 from a proposed right in only entrance to its intersection with Route 50;
- c) The design and construction of a raised median between travel lanes on Route 781 to prevent left turn movements into the right in only entrance described in "b" above;
- d) The design and construction of additional vehicle storage area in the existing left turn lane on eastbound Route 50;
- e) The design and construction of bicycle facilities along Route 50 in front of the site;
- f) The design and construction of pedestrian facilities linking Pembridge Avenue with proposed facilities in the Route 50 right of way.

4.) Inter-parcel Circulation and Access

The applicant agrees to provide easements which will permit access through the site from all points of right of way ingress and egress to and from the site to the parcels which share a common boundary line to the east and west. The approximate locations of the access points are shown on the GDP. The easements will be defined during the site plan process and recorded by the applicant upon approval by Frederick County and prior to the issuance of the first building permit issued for the site.

5.) Monetary Contribution to Frederick County Service Organizations

The applicant will donate or will cause to be paid to the Treasurer of Frederick County for Fire and Rescue purposes the sum of \$2,000.00 for impacts to fire and rescue services. This sum will be paid upon the receipt of the first building permit issued for the site, subsequent to the approval of this rezoning.

6.) Monetary Contributions

The applicant agrees to provide \$5,000.00, for future transportation improvements within the Route 781 and Route 50 rights-of-way. This sum will be paid to the Treasurer of Frederick County prior to the occupancy of any structure on the property.

7.) Building Design

New buildings shall be constructed using architectural styles and materials which are compatible with the surrounding neighborhood. Design elements shall be compatible with Frederick County and will respect the continuity and character of the existing architectural fabric of the surrounding community. All building façades shall be limited to one or a combination of the following materials: cast stone, stone, brick, glass, wood, stucco, or other high quality, long lasting masonry materials. Metal panels shall be prohibited as a construction material for buildings. Roof materials shall be standing seam metal, architectural shingle, or other high quality material. Flat roofs shall be permitted only to the extent that rooftop mechanical units are screened from the view of adjacent residences. Building height shall be limited to 35 feet as defined in the Frederick County Zoning Ordinance.

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

8.) Parcel Lighting

The applicant recognizes that the illumination associated with future uses and improvements on the parcel could have an impact on the adjacent properties. In order to preclude any negative impacts, the applicant agrees to regulate the overall illumination level emanating from the parcel. At the same time, it is necessary to assure that public safety concerns will be satisfied from night time activity associated with future uses of the parcel.

1. Pole-mounted and wall-mounted luminaries shall meet the Illuminating Engineering Society (IES) criteria for "cut off" fixtures where the candela per 1000 lamp lumens does not numerically exceed 25 at or above an angle of 90 degrees above nadir. Pole-mounted and wall-mounted luminaries shall not exceed a height of 18 feet as measured from the adjacent ground surface.
2. Front-lighted, freestanding signs shall be lighted from the top, and aimed and/or shielded so that no more than 100 candelas per 1,000 lamp lumens are emitted above a line that is struck through the lamp center and extends at an angle of 80 degrees relative to nadir after the luminaries are in their finally-focused position.
3. Internally and rear-lighted freestanding signs shall be limited to the illumination of the sign letters or characters only. No luminous backgrounds shall be permitted.

9.) Parcel Usage

The applicant agrees to prohibit the following uses (as listed in the Frederick County Zoning Ordinance) on the property:

1. Car Washes;
2. Fast food restaurants with drive through service windows;
3. Automotive dealers with outdoor display areas and gasoline service stations;
4. Model home sales offices;
5. Amusement and recreational services operated outdoors;
6. Self-service storage facilities;
7. Adult retail

10.) Preservation of Existing Vegetation

Mature vegetation exists along the boundary between the parcel and adjacent residential lots. During the site plan process, the applicant will identify existing vegetation within the 25' inactive buffer which can reasonably be preserved and incorporated into the screening requirements as described by the Frederick County Zoning Ordinance. Any such vegetation will be shown within a "non-disturbance" area depicted on subsequent site plans.

PROFFER STATEMENT

PARCEL ID's: 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20

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 Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

Submitted By:

Mark Z Phillips
On Behalf of DMJ Holdings, L.L.C.

City/County of Winchester, Commonwealth Of Virginia.

The foregoing instrument was acknowledged before me this 20 day of Aug, 2009

Judith Suer
Notary Public

Notary Registration number: 183979

My commission expires: 10-31-11

Mark Z Phillips
On Behalf of Winchester Metals, Inc.

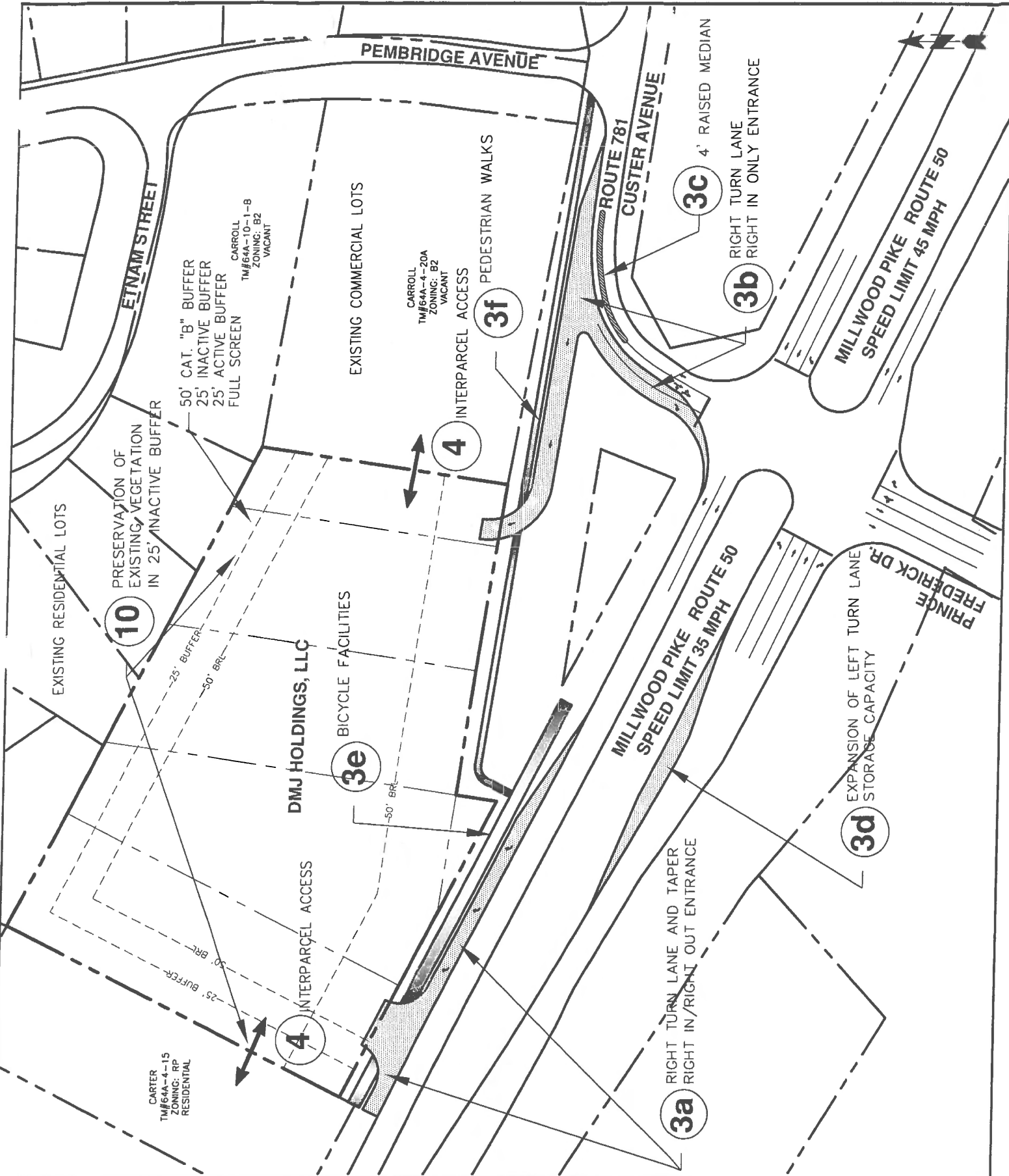
City/County of Winchester, Commonwealth Of Virginia.

The foregoing instrument was acknowledged before me this 20 day of Aug, 2009

Judith Suer
Notary Public

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My commission expires: 10-31-11



PAINTER-LEWIS, P.L.C.

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 Email office@painterlewis.com



PROJECT:

**GENERALIZED DEVELOPMENT PLAN
 DMJ HOLDINGS, L.L.C.
 FREDERICK COUNTY, VIRGINIA**

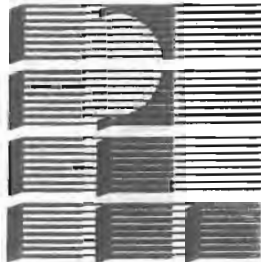
SURVEY: NA	C.I.: NA
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1"=100.0'	DATE: 7/1/09
SHEET: GDP	

IMPACT ANALYSIS STATEMENT

for
DMJ Holdings, L.L.C.
Route 50 East & Custer Avenue

Shawnee Magisterial District
Frederick County, Virginia

March 24, 2009
Revised: July 2, 2009
Revised: August 15, 2016



Prepared for: DMJ Holdings, L.L.C.
Mr. Mark Phelps
345 Phelps Lane
Winchester, Virginia 22602

Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540)662-5792
email: office@painterlewis.com
Job Number: 1603018

**IMPACT ANALYSIS STATEMENT
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i. INTRODUCTION

DMJ Holdings, L.L.C. (the applicant) proposes to rezone six parcels of land located on the north side of Route 50 at its intersection with Custer Avenue in Frederick County, VA. The parcels (the site) are currently zoned RP (Residential Performance District) and are identified by the following Tax Identification Numbers:

Tax Map No.	Area (acres)	Ex. Zoning	Pr. Zoning
64A-4-16A	0.0355	RP	B2
64A-4-16	0.6887	RP	B2
64A-4-17	0.7504	RP	B2
64A-4-18	0.6112	RP	B2
64A-4-19	0.5318	RP	B2
64A-4-20	0.2311	RP	B2
Total	2.85		

The applicant is requesting to rezone the properties from RP, Residential Performance District to **B2, Business General District**. The total area of the request is approximately 2.85 acres. Please refer to **Exhibit 1** on the following page. The intended purpose of the rezoning is to enable the applicant to develop the site for commercial purposes.

A. SITE SUITABILITY

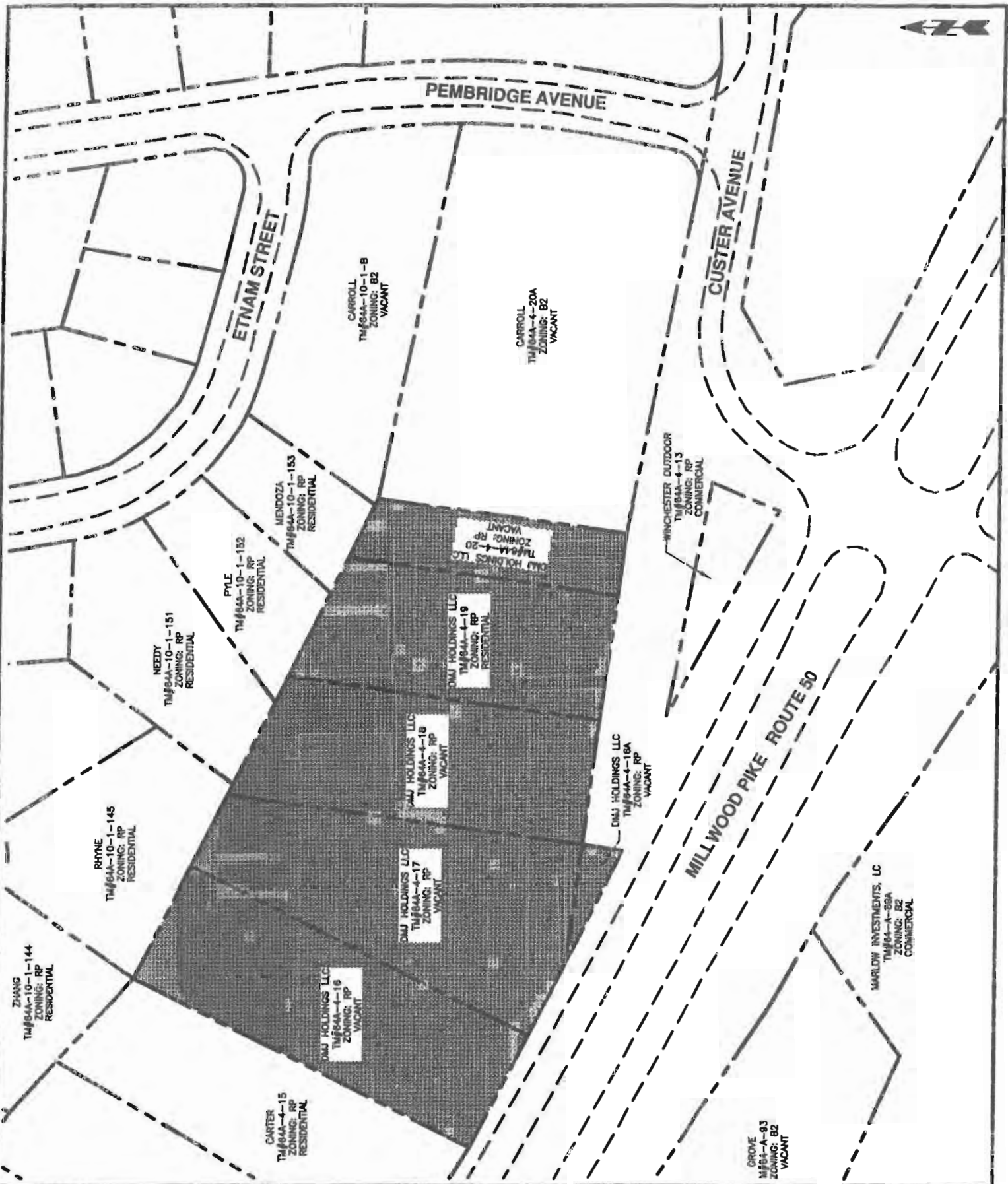
The subject parcels are located at the northwest corner of Route 50 and Custer Avenue. The description of B2 zoning in the Frederick County Zoning Ordinance states that general business areas are located at major intersections, involve frequent and direct access by the general public, and should have direct access to major thoroughfares. All the other parcels fronting on this intersection are currently zoned B2 or contain commercial uses. This site is suited for rezoning to the Business General District. The Eastern Frederick County Long Range Land Use Plan designates these parcels as "Business". The parcels are within the Urban Development Area and the Sewer and Water Service Area. If any existing wells and drainfields are identified on the properties, they will be located and appropriately abandoned at the time of development.

100 YEAR FLOOD PLAIN

FIRM Community Panel Number 510063 0115 B shows the subject area to be outside of any flood hazard zone.

WETLANDS

No wetlands have been identified on this site. As a result of the development of this site, construction activities will occur off site. In the event that construction will impact off site wetlands, the requisite permits will have to be obtained to allow disturbance of jurisdictional wetlands.



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PROJECT:

**PROPERTY REZONING MAP
 DMJ HOLDINGS, L.L.C.
 FREDERICK COUNTY, VIRGINIA**

SURVEY: NA	C.I.: NA
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1"=100.0'	DATE: 06/15/16
SHEET: EXHIBIT 1	

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

STEEP SLOPES

According to the soil survey information there are no steep slopes located on this site. The general elevation of the site is lower than the adjacent residential lots and therefore, the apparent height of commercial buildings will be minimized when viewed from the neighborhood.

MATURE WOODLANDS

There are no mature woodlands located on this site.

SOILS

According to the Soil Survey of Frederick County, the site contains the following soil types:

- **Blairton silt loam:** 3C (7-15%) This soil is moderately deep, strongly sloping, and somewhat poorly drained. It is mostly found along heads of drainage ways and in broad upland depressions.
- **Weikert-Berks channery silt loams:** 41D (15-25%) This consists of shallow and moderately deep, moderately steep, well drained soils on side slopes and ridges.

B. SURROUNDING PROPERTIES

The parcels to be rezoned are bordered to the north by residential properties contained within the Pembridge Heights subdivision. The parcel to the west is residential. The parcel to the east is zoned B2 and is vacant. The parcels directly across Route 50 to the south are all zoned B2. The following table lists all adjacent owners and parcel numbers.

Tax Map No.	Owner	Ex. Zoning	Ex. Use
64A-4-20A	Carroll, James H.	B2	Vacant
64A-10-1-B	Carroll, James H.	B2	Vacant
64A-10-1-153	Mendoza Espinoza, Armando	RP	Residential
64A-10-1-152	Pyle, Glenn	RP	Residential
64A-10-1-151	Needy, Ivang	RP	Residential
64-A-93	Grove, Eugene F	B2	Vacant
64A-10-1-145	Rhyme, Jerry & Julie	RP	Residential
64A-10-1-144	Zhang, Yuan Shun	RP	Residential
64A-4-15	Carter, Jan	RP	Residential
64-A-89A	Marlow Investments, LC	B2	Commercial
64A-A-13	Winchester Outdoor	RP	Commercial

C. TRAFFIC

The property is located at the signalized intersection of Custer Avenue and Route 50. According to the Frederick County Eastern Road Plan, Route 50 is designated as a six lane, divided, urban section. At the location of the site, Route 50 is generally a four lane, divided, rural section. Please refer to the existing conditions plan shown on **Exhibit 2** on

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

the following page. There are no long range plans for altering Custer Avenue from its current configuration.

Access to the site will be carefully planned to insure safe and efficient traffic flow. The site has frontage on both Custer Avenue and Millwood Pike, however, access from both rights of way could be problematic without thorough analysis. The future traffic patterns should be planned with consideration given to the adjacent commercially zoned parcel identified by Tax Map #64A-4-20B. While access to Custer Avenue would allow traffic exiting the site to utilize the existing traffic signal at Route 50, there appears to be insufficient stacking depth for southbound traffic. Therefore, the applicant is proposing a "right in" only from Custer Avenue that will serve only southbound traffic coming from the residential neighborhoods located to the north and east of the site. Please refer to the Location Map in Section 2 of this report. The primary access to the site is proposed to come from Route 50. Route 50 is a divided highway, therefore the access is proposed as a right in/right out only entrance.

Interparcel access will be granted to the adjacent parcels (Tax Map #64A-4-20B and Tax Map #64A-4-15). This will provide the means to limit the number of access points on both Custer Avenue and Route 50.

A Traffic Impact Analysis is contained in Section 7. The analysis was performed by Stowe Engineering, PLC. The TIA as presented is based on a build-out of the site which would include intensive traffic generators. The TIA assumes the construction of a 60 room hotel and a convenience store with eight fueling positions. These particular uses were proposed to achieve a high level of trips generated by the proposed site and thus to make provisions for street improvements that may result from the rezoning.

According to figures from the Virginia Department of Transportation, the Average Annual Daily Traffic on Route 50, Millwood Pike, in 2004 in the vicinity of the site was 20,000 vehicles/day. Custer Avenue, Route 781, had an AADT of 1900 vehicles/day in 2004.

The TIA shows that traffic that may result from the rezoning represents a minor portion of the projected traffic from existing and future developments. The TIA points out that there are now proffered improvements for the intersection of Route 50 and Prince Frederick Drive (Custer Ave.) that are associated with the Governors Hill project. With Phase 2 of the Governors Hill project the following improvements are proffered for the Route 50/Prince Frederick Drive intersection:

- Construction of a second northbound left turn lane;
- Extension of the storage for the northbound right turn lane;
- Extension of the storage for the eastbound left turn lane;
- Extension of the storage for the westbound left turn lane.

The TIA recommends that additional improvements to this intersection be proffered in association with this rezoning that would include:

IMPACT ANALYSIS STATEMENT DMJ Holdings, L.L.C.

- Construct an additional southbound lane from the proposed entrance on Custer Avenue to Millwood Pike. This lane will serve as a right turn lane for south bound traffic.
- Restripe the pavement on Custer Avenue at the intersection to delineate a right turn lane, and a combined through-left turn lane.

The residents from the adjacent neighborhoods have expressed concern that the eastbound left turn lane is inadequate at times to provide vehicle storage. Potentially, this site could be developed before the Governors Hill project. Therefore, the Proffer Statement contains a commitment to increase the storage capacity of the left turn lane if required.

Bicycle and pedestrian improvements will be constructed generally along the Route 50 frontage of the site. Pedestrian facilities will be constructed to link Pembridge Avenue with Route 50. Final design of these improvements will conform to the standards and requirements of the Virginia Department of Transportation and Frederick County. Please refer to the Proffer Statement.

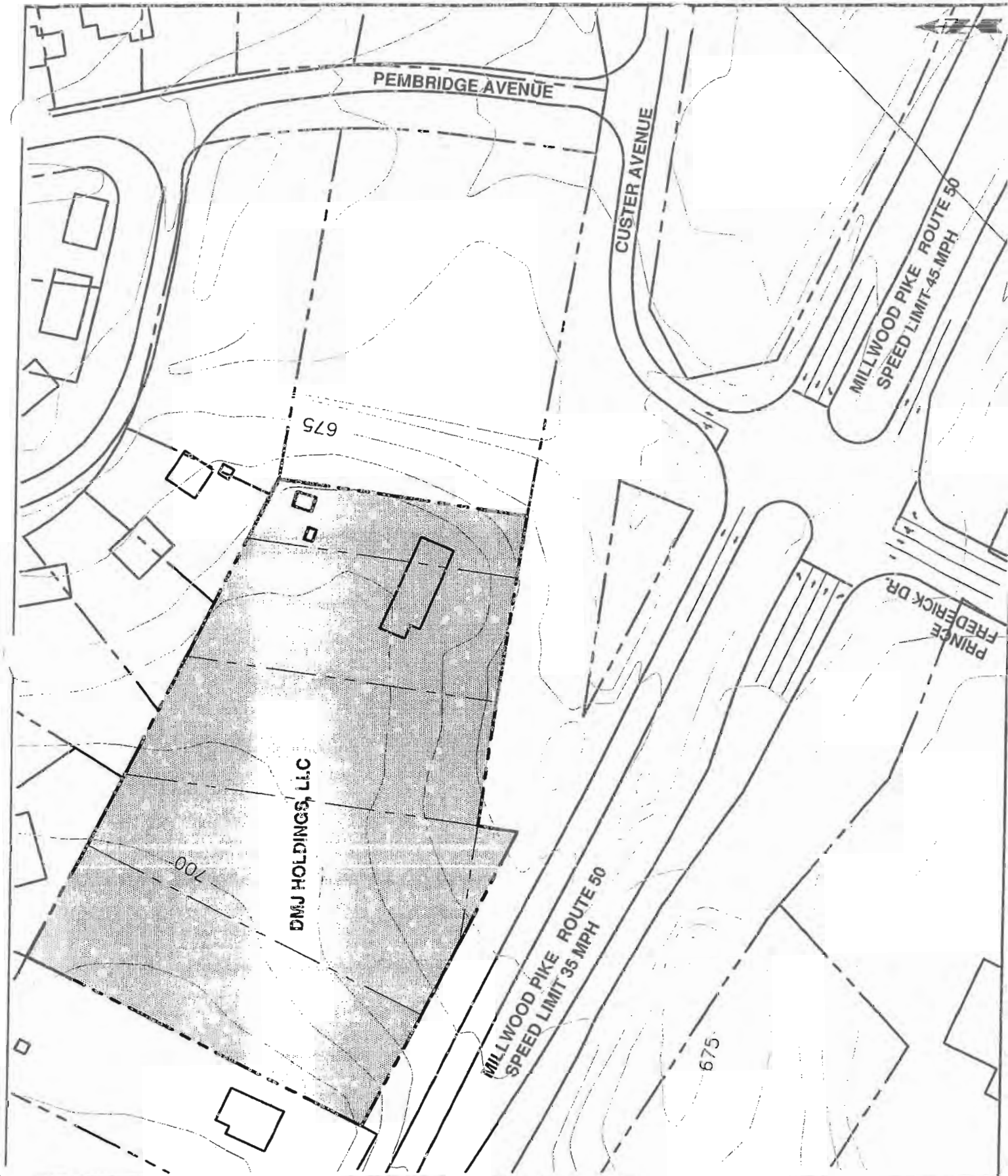
During the review of the TIA, concern has been raised that the U-turn movement at the Ryco Lane intersection with Route 50 may have significant impacts on westbound and eastbound traffic. Specifically, the concerns are 1) that traffic exiting the site will not be able to cross the westbound lanes of Route 50 safely to get to a position to make the U-turn to head eastbound, and 2) that the U-turn movement will create conflict with the eastbound traffic.

The traffic engineer has evaluated the movement of vehicles which exit the site heading westbound and crossing both lanes to enter the left turn lane and has determined that this movement is functional. This evaluation has been attached to the end of the TIA in Section 7.

The TIA states that at design year 2020, the peak hour U-turn movement at Ryco Lane is 32 VPH. The impact of these U-turn movements is mitigated by the existence of the center turn lane in Route 50 which provides protection for the vehicles and the upstream traffic signal which will provide gaps in the eastbound traffic into which these vehicles may make the U-turn movement.

D. SEWAGE CONVEYANCE AND TREATMENT

The site is inside the limits of the Frederick County Sewer and Water Service Area. The development would be serviced by the county sewer system. The location of the existing sewer lines is shown on **Exhibit 3** on the following page.



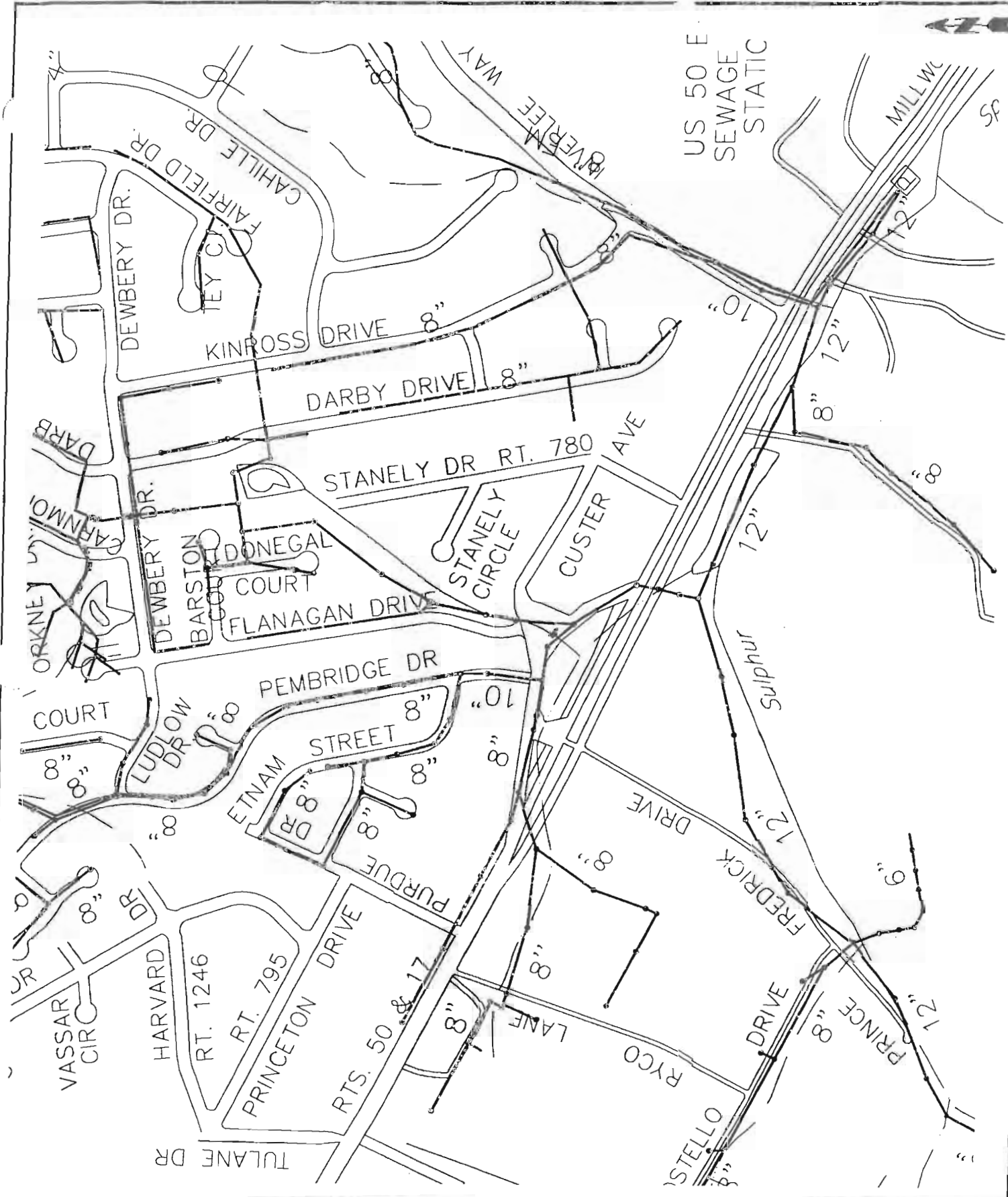
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PROJECT:

**EXISTING CONDITIONS EXHIBIT
 DMJ HOLDINGS, L.L.C.
 FREDERICK COUNTY, VIRGINIA**

SURVEY: NA	C.I.: 5'
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1" = 100.0'	DATE: 3/5/09
SHEET: EXHIBIT 2	



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PROJECT:
SANITARY SEWER EXHIBIT
DMJ HOLDINGS, L.L.C.
FREDERICK COUNTY, VIRGINIA

SURVEY: NA	C.I.: NA
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1"=600.0'	DATE: 3/5/09
SHEET: EXHIBIT 3	

E. WATER SUPPLY

The site is inside the limits of the Frederick County Sewer and Water Service Area. The development would be serviced by the county water system. The location of the existing water lines is shown on **Exhibit 4** on the following page.

F. DRAINAGE

According to Frederick County topographic mapping and the Frederick County Soil Survey this site has gentle slopes ranging from 2 percent to 25 percent. Storm water runoff generally toward the Route 50 right of way from west to east and passes under Custer Avenue in a culvert. With the development of this site a storm water management system would be implemented to control any added flow created by the increased impervious areas.

G. SOLID WASTE DISPOSAL FACILITIES

The nearest citizens' trash facility is located at the landfill on Sulphur Springs Road approximately two mile north and east of the site. In general, the collection of solid waste from the proposed commercial development will be accomplished by a private hauler. It is estimated that the development will generate approximately 100 pounds of solid waste per acre per day that will be transported to the landfill. Tipping fees are currently \$45 per ton for commercial haulers. No additional solid waste disposal facilities will be required for the proposed development. It is estimated that \$2,280 in tipping fees will be paid to dispose of 50 tons of solid waste annually.

H. HISTORIC SITES AND STRUCTURES

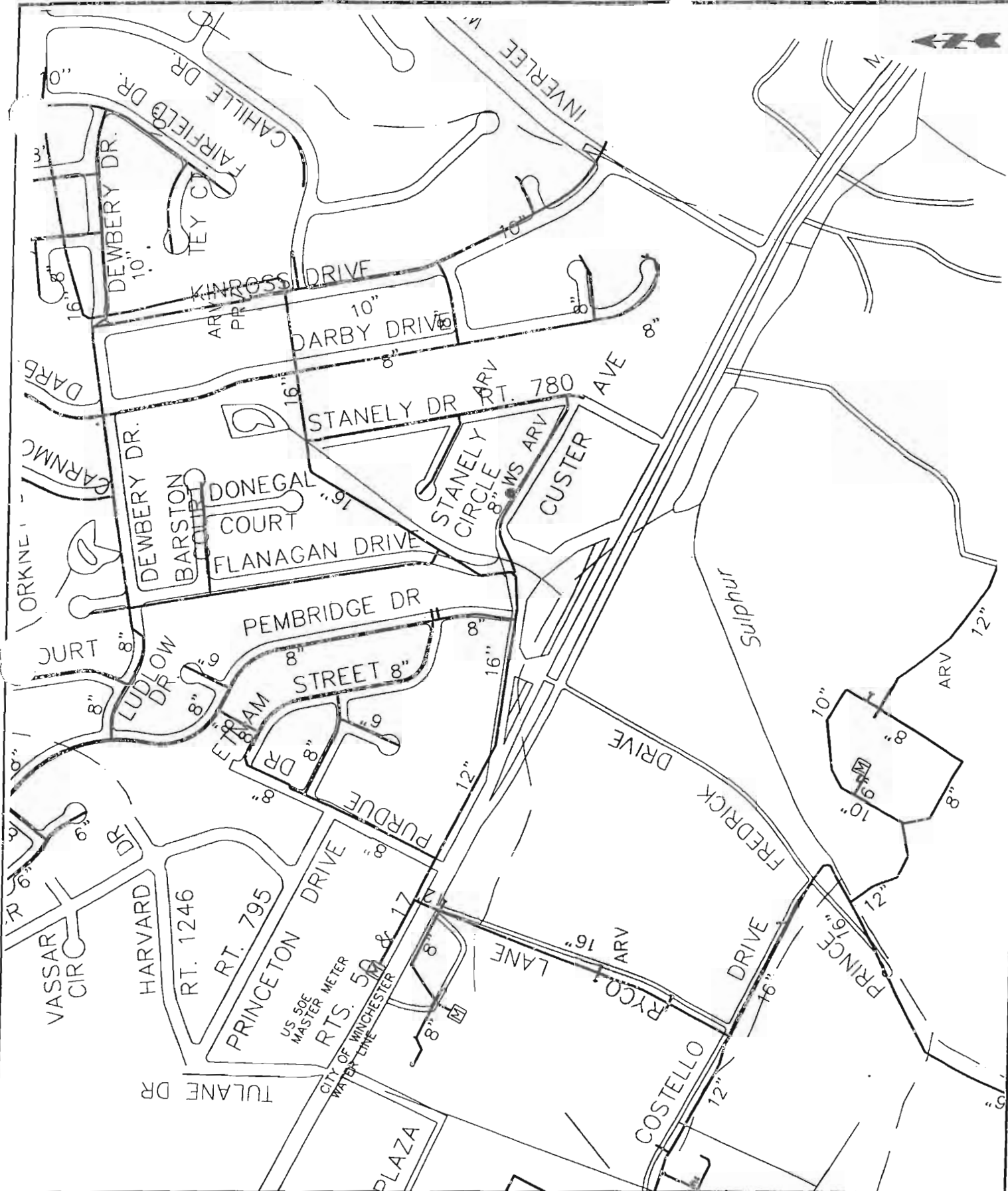
This site does not contain any historic or "potentially significant" historic structures as listed in *The Rural Landmarks Survey Report of Frederick County*. There are several "potentially significant sites" that lie within a mile of the site. The Rural Landmarks Survey Report lists several other structures within approximately one mile of the site as shown on **Exhibit 5**.

A copy of the *Civil War Battlefields and Sites* map has been included on the following pages. The subject parcels do not lie on any Civil War Battlefield sites.

I. COMMUNITY FACILITIES

DEVELOPMENT IMPACT MODEL

The Frederick County Development Impact Model (D.I.M.) is utilized primarily for residential rezoning requests. It is anticipated that the capital facilities impacts of



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PROJECT:
WATER DISTRIBUTION EXHIBIT
DMJ HOLDINGS, L.L.C.
FREDERICK COUNTY, VIRGINIA

SURVEY: NA	C.I.: NA
DRAWN BY: P-L	JOB NO.: 0812002
SCALE: 1"=100.0'	DATE: 3/5/09
SHEET: EXHIBIT 4	

CONSULTING
ENGINEERS

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

commercial and industrial rezoning requests are ultimately fiscally positive to the County by policy. Accordingly, the D.I.M. does not apply a fiscal impact to commercial rezoning.

EMERGENCY SERVICES

Police protection is provided by the Frederick County Sheriff's Department. The nearest fire and rescue facility is the Millwood Station Volunteer Fire and Rescue Company located on Costello Drive. No additional fire and rescue facilities will be required for the area proposed to be rezoned. The Frederick County Capital Facilities Impact Model calculates that there will not be any projected capital cost for emergency service facilities attributable to this development. The owner recognizes the importance of emergency services, and proposes to proffer a monetary contribution to the local emergency responder. See the attached Proffer Statement.

PARKS AND RECREATION

There are typically no impacts on Parks and Recreation facilities associated with rezoning to a commercial use.

J. LOT CONSOLIDATION

Exhibit 6 on the following page shows the total site proposed for rezoning in a consolidated form. Consolidation will eliminate interior lot lines. Access easements will be created to preserve access to the adjacent parcels.

K. HOA MEETING RESULTS

A meeting with members of Pembridge Heights and Raven Wing home owners associations took place on May 28, 2009 at the home of Ralph and Elyse Pritchett. Pembridge Heights owners included the Pritchetts, Adrienne Hayes, and James Davern. Raven Wing owners included Howard Miller, James Oakes, Frank Lucostic, Pat Meyer, and Henry Noble. The meeting resulted in a number of concerns that can be categorized as concerns associated with existing conditions and concerns associated with conditions which would arise with a change in the zoning.

CONCERNS ASSOCIATED WITH EXISTING CONDITIONS

Traffic at the intersection of Custer Avenue and Route 50 is currently a concern. Discussion at the meeting resulted in the identification of four specific deficiencies associated with the intersection:

- 1) The turn signal cycle for the southbound lane on Custer Avenue seems to be too short to allow a sufficient number of vehicles through the intersection per cycle.

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

- 2) The southbound lane on Custer Avenue in the area of the intersection with Route 50 is in need of pavement repair.
- 3) A right turn lane should be added to Custer Avenue southbound to allow continuous right turn movement.
- 4) The vehicle storage area for left turns on Route 50 eastbound is not adequate.
 - The applicant will address concerns 1, 2, and 3 by a commitment to add a right turn lane northbound on Custer Avenue. This will result in a repair of the existing pavement and allow more vehicles to pass through the intersection during each signal cycle.
 - As pointed out in the Traffic Impact Analysis, the Governors Hill project has already committed to increase the vehicle storage capacity of the left turn lane east bound on Route 50. However, the applicant will commit to providing this improvement, and therefore address concern 4, in the case when the subject property is developed before the Governors Hill project.

Please refer to the Proffer Statement in Section 7.

CONCERNS ASSOCIATED WITH A CHANGE TO B2 ZONING

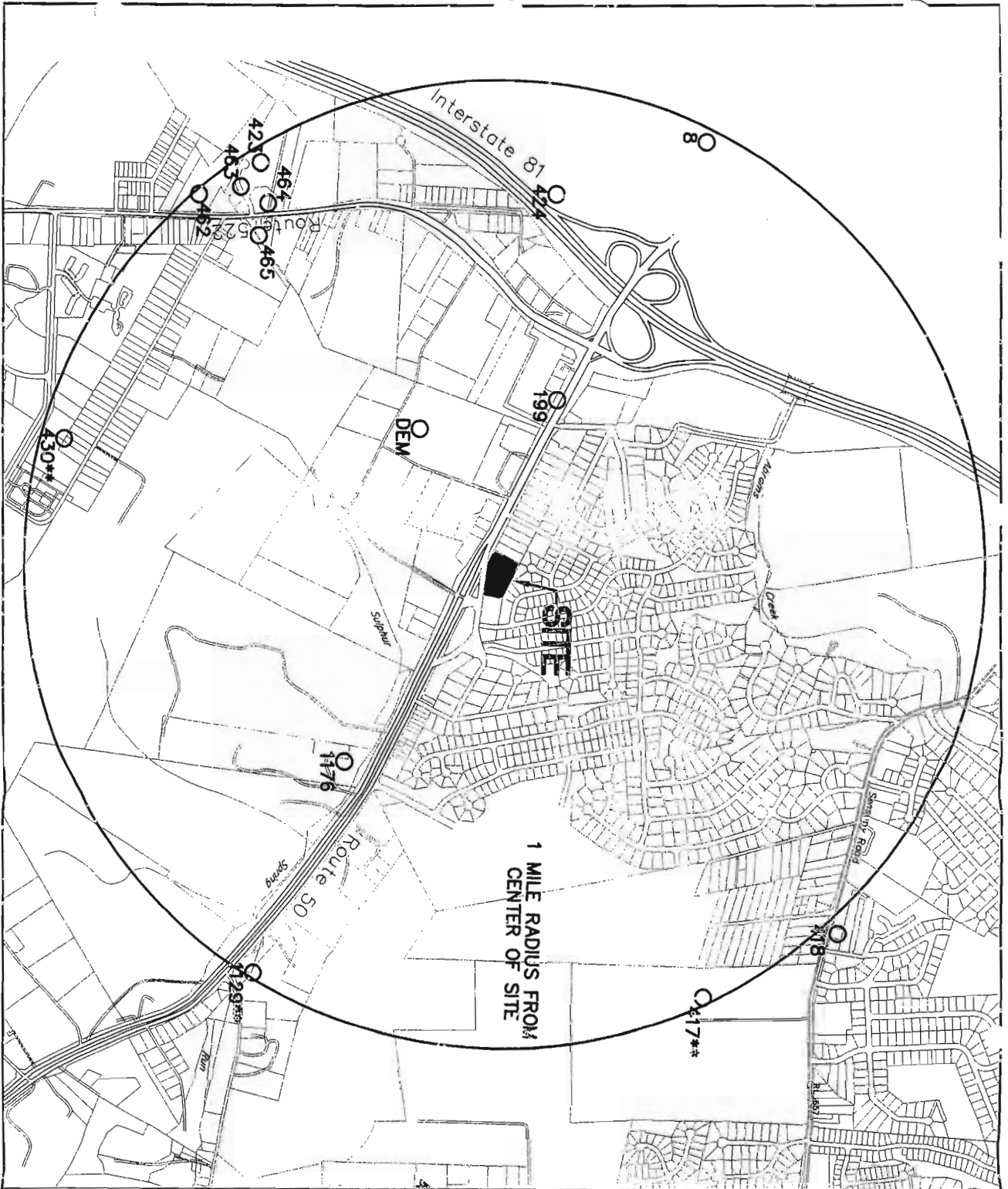
Discussion at the meeting resulted in the identification of nine specific concerns associated with the proposed zoning change.

- 1) If a "destination use", such as a fast food restaurant, is developed on the site, there will be an unacceptable increase in traffic from the Senseny Road area associated with local trips.
- 2) A "white table cloth" restaurant is an acceptable use. A fast food or high turnover restaurant with drive-through service will be a source of noise, odors, and trash.
- 3) A commercial establishment will result in light glare impacting the residential neighborhood.
- 4) Freestanding signs may be illuminated to the point that the glare is offensive.
- 5) New buildings should be constructed from materials which are attractive and compatible with the adjacent residential uses.
- 6) The height of new buildings should be limited to decrease impacts on the adjacent residential uses.
- 7) Existing vegetation along the site perimeter should be preserved if possible.
- 8) Automobile sales establishments with outdoor sales areas should be eliminated as potential uses.
- 9) Lodging establishments with outdoor swimming pools should be eliminated as potential uses.
 - The applicant will address concerns 1 and 2 by prohibiting the site from being used for fast food or high turnover restaurants with drive-through service. Additional uses deemed incompatible will be prohibited.

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

- Concern 3 is already regulated under the current guidelines in the Frederick County Zoning Ordinance. To further ensure against excessive glare, the applicant will restrict parking lot pole lights to 18' total, maximum height as measured from the ground surface. Wall mounted lights will be shielded to result in downcast lighting only and limited in their height above the ground surface.
- The applicant will address concern 4 by ensuring that lighting sources for free standing signs shall be shielded, external, and directed only at the sign itself. Internal illumination of the free standing signs is acceptable only if the sign letters or characters themselves, not the background, are illuminated.
- The applicant will address concern 5 by ensuring that compatible materials will be used in the external finishes of buildings. Multiple buildings will be required to exhibit a common architectural appearance. Roof top mechanical units will be screened from the view of the adjacent residential uses.
- The applicant will address concern 6 by eliminating the height exception for hotels and office buildings as currently allowed in Section 165-24-B-(6) of the Frederick County Zoning Ordinance.
- The applicant will address concern 7 by establishing a "non-disturbance area" within the buffer adjacent to the residential uses where it is practical to preserve existing vegetation.
- The applicant will address concern 8 by prohibiting the site from being used for automotive dealers with outdoor display areas and gasoline service stations.
- No prohibition on outdoor swimming pools has been added to the proffer statement. Outdoor pools would typically be associated with public lodging facilities. These facilities impose hours of operation to insure that the guests are not disturbed from their sleep. These types of pools generally seem to experience limited usage.

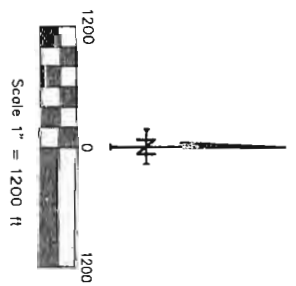
Please refer to the Proffer Statement in Section 7.



1 MILE RADIUS FROM CENTER OF SITE

- HISTORICAL PROPERTY KEY**
- 8 - UNIDENTIFIED
 - 199 - BARR HOUSE
 - 417 - JOHN CARPER HOUSE**
 - 418 - HOUSE, ROUTE 657 @ 1213
 - 423 - BRAITHWAITE HOUSE
 - 424 - GARBER FARM
 - 430 - ROSENBERGER FARM**
 - 462 - PINQLEY HOUSE
 - 463 - STORE, RT 522 @ OLD RT 645
 - 464 - BEAVER HOUSE
 - 465 - GOTHIC RENOVAL HOUSE, BEAVER PROPERTY
 - 1129 - CARPER-WYNN HOUSE**
 - 1176 - HEISLAND HOUSE

NOTE: ** INDICATES A POTENTIALLY SIGNIFICANT SITE AS DENOTED BY THE RURAL LANDMARKS SURVEY REPORT OF FREDERICK COUNTY



<p>DRAWN BY: JOB NO.: JLF 0812002</p> <p>SCALE: DATE: 1"=1200' 03/05/09</p> <p>SHEET: EXHIBIT 5</p>	<p>PAINTER-LEWIS, P.L.C.</p> <p>817 Cedar Creek Grade, Suite 120 Winchester, Virginia 22601 Telephone (540)662-5792 Facsimile (540)662-5793 Email : office@painterlewis.com</p>	<p>PROJECT: DMJ HOLDINGS, L.L.C. ROUTE 50 AT CUSTER DRIVE HISTORICAL PROP. MAP FREDERICK COUNTY, VA</p>
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CIVIL WAR SITES

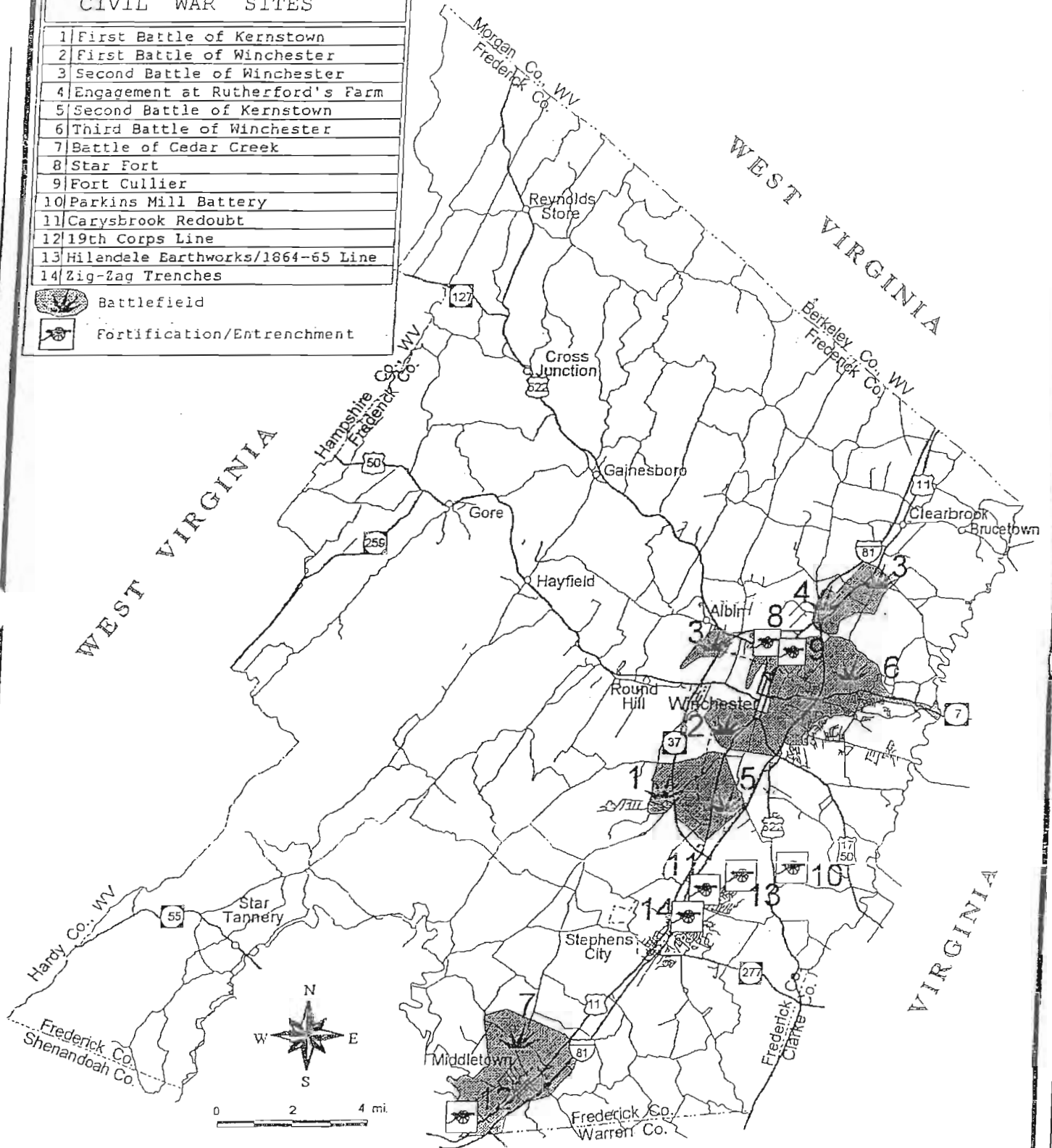
- | | |
|----|-----------------------------------|
| 1 | First Battle of Kernstown |
| 2 | First Battle of Winchester |
| 3 | Second Battle of Winchester |
| 4 | Engagement at Rutherford's Farm |
| 5 | Second Battle of Kernstown |
| 6 | Third Battle of Winchester |
| 7 | Battle of Cedar Creek |
| 8 | Star Fort |
| 9 | Fort Cullier |
| 10 | Parkins Mill Battery |
| 11 | Carysbrook Redoubt |
| 12 | 19th Corps Line |
| 13 | Hilandale Earthworks/1864-65 Line |
| 14 | Zig-Zag Trenches |



Battlefield



Fortification/Entrenchment

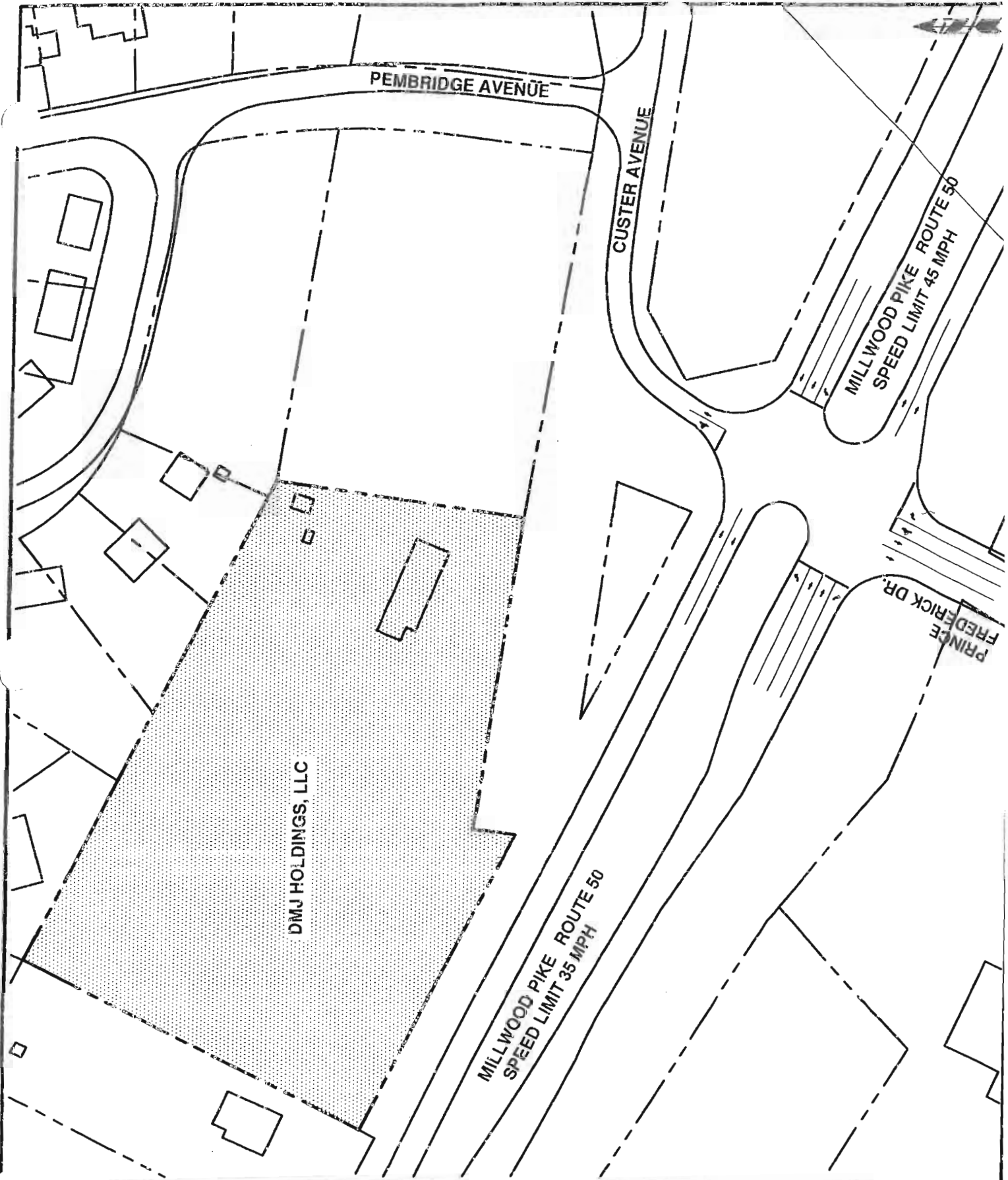


Frederick County Planning & Development
Winchester, Virginia

Civil War Battlefields and Sites

(As Defined by the NPS Shenandoah Valley Civil War Sites Study)

12-10-97



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

CONSULTING
 ENGINEERS

PROJECT:

**LOT CONSOLIDATION EXHIBIT
 DMJ HOLDINGS, L.L.C.
 FREDERICK COUNTY, VIRGINIA.**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	0812002
SCALE:	DATE:
1"=100.0'	6/1/09
SHEET:	
EXHIBIT 6	

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number <u>01-17</u>	Fee Amount Paid \$ <u>1,000⁰⁰</u>
PC Hearing Date <u>2/15/17</u>	Date Received <u>1/10/17</u>
	BOS Hearing Date <u>3/8/17</u>

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

Name: DMJ HOLDINGS, L.L.C. Telephone: 540 667 9000

Address: c/o PAINTER-LEWIS, P.L.C.
817 CEDAR CREEK GRADE, SUITE 120 WINCHESTER, VA 22601

2. Property Owner (if different than above):

Name: WINCHESTER METALS Telephone: 540 667 9000

Address: 345 PHELPSMORE LANE
WINCHESTER, VA 22602

3. Contact person if other than above:

Name: JOHN C. LEWIS, P.E. Telephone: 540 662-5792

4. Property Information:

- a. Property Identification Number(s): 64A-4-16A, 64A-4-16, 64A-4-17, 64A-4-18, 64A-4-19, 64A-4-20
- b. Total acreage to be rezoned: **PROFFER AMENDMENT-REZONING #05-09
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____
- d. Current zoning designation(s) and acreage(s) in each designation: B-2
- e. Proposed zoning designation(s) and acreage(s) in each designation: _____
- f. Magisterial District(s): SHAWNEE

5. Checklist: Check the following items that have been included with this application.

Location map	<input checked="" type="checkbox"/>	Agency Comments	<input type="checkbox"/>
Plat	<input checked="" type="checkbox"/>	Fees	<input type="checkbox"/>
Deed to property	<input checked="" type="checkbox"/>	Impact Analysis Statement	<input checked="" type="checkbox"/>
Verification of taxes paid	<input checked="" type="checkbox"/>	Proffer Statement	<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district			<input checked="" type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits			<input type="checkbox"/>

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
see attached sheet		
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The property is located at the northwest corner of the intersection of Route 50 and Custer Avenue.

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
 Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
 Retail: _____ Manufacturing: _____
 Restaurant: _____ Warehouse: _____
 Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): David M. [Signature] Date: 8/17/16

Date: _____

Owner(s): David M. [Signature] Date: 8/17/16

Date: _____

IMPACT ANALYSIS STATEMENT
DMJ Holdings, L.L.C.

ADJOINING PROPERTIES

The parcels to be rezoned are bordered to the north by residential properties contained within the Pembridge Heights subdivision. The parcel to the west is residential. The parcel to the east is zoned B2 and is vacant. The parcels directly across Route 50 to the south are all zoned B2. The following table lists all adjacent owners and parcel numbers. (Redlines indicate change from July 16, 2009 submittal)

Tax Map No.	Owner	Ex. Zoning	Ex. Use
64A-4-20A	Carroll, James H.	B2	Vacant
64A-10-1-B	Carroll, James H.	B2	Vacant
64A-10-1-153	Mendoza Espinoza, Armando	RP	Residential
64A-10-1-152	Pyle, Glenn	RP	Residential
64A-10-1-151	Needy, Ivang	RP	Residential
64-A-93	Grove, Eugene F	B2	Vacant
64A-10-1-145	Rhyne, Jerry & Julie	RP	Residential
64A-10-1-144	Zhang, Yuan Shun	RP	Residential
64A-4-15	Carter, Jan	RP	Residential
64-A-89A	Marlow Investments, LC	B2	Commercial
64A-A-13	Winchester Outdoor	RP	Commercial



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents: That I (We)

(Name) DONALD PHELPS (Phone) (540) 667-9000

(Address) 195 EBERT ROAD WINCHESTER, VA. 22603
the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. DB 203 on Page 537, and is described as

Parcel: 64A Lot: 17 Block: 4 Section: _____ Subdivision: _____
do hereby make, constitute and appoint:

(Name) JOHN C. LEWIS (Phone) 540 662 5792

(Address) 817 CEDAR CREEK GRADE SUITE 120 WINCHESTER 22601
To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- _____ Rezoning (including proffers)
- _____ Conditional Use Permit
- _____ Master Development Plan (Preliminary and Final)
- _____ Subdivision
- _____ Site Plan
- _____ Variance or Appeal
- X PROFFER AMENDMENT

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

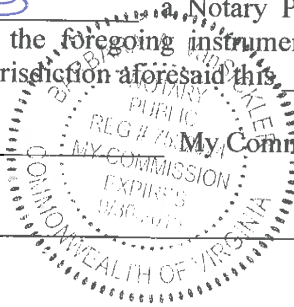
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we), have hereto set my (our) hand and seal this 17 day of August, 2016,

Signature(s) Donald Phelps

State of Virginia, City/County of Frederick, To-wit: Donald Phelps

I, Barbara A. VanSickler, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 17 day of Aug, 2016.

Barbara A. VanSickler My Commission Expires: 9/30/2016
Notary Public



К



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: M. Tyler Klein, AICP, Planner *MTK*

SUBJECT: Ordinance Amendment – Medical Offices in the RP (Residential Performance) and RA (Rural Areas) Districts as Conditional Uses

DATE: March 31, 2017

This is a proposed amendment to Chapter 165 – Zoning Ordinance, to add Medical Offices as a conditional use in the RP (Residential Performance) and RA (Rural Areas) Zoning Districts. Currently, this use is permitted by right in the B1 (Neighborhood Business) and the B2 (General Business) Zoning Districts.

Staff has drafted an amendment to add Medical Offices as a conditional use in the RP and RA Districts. Staff has also drafted supplemental use regulations that would correspond to the use – additional requirements could be added during the Conditional Use Permit process if necessary.

The DRRC discussed this proposed amendment at their January 26, 2017 meeting. The amendment was originally initiated by a citizen seeking to allow the use in the RP Zoning District. The DRRC agreed with the proposed change, and further recommended it also be allowed in the RA Zoning District through a conditional use, and the item was forwarded to the Planning Commission for discussion. The attached document shows the existing ordinance with the proposed change supported by the DRRC and Planning Commission (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments: 1. Revised ordinance with additions shown in bold underlined italics.
2. SIC Manuel – 801, 802, 803, and 804
3. Resolution

MTK/pd

ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Part 401 – RA Rural Areas District

§ 165-401.03 Conditional uses.

The following uses of structures and land shall be allowed only if a conditional use permit has been granted for the use:

NN. Offices and clinics of doctors of medicine, dentists and other health practitioners (SIC 801, 802, 803, and 804).

Part 402 – RP Residential Performance District

§ 165-402.03 Conditional uses.

Uses and associated signs permitted with a conditional use permit shall be as follows:

- A. Convalescent and nursing homes and adult care residences and assisted living care facilities.
- B. Cottage occupations, as defined.
- C. Nationally chartered fraternal lodges or civic clubs, social centers and their related club facilities, with an approved site plan, meeting the requirements of this chapter and with the following conditions:
 - (1) All principal activities shall take place entirely within an enclosed structure.
 - (2) All outdoor facilities shall be incidental to the principal facility or activity.
 - (3) No facility or activity shall be erected or conducted less than 30 feet from any residential district or area within other districts which are predominantly residential in nature.
- D. Day-care facilities.
- E. Rooming houses, boardinghouses and tourist homes.
- F. Veterinary offices, veterinary clinics or veterinary hospitals, excluding boarding of animals for nonmedical purposes.
- G. Museums

F. Offices and clinics of doctors of medicine, dentists and other health practitioners (SIC 801, 802, 803, and 804).

Article II

SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.30. Doctors of medicine, dentists and other health practitioners in the RP (Residential Performance) District and the RA (Rural Areas) District.

Doctors of medicine, dentists and other health practitioners in the RP (Residential Performance) District and the RA (Rural Areas) District shall be subject to the following requirements:

- A. **The use and site shall adhere to, and implement, General Business (B2) Zoning District design standards.**
- B. **Buffers and screening (including distance, opaque elements, and landscaping) shall be determined by the Zoning Administrator.**

Major Group 80.—HEALTH SERVICES*The Major Group as a Whole*

This major group includes establishments primarily engaged in furnishing medical, surgical, and other health services to persons. Establishments of associations or groups, such as Health Maintenance Organizations (HMOs), primarily engaged in providing medical or other health services to members are included, but those which limit their services to the provision of insurance against hospitalization or medical costs are classified in Insurance, Major Group 63. Hospices are also included in this major group and are classified according to the primary service provided.

Industry groups 801 through 804 includes individual practitioners, group clinics in which a group of practitioners is associated for the purpose of carrying on their profession, and clinics which provide the same services through practitioners that are employees.

Industry Group No.	Industry No.
--------------------------	-----------------

801 OFFICES AND CLINICS OF DOCTORS OF MEDICINE**8011 Offices and Clinics of Doctors of Medicine**

Establishments of licensed practitioners having the degree of M.D. and engaged in the practice of general or specialized medicine and surgery. Establishments operating as clinics of physicians are included in this industry. Osteopathic physicians are classified in Industry 8031.

Ambulatory surgical centers
Anesthesiologists, offices of
Clinics of physicians (M.D.)
Dermatologists, offices of
Freestanding emergency medical (M.D.)
centers
Gynecologists, offices of
Neurologists, offices of
Obstetricians, offices of
Oculists, offices of
Ophthalmologists, offices of
Orthopedic physicians, offices of

Pathologists (M.D.), offices of
Pediatricians, offices of
Physicians (M.D.), including specialists:
offices and clinics of
Plastic surgeons, offices of
Primary care medical (M.D.) clinics
Psychiatrists, offices of
Psychoanalysts, offices of
Radiologists, offices of
Surgeons (M.D.), offices of
Urologists, offices of

802 OFFICES AND CLINICS OF DENTISTS**8021 Offices and Clinics of Dentists**

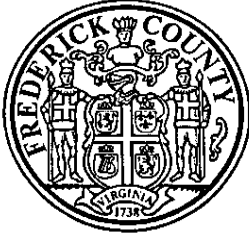
Establishments of licensed practitioners having the degree of D.M.D. or D.D.S. (or D.D.Sc.) and engaged in the practice of general or specialized dentistry, including dental surgery. Establishments operating as clinics of dentists are included in this industry.

Clinics of dentists
Dental surgeons, offices of
Dentists, offices and clinics of
Endodontists, offices of
Oral pathologists, offices of

Orthodontists, offices of
Pathologists, oral: offices of
Periodontists, offices of
Prosthodontists, offices of

803 OFFICES AND CLINICS OF DOCTORS OF OSTEOPATHY**8031 Offices and Clinics of Doctors of Osteopathy**

Establishments of licensed practitioners having the degree of D.O. and engaged in the practice of general or specialized osteopathic medicine and sur-



Action:

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 401 – RA RURAL AREAS DISTRICT
§165-401.03. CONDITIONAL USES**

**PART 402 – RP RESIDENTIAL PERFORMANCE DISTRICT
§165-402.03. CONDITIONAL USES**

**ARTICLE II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND
REGULATIONS FOR SPECIFIC USES
§165-204-30. DOCTORS OF MEDICINE, DENTISTS AND OTHER HEALTH
PRACTITIONERS IN THE RP (RESIDENTIAL PERFORMANCE) DISTRICT
AND THE RA (RURAL AREAS) DISTRICT**

WHEREAS, an ordinance to amend Chapter 165, Zoning to add Medical Offices as a conditional use in the RP (Residential Performance) District and RA (Rural Areas) District was considered along with supplemental use regulations that would correspond to the use; and

WHEREAS, The Development Review and Regulations Committee (DRRC) reviewed the change at their January 26, 2017 meeting and agreed with the proposed changes to add Medical Offices to the RP Zoning District along with a further recommendation it also be allowed in the RA Zoning District and sent the item forward for review by the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on March 15, 2017 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on April 12, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to add Medical Offices as a conditional use in the RP (Residential Performance) District and RA (Rural Areas) District, including supplemental use regulations that would correspond to the use.

Passed this 12th day of April, 2017 by the following recorded vote:

This resolution was approved by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Blaine P. Dunn	_____
Gene E. Fisher	_____	Robert W. Wells	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

L



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: M. Tyler Klein, AICP, Planner *MTK*

SUBJECT: Ordinance Amendment – Permitted and Conditional Uses in the RA (Rural Areas) Zoning District

DATE: March 31, 2017

This is a proposed amendment to Chapter 165 – Zoning Ordinance, to allow additional by-right and conditional uses in the RA (Rural Areas) District. This effort seeks to expand and clarify the opportunities available for small businesses and agritourism in the Rural Areas. In doing so, this effort is supportive of the goals and strategies expressed in the 2035 Comprehensive Plan for the County’s Rural Areas and for Agribusiness Development. In addition, it is responsive to requests and inquiries by stakeholders from the Rural Areas.

Staff has drafted an amendment to the RA Zoning District to include additional permitted uses, including agritourism, commercial stables/equestrian facilities, cut-your-own tree farms and on-premises wayside stands accessory to a bona fide farm; and conditional uses including farm stays, special event facilities, commercial archery ranges, ice cream parlors, bakeries and craft/gift shops. Staff has also drafted supplementary use regulations that would apply to special event centers as well as new definitions.

The DRRC discussed this proposed amendment at their January 26, 2017 and February 23, 2017 meetings. Staff also discussed the proposed changes with stakeholders including local property owners/agritourism providers, the Tourism Board and the Virginia Tech Cooperative Extension. The DRRC agreed with the proposed changes and sent it forward to the Planning Commission for discussion at the March 15, 2017 meeting. The attached document shows the existing ordinance with the proposed changes supported by the DRRC and the Planning Commission (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the items to public hearing should the Board of Supervisors deem it appropriate.

**Attachments: 1. Revised ordinance with additions shown in bold underlined italics.
2. Resolution**

MTK/pd

Article I

General Provisions; Amendments; and Conditional Use Permits

Part 101 – General Provisions

§ 165-101.02. Definitions and Word Usage.

FARM STAY – *Any guest accommodation on a working farm. In addition to overnight accommodations on site, guests may participate in rural activities including farming, animal husbandry, ranching, harvest-your-own-activities, natural activities and attractions.*

AGRITOURISM - *Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.*

STABLE, COMMERCIAL - *A building, group of buildings, or use of land, or any combination thereof, where, for compensation, whether monetary or goods, provision is made for horses or ponies for hire or instruction in riding.*

SPECIAL EVENT FACILITY - : *A facility or site utilized for events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation; special events include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.*

Article II

SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.15 **Commercial shooting and archery ranges, outdoor.**

Outdoor shooting **and archery** ranges shall be allowed only with a conditional use permit. Where outdoor shooting **and archery** ranges are allowed, zoning district separation buffers and screens, Category C as described by this chapter, shall be provided in relation to surrounding properties containing residential uses. In no case shall a shooting range be located within 1,000 feet of any residence located on surrounding parcels of land. **In no case shall an archery range be located within 300 feet of any residence located on surrounding parcels of land.** Application for a conditional use permit shall include plans for appropriate site layout and design to protect the safety of the public. Such plans shall include berms and other protective features. All outdoor shooting **and archery** ranges shall be supervised at all times by qualified personnel.

§ 165-204.31. Special event facilities.

Special events facilities where allowed in the RA (Rural Areas) District, shall be subject to the following requirements:

- A. An illustrative sketch plan in accordance with the requirements of Article VIII shall be submitted with the Conditional Use Permit application. This plan shall identify: access for the facility, the location of all parking areas, the location and square footage for all structure(s) to be used, and the location of sewage disposal facilities.**
- B. All structures associated with a special events facility shall require a building permit.**
- C. All parking spaces and travel aisles shall be graveled. The Board of Supervisors may require through the Conditional Use Permit process that all travel aisles and/or parking spaces be paved with a minimum double prime and seal or alternative dust free surface.**
- D. Portable toilets shall be permitted for special event facilities, provided that they are screened from all adjoining properties and roads by topography, structures or new or existing landscaping.**
- E. Special events facilities that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.**

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 401 – RA Rural Areas District

§ 165-401.01 Purpose and intent.

- A. The purpose of the rural area regulations is to preserve large, open parcels of land, tree cover, scenic views, sensitive environmental areas and prime agricultural and locally significant soils. The regulations provide for a variation in lot size, at a density not to exceed one unit per five acres. The varying lot size is permitted in order to facilitate designs that blend in with the existing landscape and preserve some larger tracts of undeveloped land in order to maintain the rural character of the County, as well as provide a choice to home buyers.
- B. The regulations are intended to reduce environmental impacts, such as soil erosion, by requiring development which is sensitive to the existing features of the natural terrain and by reducing the amount of clearing needed for roads. Diversity and originality in lot layout are encouraged in order to achieve the best possible relationship between the development and the land. Individual lots and streets should be designed to minimize alteration of the natural site features, relate positively to surrounding properties and protect the views from surrounding areas. It is intended that by allowing flexibility in the subdivision design, while at the same time requiring that environmental concerns be addressed, a more attractive, environmentally sound and economically viable development will result.

§ 165-401.02 Permitted uses.

Structures and land shall be used for one of the following uses:

- A. Agriculture, farming, dairies, animal husbandry, and forestry.
- B. Orchards, horticulture and the production of nursery stock and products.
- C. Single-family dwellings.
- D. Mobile homes.
- E. Schools (without residential component).
- F. Public parks and playgrounds.
- G. Churches.
- H. Home occupations (as defined).
- I. Natural conservation areas.
- J. Winchester Airport.
- K. Group homes.
- L. Fire stations, companies and rescue squads.
- M. Frederick County sanitary landfill.
- N. Commercial and institutional cemeteries with or without funeral homes or cemetery office complexes.
- O. Post offices.
- P. Radio and television towers and their accessory buildings.
- Q. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities, railroad facilities and sewer and water facilities and lines owned by public utilities, railroad companies or public agencies.
- R. Required off-street parking.
- S. Oil and natural gas exploration, provided that the following requirements are met:
 - (1) All requirements of the Code of Virginia, as amended, and all applicable federal, state and local regulations shall be met.
 - (2) A site plan shall be reviewed and approved meeting all requirements of the Frederick County Code.
 - (3) Approval of the site plan and use shall be for 90 days, with subsequent renewals being approved by the Board of Supervisors.
 - (4) In order to begin extraction of the resource, a rezoning to the EM Extractive Manufacturing Zoning District will be required.
- T. Museums, parks or historic sites used for educational or historic preservation purposes.
- U. Business signs.
- V. Signs allowed in § 165-201.06B.
- W. Accessory uses.
- X. Poultry farms and hatcheries and egg production.
- Y. Fish hatcheries and fish production.
- Z. Hog farming. It shall be unlawful for any person to have or maintain or to permit to be erected, in the County, any hog pen that is located closer than 200 feet to a residence or an adjoining property that is used for human habitation.
- AA. Government services office.
- BB. Residential subdivision identification signs.
- CC. Farm Wineries.
- DD. Temporary family health care structure.
- EE. Farm breweries.
- FF. Farm distilleries.

GG. Agritourism.

HH. Commercial stables, equestrian facilities and commercial riding facilities.

II. Cut-your-own Christmas tree and evergreen tree.

JJ. On-premise wayside stand, roadside stand, or wayside market, accessory to a bona fide operating farm.

§ 165-401.03 Conditional uses.

The following uses of structures and land shall be allowed only if a conditional use permit has been granted for the use:

- A. Bed and Breakfasts, ***Farm Stay***
- B. Country clubs, with or without banquet facilities.
- C. Manufacture or sale of feed and other farm supplies and equipment.
- D. Fruit packing plants.
- E. Off-premise farm markets.
- F. Off-premises wayside stands.
- G. Country general stores.
- H. Service stations.
- I. Antique shops.
- J. Restaurants.
- K. Kennels.
- L. Petting farms.
- M. Television or radio stations.
- N. Motels.
- O. Auction houses.
- P. Campgrounds, tourist camps, recreation areas and resorts.
- Q. Commercial outdoor recreation, athletic or park facilities.
- R. Nationally chartered fraternal lodges or civic clubs, social centers and their related facilities.
- S. Sawmills and planing mills, Type B.
- T. Ambulance services.
- U. Retailing or wholesaling of nursery stock and related products.
- V. Landscape contracting businesses.
- W. Public garages without body repair, provided that the following conditions are met:
 - (1) All repair work shall take place entirely within an enclosed structure.
 - (2) All exterior storage of parts and equipment shall be screened from the view of surrounding properties by an opaque fence or screen at least six feet in height. This fence or screen shall be adequately maintained.
- X. Public garages with body repair, provided that the following conditions are met:
 - (1) All repair work shall take place entirely within an enclosed structure.
 - (2) All exterior storage of parts and equipment shall be screened from the view of surrounding properties by an opaque fence or screen at least six feet in height. This fence or screen shall be adequately maintained.
- Y. Sand, shale and clay mining, provided that the following conditions are met:
 - (1) All mining shall be above the mean, existing grade level of a parcel of land.
 - (2) All mining operations shall meet all applicable requirements of state and federal agencies.

(3) Such mining operations shall meet the landscaping and screening requirements, supplementary regulations, height, area and bulk regulations and site plan requirements contained in the EM Extractive Manufacturing District regulations.

Z. Cottage occupations (as defined).

AA. Cottage occupation signs.

BB. Veterinary office, clinic or hospital, including livestock services.

CC. Day-care facilities.

DD. Humanitarian aid organizational office.

EE. Schools (with residential component).

FF. Fruit and vegetable stands (SIC 5431).

GG. Blacksmith shops (SIC 7699).

HH. Farriers (SIC 7699).

II. Horseshoeing (SIC 7699).

JJ. Taxidermists (SIC 7699).

KK. Welding Repair (SIC 7692).

LL. Flea Markets, Operated Indoors or Outdoors.

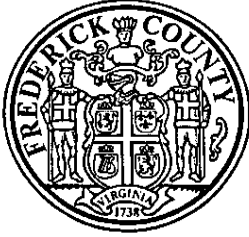
MM. Treatment Home.

NN. Special event facility.

OO. Commercial shooting and archery ranges (indoor or outdoor).

PP. Ice cream parlor or bakery.

QQ. Craft and gift shops.



Action:

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE I
GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS
PART 101 – GENERAL PROVISIONS
§165-101.02. DEFINITIONS AND WORD USAGE**

**ARTICLE II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND
REGULATIONS FOR SPECIFIC USES
PART 204 – ADDITIONAL REGULATIONS FOR SPECIFIC USES
§165-204.15 COMMERCIAL SHOOTING AND ARCHERY RANGES, OUTDOOR.**

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 401 – RA RURAL AREAS DISTRICT
§165-401.01 PURPOSE AND INTENT.
§165-401.02 PERMITTED USES.
§165-401.03 CONDITIONAL USES**

WHEREAS, an ordinance to amend Chapter 165, Zoning to allow additional by-right and conditional uses in the RA (Rural Areas) District was considered; and

WHEREAS, The Development Review and Regulations Committee (DRRC) discussed the proposed amendment at their January 26, 2017 and their February 23, 2017 meetings. The DRRC agreed with the changes to the proposed amendment and sent it forward to the Planning Commission and the Board of Supervisors; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on March 15, 2017 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on April 12, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to allow additional by-right and conditional uses in the RA (Rural Areas) District

Passed this 12th day of April, 2017 by the following recorded vote:

This resolution was approved by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Blaine P. Dunn	_____
Gene E. Fisher	_____	Robert W. Wells	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

M



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: M. Tyler Klein, AICP, Planner *MTK*

SUBJECT: Ordinance Amendment – Front Setbacks for Accessory Uses on Private Right-of-Ways (ROW)

DATE: March 31, 2017

This is a proposed amendment to Chapter 165 – Zoning Ordinance, to reduce the required front setback off of private right-of-ways in the RA (Rural Areas) District for accessory structures. Currently the setback off of a right-of-way in the RA District is 60 feet for both public and private roadways.

Staff has drafted a revision to the Zoning Ordinance to reduce the required front setback for accessory uses and structures where adjacent to private right-of-ways from 60-feet to 45-feet which is consistent with the front setback for rural preservation lots.

This item was proposed by a DRRC committee member at the January 26, 2017 meeting and the proposed amendment was discussed at their February 23, 2017 meeting. The DRRC agreed with the proposed change, and the item was forwarded to the Planning Commission for discussion at the March 15, 2017 meeting. The attached document shows the existing ordinance with the proposed change supported by the DRRC and Planning Commission (with bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments: 1. Revised ordinance with additions shown in bold underlined italics.
2. Resolution

MTK/pd

Article IV. Agricultural and Residential Districts

Part 401. RA Rural Areas District

§ 165-401.07 Setback requirements.

The following setback requirements shall apply to all parcels within the RA Rural Areas Zoning District:

- A. Setbacks for all lots other than rural preservation lots shall be as set out below.
 - (1) Front Setbacks. The front setback for any principle ~~or accessory~~ use or structure shall be 60 feet from the property line or right-of-way of the street, road or ingress/egress easement.
 - (2) Side or rear setbacks. The minimum side or rear setback for any principle use or structure shall be determined by the primary use of the adjoining parcel as follows:

Adjoining Parcel Size	Setback (Side and Rear) (feet)
6 acres or less	50
More than 6 acres	100
Agricultural and Forestal District, 6 acres or less	50
Agricultural and Forestal District, more than 6 acres	200
Orchard (regardless of parcel size)	200

- B. Rural Preservation Lots. The minimum setbacks from rural preservation lot lines which adjoin other rural preservation lots shall be as set out below. Side and rear setbacks from rural preservation lot lines which adjoin any parcel other than another rural preservation lot shall be determined by § 165-401.07A(2) of this chapter.
 - (1) Front setback. The front setback for any principal ~~or accessory~~ use or structure shall be 60 feet from the right-of-way of any existing state-maintained road and 45 feet from the right-of-way of any existing private ingress/egress easement or state-maintained road constructed to serve the subdivision.
 - (2) Side setback. No principal use or structure shall be located closer than 15 feet from any side lot line.
 - (3) Rear setback. No principal use or structure shall be located closer than 40 feet from any rear lot line.
- C. ~~(Reserved)~~ Accessory uses. The minimum setback for any accessory use or structure shall be ~~15 feet from any side or rear property line of a traditional five acre lot or any side or rear property line of a rural preservation lot. as follows:~~
 - (1) 60 feet from the edge of right-of-way of any public street or roadway owned and maintained by VDOT.

(2) 45 feet from the edge of right-of-way of any private right-of-way or ingress/egress easement.

(3) 15 feet from any side or rear property line.

- D. ***4*** One non-habitable accessory structure that meets the minimum setbacks for an accessory use may be located on a lot prior to the construction of a principal structure. This accessory structure shall not be permitted to contain any residential uses prior to the construction of the primary structure on the lot and shall be a maximum of 650 square feet in size.



Action:

BOARD OF SUPERVISORS: April 12, 2017 APPROVED DENIED

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
REGARDING CHAPTER 165, ZONING**

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 401 – RA RURAL AREAS DISTRICT
§165-401.07. SETBACK REQUIREMENTS**

WHEREAS, an ordinance to amend Chapter 165, Zoning to reduce the required front setback off of a private right-of-way in the RA (Rural Areas) District for accessory structures from 60 feet to 45 feet was considered; and

WHEREAS, this item was proposed by a Development Review and Regulations Committee (DRRC) member at the January 26, 2017 meeting and the proposed amendment was discussed at the February 23, 2017 DRRC meeting. The DRRC agreed with the proposed change and sent the item forward for review by the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on March 15, 2017 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on April 12, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to reduce the required front setback off of a private right-of-way in the RA (Rural Areas) District for accessory structures from 60 feet to 45 feet.

Passed this 12th day of April, 2017 by the following recorded vote:

This resolution was approved by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
Bill M. Ewing	_____	Blaine P. Dunn	_____
Gene E. Fisher	_____	Robert W. Wells	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator