



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 10, 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: C and D)

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

Board of Supervisors Comments

County Officials:

1. Committee Appointments. **(See Attached)**----- **A**
2. Request from Commissioner of the Revenue for Refunds.
(See Attached) ----- **B**
3. Road Name Change Requests: **(See Attached)**----- **C**
 - a. Removal of Wisecarver Lane Road Name.
 - b. Road Name Change from Pactiv Way to Kingspan Way.

Committee Reports:

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1. Public Safety Committee. **(See Attached)**----- D
2. Public Works Committee. **(See Attached)**----- E
3. Transportation Committee. **(See Attached)**----- F

Public Hearing:

1. Proposed Ordinance - Salaries of the Board of Supervisors - Pursuant to Section 15.2-1414.3 of the Code of Virginia, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Fix the Annual Salaries of the Board of Supervisors as Follows: Chairman, \$10,800; Vice Chairman, \$10,200; and Each Other Member of the Board of Supervisors at \$9,000. **(See Attached)** ----- G

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #05-17 for Virginia Preferred Properties, for an Indoor Commercial Recreation/Private Gym Facility. The Property is Located at 351 Victory Road, Winchester, Virginia and is Identified with Property Identification Number 64-A-80D in the Shawnee Magisterial District. **(See Attached)**----- H
2. Conditional Use Permit #06-17 for Thomas E. Jeffries, for an Indoor Commercial Recreation/Softball Training Facility. The Property is Located at 291 Independence Drive, Winchester, Virginia and is Identified with Property Identification Number 64-11-16 in the Shawnee Magisterial District. **(See Attached)**----- I

Other Planning Items:

1. Discussion - Medical Offices in the RP (Residential Performance) and RA (Rural Areas) Districts as Conditional Uses. **(See Attached)**----- J

Board Liaison Reports (If Any)

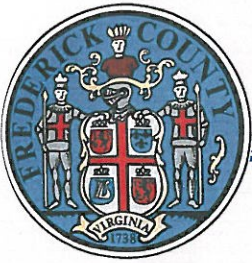
Citizen Comments

Board of Supervisors Comments

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Adjourn

A



COUNTY of FREDERICK


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: May 3, 2017
RE: Committee Appointments

Listed below are the vacancies/appointments due through June, 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

(Supervisor Lofton advised staff he may have a possible candidate and will advise as soon as possible as to a recommendation.)

APRIL 2017

Board of Building Appeals

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

(Mr. Whitacre advised staff he does not want to be reappointed.) (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.

JUNE 2017

Historic Resources Advisory Board

David O'Neil – Gainesboro District Representative
161 Harrelson Place
Winchester, VA 22603
Home: (540)722-8955
Term Expires: 06/12/17
Four year term

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

Planning Commission

Roger L. Thomas – Opequon District Representative
127 Halifax Avenue
Stephens City, VA 22655
Home: (540)869-4904
Term Expires: 06/14/17
Four year term

Winchester Regional Airport Authority

David C. Reichert – Frederick County Representative
142 Kinross Drive
Winchester, VA 22602
Home: (540)678-0770
Term Expires: 06/30/17
Four year term

Development Impact Model Oversight Committee

The Development Impact Model Committee was established at the June 28, 2006 Board of Supervisors Meeting. Appointments are for a one year term. The following will expire June 28, 2017:

Kris C. Tierney – County Administration Representative

Gary A. Lofton – Board of Supervisors and EDA Representative
Bill M. Ewing – Board of Supervisors Representative

(Supervisor Lofton currently serves on the Development Impact Model Oversight Committee and is current member of Economic Development Authority (EDA); therefore serves in both capacities.)

H. Paige Manuel – Planning Commission Representative
Roger L. Thomas – Planning Commission Representative

Seth Thatcher - School Board Rep. (Mr. Thatcher was School Board Representative for 2016, but according to School Board staff, a School Board member was not appointed for 2017, but can appoint representative if this committee is to continue.)

Stephen Pettler – Top of Virginia Building Association Representative

Memorandum – Board of Supervisors
May 3, 2017
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J. P. Carr – Top of Virginia Building Association Representative
(Staff is waiting to hear back from the Top of Virginia Building Association.)

BGG/tjp

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(051017BdMtg).docx

B



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: Brenda G. Garton, County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: May 3, 2017
RE: Commissioner of Revenue Refund Requests

Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. M-Express LLC (Middletown Exxon) – \$2,583.42
2. Rutherford Crossing Dialysis (Total Renal Care Inc.) – \$41,652.65

A handwritten signature in black ink, appearing to be "Roderick B. Williams", is written over a horizontal line.

Roderick B. Williams
County Attorney

Attachments



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: May 3, 2017

RE: Refund – M-Express LLC (Middletown Exxon)

I am in receipt of the Commissioner's request, dated May 2, 2017, to authorize the Treasurer to refund M-Express LLC (Middletown Exxon) the amount of \$2,583.42, for business license taxes in 2017. This refund resulted from adjustment of business license taxes after a merger of gas stations.

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



May 2, 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 – Middletown Exxon

A handwritten signature in cursive script, reading "E. Murphy", written over the "FROM:" line of the letter.

Please approve a refund of \$2,583.42 for adjustment of business license taxes for 2017 in the name of Middletown Exxon. This refund is for adjustment of business license taxes after merge of stations.

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 \$2,583.42.

Date: 4/25/17 Cash Register: COUNTY OF FREDERICK Time: 11:06:07

Act# 8784 Customer Transactions:
Trans. Type: PAY Dept/Bill#: BL2017 / 00027540001 P/I Date: 4/25/2017
Business: MIDDLETOWN EXXON Due Date: 4/03/2017
Address: PO BOX 2038 Sts Codes:
WINCHESTER VA
Zip Code: 22604 - 1238
Applicant: M EXPRESS LLC
Address: 122 RELIANCE RD
MIDDLETOWN VA Zip Code: 22645

Original Bill: \$3,875.13 Payments: \$6,458.55 Setoff Claim #: 00000000
Penalty Paid: \$.00 Int Paid: \$.00 Last Date: 4/25/2017
Amount Owed: \$2,583.42- Other: \$.00
Total Owed: \$2,583.42- Penalty: \$.00 Interest: \$.00
Prin. being Paid: 2583.42- Pen Rate % Int Fact Dept Code
Penalty being Paid: Interest being Paid:
Total Amount Paid: 2583.42- Aging:

Promise to Pay Date: Supplement No: 02

F1=Amt Tender F2=Next Ticket F3=Exit F10=Func Menu

Needs Board Approval



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: May 3, 2017

RE: Refund – Rutherford Crossing Dialysis (Total Renal Care Inc.)

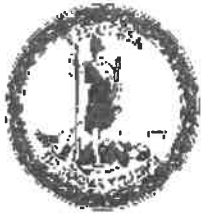
I am in receipt of the Commissioner's request, dated May 2, 2017, to authorize the Treasurer to refund Rutherford Crossing Dialysis (Total Renal Care Inc.) the amount of \$41,652.65, for business license taxes in 2016. This refund resulted from adjustment of business license taxes because of incorrect reporting of receipts by the taxpayer.

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.

A handwritten signature in black ink, appearing to be "R. Williams", is written over a horizontal line.

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




May 2, 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 – Rutherford Crossing Dialysis (Total Renal Care Inc.)



Please approve a refund of \$41,652.65 for adjustment of business license taxes for 2016 in the name of Rutherford Crossing Dialysis. This refund is for adjustment of business license taxes because of incorrect reporting of receipts by the taxpayer.

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

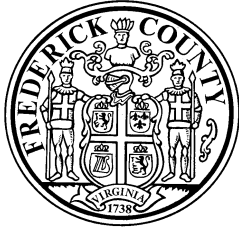
The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

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

Exoneration is \$41,652.65.

CONSENT AGENDA

C



COUNTY OF FREDERICK

Information Technologies

Patrick Fly, GIS Manager

pfly@co.frederick.va.us

Voice 540.665.5614

Fax 540.722.2169

MEMO

To: Board of Supervisors

CC: Brenda Garton, County Administrator

From: Patrick Fly, GIS Manager

Subject: Removal of Wisecarver Ln Road Name

Date: April 19, 2017

Mr. Mark Smith has submitted a formal request for the removal of Wisecarver Ln. Mr. Smith is the sole property owner affected by the change.

Wisecarver Ln is a private driveway used to access a barn located on the back of his property. This is the only addressed structure on Wisecarver Ln, Mr. Smith has been informed of the need to change that address which he has stated he is willing to do.

In accordance with Chapter 56-6 of County Ordinance, GIS has reviewed the request and is recommending approval of the road name removal.

107 North Kent Street, Winchester, Virginia 22601-5039

Mark Smith
Cedar Creek Nutrient &
Conservation Facility LLC
151 Windy Hill Lane
Winchester, Va. 22602
20 February 2017

Robin Cummings
Frederick County GIS Division
107 North Kent Street
Winchester, Va. 22601

Re: Removal of Wisecarver Lane From County Records

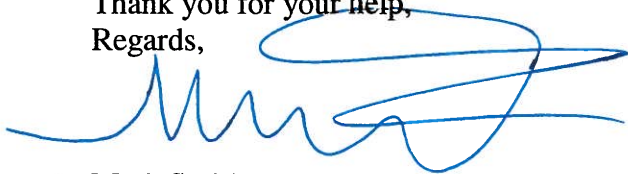
Robin,

I am writing to request the removal of Wisecarver Lane from the county records. Based on deed research, there is no evidence that Wisecarver Lane as it is currently shown in the GIS ever existed, either as a Class 3 Road or as a right-of-way easement. There was an old farm road where Wisecarver Lane is currently shown, but that farm road was there only to access a barn on the back of the property. There is an existing 50 foot right-of-way easement nearby, but that easement falls on the north/northeast side of parcel 61-A-11A.

It turns out that the barn mentioned above has an address point associated with it in GIS. This may be the source of the confusion about the existence of Wisecarver Lane. Please remove that address point as well (391 Wisecarver Lane); barns are not required to have an address. If Wisecarver Lane is removed from the county records, then there will not be a road associated with this address point anyway.

If you have any questions or need any additional information, please let me know.

Thank you for your help,
Regards,

A handwritten signature in blue ink, appearing to be 'Mark Smith', with a large, stylized flourish extending to the right.

Mark Smith



Barn with address point:
391 Wisecarver Lane

Approximate
Location
of existing
50 foot
right-of-way
easement

61 A 13A

61 A 11A

61 A 11

WISECARVER LN




CEDAR CREEK GR

622

BARLEY LN

732

Legend

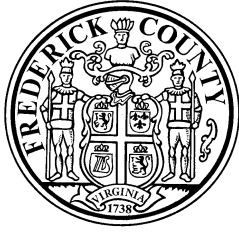
-  Parcel Boundary
-  Cedar Creek Nutrient & Conservation Facility LLC Property
-  Relevant Properties on Cedar Creek Grade

Feet

700 0 700 1,400



Virginia Geographic Information Network (VGIN)



COUNTY OF FREDERICK

Information Technologies

Patrick Fly, GIS Manager

pfly@co.frederick.va.us

Voice 540.665.5614

Fax 540.722.2169

MEMO

To: Board of Supervisors

CC: Brenda Garton, County Administrator

From: Patrick Fly, GIS Manager

Subject: Road Name Change from Pactiv way to Kingspan Way

Date: April 19, 2017

Jason Malone Technical Manager for Kingspan Insulation, LLC has requested that Pactiv Way which is the primary entrance for their facilities be renamed Kingspan Way.

Pactiv Way currently has two addresses on it both are for Kingspan LLC facilities. They believe this change will be good for their business. The County has reached out to the other property owner that has access on Pactiv Way and they have agreed to the requested change. Although this change has minimal impact as their property is currently vacant. It has been explained to all parties that they will have to change their addresses as part of this process. The Plant Manager Jamey Walters has acknowledged this and is willing to do so.

In accordance with Chapter 56-6 of County Ordinance, GIS has reviewed the request and is recommending approval of the road name removal.

107 North Kent Street, Winchester, Virginia 22601-5039



Kingspan Insulation, LLC
172 Pactiv Way
Winchester, VA 22603
540-771-5100

November 8, 2016

VIA E-MAIL

Robin Cummings
GIS Technician
Information Technologies, GIS Division
County of Frederick, Virginia
107 N. Kent St.
Winchester, VA 22601

Re: Request for Road Name Change

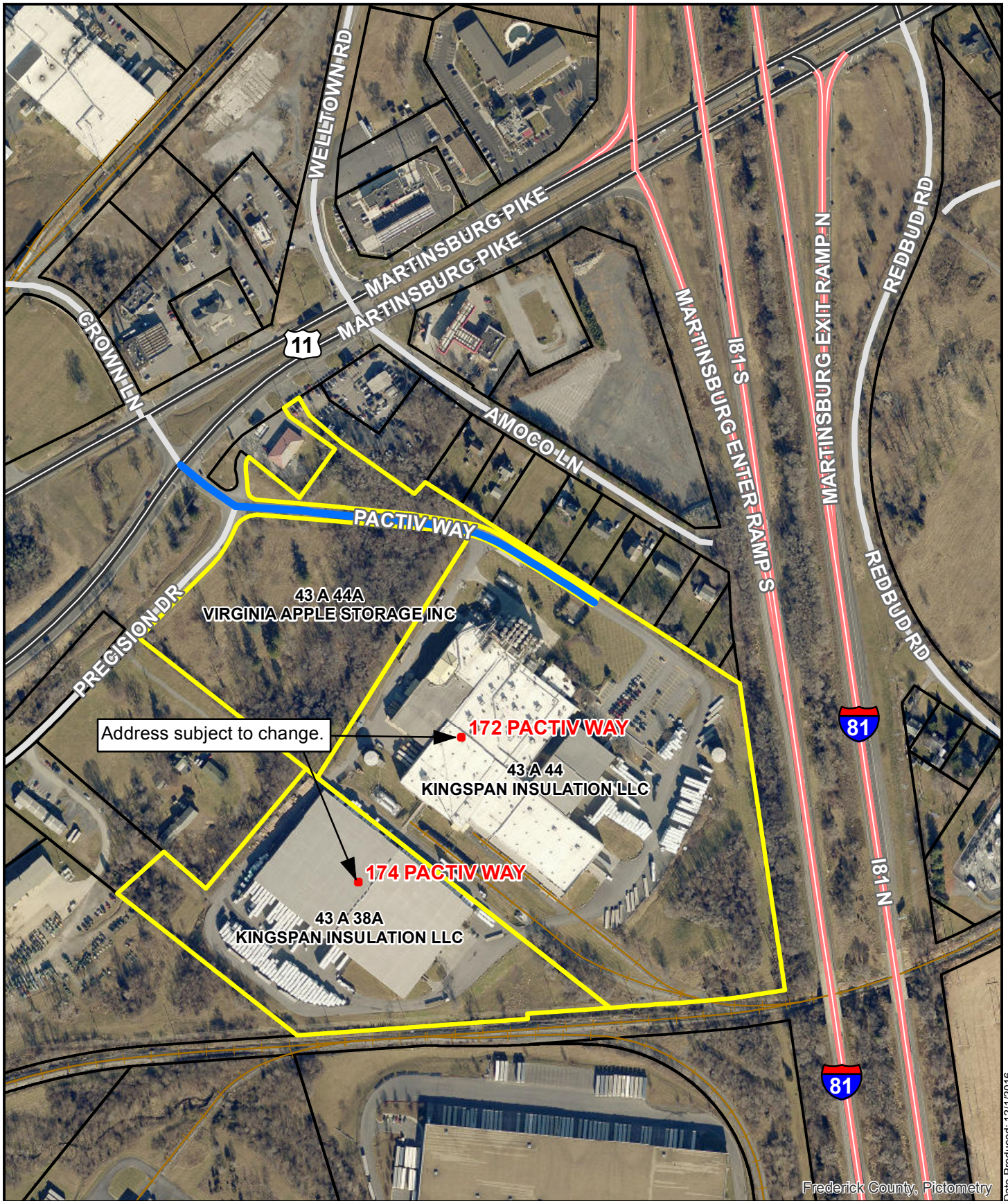
Dear Ms. Cummings:

As per our recent email exchanges, Kingspan Insulation LLC would like to formally request the renaming of Pactiv Way to Kingspan Way. Our plant manager Jamey Walters who is copied on this email has the delegation of authority from our parent company (in this case Kingspan Insulation LLC) to make this request. I have copied him on this email to allow him to concur with this request while he is traveling. We understand this request will rename both our parcels and the neighboring lot.


Sincerely,


Jason Malone
Technical Manager


cc: Jamey Walters, Plant Manager




Date Produced: 12/1/2016


 Road to be Renamed


 Address Point

 Affected Parcels

 Parcel Boundary

0100200300400500 Feet





Renaming of
Pactiv Way

Map Produced By Frederick County Information Technologies: 107 N Kent St, Winchester, VA 22601



COUNTY OF FREDERICK
INFORMATION TECHNOLOGIES &
GEOGRAPHIC INFORMATION SYSTEMS OFFICE
(540) 665-5614

Road Renaming Agreement

A request has been submitted to the Frederick County Division of Geographic Information Systems to rename the existing right-of-way currently known as *Pactiv Way* (shown on the enclosed map). The proposed new road name for this right-of-way is **Kingspan Way**. Please check the box below that best reflects your opinion of this road name.

☒ I **AGREE** with the proposed name **Kingspan Way**.

☐ I **DISAGREE** with the proposed name **Kingspan Way**.

If you **DISAGREE** please list proposed alternative names below:

Please sign & return to:
Frederick County Information Technologies & GIS
107 North Kent Street, Winchester, VA 22601

Adrian Pullen
Print Name

[Signature]
Sign

43A 44A
Print Address or Property PIN

12/15/16
Date



COUNTY OF FREDERICK
INFORMATION TECHNOLOGIES &
GEOGRAPHIC INFORMATION SYSTEMS OFFICE
(540) 665-5614

Road Renaming Agreement

A request has been submitted to the Frederick County Division of Geographic Information Systems to rename the existing right-of-way currently known as *Pactiv Way* (shown on the enclosed map). The proposed new road name for this right-of-way is **Kingspan Way**. Please check the box below that best reflects your opinion of this road name.

☒ I AGREE with the proposed name **Kingspan Way**.

☐ I DISAGREE with the proposed name **Kingspan Way**.

If you **DISAGREE** please list proposed alternative names below:

Please sign & return to:
Frederick County Information Technologies & GIS
107 North Kent Street, Winchester, VA 22601

Jason Malone

Print Name

Jason Malone

Sign

PIN: 43 A 44 + 43 A 38A
PIN: 43 A 44A (pending)

Print Address or Property PIN

sale

12/12/2016

Date

Property Owner List

PIN: 43 A 44 & 43 A 38A
KINGSPAN INSULATION LLC
172 PACTIV WAY
WINCHESTER, VA 22603

PIN: 43 A 44A
VIRGINIA APPLE STORAGE INC
1955 VALLEY AVE
WINCHESTER, VA 22601

CONSENT AGENDA

D



COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Drive, Winchester, VA 22602

MEMORANDUM

LeeAnna Pyles
Director,
Public Safety
Communications

TO: Board of Supervisors

FROM: LeeAnna Pyles,
Director Public Safety Communications

SUBJECT: Public Safety Committee Meeting.
Report for April 20, 2017

DATE: May 2, 2017

A meeting of the Public Safety Committee was held on Thursday April 20, 2017 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gene Fisher, Gary Lofton, Walter Cunningham, Helen Lake and Blaine Dunn. Member Chuck Torpy was not present. Also in attendance were Fire & Rescue Chief Denny Linaburg, County Attorney Rod Williams, Deputy Fire Chief Larry Oliver, Stephens City Fire & Rescue Company President Dave Foley, Communications Director LeeAnna Pyles, Deputy County Administrator for Human Services Jay Tibbs, County, Fire & Rescue Association President Dan Cunningham and Frederick County Sheriff's Department Major Steve Hawkins. The following items were discussed:

Information Only

1. **Funding request from Stephens City Fire & Rescue (see attached):**

The Committee reviewed a request from Stephens City Fire & Rescue Company to utilize proffers to construct an ancillary building on their property. The Finance Committee recommended approval of the request, but the item was referred to the Public Safety Committee prior to Board of Supervisors action. Stephens City Fire & Rescue President Dave Foley addressed the Committee on the request. The proposal was for the construction of a 4 bay building (56' x 76') to hold equipment, supplies, parts, trucks, overflow, etc. Leasing space elsewhere or housing at other stations is neither practical nor feasible as the equipment needs daily checks and needs to be located on site in case of an emergency. The Stephens City Fire & Rescue company requested proffer funds of approximately \$224,105.51 for this proposed ancillary building project.

Chairman Fisher suggested this item be returned to the Board of Supervisors for action.

2. Fire & Rescue service study update:

Chief Linaburg updated the Committee on the status of the Fire and Rescue study. Fitch Corporation has been given detailed departmental information, call reports, etc. as part of the service study of the Fire & Rescue department. The process is going very smoothly. The department, along with County Administration met with Fitch. The next step would be Fitch Corporation to meet with the Board of Supervisors.

3. Purchasing of replacement pumper for Fire & Rescue training:

Chief Linaburg stated there is a used fire engine available for \$10,000 and it would replace the current training engine. The engine would be housed at Millwood Station and used as a reserve engine. Chief Linaburg had requested \$200,000 in FY18 budget to purchase this piece of apparatus; however it was not funded.

4. Update on the Communications Department staffing/support:

Director Pyles provided an update on her department. She reported the dispatch center is currently upgrading the phone system- along with the Sheriff's office radios and console radios this fiscal year. Funding was approved for the Text to 9-1-1. Implementation will begin soon after July 1, 2017. The goal is for Frederick County to be the first in our region with this capability. Director Pyles also noted that the department is currently testing candidates for potential employment, however, hiring and retention is very difficult due to the stress and nature of the 9-1-1 dispatching profession. The department handles approximately 12,000 calls per month. Director Pyles concluded by saying her department is creating a short recruiting video to illustrate what it is actually like to work in the dispatch center so applicants can gauge if this is the right career choice for them.

5. Fire & Rescue year to date incident summary (see attached):

Chief Oliver presented the Committee with a monthly incident summary spreadsheet that shows the statistics for the entire Fire & Rescue system. Chief Oliver mentioned that the department just graduated 10 new fire fighters who are in the field. The department will be starting another recruit academy beginning July 10, 2017.

6. Other Business:

Major Hawkins mentioned that as of late, the Sheriff's department has been working an increased number of traffic accidents due to Virginia State Police not being available to respond. This keeps our deputies from responding to other calls in the County. The reason for this increase in accidents is unknown. Major Hawkins, along with Lt. Gosnell – head of the traffic division-, are working on a project that would monitor the driving habits of citizens (speeding, texting, talking on phone, etc.). At this time, a roll-out date has not been established.

Chairman Fisher requested Chief Linaburg discuss large scale emergency planning at the next meeting.

Next Meeting: Thursday June 15, 2017

Adjourn: The meeting was adjourned at 10:10 a.m.

Respectfully submitted,

Public Safety Committee

Gene Fisher
Brenda Garton
Sheriff Lenny Millholland
Denny Linaburg

Gary Lofton
Ann B. Lloyd
Rod Williams
Dan Cunningham

Chuck Torpy
Walt Cunningham
Blaine Dunn
Helen Lake

By 
LeeAnna Pyles, Director Public Safety Communications

LP/sds



Stephens City Fire and Rescue Company, Inc.
P.O. Box 253 Stephens City, VA 22655

John W. Jones, I Fire Chief

**540-869-4576 Business
540-869-6784 Fax**

David M. Foley II, President

March 6, 2017

Cheryl Shiffler, Finance Director, Frederick County
Frederick County Finance Committee
107 North Kent Street
Winchester, Virginia 22601

Re: Access to accumulated cash proffers

Dear Ms. Shiffler,

The Stephens City Fire and Rescue Company Inc. respectfully request to access the total accumulated cash proffers earmarked for this fire company. This request for funds is for a proposed \$240,000 ancillary building project. It is unknown what the exact amount of funds to date are; and available for disbursement from the proffer account for the Company.

The ancillary building will add an addition 4250 sq. ft. of storage to the facility and be used to store a Technical Rescue Squad, Reserve Fire Engine, Brush Truck, Utility Truck, three rescue boats, grounds maintenance equipment, Haz-Mat Support Trailer and other support items related to emergency response. This will help with the crowding issues.

The proposed amount represents a budget for the project. It is understood that the amount of the accumulated proffer monies will not cover all the cost of the project. The Company has already incurred some of the costs in preparing for the building, as show on the budget summary.

A needs assessment was conducted to identify additional storage requirements, both current and future. The Site Plan identifies the best possible location by design. Also, the original project scope was decreased by 912 sq. ft. of space to bring the cost to a manageable level.

It is the intent that the Company will provide construction oversite for the project. There will minor interaction between the various vendors and the need to spend the additional funds for a third-party management company is not warranted.

The budget estimate work sheet represents input from various contractors in reference their associated trade. Once formal plans are drawn by the pre-engineered building manufacture, formal quotes can be obtained with drawn plans and be submitted for review and permitting.

In addition to the Budget Summary is a Non-Technical Summary of the project that may help clarify the need for this project.

I am aware that the Finance Committee has a full agenda with the budget process, however we would like to start this project as soon as practical.

If you have any questions, concerns or need additional information please contact anytime.

Thank you for your assistance with this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Foley II".

David M. Foley II, President

Attachments

CC: Brenda Gorton, Administrator, Frederick County, with attachment
John Jones I, Chief, w/o attachment
Dennis Linaburg, Chief, with attachments
SCFR Board Members, w/o attachment

Stephens City Fire and Rescue Company, Inc.

Ancillary Building Project

Budget Worksheet



Item	Vendor	Budget Estimate	Actual to date
Site Plan Survey & Drawings	Grey Wolfe Inc.	2,000.00	1,800.00
Zoning Review	Stephens City	0.00	0.00
Erosion and Sedimentation Plan	Not Required	0.00	0.00
Planning Review	Frederick County	0.00	0.00
Site Prep and Final Grading/Stone	E.R. Neff, LLC	27,787.00	8,506.00
Pre-engineered Building*	Conestoga Buildings, Lilac	153,500.00	0.00
Electrical	Myers Electric Inc.	16,000.00	0.00
Heating and Ventilation	L.P. Strosnyder, Inc.	20,000.00	
Oil/water Separator & Tank	Winchester Building Supply	4,000.00	0.00
Overhead Door Operators	Stonewall Overhead Door	12,000.00	0.00
Miscellaneous**		5,000.00	0.00
		240,287.00	10,306.00
		Remaining Budget	229,981.00

* Includes: Building, all concrete work, all insulation, doors, interior walls and floor drains.

** Items such as Locks, phone, house alarm tie-in, local network extension and unanticipated expenses not covered by a change order.

STEPHENS CITY FIRE AND RESCUE COMPANY, INC.

**5346 MULBERRY STREET
STEPHENS CITY, VIRGINIA 22655**

ANCILLARY BUILDING CONSTRUCTION

NON-TECHNICAL SUMMARY

November 2016

Prepared by:
David M. Foley II
President



Background

The Stephens City Fire and Rescue Company (SCVFR) provides emergency services to the citizens of Stephens City, County of Frederick and all surrounding areas.

SCVFR is a combination department consisting of 6 paid, 35 volunteer certified firefighters/ EMS providers and 10 support personnel protecting a suburban community of 23,250 residents residing in 50 square miles. Since 2000 the area has seen a population growth of 36% of which 50% of that increase has occurred within the first due district. Operating from a single fire station, equipped with 7 pieces of apparatus, the SCVFR provides structural & wildland fire suppression, rescue response to the technician level, hazmat to the operational level and Emergency Medical Services to the Advanced Life Support level.

During 2015 the department responded to 2,165 incidents that included 17 structure fires, 15 vehicle fires and 9 wildland fires encompassing 19+ acres. In addition to the above totals, SCVFR firefighters provided mutual or automatic aid 24 times of which 5 were for working structure fires. The department provides regional water/dive rescue team supplying 3 boats and support vehicles.

The SCVFR first due response district is comprised of residential properties (50%), commercial/industrial (30%) and open space (20%). Firefighters and EMTs protect a wide range of risks and target hazards within the district. Target hazards include 11 day care centers, 6 public schools with 3,100 students, 1 nursing home, 475+ age restricted housing units in age restricted communities both gated and ungated, 5 hotels, 4 low income housing complexes, 281 apartment units/buildings, 24 churches, 17 strip malls, 1 super store and 11 warehouses.

High risks include 96 miles of ½"-12" natural gas pipelines and a propane offload and distribution facility. The propane facility is a major concern to the department as it is a 364-day operation that stores a maximum of 1.2 million gallons of propane in 36 rail cars (12 at the facility, 24 on a side rail), 127,200 gallons in tractor trailers and 390,000 gallons in 13 storage tanks.

Transportation risks include 2 major highways encompassing 19 miles with a daily traffic count of 136,000 passenger vehicles and 41,000 large trucks and 6 miles of rail line transporting freight and chemicals at least twice a day.

The need for the Proposed Development

The current arrangement of apparatus and equipment storage has become limited due to the growth of the departments needs and services provided.

Over the past 75 years the land and building has grown from a 2,000 sq. ft. building on a quarter on an acre to a 10,000 sq. ft. facility consisting of storage, living quarters, training/meeting space, storage and a 3,000 sq. ft. community hall residing on 4 acres of land in the Town Limits of Stephens City.

In addition to this facility a 2,200 sq. ft. building is currently being converted to house the administrative offices of the Chief, President and the Town's Fire Marshall.

The ancillary building will add an addition 4250 sq. ft. of storage to the facility and be used to store a Technical Rescue Squad, Reserve Fire Engine, three rescue boats, grounds maintenance equipment, other support items related to emergency response.

Building Details

The ancillary building will consist of a Wood Post Frame Structure 56 x 76 x 14 free standing building with a 4/12 roof pitch with trusses at 48" on-center., 2" x 4" at 24" on-center roof and side purlins and factory-made truss system. A metal roof, 28 gauge by Everlast, with ridge vents and eave overhang. Metal siding, 28 gauge by Everlast, a 36 inch steel wainscot base and two 3' wide ADA entry doors on opposite ends.

There will be two drive-thru bays with 12'X12' 9600 series overhead doors, and two standard bays with 12'X12' 9600 overhead doors.

A concrete slab floor will be installed with radiant heat. The heat will provide a minimum ambient temperature of 65 deg.

Basic electric service to support safe ingress/egress and support apparatus will be sub-fed off of existing service in the main station and providing emergency power.

A Site Plan has been submitted and approved.

A Zoning Permit has been submitted and approved

VDOT impact. No new traffic or impacts are anticipated.

An environmental impact statement (EIS) has not been prepared due to the size and location of structure.

Ecology

This development at the site will not have any significant impact on natural habitats as the footprint for the building is on highly disturbed ground. The main ecological feature is the drainage storm water stream which runs along the Eastern boundary of the site. This development will not significantly alter the surface water discharges to the stream. The project should have no permanent significant adverse impact on ecology.

Soils

The building will require the importation of significant quantities of material onto the site. The construction of the building will not involve the excavation of soils.

The operations in this building will not involve any discharges of wastes or other materials to ground. The installation of the permanent floor of the building will improve the protection of ground/groundwater at the site by providing an impervious surface for potential pollutants.

Water

A storm water drainage stream runs along the Eastern boundary of the site. Visual monitoring of this stream indicates that the quality of this stream is good and that current activities are not impacting on the quality of the water in the stream.

This project will not increase the threshold quantities of fuel stored at the site nor require a Storm Water Pollution and Prevention Plan be implemented.

The operations in the ancillary building will not produce any process wastewater.

Noise and Vibration

The site is located near to residential areas. The noise emissions at the existing site will not increase after construction is complete.

During the construction of the new buildings temporary increases in noise levels will be experienced in the area the construction work will involve some inherently noisy operations; however noise reduction and attenuation procedures will be put in place for the duration of the works. This should minimize the impact of the construction works on local locations. The impact will be a temporary as construction is likely to take approximately 30 days.

CONESTOGA[®] BUILDINGS

CB Structures, Inc.

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DE Lic. #139853132 • WV Cont. #WV035389 • CT HIC#0673058

____ Initials

Contract# 00-00-00000

Stephens City Fire House

David Foley

1/31/17

PO Box 253
Stephens City, VA 22655
(540) 323-0773

Building Site Address: 5346 Mulberry Street
County: Frederick

Building Details / Scope of Work:

- Wood Post Frame Structure 56'x76'x14' Free Standing
- 4/12 roof pitch with Trusses at 48" O.C.
- 2" x 4" @ 24" O.C. Roof Purlins and Side Girts
- Pre-Engineered Truss System

Structural plans:

- Includes State sealed structural plans
- Excludes any Architectural, Mechanical, Electrical, Site Plans
- Permit Services excluded

Excavation & Footings:

- Pier footings included to code by Conestoga Buildings
- Pad Prep and any other Excavation excluded

Structural:

- Wood frame construction designed to required ICC codes
- MSR and/or Glu-Lam headers as required
- Hurricane clips
- 3-ply 2x6 Glu-Lam posts for support columns

Roofing:

- Metal roof – 28 Gauge Everlast

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DE Lic. #139855132 • WV Conf. #WV035389 • CT Lic. #0873058

____ Initials

Contract# 00-00-00000

- Complete Pre-formed trim system
- Roofing fastened with screws and EPDM gaskets
- 12" Vented eave overhang

Roofing cont'd:

- Color matched steel snow guards
- 6" seamless gutter & downspouts
- Ridge Vent
- OPTIONAL: (2) 48" Cupolas w/weathervanes ADD: \$2,900.00

Siding:

- Metal siding – 28 Gauge Everlast
- Complete Pre-formed trim system
- Fastened with screws and EPDM gaskets
- 36" wainscoting all four sides

Insulation:

- Liner panel ceiling with access hatch, 29 gauge
- R38 blown in cellulose insulation
- R19 Kraft insulation in wall cavity covered with liner panel

Windows:

- Excluded

Exterior Entry man-doors:

- (2)3068 6-panel A.J. Manufacturing Responder R51 Steel door w/steel frame
- White primer finish
- All doors to have panic hardware and closers

Overhead Doors/Sliding Doors:

- (6) 12x12 insulated steel overhead doors (4) on front eave to have one row of glass
- 9600 series

Interior Framing/Finishes:

- 2x4 interior wall girts 24" on center for insulation and liner panel prep.

Electrical:

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DE Lic. #139853132 • WV Cont. #WV035389 • CT HIC #0673068

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Contract# 00-00-00000

- Excluded, by others to be surface mounted

Mechanical:

- Excluded

Plumbing:

- (4) 8' trench drains (1 in each bay, day lighted to 5' outside building)
- CONNECTION BY OTHERS

Concrete:

- 4" stone base and 6" 4,000 psi concrete floor in with 6 mil vapor barrier and wire mesh in 56x76 building.
- Includes 14x76 apron off front eave and 15x32 apron off rear eave, all 6"

Clarifications:

- Delivery and installation utilizing standard, non-prevailing wages.
- Site cleanup included. Conestoga will provide dumpster.
- Temporary Facilities included
- Terms & Conditions: See Terms and Conditions Section

Exclusions

- Temporary Fencing and/or fencing removal and replacement
- Job Site Trailer
- Demolition
- Any Garage Equipment or Furnishings
- Site work and Landscaping
- Storm water Management, E&S Controls
- Surveying / Geotechnical Reports / Land Development Planning
- Any concrete work not include in above scope of work
- Any Bollards
- Paving, Curbing
- Soft and Unsuitable Soil, Hazardous Material Removal, Rock Excavation or Blasting
- Misc. Steel Fabrications
- Any utilities, utility fees or connections
- Any electrical, low voltage, plumbing, or mechanicals of any kind unless specifically included above in scope of work

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DE Lic. #139663132 • WV Cert. #WV035388 • CT LIC#0673056

Initials

Contract# 00-00-00000

- Permit, inspection or other municipal fees

Please Note: This quote is valid for 30 days.

Building Price **\$153,500.00**

Building Price with Option 1 **\$178,500.00**

20x24x10 addition off gable end with (1) 3068 entry and (1) 6068 entry (all with panic hardware). 12" eaves, snow guards, gutters, 36" wainscoting, 4" stone base and 4" concrete floor. Includes liner panel ceiling with R38 insulation. Walls to have R19 insulation covered with plywood.

Building Price with Option 2 **\$**

Option 2 Description:

PAYMENT SCHEDULE

Due upon signing of contract:	\$0.00
Due upon permit approval/ scheduling:	\$0.00
Due upon delivery of material:	\$0.00
Due upon completion of shell:	\$0.00
Due upon completion of concrete:	\$0.00
Due upon completion of interior	\$0.00

Due upon completion of project \$0.00

TOTAL **\$153,500.00**

Customer Signature:

Date:

Customer Printed Name:

Sales Consultant Signature:

Date:

Sales Consultant Printed Name:

Sales Consultant Contact Info: Eric Shank GM VA Office

Email: eshank@conestogabuildings.com

Phone: Office (540) 364-8181 Ext 402

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____ Initials

Contract# 00-00-00000

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right. Bureau of Protection's Toll Free # (888) 520-6680.

*Estimated Start of Construction: _____ *Estimated Date of Completion: _____

Conestoga Buildings maintains Personal Injury and Property Damage Insurance in excess of \$50,000 each.

Note: Start of Construction will commence 4-6 weeks after confirmation of all government approvals; receipt of all required permits; and completion of any and all customer responsibilities to the site preparation. Prior to beginning construction, Conestoga Buildings, must have received all required pre-construction scheduled payments. Date of Completion may be delayed due to unforeseen circumstances (Acts of God) and/or weather conditions outside Conestoga Building's control.

Please remit all payments to Conestoga Buildings, 202 Orlan Road, New Holland, PA 17557

CONESTOGA[®] BUILDINGS

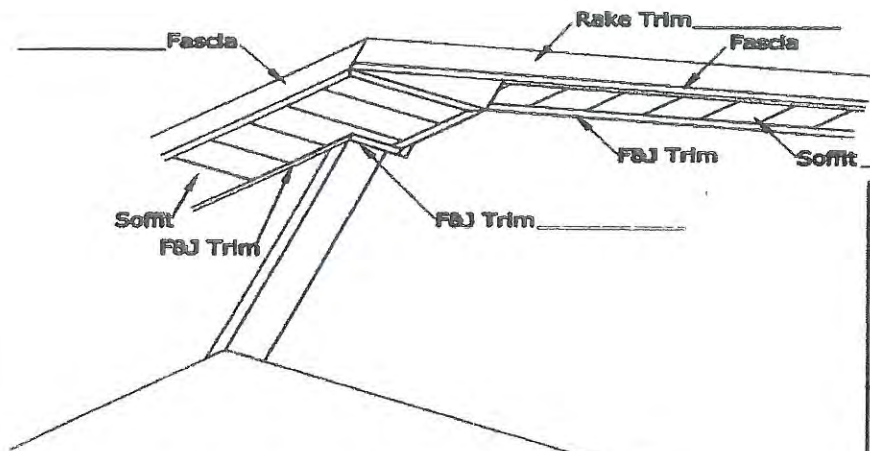
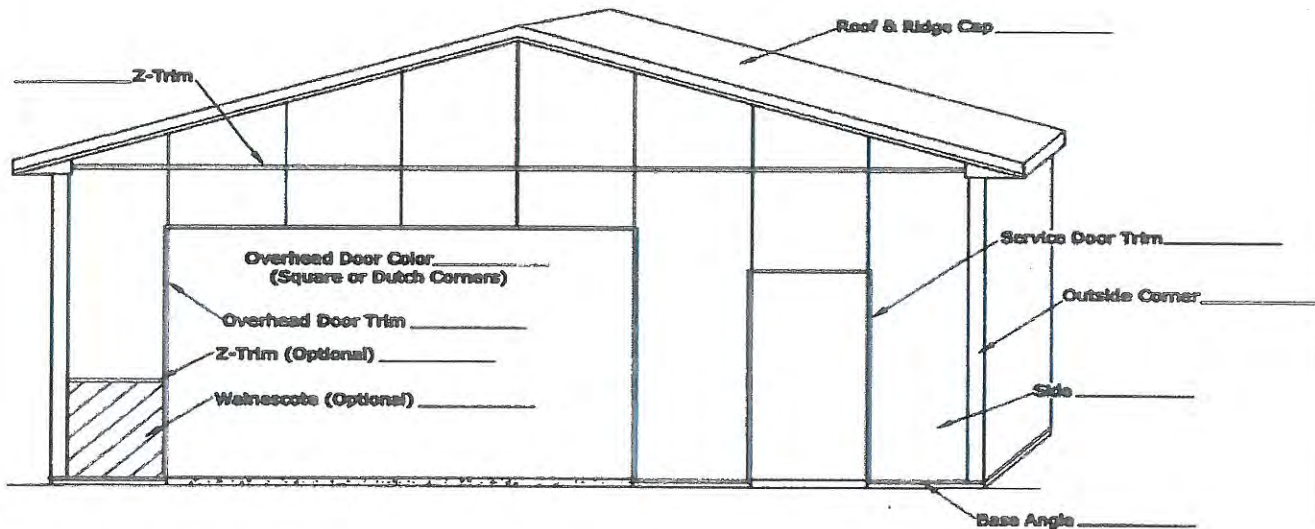
CB Structures, Inc.

PA LIC #17A005180 • MD LIC #120957 • NJ LIC #13VH00462600 • VA Cert. #2705071304 • NY Lic #23-3035039
DE Lic. #139853132 • WV Cert. #WV035388 • CT LIC#0673056

Initials _____

Contract# 00-00-00000

Conestoga Buildings **Color Selection Sheet**



Overhang Diagram

For Informational Purposes Only

Window Shutters Color _____
Cupola Color Selection
Roof _____
Sides _____
Base/Flashing _____
Weathervane Style _____
Slider Color Selection
Track Door/Trim _____
Side Rails _____
<small>Available in (White, Green, Gray, Brown, Charcoal)</small>
Track Door Panel _____
Gutter Color Selection
Gutter Color _____
Downspout Color _____

Authorized Signature _____ Date _____

CONESTOGA[®] BUILDINGS

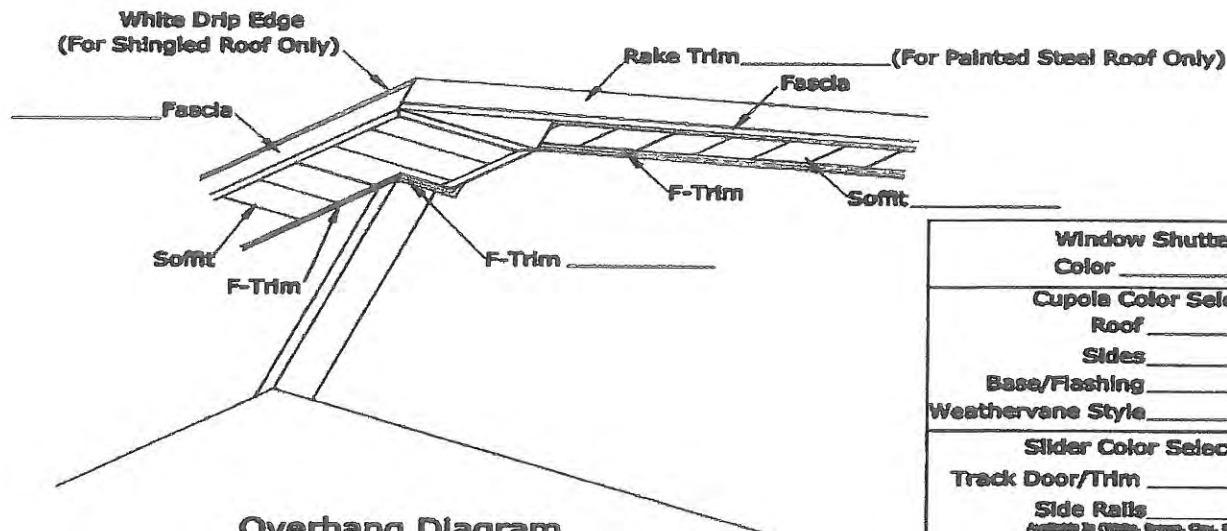
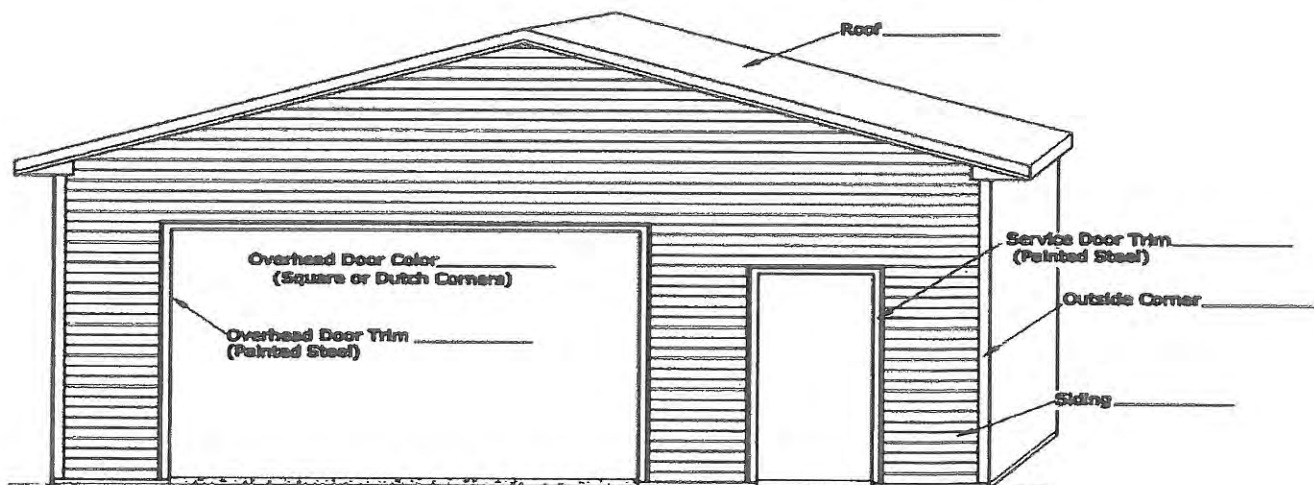
CB Structures, Inc.

PA HIC #PA005160 • MD HIC #120967 • NJ HIC#13VH00462800 • VA Cont. #2705071304 • NY Lic.#23-3035039
DE Lic. #139853132 • WV Cont #WV035389 • CT HIC#0673058

Initials _____

Contract# 00-00-00000

Conestoga Buildings **Color Selection Sheet**



Overhang Diagram
For Informational Purposes Only

Window Shutters Color _____
Cupola Color Selection Roof _____ Sides _____ Base/Flashing _____ Weathervane Style _____
Slider Color Selection Track Door/Trim _____ Side Rails _____ <small>Available in (White, Green, Gray, Green, Charcoal)</small> Track Door Panel _____
Gutter Color Selection Gutter Color _____ Downspout Color _____

Authorized Signature _____ Date _____

CONESTOGA® BUILDINGS

CB Structures, Inc.

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DE Lic #139853132 • WV Cert #WV035369 • CT HIC #0873052

____ Initials

Contract# 00-00-00000

TERMS AND CONDITIONS

This contract can be changed only by a written Change Order signed by both parties, hereafter called the "Purchaser(s)" and "Contractor" which may also result in an adjustment of the contract price. The agreed price does not include the cost of any performance bonds, permit fees and surveys, and if required the Purchaser(s) shall pay such expenses. The Contract is Null and Void if a required permit is not approved by the township or county. Purchaser agrees to take all reasonable steps to secure a permit including applying for variances if necessary. If Purchaser(s) is obtaining financing to pay for the building the agreement is contingent on successfully securing necessary funds. Total payments on credit cards are limited to a maximum of \$3,000 for each contract. Any additional credit card payments will be charged a 3.25% transaction fee

The Contractor agrees to perform its part of the contract within a reasonable time after acceptance and all regulatory issues and other specified contingencies are satisfied, subject only to delay caused by unavoidable accidents, conditions beyond its control (including fires, war, acts of God and contractor's inability to obtain materials) or by the Purchaser(s). It is agreed that any delay in delivery in excess of sixty days from the date of Purchaser(s)'s signature hereto, through no fault of Company, shall be grounds for modification of the price, at Contractor's option. Any change requested after the building has been scheduled for delivery will result in an additional fee in addition to the cost of the change. An unsigned change order may stop the process of drawings, scheduling, and/or construction. An additional charge will be incurred for engineered sealed plans if required by the state or township and not already included in the specification.

The Contractor warrants all work performed by it for a period of two (2) years from date of completion. The Contractor also conveys all manufacturer warranties in force at the time of this contract as part of this agreement. All warranties are contingent upon payment in full according to contract terms and are voided if building is altered after completion. Occupying or utilizing building prior to full completion and final payment is prohibited.

The Purchaser(s) warrants that he is the Owner of the site, signs with full spouse awareness and approval, if married, and that there are no deed restrictions, easements or other legal documents which would prohibit, restrict, or impair, in any way, the work to be performed under this contract. In the event such a problem arises, the Purchaser(s) will reimburse the Contractor for any liability, cost, expense, or fees reasonably incurred by the Contractor. The Purchaser(s) also agrees that if building construction cannot proceed because of the lack of site access, unworkable site condition(s) or improper and/or incomplete site preparation the cost of lost time will be added to the total price. If the Purchaser(s) requests to proceed without a permit, the Purchaser(s) warrants that a permit is not required and assumes all responsible for lost time and/or material changes should it be found that one was required.

Unless otherwise noted in the specifications, the Purchaser(s) shall prepare the site, grade the same and provide roadways suitable for trucks and all service equipment as per specifications. The Purchaser(s) agree to be responsible for determining the location of building with the use of a stake in each corner. The Purchaser(s) will be responsible for the breaking, cutting, or damaging of any wires, cables, septic tanks, pipes, etc. in the course of drilling holes if not disclosed by state provided utility service. The Contractor's policy if not specified differently will be to set skirt board at the high point of the building perimeter, plus or minus two inches or otherwise specified. Actual building size is based on outside dimension. The Purchaser(s) is liable for the price of materials specifically manufactured for the job and takes ownership, even if not delivered to the job site, if the contract is not completed due to Purchaser(s) breach. The Purchaser(s) will be responsible for removal of scrap material on building site after job completion unless otherwise stated in the specifications. The Purchaser(s) gives the Contractor permission to photograph the building for advertisement purposes in newspapers, magazines, etc.

____ Initial | The Contractor shall not be held responsible for any unforeseen costs incurred in drilling and/or pouring foundation due to rock, other underground obstruction, mud, sand, or any other unstable soil conditions, and any additional cost incurred by the Contractor will be approved by Owner and embodied in a written Change Order.

____ Initial | The Contractor accepts no liability for inadequate soil bearing, local setbacks or height restrictions. Dry-mix footers will be used unless stated otherwise. If the township subsequently requires wet pour footings and it is not included in the specifications an additional charge of \$48 per post will be added.

____ Initial | The Contractor also accepts no liability for damage caused by construction equipment to the yard or driveway.

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____ Initials

Contract# 00-00-00000

TERMS AND CONDITIONS CONT'D

Should excavation and/or the preparation of a concrete base be arranged by the Purchaser(s) and is not part of this contract, the Contractor also accepts no liability for cracking concrete or additional costs in connection with off grade issues (including additional stone, concrete, and/or skirt board). If the contract specifications relating to concrete include the base preparation, a minimum of 4 inches of 3/4 inch clean stone will be provided as a base before pouring. The Contractor will make every attempt to provide a satisfactory surface. The Purchaser(s) however acknowledges that even with a properly prepared base, cracking may occur. Excess materials may be delivered to your site for bracing and Other functions, this material remains the property of Conestoga Buildings.

This contract is for materials and labor to construct building. If pre completion payment(s) are not made as agreed in the specifications, the Contractor may delay construction and alternative payment terms may be required at the Contractor's option. If payment on substantial completion of building is specified, minor work or adjustments to be done shall not be reason to consider the building incomplete or grounds for delaying payment beyond agreed dates. The Contractor warrants compliance with all regulatory insurance requirements. The Purchaser(s) agrees to pay all costs of collection, including reasonable attorney fees of the Contractor in the event the Contractor turns over collection to an attorney or third party for any amount due under this Agreement. The Purchaser(s) agrees that under no circumstances shall the Contractor be responsible for consequential damages.

This is the complete agreement of the parties. All prior communications, unless set forth herein, are superseded by this contract. The Purchaser(s) may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction, as can Conestoga Buildings. Purchaser agrees to litigate any dispute solely in the Commonwealth of Pennsylvania. The invalidity in whole or in part of any provision hereof shall not affect the validity of any other provision.

ERLSTEIN, FRANKFURT

PROPOSED REVISIONS

COMMON LARVAE & FLADIES

STEP 3: ESTABLISHING CONTROL FEATURES

KEY



SCALE 1"=200'



Expense Category	By City	Percent
Transportation	10	14.0
Left Side	5	22.2
Right Side	1	15.0
Other	5	22.1
	<u>Summed</u>	<u>Percent</u>
Porting Expense	11	19

Sheet Index

Center for Disease Control and Prevention
 1600 Clifton Road, NE Atlanta, GA 30333

[illegible]

1. An interview by the Fire Marshal's office and determine where critical loads are placed within.
2. The lifting Five Lane sign will be posted on the site by the Fire Marshal's office.
3. The contractor shall sign the fire department on the location as determined by the Fire Marshal.
4. During truck pass of control requires a permit. During the location where a permit is required.
5. Emergency vehicle access must be provided at all times. Fire Department will be always be on site.

To the Public: Every Department of Education approved city is conducting a public audit. Public plans are to be submitted upon prior to conducting any financial. Furthermore, the city must meet all requirements and be approved by the

COOPER BARNETT
for
STEPHENS CITY FIRE COMPANY
5124 HILBERRY STREET
TOWN OF STEPHENS CITY
FREDERICK COUNTY, VIRGINIA

DATE:	JANUARY 9, 2017
SCALE:	1"=20'
FILE NO.	0490
SHEET	1 OF 1

RE STATION
MIN. OFFICE

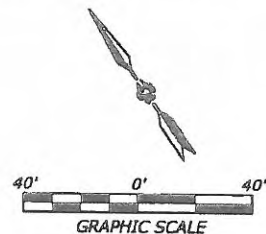
76'
56'
±35'
PROPOSED GARAGE

74A03-(A)-183
STEPHENS CITY FIRE COMPANY,
INC.
DB 714, PG 504
ZONED: B1
USE: OFFICES
±1.6 ACRES

SSMH
TOP=732.94'

BLOCK FIRE STATION
WITH BASEMENT

74A03-(A)-182
STEPHENS CITY FIRE COMPANY, INC.
DB 182, PG 98
DB 246, PG 271
DB 255, PG 219
DB 554, PG 364
ZONED: B1
USE: FIRE STATION
2.111 ACRES



Sketch Plan
for
**STEPHENS CITY
FIRE COMPANY**
5324 Mulberry Street
Town of Stephens City, Frederick County, Virginia

Frederick County Fire and Rescue Department Incident Summary Statistics 2017

[illegible]

E



MEMORANDUM

TO: Board of Supervisors

FROM: Joe C. Wilder, Deputy Director of Public Works *JCW*

SUBJECT: Public Works Committee Report for Meeting of April 25, 2017

DATE: April 28, 2017

The Public Works Committee met on Tuesday, April 25, 2017, at 8:00 a.m. All members were present except Whit Wagner and David Ganse. The following items were discussed:

Items Requiring Action

1. Discuss the Right of Way/Utility Easements for Sulphur Springs Road Improvement Project:

The Virginia Department of Transportation (VDOT) has recently contacted Frederick County about acquiring the necessary right of way and utility easements for the future widening of Sulphur Springs Road (Virginia State Route 655). Sulphur Springs Road provides access to the Frederick County Regional Landfill. There are two (2) parcels of land along Route 655 that are owned by Frederick County (**see attachment 1**). The improvement to this road will provide a benefit for access along this road and greatly improve safety along this route. A lot of the traffic on this road is accessing the Landfill. By providing the necessary right of way and utility easements, it will assist VDOT in moving this necessary project forward. The land being conveyed to VDOT does not have any necessary use by the county and its conveyance to VDOT will not impact the rest of the land.

Therefore, the committee recommended to endorse the request for conveying the right of way and utility easements to VDOT and to advance this request to the Board of Supervisors for a future public hearing. Supervisor Robert Wells recommended the approval and committee member James Wilson seconded the motion. The committee unanimously approved the motion.

2. Discuss the Replacement of the Clearbrook Citizens Convenience Center:

At the end of this year, the current lease Frederick County has with Carmeuse for the Clearbrook Citizens Convenience Center will expire. Staff has been exploring many options to find another site that will service this area of Frederick County. Staff was recently made aware of a potential replacement site in the Stephenson area. The Frederick County Sanitation Authority (FCSA) has recently purchased the Bachmann property, approximately 58 acres located along Stephenson Road, Route 664 (see **attachment 2**). They have informed us that they would be willing to provide some land on this site for a new convenience site to be constructed. They would provide a perpetual easement that would provide an approximate two (2) acre area for our new site and an access road. In our discussion, we would agree to perform road improvements along Route 664 including a left turn lane, tapers, site distance improvements, utility line movement, etc. We would construct an access road to the site, develop the site improvements including a concrete wall and slabs, double compactor units, asphalt pavement, fencing, landscape screening, stormwater BMP's, etc.

Once a site plan is completed, a comprehensive review of the plan will be made by staff and the Public Works Committee, FCSA, VDOT and utility companies. An engineer's estimate will be provided as well prior to starting the bid process and construction. Funding is currently available in the Refuse Collection budget to perform the site plan design. The County Administrator has within the Capital Contingency Fund an amount of \$540,000 that would pay for improvements. We would request at a future meeting that funding be transferred to the Refuse Collection budget if we are given Board of Supervisor approval to move forward with construction. No additional funds are needed at this time.

The Public Works Committee recommended that we move forward with the design process if the Board of Supervisors is in agreement. Supervisor Bill Ewing recommended approval and committee member James Wilson seconded the motion. The committee unanimously approved the motion.


Items Not Requiring Action

1. Miscellaneous Reports:

- a) Tonnage Report
(Attachment 3)
- b) Recycling Report
(Attachment 4)
- c) Animal Shelter Dog Report
(Attachment 5)
- d) Animal Shelter Cat Report
(Attachment 6)

Respectfully submitted,
Public Works Committee

Gene E. Fisher, Chairman
Bill M. Ewing
Robert W. Wells
David W. Ganse, AIA
Whitney "Whit" L. Wagner
James T. Wilson

By 
Joe C. Wilder
Public Works Deputy Director

JCW/kco

cc: Brenda Garton, County Administrator
Kris Tierney, Deputy County Administrator for Community Development
Ron Kimble, Landfill Manager
Gloria Puffinburger, Solid Waste Manager
file

Virginia Frederick County

Life at the top.



Frederick County Information Technologies,
GIS Division, Virginia, United States.
540-665-5614

Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory or otherwise, concerning any or all of the Frederick County GIS data.

**PREPARED BY VDOT
UNDER SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL**

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(5), 58.1-3315, 25.1-418,
42.1-70, 17.1-266, and 17.1-279(E)

THIS DEED, made this 8th day of June, 2015, by and between the **BOARD OF SUPERVISORS OF FREDERICK COUNTY, VIRGINIA**, Grantor, and the **COMMONWEALTH OF VIRGINIA**, acting by and through its Department of Transportation, 811 Commerce Road, Staunton, Virginia 24401-9029, Grantee:

WITNESSETH: THAT WHEREAS, by a meeting duly called of the Frederick County Board of Supervisors, a resolution was duly passed authorizing the conveyance to the Commonwealth of Virginia, Department of Transportation, of the hereinafter described real estate; and

WHEREAS, a public hearing on this conveyance was held pursuant to Section 15.2-1800 of the Code of Virginia (1950), as amended:

NOW, THEREFORE, for and in consideration of the sum of \$1.00 paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor hereby grants and conveys unto the Grantee in fee simple, with special warranty the land located in Frederick County, Virginia, and described as follows:

Parcel 015:

All that certain parcel of land containing 1.019 acres, more or less, in area as shown on a plat titled "COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT SHOWING HIGHWAY ACQUISITION AND PERMANENT UTILITY EASEMENT PROJECT 0655-034-274, RW201, M501, PARCEL 015, UPC 59259" dated June 29, 2011 and revised December 1, 2013

by Virginia Department of Transportation and recorded herewith in State Highway Plat Book ____
Page ____.

Being a portion of the same lands acquired by Deed from Peter S. Yeatras, Chris S. Yeatras and George S. Yeatras dated December 17, 2007, and recorded December 19, 2007 as Instrument No. 070019033, in the office of the Clerk of the Circuit Court of said County.

Parcel 010:

All that certain parcel of land containing 0.210 acre, more or less, in area as shown on a plat titled "COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT SHOWING HIGHWAY ACQUISITION, TEMP. CONSTRUCTION EASEMENT, AND PERMANENT UTILITY EASEMENT PROJECT 0655-034-274, RW201, M501, PARCEL 010, UPC 59259" dated June 22, 2011 and revised April 3, 2014 by Virginia Department of Transportation and recorded herewith in State Highway Plat Book ____ Page ____.

Being a portion of the same lands acquired by Deed from Phillip Williams and Mary Williams dated November 25, 1963 and recorded on November 29, 1963 in Deed Book 295, Page 92; by Deed from Roy L. McKee and Rosie V. McKee, his wife, dated November 25, 1963 and recorded on December 5, 1963 in Deed Book 295, Page 182 and by Deed from Phillip Williams and Mary Williams, his wife, dated October 11, 1960 and recorded on October 12, 1960 in Deed Book 266, Page 402 in the office of the Clerk of the Circuit Court of said County.

For the same consideration, the Grantor also conveys herewith to the Grantee the temporary right and easement to use the additional area shown on the aforesaid plat as "TEMPORARY CONSTRUCTION EASEMENT" and containing 0.157 acre in area to extend the road slopes and construct entrances, or for other construction within such area. Said temporary construction easement shall terminate at such time as construction of the aforesaid project is completed.

AND FURTHER WITNESSETH: That for the consideration herein mentioned the Grantor does also hereby agree to release, remise and quitclaim unto the Commonwealth any and all right, title and interest which it may have in and to the "striped " area between existing right of way and Grantor's property line as shown on said plat.

The Grantor by the execution of this instrument acknowledges that the land being conveyed hereunder is being donated to the Commonwealth of Virginia for highway use or associated uses. Grantor also acknowledges that he is entitled to be compensated for the land hereby conveyed and, pursuant to Virginia Code Section 25.1-417 A 10 and by this donation, hereby waives his right to such compensation.

The Grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

The Grantor covenants that it has the right to convey the land to the Grantee, that it has done no act to encumber the same and that it will execute such further assurance of the same as may be requisite.

The Grantor covenants and agrees that the consideration hereinabove mentioned and paid shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the Grantor which may result by reason of the use to which the Grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

SIGNATURE AND NOTARY CERTIFICATION ON FOLLOWING PAGE

Project: 0655-034-274, RW-201

UPC: 59259

PARCEL: 010, 015

WITNESS the following signature and seal:

ATTEST:

BOARD OF SUPERVISORS
FREDERICK COUNTY, VIRGINIA

John R. Riley, Jr.
County Administrator

By: _____ (SEAL)
Richard C. Shickle, Chairman at Large

APPROVED AS TO FORM:

Roderick B. Williams, County Attorney

STATE OF VIRGINIA

COUNTY OF FREDERICK

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Richard C. Shickle, Chairman at Large of the Board of Supervisors of Frederick County, Virginia.

My Commission expires _____.

Notary Public

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION

PLAT SHOWING HIGHWAY ACQUISITION AND
PERMANENT UTILITY EASEMENT

PROJECT 0655-034-274, RW201, M501 PARCEL 015 UPC 59259

AREA TABULATION	
① HIGHWAY ACQUISITION	44,384 SQ. FT. OR 1.019 ACRES
② PERMANENT UTILITY EASEMENT	21,029 SQ. FT. OR 0.483 ACRES

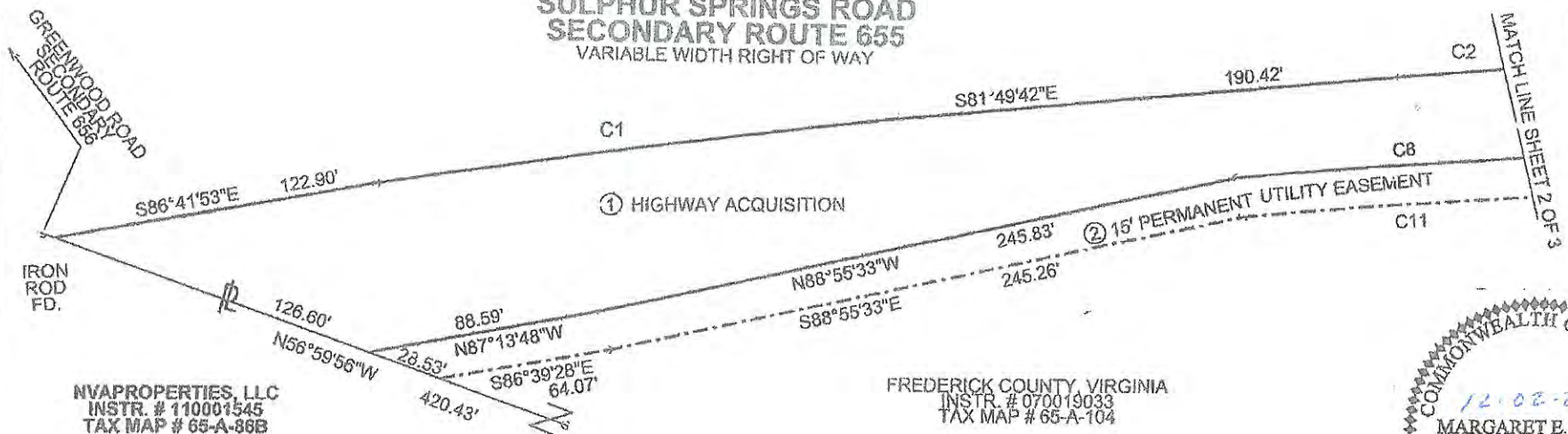
THE LANDS OF

FREDERICK COUNTY, VIRGINIA

SHAWNEE MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50' DATE: JUNE 29, 2011 PLAT SHEET 1 OF 3

SULPHUR SPRINGS ROAD
SECONDARY ROUTE 655
VARIABLE WIDTH RIGHT OF WAY



Scott Margaret
kdl25553

Margaret E. Scott, LS - Staff Surveyor
Virginia Department of Transportation
811 Commerce Road
Staunton, Virginia 24401

- 1) FIELD WORK COMPLETED JUNE 06, 2011 AND RM-2 TO BE SET.
- 2) PRELIMINARY TITLE REPORT DATED JULY 3, 2013 FURNISHED.
- 3) PHYSICAL AND RECORDED EVIDENCE OF EASEMENTS ARE NOT SHOWN.

REV. 12-01-2013

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION

**PLAT SHOWING HIGHWAY ACQUISITION AND
PERMANENT UTILITY EASEMENT**

PROJECT 0655-034-274, RW201, M501 PARCEL 015 UPC 59259

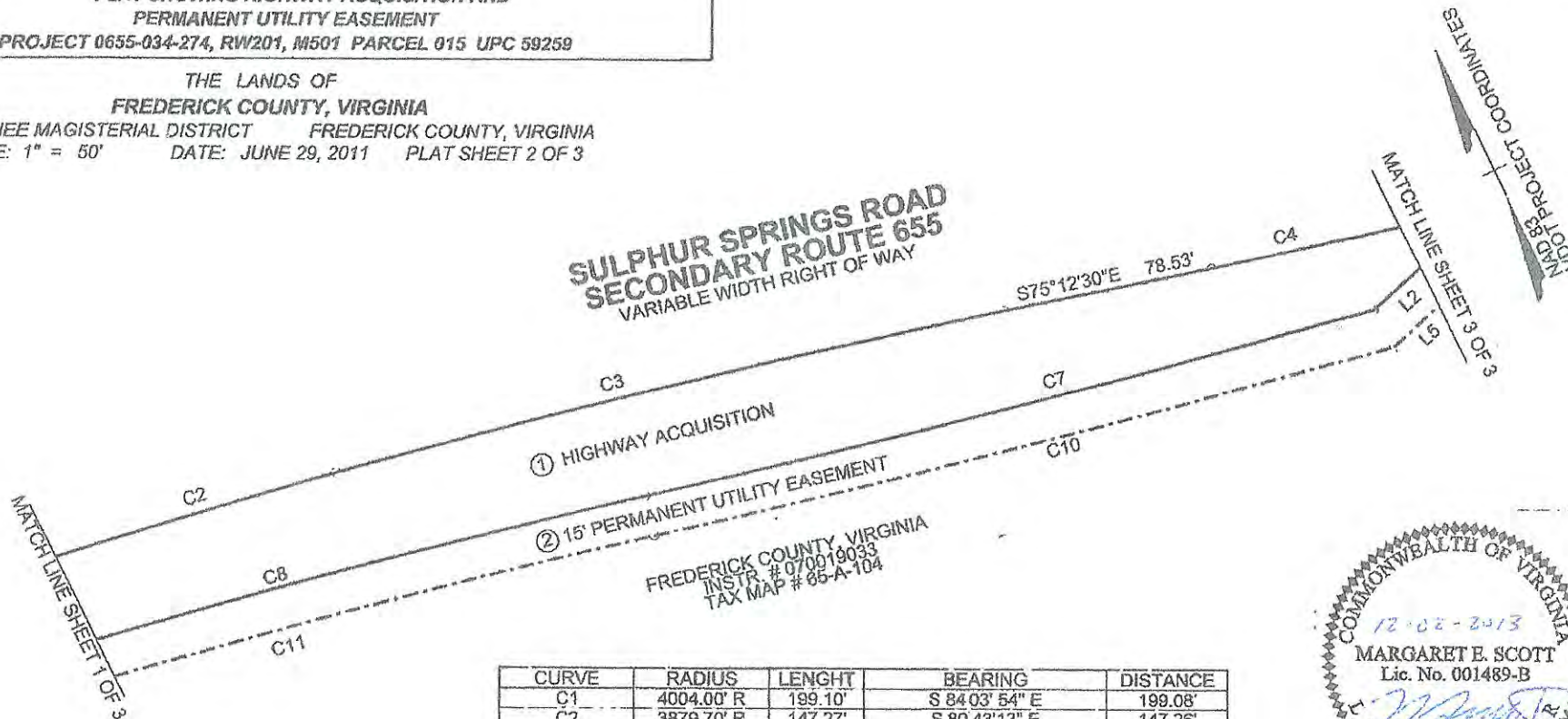
THE LANDS OF

FREDERICK COUNTY, VIRGINIA

SHAWNEE MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50' DATE: JUNE 29, 2011 PLAT SHEET 2 OF 3

**SULPHUR SPRINGS ROAD
SECONDARY ROUTE 655
VARIABLE WIDTH RIGHT OF WAY**



CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	4004.00' R	199.10'	S 84°03' 54" E	199.08'
C2	3879.70' R	147.27'	S 80°43' 13" E	147.26'
C3	3646.23' R	254.62'	S 77°12' 24" E	254.57'
C4	1502.59' L	119.96'	S 77°29' 34" E	119.93'
C5	2910.11' L	166.58'	S 83°02' 43" E	166.56'
C6	5230.00' R	402.31'	N 82°15' 04" W	402.21'
C7	5255.00' R	278.51'	N 77°58' 41" W	278.48'
C8	3245.00' L	319.00'	N 79°16' 34" W	318.87'
C9	5245.00' R	414.98'	N 82°21' 07" W	414.87'
C10	5270.00' R	282.86'	N 77°59' 51" W	282.82'
C11	3230.00' L	316.63'	N 79°16' 05" W	316.50'

- 1) FIELD WORK COMPLETED JUNE 06, 2011 AND RM-2 TO BE SET.
- 2) PRELIMINARY TITLE REPORT DATED JULY 3, 2013 FURNISHED.
- 3) PHYSICAL AND RECORDED EVIDENCE OF EASEMENTS ARE NOT SHOWN.



**Scott Margaret
kdl25553**

**Margaret E. Scott, L.S. - Staff Surveyor
Virginia Department of Transportation
811 Commerce Road
Staunton, Virginia 24401**

REV. 12-01-2013

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION

PLAT SHOWING HIGHWAY ACQUISITION AND

PERMANENT UTILITY EASEMENT

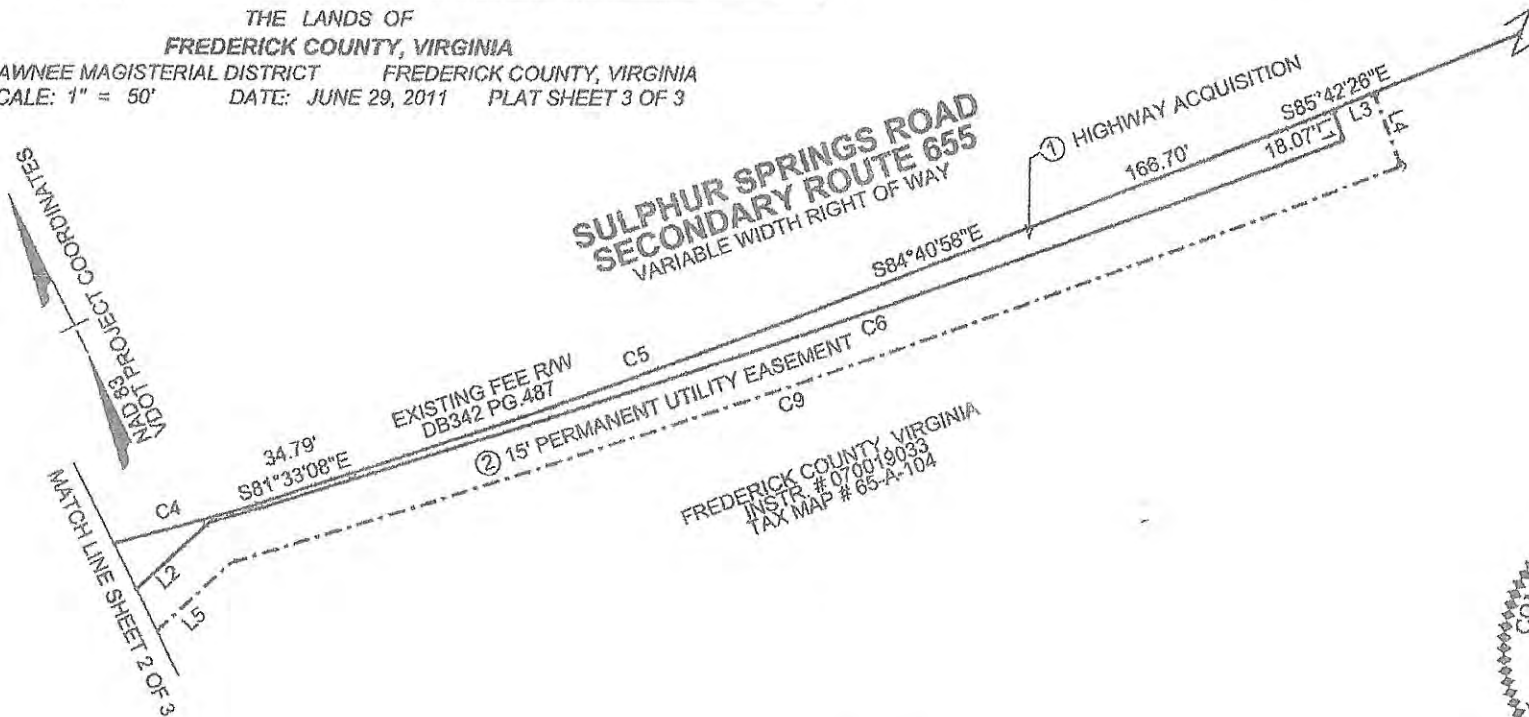
PROJECT 0655-034-274, RW201, M501 PARCEL 015 UPC 59259

THE LANDS OF

FREDERICK COUNTY, VIRGINIA

SHAWNEE MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50' DATE: JUNE 29, 2011 PLAT SHEET 3 OF 3



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S05 32'43"W	10.83'
L2	S73 50'58"W	56.27'
L3	S85 42'26"E	15.00'
L4	S05 32'43"W	26.14'
L5	S73 50'58"W	56.34'

- 1) FIELD WORK COMPLETED JUNE 06, 2011 AND RM-2 TO BE SET.
- 2) PRELIMINARY TITLE REPORT DATED JULY 3, 2013 FURNISHED.
- 3) PHYSICAL AND RECORDED EVIDENCE OF EASEMENTS ARE NOT SHOWN.



Scott Margaret
kd125553

Margaret E. Scott, L.S. - Staff Surveyor
Virginia Department of Transportation
811 Commerce Road
Staunton, Virginia 24401

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
PLAT SHOWING HIGHWAY ACQUISITION, TEMP. CONSTRUCTION EASEMENT,
AND PERMANENT UTILITY EASEMENT
PROJECT 0655-034-274, RW201, M501 PARCEL 010, UPC 59259

THE LANDS OF
COUNTY OF FREDERICK, VIRGINIA
 SHAWNEE MAGISTERIAL DISTRICT
 SCALE: 1" = 50'
 FREDERICK COUNTY, VIRGINIA
 DATE: JUNE 22, 2011

AREA TABULATION	
① HIGHWAY ACQUISITION	9,160 SQ. FT. OR 0.210 ACRES
② TEMPORARY CONSTRUCTION EASEMENT	6,833 SQ. FT. OR 0.157 ACRES
③ PERMANENT UTILITY EASEMENT	5,473 SQ. FT. OR 0.126 ACRES

NAD 83
 VDOT PROJECT COORDINATES

DONATO LANZETTA
 INST. # 130010842
 TAX MAP # 65-A-94

IRON ROD FD.

SULPHUR SPRINGS ROAD
SECONDARY ROUTE 655
 VARIABLE WIDTH RIGHT OF WAY

AREA TO BE QUIT CLAIMED

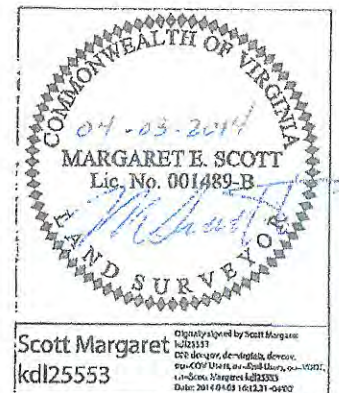
① HIGHWAY ACQUISITION

③ PERMANENT UTILITY EASEMENT

② TEMPORARY CONSTRUCTION EASEMENT

JERRY A. MORRIS
 HELEN D. MORRIS
 DB 394 PG 230
 TAX MAP # 65-A-92

COUNTY OF FREDERICK
 DB 295 PG 182
 DB 259 PG 92
 TAX MAP # 65C-1-G
 TAX MAP # 65C-1-C
 TAX MAP # 65C-1-H
 TAX MAP # 65C-1-B



Scott Margaret
 kdl25553

- 1) FIELD WORK COMPLETED JUNE 06, 2011 AND RM-2 TO BE SET.
- 2) CURRENT TITLE REPORT HAS NOT BEEN FURNISHED.
- 3) PHYSICAL AND RECORDED EVIDENCE OF EASEMENTS ARE NOT SHOWN.

CURVE	RADIUS	LENGHT	BEARING	DISTANCE
C1	5355.00' R	190.60'	N 83°46' 24" W	190.49'
C2	5375.00' R	192.84'	N 83°45' 52" W	192.83'

Margaret E. Scott, LS - Staff Surveyor
 Virginia Department of Transportation
 811 Commerce Road
 Staunton, Virginia 24401

RIGHT OF WAY EASEMENT AGREEMENT

Tax Map 65C-1-G
65C-1-C
65C-1-H
65C-1-B

OVERHEAD AND UNDERGROUND
Prepared by Rappahannock Electric Cooperative

THIS RIGHT OF WAY EASEMENT AGREEMENT, made and entered into this _____ day of _____, _____, by and between Frederick County, Virginia, hereinafter called "Owner" ("Owner" wherever used herein being intended to include the grantors whether one or more or masculine or feminine), and RAPPAHANNOCK ELECTRIC COOPERATIVE, a Virginia public service corporation as Grantee, hereinafter called "Cooperative".

WITNESSETH:

The Owner, in consideration of One Dollar and other valuable consideration paid by Cooperative, the receipt and sufficiency whereof is hereby acknowledged, does grant and convey unto Cooperative, its successors and assigns, the perpetual right, privilege, and easement of right of way, to install construct, operate and maintain pole lines, and/or underground conduit and conductor cable lines for transmitting and/or distributing electric power to the public, by one or more circuits, including all wires, poles, anchors, guy wires, cables, trenches, transformers, cabinet enclosures, equipment pads, connection boxes, meters, ground connections, attachments, equipment, accessories, apparatus, appliances, and appurtenances desirable in connection therewith (hereinafter referred to as "Facilities") over, under, upon, across and through the lands of the Owner situated in Frederick County, Virginia, as shown and designated on drawing dated April 3, 2014 described on sheet 1 of 1 by Margaret E. Scott – Staff Surveyor titled COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT SHOWING HIGHWAY ACQUISITION, TEMP. CONSTRUCTION EASEMENT AND PERMANENT UTILITY EASEMENT PROJECT 0655-034-274, RW201, M501 PARCEL 010, UPC 59259, being attached and made part of this agreement.

The widths of this easement of right of way will be as indicated on the referenced drawing.

The facilities erected hereunder shall remain the property of Cooperative. Cooperative shall have the right to inspect, upgrade, rebuild, improve, remove, repair, relocate on the right of way above described, and make such changes, alterations, substitutions, additions to or extensions of its facilities as Cooperative may from time to time deem advisable, including the right to increase and/or decrease the number and/or size of wires.

Owner does further grant and convey to Cooperative, for the purpose of Cooperative constructing, reconstructing, inspecting, replacing, upgrading, maintaining and/or operating its facilities, the right of ingress to and egress from the easement over the lands of Owner, such right to be exercised in such manner as shall cause the least practicable damage and inconvenience to Owner.

Cooperative shall at all times have the right to trim, cut, remove, control, and keep clear by machinery or otherwise, all trees, limbs, undergrowth and other obstructions inside and outside the boundaries that may endanger the safe and proper operation of its facilities. All trees cut by the Cooperative at any time shall remain the property of the Owner.

Cooperative shall repair damage to roads, fences, structures, or other improvements and shall pay owner for other damage done, including damages to crops, in the process of the construction, inspection, or maintenance of Cooperative's facilities, or in the exercise of its right of ingress and egress; provided Owner gives written notice thereof to Cooperative within thirty (30) days after such damage occurs.

Owner covenants that he is seized of and has the right to convey the said easements of right of way, rights and privileges; that the Cooperative shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement of right of way, rights and privileges.

"NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying".

IN WITNESS WHEREOF the following signature(s) of the Owner or his duly authorized agent:

Frederick County, Virginia

By _____

STATE OF _____

CITY/COUNTY OF _____ to-wit:

The foregoing was acknowledged before me this _____ day of _____,
_____, by _____
(Enter names exactly as signed)

(For corporations - enter corporation name also)

Notary Public

Notary Registration Number

My commission expires _____

Verizon W. O. No.: 4A0K5QC
VDOT Project No.: 0655-034-274,RW201

ROW Tracking No.: _____
Parcel No.: _____

After Recording Mail To:
VERIZON VIRGINIA INC .
502 E. Piedmont St
Culpeper, VA 22701



Document Prepared
VERIZON VIRGINIA INC .
404 Hillandale Ln
Winchester, VA 22602

TAX MAP PARCEL I.D. NO:

65C-1-G
65C-1-C
65C-1-H
65C-1-B

DEED OF EASEMENT

THIS DEED OF EASEMENT made this _____ day of _____, 2014, by and between Frederick County, Virginia, herein after called Grantor and VERIZON VIRGINIA, LLC, a Virginia corporation, its successors, assigns lessees and agents, herein after called Grantee.

WITNESSETH:

For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") to install, construct, operate, maintain, inspect, improve, relocate, alter, replace and remove a communication system consisting of such poles, fixtures, braces, guys, anchors, wires, cables, pole-mounted cabinets, buried cable, buried wires, vaults, conduits, manholes, handholes, and related above-ground facilities, including but not limited to, posts, terminals, location markers, cabinets, equipment housings and other appurtenances, as Grantee may from time to time require, upon, under, across and over Grantor's real property being located in the District of Shawnee, County of Frederick, Commonwealth of Virginia more particularly identified as described on sheet 1 of 1 on plat by Margaret E. Scott, LS - Staff Surveyor titled COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT SHOWING HIGHWAY ACQUISITION, TEMP. CONSTRUCTION EASEMENT AND PERMANENT UTILITY EASEMENT PROJECT 0655-034-274, RW-201, M501 PARCEL 010, UPC 59259.

Said Easement is hereby granted and conveyed unto Grantee together with the following rights and covenants:

(i) Rights

Grantee shall have the right of ingress and egress over, upon and across the Property, including Grantor's private roads, to and from the communications system and Easement, including the right to temporarily open and close fences, for the purposes of exercising the rights herein granted.

Grantee shall have the right to trim, cut and remove trees, shrubbery, undergrowth and other obstructions within the Easement Area which interfere with or threaten the

efficient and safe operation, construction or maintenance of it facilities or impedes the access thereto.

The communications system constructed hereunder is and shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, remove and relocate its communications system, or any part thereof, within the Easement Area, and may make such changes, alterations, substitutions, additions in and to or extensions of its facilities as it deems advisable without the prior consent of the Grantor.

(ii) Covenants

Grantor covenants that it is seized of the Property and has the right to convey the Easement, rights and privileges herein conveyed to Grantee and that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid Easement, rights and privileges hereby granted.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, the following signature(s) and seal(s):

Sign: _____

Frederick County, Virginia

By _____

COMMONWEALTH OF VIRGINIA:

County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that _____ did personally appear before me and acknowledge the foregoing writing dated _____, 2014 in the jurisdiction aforesaid this ____ day of _____, 20____.

Notary Public

Notary Registration Number: _____

My Commission expires: _____

Verizon W. O. No.: 4A0K5QC
VDOT Project No.: 0655-034-274, RW201

ROW Tracking No.: _____
Parcel No.: _____

After Recording Mail To:
VERIZON VIRGINIA INC .
502 E. Piedmont St
Culpeper, VA 22701



Document Prepared
VERIZON VIRGINIA INC .
404 Hillandale Ln
Winchester, VA 22602

TAX MAP PARCEL I.D. NO:
65-A-104

DEED OF EASEMENT

THIS DEED OF EASEMENT made this _____ day of _____, 2014, by and between Frederick County, Virginia, herein after called Grantor and VERIZON VIRGINIA, LLC, a Virginia corporation, its successors, assigns lessees and agents, herein after called Grantee.

WITNESSETH:

For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") to install, construct, operate, maintain, inspect, improve, relocate, alter, replace and remove a communication system consisting of such poles, fixtures, braces, guys, anchors, wires, cables, pole-mounted cabinets, buried cable, buried wires, vaults, conduits, manholes, handholes, and related above-ground facilities, including but not limited to, posts, terminals, location markers, cabinets, equipment housings and other appurtenances, as Grantee may from time to time require, upon, under, across and over Grantor's real property being located in the District of Shawnee, County of Frederick, Commonwealth of Virginia more particularly identified as described on sheet 1,2 AND 3 of 3 on plat by Margaret E. Scott, LS - Staff Surveyor titled COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION PLAT SHOWING HIGHWAY ACQUISITION AND PERMANENT UTILITY EASEMENT PROJECT 0655-034-274, RW-201, M501 PARCEL 015, UPC 59259.

Said Easement is hereby granted and conveyed unto Grantee together with the following rights and covenants:

(i) Rights

Grantee shall have the right of ingress and egress over, upon and across the Property, including Grantor's private roads, to and from the communications system and Easement, including the right to temporarily open and close fences, for the purposes of exercising the rights herein granted.

Grantee shall have the right to trim, cut and remove trees, shrubbery, undergrowth and other obstructions within the Easement Area which interfere with or threaten the efficient and safe operation, construction or maintenance of it facilities or impedes the access thereto.

The communications system constructed hereunder is and shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, remove and relocate its communications system, or any part thereof, within the Easement Area,

and may make such changes, alterations, substitutions, additions in and to or extensions of its facilities as it deems advisable without the prior consent of the Grantor.

(ii) Covenants

Grantor covenants that it is seized of the Property and has the right to convey the Easement, rights and privileges herein conveyed to Grantee and that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid Easement, rights and privileges hereby granted.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, the following signature(s) and seal(s):

Sign: _____

Frederick County, Virginia

By _____

COMMONWEALTH OF VIRGINIA:

County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that _____ did personally appear before me and acknowledge the foregoing writing dated _____, 2014 in the jurisdiction aforesaid this ____ day of _____, 20.

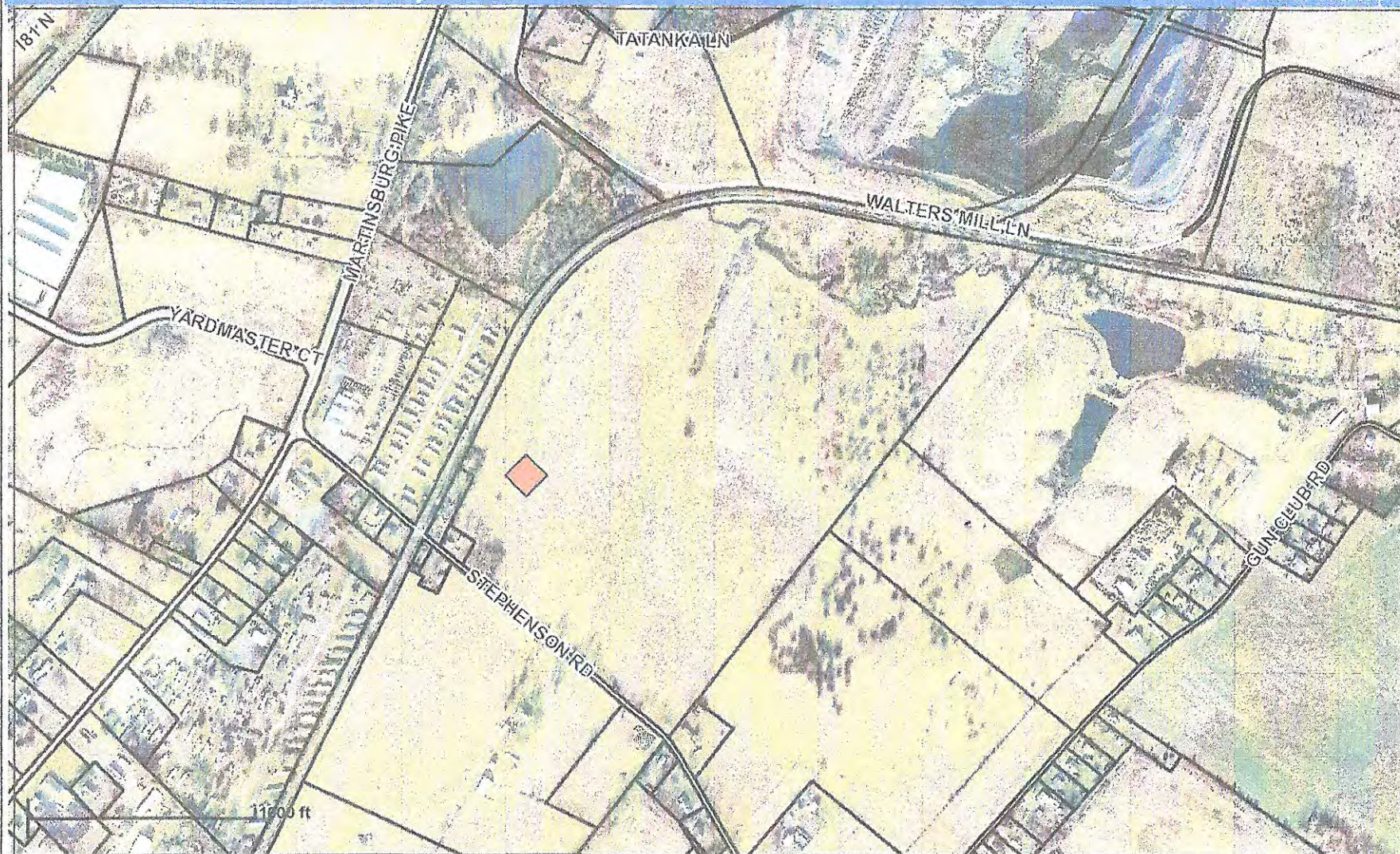
Notary Public

Notary Registration Number: _____

My Commission expires: _____

Virginia Frederick County

Life at the top.



Frederick County Information Technologies,
GIS Division, Virginia, United States.
540-665-5614

Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory or otherwise, concerning any or all of the Frederick County GIS data.

**COUNTY of FREDERICK**

Department of Public Works

540/665-5643

FAX: 540/678-0682

MEMORANDUM

TO: Public Works Committee

FROM: Joe C. Wilder, Director of Public Works *JCW*

SUBJECT: Monthly Tonnage Report - Fiscal Year 15/16

DATE: April 27, 2017

The following is the tonnage for the months of July 2015, through June 2016, and the average monthly tonnage for fiscal years 03/04 through 16/17.

FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,468 TONS (UP 403 TONS)
FY 14-15:	AVERAGE PER MONTH:	13,133 TONS (UP 665 TONS)
FY 15-16:	AVERAGE PER MONTH:	13,984 TONS (UP 851 TONS)
FY 16-17:	AVERAGE PER MONTH:	14,331 TONS (UP 347 TONS)

MONTH	FY 2015-2016	FY 2016-2017
JULY	15,019	13,391
AUGUST	13,853	15,724
SEPTEMBER	14,103	14,649
OCTOBER	14,095	14,160
NOVEMBER	13,053	13,840
DECEMBER	13,589	16,821
JANUARY	11,191	12,520
FEBRUARY	12,240	12,542
MARCH	15,058	15,333
APRIL	14,563	
MAY	15,198	
JUNE	15,845	

JCW/gmp

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	75,280	37,691	3,685	6,490	72,900	84,815	2,740	37,140	243,960	564,701
AUG	78,080	40,680	3,715	7,505	96,280	85,400		71,580	263,440	646,680
SEP	80,240	35,252	4,030	7,310	90,277	83,420	5,600	37,860	232,940	576,929
OCT	72,460	34,700	3,545	8,535	97,160	83,800	6,420	19,480	223,265	549,365
NOV	66,540	36,192	3,450	7,370	98,420	75,740		54,620	212,131	554,463
DEC		36,460	3,285	8,375	94,400	99,520	7,560	33,360	178,980	461,940
JAN		30,940	2,170	5,630	92,080	89,480	6,500	20,040	154,240	401,080
FEB		30,800	3,295	7,905	92,720	71,660		36,280	172,920	415,580
MAR		34,280	3,737	9,343	64,200	73,988		58,540	201,980	446,068
APR							3,780			3,780
MAY										0
JUN										0
TOTAL	372,600	316,995	30,912	68,463	798,437	747,823	32,600	368,900	1,883,856	4,620,586
FY 15-16	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
FY 14-15	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000					2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000					2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060					2,305,960
TO DATE	14,247,821	5,896,238	538,647	1,213,342	32,865,906	8,286,076	337,920	6,098,434	16,831,336	86,315,800

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	42	30	50	2	0	39	34	7	1	0	43
AUG	43	49	26	1	0	27	35	5	0	0	52
SEP	52	28	49	1	0	42	40	6	0	0	42
OCT	42	33	43	1	0	31	39	6	1	0	42
NOV	42	27	28	2	2	24	28	1	0	0	48
DEC	48	25	28	1	0	50	21	1	0	0	30
JAN	30	47	41	0	0	29	34	7	0	0	48
FEB	48	27	36	0	0	41	27	7	1	0	35
MAR	35	23	25	1	7	31	21	3	0	0	36
APR											
MAY											
JUN											
TOTAL	382	289	326	9	9	314	279	43	3	0	376

In the month of March - 91 dogs in and out of kennel. 1 dog transferred to Clarke County.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2016-2017

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	80	161	11	3	10	35	7	144	2	0	77
AUG	77	130	26	4	6	20	3	123	6	0	91
SEP	91	175	32	1	2	13	4	168	7	0	109
OCT	109	182	14	4	0	31	4	150	6	0	118
NOV	118	99	21	1	0	16	2	125	2	0	94
DEC	94	90	1	2	0	33	2	66	0	0	86
JAN	86	53	2	0	3	38	2	31	0	0	73
FEB	73	45	7	0	9	32	5	36	0	0	61
MAR	61	54	13	3	0	28	1	31	1	0	70
APR											
MAY											
JUN											
TOTAL	789	989	127	18	30	246	30	874	24	0	779

In the month of March - 131 cats in and out of shelter.

F



MEMORANDUM

TO: Board of Supervisors

FROM: John A. Bishop, AICP, Assistant Director - Transportation *JB*

RE: Transportation Committee Report for Meeting of April 24, 2017

DATE: May 1, 2017

The Transportation Committee met on April 24, 2017 at 8:30 a.m.

Members Present

Gary Lofton – Chairman (voting)
Judith McCann-Slaughter (voting)
Gene Fisher (voting)
James Racey (voting)
Gary Oates (liaison PC)
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)
Barry Schnoor (voting)

*****Items Requiring Action*****

1. Security Drive

Attached, please find materials submitted by Greenway Engineering representing Navy Federal Credit Union. To accommodate their expansion there is a need to abandon a portion of right-of-way and seek adoption of a shorter section into the State System of Highways. Mr. Evan Wyatt and Mr. Tim Markle were present to represent Navy Federal Credit Union.

Mr. Wyatt reviewed the request with the Committee. Mrs. McCann-Slaughter asked whether the shorter section request had been communicated to Southern Air and Mr. Wyatt noted that it had.

Staff noted that this will be a public hearing item and that three actions will be required of the Board of Supervisors as follows:

1. Rescind previous request to VDOT that requested adoption of the longer section of Security Drive into the State system.

2. A new resolution requested adoption of the shorter section of Security Drive into the State system.
3. Abandonment of right-of-way for portion of Security Drive that is no longer being requested to be in the state system.

On a motion by Mr. Fisher that was seconded by Mr. Racey the Committee recommended that the Board of Supervisors forward the item for public hearing.



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 10th day of May, 2017, adopted the following:

WHEREAS, it appears to this Board that a portion of Security Drive from a point 432.77 feet east of its intersection with Independence Drive and extending to the end of Security Drive, a point 802.88 feet east of its intersection with Independence Drive, the affected right-of-way area containing .5735 acres, more or less, serves no public necessity and is no longer necessary for public use.

NOW, THEREFORE, BE IT RESOLVED, The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Security Drive, pursuant to §33.2-915 of the Code of Virginia, 1950, as amended.

Charles S. DeHaven, Jr., Chairman _____
Bill M. Ewing _____
Gene E. Fisher _____
Blaine P. Dunn _____

Gary A. Lofton _____
Robert W. Wells _____
Judith McCann-Slaughter _____

A COPY ATTEST

Brenda G. Garton
Frederick County Administrator

2. Hood Way

Attached please find materials provided by VDOT and Dennie Dunlap in support of a road abandonment of Hood Way. This road abandonment is to aid in facilitating changes to their site to facilitate traffic circulation.

Staff noted that while, in most cases, a cul-de-sac that provides access to a single user typically is not allowed into the State System, Hood Way was built using Economic Development Access funds which automatically causes the resulting roadway to be adopted into the State System.

Mr. Oates noted that the parcels fronting on Route 11 and Hood Way should either be consolidated with the primary Hood Parcel or receive deeded access to Hood Way in order to prevent future undesired and potentially unsafe additional entrances onto Route 11.

On a motion by Mr. Fisher and seconded by Mrs. McCann-Slaughter the Committee recommended that the Board forward the item to public hearing for abandonment provided the access concerns noted above.



**RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 10th day of May, 2017, adopted the following:

WHEREAS, it appears to this Board that Secondary Route 872 (Hood Way) from its intersection with Route 11 (Valley Pike) to its end, a distance of approximately 640 feet, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Secondary Route 872 (Hood Way), pursuant to §33.2-909 of the Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

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

*****Items Not Requiring Action*****

3. Route 50 Speed Limit

Supervisor Ewing has received numerous concerns regarding the speed limit on Route 50 to the east of Poorhouse Road. With the development of the Lutheran Home property and introduction of the new signal at National Lutheran Boulevard with their associated extra trips and conflicting movements, many of the nearby residents feel the speed limit should be maintained at 45 until Poorhouse Road. A preliminary determination by VDOT traffic engineering regarding a potential reduction in speed limit indicated that they would not be supportive of a reduction at this time.

It was noted that when Lutheran Home Boulevard connects back to Retail Boulevard near the Walmart, the residents will have another signalized connection to Route 50.

Committee members also noted the need to clear Route 50 traffic as the roadway opens up after Retail Boulevard.

Major Hawkins noted that they will ask the traffic division to step up enforcement along that part of the corridor.

By consensus, the Committee chose not to send forward a recommendation to the Board of Supervisors to request further study by VDOT.

4. County Projects Update

Snowden Bridge Boulevard:

Stub connection from Snowden to Milburn is nearly complete and that will be the last step of the project prior to requesting adoption into the State System of Highways.

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

Bridge design is ongoing and draft environmental documents for VDOT have been received. Bridge design has reached 75% and comments have been received for that. Pennoni is incorporating the recent round of comments on the TIA, as well as incorporating additional scenarios to evaluate a potentially reduced section for the Northern Y. Staff has had numerous coordination meetings with VDOT to try to streamline the process and speed review comments.

Renaissance Drive:

Awaiting TPOF agreements from VDOT. Evaluating with the Board the status of revenue sharing matching funds prior to beginning design. Completing new project documentation for CSX through the County Attorney.

Valley Mill Road Realignment:

Private partner has indicated a desire not to continue the project. Staff is following up to clarify their intentions.

Coverstone Drive:

No activity at this time.

Jubal Early Drive Extension and Interchange with Route 37:

Staff has participated in a number of recent meetings regarding the status of previous design work and permits.

5. Other

JAB/pd



151 Windy Hill Lane
Winchester, VA 22602

April 13, 2017

Frederick County Planning Department
Attn: John Bishop, Jr., County Transportation Director
107 North Kent Street
Winchester, VA 22601

RE: Security Drive Right-of-Way Vacation and Right-of-Way Dedication

Dear John:

As you know, Greenway Engineering is working on behalf of Navy Federal Credit Union for their planned office and parking structure expansion project that will be accessed from Security Drive. Greenway Engineering submitted a letter to Frederick County dated February 14, 2017 on behalf of Navy Federal Credit Union advising that that Navy Federal Credit Union no longer desired Frederick County and VDOT to proceed with the acceptance of Security Drive as an addition to the state secondary street system. The Frederick County Administrator submitted a letter to VDOT dated February 22, 2017 requesting that VDOT suspend the acceptance of Security Drive into the state system at this time and that the County would work with Navy Federal Credit Union through the applicable road abandonment process.

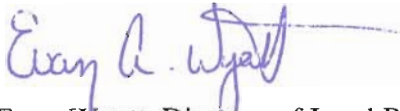
Frederick County directed Navy Federal Credit Union to work with SAI Properties, LLC (Southern Air) to determine their interest in having Security Drive vacated as a public right-of-way between Independence Drive to the limits of the cul-de-sac. Navy Federal Credit Union representatives engaged SAI Properties, LLC in this process and it was determined that SAI Properties, LLC felt that it was important to their property to have Security Drive remain as a public right-of-way. (Please refer to the attached letter from Navy Federal Credit Union dated March 2, 2017 and the attached letter from SAI Properties, Inc. dated March 8, 2017).

Navy Federal Credit Union and Greenway Engineering met with VDOT representatives on March 28, 2017 to discuss concerns raised by SAI Properties, LLC and to propose an alternative option that would keep a portion of Security Drive as a state maintained road to provide access to the Southern Air facility and to vacate the remaining portion of Security Drive that would be consolidated into the Navy Federal Credit Union parcel. Navy Federal Credit Union would provide VDOT with various ingress/egress easements that would allow for VDOT vehicles and equipment to have adequate turnaround and maneuvering areas; and Navy Federal Credit Union would enter into an agreement with VDOT where Navy Federal Credit Union would be responsible for snow removal on the state maintained portion of Security Drive. The VDOT representatives felt this would be an acceptable approach and advised that they would work with Frederick County for the acceptance of a portion of Security Drive.

Greenway Engineering has prepared a new plat entitled Right-of-Way Vacation & Dedication Plat - Security Drive dated April 13, 2017 that provides for the information discussed during the March 28, 2017 meeting. It is requested that Frederick County use the attached information to place this matter on the April 24, 2017 County Transportation Committee Meeting Agenda for discussion and recommendation. Navy Federal Credit Union and Greenway Engineering representatives will attend this meeting to present information and address questions regarding this request.

Please contact me if you have any questions regarding this request or if you need any additional information at this time.

Sincerely,



Evan Wyatt, Director of Land Planning
Greenway Engineering

Cc: Tim Markle, Project Manager, Navy Federal Credit Union
Randy Kepler, P.E., Greenway Engineering



LEGEND

- NEW R/W LIMITS
- - - PERMANENT VDOT
TURNAROUND EASEMENT
- R/W ABANDONMENT AREA

DATE 03/23/2017

SCALE: 1" = 100'

DRAFTED BY: EW/JM

JOB NO. 3015L

SHEET 1 OF 1

SECURITY DRIVE R/W EXHIBIT

SHAWNEE MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA



Founded in 1971

Engineers
Surveyors

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, Virginia 22602

Telephone 540-662-4185
FAX 540-722-9528
www.greenwayeng.com

I HEREBY CERTIFY THAT THE LAND CONTAINED IN THIS RIGHT-OF-WAY VACATION IS A PORTION OF SECURITY DRIVE (FORMERLY BRANCH BANKING DRIVE) AS PLATTED AND DEDICATED TO THE COUNTY OF FREDERICK, VIRGINIA AS A PUBLIC STREET BY DEED DATED OCTOBER 2, 2003 AND RECORDED AS INSTRUMENT No. 030023422 IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE.

DATE _____

VIRGINIA DEPARTMENT OF TRANSPORTATION DATE

COMMONWEALTH OF VIRGINIA
ERNEST S. HOLZWORTH
Lic. No. 1837
LAND SURVEYOR

3015L SHEET 1 OF 5
END 17-01

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	1030.00'	58.83'	3°16'22"	N 23°46'01" W	58.83'	29.42'
C2	1080.00'	60.48'	3°12'30"	S 23°47'57" E	60.47'	30.25'

EASEMENT CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
EC1	32.04'	51.72'	92°29'38"	S 67°16'28" E	46.28'	33.46'
EC2	957.93'	161.62'	9°40'00"	S 16°11'39" E	161.42'	81.00'
EC3	17.03'	24.16'	81°17'28"	S 29°17'05" W	22.19'	14.62'
EC4	20.00'	28.74'	82°19'27"	N 56°53'10" W	26.33'	17.49'
EC5	20.00'	32.18'	92°10'33"	N 30°21'50" E	28.82'	20.77'
EC6	1055.00'	242.09'	13°08'52"	N 15°35'23" W	241.56'	121.58'
EC7	1055.00'	9.64'	0°31'24"	N 08°45'15" W	9.64'	4.82'

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 63°23'25" W	79.72'
L2	N 61°47'41" E	141.02'
L3	S 06°29'23" W	79.10'
L4	S 66°28'43" W	50.01'

EASEMENT LINE TABLE:

LINE	BEARING	DISTANCE
EL1	S 66°28'43" W	24.70'
EL2	N 23°31'17" W	50.00'
EL3	N 66°28'43" E	24.70'
EL4	S 66°28'43" W	25.29'
EL5	S 23°31'17" E	50.00'
EL6	S 66°28'43" W	25.29'
EL7	S 21°01'39" E	31.14'
EL8	S 11°21'39" E	40.87'
EL9	S 69°55'49" W	22.71'
EL10	S 81°57'06" W	46.43'
EL11	S 81°57'06" W	79.79'
EL12	N 15°43'27" W	210.02'
EL13	N 76°27'07" E	23.59'
EL14	N 08°29'33" W	98.02'
EL15	N 81°30'27" E	30.00'

AREA TABLE:

T.M. 64-11-11	35.3876 ACRES
VACATED R/W	+0.5735 ACRES
ADJUSTED T.M. 64-11-11	35.9611 ACRES

LEGEND:

EX. = EXISTING
 ESMT. = EASEMENT
 R/W = RIGHT-OF-WAY
 BRL = BUILDING RESTRICTION LINE PER CURRENT ZONING ORDINANCE
 F.C.S.A. = FREDERICK COUNTY SANITATION AUTHORITY
 D.B. PG. = DEED BOOK AND PAGE
 INST. No. = INSTRUMENT NUMBER
 T.M. = TAX MAP PARCEL IDENTIFICATION

NOTES:

1. THE BOUNDARY, ACREAGE AND OTHER INFORMATION SHOWN HEREON IS BASED ON PLATS & DEEDS OF RECORD AND FIELD SURVEYS PERFORMED BY THIS FIRM.
2. NO TITLE REPORT FURNISHED. EASEMENTS AND OTHER ENCUMBRANCES MIGHT EXIST WHICH ARE NOT SHOWN.
3. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER N.F.I.P. FLOOD INSURANCE RATE MAP No. 51069C0219D, EFFECTIVE DATE SEPTEMBER 2, 2009.
4. TAX PARCEL 64-11-11 IS COMPRISED OF LOTS 10, 11, 12 & 17 OF THE WESTVIEW BUSINESS CENTRE SUBDIVISION. SAID LOT SUBDIVISIONS ARE RECORDED BY INSTRUMENT Nos. 010007927 AND 030023422.

RIGHT-OF-WAY VACATION & DEDICATION PLAT

**SECURITY DRIVE
 WESTFIELDS BUSINESS CENTRE**

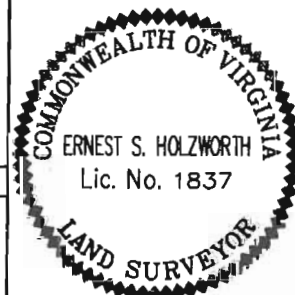
SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A

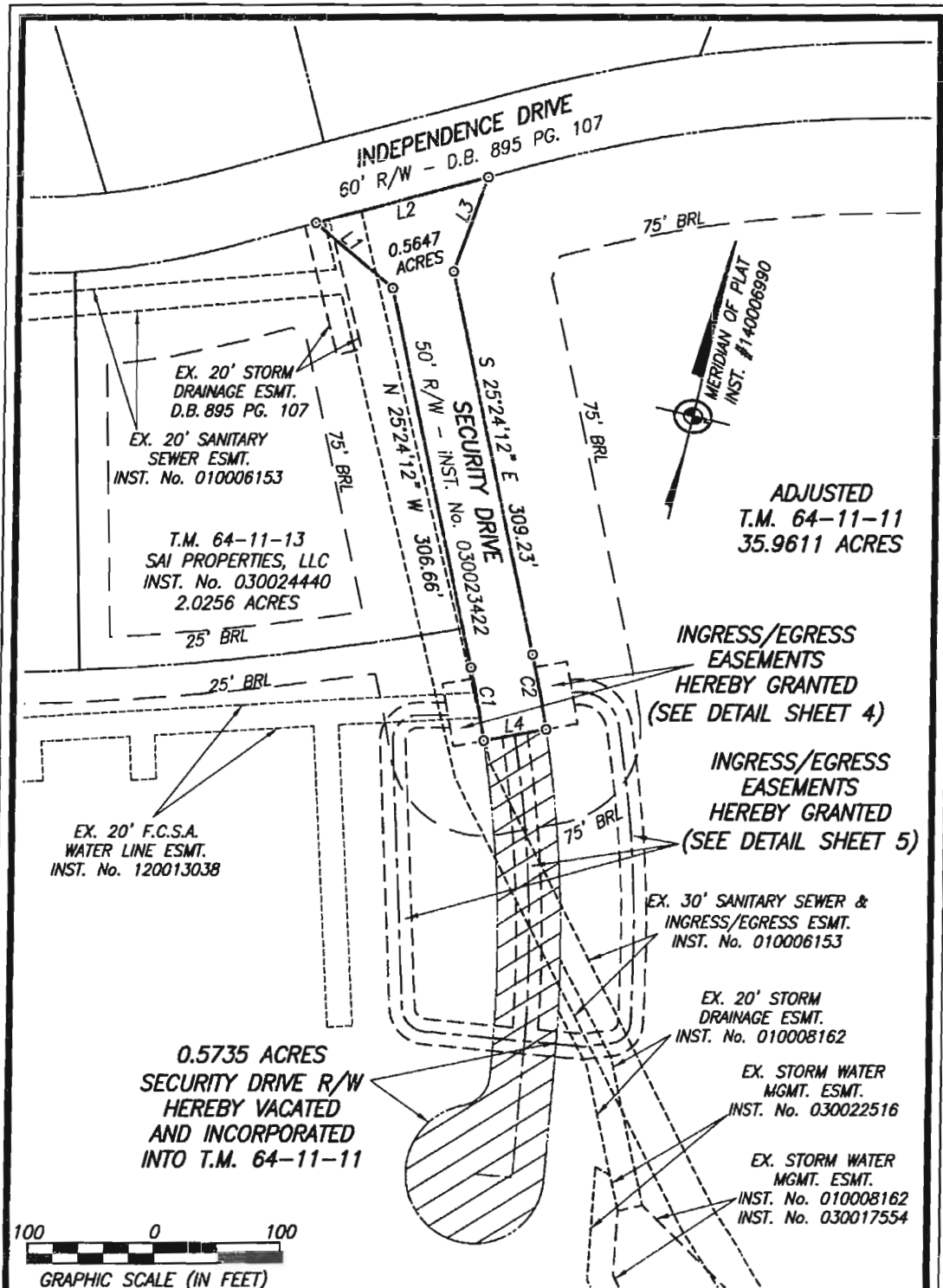
DATE: APRIL 13, 2017



GREENWAY ENGINEERING, INC.
 151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 FAX: (540) 722-9528
 www.greenwayeng.com



3015L SHEET 2 OF 5
 ENDY 17-01



RIGHT-OF-WAY VACATION & DEDICATION PLAT

**SECURITY DRIVE
WESTFIELDS BUSINESS CENTRE**

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 100'

DATE: APRIL 13, 2017



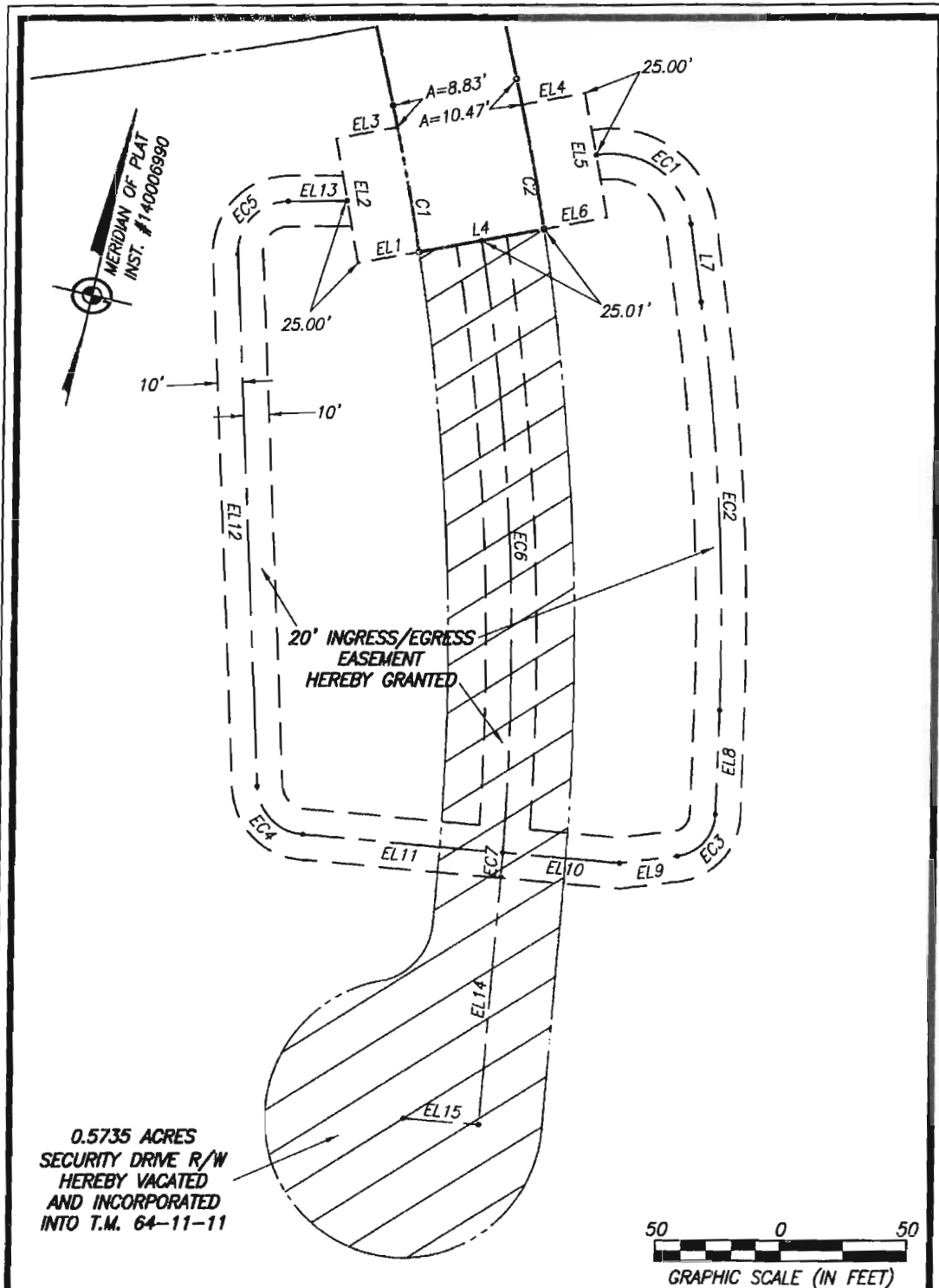
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3015L SHEET 3 OF 5
BNDY 17-01

3015L SHEET 4 OF 5
BNDY 17-01



RIGHT-OF-WAY VACATION & DEDICATION PLAT

SECURITY DRIVE
WESTFIELDS BUSINESS CENTRE

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50'

DATE: APRIL 13, 2017



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com



3015L SHEET 5 OF 5
BNDY 17-01



02 March 2017

Mr. Paul Denham, President
Southern Air, Inc.
P.O. Box 4205
Lynchburg, VA 24502

Dear Mr. Denham:

Navy Federal Credit Union (Navy Federal) is undertaking a campus expansion project that will include construction of a new 5-level, 1,600 space parking garage, and a 3-story administrative building for 1,400 personnel, adjacent to your Winchester facility. These efforts will double our population and presence at our Winchester site. The project is currently in the design phase, and Navy Federal has submitted the first round of garage construction documents to Frederick County.

Navy Federal's proposed construction would consume a portion of Security Drive on the southern end where a turning circle currently exists. We have met with county representatives who have expressed a preference to convert all of Security Drive to be a private road as opposed to granting Navy Federal just a partial Right-of-Way (ROW) abandonment. According to the county representatives, certain conditions would have to be agreed upon between Navy Federal and Southern Air, Inc. Thus, we propose the following:

1. Navy Federal would submit the attached plat to Frederick County to abandon the County's Right-of-Way (ROW). Navy Federal would own and perpetually maintain Security Drive.
2. Navy Federal would enter into a separate agreement with Southern Air to permit Southern Air perpetual ingress-egress to Southern Air's property by way of an easement. Please refer to the top of page 4 of the attached, proposed plat for the exact locations.
3. Navy Federal and Southern Air's agreement would include Navy Federal's agreement to perpetually maintain Security Drive (including snow removal) at no cost to Southern Air.

This is a request for your consideration of and general agreement to these proposals, and written response by 09 March 2017. If in agreement, Navy Federal would then draft final agreements (for #2 and #3 above) for both parties to execute. If you prefer a different arrangement to accomplish the overall objectives, we would be pleased to entertain such terms and suggestions.

If you have any questions or concerns, please contact our Project Manager, Mr. Tim Markle, at (571) 334-5347, or Tim_Markle@NavyFederal.org.

Sincerely,

A handwritten signature in blue ink that reads "Susan Brooks".

Susan Brooks

SVP, Winchester Operations
Navy Federal Credit Union

Cc: Tim Markle, Procurement Strategy & Policy Manager
Randy Kepler – Greenway Engineering

**RIGHT-OF-WAY VACATION PLAT
OF
SECURITY DRIVE
SHAMNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
FEBRUARY 17, 2017**



OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING RIGHT-OF-WAY VACATION OF SECURITY DRIVE AND THE INCORPORATION OF THE LAND INTO THE PROPERTY OF NAVY FEDERAL CREDIT UNION (TAX PARCEL 64-11-11) AS APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

STATE OF _____,
CITY / COUNTY OF _____, TO WIT:
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF _____, 20____
BY _____

MY COMMISSION EXPIRES _____, 20____.
REGISTRATION No. _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE RIGHT-OF-WAY KNOWN AS SECURITY DRIVE (FORMERLY BRANCH BANKING DRIVE) WAS CONVEYED TO THE COUNTY OF FREDERICK BY DEED DATED OCTOBER 2, 2003 BY INSTRUMENT No. 030023422. TAX PARCEL 64-11-11 IS ALL OF THE LAND CONVEYED TO NAVY FEDERAL CREDIT UNION BY DEEDS DATED JULY 28, OF 2004 (INSTRUMENT No. 040014828), SEPTEMBER 14, 2007 (INSTRUMENT No. 070014863), AUGUST 15, 2013 (INSTRUMENT No. 130009653) AND MAY 23, 2014 (INSTRUMENT No. 140024050). ALL REFERENCES ARE RECORDED IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE.

ERNEST S. HOLZWORTH, L.S.

PARENT TAX PARCEL IDENTIFICATION

SECURITY DRIVE	1.1383 ACRES	ZONE: N/A	USE: PUBLIC ROAD
T.M. 64-11-11	35.3876 ACRES	ZONE: M1	USE: OFFICE

APPROVAL:

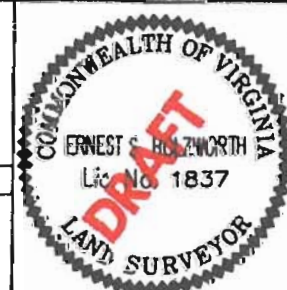
FREDERICK COUNTY SUBDIVISION ADMINISTRATOR DATE

SCALE: N/A

DATE: FEBRUARY 17, 2017



GREENWAY ENGINEERING, INC.
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-0185
FAX: (540) 722-9528
www.greenwayeng.com



3015L SHEET 1 OF 4
BLA 17-03

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	2332.03'	475.28'	11°40'38"	N 72°38'30" E	474.46'	238.47'
C2	2332.03'	168.33'	4°08'09"	N 76°24'45" E	168.30'	84.20'
C3	2332.03'	306.95'	7°32'29"	N 70°34'26" E	306.73'	153.70'
C4	630.00'	126.89'	11°32'25"	N 67°33'54" E	126.68'	63.66'
C5	1125.00'	468.54'	23°51'45"	N 73°43'33" E	465.16'	237.71'
EC1	2332.03'	50.02'	1°13'44"	N 66°11'19" E	50.02'	25.01'

LINE TABLE:

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 56°17'31" W	45.94'	L6	N 61°47'41" E	176.25'
L2	S 33°42'29" E	28.00'	L7	N 63°23'5" W	79.72'
L3	N 56°17'31" E	35.46'	EL1	N 25°24'12" W	278.78'
L4	S 13°11'26" E	31.03'	EL2	N 06°29'23" E	79.10'
L5	N 61°47'41" E	70.22'			

AREA TABLE:

T.M. 64-11-11	35.3876 ACRES
VACATED R/W	1.1383 ACRES
ADJUSTED T.M. 64-11-11	36.5259 ACRES

ADJACENT OWNERS:

- (A) T.M. 64-A-175; BONNIE L. TRIPLETT, TRUSTEE; INST. No. 090011276
 (B) T.M. 64-A-159C; WINCHESTER REGIONAL AIRPORT AUTHORITY; D.B. 781 PG. 1427
 (C) T.M. 64-A-159A; WINCHESTER REGIONAL AIRPORT AUTHORITY; D.B. 842 PG. 1400
 (D) T.M. 64-11-16; JAMES W. LOVELESS SR., TRUSTEE; INST. No. 150004070
 (E) T.M. 64-11-15; INDEPENDENCE DR WINCHESTER VA, LLC; INST. No. 140008743
 (F) T.M. 64-11-14; INDEPENDENCE DR WINCHESTER VA, LLC; INST. No. 140008743
 (G) T.M. 64-A-159H; EFG, LC; INST. No. 030027882
 (H) NO T.M. ASSIGNED; FREDERICK COUNTY SANITATION AUTHORITY; INST. No. 010006153
 (I) T.M. 65-A-120A; PHELPS PROPERTIES, L.L.C.; INST. No. 070001792
 (J) T.M. 65-A-175A; CHRISTOPHER B. & EMILY C. FUNKHOUSER; INST. No. 140005213

LEGEND:

- EX. = EXISTING
 ESMT. = EASEMENT
 R/W = RIGHT-OF-WAY
 BRL = BUILDING RESTRICTION LINE PER CURRENT ZONING ORDINANCE
 F.C.S.A. = FREDERICK COUNTY SANITATION AUTHORITY
 D.B. PG. = DEED BOOK AND PAGE
 INST. No. = INSTRUMENT NUMBER
 T.M. = TAX MAP PARCEL IDENTIFICATION

NOTES:

1. THE BOUNDARY, ACREAGE AND OTHER INFORMATION SHOWN HEREON IS BASED ON PLATS & DEEDS OF RECORD AND FIELD SURVEYS PERFORMED BY THIS FIRM.
2. NO TITLE REPORT FURNISHED. EASEMENTS AND OTHER ENCUMBRANCES MIGHT EXIST WHICH ARE NOT SHOWN.
3. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER N.F.I.P. FLOOD INSURANCE RATE MAP NO. 51069C0219D, EFFECTIVE DATE SEPTEMBER 2, 2009.
4. TAX PARCEL 64-11-11 IS COMPRISED OF LOTS 10, 11, 12 & 17 OF THE WESTVIEW BUSINESS CENTRE SUBDIVISION. SAID LOT SUBDIVISIONS ARE RECORDED BY INSTRUMENT Nos. 010007927 AND 030023422.

**RIGHT-OF-WAY VACATION PLAT
OF****SECURITY DRIVE**

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

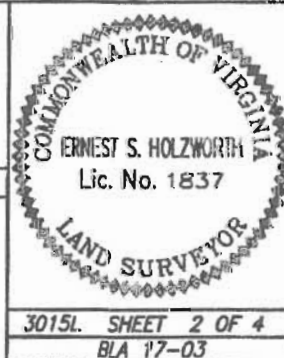
SCALE: N/A

DATE: FEBRUARY 17, 2017

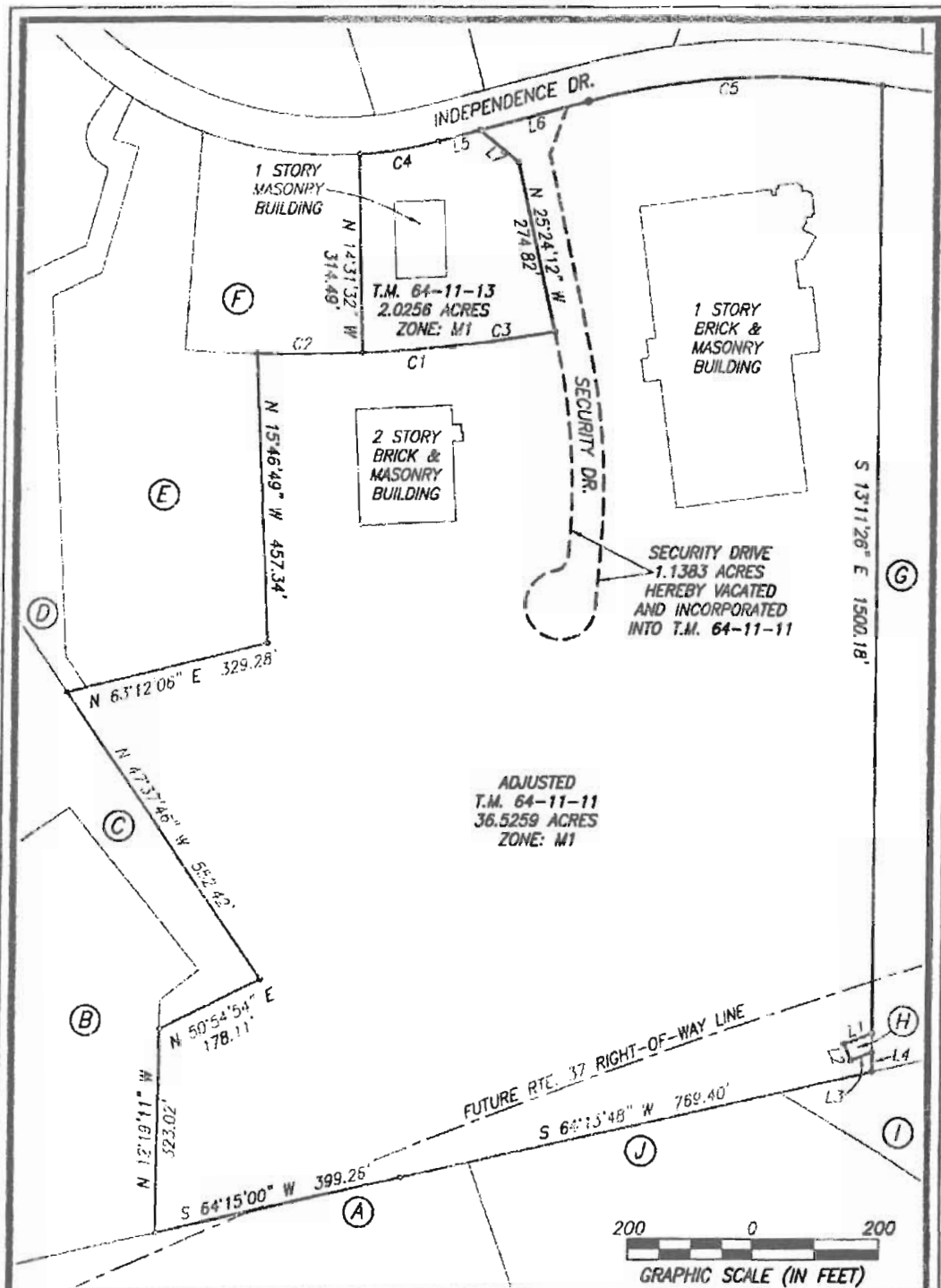


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 www.greenwayeng.com



3015L SHEET 2 OF 4
 BLA 17-03



RIGHT-OF-WAY VACATION PLAT
OF

SECURITY DRIVE

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

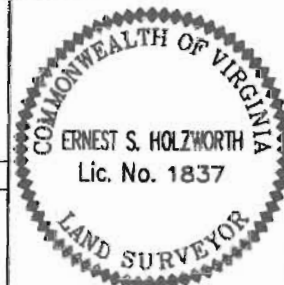
SCALE: 1" = 100'

DATE: FEBRUARY 17, 2017

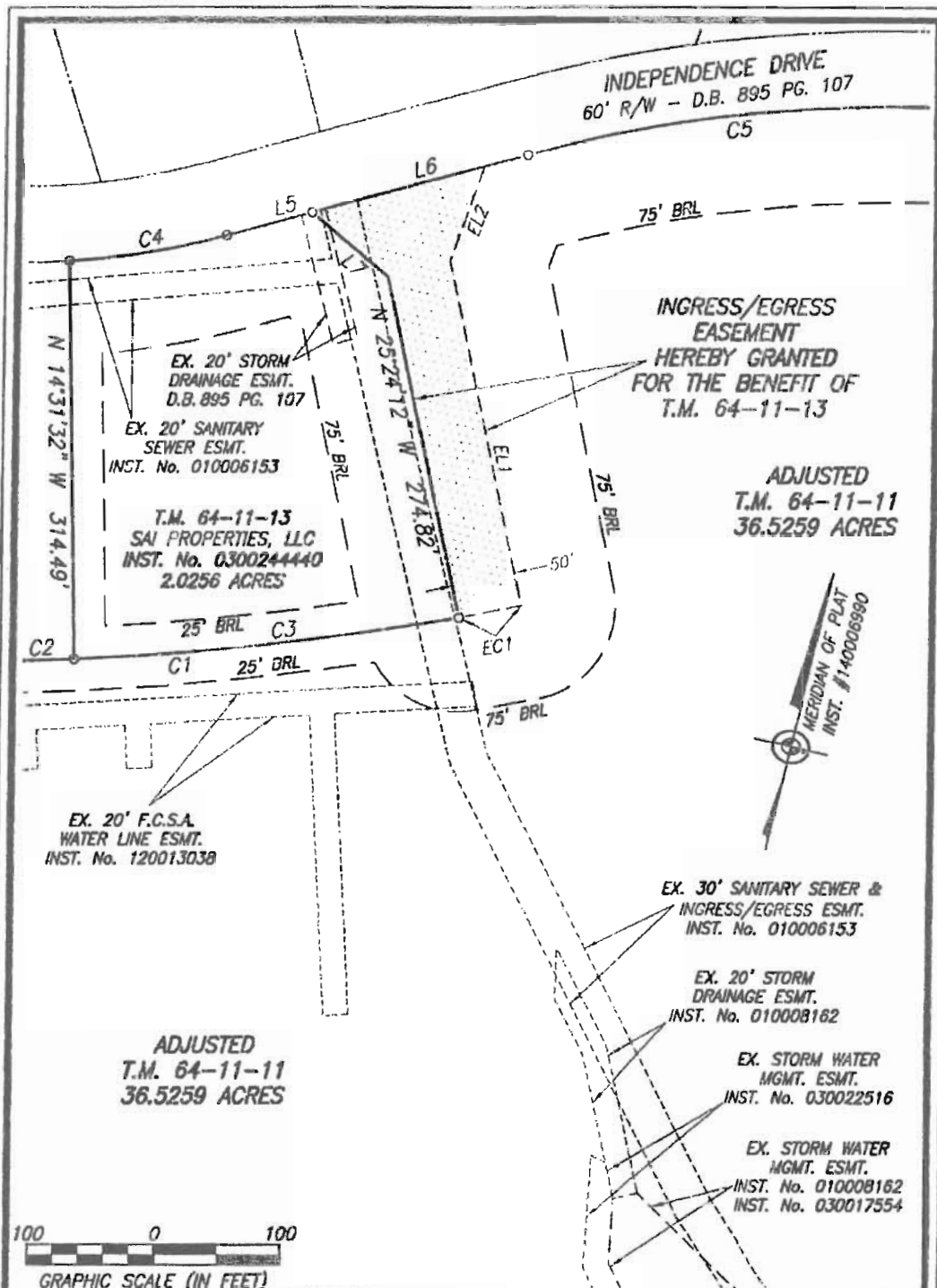


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3015L SHEET 3 OF 4
BLA 17-03



RIGHT-OF-WAY VACATION PLAT
OF

SECURITY DRIVE

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

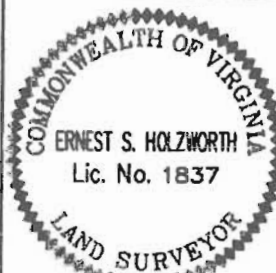
SCALE: 1" = 100'

DATE: FEBRUARY 17, 2017



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3015L SHEET 4 OF 4
BLA 17-03

SAI Properties, LLC

P O Box 4205 Lynchburg VA 24502 (434) 385-6200

March 8, 2017

Ms. Susan Brooks
Navy Federal Credit Union
PO Box 3000
Merrifield, VA 22119-3000

Dear Ms. Brooks:

We have reviewed the proposed agreement sent on March 2 concerning the planned improvements to Navy Federal Credit Union's Property on Security Drive and your desire to vacate the County owned road. While we understand this may seem to be a minor part of the larger project for your firm, this proposal does present some concerns to us.

First, let me explain that the subject property on the corner of Security Drive and Independence Drive is occupied by the Winchester Branch of Southern Air, Inc. through a lease with SAI Properties, LLC. SAI Properties, LLC is wholly owned by a group of independent investors. I personally happen to be one of those investors and am corresponding on behalf of this investor group.

When this property was purchased and developed by SAI Properties, LLC it was done so with the understanding that both Independence Drive and Security Drive were public streets with all maintenance provided by a public entity. As such, our valuation of the property was based on a corner lot with two public streets for access. While we would like to be a good neighbor and help Navy Federal Credit Union move forward rapidly with your construction project, we do have concerns that vacating Security Drive and deeding this to a private road would potentially impact the valuation of our property. There is also concern with the marketability of our property as a commercial parcel with the only reasonable access via a private road.

We understand and appreciate the offer by Navy Federal Credit Union to provide perpetual ingress and egress by way of an easement noted on the land records. We also appreciate the offer to provide a road maintenance agreement that would require Navy Federal Credit Union to perpetually maintain Security Drive. We do have three concerns that we would like to explore more thoroughly with you before we can make a final decision:

1. The Road Maintenance Agreement should convey with any title to the Navy Federal Credit Union Property and be binding to your successor or assigns. If Navy Federal Credit Union decides to sell this property then any responsibilities for maintenance should pass to the next purchaser. It would seem reasonable to us that this stipulation and agreement should be recorded with the Deed or Land Records.
2. The process of vacating the public street that provides access to the subject property will impact the marketability and therefore resale value of this property. We have consulted our Real Estate agent and feel this impact would be 20% of the current fair market value of this property. Therefore, we request Navy Federal Credit Union to provide payment of consideration to include this devaluation and any professional fees or other associated expenses in exchange for our support of vacating the public street to private.
3. Per your letter dated March 2, 2017, you stated "this will double your population and presence at your Winchester Site." We are concerned about the access onto Security Drive as traffic will be backing up when waiting to exit onto Independence Drive and block vehicles trying to exit our site. Has your team performed any traffic study that would address this increased traffic on these two roads? Has any discussion of additional turning lanes on either Security Drive or

SAI Properties, LLC

Independence Drive been evaluated? Given the increased traffic, we do not think we would be granted a driveway entrance directly onto Independence Drive at this point.

We are open to further discussion on this subject and look forward to helping Navy Federal Credit Union move forward with this project. I discussed this project at length with Mr. Markle with your company. I feel like we have a good understanding of your intent and want to help your firm move forward with your plans. At the same time, I hope you all understand our position as investors working to ensure we protect our asset for the investment group while also being a good neighbor.

Please contact me if you want to further explore any of the proposed alternate options or concerns.

Respectfully,

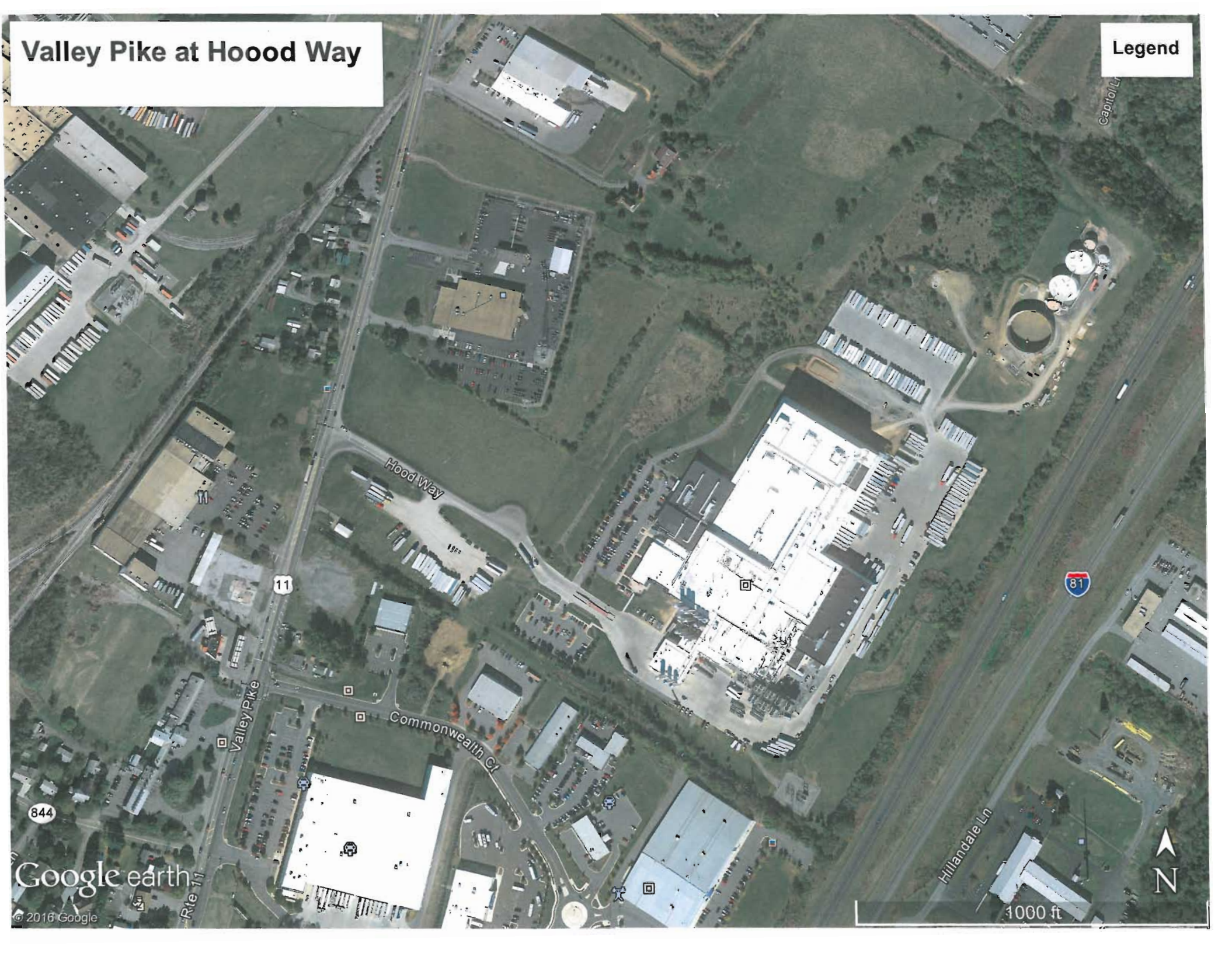


Paul R. Denham
SAI Properties, LLC
Member

Cc: Tim Markle, Procurement Strategy & Policy Manager
Robert Burrill, SAI Properties, LLC

Valley Pike at Hood Way

Legend



John Bishop

From: Dennie Dunlap <ddunlap@dice-eng.com>
Sent: Monday, March 20, 2017 3:01 PM
To: John Bishop
Subject: RE: Hood
Attachments: ENTRANCE PLAN-1.pdf

John,

Attached is a preliminary exhibit that was created for the possible improvements to Hood Way. The primary reasoning for vacating Hood Way is to provide HP Hood more flexibility with making road improvements for traffic circulation. The anticipated improvements may not conform to VDOT regulations, thus it was a VDOT suggestion to do so. Under the current configuration, the guard shack for their main facility (160 Hood Way) creates a choke point for incoming trucks and employees, and the result is traffic backs up to Rte. 11. The preliminary concept (attached) allows incoming employees to bypass the guard shack via an additional lane and gate with card reader, and also provides an additional lane dedicated for traffic accessing 180 Hood Way.

Please also keep in mind that though HP Hood wants to initiate this process, they want to be sure that they know the consequences, if any, of vacating Hood Way so it does not become a detriment to their business. Let me know if you need anything more detailed or if you have any other questions.

Thanks,

Dennie

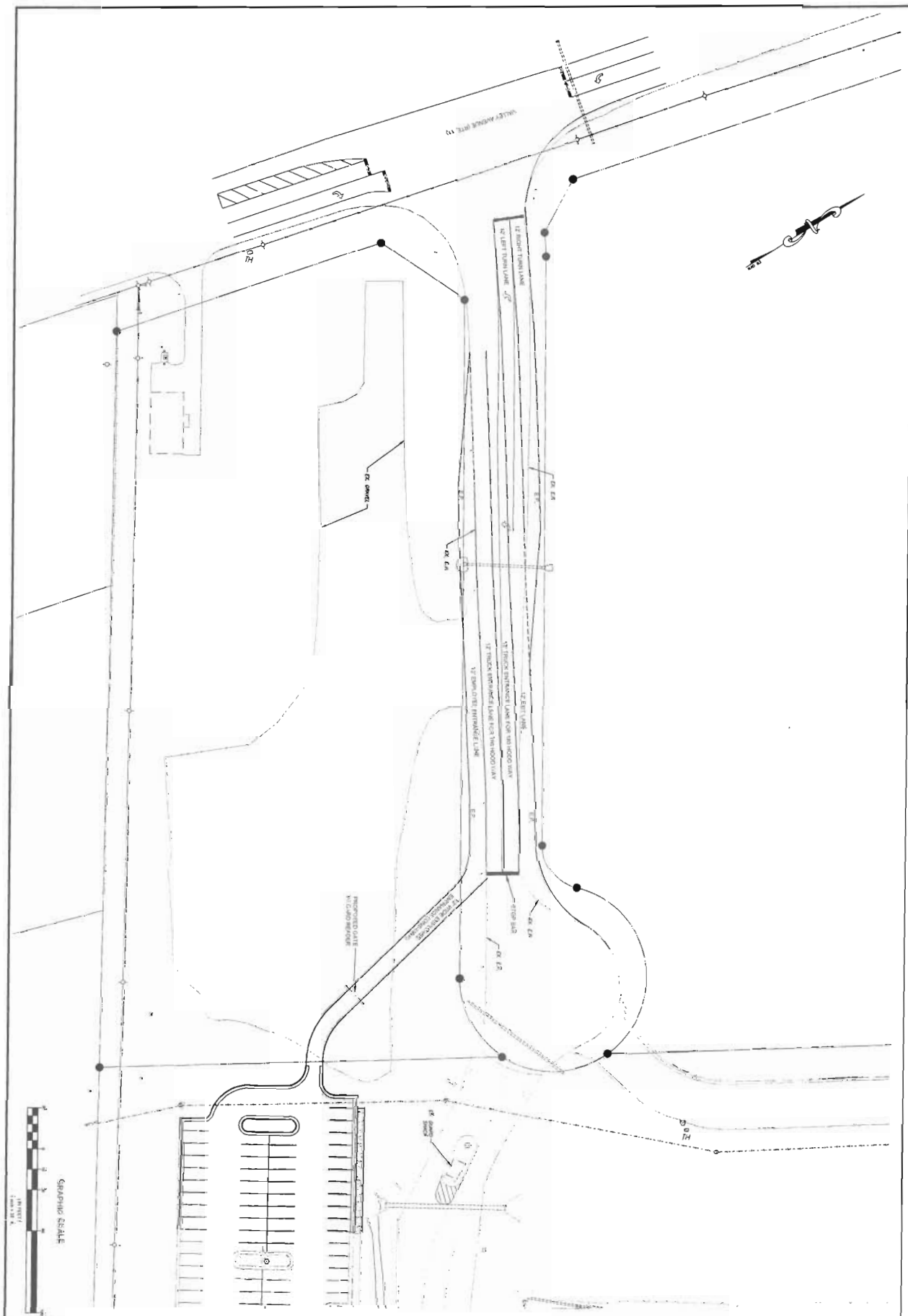
Dennie D. Dunlap III, PE
Dice Engineering, PLC
540.974.5157 (phone)

From: John Bishop [<mailto:jbishop@fcva.us>]
Sent: Friday, March 17, 2017 9:29 AM
To: Dennie Dunlap (ddunlap@dice-eng.com) <ddunlap@dice-eng.com>
Subject: Hood

Dennie;

Would it be possible to get a description and Graphic of what Hood is working to accomplish with the vacation of Hood Way to help me in describing the situation to the Transportation Committee?

John A. Bishop AICP
Assistant Director – Transportation
Frederick County Planning and Development
107 N. Kent Street
Winchester, VA 22601
540-665-5651



HP HOOD EMPLOYEE PARKING ADDITION
FREDERICK COUNTY, VIRGINIA

ENTRANCE PLAN

DESIGNED BY	ENTRANCE PLAN 0-10
DRAWN BY	000
CHECKED BY	000
DATE	01/01/00
SCALE	1"=50'

DICE ENGINEERING, PLC

101 SHILOH FRT.
WINCHESTER, VA 21792
PHONE: 703.771.2107
FAX: 703.771.2108
EMAIL: OFFICE@DICE-ENG.COM
WEB: WWW.DICE-ENG.COM

ATTACHMENT E

**Guide for Administering
Additions, Abandonments, and Discontinuances
of the
System of State Highways**

Prepared by VDOT's Maintenance Division

January 27, 2015

Abandonment of Roads from the Secondary System of State Highways

- The Effects of Abandonment

For roads that exist on a prescriptive easement for right of way (see [§33.2-105](#) of the Code of Virginia), a lawful abandonment, under either of the Code sections discussed below, normally extinguishes the easement and the road ceases to be a public road (*Board of Supervisors v. VEPCO*, 213 Va. 407, 192 S.E.2d 768 (1972)). No subsequent conveyance of right of way is applicable.

For roads that exist on right of way dedicated to public use, abandonment has the effect of closing the road to the public, but interests in the real property dedicated for right of way may only be transferred by a separate conveyance (see [§33.2-913](#)). Right of way dedicated to a county government may be conveyed by the county; right of way dedicated to the Commonwealth may be conveyed only by VDOT. The conveyance of right of way may follow, but may not precede, an abandonment.

- Abandonment Statutes

The following statutes apply in the abandonment of facilities from the secondary system of state highways. Compared here, they are discussed in separate sections.

- [§33.2-909](#) of the Code of Virginia. To abandon a road without replacing it, the BOS must find

- § “no public necessity exists for the continuance of the section of the secondary road as a public road” (i.e., lack of public use), or

- § “the safety and welfare of the public would be served best by abandoning the section of road.”

- [§33.2-912](#) of the Code of Virginia.

Section 33.2-912 is provided as an alternative means of abandoning roads to §33.2-909 and requires that a new road “which serves the same citizens as the old road” must be already constructed to VDOT standards and be ready for acceptance into the secondary system.

Abandonment Process Under §33.2-909

Upon receiving a request to abandon a segment of road, a county should first consider the matter on a preliminary basis. Once abandoned, it may not be possible to re-add the facility as part of the secondary system of state highways if the Board of Supervisors has a change of heart.

Section [§33.2-909](#) requires the BOS to announce its intent to abandon a road and a willingness to hold a public hearing, including providing formal notice to the Commissioner. The process and considerations are detailed in a flow chart entitled “Abandonment of a Road from the Secondary System of State Highways.” Following a public hearing, assuming one is requested and properly held, the BOS acts to either dismiss the abandonment or to abandon the road within a prescribed time frame.

Upon receipt of the BOS’s notice of intent to abandon a road, the resident engineer should promptly evaluate the proposed abandonment and forward the BOS’s notice of intent and his recommendations to the Highway System Group. The Highway System Group normally prepares the formal response from the Commissioner to the BOS.

If VDOT concurs with the abandonment, the Commissioner's response takes the form of an acknowledgment.

If VDOT does not concur, the Commissioner's response to the BOS may cite appropriate concerns against the abandonment. Normally, in such cases, the resident engineer will formally present those concerns to the county, in writing and in person at the public hearing and at subsequent meetings of the BOS scheduled to consider or act on the proposed abandonment.

If the BOS abandons the road over VDOT's objections, the resident engineer shall notify the Highway System Group as soon as possible so that VDOT can consider whether to file an appeal.

Appeal of Abandonments

§ For abandonments under [§33.2-909](#)

If the BOS abandons a road, an appeal to the circuit court, pursuant to [§33.2-910](#) of the Code of Virginia, may be made within the 30 days of the order of abandonment by any of the affected parties, including:

- Abutting property owners
- Commonwealth Transportation Commissioner
- Director of Game and Inland Fisheries (when appropriate)

If no appeal is initiated, the resident engineer prepares the necessary abandonment documents described in the administrative actions chart located in the appendix.

§ For abandonments under [§33.2-912](#)

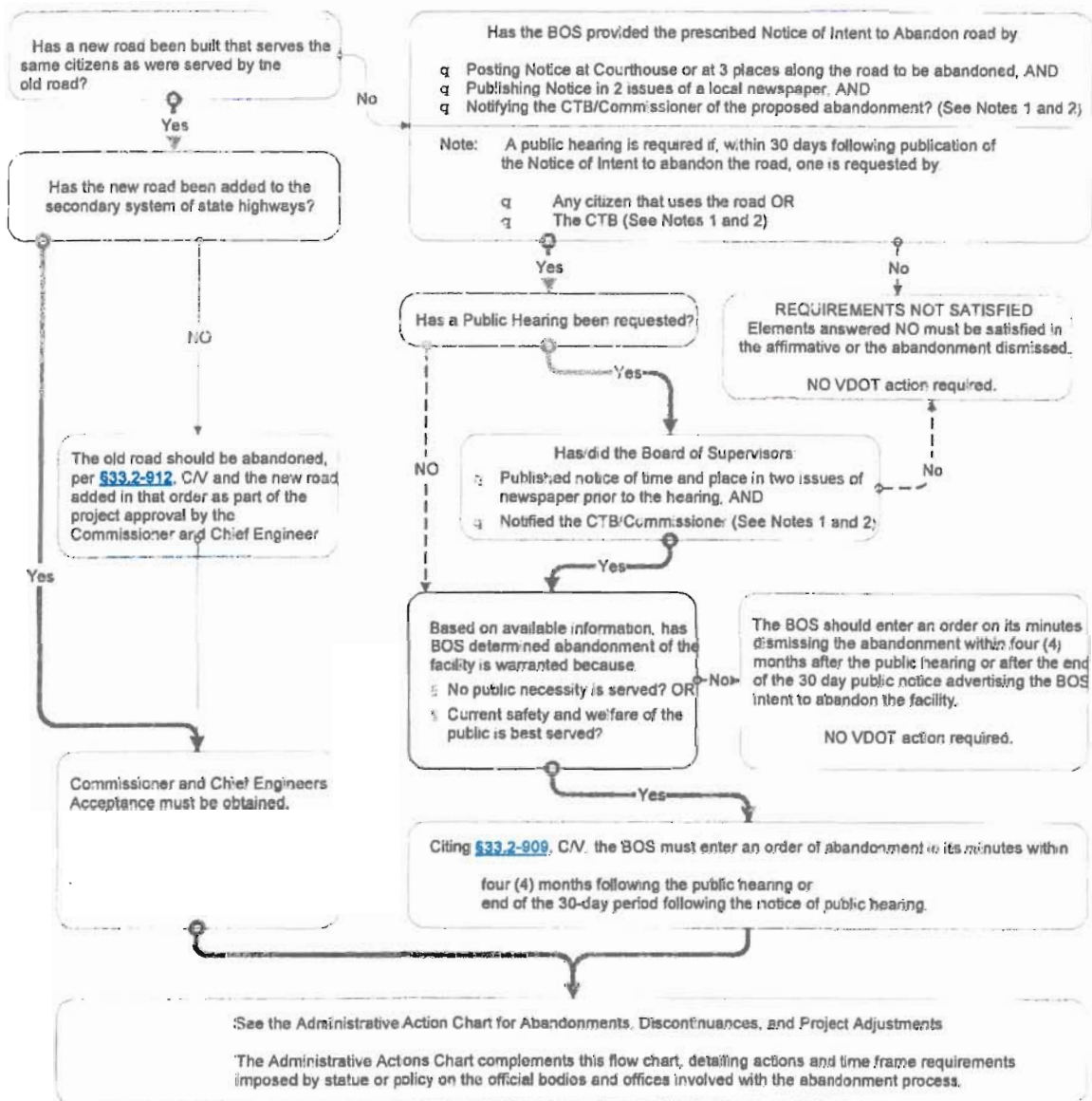
No apparent provision for an appeal to the courts exists, except as occasioned by fraudulent or indiscriminate acts. (Ref. 1 *AMOCO v. Leaman*, 199 Va. 637, 101 S.E.2d 540 (1958) and Ref. 2 *Hudson v. AMOCO*, 152 F. Supp. 757 (E.D. Va. 1957), aff'd, 253 F.2d 27 (4th Cir. 1958)).

Abandonment Procedure

The following Abandonment Procedures Flow Chart describes the steps and considerations required to abandon a facility from the secondary system of state highways. An Administrative Actions Matrix for Abandonments, Discontinuances and Project Adjustments and appropriate resolutions for abandonments are provided in Table 4.

Chart 4

Abandonment Procedures Flow Chart



G



BOARD OF SUPERVISORS

ORDINANCE

SALARIES OF BOARD OF SUPERVISORS FISCAL YEAR 2017-2018

BE IT ORDAINED, the annual salary for each member of the Frederick County Board of Supervisors, for the fiscal year beginning July 1, 2017, shall be as follows: Chairman, \$10,800; Vice Chairman, \$10,200; and each other member of the Board of Supervisors at \$9,000.

Upon motion made by _____ - and seconded by _____, the above was _____ by the Board of Supervisors of the County of Frederick, Virginia, at a regular meeting and public hearing held on May 10, 2017, by the following recorded vote:

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

A COPY TESTE:

Brenda G. Garton
Clerk, Board of Supervisors
County of Frederick, Virginia

cc: Cheryl B. Shiffler, Finance Director
C. William Orndoff, Jr., Treasurer
Becky Merriner, Human Resources Director, MBA, PHR, SHRM-CP, CPLP

H



**CONDITIONAL USE PERMIT #05-17
VIRGINIA PREFERRED PROPERTIES
Staff Report for the Board of Supervisors
Prepared: April 28, 2017**

Staff Contact: Mark R. 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:	04/19/17	Public Hearing Held; Recommended Approval
Board of Supervisors:	05/10/17	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 5/10/17 BOARD OF SUPERVISORS MEETING: This is a request for a Conditional Use Permit (CUP) for a Commercial Indoor Recreation/Private Gym. Should the Board of Supervisors find this use to be appropriate, the Planning Commission recommended that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County within a six (6) month timeframe and all improvements completed prior to establishment of the use.
3. Any expansion or change of use will 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 351 Victory Road, Winchester, Virginia

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER: 64-A-80D

PROPERTY ZONING & PRESENT USE:

Zoned: M1 (Light Industrial)

Land Use: Warehousing

ADJOINING PROPERTY ZONING & PRESENT USE:

North: M1 (Light Industrial)	Use: Manufacturing
South: M1 (Light Industrial)	Use: Manufacturing/Warehousing
East: RA (Rural Areas)	Use: Residential
West: M1 (Light Industrial Light)	Use: Warehousing

PROPOSED USE: Commercial Indoor Recreation/Private Gym

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a conditional use permit for this property appears to have little measurable impact on Route 728, 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, Section 302 – B, Business Use Group and Section 306. Other Code that applies is ICC/ANSI A117.1-09 Accessible and Usable Buildings and Facilities.

Existing area used for employee use to be opened to public. A change of use permit is required for existing area. Please submit a detailed floor plan with your permit. Public restroom facilities shall be provided and shall meet ANSIA A117.1-09. Van accessible parking and unloading are provided. Max slope for parking and unloading area is 2%. Maximum slope for walkway to main entrance is 5%.

Van accessible signage shall be provided per USBC Section 1106.8.

Lever type hardware shall be provided on all doors along the accessible route to restroom area. 20% ANSI A117.01-09 rule applies.

Alteration to existing building shall comply with USBC Section 110.3 for asbestos.

Frederick County Fire Marshal: Approved. A Life Safety Inspection shall have to be conducted by the Frederick County Fire Marshal's Office.

Winchester-Frederick County Health Department: The facility appears to be served by Public Water and Sewer Services. No conflict with any proposed or existing wells or sewage disposal systems is anticipated. This Health Department has no objection to the proposed facility.

Frederick County Sanitation Authority: No comments at this time.

Winchester Regional Airport: Proposed CUP would not impact airport operations for interior improvements or modification.

City of Winchester: No comments.

Planning and Zoning: The Frederick County Zoning Ordinance allows for commercial indoor recreation facilities in the M1 (Light Industrial) Zoning District with an approved Conditional Use Permit (CUP). The properties immediately adjacent to this proposed Conditional Use Permit (CUP) are currently zoned M1 (Light Industrial) Zoning District. The zoning ordinance requires that any proposed commercial indoor recreation facilities be subject to additional performance standards in order to promote safety to the patrons and mitigate any negative impacts with the M1 Zoning District were the use will operate.

This proposed gym will occupy 4,000 sq. ft. within a warehouse of 15,000 sq. ft. in size. The gym will be a 24 hour operation. Prior to operation of this gym the Applicant will need a site plan to be submitted and approved by Frederick County. All plan improvements shall be implemented prior to operating the business. These improvements will include: the twenty (20) required parking spaces for this use. The designated pick-up and delivery areas for all patrons, that provides safe access. These requirements are in keeping with Section §165-204.29 of the Frederick County Zoning Ordinance.

STAFF CONCLUSIONS FOR THE 04/19/17 PLANNING COMMISSION MEETING:

This is a request for a Conditional Use Permit (CUP) for Commercial Indoor Recreation/Private Gym. Should the Planning Commission find this use to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. Any expansion or change of use will require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 04/19/17 MEETING:

Staff reported this is a request for a commercial indoor recreation/private gym facility. Mr. Cheran continued the property is located at 351 Victory Road and the adjacent properties are zoned M1 and RA (Rural Areas) and the uses are Manufacturing/Warehouse, and Residential. Staff presented a location map of the property. Mr. Cheran explained this proposed gym will occupy 4,000 sq. ft. within a 15,000 sq. ft. warehouse. Staff noted the gym will be a 24 hour operation.

Staff reported prior to the operation of this gym the Applicant will need a site plan submitted and approved by Frederick County. Mr. Cheran explained all planned improvements shall be implemented prior to operating the business. Staff noted these improvements will include: twenty (20) required parking spaces for this use; and designated pick-up and drop-off areas for all patrons, which provides safe access. Staff presented the conditions recommended for this CUP:

1. All review agency comments shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements shall be completed prior to establishment of the use.
3. Any expansion or change of use will require a new Conditional Use Permit.

Commission Member requested verification that the business was already open. Staff explained that is correct. The Commission Member inquired if the business will be closed until Condition #2 requirements are met or possibly a timeframe be placed with this condition to allow the Applicant ample time for completion. Staff noted if the Planning Commission feels it is appropriate, a timeframe can be added to Condition #2.

Commission Member requested verification that twenty (20) parking spaces will be required and that VDOT is on board with this. Staff explained the site plan will require all agency comments to include VDOT as does the CUP. Commission Member asked if the facility will be staffed at all times during the twenty-four (24) hours. Mrs. Frogale, the Co-Applicant came forward and clarified that yes it will be staffed during the entire 24 hours.

The Co-Applicant, Mr. Robert Frogale provided an overview of the business. Mr. Frogale noted it was originally opened for their employees; however the intent now is to maintain the gym or lease the space as a gym. A Commission Member asked if the rest of the building would be used. Mr. Frogale noted yes; it will be for the expansion of his other business.

Commission Member inquired if all parking spaces will be completed before opening. Mr. Frogale commented yes, that will be done. Commissioner Member requested clarification that the CUP is only for the 4,000 sq. ft. Staff confirmed, that is correct and if the Applicant wishes to expand they must go back through the CUP process.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #05-17 for Virginia Preferred Properties with the addition of a six (6) month timeframe added to Condition #2 (An engineered site plan shall be submitted to and approved by Frederick County and all improvements shall be completed prior to establishment of the use).

(Note: Commissioner Thomas was absent from the meeting)

CONCLUSION FOR THE 05/10/17 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a Commercial Indoor Recreation/Private Gym. Should the Board of Supervisors find this use to be appropriate, the Planning Commission recommended that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County within a six (6) month timeframe and all improvements completed prior to establishment of the use.
3. Any expansion or change of use will 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 # 05 - 17

Virginia Preferred Properties

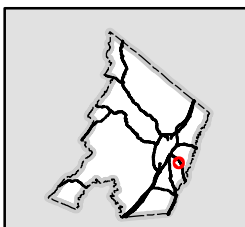
PIN:

64 - A - 80D

Indoor Commercial

Recreation - Private Gym Facility

Location Map



CUP # 05 - 17 Virginia Preferred Properties

PIN:

64 - A - 80D

Indoor Commercial




Recreation - Private Gym Facility

Location Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: March 22, 2017
Staff: mcheran



0 125 250 500 Feet

-  Applications
-  Parcels
-  Building Footprints



Submittal Deadline	2/24/17
P/C Meeting	04-19-17
BOS Meeting	05-10-17

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

1. Applicant (check one): Property Owner ☒ Other ☐

NAME: Virginia Preferred Properties

ADDRESS: 220 Arbor Court, Winchester, Va 22602

TELEPHONE: 540-539-0572

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

Virginia Preferred Properties-Robert Frogale, Gene Frogale Owners

Annandale Millwork and Allied Systems Corporation-Leasee

Warehouse 351-Meredith Reyes-Interested Party

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

351 Victory Road, Winchester, Virginia 22602

From US-50 (Millwood Avenue) Turn onto route 728(Victory Road). Destination is on the right.

4. The property has a road frontage of 56'-1" feet and a depth of 49'-2" feet and consists of 10.92 acres. (Please be exact)

5. The property is owned by Virginia Preferred Properties as evidenced by deed from Winchester Woodworking (previous owner) recorded in deed book no. 661 on page 68, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 64A 80D

Magisterial District Shawnee

Current Zoning M1

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Alid Systems Real Estate LLC	M1
East	HB&J LLC, Main of Winchester, LLC	M1
South	Harry, Avis Hill	M1
West	Fram LLC/Kysela Pere Et Fils	M1

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

Potential client proposes opening private workout/gym facility with personal training.

Client would sell gym memberships

Facility would be accessible to members 24 hours a day with access code

Equipment would include: free weights, rowers, stationary bicycles, assault bikes, and treadmills

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 344 Victory LLC/Tenant: Chaos Fab Shop	344 Victory Road Winchester, VA 22602
Property # 64-A-159R, lot 9, M1	Ak Whatley, 540-323-7434
Name Fram LLC/Tenants: J&D Selections, Kysela Pere Et Fils Ltd	331 Victory Road Winchester, VA 22602
Property # 64-A-80E, M1	Fran Kysela 540-722-4176, Leslie Gimble 540-722-9228
Name EFG LC/Tenant Dawn E Rhodes	368 Victory Road, Winchester, VA 22602
Property # 64-A-159, RA	contact: Eugene F Grove 340 W Parkins Mill Rd, Winchester, Va 22602
Name HB&J LLC, Main of Winchester, LLC/Tenant Annendale Millwork and Allied Systems Corp	220 Arbor Court, Winchester, VA 22602
Property # 64-A-80S, 64-A-80K, M1	540-665-9600, Contact: P.O. Box 2600, Winchester, Va 22604. 540-539-0572-Laurie Frogale
Name Allied Systems Real Estate LLC Frogale Lumber Supply	119 Arbor Court, Winchester, VA 22602
Property # 64-A-80F, M1	540-665-9600, Contact: P.O. Box 2600, Winchester, Va 22604. 540-539-0572-Laurie Frogale
Name Victory Autoworks LTD/Tenant: Winchester Autoworks	441 Victory Road, Winchester, VA 22602
Property # 64-A-80C, M1	540-722-4061, Contact: 119 E State St, Alliance, OH 44601
Name R G R LLC	P.O. Box 2600
Property # 64-A-80L	Winchester, VA 22604

Name and Property Identification Number		Address
Name	Harry, Avis Hill/Tenants info	321,325,327 Arbor Court, Winchester, VA 22602 contact: 157 Osprey Nest Ln, Heathsville, Va 22473
Property #	64-A-801, M1	
Name		Tenant 1: Dixon Valve Coupling
Property #		325 Arbor Ct, Winchester, Va 22602, 540-535-2181
Name		Tenant 2: Pendrill Manufacturing
Property #		321 Arbor Court, Winchester, Va 22602, 540-459-7180, 540-459-5309, Scott Bruce
Name		Pennsylvania Drilling Co
Property #		321 Arbor Court, Winchester, Va 22602, 540-665-5206
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		

12. Additional comments, if any: _____

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 P.O. Box 2600, Winchester, Va 22604

Owners' Telephone No. 540-539-0572-Laurie Frogale-Contact

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



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) Robert J. Frogale (Phone) 540-550-4374

(Address) 351 Victory Rd Winchester VA 22602
 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. 661 on Page 63, and is described as 351 Victory Rd
MAG ID PIN 64A 80D Winchester VA 22602
 Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____
 do hereby make, constitute and appoint:

(Name) Laurie Frogale (Phone) 540-539-0572

(Address) 351 Victory Rd Winchester VA 22602

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 amendments to previously approved proffered conditions except as follows:

NO exceptions

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 20 day of March, 2017.

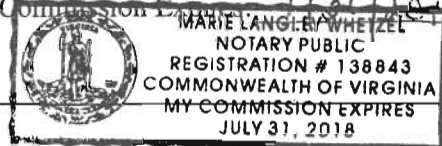
Signature(s) [Signature]

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

I, Marie Langley Whetzel, 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 20 day of March, 2017.

Marie Langley Whetzel
 Notary Public

My Commission Expires 7/31/2018





RESOLUTION

Action:

PLANNING COMMISSION: April 19, 2017 Recommended Approval

BOARD OF SUPERVISORS: May 10, 2017 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #05-17 VIRGINIA PREFERRED PROPERTIES

WHEREAS, Conditional Use Permit #05-17 for a commercial indoor recreation/private gym, submitted by Virginia Preferred Properties, was considered. The Property is located at 351 Victory Road, Winchester, Virginia and is further identified with Property Identification Number 64-A-80D, in the Shawnee Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 19, 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 May 10, 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 #05-17 for a commercial indoor recreation/private gym on the parcel identified by Property Identification Number 64-A-80D with the following conditions:

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

2. An engineered site plan shall be submitted to and approved by Frederick County within a six (6) month timeframe and all improvements completed prior to establishment of the use.
3. Any expansion or change of use will require a new Conditional Use Permit.

Passed this 10th day of May, 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

I



CONDITIONAL USE PERMIT #06-17
COMMERCIAL INDOOR RECREATION FACILITY
THOMAS E. JEFFRIES/dba Shenval Softball Training
Staff Report for the Board of Supervisors
Prepared: April 28, 2017
Staff Contact: Mark R. 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:	04/19/17	Public Hearing Held; Recommended Approval
Board of Supervisors:	05/10/17	Pending

EXECUTIVE SUMMARY & CONCLUSION FOR THE 05/10/17 BOARD OF SUPERVISORS MEETING: This is a request for a Conditional Use Permit (CUP) for a Commercial Indoor Recreation/Softball Training Facility. Should the Board of Supervisors find this use to be appropriate, the Planning Commission recommended that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. A shared parking agreement shall be submitted to and approved by Frederick County prior to the use of the property as a Commercial Indoor Recreation Facility and to include lighting for pedestrians within six (6) months of approval.
3. Any expansion or change of use will 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.

Page 2

CUP #06-17, Commercial Indoor Recreation Facility-Thomas E. Jeffries
dba Shenval Softball Training
April 28, 2017

LOCATION: This property is located at 291 Independence Drive, Winchester, Virginia

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER: 64-11-16

PROPERTY ZONING & PRESENT USE:

Zoned: M1 (Light Industrial)
Land Use: Warehouse

ADJOINING PROPERTY ZONING & PRESENT USE:

North: M1 (Light Industrial)	Use: Construction Company
South: M1 (Light Industrial)	Use: Office
East: M1 (Light Industrial)	Use: Airport
West: M1 (Light Industrial)	Use: Warehouse

PROPOSED USE: Commercial Indoor Recreation/Softball Training Facility.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a conditional use permit for this property appears to have little measurable impact on Route 1092, 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: Alteration to existing building requires permits and inspection.

Accessible parking shall be provided per ANSI A117.1-09. Accessible route from parking area/unloading to entrance shall be provided.

Frederick County Fire Marshall: Approved. A Life Safety Inspection is done by the Frederick County Fire Marshal's Office.

Frederick County Sanitation Authority: No comments.

City of Winchester: No comments.

Planning and Zoning: The Frederick County Zoning Ordinance allows for commercial indoor recreation facilities in the M1 (Light Industrial) Zoning District with an approved Conditional Use Permit (CUP). The properties immediately adjacent to this proposed Conditional Use Permit (CUP) are currently zoned M1 (Light Industrial) Zoning District. The zoning ordinance requires that any proposed commercial indoor recreation facilities be subject to additional performance standards in order to promote safety to the patrons and mitigate any negative impacts with the M1 Zoning District were the use will operate.

This proposed use will be conducted within a 6,000 sq. ft. building. The use will be for softball training for girls and this use will be conducted in the evenings and on weekends. This property has an approved site plan that meets the requirements of Section §165-204.29 of the Frederick County Zoning Ordinance, with regards to safe pick-up and delivery areas for patrons. However, the property only has a total of seventeen (17) parking spaces. This commercial indoor recreation use will require a total of thirty (30) parking spaces based on the square footage of the building. The Applicant has engaged with an adjoining property owner to execute a shared parking agreement. This agreement allows for the use of sixteen (16) parking spaces. This will allow the Applicant to meet the parking requirements.

The Planning Commission and Board of Supervisors may want to consider allowing other uses to be permitted with this CUP approval in the case that an alternative use with a similar amount of use would want to operate in this facility. If this is the case an additional condition stating such may be appropriate.

STAFF CONCLUSIONS FOR THE 04/19/17 PLANNING COMMISSION MEETING:

This is a request for a Conditional Use Permit (CUP) for a Commercial Indoor Recreation/Softball Training Facility. Should the Planning Commission find this use to be appropriate, Staff recommends that the following conditions be attached to the CUP

- 1 All review agency comments and requirements shall be complied with at all times.
2. A shared parking agreement shall be submitted to and approved by Frederick County prior to the use of the property as a Commercial Indoor Recreation Facility.
3. Any expansion or change of use will require a new Conditional Use Permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 04/19/17 MEETING:

Staff reported this is a request application for an indoor commercial recreation/softball training

facility which is located at 291 Independence Drive and is zoned M1 (Light Industrial). The current land use is a Warehouse. Staff continued, the Frederick County Zoning Ordinance allows for commercial indoor recreation facilities in the M1 Zoning District with an approved CUP (Conditional Use Permit). Mr. Cheran noted this proposed softball training facility will take place in a 6,000 sq. ft. building and the property has an approved site plan that meets the requirements for safe pick-up and drop-off.

Staff reported the property only has a total of seventeen (17) parking spaces; this commercial indoor recreation use will require a total of thirty (30) parking spaces based on the square footage of the building. Staff noted the Applicant has engaged with an adjoining property owner to execute a shared parking agreement. Mr. Cheran continued, this agreement allows for the use of sixteen (16) parking spaces; this will allow the Applicant to meet the parking requirements. Staff provided a Pictometry image of where the shared parking will be located. Mr. Cheran explained the Applicant has spoken with the adjoining property owner; the two will enter into an agreement; the Zoning Administrator will review the agreement to make sure of a safe ingress and egress. Staff noted this has been reviewed and it does meet the County's parking requirements; this agreement will be recorded. Staff concluded it may be considered to allow other uses be permitted with this CUP approval in the case that an alternative use with a similar amount of use would want to operate in this facility; an additional condition may be added. Staff recommended the following conditions for this CUP:

1. All review agency comments shall be complied with at all times.
2. A shared parking agreement shall be submitted to and approved by Frederick County prior to the use of the property as a commercial indoor recreation facility.
3. Any expansion or change of use will require a new Conditional Use Permit.

Commission Member inquired if there is public access or a pedestrian walkway between the two parking locations affected by the parking agreement. Staff explained there is not a public access at this time nor are sidewalks required in the M1 District; however this can be addressed as a requirement of the shared parking agreement.

Commission Member inquired what the distance is between the two properties/building. Mr. Thomas "Eddie" Jeffries, the Applicant, noted it is approximately 150 to 200 yards. Staff noted there is a site plan in place that identifies the parking.

Commission Member requested clarification that the business is already in operation. Staff explained that is correct; this came to the attention of Staff through a zoning violation.

Commission Member recommended a timeframe be placed on Condition #2 rather than making the Applicant close completely. Staff noted he believes this can be accomplished in a reasonable time.

Commission Member asked what the hours of operation are. Staff stated there are not hours placed on the conditions and the Applicant will elaborate. Commission Member commented he visited the facility some time ago; most of the traffic is drop-off and did not see the parking being an issue. He noted there is very little traffic on this strip of road so the impacts from one parking lot to another should be minimal.

Commission Member inquired will there be any lighting for the pedestrian walkway between parking lots. Staff stated as of now there are no lights however this can be considered. Commission Member asked if this is a recorded deed of easement and it cannot be rescinded. Staff noted that is correct.

Mr. Jeffries came forward and presented an overview of his business and noted he wants to provide a facility for the youth in our area that is comparable to some facilities in Northern Virginia in order to help them excel and be competitive in softball. Mr. Jeffries continued the business involved in the parking agreement is CW Wright Construction; they are closed every Friday, closed each weekend, close daily by 4:00 p.m. He noted the hours of operation will be 4:00 – 10:00 p.m. during the school year for his facility. Mr. Jeffries explained he has ceased all membership sales until this issue is resolved. He concluded by saying he is willing to put lighting where it may be needed.

Commission Member commented he supports this application and would recommend building lights be mounted for this operation. Commission Member agreed and wants lighting provided. Mr. Jeffries noted the building does have mounted lights however the area for pedestrians to walk between parking lots does not.

Commission Member recommended a timeframe of six (6) months be added to Condition #2 and to have the necessary site improvements completed to include lighting. Commission Member asked the Applicant, Mr. Jeffries, if he would be in agreeance with the request. Mr. Jeffries responded he absolutely would agree.

A motion was made, seconded, and unanimously passed to recommend approval of CUP #06-17 for Thomas E. Jeffries with a timeframe of six (6) months be added to Condition #2 and to have the necessary site improvements completed to include lighting.

(Note: Commissioner Thomas was absent from the meeting)

Page 6

CUP #06-17, Commercial Indoor Recreation Facility-Thomas E. Jeffries
dba Shenval Softball Training
April 28, 2017

CONCLUSION FOR THE 05/10/17 BOARD OF SUPERVISORS MEETING:

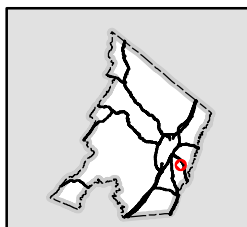
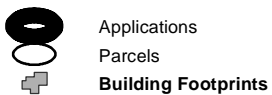
This is a request for a Conditional Use Permit (CUP) for a Commercial Indoor Recreation/Softball Training Facility. Should the Board of Supervisors find this use to be appropriate, the Planning Commission recommended that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. A shared parking agreement shall be submitted to and approved by Frederick County prior to the use of the property as a Commercial Indoor Recreation Facility and to included lighting for pedestrians within six (6) months of approval.
3. Any expansion or change of use will 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 # 06 - 17 Thomas E. Jeffries

PIN:
64 - 11 - 16
Indoor Commercial
Recreation - Softball Training Facility
Location Map



CUP # 06 - 17
Thomas E. Jeffries
PIN:
64 - 11 - 16
Indoor Commercial
Recreation - Softball Training Facility
Location Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: March 24, 2017
Staff: mcheran



0 100 200 400 Feet



Submittal Deadline	3/24/17
P/C Meeting	4/19/17
BOS Meeting	5/10/17

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner ☐ Other ☒

NAME: THOMAS E. JEFFRIES DBA - SHEVAL SOFTBALL TRAINING

ADDRESS: 123 CAHILLE DR. WINCHESTER, VA. 22602

TELEPHONE: 540-409-7633

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

JAMES LOVELESS

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

(291 INDEPENDENCE DRIVE) 50 EAST TO INDEPENDENCE DR./RT 1092
WINCHESTER, VA. 22602 GO RIGHT, GO 3 MILES AND MAKE
LEFT INTO DRIVEWAY, THEN YOUR FIRST RIGHT.

4. The property has a road frontage of 423.60 feet and a depth of 636.68 feet and consists of 2.9929 AC. acres. (Please be exact)

5. The property is owned by JAMES LOVELESS as evidenced by deed from JAMES W. LOVELESS (previous owner) recorded in deed book no. on page, as recorded in the records of the Clerk of the Circuit Court, County of Frederick. 0700161373

6. Property Identification Number (P.I.N.) 64-11-16
Magisterial District SHANNAH DISTRICT
Current Zoning M1

7. Adjoining Property:

	USE	ZONING
North	CONSTRUCTION CO	M-1
East	CREDIT UNION	M-1
South	AIRPORT	M-1
West	STORAGE	M-1

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

SPORTS & RECREATION / SOFTBALL TRAINING

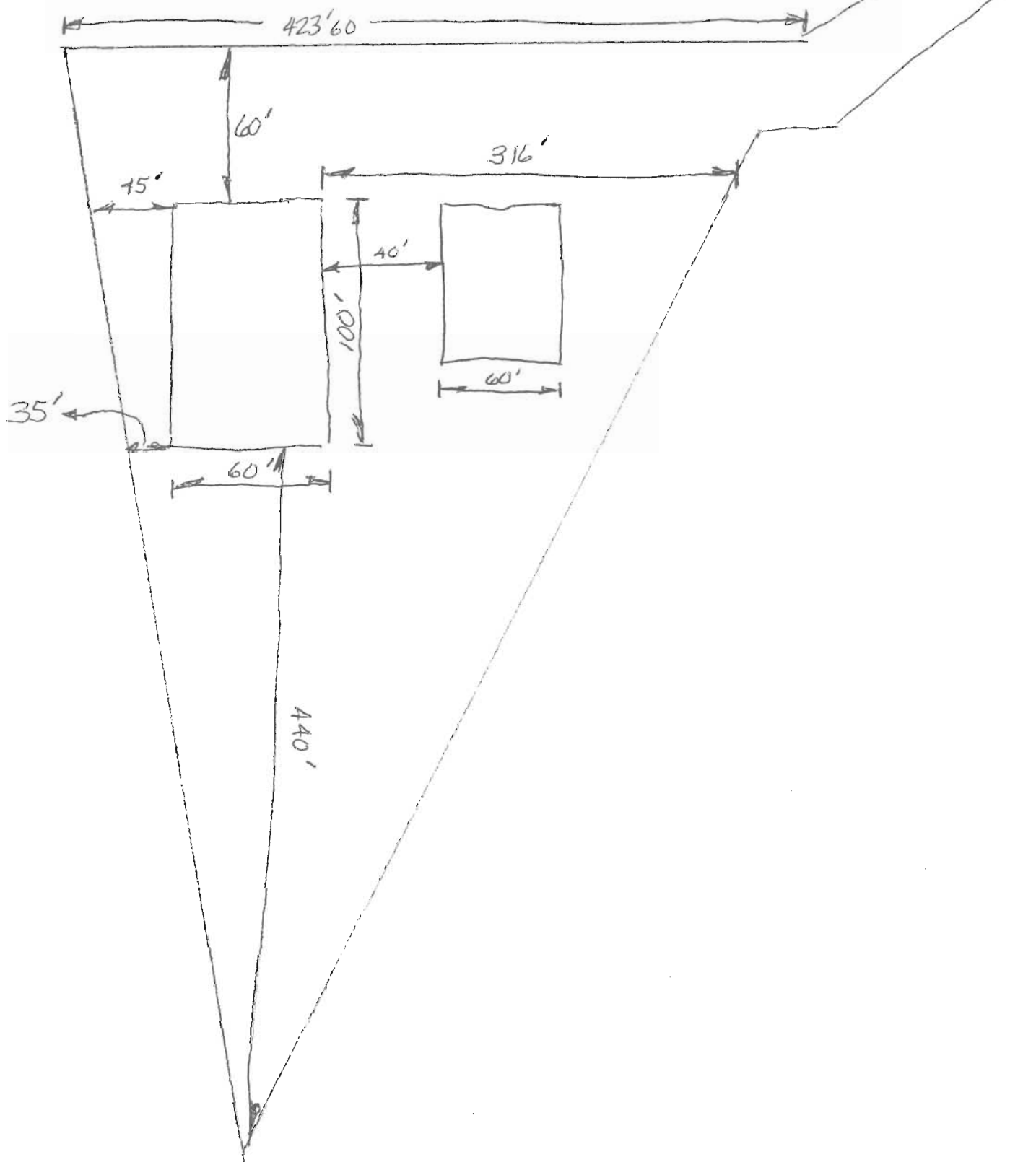
9. It is proposed that the following buildings will be constructed:

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 WINCHESTER COLD STORAGE Property # 64A159D	220 VICTORY RD WINCHESTER, VA. 22602
Name NAVY FEDERAL CREDIT UNION Property # 64-11-11	141 SECURITY DR WINCHESTER, VA. 22602
Name C. W. WRIGHT CONSTRUCTION Property # 64-11-15	285 INDEPENDENCE DR, WINCHESTER, VA. 22602
Name AIRPORT (WINCHESTER REGIONAL) Property # 64 A 159A	491 AIRPORT RD WINCHESTER, VA. 22602
Name Independence Dr. Winc. VA LLC Property # 64-11-14	12180 S 300 E Unit 1243 Draper, UT 84020
Name	
Property #	
Name	
Property #	

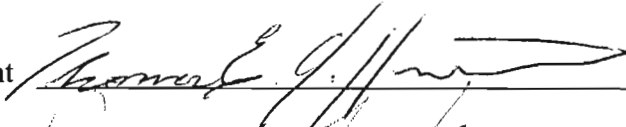
11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.



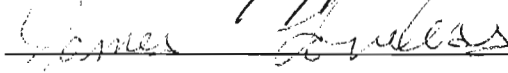
12. Additional comments, if any: MY GOAL IN OPENING SHEN VAL
SOFTBALL TRAINING IS TO GIVE THE GIRLS OF THE NORTHERN
SHEPAUDDAH VALLEY THE SAME OPPURTUNITY AND ~~RECOGNITION~~
RECOGNITION THAT THE MORE AFFLUENT GIRLS IN
LOUDON AND FAIRFAX COUNTY HAVE.

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

5636 N. Frederick PK Winchester, VA 22603

Owners' Telephone No.

703-929-0620

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____



**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) James Loveless (Phone) 703-929-0620

(Address) 5636 N. Frederick Pk 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. 2015 on Page 4670, and is described as

Parcel: 1 Lot: 16 Block: _____ Section: 11 Subdivision: _____
do hereby make, constitute and appoint:

(Name) THOMAS E. JEFFRIES (Phone) 540-409-7633

(Address) 123 CAHILL DR, WINCHESTER, VA. 22602

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

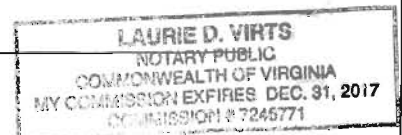
My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

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 10 day of Feb, 2012.

Signature(s) James Loveless

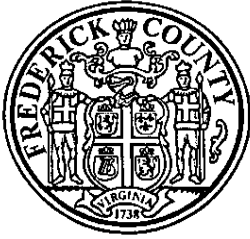
State of Virginia, City/County of Frederick, To-wit:



I, Laurie Virts, 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 10 day of Feb, 2012.

Notary Public

My Commission Expires: 12 31 2017



RESOLUTION

Action:

PLANNING COMMISSION: April 19, 2017 Recommended Approval

BOARD OF SUPERVISORS: May 10, 2017 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #06-17 COMMERCIAL INDOOR RECREATION FACILITY THOMAS E. JEFFRIES/dba Shenval Softball Training

WHEREAS, Conditional Use Permit #06-17 for a commercial indoor recreation/softball training facility, submitted by Thomas E. Jeffries/dba Shenval Softball Training, was considered. The Property is located at 291 Independence Drive, Winchester, Virginia and is further identified with Property Identification Number 64-11-16, in the Shawnee Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 19, 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 May 10, 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 #06-17 for a commercial indoor recreation/softball training facility on the parcel identified by Property Identification Number 64-11-16 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. A shared parking agreement shall be submitted to and approved by Frederick County prior to the use of the property as a Commercial Indoor Recreation Facility and to include lighting for pedestrians within six (6) months of approval.
3. Any expansion or change of use will require a new Conditional Use Permit.

Passed this 10th day of May, 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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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: May 1, 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 Development Review & Regulations Committee (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 Planning Commission discussed at their 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), and additional supplemental use regulations were added as a result of the Board of Supervisors discussion on April 12, 2017. 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. The use must front on and be accessed via a collector or arterial roadway;
- C. The primary use of the structure shall be the doctor's office;
- D. The use shall not be located within a residential development/subdivision; and
- E. 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.
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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-

Industry
Group
No.

Industry
No.

803

OFFICES AND CLINICS OF DOCTORS OF OSTEOPATHY—Con.**8031 Offices and Clinics of Doctors of Osteopathy—Con.**

gery. Establishments operating as clinics of osteopathic physicians are included in this industry.

Osteopathic physicians, offices and clinics of

804

OFFICES AND CLINICS OF OTHER HEALTH PRACTITIONERS**8041 Offices and Clinics of Chiropractors**

Establishments of licensed practitioners having the degree of D.C. and engaged in the practice of chiropractic medicine. Establishments operating as clinics of chiropractors are included in this industry.

Chiropractors, offices and clinics of

Clinics of chiropractors

8042 Offices and Clinics of Optometrists

Establishments of licensed practitioners having the degree of O.D. and engaged in the practice of optometry. Establishments operating as clinics of optometrists are included in this industry.

Optometrists, offices and clinics of

8043 Offices and Clinics of Podiatrists

Establishments of licensed practitioners having the degree of D.P. and engaged in the practice of podiatry. Establishments operating as clinics of podiatrists are included in this industry.

Podiatrists, offices and clinics of

8049 Offices and Clinics of Health Practitioners, Not Elsewhere Classified

Establishments of health practitioners engaged in the practice of health fields, not elsewhere classified. Practitioners may or may not be licensed or certified, depending on the State in which they practice. Establishments operating as clinics of health practitioners, not elsewhere classified, are included in this industry.

Acupuncturists, except M.D.: offices of
Audiologists, offices of
Christian Science practitioners, offices of
Dental hygienists, offices of
Dieticians, offices of
Hypnotists, offices of
Inhalation therapists, registered
Midwives, offices of
Naturopaths, offices of
Nurses, registered and practical: offices of, except home health care services

Nutritionists, offices of
Occupational therapists, offices of
Paramedics, offices of
Physical therapists, offices of
Physicians' assistants, offices of
Psychiatric social workers, offices of
Psychologists, clinical: offices of
Psychotherapists, except M.D.: offices of
Speech clinicians, offices of
Speech pathologists, offices of

805

NURSING AND PERSONAL CARE FACILITIES

This group includes establishments primarily engaged in providing inpatient nursing and health-related personal care. Establishments providing diagnostic, surgical, and extensive medical services are classified in Industry Group 806, and those providing residential care with incidental nursing or medical services are classified in Industry Group 836.



Action:

BOARD OF SUPERVISORS: May 10, 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
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**

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 additional supplemental use regulations were added as a result of the Board of Supervisors discussion; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on May 10, 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 10th day of May, 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