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CONDITIONAL USE PERMIT #07-17
Caroline (Dixie) Scheulen - Special Event Facility
Staff Report for the Planning Commission
Prepared: December 5, 2017
Staff Contact: M. Tyler Klein, AICP, Planner

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	09/20/17	Public Hearing Held; Postponed
Planning Commission:	11/01/17	Recommended Approval
Board of Supervisors:	12/13/17	Pending

EXECUTIVE SUMMARY & PLANNING COMMISSION RECOMMENDATION FOR THE 12/13/17 BOARD OF SUPERVISORS MEETING:

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a special event facility to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An engineered site plan, in accordance with the requirements of Article VIII of the Frederick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use. Building permits are also required for all buildings and structures.
3. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
4. All outside music shall conclude by 9 p.m. Music may continue indoors until the conclusion of the event.
5. All lighting shall be downcast to avoid glare onto adjacent properties and residences.
6. Access to the site shall be provided to Woodchuck Lane (Route 654) via Barracks Lane (private internal access drive). The Applicant shall relocate Barracks Lane on PIN 52-A-261 to ensure the access drive to the event center is not immediately adjacent to the southern property boundary of Parcel 52-A-280A in general conformance with the layout below:



7. In the future, should the owner of parcel 52-A-261 be able to secure private access to Cather Lane (Route 711), Round Hill Road (Route 803), or Woodchuck Lane (Route 654) through a recorded deed of easement or written consent from the property owner, a new CUP would not be required to implement such access.
8. Events may accommodate up to and not to exceed 280 persons.
9. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
10. Any expansion or modification of this use will require the approval of a new CUP.

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 approximately 135-acre property is located at 283 Barracks Lane, Winchester, Virginia, immediately south of Route 50 (Northwestern Pike) and Round Hill Road and immediately west of Woodchuck Lane.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 52-A-261

PROPERTY ZONING & PRESENT USE: Zoned: RA (Rural Areas)
Land Use: Agriculture/Open Space

ADJOINING PROPERTY ZONING & PRESENT USE:

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

PROPOSED USE:

This is a request for a Conditional Use Permit (CUP) to enable the establishment of a special event center for weddings and other similar type events in the RA (Rural Areas) Zoning District. Improvements to the property will include construction of a 5,000-square foot (SF) event center (including restrooms, kitchen and storage), a 600 SF detached bridal suite, a concrete patio and gazebo. The Applicant intends to develop this project in phases.

REVIEW EVALUATIONS:

Virginia Department of Transportation: (10-11-17 VDOT Comment Letter) The existing entrance (Barracks Lane) meets the minimum sight distance requirements for a commercial entrance/street connection. Moving the entrance east along the property frontage on Woodchuck Lane would present more challenges to overcome, foremost obtaining substantial permanent sight distance easements from the neighbor across the street and the neighbor to the east. The Round Hill Road option isn't a great location either with the undesirable skew of the railroad tracks which are located in the functional area of the intersection.

(06-30-17 VDOT Comment Letter) The application for the Conditional Use Permit for this property appears to have a measurable impact on Route 803 (Round Hill Road), the VDOT facility which would provide access to the property. Prior to operation of the business a commercial entrance must be constructed to our standards to allow for safe egress and ingress of the property. Any work performed on the State's right-of-way must be covered under a land use permit. The

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CUP #07-17, Caroline Dixie Scheulen – Special Event Facility
December 5, 2017

permit is issued by this office and requires an inspection fee and surety coverage.

Frederick County Inspections: *Please see attached comments from Mark Fleet, Building Code Official dated August 17, 2017.*

Winchester-Frederick County Health Department: *Please see attached letter from Herbert Cormier, Environment Health Supervisor, Lord Fairfax Health District dated June 1, 2017.*

Frederick Water: No comments.

Frederick County Fire Marshall: *Please see attached comments from Kenneth Scott, Jr., Fire Inspector, Fire & Rescue dated June 5, 2017.*

City of Winchester: No comments.

Winchester Regional Airport: No comments.

Historic Resources Advisory Board: *Please see attached letter from Candice E. Perkins, AICP, Assistant Director/Staff to HRAB, dated June 23, 2017.*

Planning and Zoning: This application is for a Conditional Use Permit (CUP) to permit the establishment of a special event facility for private events such as weddings. A special event facility is a permitted use in the RA (Rural Areas) Zoning District with an approved CUP. The Zoning Ordinance defines “special event facility” as *a facility or site utilized for events that are typically conducted on a single day but which may be conducted for up to three consecutive days, for which attendance is permitted only by invitation or reservation; special events include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.*

This proposed use will take place on a 135.8-acre property, which is currently being used for agricultural purposes (raising of cattle and farming hay). The special event facility will be accessed via Barracks Lane (a private drive), from Woodchuck Lane (State Route 654), a state-owned roadway. The Applicant intends to use a portion of the site for the proposed special event facility, while maintaining the remainder of the site as productive agricultural land. The Applicant proposes to erect an approximately 5,000 square foot (SF, 50' x 100') one-story event center, which includes a kitchen, permanent restrooms, banquet hall and storage, a separate approximately 600 SF bridal suite, and an outdoor concrete patio and gazebo. This facility may accommodate events up to 280 persons (*note: actual occupancy, not to exceed 280 persons, will be determined at time of site plan*). The Applicant states the design and architecture of the proposed event center and accessory buildings will be consistent with structures found in the County's rural areas. The Applicant also intends phase construction of the facility and accessory structures. All buildings relating to the proposed use, a special event facility, would require building permits and would not be eligible for an agricultural exemption.

The property is surrounded by RA (Rural Areas) and RP (Residential Performance) zoned property, which includes open space, agricultural uses, and single-family detached residences. The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as “rural” and is to remain agricultural in nature and is not part of any land use study.

The Board of Supervisors added “special event facilities” to the conditional use list for the County’s Rural Areas Zoning District in May 2017 to support additional opportunities for agribusiness and agritourism. “Agritourism” is broadly defined in the Zoning Ordinance as: *any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.*

The proposed use is consistent with the goals and strategies expressed in the 2035 Comprehensive Plan and the definitions and provisions included in the Frederick County Zoning Ordinance.

STAFF CONCLUSIONS FOR THE 09/20/17 PLANNING COMMISSION MEETING:

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

1. All review agency comments shall be complied with at all times.
2. An engineered site plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use. Building permits are also required for all buildings and structures.
3. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
4. Events may accommodate up to and not to exceed 280 persons.
5. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
6. Any expansion or modification of this use will require the approval of a new CUP.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 09/20/17 MEETING:

The Planning Commission held a public hearing on September 20, 2017. Planning Staff provided an overview of the proposed use, noting the Applicant had satisfied all County requirements and comments from review agencies. The Applicant, Mrs. Caroline “Dixie” Scheulen also spoke, noting her desire to open a special event facility for weddings at 238 Barracks Lane, and to maintain the rural character of the property, and be a good neighbor along Woodchuck Lane. Mrs. Claire Boyd, the property owner and co-applicant, also spoke on the merits of the application, and a demand for a wedding venue to support visitors from Northern Virginia, and nearby states, in addition to local residents.

During the public hearing, several members of the public spoke in opposition of the proposed special event facility, citing concerns regarding traffic along Woodchuck Lane, vehicle safety entering and leaving the site, noise from live music, outdoor lighting shining onto adjacent homes and trash. Planning Staff responded to several of the concerns raised by the public, specifically vehicle access, safety, noise, and lighting:

Vehicle Access & Safety: As evaluated by the Virginia Department of Transportation (VDOT) as part of the CUP application, Barracks Lane is the preferred point-of-access due to appropriate sight distance onto Woodchuck Lane, and from Woodchuck Lane onto Round Hill Road (old Route 50). Barracks Lane is also a private drive on the Applicants property. Staff noted one solution may be the relocation of Barracks Lane along the property frontage and away from the neighboring residence, however, this would require an additional review from VDOT to ensure it would be appropriate. Other alternative vehicle access evaluated by VDOT and Planning Staff included: shared private access to existing Cather Lane to Round Hill Road; shared private access across the old Round Hill Volunteer Fire Station property to Round Hill Road; and proposed private access across an adjacent owner’s property to Round Hill Road. Staff noted that under the County’s Zoning Ordinance’s “Supplemental Use Regulations for Special Event Facilities,” shared access across adjacent property would also require the Applicant to have written consent from those owners to utilize a private easement and as such these other points of access may not be feasible. Staff further stated that VDOT had informally commented that these alternatives also may present issues with site distance onto Round Hill Road.

The Planning Commission directed Staff to work with the Applicant, and VDOT, to consider relocation of Barracks Lane east along the property frontage to have less impact on an adjacent property.

Noise: Staff noted noise was evaluated during the CUP application. The proposed buildings would need to adhere to the Virginia (VA) Statewide Building Code requirements, and a Condition had been included regarding hours of operation. Staff also noted the location of the proposed building was more than 1,300 FT from the nearest residential property line.

The Planning Commission directed Staff to work with the Applicant to further restrict outdoor music, as applicable, to not adversely impact adjacent residences.

Lighting: Staff noted outdoor lighting would be evaluated during review of the site plan application, and that the County's Zoning Ordinance contained provisions for outdoor lighting standards. Staff also noted the location of the proposed building was more than 1,300 FT from the nearest residence.

The Planning Commission directed Staff to work with the Applicant to further restrict outdoor lighting, as applicable, to not adversely impact adjacent residences.

The Planning Commission continued to discuss the merits of the application, and concerns raised by members of the public. The Planning Commission voted 8-3-1 (Commissioners Marston, Ambrogio & Manual objecting; Commissioner Oates absent) to postpone action for 30-days on the CUP application, and requested Staff work to with the Applicant to include additional Conditions of Approval to address comments and concerns raised during the public hearing and Planning Commission discussion. Staff noted the application would come back to the Planning Commission at the November 1, 2017 meeting.

STAFF CONCLUSIONS FOR THE 11/01/17 PLANNING COMMISSION MEETING:

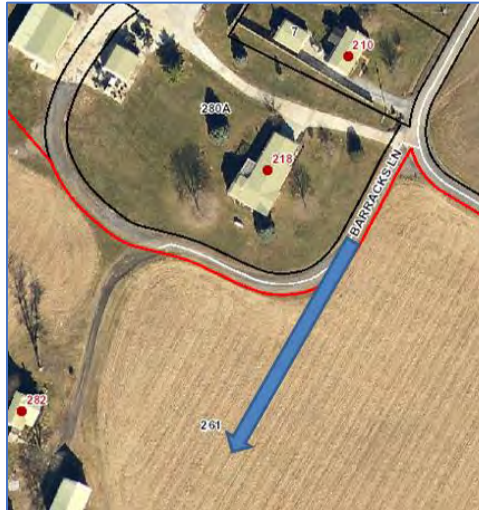
Following the Planning Commission Public Hearing and discussion on September 20, Staff sought additional written comments from VDOT (attached, dated 10-11-17) regarding the proposed point-of-access using Barracks Lane, and alternative points-of-access. Per VDOT's comments, the current location of the Barracks Lane ingress from and egress to Woodchuck Lane is preferred as it meets sight distance requirements for vehicle safety. Alternative points-of-access (i.e. to Round Hill Road through the old Round Hill Volunteer Fire Station property or relocating Barracks Lane to the east) have restricted lines of sight which may impede vehicle safety exiting the property and would require the Applicant to acquire sight distance easements from neighboring properties.

Additional points-of-access evaluated by Staff included: Cather Lane (State Roadway 711), direct access to Round Hill Road (State Roadway 803) or another connection to Woodchuck Lane (Route 654). Cather Lane is currently an unpaved roadway, of minimal width, with an un-signalized railroad crossing. Based on Staff's research, it does not appear the Applicant's property has direct access to Cather Lane through a private access agreement or recorded deed-of-easement. Direct access from the subject property to Round Hill Road, or to Woodchuck Lane at a different location, would require the Applicant to obtain ownership of adjacent private property or written permission from the adjoining property owner to access the state road network. As required under the County's Zoning Ordinance "Supplemental Use Regulations for Special Event Facilities" (Section §165-204.03(E)), *special event facilities that share a private access easement with another property owner/s must show the easement allows a use of this type or written permission must be obtained by the sharing parties.*

To address comments identified at the September 20th Planning Commission Public Hearing, Staff has drafted additional conditions (see numbers 4, 5, 6, & 7 below). These new conditions further prohibit outdoor music after 9 p.m.; would require any outdoor lighting to be downcast to avoid glare onto adjacent properties and residences; and would realign the internal access drive (Barracks Lane) to avoid traffic passing directly by and vehicle headlights shining directly onto an adjacent residence. Further, Staff has included a condition to allow a new point-of-access without requiring a new CUP should the Applicant be able to secure a deed of easement or written consent from an adjacent property owner for use.

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

1. All review agency comments shall be complied with at all times.
2. An engineered site plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use. Building permits are also required for all buildings and structures.
3. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
- 4) All outside music shall conclude by 9 p.m. Music may continue indoors until the conclusion of the event.
- 5) All lighting shall be downcast to avoid glare onto adjacent properties and residences.
- 6) Access to the site shall be provided to Woodchuck Lane (Route 654) via Barracks Lane (private internal access drive). The Applicant shall relocate Barracks Lane on PIN 52-A-261 to ensure the access drive to the event center is not immediately adjacent to the southern property boundary of Parcel 52-A-280A in general conformance with the layout below:



- 7) In the future, should the owner of parcel 52-A-261 be able to secure private access to Cather Lane (Route 711), Round Hill Road (Route 803), or Woodchuck Lane (Route 654) through a recorded deed of easement or written consent from the property owner, a new CUP would not be required to implement such access.
- 8) Events may accommodate up to and not to exceed 280 persons.
- 9) One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
- 10) Any expansion or modification of this use will require the approval of a new CUP.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 11/01/17 MEETING:

The Planning Commission held a public meeting on the proposed CUP on November 1, 2017. The Planning Commission Chair acknowledged at the start of the meeting the receipt of more than 28 pieces of correspondence regarding the proposed CUP, and noted that a public hearing had been held on September 20th. During the “Public Comment” portion of the agenda seven (7) members of the public spoke in opposition to the proposed CUP citing the following concerns: outdoor music & noise, traffic along Woodchuck Lane & Round Hill Road, safety of residents, children & visitors, supervision (or perceived lack-there-of) during special events, water usage, and the lack of existing agriculture activities on the property.

Staff provided a brief overview of the proposal, also acknowledged receipt of written public comment, and spoke to changes made to the application and additional recommended Conditions of Approval from the September 20th Planning Commission Public Hearing. Staff noted the Planning Commission had specifically raised three (3) concerns to be further evaluated, including: traffic, access & safety, noise, and site lighting; further Staff noted how new conditions provided

sought to mitigate these concerns. The Planning Commission had several additional questions, which Staff addressed regarding: water/septic use on site specific to a commercial kitchen; hours of operation; and how this “commercial” type use fit with the agricultural nature of the site and surrounding Round Hill Community. Staff reiterated that under the County’s 2035 Comprehensive Plan and definition of “agritourism” in the Zoning Ordinance, this type of facility was envisioned as compatible, given the Applicant intended to continue to farm the balance of the site. Further Staff clarified that there were other uses, with similar or greater traffic generation, that would otherwise be allowed by-right without requiring an approved CUP or site plan, such as farm wineries/farm breweries, civic and other assembly type uses, and farmers markets. Staff noted for farm wineries and civic uses, weddings and other special events could be held as “accessory” type events. Staff clarified that in this request, the proposal is considered a commercial-type building for building classification purposes, as it does not meet the requirements for “agricultural exemption” as defined by the Virginia Statewide Building Code.

The Applicants also spoke, clarifying comments raised during the “Public Comment” period and in e-mails/letters to the Planning Commission by neighbors. The Applicants stated they intend to farm the balance of the property’s acreage, and had already planted grass for next season to feed their cattle. The Applicant’s further reaffirmed their desire to be good neighbors, to listen and understand their neighbors’ concerns presently and in the future and to resolve issues with the special event center in a timely manner if they were to arise. The Applicants stated that their special event facility would be supervised at-all-times by one of the property owners or their designee to ensure safety of guests, outside vendors and others. The Applicant noted they would also be vigilant to the property and clean up any trash and keep the facility attractive to guest and neighbors. The Applicants concluded highlighting the financial benefit of this type of facility to the Frederick County and Winchester economies, stating it would not only support their family farm, but also other small businesses in the community such as photographers, caterers, and other vendors.

In response to additional questions by the Planning Commission, Staff noted that CUP’s “run with the land” and that any future sale or transfer of the property would include the CUP for a special event facility. Staff clarified the recourse for CUP’s that are in violation of their conditions, noting it was ultimately up to the Board of Supervisors to revoke an approved CUP. Commissioner Kenney expressed his concern with the proposal, specifically the opposition from neighbors, the traffic along Woodchuck Lane and the impact on adjacent residences, and the perception of locating a “commercial” type use in a rural/residential area. Commissioner Marston stated his support for the proposal, citing the work put into the application to address concerns of neighbors and his confidence in the Applicant to run a successful business. There was no further discussion by the Planning Commission.

The Planning Commission voted 9-1-3 (Commissioner Kenney opposed; Commissioners Oates, Thomas and Unger absent) to forward the item to the Board of Supervisors with a recommendation of approval with conditions.

**EXECUTIVE SUMMARY & PLANNING COMMISSION RECOMMENDATION FOR
THE 12/13/17 BOARD OF SUPERVISORS MEETING:**

Following the Planning Commission Public Meeting on November 1, 2017 at the request of the Applicant, Planning & Development Staff requested VDOT comment on a change in the proposed entrance from Barracks Lane to use of the Applicants private access to Round Hill Road (across property presently owned by the Round Hill Volunteer Fire Company). In an email dated November 7, 2017, VDOT confirmed they had no objection to the use of the Applicant’s 50 foot (FT)-wide private access easement to Round Hill Road as the main entrance to the proposed special event facility. As required under the County’s Zoning Ordinance “Supplemental Use Regulations for Special Event Facilities” (Section §165-204.03(E)), *special event facilities that share a private access easement with another property owner/s must show the easement allows a use of this type or written permission must be obtained by the sharing parties.* The County Attorney notes the Applicant’s deed provides a private 50-FT access easement from the property directly to Round Hill Road for use, thus satisfying the above requirement.

In conclusion, this is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a special event facility to be appropriate, the Planning Commission recommends that the following conditions be attached to the CUP:

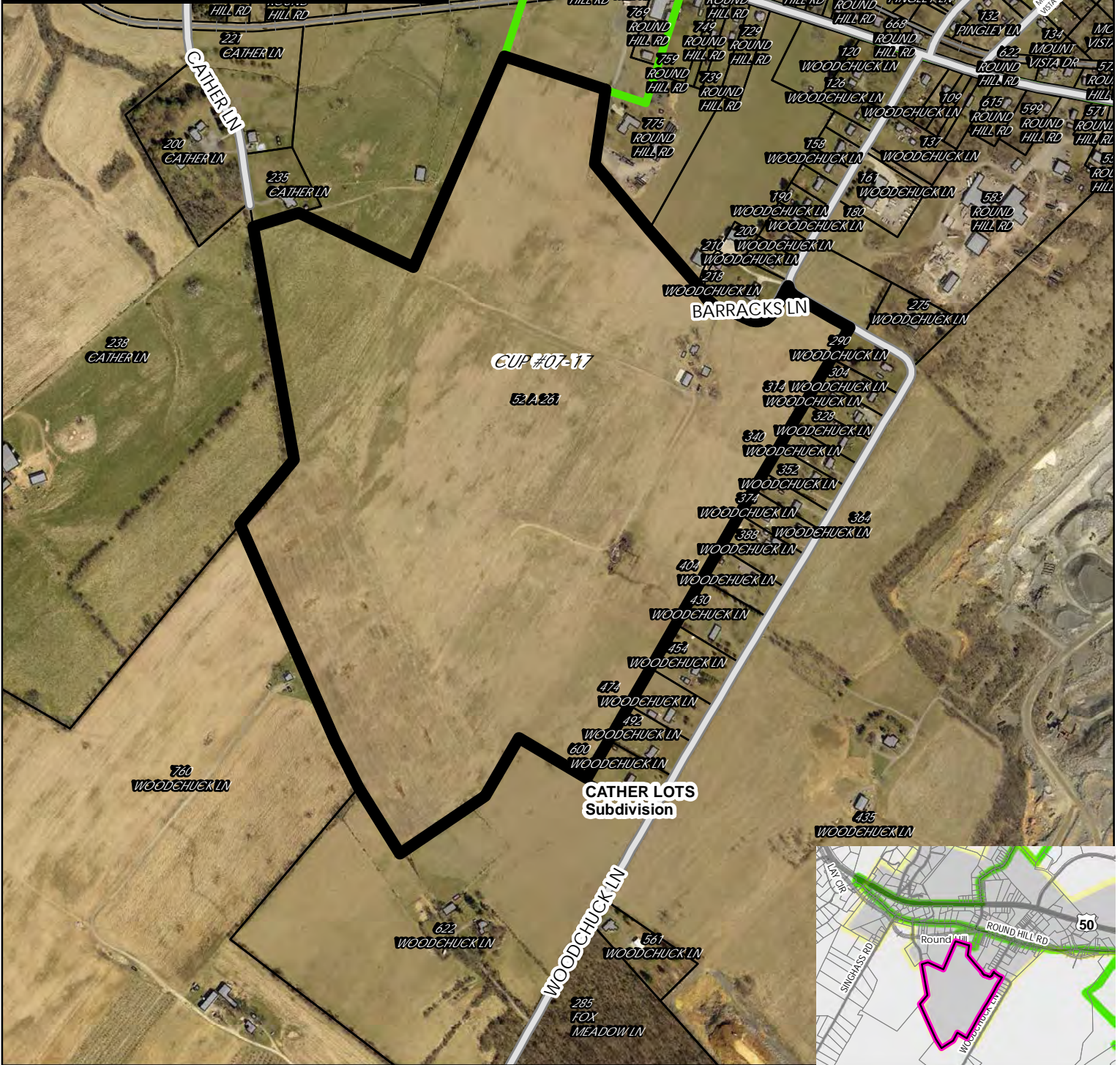
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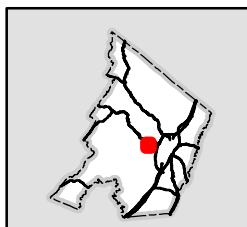
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10. Any expansion or modification of this use will require the approval of a new CUP.

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 # 07 - 17
Caroline "Dixie" Scheulen
 PIN:
 52 - A - 261
 Special Events Facilities
 Location Map

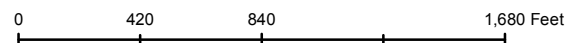


-  Applications
-  Parcels
-  Building Footprints



CUP # 07 - 17
Caroline "Dixie" Scheulen
 PIN:
 52 - A - 261
 Special Events Facilities
 Location Map

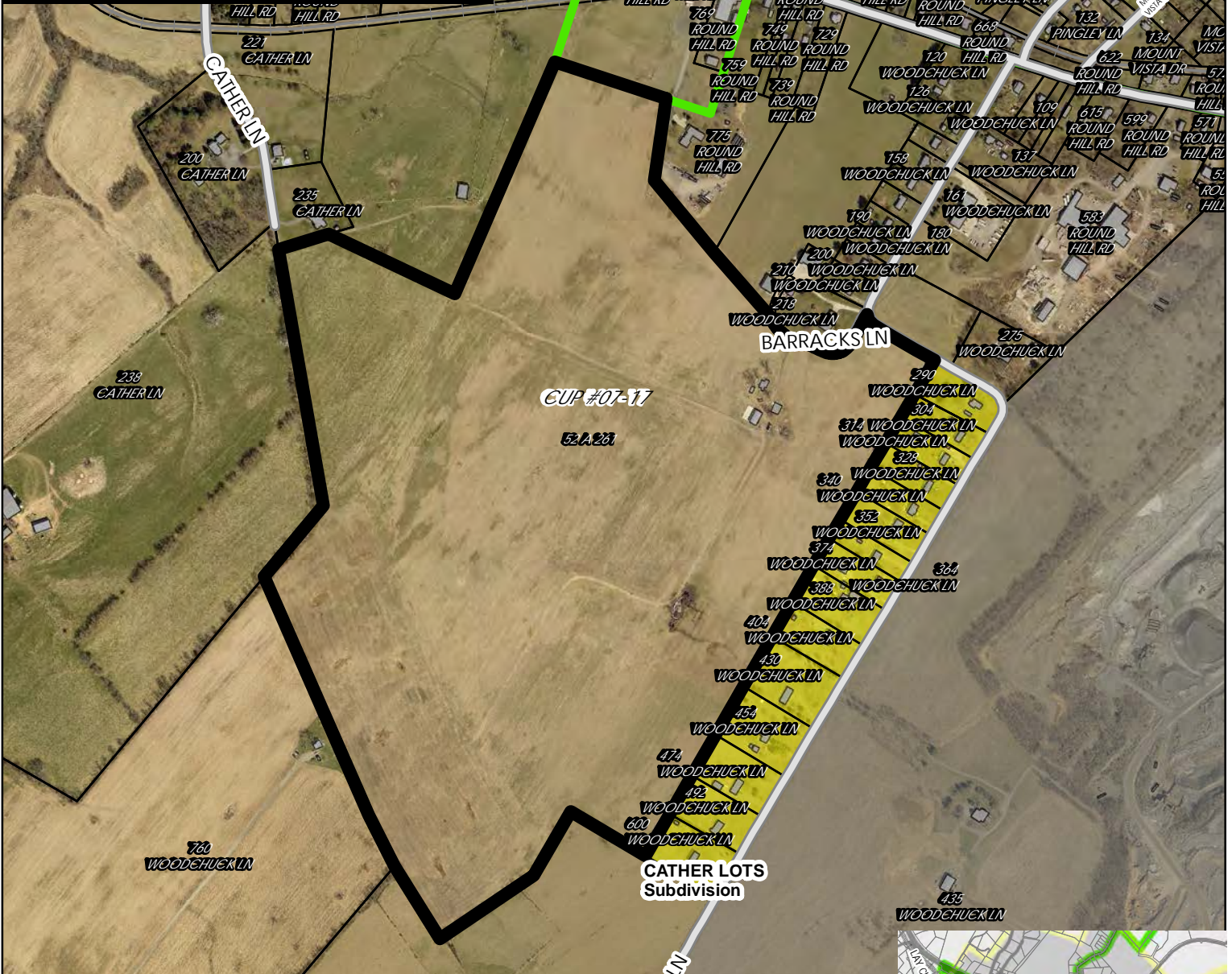
Note:
 Frederick County Dept of
 Planning & Development
 107 N Kent St
 Suite 202
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: August 21, 2017
 Staff: tklein



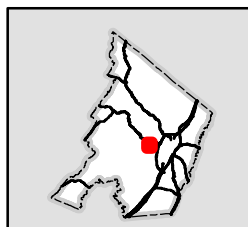
CUP # 07 - 17

Caroline "Dixie" Scheulen

PIN:
52 - A - 261
Special Events Facilities
Zoning Map

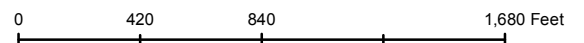


- Applications
- Parcels
- Building Footprints
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial General District)
- MH1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



CUP # 07 - 17
Caroline "Dixie" Scheulen
PIN:
52 - A - 261
Special Events Facilities
Zoning Map

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 21, 2017
Staff: tklein





Submittal Deadline	8/25/17
P/C Meeting	9/20/17
BOS Meeting	10/11/17

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

1. Applicant (check one): Property Owner Other

NAME: Caroline Dixie Scheulen (daughter of property owners)

ADDRESS: 285 Fox Meadow Lane; Winchester VA 22602

TELEPHONE: 540-664-2145

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

Robert & Claire Boyd

Caroline Dixie Boyd Scheulen

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

283 Barracks Lane; Winchester VA 22602

Take US-50 (Northwestern Pike) to VA-803/Round Hill Road, turn onto Woodchuck Lane in order to get to Barracks Lane.

4. The property has a road frontage of 300 feet and a depth of 2400 feet and consists of 135.87 acres. (Please be exact)

5. The property is owned by Robert & Claire Boyd as evidenced by deed from Franklin Lewis (previous owner) recorded in deed book no. 727 on page 715, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 52 A 261
Magisterial District Back Creek
Current Zoning RA

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	residential	RA
East	residential	Rural preservation
South	agriculture/farming	RA
West	agriculture/farming	RA

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

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

Event Center (50' X 100') with adjoining 20' X 30' bridal suite and eventually an additional bridal suite, concrete patio
Gazebo

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	Property #	See Next Page
Name	Property #	
Name	Property #	
Name	Property #	
Name	Property #	
Name	Property #	
Name	Property #	
Name	Property #	
Name	Property #	

Caroline Dixie Scheulen
CUP #07-17
PIN 52-A-261

Name and Property Identification Number	Address
Name K & M Enterprises	
Property # 52-A-124	
Name Louise Cather Trust	
Property # 52-A-298	
Name Round Hill Community Fire	
Property # 52-9-B	
Name Daniel & Ava Sullivan	
Property # 52-A-286	
Name Kelrock LLC	
Property # 52-A-261A	
Name Kellie Keplinger	
Property # 52-A-280A	
Name Barbara Singhas	
Property # 52-A-287B	
Name DTS LC	
Property # 52-A-300	
Name Robert & Donna Properties	
Property # 52-A-262A & 262	
Name Lisa Dreher Bell	
Property # 52-17-2-11 & 12	
Name Steve & Catherine Welsh	
Property # 52-16-1-2	
Name Anthony Riley	
Property # 52-16-1-3	
Name Richard Newlin	
Property # 52-16-1-3	
Name Judith Malone	
Property # 52-17-2-5A	

Name and Property Identification Number	Address
Name Richard Singhas	
Property # 52-17-2-5B	
Name Willard & Robin Link	
Property # 52-17-2-6A	
Name Carol Crocker	
Property # 52-17-2-6B	
Name Gregory & Marsha Miller	
Property # 52-17-2-7	
Name Robert & Michelle Loy	
Property # 52-17-2-8	
Name Lois Sargent	
Property # 52-17-2-9	
Name George & Linda Lashbaugh	
Property # 52-17-2-10	
Name Michael Alexander	
Property # 52-17-2-13	
Name Stephen Clark	
Property # 52-A-260	
Name DTS LC	
Property # 52-A-300	
Name Craig & Kathy Smith	
Property # 52-10-2-7	
Name	
Property #	
Name	
Property #	
Name	
Property #	

BK727PG717

ROUND HILL
FIRE CO.
D.B. 308 - P. 200

SHOMAS
D.B. 620 - P. 345

CATHER
D.B. 700 - P. 200

NEPLAND
D.B. 802 - P. 15

VA.
RT. 654

PT. BEA.

CATHER
D.B. 204 - P. 534

CATHER
D.B. 006 - P. 774

135.879
ACRES

CATHER LOTS - D.B. 456 - P. 80 & D.B. 466 - P. 43



30' R/W
LAWSON ROADWAY
D.B. 208 - P. 200

FRUIT HILL
ORCHARD, INC.
D.B. 300 - P. 8

CLARK
D.B. 203 - P. 800

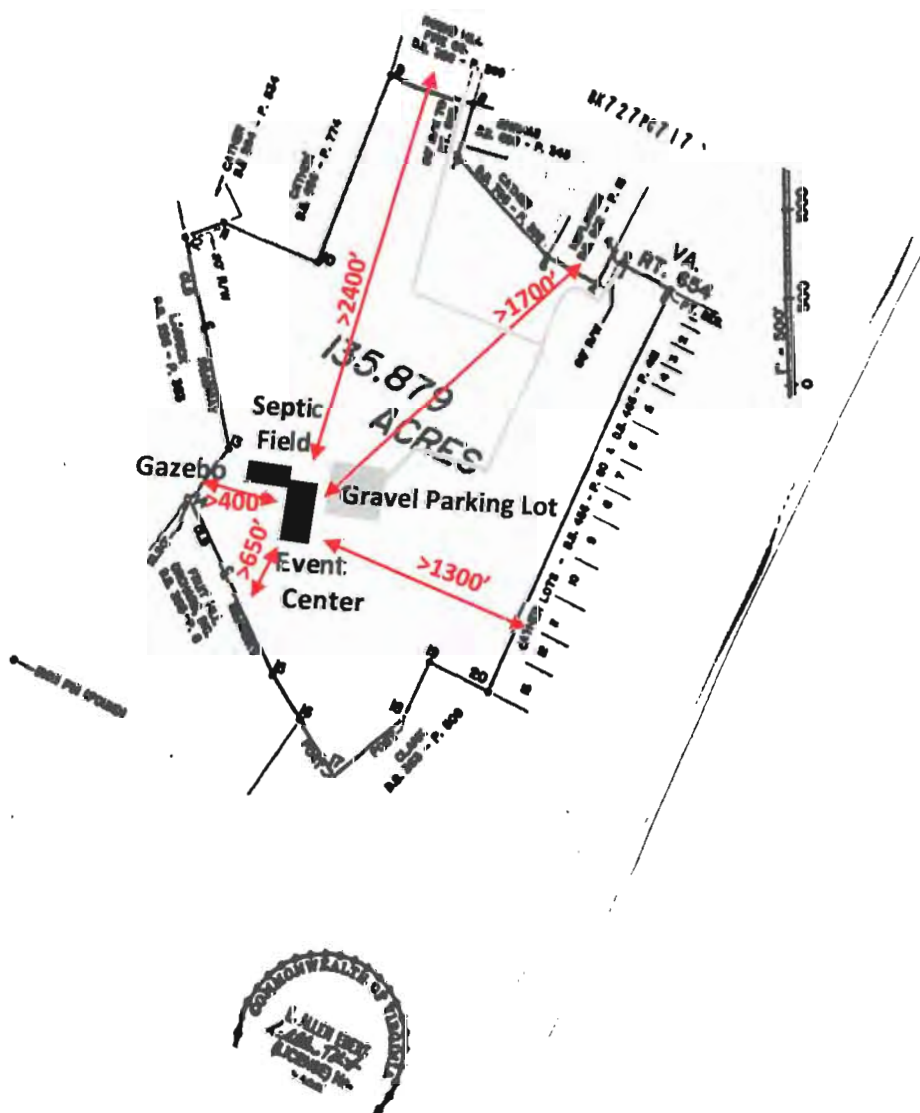
● - IRON PIN (FOUND)



11b. 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.



From Frederick County GIS





**Road
Frontage**



Driveway



**Gravel
Driveway**

Existing Shed



Former House



Trailer



360 Panoramic Views from Center of Event Center



Site Views



Site Views



12. Additional comments, if any: _____

increasing awareness of working farms in this area. We hope to provide a positive outlook and answer
any questions regarding grain, hay, or livestock production. We plan to be very conscientious of excessive
noise, light, and late hours, keeping adjacent neighbors in mind and communication open. In hopes to maintain this
property and mortgage as farmland in Frederick county we will need to subsidize farm income. We think the 138 acre
buffer will adequately minimize any disturbances to neighbors and the community at large.

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 Cordue Boyd Scheuch

Signature of Owner Celine D Boyd

Owners' Mailing Address 2368 Cedar Creek Grade

Owners' Telephone No. 540-327-7980

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



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.co.frederick.va.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 & Claire Boyd (Phone) 540-327-7980

(Address) 283 Barracks Lane, 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. 727 on Page 717, and is described as

Parcel: _____ Lot: 261 Block: _____ Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

(Name) Caroline Dixie Boyd Scheulen (Phone) 540-664-2145

(Address) 285 Fox Meadow Lane, 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.

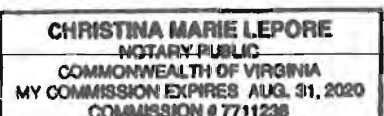
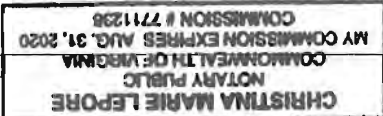
In witness thereof, I (we) have hereto set my (our) hand and seal this 24 day of May, 2017.

Signature(s) Claire D. Boyd

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

I, Christina Marie Lepore, 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 24 day of May, 2017.

Christina Marie Lepore My Commission Expires: Aug 31, 2020
Notary Public



From: Smith, Matthew, P.E. (VDOT)
To: [Tyler Klein](#)
Cc: [Rhodes, Timothy \(VDOT\)](#); [John Bishop](#)
Subject: RE: Request for Additional Comments - Barracks Lane
Date: Wednesday, October 11, 2017 7:56:40 AM

Tyler,

The existing entrance (Barracks Lane) meets the minimum sight distance requirements for a commercial entrance/street connection. Moving the entrance east along the property frontage on Woodchuck Lane would present more challenges to overcome, foremost obtaining substantial permanent sight distance easements from the neighbor across the street and the neighbor to the east. The Round Hill Road option isn't a great location either with the undesirable skew of the railroad tracks which are located in the functional area of the intersection.

Let me know if you have any other questions.

Thanks,

Matt

Matthew B. Smith, P.E.

Area Land Use Engineer

VDOT - Land Development

Clarke, Frederick, Shenandoah & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

Phone # (540) 984-5615

Fax # (540) 984-5607

From: Tyler Klein [mailto:tklein@fcva.us]
Sent: Tuesday, October 03, 2017 3:23 PM
To: Smith, Matthew, P.E. (VDOT); Rhodes, Timothy (VDOT)
Cc: John Bishop
Subject: Request for Additional Comments - Barracks Lane

Matt & Tim, following our recap this morning of the discussion of pending CUP #07-17 (Caroline Dixie Scheulen) for 283 Barracks Lane; can you please confirm the current configuration of Barracks Lane as the private-access drive onto Woodchuck Lane is acceptable VDOT and that moving the entrance east along the property frontage on Woodchuck Lane may otherwise not be appropriate. Also, please confirm access from the property across the old Round Hill Fire Station (& railroad tracks) onto Round Hill Road is not desirable given site distance and grade.

If we need to discuss further, please let me know. This item goes back to the Planning Commission on November 1; if possible please provide a written response in the next few business days. Thank you.

M. Tyler Klein, AICP

Planner

Department of Planning & Development

Frederick County, Virginia

107 N. Kent Street

Winchester, VA 22601

(540)722-8248

tklein@fcva.us

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Virginia Department of Transportation

Mail to:
Virginia Department of Transportation
Attn: Resident Engineer
14031 Old Valley Pike
Edinburg, Virginia 22824

Hand deliver to:
Virginia Department of Transportation
Attn: Resident Engineer
2275 Northwestern Pike
Winchester, Virginia 22603

The local office of the Transportation Department is located at 2275 Northwestern Pike in Winchester if you prefer to hand deliver this form.

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: Caroline "Dixie" Boyd Scheulen Telephone: 540-664-2145

Mailing Address: 205 Fox Meadow Lane
Winchester, VA 22602

Name of development and/or description of the request:
Seeking approval to develop an event venue to accommodate approximately 250-300 people. Business meetings, weddings and other gatherings of families and friends would be its use. Predominate use would be over weekends (Fridays through Sundays). The building would be climate controlled with restrooms.

Location of Property:
283 Barracks Lane, Winchester, VA 22602
Take US-60 (Northwestern Pike) to VA-803/Round Hill Road, turn onto Woodchuck Lane in order to get to Barracks Lane.

Virginia Department of Transportation Comments:
The application for a Conditional Use Permit for this property appears to have a measurable impact on Route 803, the VDOT facility which would provide access to the property. Prior to operation of the business a commercial entrance must be constructed to our standards to allow for safe egress and ingress of the property. Any work performed on the State's right-of-way must be covered under a land use permit. The permit is issued by this office and requires an inspection fee and surety coverage.

Thank you for allowing us the opportunity to comment.

VDOT Signature & Date: Ronald A. Ingraham 6.30.17

Notice to VDOT - Please Return Form to Applicant

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Inspections Department

Mail to:

Frederick County Inspections Department
107 North Kent Street, 2nd Floor
Winchester, Virginia 22601
(540) 665-5650

Hand deliver to:

Frederick County Inspections Department
Attn: Building Official
107 North Kent Street, 2nd Floor
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: Caroline "Dixie" Boyd Scheulen Telephone: 540-664-2145

Mailing Address: 285 Fox Meadow Lane
Winchester, VA 22602

Name of development and/or description of the request:

Seeking approval to develop an event venue to accommodate up to 280 people. Business meetings, weddings, and other gatherings of families and friends would be its use. Predominate use would be over weekends (Fridays through Sundays)
The building would be climate controlled with restrooms. An engineered site plan with follow the CUP.

Location of Property:

283 Barracks Lane; Winchester, VA 22602
Take US-50 (Northwestern Pike) to VA-803/Round Hill Road, turn onto Woodchuck Lane in order to get to Barracks Lane.

Building Official's Comments:

Comments are on the back of this form

RECEIVED
AUG 10 2017
Frederick County Inspections

Building Official's Signature & Date: Mark Hee 8/17/17

Notice to Inspections Department - Please Return This Form to the Applicant

Buildings shall comply with The Virginia Uniform Statewide Building Code, and Section 303 - A, Assembly Use Group of the Virginia Building Code/2012. Other Code that applies are the International Energy Code, ICC/ANSI A117.1-09 Accessible and Usable Buildings and Facilities. Design plans submitted for permit application shall be sealed by a Virginia Licensed Design Professional. Occupant load and fire egress plans shall be indicated on sealed plans at time of submittal.

New assembly building shall meet height and area for the type of construction as allowed in T503 with applicable increases. Multi-level buildings and facilities shall meet Section 1104.4 for an accessible route. Building shall comply with Section 903, Automatic Sprinkler System. All *required egress* shall meet ANSI A117.1-09 for slopes. 60% of all public entrances shall be accessible. Vestibule or air lock is required for entrances opening into a space exceeding 3000 sq ft.

A detailed site plan is required to indicate the finished floor elevation(s) and accessible parking/unloading area, accessible route to main entrances, and elevations at fire exits. Site plan shall indicate the location and size of any equipment/tank associated with the fire suppression system.

Sidewalks that exceed a 1:20 slope shall be designed as a ramp with details submitted. Curb ramps shall maintain a 1:12 maximum slope.

Parking is provided in accordance with T1106.1(1) of the IBC. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrance. A minimum of one van accessible parking and unloading is required. Max slope of accessible parking and unloading areas shall not exceed 2%. Signage for parking shall be provided as required per USBC 1106.8. Maximum ½" door threshold is allowed per ANSI A117.1-09

Demolition of any structure requires a building permit and an asbestos inspection.

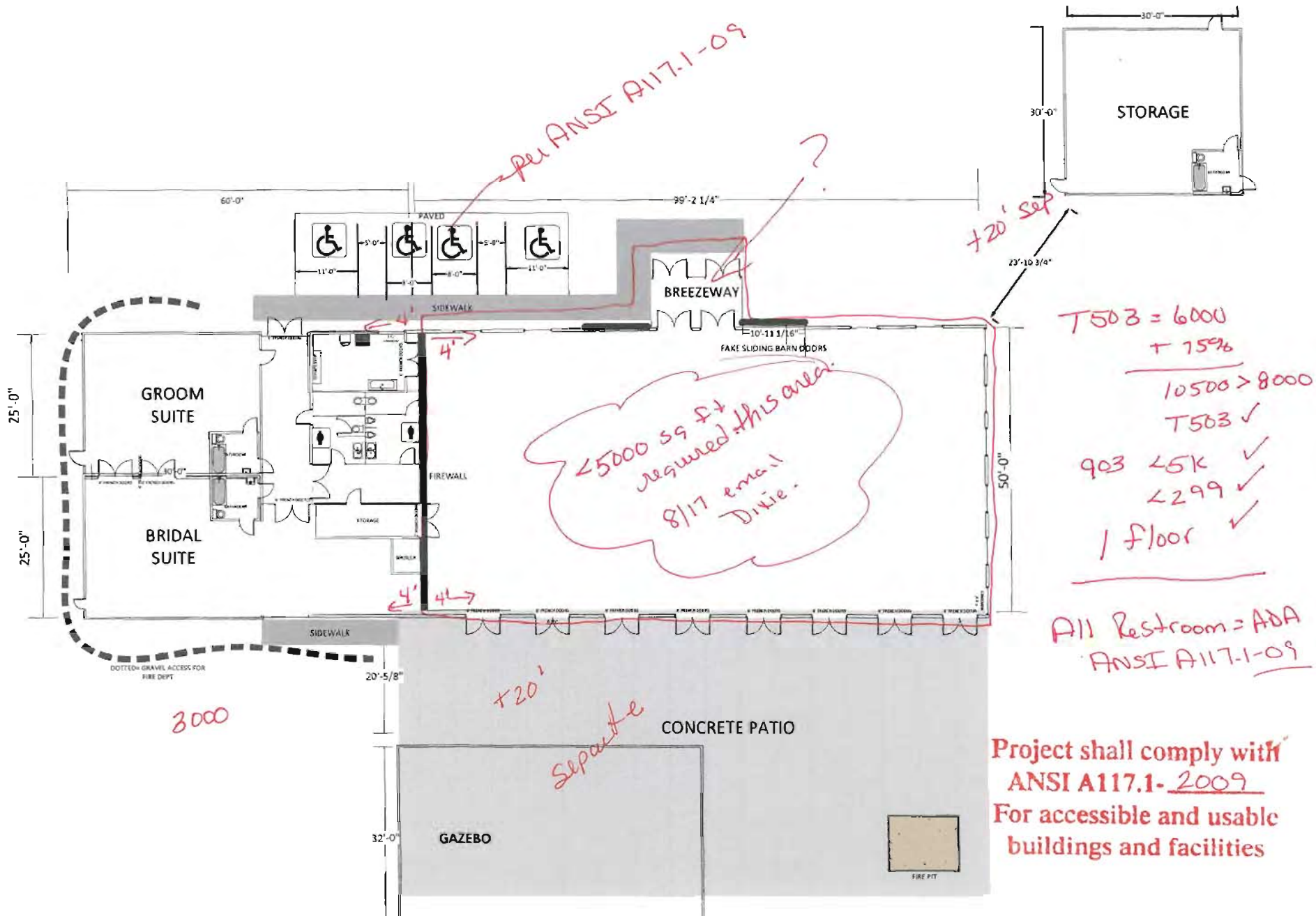
Restroom quantities shall be determined by Assembly Use Group Use based on the occupant load.

Health Department approval for the sanitation system is required

Please note the requirements in Chapter 17 of IBC for special inspection requirements on the type of structure.(Soils, concrete etc..).

8/17/17 Single story Assembly broken into fire areas (minimum 2 hour requirement) to reduce fire area to less than 5000 sq foot in lieu of providing the suppression system. Fire barrier shall comply with Section 707 of the 2012 Virginia Building Code for construction and termination. Multiple buildings located more than 20' away. Gazebo and storage building requires a building permit. All bathing facilities/restrooms shall meet ANSI A117.1-09 for accessibility requirements. All building plans submitted shall be designed by a registered design professional.

GRAVEL PARKING LOT



T503 = 6000
 + 15%

 10500 > 8000
 T503 ✓
 903 45K ✓
 2299 ✓
 1 floor ✓

All Restroom = ADA
 ANSI A117.1-09

Project shall comply with
 ANSI A117.1-2009
 For accessible and usable
 buildings and facilities

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Winchester-Frederick County Health Department

Mail to:

Frederick-Winchester Health Department
Attn: Sanitation Engineer
107 North Kent Street
Winchester, Virginia 22601
(540) 722-3480

Hand deliver to:

Frederick-Winchester Health Department
Attn: Sanitation Engineer
107 North Kent Street, Suite 201
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: Caroline "Dixie" Boyd Scheulen Telephone: 540-664-2145

Mailing Address: 285 Fox Meadow Lane
Winchester, VA 22602

Name of development and/or description of the request:

Seeking approval to develop an event venue to accommodate approximately 250 -300 people. Business meetings, weddings, and other gatherings of families and friends would be its use. Predominate use would be over weekends (Fridays through Sundays)
The building would be climate controlled with restrooms.

Location of Property:

283 Barracks Lane, Winchester, VA 22602
Take US-50 (Northwestern Pike) to VA-800/Round Hill Road, turn onto Woodchuck Lane in order to get to Barracks Lane.

Frederick-Winchester Health Department's Comments:

Health Dept. Signature & Date: _____

Notice to Health Department - Please Return This Form to the Applicant



Lord Fairfax Health District

Frederick / Winchester Environmental Health
107 North Kent Street Suite # 201
Winchester, Virginia 22601
Tel. (540) 722-3480 ~ Fax (540) 722-3479
www.vdh.virginia.gov



Frederick-Winchester Health Department's Comments:

This Health Department has reviewed the request for comments for the Special Event Facility, located 283 Barracks Lane, Winchester, VA 22602; Tax Map#: 52-A-261. This Health Department has no objections to the construction of the structure for housing the venue. However, in the event the applicant desires to provide food service in the facility at some future date, this Health Department and his/her OSE/PE should be notified prior to any further work is done on the project. The reason is that food strength wastewater values will need to be factored into the P.E.'s septic design calculations. Also, the review process by this Health Department is incomplete pending submittal of a preliminary copy of his/her OSE's site & soil work.

Agency Signature: Herbert Davis Date: 6/1/17
Title: EH Supervisor

(NOTICE TO AGENCY - PLEASE RETURN THIS FORM TO THE APPLICANT)

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

Mail to:

Frederick County Fire Marshal
1800 Coverstone Drive
Winchester, Virginia 22602
(540) 665-6350

Hand deliver to:

Frederick County Fire & Rescue Dept.
Attn: Fire Marshal
Public Safety Building
1800 Coverstone Drive
Winchester, Virginia

Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: Caroline "Dixie" Boyd Scheulen Telephone: 540-664-2145

Mailing Address: 285 Fox Meadow Lane
Winchester, VA 22602

Name of development and/or description of the request:

Seeking approval to develop an event venue to accommodate approximately 250 -300 people. Business meetings, weddings, and other gatherings of families and friends would be its use. Predominate use would be over weekends (Fridays through Sundays)
The building would be climate controlled with restrooms.

Location of Property:

283 Barracks Lane, Winchester, VA 22602
Take US-50 (Northwestern Pike) to VA-803/Round Hill Road, turn onto Woodchuck Lane in order to get to Barracks Lane.

Fire Marshal's Comments:

See Attachment

Fire Marshal's Signature & Date:

[Signature] 6/5/17

Notice to Fire Marshal - Please Return This Form to the Applicant



Frederick County
Department of Fire and Rescue
Office of the Fire Marshal
1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

Plan Review & Comments

Date Received
5/26/2017

Date Reviewed
6/5/2017

Plan/Permit Type **Conditional Use Permit 05-26-17**

Name **Caroline "Dixie" Boyd Scheulen**

Address **283 Barracks LN Winchester VA 22602**

Project Name **Event Venue**

Applicant Name & Number

RE#

Permit Number

Emergency Vehicle Access:	Adequate	Inadequate	<input checked="" type="checkbox"/> N/A
Hydrant Location:	Adequate	Inadequate	<input checked="" type="checkbox"/> N/A
Siamese Location:	Adequate	Inadequate	<input checked="" type="checkbox"/> N/A
Fire Lanes Required:	Yes	No	<input checked="" type="checkbox"/> N/A

Plan Approval Status

Comments

A Site Plan will be needed to be submitted. The structure shall have to comply with the Frederick County Fire Prevention Code and Frederick County Local Code Section 90

Signature: 

Reviewed By: **Kenneth Scott, Jr.**

Title: 



June 23, 2017

Robert & Claire Boyd
2368 Cedar Creek Grade
Winchester, Virginia 22602

**RE: Request for Historic Resources Advisory Board (HRAB) Comments
Conditional Use Permit – Event Center at 283 Barracks Lane; PIN #52-A-261
Zoning: RA (Rural Areas) District**

Dear Mr. & Mrs. Boyd:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced Conditional Use Permit application during their meeting on June 20, 2017. The HRAB reviewed information associated with the Rural Landmarks Survey, information from the Virginia Department of Historic Resources (VDHR) and information provided by the Applicant. This application seeks to operate an event center at 283 Barracks Lane, Winchester. This property is within the Gainesboro Magisterial District.

Historic Resources Advisory Board Comments:

The Study of Civil War Sites in the Shenandoah Valley, published by the National Park Service, does not identify the proposed site or the surrounding areas as being part of a battlefield. The Rural Landmarks Survey Report for Frederick County, Virginia, identifies five historic structures located within the vicinity of the proposed Conditional Use Permit, with the neighboring structure eligible for the National Register of Historic Places.

After reviewing this information and the Applicant's materials and proposals, the Historic Resources Advisory Board (HRAB) recommended approval of the Conditional Use Permit with the condition that the Applicant utilize materials that keep with the rural agricultural nature of the area; specifically wood construction with a standing seam metal roof.

Thank you for the chance to comment on this application. Please call if you have any questions or concerns.

Sincerely,

Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd

Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Wednesday, November 01, 2017 9:08 AM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

To add to the others. Do you have a current total on how many we have received? Thanks much, June

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Wednesday, November 1, 2017 7:04 AM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 11/01/2017 7:03 AM
Response #: 28
Submitter ID: 31675
IP address: 73.148.78.38
Time to complete: 20 min. , 51 sec.

Survey Details

Page 1

Frederick County uses the form below for email communications instead of traditional links within the pages due to the use of software on the internet which collects mail addresses from web pages to send unsolicited commercial email, or "spam". To better assist you, fields marked with an asterisk are required.

1. **Your Name**
Craig & Kathy Smith
2. **Your Email**
kathysmith210@comcast.net
3. **Your Phone Number**
540.931.5164
4. **Subject**
CUP#07-17
5. **Message**

Dear June,

I hope all is well with you. I know you have received many letters from other homeowners and residents of Woodchuck Lane, we believe this CUP #07-17 will significantly impact the character and quality of our neighborhood too. Our objection is based on several important factors (I know you have heard) that I hope the planning commission will take into consideration.

Firstly, I would like to express that we are not opposed to event centers. However, I do not like the proximity to the RP zoned properties, noise pollution, traffic, our children coming home on the same roads at the time the event is over, how much drinking will occur? Also, the reduction in our property resale value.

We must also protect our neighbors. The proposed site should have sought support from the closest neighbors before going forward with this application. As we live in this community, we should be concerned about our impacts on others. It works both ways.

Sincerely,

Craig and Kathy Smith
210 Woodchuck Lane

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Wednesday, November 01, 2017 9:09 AM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

Another, J

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Tuesday, October 31, 2017 10:39 PM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/31/2017 10:38 PM
Response #: 27
Submitter ID: 31668
IP address: 73.152.252.78
Time to complete: 0 min. , 56 sec.

Survey Details

Page 1

Frederick County uses the form below for email communications instead of traditional links within the pages due to the use of software on the internet which collects mail addresses from web pages to send unsolicited commercial email, or "spam". To better assist you, fields marked with an asterisk are required.

1. Your Name

Michelle Loy

2. Your Email

michelleloy1@yahoo.com

3. Your Phone Number

540-535-9192

4. Subject

CUP #07-17

5. Message

Planning Commission,

I have reviewed CUP #07-17, Caroline Dixie Scheulen – Special Event Facility, dated 10/20/2017 and I would like to express my opposition to the implementation of this facility on Woodchuck Lane, Winchester, VA. My 2 main reasons are below.

Noise:

The Staff noted that if approved by the Planning Commission, Staff would suggest the following condition on the CUP to note "All outside music shall conclude by 9 p.m. Music may continue indoors until the conclusion of the event." Due note that the events can start as early as 10 am and last throughout the day. There is no stipulation noting that outside music and event noise needs to be restrained at any time throughout the day. There is no restriction on how loud the noise can be. I have researched noise levels and how they travel with no obstructions and good weather conditions. Sites note that "In "good" conditions a 110-dB sound could easily be heard 10 or 20 km away. " Note 1 km = 0.62 miles and 10 km = 6.21 miles. I live 1300 ft. (.25 ml) from the building site. With outdoor music being in an open field with no sound barriers, it is possible that event music/noise will literally be like living in the city with my next-door neighbor blaring their TV or stereo every day/eve of the weekend. I understand the owner is initially proposing her business will only be operational on Fri – Sun; however, this will indeed be her business and she can certainly operate it 365 days a year should she wish to do so. In addition, I understand the suggestion by Staff to have outdoor music moved indoors by 9 pm. Please note that indoor music/bands may play at "80 - 90dB SPL for a typical wedding or dinner-dance band (typical audience position)." The facility drawing notes there will be 8 French door openings onto an outdoor concrete patio. What is to keep the venue occupants from opening those doors after 9 pm to allow the indoor music to their patio guests? Even though the music may be buffered by the indoors, the 8 French doors offer up to a 50 ft. of opening allowing possibly 40 dB of sound to travel with no restrictions causing a nuisance to the community during later hours. In addition, Staff mentioned at the first meeting that there were no complaints from the "Festival permits" that were approved for the events occurring in the Middletown area. Please note these are festivals. They occur a few times a year; not 52 weekends of the year or even 365 days a year. The community is aware of these festivals. The residents know it's a "temporary" change to their lifestyle. They are either participating in the event or they chose to leave the area if they do not wish to participate in noise and traffic. The Barack's Lane event venue is a permanent facility with the potential to operate year-round. This is not an apple to apples comparison.

Traffic:

Woodchuck Lane is a small, 2-way "lane" with no road markings. This small lane is now subject to a 280-guest facility with an unknown amount of facility attendants (band, food prep, facility help, etc.). In the CUP, VDOT noted that Round Hill road will sustain "measurable impact on Route 803 (Round Hill Road)". If a 2-way marked road will sustain "measurable impact" with the implementation of an event venue in the vicinity, then what is the impact on an unmarked narrow Lane? There can potentially be 175-200 vehicles travelling to and from the proposed event venue multiple times throughout the day. There is nothing stating that there could not be up to 3-4 events throughout the day, although discussions have focused on only 2 events per day. Even at 2 events per day, the traffic of these events will affect the families in 30 households residing on Woodchuck Lane. As I discussed with Dixie personally, I noted to her that I'm now going to have to alter my lifestyle around the events being held at the facility. I noted to her that I can no longer project to leave or re-enter my home at the normal time frames but will have to be aware of when events were starting and ending as this will alter my schedule significantly while trying to make appointments and commitments of my own. I joked with her that she's going to have to post to a website the event times and details, so I know the severity of traffic for each event. She kindly agreed and even offered to send emails to all residents of event times. I told her that it would be like a train of traffic that I had to wait through before and after each event. She agreed that it would be a train but would only be for 30 minutes at a time. Do you see the ridiculousness in this? I now must view event times and project how long it's going to take me to get from point A to point B due to traffic. There is only one exit out of Woodchuck Lane and it is the exit to Round Hill road shared by Barack's Lane and now possibly 280 venue guests. It took me 3 mins to drive the speed limit on Round Hill road and Woodchuck lane from the Walmart, Rt. 50 stop light to the beginning of Barack's Lane. How long do you think it's going to take to exit 200+ vehicles out of Woodchuck Lane (.25 ml) (1320 ft.) onto Round Hill road (1.06 ml) (5596 ft.)? This is a total of 6,916 ft. If you allow 30 ft. per vehicle (w/ conservative space buffer) for 200 vehicles, this is a road space consumption of 6,000 ft. The train of event venue traffic would consume the entrance of Woodchuck Lane and most of Round Hill road through to the stop light. In addition, this could occur up to 4 times a day with the starting and ending of events. That's ridiculous. On a final note, with the possibility of 52 weekends out of the year noise and traffic congestion, I feel that these factors will have a great impact on my property value. The new venue may look nice in an open field, but I may have a hard time hiding the noise and traffic on a sunny Saturday afternoon showing.

Thank you for your time and thoughtful consideration of my concerns.

Michelle Loy
404 Woodchuck Lane
540-535-9192

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

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Tyler Klein

From: webmastr@fcva.us
Sent: Tuesday, October 31, 2017 9:25 PM
To: Tyler Klein
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planner - Tyler Klein
Date & Time: 10/31/2017 9:24 PM
Response #: 20
Submitter ID: 31659
IP address: 67.166.182.206
Time to complete: 6 min. , 45 sec.

Survey Details

Page 1

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1. **Your Name**

Melissa Clark

2. **Your Email**

melissa.glynn510@yahoo.com

3. **Your Phone Number**

540-539-7725

4. **Subject**

regarding conditional use permit #07-17

5. **Message**

Dear Commissioners:

Our names are Zach and Melissa Clark. We live at 126 Woodchuck Lane, Winchester Va. Our house is the first house on the right on Woodchuck Lane after turning in from Round Hill Road (rt. 803). Our concerns laid out in this letter are regarding Mrs. Scheulen's building of a special event center (conditional use permit application #07-17). Though we do not wish her to have failure in her business ventures, we feel that certain things should have been taken into account before moving forward with this. We have several concerns including depletion of our water supply, property value of our home, and the fact that there are already three event centers in a very close vicinity.

Our most profound concern however, is the disturbance to the neighborhood that this proposed facility will most certainly

cause. These disturbances are both with traffic and with noise. We regularly go on walks down our road-especially on the weekends because that is when we have the most time and energy since we have not been working all day. The addition of the proposed event center would most definitely make this unsafe since hundreds of cars would be travelling down our road with drivers that are unfamiliar with the area. It is becoming especially concerning as we are expecting our first child in February. We plan to take her on walks with us as well but have become fearful of doing so because of the traffic that will be coming to and from the event center. Making sure our child gets to have experiences like going on walks with her parents is important to us, but it probably won't get to happen because of the danger.

We are also fearful of the traffic because our house lies fairly close to the road. Our daughter's nursery is going to be located at the front of the house and all of that traffic coming and going will obviously cause noise that will wake her up. Even worse than that, these events will be unsupervised which means that patrons to certain events will get drunk, which leads to drunk driving and an accident that could not only occur right in our front yard but, God forbid, right into our baby's room. We don't understand how others could not think of this sort of thing and perhaps rethink what they are proposing.

We know that Mr. Keplinger made Mrs. Scheulen an offer that included him building an alternative route to the facility. While this does not solve the other problems that will come with this facility, that would at least take the stress off of us residents that fear all of that traffic right in front of our houses. As a mother herself, we don't see how Mrs. Scheulen couldn't understand that and opt for an option that poses the least danger to other children and their parents.

As we stated before, we do not wish for failure for Mrs. Scheulen. It is good to take advantage of an opportunity if you have it, but NOT at the expense or safety of others who have lived in the area for years.

Thank you for your time,

Melissa and Zach Clark

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Thank you,
Frederick County

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Tyler Klein

From: webmastr@fcva.us
Sent: Tuesday, October 31, 2017 9:29 PM
To: Tyler Klein
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planner - Tyler Klein
Date & Time: 10/31/2017 9:28 PM
Response #: 21
Submitter ID: 31660
IP address: 67.166.182.206
Time to complete: 3 min. , 6 sec.

Survey Details

Page 1

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1. Your Name

Catherine Glynn

2. Your Email

cglynn54@yahoo.com

3. Your Phone Number

540-539-0516

4. Subject

regarding conditional use permint #07-17

5. Message

Dear Commissioners:

My name is Catherine Glynn and I live at 126 Woodchuck Lane, Winchester VA. I live in the first house on the right on Woodchuck Lane once you turn off of Round Hill Road (Rt. 803). I wish the best for Mrs. Scheulen and I do not want her to fail in her business endeavors, but when these business endeavors cause unrest within the community I feel like perhaps other plans could be made. I am speaking of her plans to build a special even facility (conditional use permit #07-17). There are several reasons that I am concerned about this facility being approved and built.

The first concern I have is that extra traffic plaguing our road will make for dangerous conditions for our residents, their family and pets, and the planned event patrons themselves. There is more foot traffic than you would think on our road as it

is a great place to take a walk on a beautiful afternoon as long as you are vigilant and watch for traffic. If traffic is increased the way it is to be planned (as many as 100 or more cars per event) then taking a walk would become unsafe.

The second concern I have is that the building of this facility will most certainly cause property value in the area to go down. If I ever did want to move, this facility will plummet the property value of my home which I have worked very hard to keep in an above average state. This is my only home and if I needed to sell it, I would expect to get fair market value for it and an event center would most definitely cause this not to happen. Once homebuyers find out that an event center of this scale is so close with so many concerns, it will either cause me to not be able to sell my home, or drive the price down considerably.

The third and biggest concern I have is that our water could become depleted because of events taking place at the proposed center. Everyone in this area uses well water for everything. We all use it for drinking, laundry, cooking, cleaning, flushing, and outdoor use. If a large event takes place that draws water from the same system that everyone else in the neighborhood uses, it can cause problems with our water system. If we don't have water, we cannot live-we would have to go and buy bottled water, spending a fortune on something we should already have. It makes me very uneasy to think that at any weekend following any event I could possibly lose the ability to live regularly just because someone wanted to put in an event center without really considering what will happen to the neighbors. If this were planned properly, every angle would be looked at-including the water system and any regular person would think that maybe this needs to be reassessed so as to not cause so many issues for the people who have already been living in the area for years.

As I stated earlier, I do not wish any ill will to Mrs. Scheulen and I hope that she is successful in her endeavors because as human beings we should all want that for each other. However, I think that she needs to reassess her plans for this center. I would suggest she use the route to her facility that Mr. Keplinger is happy to build for her. That way traffic would not plague our area. I would also suggest if she must go forward with this, she find an alternative for her water system or make it so that the renters must rent out porter pottys. These alternatives would be safer and better for everyone in our area.

Thank you,

Catherine Glynn

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Thank you,
Frederick County

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Tyler Klein

From: webmastr@fcva.us
Sent: Tuesday, October 31, 2017 9:32 PM
To: Tyler Klein
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planner - Tyler Klein
Date & Time: 10/31/2017 9:31 PM
Response #: 22
Submitter ID: 31661
IP address: 67.166.182.206
Time to complete: 2 min. , 53 sec.

Survey Details

Page 1

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1. Your Name

Lawrence Hofsiss

2. Your Email

lawrencehofsiss@gmail.com

3. Your Phone Number

Not answered

4. Subject

regarding conditional use permit #07-17

5. Message

Dear Commissioners:

My name is Lawrence Hofsiss and I live at 126 Woodchuck Lane, Winchester VA. I live in the first house on the right after turning in from Round Hill road (rt. 803). I am not opposed to Mrs. Scheulen wanting to better her business ventures, however I do have several concerns regarding the proposed special event center (conditional use permit application #07-17).

My first concern is that an event center in our neighborhood will cause increased noise. The cars themselves will cause a large increase in noise, especially if they are all leaving at 12am or even later. Many of the houses on Woodchuck Lane are in close proximity to the road and every vehicle passing can be heard even if you are inside your house. This is fine right now as

our road stays relatively quiet with only the neighbors using the road.

My second concern is that the event patrons are not going to be supervised and therefore excessive drinking could take place causing trespassing on nearby properties and drunk driving. This would then have an increased number of phone calls going out to the police. Once the police notice a pattern that our neighborhood is getting a large activity of vandalism, drunk driving, accidents etc. that will put a bad name on our peaceful neighborhood and cause problems for the police department who could be taking care of other important issues in our town.

My biggest concern is that visibility on the hill where my house lies is already not the best when pulling out of the driveway. Most everyone who lives on the road knows this and knows to take precautions, however if we get hundreds of people from out of town, they do not know these roads and will not be paying attention because they are looking for their destination. I fear this will cause increased accidents involving vehicles and pedestrians. I have varying hours depending on my work schedule and I could be leaving to go to work when an event starts or ends and I am concerned all this extra traffic will cause an accident that will not only inconvenience or injure myself, but the patrons to the event.

As stated before, I wish for Mrs. Scheulen to have success in her business endeavors, however this particular event center does not seem well planned enough to move forward. When building an event center you want the support of the community for business and with all of the problems that this event center will cause, it will not have the support needed.

Thank you for your time,

Lawrence Hofsiss

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Thank you,
Frederick County

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Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Monday, October 30, 2017 3:23 PM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

Another Monday one. Think we have heard from her before. J

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Monday, October 30, 2017 12:15 PM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/30/2017 12:14 PM
Response #: 25
Submitter ID: 31618
IP address: 199.193.144.50
Time to complete: 1 min. , 50 sec.

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Page 1

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- 1. Your Name**
Greg & Marsha Miller
- 2. Your Email**
marshamiller75@gmail.com
- 3. Your Phone Number**
540-550-6768
- 4. Subject**
CUP # 07-17
- 5. Message**

Dear Ms. Wilmot,

After reviewing the revised CUP #07-17, we still oppose this CUP based on the following reasons:

1. Traffic on Woodchuck Lane—the lane is just not built for that kind of traffic, with the potential of 140+ cars in and out for multiple events every weekend, and possibly during the week.
2. Noise during times when residents are home and wish to enjoy their property. The field is completely open with no noise barrier whatsoever, and sound carries all over the neighborhood whenever there is an event in the area.
3. Will this affect our water wells? Has anyone been consulted about drilling a new well for an event center that will have the load of 3-4 events per weekend of the potential of 280 persons per event? How much water will be used? Will this affect our wells?
4. Is this location really putting forth the best face for our county? Is it really a good fit for this neighborhood?
5. The current condition of the land. The promise to maintain and use the rest of the land agriculturally is not currently being carried out, as it is growing up in weeds and looks very unsightly.

Dixie Scheulen visited us on Saturday evening to discuss the situation and let us know that if the CUP is not approved, they plan to do it anyway as a vineyard or farm market with the event center as a secondary use of the property. Since neither Ms. Scheulen nor her parents live on this property, they will not be personally affected by these changes, and since the property is currently in an unkempt condition, we feel their interests lie solely in a business to make money, and not in improving or even preserving the quality of life in our area.

We have no personal animosity towards Dixie or her family, and recognize her right to use her land in any way she is legally entitled to do so. This action is our only recourse to preserve and protect our interests in our community.

We believe these concerns are valid, and must be addressed before any decision is reached.

Thank you,

Greg & Marsha Miller
388 Woodchuck Lane
Winchester, VA 22602

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Thank you,
Frederick County

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Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Monday, October 30, 2017 9:02 AM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

Tyler, another. J

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Monday, October 30, 2017 12:38 AM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/30/2017 12:37 AM
Response #: 24
Submitter ID: 31599
IP address: 75.150.53.185
Time to complete: 2 min. , 23 sec.

Survey Details

Page 1

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1. Your Name

Rick Lynch

2. Your Email

rickdlynch@gmail.com

3. Your Phone Number

540-514-8474

4. Subject

Conditional use permit 07-17

5. Message

Dear Frederick County Planning Commission:

I am writing to you regarding the latest proposal for Conditional Use Permit 07-17.

My name is Rick Lynch. My wife and I reside at 873 Round Hill Road, Back Creek District. Our family has resided there since April, 1985. While in close proximity to Winchester, we chose this community to raise our children based on the rural setting and agriculture based zoning. This is a quiet, peaceful neighborhood with a stable residential traffic flow compatible to enjoyable outdoor activity.

We have been informed that a new event center with additional amenities to be added in phases has been proposed which could potentially impact the character of the neighborhood several times a week. I would like to inform you that I oppose the approval of Conditional Use permit 07-17 to change the use of the subject property for a building rented to the public without oversight for the following reasons.

1. The terrain of the land allows for sounds to carry great distances and certainly not limited just to adjoining properties. Large crowds and loud music would be disruptive during waking hours and would impact a substantial number of residents.
2. Events would result in high volume traffic and related noise at intermittent periods increasing the possibility of auto collisions. This would be heightening by unmonitored consumption of alcoholic beverages on private property.
3. I am unable to determine if the intended use of the property is compatible with the character and zoning of the surrounding properties. I have concerns for its present condition, and requirements for how it will be maintained after large events.
4. Perhaps my greatest objection is due to the high demand for well water. An event center with capacity up to 280 and the potential for an additional 20 residences would result in extraordinary water consumption. My well depth is 500 feet. I have been informed that there are water flow issues in the area. This could result in a loss of water source for the community.
5. I learned recently that sink holes are formed in areas with a high concentration of limestone. Soil can collapse when water levels drop and form a cavity below the land surface. The Round Hill rock formation coupled with intense water use would meet both of these conditions.

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Thank you,
Frederick County

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October 27, 2017

Frederick County Planning Commission
107 Kent Street
Winchester, VA 22601



Dear Ms. Wilmot and Commissioners:

I am writing in reference to the conditional use permit application #07-17 for a special event facility to be built by Caroline (Dixie) Scheulen on property owned by Regalo LLC (Claire Boyd as the registered agent).

I am strongly opposed to this permit for several reasons including traffic, public safety, and noise disturbance. In addition, there were several issues that were introduced at the Commission meeting on 9/20/2017 that need to be addressed.

The increased amount of traffic caused by this event center directly affects my property at the corner of Round Hill Road and Woodchuck Lane. My driveway on Woodchuck Lane is a few yards downhill from a hill crest approximately 30 yards to the south. Currently, I have neighbors who drive this road every day who forget about my driveway as they crest that hill. Many times in the past eight years my neighbors have swerved to avoid my car backing out of my driveway. If Ms. Scheulen's goal is to have large events with 100-200 vehicles per event entering and exiting her property from Woodchuck Lane, with a large number of them from outside the Winchester area, this will increase the number of people unaware of that blind hill and the safety issue with my driveway. It puts me and my personal property at a much greater risk.

In addition, the increased out-of-town traffic will also experience a potential danger entering Round Hill Road from Woodchuck Lane. There is a blind hill a few yards to the west of the intersection on a road that regularly has traffic exceeding the speed limit to 50 mph or more including dump trucks and large farming equipment (including weekends). In the winter, many vehicles slide through the stop sign into Round Hill Road. The likelihood of an accident at that intersection will increase drastically. It is putting the event center clientele at risk along with those who regularly travel Round Hill Road.

The increased traffic for an event center would be greatly concentrated. At times prior to and following an event, cars entering or exiting Woodchuck Lane would be in an extremely long line. Exiting vehicles will incur a long wait due to the stop sign at the intersection with Round Hill Road. Residents along this part of Woodchuck Lane will be blocked from entering and exiting their properties. The CUP stipulates that events must end by midnight (p. 1). Although not every event will take place in the evening, but many wedding receptions do. They can continue quite late. All of the remaining vehicles will exit at the same time, with a great increase of light and noise disturbance to our neighborhood.

The VDOT Comment Letter included on page three of the CUP indicates that there would be "a measureable impact on Route 803 (Round Hill Road)." If there will be a measureable impact on that road where there are two approaches to Woodchuck Lane, then it stands to reason that the impact would be multiplied for Woodchuck Lane and the twelve families between that intersection and the proposed entrance to the property. By definition a lane is a narrow, roadway. On Woodchuck Lane, there is no exit. There are no sidewalks. It was not intended for heavy traffic use. Without significant

investment by the County in terms of sidewalks, surface improvements, and gutters, it will not bear the impact of this new business well.

Although the current CUP addresses the VDOT statement about safe sight distance for egress, it may be the better course of action to have a more complete VDOT Traffic Impact Statement (24VAC30-155-60) of the "measureable impacts" on not only Route 803/Round Hill Road, but also Woodchuck Lane.

With Ms. Scheulen's goal of "bring[ing] tourism to Frederick county" [sic] (p. 25), her clients will not have the vested interest in the safety and respect for our community as do our neighbors. With an increase of visitors from outside the local community, there is an increased risk of damage to our properties. This will negatively impact our property values as well as safety.

The Frederick County code with regard to noise is weak. It does ensure that "complaint from any person annoyed, disturbed or vexed by unnecessary and unreasonable noise" (§188-1) be addressed by the Sheriff's office. An event center with a wall of doors opening to a large patio does not ensure that noise from events will be contained to the building. Even if the band or DJ is located inside the building, on days with good weather those doors will be open and the sound will travel. The increased traffic on Woodchuck Lane means increased noise (and light) as the large number of cars slowly progress to the stop sign at Round Hill Road when leaving an event, *which is 20 feet from my bedroom window.*

On page 6, added notes regarding both noise and lighting indicate, "Staff also noted that the location of the proposed building was more than 1,300 FT from the nearest residence." However, on page 17, the diagram indicates only 650 feet to the home directly to the south of the property just over the property line. The home is visible in the image on the same page. The eight south-facing doors from the facility open toward that home. Noise and light are great issues for this family.

Noise impact is greater for my neighbors down the lane, who will bear the brunt of the annoyance and the responsibility for reporting disturbances to the Sherriff's office. With each report, all of our property values go down and insurance rates go up.

While there are three successful businesses in our neighborhood, all operate during normal business hours during the week (mainly 8am to 5pm). The owners and their families live in the neighborhood, and have for decades. The proposed new business intends to operate primarily outside of normal business hours, "Predominate use would be over weekends (Fridays through Sundays)," during the times when residents want to enjoy the peace and quiet of our rural neighborhood. Does the applicant intend to live in our neighborhood and manage her business? Who will monitor the use of the facility during events?

The combined effects of the increased traffic of non-residents, increased risk to the safety of residents and increased noise disturbance from the proposed events center poses a risk to property values for the adjacent properties and the residential properties along Woodchuck Lane and Round Hill Road that do not abut the Regalo property but are close enough to be directly impacted.

One additional issue that has not been addressed is that on page four of the current CUP with regard to zoning, it states that that the property "is currently being used for agricultural purposes (raising of cattle and farming hay)." The applicant stated on 9/20 that the property was being used to farm hay. Having lived on Woodchuck Lane for more than eight years, I have seen the property used for agricultural

purposes in years past, most recently for corn. That was several years ago. I have not seen hay bales come from that property. In fact, the grass and weeds are currently overgrown and unmanaged.

I have not seen any cattle, other than the small piece that has been recently leased to someone else (not Regalo LLC) for that purpose. Where is the documentation or evidence for the current agricultural use of this property by Regalo LLC? Where are their cattle? Where is the Regalo farming equipment?

Aside from the misinformation about current use, there are more pressing questions about future use. The applicant wishes to, "allow clients to witness on-site agricultural production increasing awareness of working farms in this area" (p. 25), and she would be "maintaining the remainder of the site as productive agricultural land" (p. 4). Many questions remain:

Is there a business plan for this activity? Will there be buildings or structures for agricultural use? Who will be employed to farm it? If there will be cattle, who will maintain them? How many will there be? Where will they be fed? When will they arrive? Where will they be kept in relation to the neighboring properties?

If this is indeed the intent, to have crops or cattle on the property in addition to the event center, it would likely increase the number of heavy trucks accessing the property with further impact on Round Hill Road and Woodchuck Lane. Would these additional vehicles use the main entrance or one of the other access points?

The County's *2035 Comprehensive Plan* supports Agribusiness Business Development to "further promote the evolution of agriculture in the County's Rural Areas." It further states in the goals that each Rural Community Center, of which Round Hill is one, "remain the focal point of the rural community and their character and scale should be preserved" (p. 13).

Perhaps the biggest question is: What guarantee do we as neighbors have that the property will be used for agriculture in addition to this business? How does the County ensure appropriate agribusiness use? The County's plan does not indicate how the goals and strategies would be assessed and managed. These, however, are important questions in light of the current codes and *2035 Comprehensive Plan*. It would be useful to see documentation for the answers to these questions rather than taking the applicant's word for it and trusting that the County will police the conditions of the CUP.

I am finding it difficult to believe that this property will be used for agriculture in conjunction with her business. There is no documentation, no physical evidence. There are too many conflicting statements in the correspondence as well as in the applicant's statements at the meeting on 9/20. Given the current CUP application, it does not appear that the property was bought with the intention of agricultural use, but rather a strict business use of this event center.

At one point in the meeting on 9/20, one of the commissioners commented that the increase in traffic would be less with this event center than a housing development. Without direct input from residents, he was inferring that we would be happier with the event center traffic rather than the daily traffic from a housing development if the property were sub-divided and sold for that purpose. This is in error for two reasons.

According to the current Frederick County zoning codes, the property in question, zoned as a Rural Area for 138.87 acres, could possibly be developed for housing at one dwelling unit per five acres (§165-

302.03.H). This would result in a maximum number of 26 homes if the entire property were subdivided with room for roads. If every home had two vehicles that were operated on a daily basis, that would equate to approximately the same number of vehicles accessing our road each week as an average of three events at the event center. It is not the enormous difference that the commissioner indicated. Neighbors driving on Woodchuck Lane and Round Hill Road would also not be doing so all at the same time. Use would be dispersed.

The difference between event center clients coming from out of town and residents who are neighbors is large. I would much rather have more neighbors with a vested interest in the community driving past my home than event center clientele who have no connection with our neighborhood. This difference also is evident in the resulting impact on property values; the event center would have a negative impact and a housing development would have a positive impact.

It is my understanding that should this CUP be approved and an event center built, the property owner can still subdivide the remaining acreage into five-acre residential lots without further consideration from the Planning Commission. That would preclude any farming on the property. It would, however, be a convenient way to pay for the event center. This seems quite a likely scenario and is a clear intent to use the property for business for which it is not zoned and not for "maintaining the remainder of the site as productive agricultural land." What recourse is there to prevent misuse?

There are many issues that have not been properly addressed by the applicant or the planning staff. It is the duty of the commissioners to ensure the application is thoroughly vetted and all concerns from property owners are addressed. Although this application is for a Conditional Use Permit, by definition not permanent, it would be difficult to undo a 5,000 square foot endeavor should it prove to be the wrong decision.

For these reasons, I strongly oppose the current CUP application.

Respectfully submitted,

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

Stephanie Standerfer
109 Woodchuck Lane
Winchester, VA 22602

Tyler Klein

From: Mike Ruddy
Sent: Friday, October 27, 2017 10:06 AM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

From: webmastr@fcva.us [mailto:webmastr@fcva.us]
Sent: Thursday, October 26, 2017 8:39 PM
To: Mike Ruddy <mruddy@fcva.us>
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Director - Mike Ruddy
Date & Time: 10/26/2017 8:38 PM
Response #: 125
Submitter ID: 31539
IP address: 73.152.25.79
Time to complete: 1 min. , 23 sec.

Survey Details

Page 1

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1. Your Name

Robin Link

2. Your Email

robinlink81@gmail.com

3. Your Phone Number

540-247-4628

4. Subject

CUP 07-17

5. Message

Mr. Ruddy,

I would like to express my opposition to the revised Conditional Use Permit #07-17 for the Caroline Dixie Scheulen Special Event Facility. I have lived at 364 Woodchuck Lane in Winchester for 16 years and am the property owner of the said address. I have two children who ride their bikes on Woodchuck Lane and take family walks as well. If an event center were to be approved, I would have concern regarding noise and traffic. Even though I live past where the entrance would be located, I'm sure cars will take a drive to the end of our street not realizing it's a dead end. As far as the noise and the permit stating that music will move to the indoors beginning at 9pm, who is going to monitor that this will take place? The property of the proposed event center has evolved from peach trees, apple trees, feed corn, and now grown up grass with a proposed event center. I'm hoping this land will still be used and maintained for agriculture as it is zoned for. Agriculture land owners receive special tax relief/benefits and should still be farmed for its zoned purpose. Please consider the concerns that the citizens in our community have as you plan to place your vote on November 1, 2017.

Sincerely,
Robin Link

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Tyler Klein

From: Candice Perkins
Sent: Friday, October 27, 2017 7:50 AM
To: Tyler Klein
Subject: Fwd: Frederick County: Email from Frederick County Website

Follow Up Flag: Follow up
Flag Status: Completed

Sent from my iPhone

Begin forwarded message:

From: <webmastr@fcva.us>
Date: October 26, 2017 at 8:40:15 PM EDT
To: <cperkins@co.frederick.va.us>
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Assistant Director - Candice Perkins
Date & Time: 10/26/2017 8:40 PM
Response #: 98
Submitter ID: 31540
IP address: 73.152.25.79
Time to complete: 1 min. , 3 sec.

Survey Details

Page 1

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1. **Your Name**

Robin Link

2. **Your Email**

robinlink81@gmail.com

3. **Your Phone Number**

540-247-4628

4. Subject

CUP 07-17

5. Message

Ms. Perkins,

I would like to express my opposition to the revised Conditional Use Permit #07-17 for the Caroline Dixie Scheulen Special Event Facility. I have lived at 364 Woodchuck Lane in Winchester for 16 years and am the property owner of the said address. I have two children who ride their bikes on Woodchuck Lane and take family walks as well. If an event center were to be approved, I would have concern regarding noise and traffic. Even though I live past where the entrance would be located, I'm sure cars will take a drive to the end of our street not realizing it's a dead end. As far as the noise and the permit stating that music will move to the indoors beginning at 9pm, who is going to monitor that this will take place? The property of the proposed event center has evolved from peach trees, apple trees, feed corn, and now grown up grass with a proposed event center. I'm hoping this land will still be used and maintained for agriculture as it is zoned for. Agriculture land owners receive special tax relief/benefits and should still be farmed for its zoned purpose. Please consider the concern that the citizens in our community have as you plan to place your vote on November 1, 2017.

Sincerely,
Robin Link

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If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Thursday, October 26, 2017 9:26 AM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

Number 3 for the record, June

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Thursday, October 26, 2017 9:23 AM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/26/2017 9:22 AM
Response #: 20
Submitter ID: 31508
IP address: 73.31.246.24
Time to complete: 1 min. , 19 sec.

Survey Details

Page 1

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- 1. Your Name**
Rocky Keplinger
- 2. Your Email**
sales@keplingerfire.com
- 3. Your Phone Number**
540-974-3114
- 4. Subject**
CUP 07-17
- 5. Message**

We have reviewed the revised CUP 07-17 for Dixie Scheulen Event Center at 283 Barracks Lane, relocating Barracks Lane to straight in front of my house resolves cars going by my bedroom window every weekend. But by not moving Barracks Lane east 100 feet, (because of VDOT) will result in dust, noise and trash in my front yard, and this still does not resolve the extra traffic the this event center is going to put on Woodchuck Lane and Round Hill Road. Another concern of the citizens of the Round Hill Community is if the event center is approved, there is no way Frederick County can keep the Boyd family from developing the remaining of the property into 5 acre lots after the event center is built. The Boyd Family will set aside 30 acres around the event center and have approx. (20) 5 acre lots. Selling the lots will, pay off Mortgage on original investment and most of the cost to build event center. This is why they did not consider building on the 801 Acres that the Boyd Family owns off Cedar Creek Grade. This also explains why there has been no farming done on the property since purchase (10 months ago) except for planting grass that needs to be mowed now. Mrs. Scheulen said at the Planning Commission meeting 9-20-17 that no cows were coming for 2 years, yes this is agricultural property, but are they really planning on farming it. It was purchased Jan. 2017 and in March started a process to build an event center. If you read the e-mails that she and I had, in the revised planning commission file, you will find that this is nothing more than a commercial building (looking like a barn) sitting on farm land, that she plans on renting, Mrs. Scheulen's comment to me, if my renters cause any problems you can call or text me. That's tells me that there will be no management from the Regalo LLC, Boyd or Scheulen family at the event center while it's being used. Her e-mail states that she wants to keep her full time job, and she can't afford to have a full time market, winey or coffee shop.

The Round Hill community is experiencing ground water issues and the community has concerns that the event center and possible more houses would deplete the ground water to our homes. Then what will the County of Frederick do to help with our ground water issue.

Because of all the above concerns and the lack of Mrs. Scheulen being responsive to the resident of our community, we are opposed to this Conditional Use Permit.

Rocky and Kellie Keplinger
218 Woodchuck Lane
Winchester, Virginia

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

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Michael Oates



180 Woodchuck Lane, Winchester, VA
540-545-8820

October 26, 2017

Tyler Klein Frederick County Planning Department

This letter is in reference to Caroline Dixie Scheulen's request for a Conditional Use Permit at 283 Barracks Lane, Winchester, VA. I am extremely concerned if this permit is issued.

The multiple concerns that I am expressing are most reasonable and legit, not only to myself, but also to the neighborhood as a whole. My concerns are as follows:

1. Alcoholic beverages that will be served and how it will affect the behaviors of the people who are consuming them. We would all like to think that people know their limitations of alcohol but we know it would be faulty thinking on our part to believe so. We also know that alcohol can create negative behaviors in people such as driving under the influence and arguments leading to physical fights spilling over into the lives of my neighbors and me. What really concerns me is the fatalities that could happen to the children who walk or ride their bikes on Woodchuck Lane while individuals are driving under the influence. Also who will monitor speeding on Woodchuck Lane?
2. Another concern is the noise that this event center will produce. What time will these events be held? Will the events be allowed to run late in the night while my neighbors and I are sleeping?
3. My neighbors and I have tried to keep our neighborhood clean and presentable. So the other concern is the trash that will be discarded from vehicles. Who wants broken bottles, cans, papers, etc. lying in their yards, on the side of the roads, or even in the roads of their neighborhood?

I will thank you in advance for your time and effort in reading my letter and considering my concerns:

Sincerely,

Michael K. Oates

Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Wednesday, October 25, 2017 4:50 PM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

For the record, #2

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Wednesday, October 25, 2017 12:40 PM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/25/2017 12:39 PM
Response #: 18
Submitter ID: 31470
IP address: 204.111.85.82
Time to complete: 5 min. , 21 sec.

Survey Details

Page 1

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1. Your Name

Mrs Sandra Westenkirchner

2. Your Email

pwestenk@hotmail.com

3. Your Phone Number

540-877-2416

4. Subject

CUP #07-17

5. Message

Reference: CUP 0717 Caroline (Dixie) Scheulen- Special Event Facility

I reside at 545 Singhass Road and I am totally opposed to the development of the property known as CUP 0717 Caroline (Dixie) Scheulen Special Event Center for the following reasons. The proposed Special Event Facility will set in close proximity to my property. When there are venues for the events of Apple Blossom and events at a near by Cedar Creek venue the noise from the music and voices travel and can be heard at my house. This proposed Event Center being even closer will produce even louder noise not just from the music but also from the amount of people attending, their voices, their vehicles etc. There is no guarantee that this noise will quit at 9:00pm and if the music stops then there will be the added noise of the attendees leaving the center. The vehicle noise, the radios blaring and more then likely that added litter that will be thrown from these vehicles. For this I oppose this development.

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Tyler Klein

From: June Wilmot <june.wilmot@gmail.com>
Sent: Wednesday, October 25, 2017 4:48 PM
To: Tyler Klein
Subject: FW: Frederick County: Email from Frederick County Website

For the records (1)

From: june.wilmot@gmail.com [mailto:june.wilmot@gmail.com]
Sent: Wednesday, October 25, 2017 1:42 PM
To: june.wilmot@gmail.com
Subject: Frederick County: Email from Frederick County Website

A new entry to a form/survey has been submitted.

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 10/25/2017 1:42 PM
Response #: 19
Submitter ID: 31476
IP address: 73.152.109.81
Time to complete: 4 min. , 3 sec.

Survey Details

Page 1

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1. **Your Name**

Bonnie S. Willison

2. **Your Email**

bonniewillison@comcast.net

3. **Your Phone Number**

540-662-4025

4. **Subject**

Conditional Use Permit #07-17 Caroline Dixie Scheulen

5. **Message**

My husband and I are residents of the Round Hill RD community. I am writing to you to let you know our concerns about the Conditional Use Permit #07-17 for the Caroline Dixie Scheulen Special Event Center submitted for Barracks LN.

We are of course concerned about the change to our community for noise, traffic, will her business well affect our wells and changing our neighborhood from living in the county atmosphere. We are quite concerned because the special event center events will be unsupervised. When I take my 5 year old grandson to the backyard to swing now I need to think about who is at the special event center.

I am asking you to please consider the change this city type of business will have on our county neighborhood.

Bonnie S. Willison
739 Round Hill RD
Winchester, VA 22602

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If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

10-25-17

Tyler Klein

Frederick County Planning Staff

I'm writing this letter to oppose the Conditional Use Permit #07-17 that is going before the Frederick County Planning commission on November 1st 2017, for an Event Center on Barrack Lane off Woodchuck Lane, Winchester, Virginia 22602 for Regalo LLC (Dixie Scheulen) I live at 235 Cather Lane. I will be within 1600 feet of the event center, I have lived on Cather Lane since 1962, and my concerns are noise on weekends even during day time, having additional event traffic (approx. 50 to 140 Cars) traveling on Round Hill Road my access to Cather Lane. Another concern is this event center next to my property will decrease the property value of my home.

The events that are being planned for the CUP bring concerns about the alcohol, drinking and driving that these types of events normally have, plus bringing out of town people to our community is not a good fit for our quiet neighborhood. I would prefer more houses than an event center. I'm extremely upset to hear that there is a chance that the traffic entrance might come out Cather Lane right by my house. Me and my late husband built on Cather Lane for the peace and quite, not to have a parade of cars every weekend.



Louise Cather

Mr & Mrs Paul L. Willison
739 Round Hill RD
Winchester, VA 22602

October 25, 2017

To: Tyler Klein Frederick County Planning Commissioner & Frederick County
Planning Commission members

My wife and I live at 739 Round Hill RD in Frederick County where the Conditional Use Permit #07-17 for the Caroline Dixie Scheulen Special Event Center has been submitted for Barracks LN.

We are very concerned about the change the special event center will have on our neighborhood concerning increased noise and traffic. And the question will the commercial grade well affect our wells? We also are concerned because the special event center will be unsupervised.

Would you want someone to put an unsupervised event center in your backyard? Who will be responsible to monitor for example the hours in the rental agreement for noise or call the Fire Department if no representative of the special event center is present at any of the events?

Please give this Conditional Use Permit consideration to how it will affect the current residents and how they will deal with this going forward.

Paul L. Willison
Bonnie S. Willison

Paul L. Willison
Bonnie S. Willison
739 Round Hill RD
Winchester, VA 22602

545 Singhass Rd
Winchester, VA 22602-2149
October 25, 2017

Dear M. Tyler Klein, AICP, Planner

Reference: CUP 0717 Caroline (Dixie) Scheulen- Special Event Facility

I reside at 545 Singhass Road and I am totally opposed to the development of the property known as CUP 0717 Caroline (Dixie) Scheulen Special Event Center for the following reasons. The proposed Special Event Facility will set in close proximity to my property. When there are venues for the events of Apple Blossom and events at a near by Cedar Creek venue the noise from the music and voices travel and can be heard at my house. This proposed Event Center situated even closer to my property would produce even louder noise not just from the music but also from the amount of people attending, their voices, their vehicles etc. There is no guarantee that this noise will quit at 9:00pm. If the music does stop at 9PM then there will be the added noise of the attendees leaving the center. The voices from the people leaving, the vehicle noise, the radios blaring and more then likely that added litter that will be thrown from these vehicles. For this I oppose this development.

The additional traffic that this Event Center will produce will also be an added nuisance. I am sure that my road (Singhass RD) will receive some of the added traffic making it a nuisance with the added noise at all times of night and day. The safety concerns for my neighbors and me as we try to cross the road to retrieve or mail or making it difficult to come and go from our residences. The added traffic on Round Hill Road and Poorhouse Road will also mean added congestion for all that live in the area making it difficult to come and go. At this time it is difficult to access Route 50 at Poorhouse Road because of the traffic on Route 50. This will only add to that and in so making it even more dangerous with backed up traffic. For this I oppose this development.

My concerns also are the affects on my property values. If this development goes through my neighborhood will no longer be the quiet family friendly community it is now and making my property value

decrease. I also may add my concerns for the safety of the children in the area who now can walk and play with the minimal neighborhood traffic. The added presence from people outside our community may bring people that may target our children as well as the residences of the community in such a way making it unsafe. Since our community is situated in a mostly unknown area in respect to crime this development would now make it more visible for many crimes. I am sure there will be alcoholic beverages served at these venues making for more possibilities of drinking and driving and disturbances from the consumption of such beverages. The concern also being that illegal drugs are a problem in today's life there may be more presence at these venues. The concern also being that the County Sherriff's Dept. is strained with the vast amount of jurisdiction it has to cover and the lack of officers it now has. This added development would bring more calls for many different reasons adding to that strain. For this I oppose this development.

In conclusion, I am not pleased that the residences of Singhass Road were not contacted by letter concerning the development of this Event Center being that we too would greatly be affected by the noise, the traffic and the overall feelings of peace in our now quiet community. In my opinion this Event Center would bring only negative value to the community surrounding it. Also please note that were are now at least 3 other event centers in the close vicinity making the added event center not being needed.

Thank you for taking the time to read and consider the concerns I have on this matter. Please do not approved this development and in so keeping our community a true residential/agricultural county quiet family friendly community it is now.

Respectively,



Mrs. Sandra Westenkirchner
pwestenk@hotmail.com

521 Singhass Road
Winchester VA 22602
October 25, 2017

Dear Frederick County Planning
Commission Members,

I am a retired music teacher
who moved from New Hampshire to
my current address with my
husband, a retired Episcopal
clergyman, who died in December
2007. We moved here in 2003,
and loved the quiet, traffic free,
and beautiful country. The deer,
birds, and peaceful surroundings
have brought much joy to the later
years of our lives.

An event center such as Dixie
Scheuler is proposing very near
our house would completely dis-
turb our lives and those of our
neighbors. Please do not allow this
to take place!

Sincerely,
Margaret Albritton

October 24, 2017

Frederick County Planning Commission

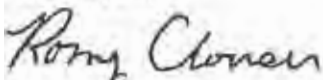
To whom it may concern,

My name is Ronny Clowser and I live at 221 Cather Lane. I am writing to you in regards of the events center that is being considered to be built on Barracks Lane. I am opposed to Cather Lane being considered as a way to gain access to the events center.

My wife and I have lived on Cather Lane for 55 years, we are in our early 80's. Cather Lane has always been a quiet back road with minimal traffic. Our concern would be the amount of traffic coming up and down the road late at night, creating a lot of noise and dust. Increased traffic on Cather Lane also means increased traffic on Round Hill Road and if alcohol is provided at any of these events that could increase the chances of accidents happening, especially late at night. Also there is a concern with people littering along the road and into our front yard.

These are my concerns and I hope the Planning Commission carefully considers not only my concerns but everyone else who would be affected by this proposed events center. Hopefully a solution can be found that would be in the best interest of all parties involved.

Thank you,



Ronny Clowser

221 Cather Lane

10-23-17

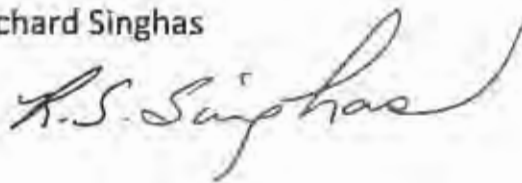
Tyler Klein

Frederick County Planning Department

I'm writing this letter to oppose the Conditional Use Permit #07-17 that is going before the Frederick County Planning commission on November 1st 2017, for an Event Center on Barrack Lane off Woodchuck Lane, Winchester, Virginia 22602 for Regalo LLC (Dixie Scheulen) I live at 352 Woodchuck Lane. Having event traffic for 280 people (approx. 140 Cars) traveling in and out would be like a parade of cars, tying Woodchuck Lane and Round Hill Road intersection. Another concern is this event center in my backyard will decrease the property values of the resident on Woodchuck Lane.

In looking at the event center site plan furnished by your department, it shows a place for outdoor activities, which will bring excessive noise to our community. I have concerns about the alcoholic, drinking and driving that these types of events normally have. The excessive traffic, noise and bringing out of town people to our community is not a good fit for our quiet neighborhood. I would prefer more houses than an event center.

Richard Singhas

A handwritten signature in black ink that reads "R.S. Singhas". The signature is written in a cursive style with a long, sweeping tail on the final letter.

BARBARA C SINGHAS
775 ROUND HILL ROAD
WINCHESTER, VA 22602

OCTOBER 23, 2017

COUNTY OF FREDERICK
DEPARTMENT OF PLANNING AND DEVELOPMENT
107 NORTH KENT STREET
WINCHESTER, VA 22601

RE: CONDITIONAL USE PERMIT APPLICATION #07-17 FOR CAROLINE DIXIE SCHEULEN

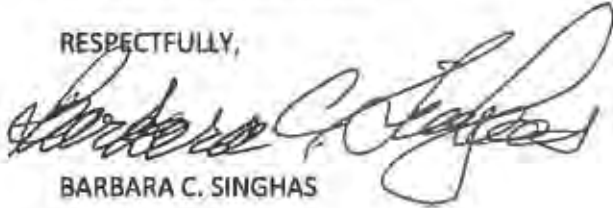
I AM WRITING THIS LETTER TO EXPRESS MY CONCERNS WITH REGARD TO THE ABOVE APPLICATION FOR AN EVENT CENTER TO BE BUILT ADJACENT TO MY PROPERTY.

1. I AM CONCERNED THAT MY RIGHT OF WAY MAY BE CONSIDER AS A POSSIBILITY FOR THE INGRESS/EGRESS FOR THE PROPOSED EVENT CENTER.
2. I AM CONCERNED THAT THE NOISE WILL BE DISRUPTIVE TO THE QUIET ENJOYMENT OF ALL SURROUNDING HOMES.
3. I AM CONCERNED THAT THE INCREASED TRAFFIC IN THE NEIGHBORHOOD MAY CAUSE A HAZARD FOR THE CHILDREN, ESPECIALLY SINCE THE MAJORITY OF THE TRAFFIC WILL BE IN THE EVENINGS AND WEEKENDS WHEN THE CHILDREN ARE OUT OF SCHOOL.
4. I AM CONCERNED THAT THE EVENT CENTER WILL DRAW EVENTS THAT WILL PROVIDE ALCOHOL CONSUMPTION THAT MAY BE HAZARDOUS TO ANYONE ON THE ROADS AFTER THE EVENT IS OVER AS THEY TRAVEL HOME.
5. I AM CONCERNED THAT THE EVENT WILL DRAW LARGER EVENTS DURING THE APPLE BLOSSOM FESTIVITIES, INCREASING TRAFFIC, DRUNK DRIVING AND POSSIBLE BRAWLS. THIS IS ALWAYS A CONCERN AT ANY EVENT WHERE THERE IS ALCOHOLIC BEVERAGES CONSUMED BY THE ATTENDEES.
6. I AM CONCERNED AS TO THE EFFECT ON THE PROPERTY VALUES AND REAL ESTATE TAXES IF THIS EVENT CENTER IS APPROVED.
7. AT THE LAST MEETING IT WAS MENTIONED THAT THEY COULD PUT IN AN ADDITIONAL 20 HOMES WITHOUT ANYONE NEEDING TO APPROVE. I BELIEVE I WOULD PREFER THAT TO THE EVENT CENTER, AT LEAST THAT WOULD IMPROVE PROPERTY VALUES AND LESSEN THE TRAFFIC POTENTIAL.

8. I AM CONCERNED THAT THE PROPERTY IS NOT BEING FARMED AS THE GROUND SURROUNDING MY HOME HAS BECOME AN UNTENDED WEED PATCH.

I WILL BE ATTENDING THE NEXT PUBLIC MEETING ON NOVEMBER 1, 2017 AND WILL BE INTERESTED TO SEE HOW THIS PLAYS OUT.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read 'Barbara C. Singhas', written in a cursive style.

BARBARA C. SINGHAS

October 20, 2017

To the Frederick County Planning Commission:

The thought of an event venue on Barracks Lane has the residents of Woodchuck Lane and property owners in a tizzy. I too am a property owner on the east side of Woodchuck Lane.

Traffic on Woodchuck Lane would affect my tenants minimally, however, being said, it was stated in the proposal that less than 50 vehicles would have a majority impact on travel along Woodchuck Lane. Multiply that times two, 50 vehicles arriving and 50 vehicles exiting. Not to mention the fact that few people carpool anymore and with an occupancy of 280 people allowed, it is more likely there will be in excess of 100 vehicles going each way. My opinion only.

One concern that I do have is the noise from a live band. I believe one of the Commissioners likened this venue to a country club where, virtually, no sound was heard from the outside. This may be true of that particular establishment, however, can we be assured we can expect the same?

An outside gazebo was to be a part of this venue. Rules and regulations will, I am sure, be established by the proprietors, however, in my many years of catering events, once the overseers exit the premises rules become moot. Younger participants, especially those in their twenties, take it upon themselves to believe more fun is to be had out of doors and in this instance a gazebo is a perfect to place for a band, radio, CD player and yes the old standby the boom box. Ever heard of karaoke? A microphone voice carries and carries.

I believe Mr. Unger brought up the fact that should the venue not carry there was a possibility that a small subdivision could take its place in the future. I ask you, Mr. Unger, would I have a better chance of selling my property with an event venue behind me or a subdivision?

These are my opinions and my concerns. I would hope that the Commission carefully ponder the pros and cons of the citizens of Frederick County and most particularly the residents of Woodchuck Lane and make a decision that is beneficial to all concerned.

Respectfully,

Judi Malone

Judi Malone, Property Owner, 340 Woodchuck Lane, Winchester, VA

Matthew D. Keefer
148 Woodchuck Lane
Winchester VA 22602
10/13/2017

Frederick County Planning and Development Commission
107 N. Kent Street
Suite 202
Winchester VA 22601

To Whom It May Concern:

This letter is to express my concern regarding the event center that is being planned for 283 Barracks Lane by Caroline Scheulen. I am most concerned about the traffic that will go by my home that will be a result of having the entrance to this event center off of Barracks Lane. Woodchuck Lane is a small, narrow road with a speed limit of 40 mph. I feel that Woodchuck Lane, for being a dead end road, already has a high traffic volume now with the residents and visitors that pass by my home.

This event center is planned to have a maximum capacity of 280 persons. At 2 people per vehicle that will be 140 cars using the roadway to enter and exit the event center. I am very much against having a large line of traffic in front of my home for extended periods of time while the patrons are entering and exiting the event center. I should not have to be inconvenienced by this increase especially since there are other viable options that have been introduced to Caroline, but are not being considered by her.

As we all know, most weddings have alcohol that is being served due to the celebration of a marriage. I have three children who spend most of their time outside with the other children who live on the stretch of Woodchuck Lane that is going to be affected by this increase in traffic flow. I am deeply concerned by the potential of having many intoxicated drivers pass by my home and endanger my children. Their active outdoor lifestyle should not have to suffer because of this event center.

I am a county employee with the Sheriff's Office. With the world the way it is concerning my job, I also feel that my safety is being compromised by having this increase in traffic flow by my home. The event center will bring in people who may or may not have a negative outlook on my profession. I do not want my family or I targeted because of my profession by allowing non-county residents to pass by my home and

[Recipient Name]

[Date]

Page 2

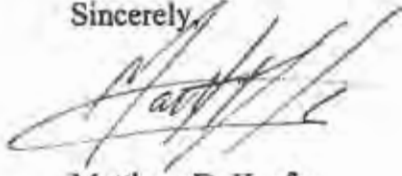
identify that I am a Deputy Sheriff. I chose Woodchuck Lane to live on because of safety, I don't want that diminished.

The intersection of Woodchuck Lane and Round Hill Road will see many accidents due to this event center. As I mentioned before, there will be a long line of traffic looking to exit Woodchuck Lane with possibly intoxicated drivers behind the wheel. Intoxicated, impatient drivers will be blowing the horns late at night in front of my home, littering, and causing property damage with their vehicles. There are other entrance options available for this event center. These options do not affect the lives of the tax paying citizens of Frederick County that live on Woodchuck Lane.

I am also concerned about the noise that will be generated by the event center. Woodchuck Lane is a quiet roadway. I would like to see it stay that way.

In summary, I have no issue with Mrs. Scheulen's business adventure, and I wish her good luck going forward. I have an issue with the increased traffic on Woodchuck Lane. There needs to be another entrance created that will give Mrs. Scheulen an entrance off of Round Hill Road to the event center. I believe other land owners in the area have proposed such an entrance. This entrance will not only help Mrs. Scheulen, but will help out the neighbors who Mrs. Scheulen's business will affect if Woodchuck Lane is used as an entrance point.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew D. Keefer', written over a white background.

Matthew D. Keefer

October 12, 2017
Frederick County Planning Commission

Reference: CUP 07-17
Dixie Scheulen Even Center
365 Barracks Lane
Winchester, Va. 22602

Dear Commission:

We are residents of 611 Singhass Road and we are strongly opposed to the approval of this CUP 07-17.

We moved to the Round Hill Community ten years ago for the peace and quite on five acres. We lived in Winchester across from Jim Barnett Park on Hollingsworth Drive. The church located on Pleasant Valley Avenue built a event center behind our house. There was always noise coming from this building. Bands used the building to practice at all hours of the day and night, and the functions at any time during the month which caused a parking problem in front of our home and up and down the street. We were so glad to leave all of that behind us.

The narrow Woodchuck Lane, Round Hill Road and Singhass Road struggle to accommodate everyday traffic. We cannot imagine the impact 120 additional cars will have on our community. Our mail and paper boxes have been knocked down by passing traffic three times already by passing traffic. What will happen when intoxicated people leave this event center and travel the narrow roads in the community? Nothing will be safe — our pets and the wild life that we enjoy watching in our yards.

The farm was bought in January 2017 and we heard the new owners were farmers and would continue to farm the property. In March 2017 a CUP 07-17 was requested for this event center. There is no farming or livestock on this property. I have not seen a tractor and I do not believe the fences are sufficient to keep livestock on the property.

The community was fooled into thinking the farm would continue to be farmed and we would continue to be a quiet, safe neighborhood. We have heard that his event center will run itself. The owner will not be present at the events to enforce the noise curfew and conduct of the people who rent this center.

Has anyone thought about where is the water coming from and how long will the homes of our community continue to have precious water if the event center is okayed and starts drawing on our water supply?

This event center is NOT for our community and we strongly ask that this CUP not be approved. Please think of the citizens that have lived here for years and vote NO to this event center.

Vote NO for the event center, the extra traffic, the noise, loud music , the crime element and the use of our precious water supply. This is not in the best interest of the citizens who live in this community.

Thank you,

A handwritten signature in cursive script that reads "Linda and Justice Russell". The ink is dark and the handwriting is fluid and connected.

Linda and Justice Russell
611 Singhass Road
Winchester, Va. 22602
540 667 4951



October 11, 2017

Frederick County Planning Commission
107 Kent Street
Winchester, VA 22601

Dear Commissioners:

My name is Toby Cunningham. I live at 138 Woodchuck Lane, Winchester, VA. I live in the second house on the right on Woodchuck Lane after you turn off of Round Hill Road (Rt. 803). I am not opposed to Ms. Scheulen building the special event facility (conditional use permit application #07-17), but to the use of Woodchuck Lane as access. I live at the top of a blind hill on Woodchuck Lane and getting out of my driveway is tricky now. It will be a lot harder and dangerous with all the extra traffic.

There are also people who walk their dogs, jog, and walk with their children on this road. The intersection at Round Hill Road and Woodchuck Lane is dangerous now with the traffic and blind hill to the west. With all the traffic leaving at one time on the night of an event, the cars will be backed up passed my house trying to get onto Round Hill. There will probably be a lot of wrecks at the intersection.

I think the best way for Ms. Sheulen to get to her special event facility would be to use the lane that Mr. Rocky Keplinger would build for Ms. Sheulen to use. Mr. Keplinger mowed a path in his field to show the neighborhood where it would go. I walked down to it and it would lead straight into her land.

I hope the County will make the change of the right of way for Ms. Scheulen to get to her facility from Woodchuck Lane to the lane that Mr. Keplinger will build for her. The change would be a lot safer for everyone.

Thank you,

A handwritten signature in cursive that reads "Toby Cunningham".

Toby Cunningham
138 Woodchuck Lane

10/11/17

Tyler Klien

Frederick Co. Planning Commission Staff

My name is Deloris Davis and I live at 759 Round Hill Rd with my husband William Davis. I am writing you in regards to an Event Center wanting to be built behind our property. We have lived in this area for 33 years and it has been a quiet neighborhood. Building the Event Center raises concerns of high traffic volume and loud noise, as we are mainly a senior citizen community. We are also very concerned about the water it will take to run this center, and fear it may affect our well, and others in the community. We hope you will consider all of these concerns before you make a decision to let an Event Center come to this area. Thank you
Deloris Davis - William Davis

I, Matthew T. Riley and family at 158 Woodchuck Lane would like to see an alternate route for the Dixie Scheulan Event Center.

Our main concern is the extra traffic that will be added to this road. The amount of extra cars will approximately be more than double the amount owned by homeowners for the entire road. Do to our small lot sizes it limits where our kids can play. Our kids end up playing in front yard in proximity to the road. We hope to see deep concern towards our complaint to keep our neighborhoods children safe.

Matthew T. Riley
10/2017

From: webmastr@fcva.us
To: [Tyler Klein](#)
Subject: Frederick County: Email from Frederick County Website
Date: Sunday, September 17, 2017 9:03:12 PM

A new entry to a form/survey has been submitted.

Form Name: Email Planner - Tyler Klein
Date & Time: 09/17/2017 9:03 PM
Response #: 18
Submitter ID: 29842
IP address: 73.251.141.109
Time to complete: 36 min. , 38 sec.

Survey Details

Page 1

Frederick County uses the form below for email communications instead of traditional links within the pages due to the use of software on the internet which collects mail addresses from web pages to send unsolicited commercial email, or "spam". To better assist you, fields marked with an asterisk are required.

1. Your Name

Greg & Marsha Miller

2. Your Email

gm75miller@yahoo.com

3. Your Phone Number

540-550-6768

4. Subject

CUP #07-17, Dixie Scheulen

5. Message

Dear Mr. Tyler,

Having lived on Woodchuck Lane for 39 years, we would like to offer our opinion for consideration at the upcoming meeting on Wed, Sep 20, 2017. Our main concerns regarding Ms. Scheulen's proposed business, are the traffic on Woodchuck Lane, and the noise that most certainly will be heard across the field from the event center. While we are certainly in favor of a business, this type of business will bring undue discomfort to neighboring land-owners. Woodchuck Lane would be overwhelmed with the possibility of 140+ cars at multiple events each weekend, with the potential of music, lights, and traffic until 12:00 midnight.

After reading through the materials for this meeting, we are also very concerned that Ms. Scheulen will not even consider Mr. Keplinger's offer to move the access road to Round Hill Rd. She stated in a letter to residents bordering her property that she was eager to be "very conscientious of excessive noise, light and late hours, keeping adjacent neighbors in mind and communication open". Her refusal of his offer does not indicate this.

Thank you for your consideration.

Sincerely,
Greg & Marsha Miller
388 Woodchuck Lane
Winchester, VA 22602

The County of Frederick respects your privacy. Other than as required by the Virginia Freedom of Information Act or as may be reasonably anticipated in connection with the conduct of the County business to which your communication relates, Frederick County does not disclose, sell, share or trade any information from communications sent to the County. Please note, though, that any written communication, including any e-mail message, sent to a public official and/or employee of Frederick County becomes a public document and may be subject to the Virginia Freedom of Information Act. This means that a copy of any such message could be requested by a citizen, or a member of the media, may be subject to disclosure, and if disclosed could be reprinted and/or used in a public forum by the requestor.

If you need immediate assistance or have questions about the Virginia Freedom of Information Act and its impact on this communication, please call (540) 665-5600.

Thank you,
Frederick County

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

9-8-17

Tyler Klein

Frederick County Planning Department

I'm writing to confirm that my wife and I have met with Caroline Dixie Scheulen once and had several e-mails in reference to her request for a Conditional Use Permit at 283 Barracks Lane, Winchester. We have discussed our concerns to her and her parents. We have showed her several options to help relive our traffic concerns and they would still have complete access to their Event Center, but based on Dixie's time frame, she is not interested in any of them.

We have offered trading property and assisting with cost of the gravel road giving them access to Round Hill Road, eliminating traffic concerns beside our house and excess traffic on Woodchuck Lane, and not putting extra cost on Dixie and her family, plus increase their property value! Her reason for not looking at this is the County of Frederick making her go back thru the process (starting over) fees related to starting over. I would hope that the County of Frederick staff would work with Dixie, not to start over, if it was a better option. Not sure what the hurry since her mother already has a barn to use.

Yes, I understand that Dixie can put in a Winery, but when you look at the cost of the startup, labor and equipment to maintain that type of business, I'm not sure she is ready for that. Just my thoughts.

My wife and I want Dixie and her family to succeed in this business venture, but we also need it to be a nice addition to our community and not a burden to me or our neighbors.

We have been in contact with our Frederick County Board of Supervisor representative (Gary Lofton) and I look forward to speaking at the planning commission meeting on Sept. 20th 2017.

Thanks



Rocky Keplinger

Intersection of Barrack Lane and Woodchuck Lane looking south



We are not opposed if Barrack Lane entrance is moved to the east and then go straight up field past the trees, this will keep the 40 to 100 cars from driving by our house on the weekend.

Looking West on Barrack Lane, South side of our House



70 feet from house to road, would you want 100 cars going by your bedroom on the weekend (280 person event center with 2 people per car equals 140 cars plus event staff vehicles)

9-1-17

Tyler Klein

Frederick County Planning Department

I'm writing this letter to oppose the Conditional Use Permit that is going before the Frederick County Planning commission on September 20th 2017, for an Event Center on Barrack Lane off Woodchuck Lane, Winchester, Virginia 22602 for Regalo LLC (Dixie Scheulen) I live at 218 Woodchuck Lane and the present Barrack Lane Road runs alongside our house (70 feet from road to house), that side of the house is where all the bedrooms are. Having event traffic for 280 people, running by our bedroom every Friday and Saturday will not work. Another concern is the extra traffic on a dead end road where children play on the weekends.

In having a conversation with you on 9-31-17 via phone, you told me that the Barrack Lane was the road that will be used for this Conditional Use Permit, and that the planning commission could not tell the land owner which way to run the road thru private property after VDOT approved the entrance. I find that hard to believe, with all the other restrictions that Frederick County requires.

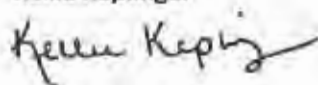
You suggested that we work with Dixie to resolve the roadway location. We have contacted Dixie several times via e-mail and we have yet to meet and discuss this issue. We have offered several different options to help Regalo LLC (Dixie Scheulen) change the roadway to the Event Center, even including a land swap giving Regalo LLC access directly to Round Hill Road thru property we own (Kelrock LLC) I think Regalo LLC is interested in that option, but when she was told that she would lose all her Conditional Use Permit fees and would have to start over by the Frederick County Planning Department, it was reason for Dixie not to consider that option.

Kellie and I are for Regalo LLC (Dixie Scheulen) having the Event Center, but until we have a resolution as to where the exact roadway will be in writing, we are opposed to this Conditional Use Permit. We feel that before Frederick County Planning Approves this Conditional Use Permit the roadway accessing the property needs to be determined the exact location for the traffic.

Rocky Keplinger



Kellie Keplinger



Dixie Scheulen

285 Fox Meadow Lane; Winchester, VA 22602 | (540)664-2145 | dixiescheulen@gmail.com

August 18, 2017

Kelrock LLC, Keplinger Family
218 Woodchuck Lane
Winchester, VA 22602

To Mr. & Mrs. Keplinger,

As you know.... my name is Dixie Scheulen and I am seeking approval with the county to develop an event venue. Currently, my mom, Claire Boyd has been renting her barn "Cloverdale Barn." Business meetings, weddings, and other gatherings of families and friends would be its use. Predominate use would be over weekends (Fridays through Sundays).

We plan to be very conscientious of excessive noise, light, and late hours, keeping adjacent neighbors in mind and communication open. In hopes to maintain the integrity of this property as farmland in Frederick county we will need to subsidize farm income. When the property was for sale we knew it would not be an easy investment but we could not forego the once in a lifetime opportunity to purchase adjacent farmland despite the substantial monthly mortgage for a farmer (Dad) and a teacher (Mom). We think the 138-acre buffer will adequately minimize any disturbances to neighbors and the community at large. Below you will see the approximate proposed location and I think you will find it to be isolated.

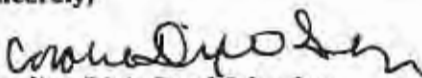


From Frederick County GIS



Please do not hesitate to contact me for any questions or to address any concerns. I appreciate your time and help in making this possible. The proposal will go to the Board of Supervisors. If possible, I would love to meet or discuss any objections prior to the meeting. We hope to be "neighbor friendly" and maybe with any rate of success I would like to ultimately offer discounts for your family reunions, weddings, birthday parties, etc.

Sincerely,


Caroline Dixie Boyd Scheulen

Sales Department

From: Sales Department <sales@keplingerfire.com>
Sent: Tuesday, September 05, 2017 4:02 PM
To: 'Dixie Scheulen'
Cc: 'Claire.devereux.boyd@gmail.com'
Subject: RE: FW: Farm Event
Attachments: Regalo LLC option that Kellie & Rocky can accept. 9-5-17 .pdf

Dixie, thanks for meeting with us on Monday, sorry we could not get something worked out on this issue, if you find a way to move the road away from the front of our house and go straight thru the field toward large tree (eliminating using the gravel turns beside our house) Kellie and I can live with this. We were hoping that we could have come up with some way to help offset the cost of this road, keeping your startup cost down, but it is apparent that we can be of no help to your cause. I hope you can work out this road issue before the Frederick County Public hearing on Sept. 20th, 2017.

Thanks Rocky

From: Dixie Scheulen [mailto:dixiescheulen@gmail.com]
Sent: Friday, September 01, 2017 9:30 PM
To: Sales Department <sales@keplingerfire.com>
Subject: Re: FW: Farm Event

Monday should work great! See you at 6PM, just let me know if you need to go later we are flexible!

On Fri, Sep 1, 2017 at 4:15 PM, Dixie Scheulen <dixiescheulen@gmail.com> wrote:

I'll ask mom and dad tonight... may be better anyways as I wasn't really thinking about Dad's feeding schedule when I said morning

On Fri, Sep 1, 2017 at 4:12 PM, Sales Department <sales@keplingerfire.com> wrote:

Dixie, I will not be available until Monday evening, as our grandkids are in town and we are camping. So if Monday evening around 6 pm works for you all, I can make it work. Let me know. I will check emails occasionally when I can.

Rocky

Sent from my Sprint Samsung Galaxy S@ 6.

----- Original message -----

From: Dixie Scheulen <dixiescheulen@gmail.com>
Date: 9/1/17 4:08 PM (GMT-05:00)
To: Sales Department <sales@keplingerfire.com>
Subject: Re: FW: Farm Event

Hey Rocky,

I am sure we can work out some time Monday to meet, maybe Monday morning- you pick the time. I think meeting at the shed or at your office would work great as I admittedly didn't even know there was land behind that row of houses until you drew the driveway there.

I did speak with the county on how this would affect my CUP application and they said the choice is mine but it would delay everything 3 months to get the approvals from each of the agencies again (VDOT, fire marshall, building/inspections, sanitation authority, etc). I am not really willing to make this sacrifice.

I don't get the feeling my parents are too ambitious to do any immediate changes but regardless I think it would be worth hearing you out as I know it is something you really want.

Thanks again,

Dixie

On Wed, Aug 30, 2017 at 4:16 PM, Sales Department <sales@keplingerfire.com> wrote:

Dixie, I just got back into town from a business trip with customers, this weekend is not going to work, we go camping with family every Labor day weekend. Note sure of your mom's and your schedule, but I'm available tomorrow (Thursday) afternoon and evening, Monday evening Sept. 4th and every day or evening next week. We don't have to go out for lunch (it would be nice) but just meet and look at and discuss options to make this work for everyone now and in the future. Let me know what will work.

Thanks Rocky

From: Dixie Scheulen [mailto:dixiescheulen@gmail.com]
Sent: Tuesday, August 29, 2017 8:44 PM
To: Sales Department <sales@keplingerfire.com>
Subject: Re: FW: Farm Event

Sorry for the delay in getting back, I went out of town without the kids and expected lots of down time but that did not end up being the case. Your proposed road is definitely more ideal for an event center but I am not sure Mom/Dad's plans, etc. And my biggest concern is I have been working on this project since March and have not made it any further than this and would worry about this furthering delays. I would be concerned that by the time both properties are surveyed for the trade, attorney fees, road and/or well that it will be very costly for you. Maybe we can meet Saturday or Sunday around lunch time? I will bring mom. Just let me know what works well for you.

Thanks and sorry to take so long to get back to you!

Dixie

On Sun, Aug 27, 2017 at 9:11 PM, Sales Department <sales@keplingerfire.com> wrote:

Dixie, still waiting to see if we can have a meeting to look at some options. I'm trying to look at this in a way that helps all of us in the future, not knowing what the future brings, I have a few options I would like to show you. (1) one option would be to work with you and your mom to get a 100 foot wide land trade going all the way to Round Hill Road, in exchange for land next to our house, This option keeps the traffic off Woodchuck lane, give you a driveway that attaches directly to Round Hill Road that you all will own, Keeps traffic away from the side of my house. We are open to discuss, us installing the gravel roadway up to the end of our property at our expense, (you would be responsible for the State approved entrance at Round Hill Road) This option also if in the future something happens and you all would need to sell the property, you all would own land to Round Hill Road making it a perfect access for development. Less hassle, for those wanting to develop the land. I hope that never happens, but we just don't know what the future brings. Kellie and I want you all to have your event center, we what to do our part to help make it easier on everyone with out issues, but we need some answers before the Frederick County planning commission meeting in September.

Waiting to hear from you.

Rocky

From: Sales Department [<mailto:sales@keplingerfire.com>]
Sent: Thursday, August 24, 2017 8:35 AM
To: 'Dixie Scheulen' <dixiescheulen@gmail.com>
Cc: 'Kellie Keplinger' <kellie@keplingerfire.com>
Subject: RE: Farm Event

Dixie,

Kellie and I would still like to have a meeting to see where you think the road will be going, I know from experience with our church, the County of Frederick has (1) requirement about road entrances and then all has to be approved by VDOT which has another painful set of requirements that usually override the County of Frederick.

Helping with road work, (to help Kim & Marietta) we basically rent them the dump truck with a driver by the hour (\$40.00) per hour, and charge the gravel and material to their account at Stuart M. Parry. (It cost \$75.00 per dump truck load, If Stuart M. Perry delivers) I would charge \$25.00 a hour rent and operate my Track loader. This is one farmer helping another. In our spare time. You would be responsible for any soil disturbance permits, or related permits, and silt fencing if required. (Basically you are the contractor)

I did talk briefly with Mr. Riley and he agreed to meet with you to discuss this project and what he might be able to help with. I would be glad to arrange the meeting and introduce you to him. I think he can be very helpful and he also know a lot of VDOT people.

When is the county meeting to discuss this event?

When can you stop by to show Kellie and me you plans.

Thanks Rocky

From: Dixie Scheulen [<mailto:dixiescheulen@gmail.com>]

Sent: Wednesday, August 23, 2017 12:19 PM

To: Sales Department <sales@keplingerfire.com>

Subject: Re: Farm Event

Hey Rocky,

Thank you so much for bringing your concerns up now so hopefully your mind can be more at ease and there is a better understanding.

My hopes were to access the event center through the fire department but since that is not going to be easily achieved I think we will probably have an entrance 30' or so further down Woodchuck lane than the existing entrance assuming this doesn't upset the budget as this is truly my preference as well. The county is going to require a commercial entrance wherever my entrance is so I would suspect that will mean it will be paved to a certain extent anyways. In terms of the land trade you will need to talk to mom [540-327-7980](tel:540-327-7980) or email her your idea at Claire.devereux.boyd@gmail.com, but I don't think she is super anxious to makes any changes right now.

In terms of hours of operation this may be subjective as there is always set up and clean up that can take hours upon hours and I will never ward off those cleaning. Most weddings that I attend seem to wrap up by midnight so I would expect that to be a pretty safe guess. I would expect the noise to be less than what you are likely used to from the Firehall (bingo nights, events, etc.) given the increased distance. The building will be insulated so I do not foresee this being an issue. Of course I will never mind a call/text if the renters are being unreasonable about noise and I will be sure to include this in my event contracts so it will not be a surprise to them either.

Dad plans to fence the property to bring the cattle over soon so I do imagine there will a gate, but similar to my own house I don't see a lot of lucrative things in the barn that people will be coming for so I doubt the gate will be up year round but I will have the ability to lock up the barn. If I find it to become an issue I will put up a monitoring system or whatever means necessary to find the criminals as it is illegal to trespass, speed, or litter. Unfortunately, I have little control over people's prerogatives and integrity but can guide the law in doing so if I think necessary. Mom does not have any problems with littering and I imagine the long road on the property to the building will take the brunt of any litter.

It will cost at minimum \$5,000 for a site plan so I am not planning to do the site plan until I have made it through the county's meetings- this will have the specifics of the road etc when we do it. It will be in the back of the property as approximated by the map I sent with a little expected change for wherever the excavators think is the most logical place is in that general vicinity. I can probably show you a general idea though. You had mentioned an interest in laying gravel at one point and I was going to start working on the road as I'd like to get a well/electricity in for the cattle. If that is something you are still interested in please let me know and maybe we can work on a quote as I am meeting somebody tomorrow and met with somebody last week. I know you helped Marietta with her farm road and did a great job.

Alternatively speaking there is a lot of agriculture exemptions that allow for weddings and events without any process. If I find the county to have too many requirements outside of my budget or too many limitations restricting a successful business I am strongly considering instead doing a vineyard, brewery, coffee shop, meat market or something that avoids all of these steps and still allows the venue. Of course I have been trying to comply with the new Conditional Use Permit for Frederick County since March in order to maintain my time in the hospital at least 2 days a week as that would be near impossible if I had to maintain a market open every day.

In terms of children playing, etc. the parents can let me know their cell phones etc. if they want me to notify them when events are but I feel like it only takes one car and that could happen on any given day at any time of the day so I am hopeful that the children in the road itself are older and have some traffic competency (hopefully better than my children who lack it entirely). I sure have seen trucks and cars fly down Woodchuck Lane!

Hope this helps. Sorry that everything is still very preliminary as this has been such a lengthy process!

Dixie

Sent from my iPhone

On Aug 22, 2017, at 9:45 AM, Sales Department <sales@keplingerfire.com> wrote:

Dixie, Kellie and I are very excited that your family has purchased the farm off Woodchuck Lane near our property, having it stay as a farm is a lot better than being turned into a residential housing development. We do have some concerns and would like to address them with you and your family before it goes to Frederick County for consideration. Some of our concerns are:

1- What is going to be the main entrance access for traffic to access the building, (at present the farm lane off Woodchuck lane runs within 100 feet of the side of our house where our bed room is) Plus in front of our house is a dirt road and the added traffic would cause a dust issue. So if we can address this would be helpful.

A- Suggest asphaltting road in front of our house to keep dust down.

B- Recommend moving road beside our house to go straight up thru field past old house site (we have equipment to help relocate the road, and are willing to help, let's discuss options)

C- We trade land giving you complete access to Round Hill Road thru our alfalfa field, eliminating some of the concerns that will be coming up at the Frederick County Meeting using Woodchuck Lane.

2- What are going to be the hours of operation (how late at night will people be going in and out)

3- How are you planning on securing access to property when not in use (gate at entrance?)

4- We would like to see a larger set of plans and property layout for the roads and access to the building before the county meeting.

5- How are you going to address the extra traffic on Woodchuck Lane? There is a lot of families with small children playing on Woodchuck Lane on the weekends.

6- There is already an issue with trash being thrown out on Woodchuck Lane, will this be address?

We want to be good neighbors and hope that we can address these issues, so that when it comes before the Frederick County planning officials, we have a plan that everyone can accept and support you as neighbors.

We are waiting to hear from you.

My cell [540-974-3114](tel:540-974-3114)

Kellie Cell [540-974-3118](tel:540-974-3118)

Thanks Rocky Keplinger

<image001.jpg>

Virginia Dealer # 27881

Rocky Keplinger

President

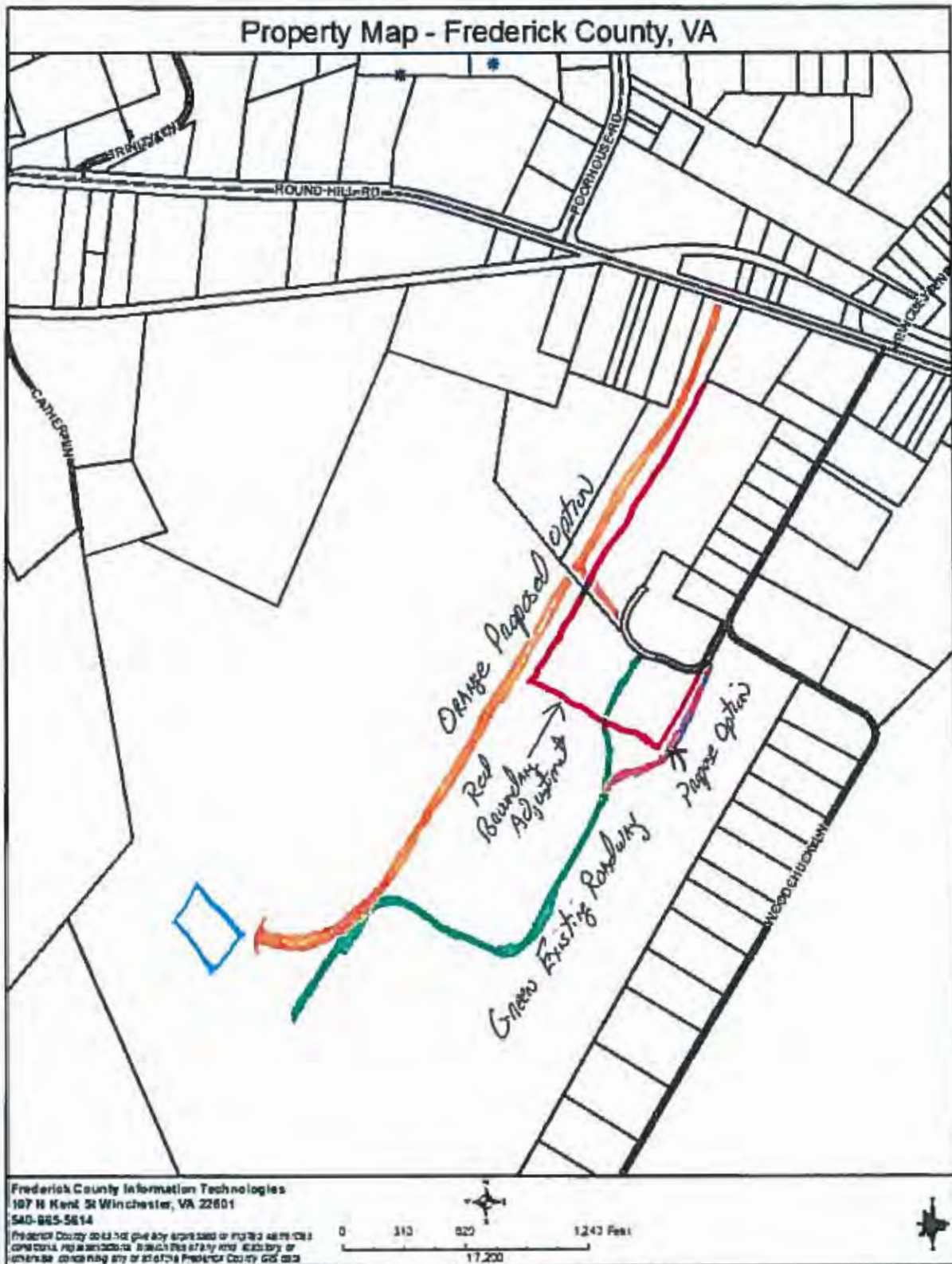
Office [1-800-650-5538](tel:1-800-650-5538)

Cell [1-540-974-3114](tel:1-540-974-3114)

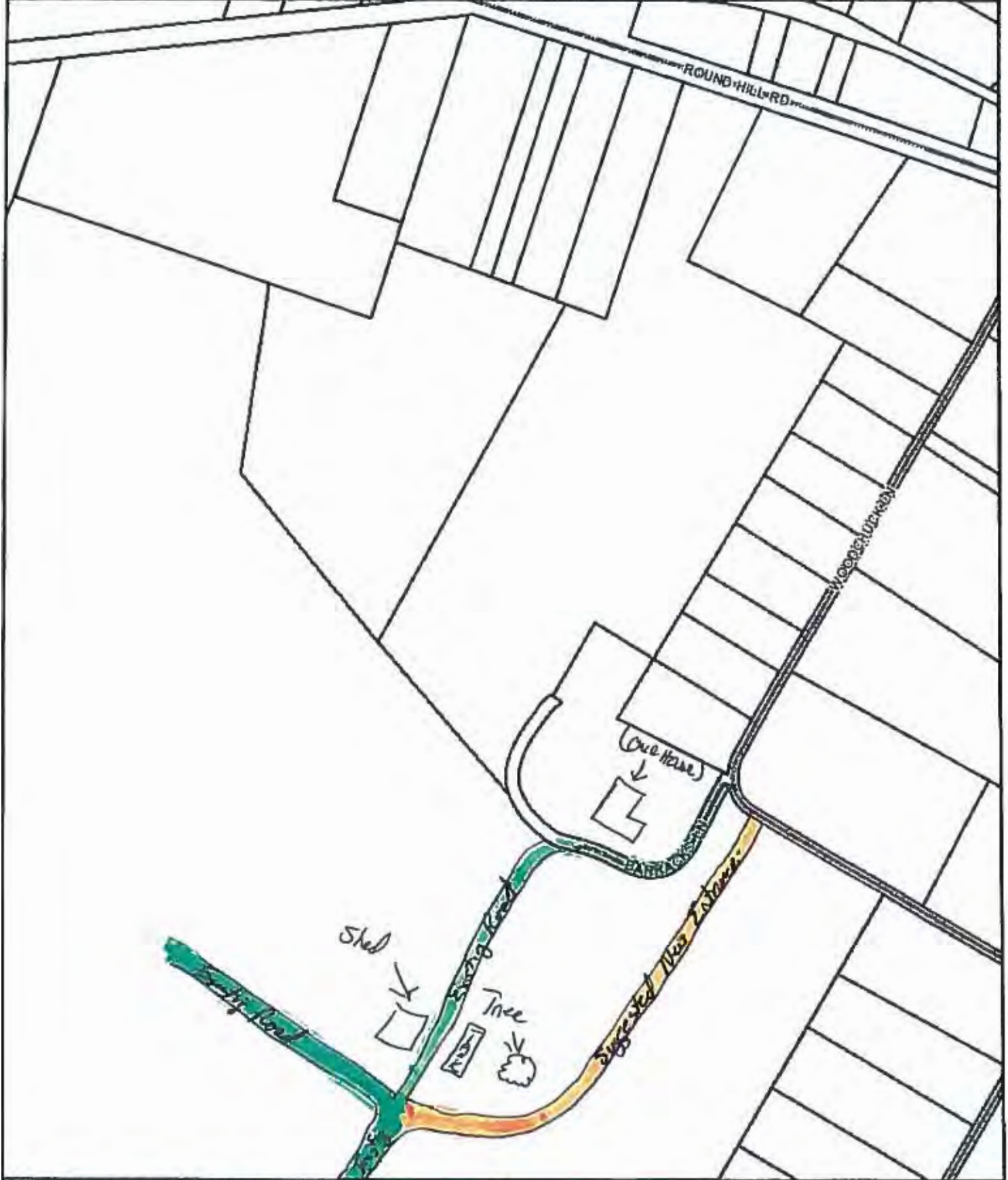


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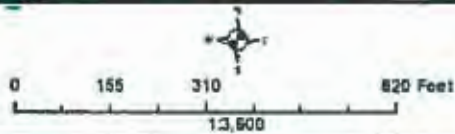


Property Map - Frederick County, VA

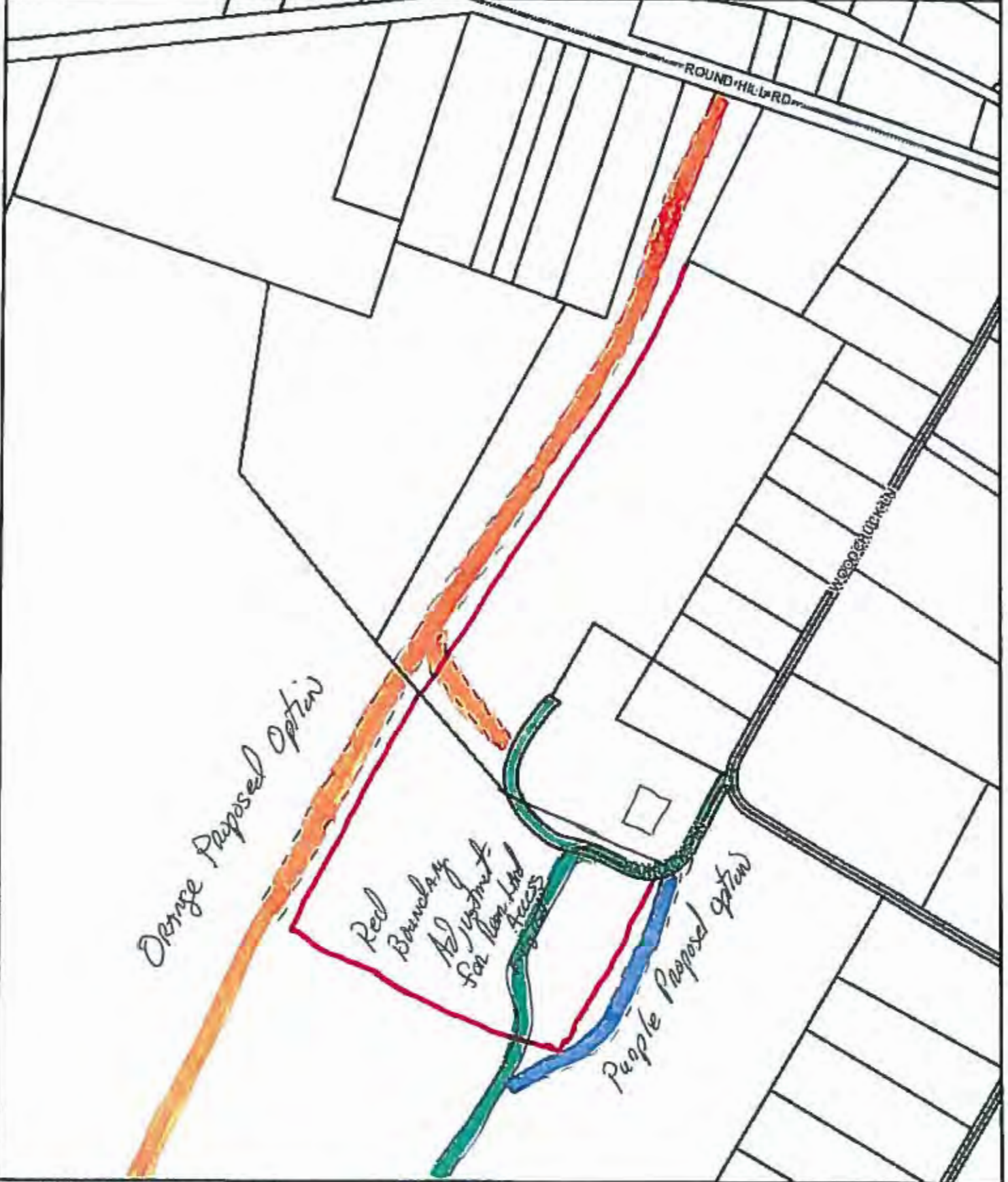


Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-565-5614

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.

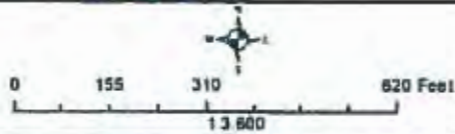


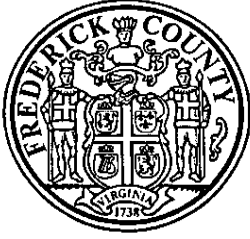
Property Map - Frederick County, VA



Frederick County Information Technologies
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540-865-5514

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RESOLUTION

Action:

PLANNING COMMISSION: November 1, 2017 Recommended Approval

BOARD OF SUPERVISORS: December 13, 2017 APPROVED DENIED

RESOLUTION

CONDITIONAL USE PERMIT #07-17 CAROLINE (DIXIE) SCHEULEN SPECIAL EVENT FACILITY

WHEREAS, Conditional Use Permit #07-17 for a Special Event Facility, submitted by Caroline (Dixie) Scheulen was considered. The Property is located at 283 Barracks Lane, Winchester, Virginia, immediately south of Route 50 (Northwestern Pike) and Round Hill Road and immediately west of Woodchuck Lane and is further identified with Property Identification Number 52-A-261, in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on September 20, 2017 which was postponed, and action was taken on the request on November 1, 2017 and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on December 13, 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 #07-17 for a Special Events Facility on the parcel identified by Property Identification Number 52-A-261 with the following conditions:

1. All review agency comments shall be complied with at all times.
2. An engineered site plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use. Building permits are also required for all buildings and structures.
3. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
4. All outside music shall conclude by 9 p.m. Music may continue indoors until the conclusion of the event.
5. All lighting shall be downcast to avoid glare onto adjacent properties and residences.
6. Access to the site shall be provided to Woodchuck Lane (Route 654) via Barracks Lane (private internal access drive). The Applicant shall relocate Barracks Lane on PIN 52-A-261 to ensure the access drive to the event center is not immediately adjacent to the southern property boundary of Parcel 52-A-280A in general conformance with the layout below:



7. In the future, should the owner of parcel 52-A-261 be able to secure private access to Cather Lane (Route 711), Round Hill Road (Route 803), or Woodchuck Lane (Route 654) through a recorded deed of easement or written consent from the property owner, a new CUP would not be required to implement such access.
8. Events may accommodate up to and not to exceed 280 persons.

9. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
10. Any expansion or modification of this use will require the approval of a new CUP.

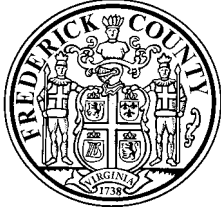
Passed this 13th day of December 2017 by the following recorded vote:

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

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

M



**REZONING APPLICATION #04-17
CARBAUGH BUSINESS CENTER
Staff Report for the Board of Supervisors
Prepared: November 28, 2017**

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director
John Bishop, AICP, Assistant Director–Transportation

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	11/01/17	Public Hearing Held; Recommended Approval
Board of Supervisors:	12/13/17	Pending

PROPOSAL: To rezone two parcels of land that total 107.21+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers.

LOCATION: The site has an address of 831 Shady Elm Road (Route 651) and is located on the southeastern side of Shady Elm Road, approximately 1.11 miles southwest of the intersection of Shady Elm Road and Apple Valley Road (Route 652). The southeastern portion of the site is bounded by the CSX Railroad.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 12/13/17 BOARD OF SUPERVISORS MEETING:

This is an application to rezone two parcels of land that total 107.21+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers. The subject properties are located within the limits of the Sewer and Water Service Area (SWSA) and are within the limits of the Kernstown Area Plan of the 2035 Comprehensive Plan. The Comprehensive Plan identifies these properties with an industrial land use designation which is generally consistent with the requested M1 zoning.

With this rezoning, the Applicant has proffered that this project will contribute to transportation improvements in the vicinity of the site that have been identified as important to the overall transportation solution for this general area. The Applicant has proffered to participate in the cost of transportation improvements to Renaissance Drive (up to a maximum of \$1,080,000.00), right-of-way dedications for Renaissance Drive and Shady Elm Road, limits on the number of access points for the site, and proffers for inter-parcel connections for all new parcels. The Applicant has also provided proffers for the screening of loading docks, landscaping, signage, documentation of the Carbaugh House and monetary proffers for fire and rescue purposes. **The Planning Commission recommended approval of the rezoning application at their November 1, 2017 meeting.**

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

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	11/01/17	Public Hearing Held; Recommended Approval
Board of Supervisors:	12/13/17	Pending

PROPOSAL: To rezone two parcels of land that total 107.21+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers.

LOCATION: The site has an address of 831 Shady Elm Road (Route 651) and are located on the southeastern side of Shady Elm Road, approximately 1.11 miles southwest of the intersection of Shady Elm Road and Apple Valley Road (Route 652). The southeastern portion of the site is bounded by the CSX Railroad.

MAGISTERIAL DISTRICT: Back Creek

PROPERTY ID NUMBER: 74-A-68 and 74-A-69

PROPERTY ZONING: RA (Rural Areas) District

PRESENT USE: Vacant/Agricultural

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	M1 (Light Industrial) District RA (Rural Areas) District	Use: Vacant Residential, Agriculture
South:	RA (Rural Areas) District	Use: Residential, Agriculture
East:	B3 (Industrial Transition) District RA (Rural Areas) District	Use: Commercial Railroad
West:	RA (Rural Areas) District	Use: Residential, Agriculture

REVIEW EVALUATIONS:

Virginia Dept. of Transportation (VDOT): *Please see the attached email from Matthew Smith, P.E., dated September 7, 2017.*

Frederick County Fire Marshall: Approved

Frederick Water: *Please see the attached letter from Eric R. Lawrence, Executive Director dated August 18, 2017.*

Frederick County Department of Public Works: A comprehensive review shall occur at time of site plan submission. We offer no additional comments at this time.

Virginia Department of Health: This Health Department has reviewed the request for comments for the Rezoning of property located at 831 Shady Elm Road, in the Back Creek Magisterial District, Tax Map #74-A-68 & 74-A-69 from RA to M1. Based upon information provided by the Applicant, this Health Department has no objection to the rezoning of the subject property. However, it is the recommendation of this Health Department that any known or discovered sewage disposal systems or private water wells on the property be properly abandoned, per Health Department Regulations or best practice policies. In the event that it is determined that there are sewage disposal systems or private water wells on the property, please notify this Health Department immediately for proper abandonment procedures.

Frederick County Planning Department: *Please see the attached letter from Candice E. Perkins, Assistant Director dated August 7, 2017.*

Frederick County Transportation Comments: *Please see the attached letter from John A. Bishop, Assistant Director-Transportation dated August 7, 2017.*

Historic Resources Advisory Board: The Historic Resources Advisory Board (HRAB) recommended approval of the Rezoning with the condition that the Applicant perform an intensive level survey on the historic structure located on-site (Henry Carbaugh House - #34-1040) prior to its demolition.

Planning & Zoning:

1) **Site History**

The original Frederick County Zoning Map (U.S.G.S. Winchester Quadrangle) depicts the subject properties as being zoned A-2 (Agricultural General) District. The County's agricultural zoning districts were subsequently combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989.

2) **Comprehensive Plan**

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

The 2035 Comprehensive Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key components of Community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

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

Land Use

The subject properties are located within the limits of the Sewer and Water Service Area (SWSA) and are within the limits of the Kernstown Area Plan of the 2035 Comprehensive Plan. The Kernstown Area Plan identifies these properties with an industrial land use designation as outlined in the Shady Elm Economic Development Area, which is generally consistent with the requested M1 zoning designation.

The Shady Elm Economic Development Area is designed to be a significant area of industrial and commercial opportunity that is fully supportive of the County Economic Development Authority's targeted goals and strategies. The intent of the industrial designation is to further enhance the County's commercial and industrial areas and to provide focus to the County's future regional employment centers.

Transportation and Site Access

The Eastern Road Plan of the 2035 Comprehensive Plan and the Kernstown Area Plan both call for the extension of a new major collector roadway through parcel 74-A-68, which is adjacent to the Artillery Business Center Development which was rezoned in 2007 and revised in 2015. This new major collector roadway, Renaissance Drive, has been constructed from Valley Pike (Route 11) to the limits of the CXS Railroad. The Comprehensive Plan calls for this roadway to be extended to Shady Elm Road. The plan also calls for Shady Elm Road to be improved four lane divided collector roadway. Site access to the subject property will be provided via two entrances on Renaissance Drive.

3) **Site Suitability/Environment:**

The site is not located within or near any 100-year floodplains. The site has some wetlands in the form of two small farm ponds and a spring. The spring feeds one of the ponds and drains via a culvert under the CSX railroad; the Applicant intends on preserving the spring and lower pond while removing the upper pond. There are no areas of mature woodlands. The site does contain 46 acres of prime agricultural farmland and 59 acres of farmland of statewide importance.

4) **Potential Impacts:**

Existing Residential Uses:

This application recognizes the existing residential land uses that are zoned RA (Rural Areas) District that are located adjacent to and across Shady Elm Road from the Carbaugh Property by providing buffering and landscape screening (full screen) consistent with the Zoning Ordinance to screen the development and loading docks from Shady Elm Road. This buffer consists of 100' of distance (75' active/25' inactive), a 6' berm and 3 plants per 10 linear feet.

Historic Resources:

The Study of Civil War Sites in the Shenandoah Valley published by National Park Service Study of Civil War Sites in the Shenandoah Valley does not identify a core battlefield on the site. The battle maps for the 1st and 2nd Battles of Kernstown show that troops might have marched across the subject property on their way to the battles, no fighting is recorded on the property. The Historic Resources Advisory Board recommended that the Applicant conduct an intensive level survey on the historic structure located on-site (Henry Carbaugh House - #34-1040) prior to its demolition; the Applicant included this in their proffer statement.

Frederick County Transportation Comments:

The Applicant's Transportation Impact Analysis assumes 46.9 acres of light manufacturing and 46.9 acres of warehousing uses. This results in average weekday vehicle trips totaling 4,820 which the Applicant proposes to address via transportation proffers of right-of-way and funding toward the Renaissance Drive project. The proffered funding amount allows the County to fully match revenue sharing funds that have been awarded to the project.

5) **Proffer Statement** – Dated October 6, 2017, Revised October 19, 2017

Site Improvements:

1. The owner agrees to participate in the cost of transportation improvements in the nearby area, up to a maximum of \$1,080,000.00. Such payment shall be made either within 30 calendar days after the start of the Renaissance Drive extension or prior to the issuance of the certificate of occupancy for all buildings developed on the Property, whichever comes first.
2. The owner agrees to dedicate 60' of right-of-way along Shady Elm Road, 10' of which shall be used for construction of a pedestrian trail.
3. The owner agrees to dedicate 20' of right-of-way along its northeast boundary for the extension of Renaissance Drive from Valley Pike to Shady Elm Road.
4. The owner agrees to grant to Frederick County an 80' grading/slope easement for the construction and maintenance of a bridge over the CSX rail line that will be part of the extension of the Renaissance Drive.
5. The owner agrees to limit the number of commercial entrances for the property to a maximum of two along Renaissance Drive.
 - a. In the event that the property is developed prior to the completion of Renaissance Drive, the owner may build a portion of the road from Shady Elm Road to the first entrance to the site to enable use of the site.

- b. In the event that Frederick County requests that the owner not build a portion of the extension, the owner may build a temporary entrance onto Shady Elm Road for commercial use. The temporary entrance will be permanently closed immediately after Renaissance Drive is available for use by the applicant.
6. The owner proffers to provide for inter-parcel connections for all new lots to provide access to the access points on Renaissance Drive.

Building Restrictions:

The development of the subject Property shall include the following building restrictions:

1. All loading docks shall be screened from view from all adjacent properties in the RA (Rural Areas) Zoning District that are located west of Shady Elm Road. The owner will utilize a 100' Category C (full Screen) buffer.
2. Individual business signs will be prohibited along Shady Elm Road.
3. The owner will perform an intensive level survey on the Henry Carbaugh House prior to its demolition.

Landscape Design Features

1. The owner shall provide street trees planted 50' on center adjacent to the Renaissance Drive road extension.

Monetary Contributions to Offset Impact of Development:

The owner proffers to pay \$30,000.00 prior to the issuance of the Certificate of Occupancy for the first structure constructed on the property for fire and rescue purposes.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 11/1/17 MEETING:

Staff reported this is an application to rezone two (2) parcels of land that total 107.21 +/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers. Staff further stated that the properties are located within the limits of the Sewer and Water Service Area (SWSA) and are within the limits of the Kernstown Area Plan of the 2035 Comprehensive Plan. Ms. Perkins She noted the plan identifies these properties with an industrial land use designation as outlined in the Shady Elm Economic Development Area and the Comprehensive Plan calls for the extension of a new major collector roadway, Renaissance Drive.

A Commission Member inquired about the monetary transportation proffer and what it would provide and about improvements to Shady Elm Road. Staff stated that the monetary proffer would be for the construction of Renaissance Drive and noted that the application proffers right-of-way for future widening of Shady Elm Road.

Mr. Tim Stowe of Stowe Engineering, P.L.C. representing the Applicant came forward. Mr. Stowe reported there are benefits of this project that he feels should be highlighted and are: the project builds on the work the Planning Commission has done over the past two years when the Comprehensive Plan and the Kernstown Area Plan were updated, the transportation improvements will be critical to that local area, the property is rail accessible, will provide an additional 60' right-of-way on Shady Elm

Road to satisfy requirements of the Comprehensive Plan and a multi-use trail along Shady Elm Road and proffered inter-parcel connectors. The Applicant also stated they have taken steps to protect neighbors with buffers and screening and that there will be no signs placed on Shady Elm Road.

During the public hearing three citizens came forward to speak. Concerns were expressed about traffic safety, the potential for large trucks along Shady Elm Road, and Springdale Road and the proffered monetary contribution to Fire and Rescue.

Mr. Stowe addressed the concerns pertaining to truck traffic; he empathizes with the citizens that came forward regarding Springdale Road. He continued it's his understanding that the railroad crossing on Springdale Road may eventually be closed with the bridge crossing at Renaissance Drive taking shape. Regarding the Fire and Rescue proffer, Mr. Stowe reported over a million dollars is being invested in Renaissance Drive to make emergency access to this area much easier and faster for emergency vehicles to be able to get to the residences, businesses, and the surrounding area. Mr. Stowe concluded, they feel that is a significant contribution to help with the needs of Fire and Rescue.

A motion was made, seconded, and unanimously recommended approval of REZ #04-17 for Carbaugh Business Center.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 12/13/17 BOARD OF SUPERVISORS MEETING:

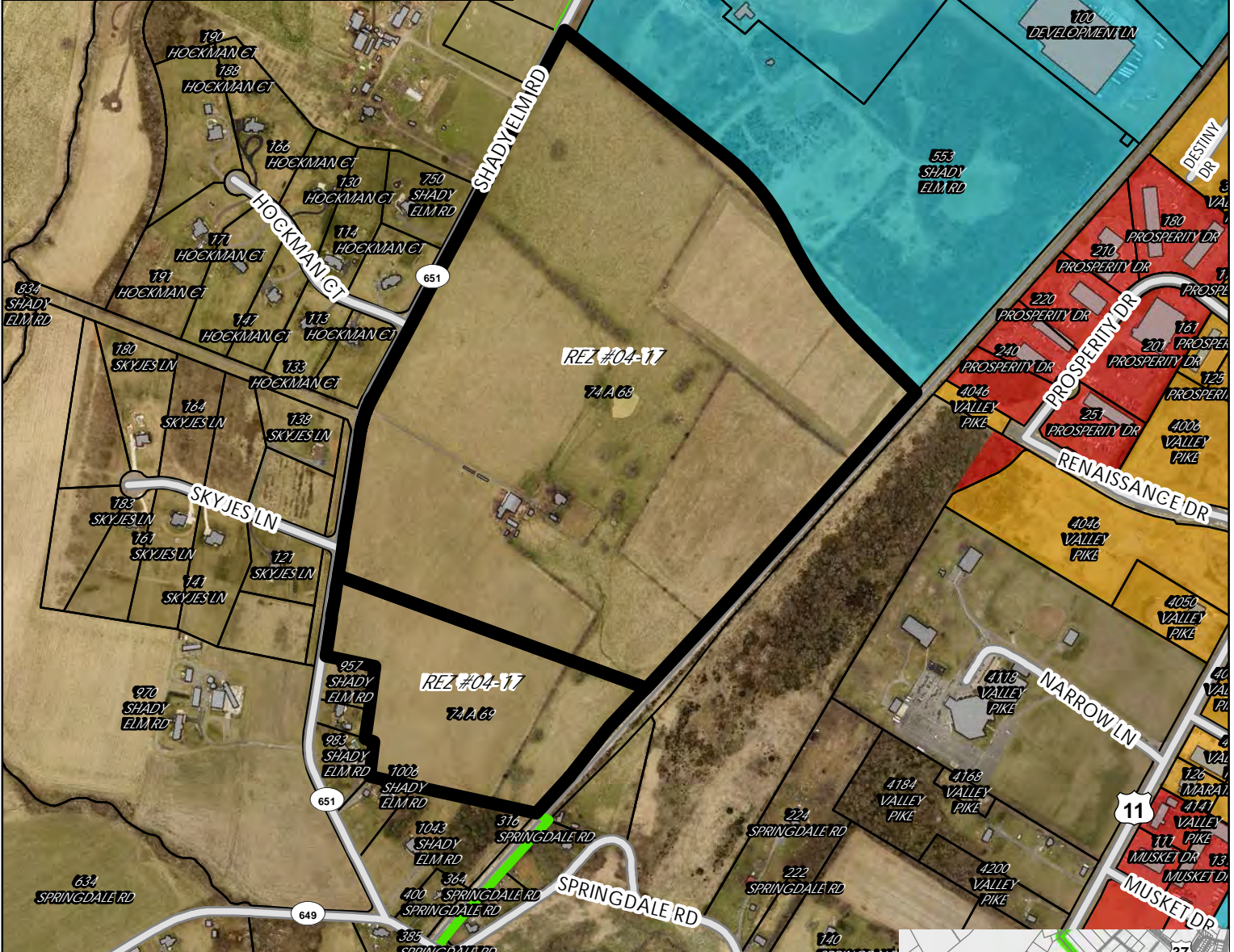
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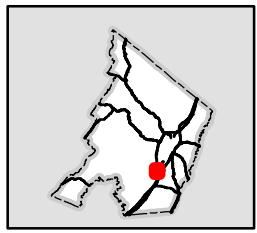
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 04 - 17 Carbaugh Business Center

PINs:
74 - A - 68, 74 - A - 69
Rezoning from RA to M1
Zoning Map

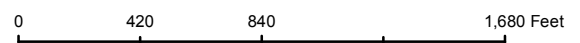


- Applications
- Sewer and Water Service Area
- Parcels
- Building Footprints
- B1 (Neighborhood Business District)
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Light Industrial District)
- M2 (Industrial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



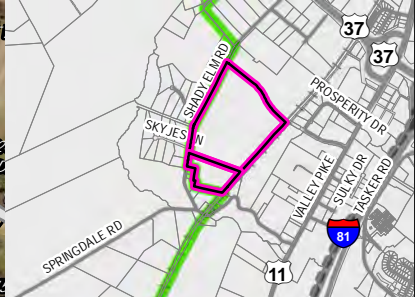
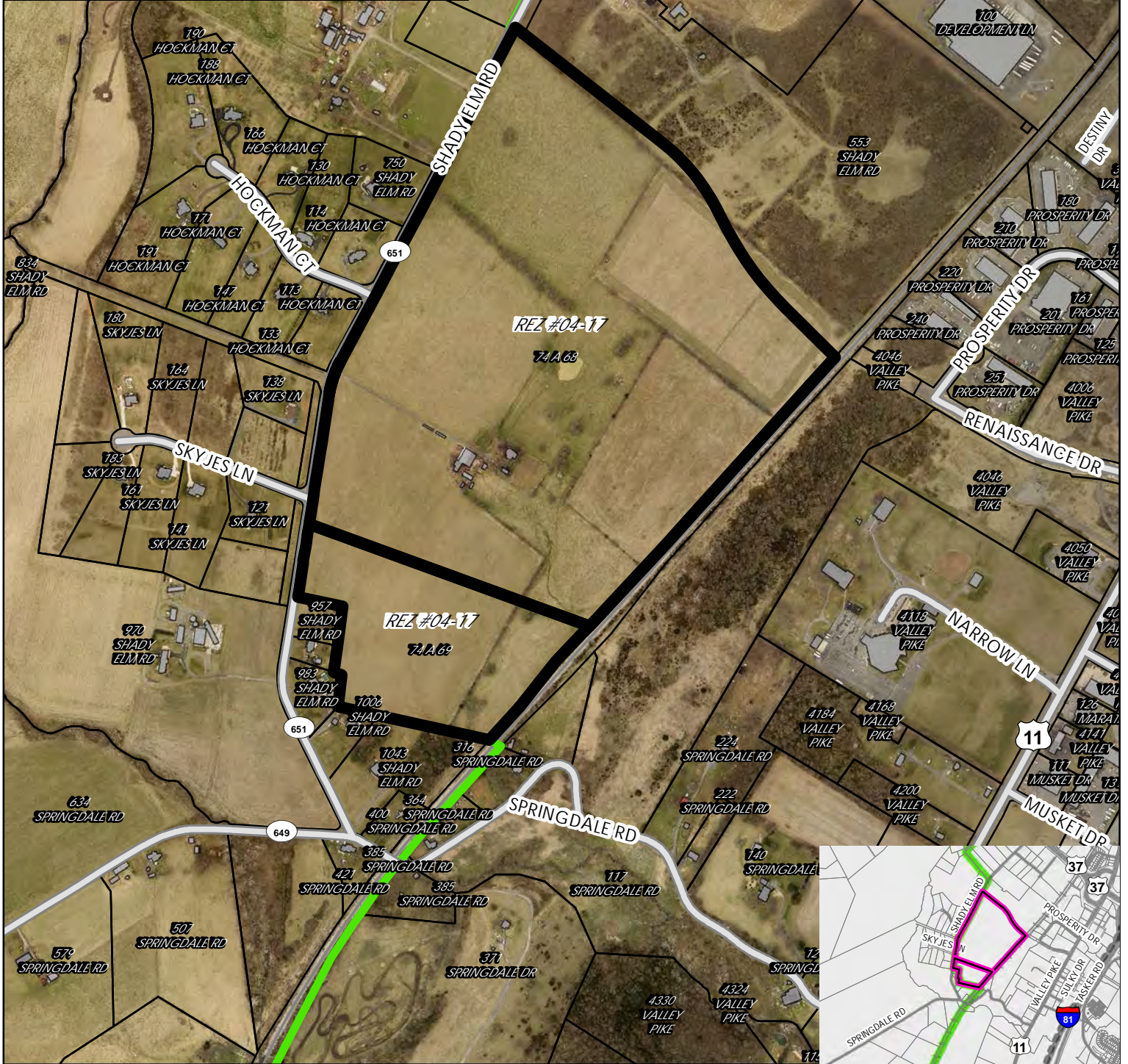
REZ # 04 - 17
Carbaugh Business Center
PINs:
74 - A - 68, 74 - A - 69
Rezoning from RA to M1
Zoning Map





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

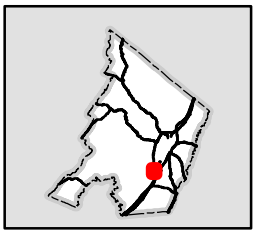


REZ # 04 - 17 Carbaugh Business Center

PINs:
74 - A - 68, 74 - A - 69
Rezoning from RA to M1
Location Map

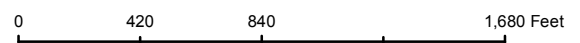


-  Applications
-  Sewer and Water Service Area
-  Parcels
-  Building Footprints



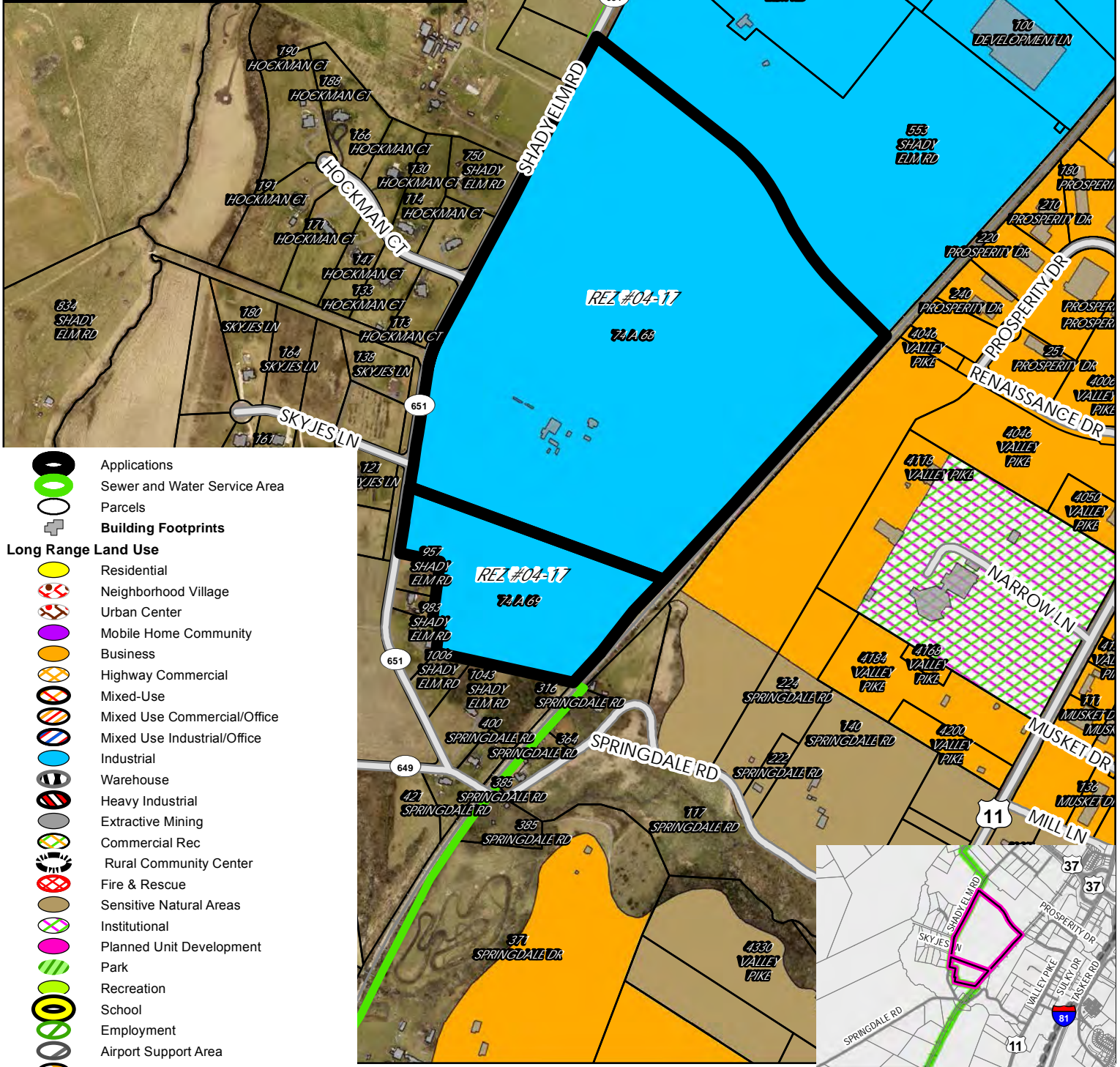
REZ # 04 - 17
Carbaugh Business Center
PINs:
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Rezoning from RA to M1
Location Map

Note:
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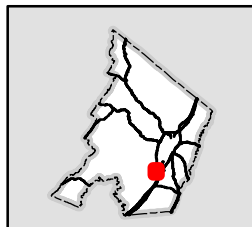


REZ # 04 - 17 Carbaugh Business Center

PINs:
74 - A - 68, 74 - A - 69
Rezoning from RA to M1
Long Range Land Use Map

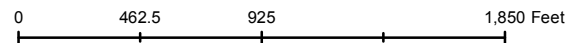


- Applications
- Sewer and Water Service Area
- Parcels
- Building Footprints
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse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



REZ # 04 - 17
Carbaugh Business Center
PINs:
74 - A - 68, 74 - A - 69
Rezoning from RA to M1
Long Range Land Use Map

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



REZONING REQUEST PROFFER

Property Identification Number
74 - ((A)) - 68 and 74 - ((A)) - 69
Back Creek Magisterial District

Carbaugh Business Center

Record Owner: The Henry J. Carbaugh Trust

Applicant: Timothy Stowe

Original Date of Proffers: 10/6/17

Revisions Date of Proffers: 10/19/17

Preliminary Matters

Pursuant to Section 15.2-2296 et.seq., of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # _____ for the rezoning of Tax Map Parcel 74-A-68, a 89.8719-acre parcel, and Tax Map Parcel 74-A-69, a 17.3391-acre parcel, to establish 107.21 +/- acres of Light Industrial (M-1) Zoning District, development of the 107.21 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the owner and such be approved by the Frederick County Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the nearby area. The owner will contribute to Frederick County, Virginia, a maximum of one million and eighty thousand dollars (\$1,080,000.00). Such payment shall be made either within 30 calendar days after the start of construction on the extension of Renaissance Drive that will connect with Shady Elm Road or prior to the issuance

of the certificate of occupancy permit for the first building structure developed on the Property, whichever event occurs first. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements related to the extension of Renaissance Drive, an East-West Collector Road, to Shady Elm Road and can be used as local match funding for County Revenue Sharing Program projects related to the aforementioned extension.

2. The owner agrees to dedicate 60' (sixty feet) of right-of-way along Shady Elm Road to Frederick County as depicted on the Generalized Development Plan (GDP), which is attached and incorporated as part of the Proffer Statement. 10' (ten feet) of which is to be used for the construction of a pedestrian trail adjacent to the Property. This dedication is to be made within 90 (ninety) days after the date of the approved Rezoning Application.
3. The owner agrees to dedicate 20' (twenty feet) of right-of-way along its northeast boundary to Frederick County for the extension of the East-West Collector Road (Renaissance Drive) from Valley Pike (Rt. 11) to Shady Elm Road. This right-of-way is depicted on the GDP. This dedication is to be made within 90 (ninety) days of a written request by Frederick County.
4. The owner agrees to grant to Frederick County an 80' (80 feet) grading/slope easement for the construction and maintenance of a bridge over the CSX rail line that will be part of the extension of the East-West Collector Road (Renaissance Drive) from Valley Pike (Rt. 11) to Shady Elm Road if needed. The final length of the easement will be determined during the design phase of the extension of the East-West Collector Road. The length shall not exceed the distance from the CSX rail line to the start of the bridge ramp. This grant is to be made within 90 (ninety) days of a written request by Frederick County.
5. The owner agrees to limit the number of commercial entrances for the Property to be rezoned to a maximum of two (2) entrances along the new collector road to be constructed as an extension of Renaissance Drive and intersecting with Shady Elm Road.
 - a. In the event the property is developed prior to the completion of Renaissance Drive collector road extension, the owner may build a portion of Renaissance Drive collector road extension from Shady Elm Road to the first entrance to the site to enable use of the site. The portion of the collector road to be built in this event will meet with both VDOT and Frederick County approval.
 - b. In the event that Frederick County request that the owner not build a portion of the Renaissance Drive collector road extension, the owner may build a temporary entrance onto Shady Elm Road for commercial use. The temporary entrance on Shady Elm Road will be permanently closed

immediately after the Renaissance Drive collector road extension is available for use by the owner.

6. The owner hereby proffers to provide for inter-parcel connections for all new lots to provide access to the two new access points on Renaissance Drive.

Building Restrictions

The development of the subject Property shall include the following building restrictions:

1. All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) Zoning Districts that are located west of Shady Elm Road. The Owner will utilize a Class C – Full Screen (As defined by Frederick County at the date of this rezoning) 100' (one hundred feet) buffer adjacent to Rural Area (RA) Zoning Districts west of Shady Elm Road.
2. Individual business signs will be prohibited along Shady Elm Road.
3. The owner will perform an intensive level survey on the historic structure located on-site (Henry Carbaugh House - #34-1040) prior to its demolition.

Landscape Design Features

The development of the subject Property, and the submission of any Master Development Plan, shall include the following landscape design features:

1. The owner shall provide street trees planted 50 (fifty) feet on center adjacent to the Renaissance Drive collector road extension. The trees are to be planted within 120 (one hundred and twenty) days of written request by Frederick County.

Monetary Contributions to Offset Impact of Development

The owner, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 107.21 +/- acre property to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the

Certificate of Occupancy Permit for the first structure constructed on the Light Industrial (M-1) Zoning District portion of the parcel, the sum of thirty thousand dollars (\$30,000.00), for use by the Board in its discretion for fire and rescue purposes.

Additionally, the owner shall contribute five thousand dollars (\$5,000.00) to the Kernstown Battlefield Association prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the property.

Escalator

In the event the monetary contributions set forth in the Proffer Statement are paid to Frederick County within eighteen (18) months of the approval of this rezoning, as applied for by the owner, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the County after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 4 percent (4%) per year, non-compounded.

Respectfully Submitted,

The Henry J. Carbaugh Trust

OWNER: Henry J. Carbaugh Trust under Agreement dated December 18, 2006, by Bank of Clarke County, Successor Trustee
By: Carl A. Esterhay

Date: November 28, 2017

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

The foregoing instrument was acknowledged before me this 28th day of November 2017, by Carl A. Esterhay.

My Commission expires 4 30. 2018.

Notary Public Jammy R. Cunningham



SHADY ELM RD

Renaissance Drive Extension

M1 DISTRICT
TOTAL ACREAGE: 107.2 AC.

CSX RAILROAD

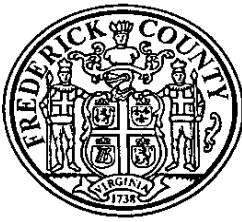
Renaissance Dr

Legend

-  WILL BE BAYS
-  GROWTH ORIENTED BAY
-  AREA TO USE CATEGORY C - FILL SOILS TO SUPPORT TO HIGHWAYS LOCAL OR STATE HIGHWAY
-  POSSIBLE TEMPORARY DISTURBANCES TO FORESTRY
-  POSSIBLE DISTURBANCES TO FORESTRY

Notes

CARBAUGH BUSINESS PARK
GENERALIZED DEVELOPMENT PLAN



AMENDMENT

Action:

PLANNING COMMISSION: November 1, 2017 - Recommended Approval

BOARD OF SUPERVISORS: December 13, 2017 - APPROVED DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #04-17 CARBAUGH BUSINESS CENTER

WHEREAS, REZONING #04-17 Carbaugh Business Center, submitted by Stowe Engineering, PLC to rezone two parcels of land that total 107.21± acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers with a final revision date of October 19, 2017 was considered. The site has an address of 831 Shady Elm Road (Route 651) and are located on the southeastern side of Shady Elm Road, approximately 1.11 miles southwest of the intersection of Shady Elm Road and Apple Valley Road (Route 652). The southeastern portion of the site is bounded by the CSX Railroad, in the Back Creek Magisterial District and is identified by Property Identification Nos. 74-A-68 and 74-A-69; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on November 1, 2017 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on December 13, 2017; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive 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 rezone two parcels of land that total 107.21± acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers with a final revision date of October 19, 2017. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 13th day of December, 2017 by the following recorded vote:

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

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

Candice Perkins

From: Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov> on behalf of Smith, Matthew, P.E. (VDOT) <Matthew.Smith@vdot.virginia.gov>
Sent: Thursday, September 7, 2017 9:37 AM
To: John Bishop; 'mcheran@fcva.us
Cc: Tim Stowe; Short, Terry (VDOT); Campbell, Adam (VDOT); Smith, Matthew, P.E. (VDOT)
Subject: Carbaugh Rezoning - Tax Map 74-A-68,69 - VDOT Comments

A VDOT review has been completed on the Carbaugh Rezoning. We offer the following comments:

Following discussions with Frederick County, it is VDOT's understanding that if an agreeable proffer regarding the monetary participation for the completion of Renaissance Drive can be reached between Frederick County and the developer, the county will consider the transportation mitigation responsibilities of the subject property resolved. While VDOT agrees that the completion of Renaissance Drive is an important and significant transportation improvement to the area, there remains future concerns over the operation of US 11 and the interchange with Route 37 given the extent of planned developments in the region. Should the County determine a revised submission of the TIA is not warranted, the following comments are for the County's knowledge and understanding of potential operational issues related to the TIA's study limits along the US 11 corridor.

1. The primary mitigation proposed in the study to address transportation impacts of the development is monetary participation by the developer in the extension of Renaissance Drive to Shady Elm Road. While this transportation improvement is critical for the subject development, as well as other developments in the vicinity of Shady Elm Road and Apple Valley Road, the current trigger of said participation in both the draft proffers and study report conveys the risk of potential impacts to the existing transportation network in the event that the subject development proceeds prior to the completion of Renaissance Drive. The study states that access to the development will be from Shady Elm Road prior to the completion of Renaissance Drive and the conclusion section states that "the traffic that is forecasted from this development can be accommodated on the existing road network". However, this assumption is unfounded as the TIA does not include Build and Design Year scenarios where Renaissance Drive does not connect US 11 and Shady Elm Road. It is VDOT Staunton District Planning's recommendation that Frederick County consider requesting modifications to the proffers that requires the monetary participation of the developer and start of construction on the extension of Renaissance Drive, prior to the issuance of the initial occupancy permit on the subject property. Without such changes to the proffer, it is recommended that the TIA be revised to evaluate the build and design year impacts without Renaissance Drive in place and detail improvements needed to mitigate impacts.
2. The traffic models and analysis outputs presented in the study are currently inadequate in identifying the future operational performance of the US 11 corridor between Renaissance Drive and the Route 37 interchange. As a result, the potential impacts of the full build out of the subject property on US 11 are unclear. The following is a summary of deficiencies within the current traffic models:
 - In all models, the traffic signal at US 11 and the Route 37 eastbound ramps is coded with signal timings, vehicle extension, and clearance intervals that do not match VDOT supplied data (the signal timing sheet is included in Appendix F of the report).
 - In the existing year models at the US 11 and Route 37 eastbound ramp signal, the left turn movements for the off-ramp and Kernstown Commons Boulevard approach need to be revised to protective / permissive phasing with leading lefts.

- The percentage of heavy vehicles within the models seems to be based on the number of heavy vehicles counted during the entire traffic data collection window instead of the peak hour window, and therefore may not represent accurate conditions. Additionally, it seems future year heavy vehicle percentages at the US 11 and Route 37 eastbound ramp intersection were not adjusted for development traffic.
 - No trips were assigned to the various side streets accessing US 11 between Renaissance Drive and Route 37 and as a result, there are considerable vehicle balancing discrepancies in the models. While these side streets were not scoped as study intersections, assumptions should have been made for these side street movements to achieve vehicle balancing in the network and provide a more accurate analysis of the operational performance of US 11.
 - The analysis does not consider trip diversion or potential impacts from existing developments along Shady Elm Road and Apple Valley Road to the US 11 corridor via routing along Renaissance Drive.
3. Even with the deficiencies listed above, based on the potential trip generation associated with the subject property and other potential developments within the vicinity, it is likely that additional improvements will be necessary within the study area to mitigate future impacts. These may include access management / alternative intersection consideration along US 11 between Renaissance Drive and Route 37 and a potential second lane on the Route 37 eastbound on-ramp to accommodate simultaneous receipt of heavy northbound left turns and southbound right turns from US 11.
 4. In the Build and Design Year models, the US 11 and Route 37 eastbound ramp signal is modified from the current protected only left turn phasing on US 11 to protected / permissive phasing in the form of flashing yellow arrows. However, this left turn phasing modification is not discussed in the report from either a safety or operational perspective or listed as an improvement recommendation. If a modification from protected only to protected / permissive left turn phasing is being considered as a future year improvement, VDOT recommends that the protected only left turn phasing also be analyzed in the future year to identify operation impacts if left turn phasing must be converted back from protective / permissive should a safety concern arise. Additionally, VDOT intends to upgrade the Route 37 eastbound ramp and Kernstown Commons Boulevard left turn phasing to protective / permissive via flashing yellow arrows in the next few years.
 5. When Frederick County's Revenue Sharing project advances for the extension of Renaissance Drive, improvements should be considered along the existing section of the roadway to improve future operations of the facility as developments begin to come online. Improvements to be considered include modifying the traffic signal at US 11 to provide flashing yellow arrow left turn phasing and the consolidation of the two eastern most entrances currently serving vacant properties in order to reduce potential turning movement conflicts and increase available storage of the eastbound left turn lane onto northbound US 11.
 6. The study includes two trip generation scenarios for the subject property, consisting of ITE rates and custom rates with supporting documentation as proposed by the preparer of the study. This approach was agreed to during study scoping to evaluate the differences in transportation impacts between two trip generation scenarios. Please be advised that the utilization of ITE rates will still be the accepted process for all studies moving forward per the Chapter 527 TIA Administrative Guidelines. Any use of custom trip rates, if requested, will be discussed on a case by case basis during the study scoping process.

Should you have any questions or wish to discuss this information, do not hesitate to let me know.

Matthew B. Smith, P.E. | Area Land Use Engineer
Virginia Department of Transportation
 Clarke, Frederick, Shenandoah & Warren Counties
 14031 Old Valley Pike
 Edinburg, VA 22824
 voice: 540/984-5615

fax: 540/984-5607

e-mail: Matthew.Smith@vdot.virginia.gov



315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

August 18, 2017

Tim Stowe
Stowe Engineering, PLC
103 Heath Court
Winchester, Virginia 22602

**RE: Rezoning Application Comment
Carbaugh Rezoning Application
Tax Map Number: 74-A-68 and 74-A-69
107.21 acres**

Dear Mr. Stowe:

Thank you for the opportunity to offer review comments on the Carbaugh rezoning application package, with an undated draft proffer statement and the Impact Statement dated October 21, 2016. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project parcels were recently added to the sewer and water service area (SWSA) and in an area not presently served by FCSA. SWSA enables access to public water and sewer service by county policy. Location within the SWSA does not guarantee that sanitary sewer and water capacities are available to serve the property.

The rezoning application is silent on the potential use, square footage, and water and sewer demands. The Impact Analysis suggests a 1,000,000 square foot user for calculating solid waste production, while the Traffic Impact Analysis proposes 46.9 acres of light manufacturing and 46.9 acres of warehousing uses. In order to analyze water and sewer usage, Frederick Water will analyze demands based on a light industrial user which consumes 500 gpd/a (gallons per day, per acre). Based on the 107 acre site, water and sewer demands are projected to each be 53,500 gpd.

Water and sanitary sewer treatment facilities are presently available to meet the projected demand of 53,500 gpd. Facilities for conveyance of water to, and sanitary sewer from, the subject properties does not presently exist. From previous discussions with the applicant, Frederick Water understands the applicant's intent is to construct a water line which will tap into an existing 20-inch water main along Route 11, and traverse westward within to be established easements. Sanitary sewer would be addressed through the construction of a new sanitary sewer pump station located along the CSX railroad tracks, and a sanitary sewer force main northward following the CSX railroad tracks to a point at which the force main would discharge into the Hoge Run Interceptor. The interceptor would then convey flows to Parkins Mill Wastewater Treatment Plant. An optional sanitary sewer route would be the construction of the Opequon Interceptor which will facilitate flows directly from the subject properties to the Parkins Mill Wastewater Treatment Plant. Regardless of the route for water and sanitary sewer conveyance, the construction of the infrastructure will be the responsibility of the applicant.

The proffer statement is silent on improvements that would be constructed by the applicant to meet water and sanitary sewer demands. Accordingly, the comments offered herein are general in nature. The ultimate decision regarding the ability to serve the property with adequate water and sanitary sewer will be determined at the time the site's use is determined, conveyance facilities are constructed, and water and sewer connection fees are paid to Frederick Water. Sanitary sewer system capacity is not reserved until the sewer connection fee is paid to Frederick Water, and physical connection to the system is made.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design.

Please be aware that the FCSA is offering these review comments without benefit of knowledge of the specific use of the site. Additionally, we would welcome an opportunity to review any proffers which may serve to mitigate any sanitary sewer deficiencies.

Thank you for the opportunity to offer review comments.

Sincerely,



Eric R. Lawrence
Executive Director

Cc: Michael T. Ruddy, AICP, County Planning Department



COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

August 7, 2017

Mr. Tim Stowe, PE, LS
Stowe Engineering, PLC
103 Heath Court
Winchester, Virginia 22602

**RE: Proposed Rezoning for Carbaugh Business Center
Property Identification Numbers (PINs): 74-A-68 and 74-A-69**

Dear Tim:

I have had the opportunity to review the draft rezoning application for the Carbaugh Business Center. This application seeks to rezone two properties totaling 107.21 acres from the RA (Rural Areas) Districts to the M1 (Light Industrial) District with proffers. The review is generally based upon the proffer statement submitted on July 13, 2017. Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

1. **Kernstown Area Plan – Land Use.** The 2035 Comprehensive Plan and the Kernstown Area Plan provide guidance on the future development of the property. The property is located within the SWSA. The 2035 Comprehensive Plan identifies these properties with an industrial land use designation. The proposed M1 Zoning is generally consistent with the Kernstown Area Plan as it relates to this area. The land use plan depicts access to this site through a new major collector road, Renaissance Drive.
2. **Proffer – Site Improvements.**
 - a. Shady Elm Road is a rural roadway that is not set up to accommodate new industrial entrances at this point. This roadway should not be utilized for new industrial entrances which would place heavy industrial traffic in close proximity to existing rural residential land uses, even on a temporary basis. Staff recommends that the proffer be revised to state that Renaissance Drive must be completed prior to any occupancy permits granted for any proposed structures.

- b. A proffer should be included that restricts the location of temporary construction entrances. Construction entrances should not be placed near existing residential land uses along Shady Elm Road. Any temporary entrances (including temporary construction entrances) should be provided adjacent to Renaissance Drive.
- c. Proffer 2 and 3 from this section should be expanded to state "to Frederick County for Dedication to VDOT".
- d. Proffer 7 from this section should be modified to state that the owner will provide interparcel connections for all new lots to provide access to the two new access points on Renaissance Drive to ensure future lots have access to an improved collector road and do not impact Shady Elm Road.

3. **Proffer – Building Restrictions.**

- a. Proffer 2 under this section is a requirement of the Subdivision Ordinance and should be removed.
- b. Staff suggests providing a proffer for building facades facing Shady Elm Road and Renaissance Drive (cast stone, stone, brick, architectural block, glass, wood, dry vit or stucco – similar to the Artillery proffer statement).
- c. A proffer for a multi-tenant complex sign is suggested along Shady Elm Road and Renaissance Drive, with prohibitions for individual business signs along Shady Elm Road.
- d. Flashing loading bay lighting should be addressed with this proffer statement in addition to the proffer for screening. Industrial facilities on similar properties contain flashing loading bay lights.

4. **Proffer – Landscape Design Features.**

- a. Proffer 1 under this section is proffering less than the buffer section of the Zoning Ordinance. The land uses across Shady Elm Road consist of single family residential – therefore a full distance buffer would be required (three trees per ten linear feet – evergreen, shrub, deciduous and a 6' berm). Staff suggests depicting the three trees per ten linear feet along Shady Elm Road and providing street trees along Renaissance Drive on the GDP.
- b. Proffer 2 from this section is proffering less than the buffer section of the Zoning Ordinance. The southwestern portion of the property is adjacent to RA residential land uses and therefore the minimum required is a Category C – full screen 100' buffer.

5. **Proffer – Monetary Proffer.** Recent rezonings have included a \$0.05-\$0.10 per building square foot proffer to Fire and Rescue, staff recommends keeping within this range. The Fire and Rescue proffer provided with this rezoning equates to

Page 3
Mr. Tim Stowe
RE: Carbaugh Business Center
August 7, 2017

\$0.02 per building square foot based on the 1,000,000 square foot assumptions provided in the application.

6. **Impact Analysis.** Expand the parameters of the impact analysis section pertaining to surrounding properties. This development will impact a number of existing rural residential land uses along Shady Elm Road and adjacent to the southwestern property line of the proposed rezoning. Consideration of the topography and viewshed from the residential properties and the existing agricultural operation along Shady Elm Road should be addressed in this section.
7. **Transportation Comments.** Please note that the transportation comments on the rezoning application from John Bishop, Assistant Director - Transportation, are being provided to you in a separate letter. Staff may also provide additional comments related to the proposed changes if warranted subject to adjustments requested by VDOT.
8. **Agency Comments.** Please provide appropriate agency comments from the following agencies: Virginia Department of Transportation, Frederick County Department of Public Works, Frederick County Fire Marshal, Frederick County Sanitation Authority, Health Department, the local Fire and Rescue Company, the County Attorney, the Historic Resources Advisory Board (HRAB) and the Frederick-Winchester Service Authority.
9. **Fees.** Based on the fees adopted by the Board of Supervisors on April 23, 2008, the rezoning fee for this application would be \$20,721.00 based upon acreage of 107.21 acres.

All of the above comments and reviewing agency comments should be appropriately addressed before staff can accept this rezoning application. Please feel free to contact me with questions regarding this application.

Sincerely,



Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd



August 7, 2017

Mr. Tim Stowe. PE, LS
Stowe Engineering, PLC
103 Heath Court
Winchester, Virginia 22602

RE: Transportation Comment for Proposed Rezoning for Carbaugh Business Center
Property Identification Numbers (PINs): 74-A-68 and 74-A-69

Dear Tim:

Thank you for the opportunity to review the draft rezoning application for the Carbaugh Business Center to rezone two properties totaling 107.21 acres from the RA (Rural Areas) Districts to the M1 (Light Industrial) District with proffers. The review is based upon the undated proffer statement submitted on July 13, 2017.

Transportation Comments

1. Renaissance Drive

Proffer 1 notes that the applicant is willing to provide \$820,000.00 toward the completion of Renaissance Drive. As noted in the TIA, Renaissance Drive is important in offsetting the impact of the proposed development and will comprise a significant portion of traffic on the roadway. The current proffer is insufficient to move the project to bid. Based upon that, though the TIA notes the need of Renaissance Drive to offset the traffic impact, the current proffer does not offset the transportation impact of the proposed development.

2. Entrances

Proffer 5 notes that the owner may use two temporary entrances on Shady Elm until such time as Renaissance Drive is in place for construction and commercial purposes. Extreme care should be taken to minimize the impact of this traffic on the residential neighborhood on the west side of Shady Elm Drive and staff would suggest that the applicant coordinate with County Staff and VDOT to keep any access as close to the final intended location on future Renaissance Drive as possible. Particularly in the case of actual commercial

Page 2

Mr. Tim Stowe

RE: Carbaugh Business Center

August 7, 2017

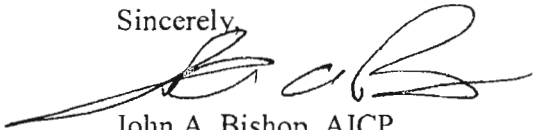
entrances, staff believes it would be difficult to relocate a commercial entrance once established.

3. Bicycle and Pedestrian Accommodation

In keeping with the Comprehensive plan and due to the significant number of potential future employees as well as existing residents, please work to mirror the trail that has been proffered along Shady Elm Drive by previous rezonings.

All of the above comments and reviewing agency comments should be appropriately addressed before staff can accept this rezoning application. Please feel free to contact me with questions regarding this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'JAB', with a long horizontal flourish extending to the left.

John A. Bishop, AICP
Assistant Director-Transportation

JAB/pd

October 4, 2017

Mr. Michael Ruddy
County of Frederick
Department of Planning and Development
107 North Kent Street, Suite 202
Winchester, VA 22602

RE: Rezoning Application Comments

Dear Mr. Ruddy,

The following summary outlines agency responses to our rezoning application: (Please see attached documents for verification)

- 1) Frederick County Fire and Rescue Department – Office of the Fire Marshall
 - a. Plan approval was recommended

- 2) Winchester Regional Airport
 - a. Proposed rezoning of M1 is compatible with airport Operations.

- 3) Frederick County Sanitation Authority
 - a. The parcels to be rezoned have been added to the sewer and water service area.
 - b. Water and sanitary sewer treatment facilities are presently available to meet the projected demand of 53,000 gpd.
 - c. The applicant is in agreement that construction of adequate infrastructure will be the responsibility of the applicant.
 - d. Water and sanitary sewers are to be constructed in accordance with the FCSA (Frederick Water) standard specifications.

- 4) Frederick-Winchester Service Authority
 - a. Comments deferred to FCSA

- 5) Frederick County Department of Public Works
 - a. Only comment, "A comprehensive review shall occur at time of site plan submission".

- 6) Virginia Department of Transportation (VDOT)
 - a. VDOT's comment, "Following discussions with Frederick County, it is VDOT's understanding that if an agreeable proffer regarding the monetary participation for the completion of Renaissance Drive can be reached between Frederick County and the developer, the county will consider the transportation mitigation responsibilities of the

subject property resolved.” It is the applicant’s understanding that the revised Proffer Statement’s monetary participation is agreeable to Fredrick County.

- 7) Frederick County Attorney
 - a. “Applicant” has been changed to “owner” in the Proffer Statement
 - b. The sentences have been combined in the Proffer Statement
 - c. The GDP has been incorporated as part of the Proffer Statements
 - d. The Proffer Statement was revised to indicate “whichever event occurs first”
 - e. See the current revised Proffer Statement:
 - Item 2 – “This dedication is to be made within 90 (ninety) days after the date of the approved Rezoning Application.
 - Item 3 – “This dedication is to be made with 90 (ninety) days of a written request by Frederick County.”
 - Item 4 – “This grant is to be made with 90 (ninety) days of a written request by Frederick County.”
 - f. The Proffer Statement has been revised to “grading/slope” easement.
 - g. See the revised Proffer Statement, Site Improvements, Item 5.
 - h. The Proffer Statement was been revised to “west of Shady Elm Road”
 - i. The Proffer Statement was revised to “The trees are to be planted within 120 (one hundred and twenty) days of written request by Frederick County.”
- 8) Historic Resources Advisory Board
 - a. Approval was recommend with the condition that the Applicant preform an intensive level survey on the Henry Carbaugh House #34-1040.
 - b. The Proffer Statement was revised to require the intensive level survey request prior to demolition of the Henry Carbaugh House.
- 9) Virginia Department of Health, Lord Fairfax Health District
 - a. No objections noted.
 - b. The applicant will properly abandon any discovered sewer disposal systems or private wells per Health Department Regulations.
- 10) Department of Planning and Development
 - Proffer –Site Improvements
 - a. The Proffer Statement has been revised to limit the impact on Shady Elm Road. See Site Improvement – Item 5.
 - b. On the Proffer Statement. See Site Improvements – Item 5.
 - c. The suggested change has been incorporated into the Proffer Statements.
 - d. The suggested change has been incorporated into the Proffer Statements.
 - Proffer - Building Restrictions
 - a. The item has been removed from the Proffer Statement
 - b. The applicant feels that a façade restriction would place an undo burden on the marketability of the land for future developments. Those restrictions are not prevalent on other M1 zoned properties.
 - c. Signage has been restricted on Shady Elm Road in the Proffer Statement.

- d. The flashing lights cannot be restricted on the buildings as it has become a loading dock safety requirement. The applicant has added the use of a Category – C full screen 100' buffer to the Proffer Statement to mitigate the impact of the loading dock lights.

Proffer – Landscape Design Features.

- a. See the revised GDP and Proffer Statement. Street trees have been provided for along Renaissance Drive.
- b. The item has been removed.

Proffer – Monetary Proffer

- a. The applicant has increased the proffered amount by \$20,000 dollars.

Impact Analysis: TBD

- 11) Frederick County Transportation
 - a. To be discussed

Please feel free to contact me with any questions or concerns.

Thank you,

Tim Stowe

Impact Analysis Statement

Carbaugh Rezoning

Back Creek Magisterial District
Parcel ID 74-(A)-68 and 69
Total Area: 105.74 acres

October 21, 2016

Owner:
Henry J. Carbaugh Trust
Winchester, VA 22603

Prepared by

Stowe Engineering, PLC
103 Heath Court
Winchester, VA 22602

Carbaugh Property

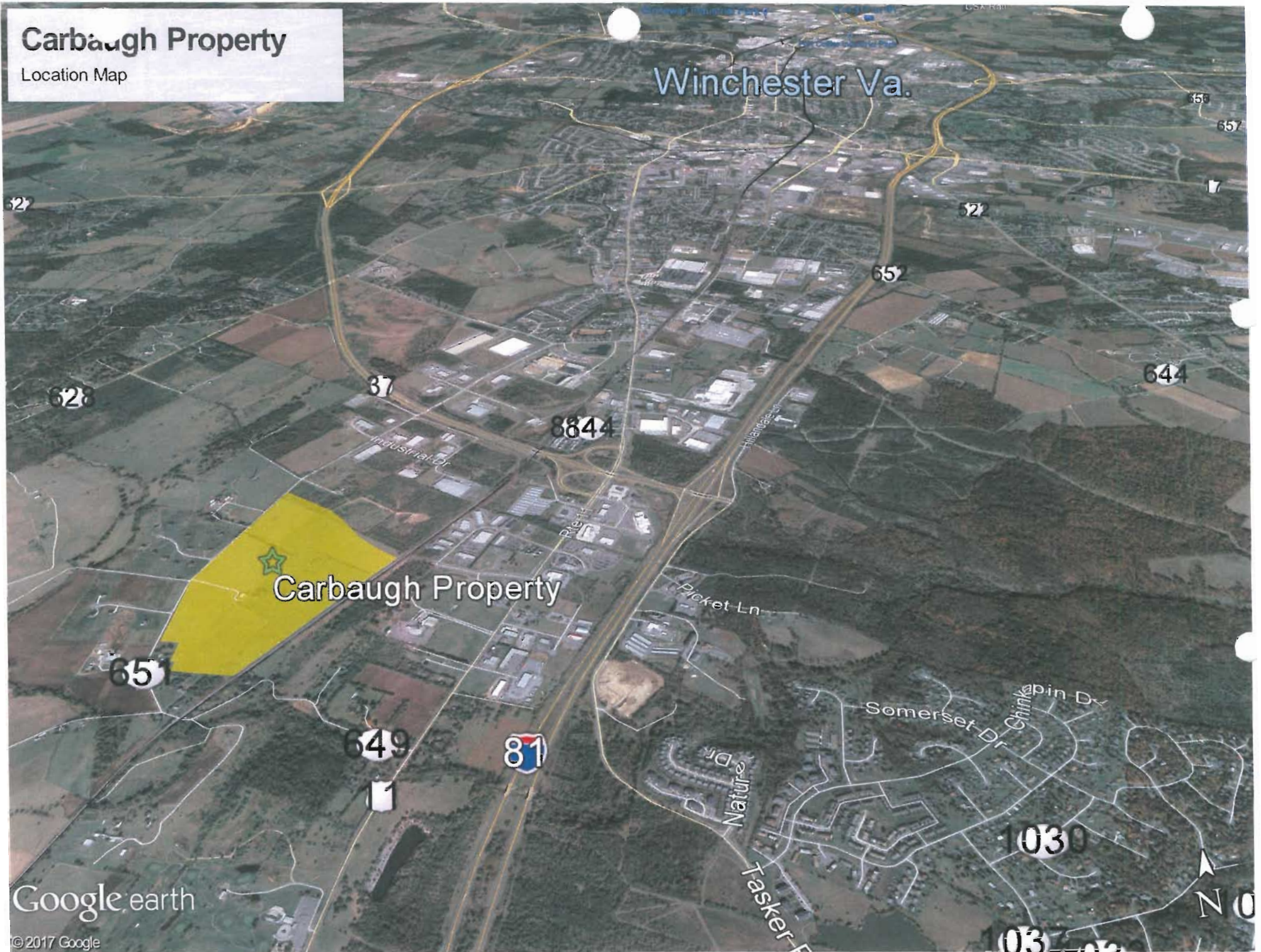
Location Map

Winchester Va.

Carbaugh Property

Google earth

© 2017 Google



IMPACT ANALYSIS STATEMENT

Henry J. Carbaugh Trust

Introduction

The Henry J. Carbaugh Trust is requesting a rezoning of a 105.75-acre parcel in Frederick County. The property is owned by the Trust and is located east of Shady Elm Road, west of the CSX railroad, and south of the planned extension of Renaissance Drive. The site has previously been leased for agricultural use and the abandoned home on the property has been vacant in recent years. The applicants are seeking a change in zoning from RA to M-1.

The property is currently open fields with an abandoned home and farm buildings. Multiple utilities run along the perimeter of the property adjacent to the railroad and Shady Elm Road. Stormwater drains generally south east to a 3' x 5' stone box culvert that pass under the CSX railroad.

The Frederick County Comprehensive Plan's 2035 Long Range Land Use map shows this property is planned for industrial use. The requested M-1 zoning is consistent with this planned use. Light manufacturing and warehousing businesses are planned for the site. The site will be graded, landscaped, and roads will be installed that will meet current County specifications. The main entrance will connect to Renaissance Drive when Renaissance Drive is extended Shady Elm Road. Inter-parcel connectors will be utilized within the parcel to direct all traffic to this main entrance.

Site Suitability

100 Year Flood Plains - The site is not located within or near any 100-year flood plains per FEMA Flood Map Nos. 51069C0330D and 51187C0050C.

Wetlands – Based on field studies performed by Virginia Waters and Wetlands and a site visit by the US Army Corps of Engineers, Warrenton field office representative, the Corps of Engineers is taking jurisdiction of wetland areas on the property, which includes two farm ponds and a small spring.

Steep Slopes – This site is fairly flat, without any steep slopes.

Mature Woodlands – There are no areas of mature woodlands on the site.

Prime Agricultural Soils – Based on data from the USDA Web Soil Survey there are 46.3 acres of Prime Farmland on the site and 59.45 acres of farmland of statewide importance. Efforts will be made to preserve these lands in the wetlands and inactive buffer areas.

Soil or Bedrock Conditions which would create Construction Difficulties or Hazards – A review of the USDA Web Soil Survey indicates that the depth to bedrock is over 80 inches for 80+ acres of the site, and for the remainder of the site it is 20 to 40 inches. Where rock is encountered in excavation areas it will be removed by mechanical means or blasting.

Surrounding Properties

The subject property is surrounded by:

- The CSX railroad to the east. On the opposite side of CSX is undeveloped land and the Mountain View Church.
- The proposed American Woodmark headquarters lies to the north.
- To the south and adjoining the property are four homes.
- To the west is Shady Elm Road and on the opposite side of the road is the Shady Elms Farm subdivision.

The distance from the property line to the homes on the west side of Shady Elm Road is 130 feet or more. Due to existing utilities, the VDOT right of way dedication requirements, and the Frederick County zoning buffer requirements, noise and glare impacts on the neighbors is expected to be minimal, if any. The planned uses will are not generators of loud noises, fumes or pollution.

Traffic

A Traffic Impact Study has been prepared by Stowe Engineering. The study shows that Renaissance Drive, when completed, will serve as the primary road between Route 11 and the site. Until Renaissance Drive is completed, Shady Elm Road will be used for access. Route 11 currently operates at a good level of service south of Route 37. However, it is recognized that this proposed development will add traffic to the roadways. Therefore, the developer is proffering to participate financially to improve mobility to the area.

Sewage Conveyance and Treatment

The site is located inside of the Frederick County Sewer and Water Service Area. Wastewater from the site will be collected and pumped into the existing FCSA gravity sewer system. Improvements to the Battlefield pumping station will be implemented as needed to convey the wastewater to the Parkins Mill Wastewater Treatment Plant which is sized to treat 5 million gallons a day.

Water Supply

The site is located inside of the Frederick County Sewer and Water Service Area. An existing 20" water main in Valley Pike will be tapped to provide water to the site. A new line will be run perpendicular to Valley Pike and under the CSX railroad to the serve the site. The line will be constructed so it can be looped back into the water system.

Drainage

Drainage from the site flows to the southeast. A spring feeds a small stream which fills a farm pond in the southeast area of the property, which ultimately drains through a 3' x 5' stone box culvert under the CSX Railroad. An upper farm pond does not collect water and has little development value. Preliminary plans call for the spring and lower pond to be preserved, while the upper pond will be removed.

Post-development drainage from the developed areas will be routed through stormwater management facilities to control the quantity and quality of stormwater leaving the site.

Solid Waste

Collection of solid waste will occur through the use of on-site dumpsters and private haulers. The Civil Engineering Reference Manual, 4th edition, uses a solid waste generation rate of 5.4 cubic yards per 1,000 square feet of floor area. Applying this rate, 1,000,000 sf development will

generate 5,400 cubic yards of solid waste per year. The solid waste will be transferred to the Frederick County Landfill Facility by private licensed commercial carriers.

Historical Site and Structures

A review of battle maps for the 1st and 2nd Battles of Kernstown showed that troops marched across the subject property on their way to the battles, but no fighting is recorded on the property. A review of the VA Department of Historic Resources record 034-1040 for the Henry Carbaugh House (formerly the Hockman House) provided the following statements:

11/2006: The Hockman House has aluminum replacement windows, and an interior that was destroyed by fire and rebuilt. Research did not indicate that it was associated with historical events, persons of historical significance, nor is it an outstanding example of an architectural style or type or the work of a master craftsman.

Impact on Community Facilities

Educational Facilities – This project will add no children to the school system.

Emergency Services – Police protection will be provided by the Frederic County Sheriff Department. The property is located in the first response area for the Stephens City Fire and Rescue station. Response times from the station to the site are reasonable.

Parks and Recreation – This project will not add to the population of Frederick County and therefore will not increase the demand for Parks and Recreational services.

Libraries - This project will not add to the population of Frederick County and therefore will not increase the demand for library services.

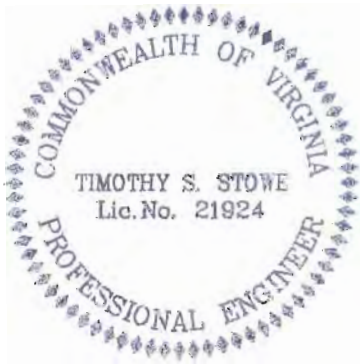
Local Government – The Frederick County Impact Model will be used to determine the level of impact this project will have on the local government.

Traffic Impact Study Carbaugh Rezoning

January 25, 2017

Prepared for

Henry J. Carbaugh Trust
c/o Bank of Clarke County Trust Dept.
202 North Loudoun Street
Winchester, VA 22601



Prepared by

Stowe Engineering, PLC
103 Heath Court
Winchester, VA 22602

Executive Summary

This Traffic Impact Study was prepared to support the rezoning request for the land owned by the Henry J. Carbaugh Trust, and is located south of Kernstown in Frederick County, VA. The rezoning, if approved, will lead to development that will create 46.9 acres of light manufacturing and 46.9 acres of warehousing uses. The total area of the proposed project area is 107.21 acres.

The subject property is located south of the unincorporated area of Kernstown in Frederick County, VA. More specifically the site is west of Route 11, east of Shady Elm Road, and north of Springdale Road. Access to the site will be through a new entrance onto Renaissance Drive. Development traffic will be directed east on Renaissance Drive towards Route 11 for access to Route 37 and I-81.

During the scoping for this project it was brought to the attention of the VDOT staff that the ITE trip generation method was found to overestimate the traffic associated with light manufacturing and warehousing land uses. Some ITE data for these land uses dates to the 1960s and does not reflect efficiencies gained with current technologies and automation systems. The old data also does not account for the increased capacity of modern day trucks. The Proposed Trip Generation rates presented in this report were offered to VDOT as a more appropriate trip generation rates for this project. VDOT asked that the 2018 Build and 2026 Design Year analyses be performed using the Proposed Trip Generation and ITE Trip Generation rates. These are included in this report and are identified with labeling of either "Proposed" or "ITE trip generation rates."

While the traffic that is forecasted to result from this development can be accommodated on the existing roadway network, the completion of Renaissance Drive will bring with it benefits beyond those recognized by this project by providing traffic relief to other local roadways in the region, including Route 11 on the north side of Route 37. The recommended roadway improvements are:

- 20 feet of right of way should be dedicated along the northern property line towards the Renaissance Drive project, totaling approximately one acre. Note: the remainder of the needed right of way for Renaissance Drive and the Shady Elm Road intersection improvements was proffered with the rezoning of the Venture 1 property.
- An 80' wide permanent grading/slope easement should be dedicated along the aforementioned right of way line extending 600 ft. west from the CSX right of way, totaling approximately 1.1 acres.
- 40' of additional right of way should be dedicated for future roadway improvement along the western property line adjacent to Shady Elm Road, totaling approximately 2.7 acres.
- Participation financially in the development of Renaissance Drive.

With these improvements proffered by this developer combined with the improvements planned and proffered by other developers in the vicinity, it is the opinion of this engineer that the transportation impacts of this rezoning and its resulting development are both manageable and acceptable for this project setting.

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Appendix A	Pre-Scope of Work Meeting Form
Appendix B	Traffic Count Data
Appendix C	Synchro LOS and Queue Reports
Appendix D	Cost Estimate
Appendix E	Generalized Development Plan
Appendix F	Traffic Signal Timing Plan

Introduction

Purpose

This Traffic Impact Study has been prepared to support a rezoning request for the land located south of Kernstown in Frederick County, VA that is owned by the Henry J. Carbaugh Trust. The rezoning, if approved, will lead to development that will create 46.9 acres of light manufacturing and 46.9 acres of warehousing uses. The total area of the proposed rezoning is 107.21 acres, which includes the entire parcel.

Study Objectives

The objectives of this study are to identify:

1. Impacts on traffic operations that may result from the project.
2. Future connectivity to pedestrian and bicycle facilities.

Background Information

Transportation Improvements Assumed to be in Place

For the purposes of this study Renaissance Drive is assumed to be completed from its current terminus to Shady Elm Road prior to the build out year of this proposed project.

Transportation Improvements Planned

A review of the VDOT Six Year Improvement Plan shows that VDOT has one planned construction project near this proposed rezoning, the extension of Renaissance Drive, UPC 91847. Schedule information for the project is not provided in the VDOT online database.

According to the Frederick County 2016-2017 Secondary Road Improvement Plan and the 2016-2017 Primary Road Improvement Plan, two planned roadway improvement projects are near the Carbaugh property. These are:

- Improve Valley Pike (Route 11) to establish an Urban Divided Four Lane System from the southern limits of the City of Winchester to 0.4 miles south of intersection of the Route 37 EB ramps. It is assumed that this improvement will not be in place before 2018, the build out year for this rezoning project.
- The extension of Renaissance Drive from 0.24 miles west of Route 11 to Shady Elm Road. It is assumed that this improvement will be in place before 2018.

Development Description

Site Location

The subject property is located south of the unincorporated area of Kernstown in Frederick County, VA. More specifically the site is west of Route 11, east of Shady Elm Road, and north of Springdale Road. Figure 1 shows the location of the property and its surrounding land uses. Access to the site will be through a new entrance onto Renaissance Drive.



Figure 1 Project Location Map (n.t.s.)

Description of the Parcel

The subject property for which this rezoning is requested encompasses 107.21 acres with frontage along Shady Elm Road and future frontage along Renaissance Drive. The terrain is gently rolling and the land is currently farmed. The property lies within the Frederick County Sewer and Water Service Area.

General Terrain Features

The site and its surrounding areas have gently rolling terrain with gentle slopes draining to the east. The CSX railroad runs north-south on the east side of the property and runoff collects along the railroad until it reaches a stone culvert near the south end of the property where drainage flows under the railroad and ultimately to Opequon Creek.

Shady Elm Road runs north-south along the western side of the property and the future Renaissance Drive will run east-west along the north side of the property.

Location within Jurisdiction and Region

The subject property is in the Back Creek Magisterial District of Frederick County, VA.

Comprehensive Plan Recommendations

The 2035 Frederick County Comprehensive Plan – Kernstown Plan, identifies the future land use on the site to be industrial. Surrounding properties are designated as industrial to the north, business to the east and rural/agricultural to the south and west. Figure 2 shows the Future Land Use Plan near the rezoning area.

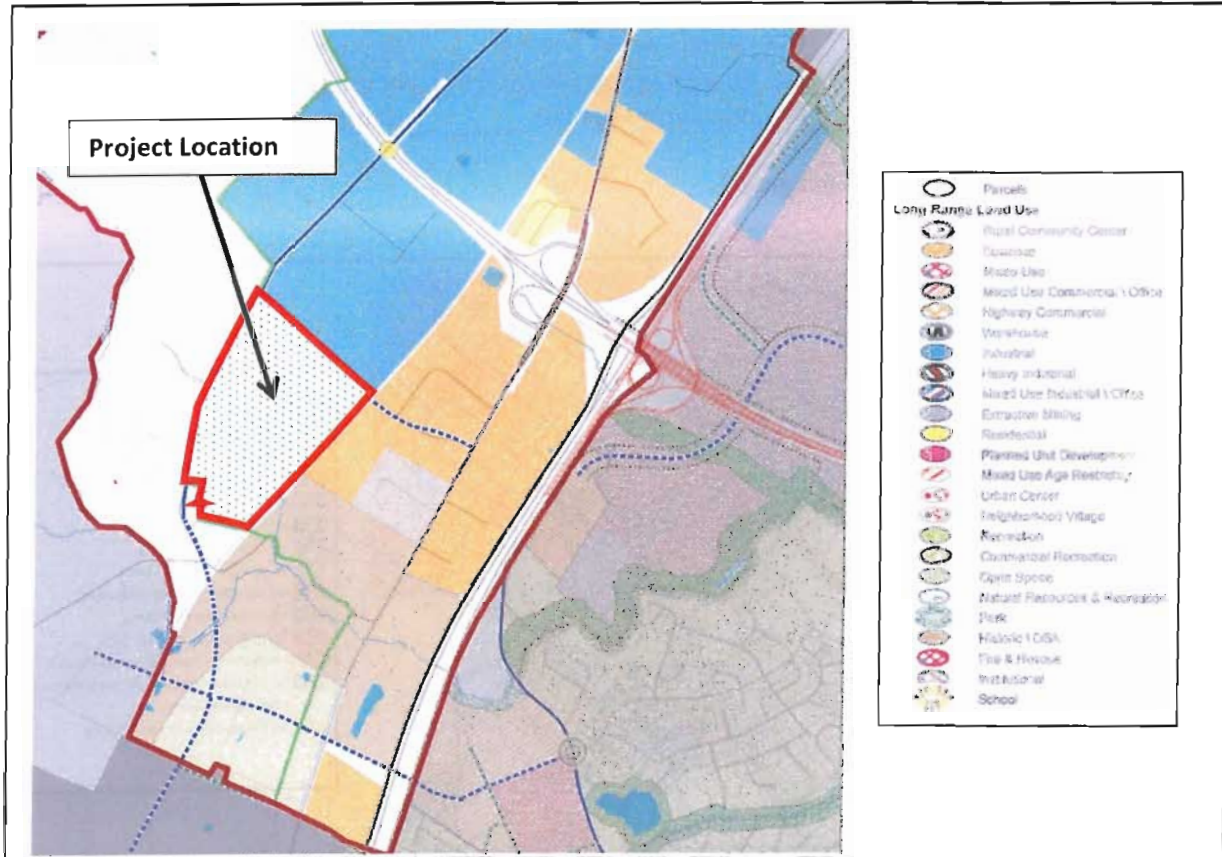


Figure 2 Future Land Use map (n.t.s.)

Current Zoning

The current zoning on the property is RA (Rural Agriculture) and the property is being used for agricultural purposes. The current land uses and zoning for the surrounding properties are:

Table 1 Surrounding zoning and land use

Direction	Zoning	Use
North	M1 Light Industrial	agricultural
East	CSX railroad w/ RA beyond	agricultural
South	RA, large lot residential	housing
West	RA, large lot residential	Housing and agricultural

The current zoning map is shown in figure 3.

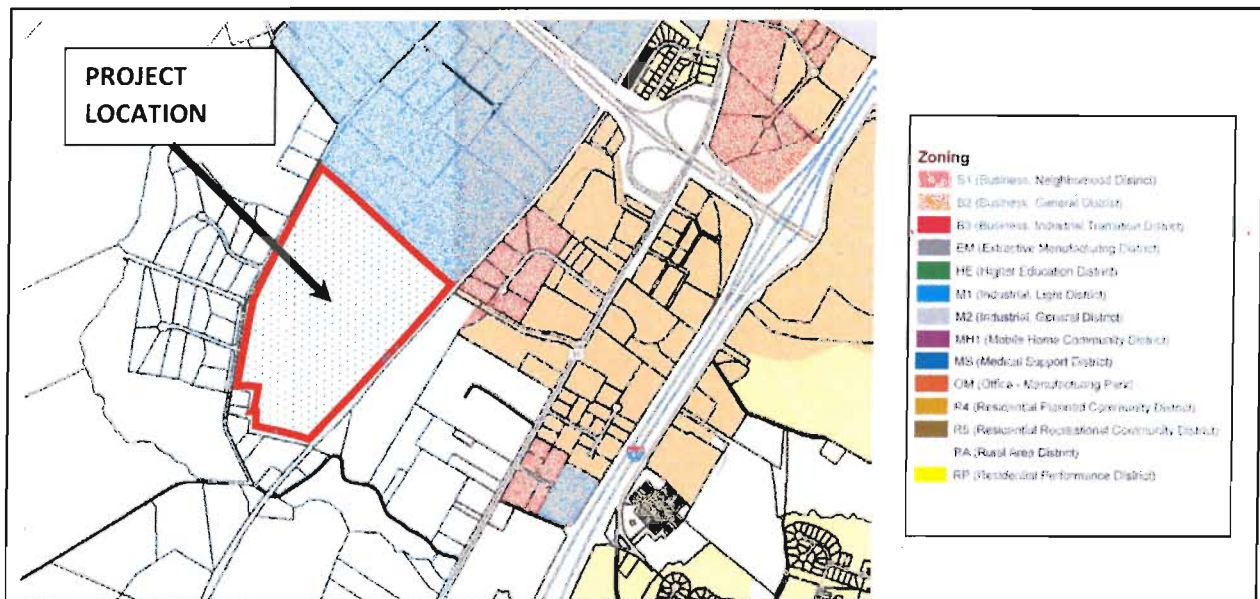


Figure 3 Existing Zoning Map (n.t.s.)

Study Area Description

Study Area

For the purposes of this Traffic Impact Study the study extends from Route 37 on the north to Springdale Road on the south, and from Valley Pike on the east to Shady Elm Road on the west. There are no additional major intersections within 2000 feet of the site that are not being studied. Figure 4 shows the locations of the intersections that have been studied and the existing roadways near the site.

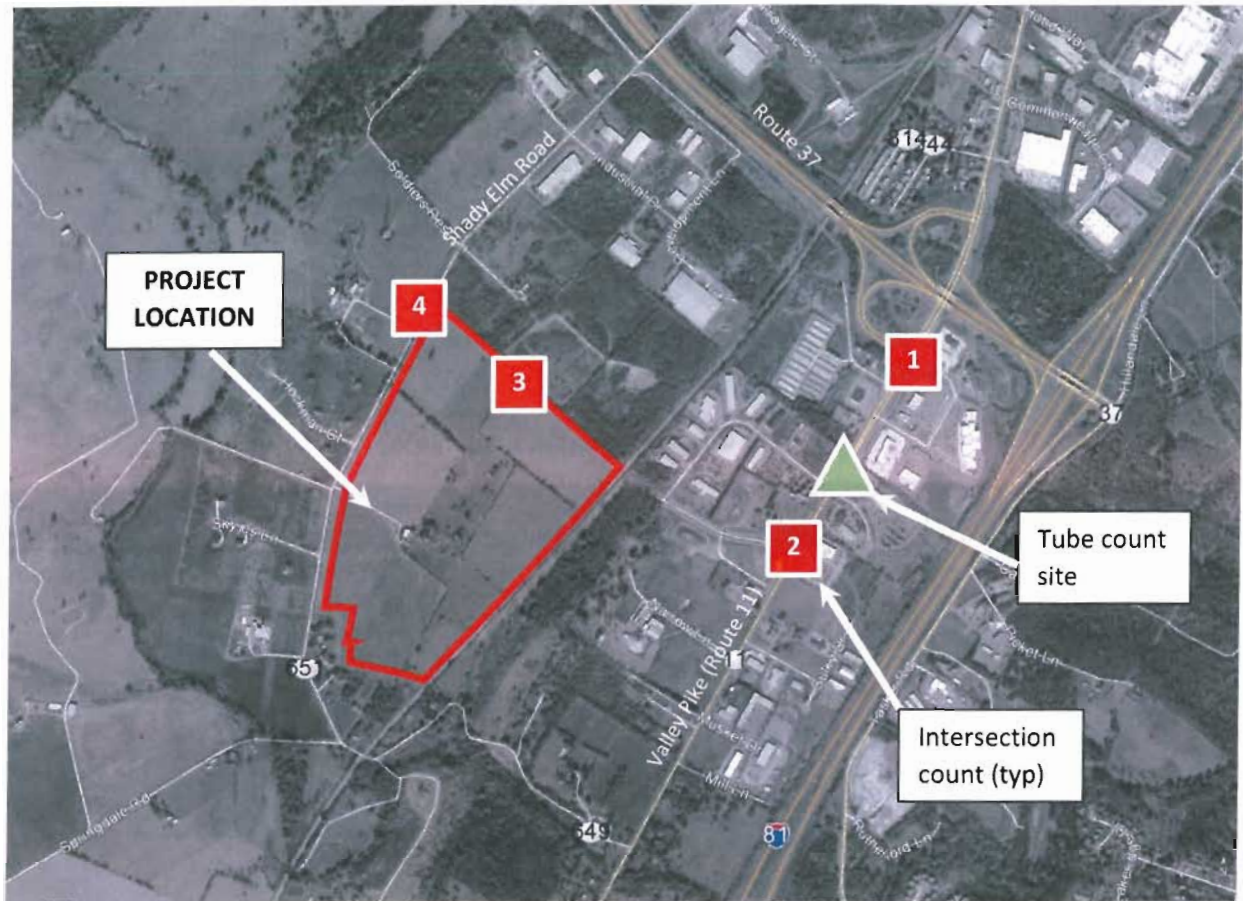


Figure 4 Location of Study Intersections

Proposed and Existing Uses

Existing Use

The property is currently used for agricultural purposes.

Proposed Uses & Access

The proposed uses for the property are light manufacturing and warehousing (ITE land uses 110 and 150) which will include a mix of manufacturing, service and warehouse facilities. A plan of the proposed development at an engineering scale is included in Appendix E of this report.

Access to the property will be through a proposed commercial entrance on Renaissance Drive. This will be the only access to the site for normal traffic.

A connection to Shady Elm Road is also proposed and will be used for site access until Renaissance Drive is open to traffic. After the opening of Renaissance Drive the Shady Elm access will be closed to normal traffic and reserved for emergency and maintenance access.

Nearby Uses

The existing land uses near the proposed site are:

- North – agricultural land that is zoned Light Industrial.
- West – agricultural land and large lot residential that is zoned Rural/Agricultural.
- South – agricultural land and large lot residential that is zoned Rural/Agricultural.
- East - CSX railroad and a mixture of Rural/Agricultural and commercial entities beyond CSX.

Existing Roadways

Figure 4 shows the location of the existing roadways near the subject property. The typical section attributes for these roadways is as follows:

Table 2 Existing Roadway Attributes

Road Name	Number of Through Lanes	Lane Width (ft.)	Shoulders	Functional Classification
Shady Elm Road	2	11	Gravel, variable width	Major Collector
Renaissance Drive	2	12	Curb & Gutter	Major Collector
Route 11 - Valley Pike	2 NB and 2 SB thru lanes w/ left and right turn lanes at Route 37 EB ramps and commercial entrances. Narrows to one thru lane with left and right turn lanes at Renaissance Drive	12	Curb & Gutter in some sections. Gravel shoulders with variable width in some sections	Major Arterial
Route 37 EB Ramps	3 EB, 1 WB	12 - 18	Gravel, variable width	n/a

The intersection of Route 11 and the eastbound ramp for Route 37 is signalized. A traffic signal was constructed at the intersection of Route 11 and Renaissance Drive when phase 1 of Renaissance Drive was constructed. Since that time the signal has been “bagged” and is not in service. For the purpose of this study it is assumed that the signal will be placed into service by VDOT in the project buildout year of 2018.

Future Transportation Improvements

The subject property is in the Virginia Department of Transportation’s Staunton District, and Edinburg Residency area of responsibility. A review of the VDOT Six Year Improvement Plan shows that VDOT has one planned construction project near this proposed rezoning, the extension of Renaissance Drive, UPC 91847. Schedule information for the project is not provided in the VDOT online database.

According to the Frederick County 2016-2017 Secondary Road Improvement Plan and the 2016-2017 Primary Road Improvement Plan, two planned roadway improvement projects are near the Carbaugh property. These are:

- Improve Valley Pike (Route 11) to establish an Urban Divided Four Lane System from the southern limits of the City of Winchester to 0.4 miles south of intersection of the Route 37 EB

ramps. It is assumed that this improvement will not be in place before the build out year of 2018.

- The extension of Renaissance Drive from 0.24 miles west of Route 11 to Shady Elm Road. It is assumed that this improvement will not be in place before the build out year of 2018.

2016 Existing Traffic Conditions

Data Collection

To analyze the existing traffic conditions, peak hour turning movement counts were performed in late August and early September following the opening of Frederick County Public Schools. Count data at the following locations was collected using a video recording device that was later reviewed and tabulated:

- The intersection of Shady Elm Road where Renaissance Drive will connect (vol. on Shady Elm Rd. only).
- The intersection of Route 11 and Renaissance Drive.
- The intersection of Route 11 and the Route 37 EB ramps.

The intersection count data was classified into cars and heavy vehicles thus providing a percentage of heavy vehicles in the traffic. A minimal number of pedestrian movements (5) were also counted in the intersection of Route 11 and Route 37 EB ramps.

Some construction was underway north of the Route 11 – Route 37 EB ramp intersection at the time of the count. After waiting over 4 weeks for the work area to clear, it became apparent the work area was going to remain in place from 8:00 AM to 4:00 PM each week day for the foreseeable future. Based on visual observations it was determined that the work area did not affect the flow of traffic in the intersection and the count proceeded.

In addition to the intersection counts, 24 hour tube counts were also performed on Route 11 between Renaissance Drive and Route 37 EB ramps. Count data was collected independently for the northbound and southbound directions over a two-week period, but due to equipment problems only one week of data was reported as having a high quality. Data from Tuesday through Thursday is used in this reporting. This data is summarized in table 3 below and the count reports are included in Appendix B of this report.

Table 3 Summary of Tube Count Data for Route 11

Direction	AADT	% Trucks	AM Peak Vol	PM Peak Vol
NB	5869	11.4%	424	511
SB	6294	11.9%	424	541

For the purposes of this report a 'K factor' of 0.086 was computed based on the PM peak hour volumes from the tube counts. Since the VDOT Traffic Volume reports only include a 'k' Factor for Route 11, this computed 'k' factor was applied to all other study locations to compute the AADT for those roadways.

A count of the vehicles that did not clear the queue at the intersection of Route 11 and Route 37 EB ramps was also performed in the peak AM and PM hours. The data was collected to more accurately model the actual conditions during saturated flows, although in almost every cycle the queue cleared, there was a minimal number of vehicles that did not clear the signal queue on every cycle. Visual observations indicate that inattentive drivers using their phones was the cause of most vehicles not clearing the queue. This data is also included in Appendix B.

Analysis

The existing AM and PM peak hour intersection turning movements were analyzed using the Synchro 9.1 traffic modeling software. The location of the intersections studied is shown in figure 4, and the existing AM and PM peak hour traffic volumes are shown in figure 5. For the AM peak hour, the existing lane geometry, levels of service, and delays are shown in figure 6 and the resulting 95th percentile queues are shown in figure 7. For the PM peak hour, the existing lane geometry, levels of service, and delays are shown in figure 8 and the resulting 95th percentile queues are shown in figure 9. The modeling results (levels of service and delays) are shown in tabular form in Tables 3 through 6.

Route 11 is a major north-south corridor that parallels I-81 through Frederick County. In the study area, patrons are attracted to local restaurants, shops, and a large theater. Two intersections that are not being studied were modeled to evaluate the impact of traffic in the NB Route 11 queue that could block these intersections. These intersections are at Kernstown Commons Blvd (150' wide) and Kavanaugh Drive (95' wide). While there are other commercial and residential entrances within the study area on Route 11, these two each have a break in the raised median and therefore require additional consideration. Through visual observations during the PM peak hour it was determined that drivers on Route 11 have no reservation about blocking the intersection with Kavanaugh Drive. Under existing conditions, the NB Route 11 queue does not extend to the intersection with Kernstown Commons Blvd, so it was not possible to evaluate driver's willingness to also block that intersection. However, for modeling purposes, it was assumed that if drivers are willing to block one intersection, they are willing to at least partially block another. In this case it was assumed that 2 vehicles will partially block the intersection with Kernstown Commons Blvd south. The model was coded to reflect this situation.

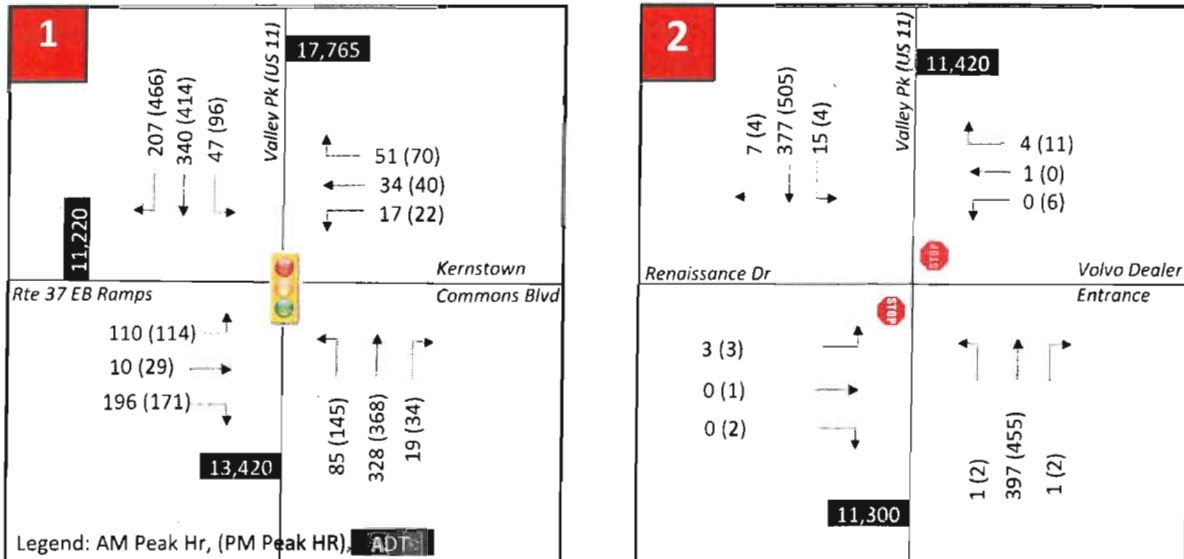


Figure 5 Existing Year 2016 AM and PM Peak Hour Volumes

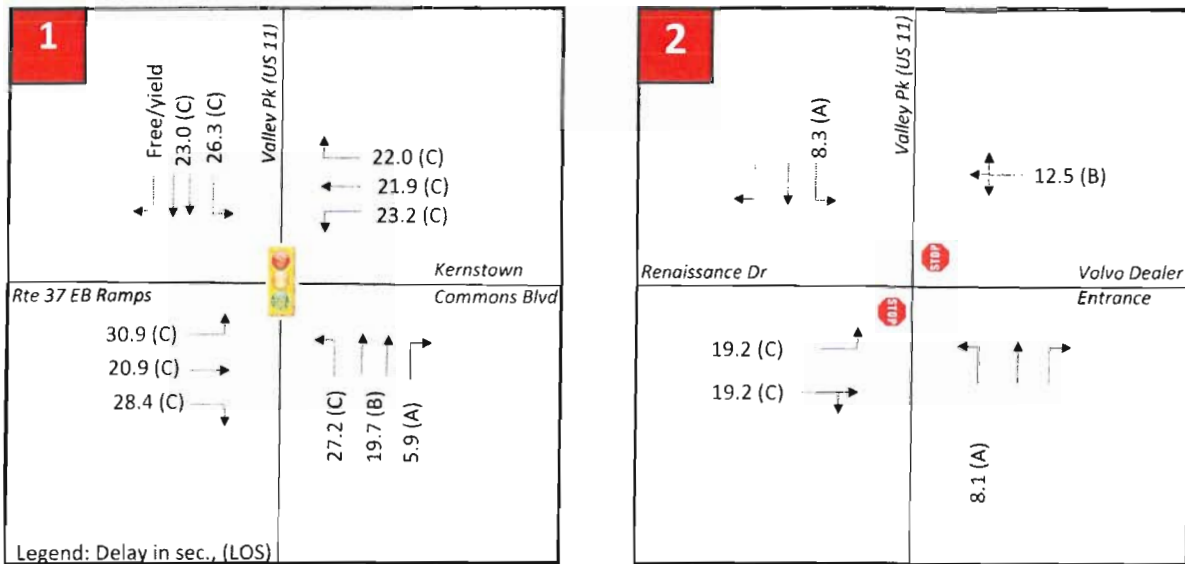


Figure 6 AM Peak Hour Existing Year 2016 AM Lane Geometry, Lane Delay and LOS

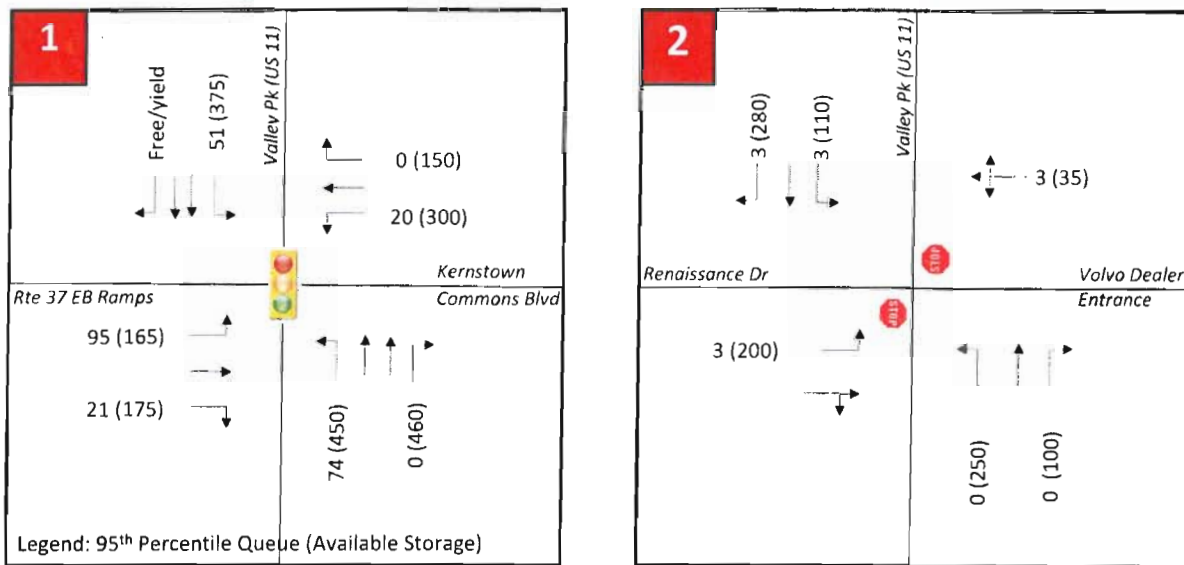


Figure 7 AM Peak Hour Existing Year 2016 AM Queue Length (ft)

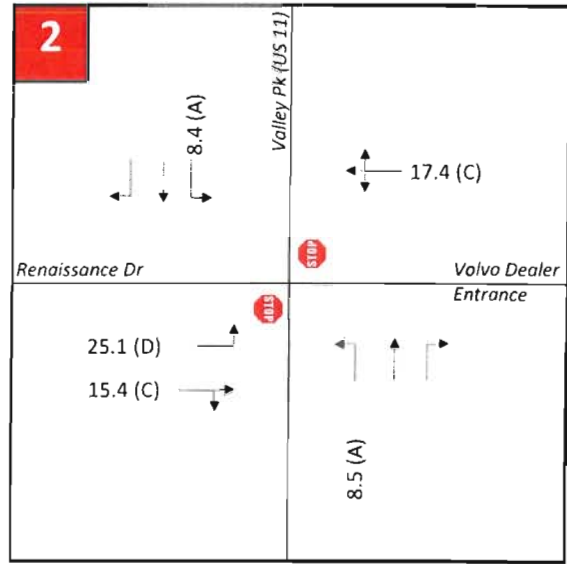
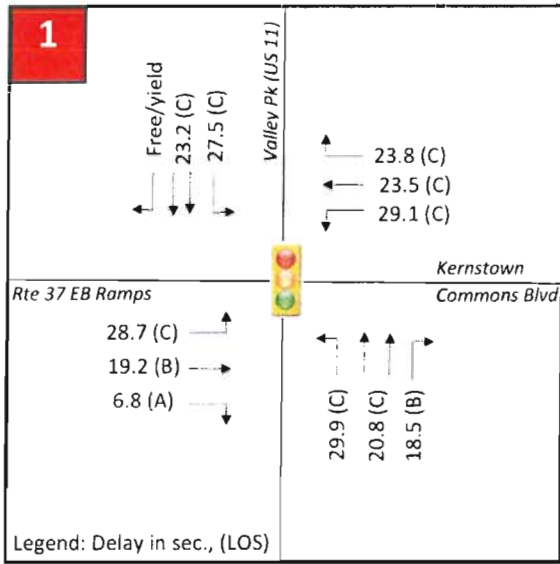


Figure 8 PM Peak Hour Existing Year 2016 PM Lane Geometry, Lane Delay and LOS

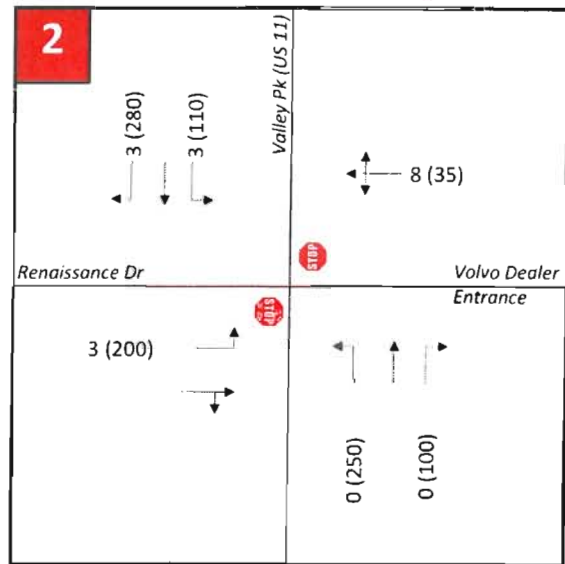
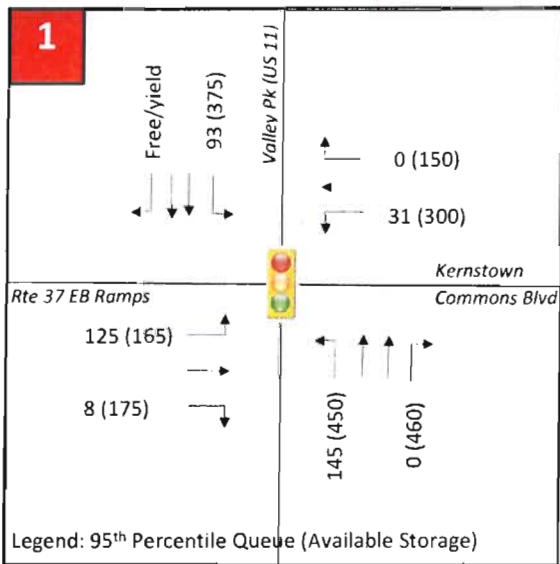


Figure 9 PM Peak Hour Existing Year 2016 PM Queue Length (ft)

Table 4 Level of Service and Delays at Route 11 and Route 37 EB Ramps

Route 11, Route 37 EB Ramps, and Kernstown Commons Blvd													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2016 Existing	C (24.1)	C (30.9)	C (20.9)	C (28.4)	C (23.2)	C (21.9)	C (22.0)	C (27.2)	B (19.7)	A (5.9)	C (26.3)	C (23.0)	
		C (29.2)			C (22.4)			C (21.5)			C (23.4)		
2018 No Build	B (19.1)	C (24.7)	B (15.9)	A (6.4)	C (27.9)	C (20.3)	C (20.3)	C (20.1)	B (19.7)	B (17.2)	B (14.6)	C (21.8)	
		B (14.6)			C (22.0)			B (19.7)			C (20.9)		
2018 Build-out	B (19.5)	C (30.0)	C (24.0)	B (11.9)	C (25.3)	C (24.9)	B (12.2)	B (14.9)	B (17.3)	A (4.9)	B (12.7)	C (21.6)	
		C (22.8)			C (20.6)			B (16.4)			C (20.9)		
2024 Design Yr	B (19.4)	C (29.6)	C (23.4)	B (12.8)	C (24.7)	C (24.3)	B (11.6)	B (15.6)	B (18.0)	A (5.1)	B (13.2)	C (20.9)	
		C (22.5)			B (19.9)			B (17.1)			C (20.3)		
PM Peak Hour													
2016 Existing	C (23.2)	C (28.7)	B (19.2)	A (6.8)	C (29.1)	C (23.5)	C (23.8)	C (29.9)	C (20.8)	B (18.5)	C (27.5)	C (23.2)	
		C (20.2)			C (24.6)			C (23.3)			C (24.0)		
2018 No Build	C (20.3)	C (27.1)	B (18.5)	A (6.7)	C (29.0)	C (22.6)	A (9.5)	C (21.5)	C (20.6)	B (18.1)	B (14.4)	C (22.1)	
		B (19.3)			B (18.3)			C (20.8)			C (20.7)		
2018 Build-out	C (22.6)	C (33.7)	C (23.4)	A (7.9)	C (33.8)	C (27.6)	C (28.1)	C (25.0)	B (18.7)	B (15.9)	B (12.8)	C (24.9)	
		C (23.4)			C (29.1)			C (21.2)			C (23.0)		
2024 Design Yr	C (22.6)	D (36.1)	C (24.6)	A (8.5)	C (34.7)	C (28.8)	B (14.7)	C (25.5)	B (18.5)	B (15.7)	B (12.7)	C (25.5)	
		C (24.6)			C (23.9)			C (21.3)			C (23.4)		

Table 5 Level of Service and Delays at Route 11 and Renaissance Drive

Route 11, Renaissance Drive, and Volvo Dealer Ent.													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2016 Existing		C (21.7)	-	A (0.0)	B (14.0)	-	-	A (8.3)	-	-	A (8.3)	-	-
		C (21.7)			B (14.0)								
2018 No Build		C (19.2)	-	A (0.0)	B (12.5)	-	-	A (8.1)	-	-	A (8.3)	-	-
		C (19.2)			B (12.5)								
2018 Build-out	B (14.8)	C (29.5)		B (14.0)		C (24.4)		B (10.0)	B (13.5)	A (9.3)	A (9.9)	B (14.3)	B (13.6)
		C (27.9)			C (24.4)			B (13.3)			B (13.9)		
2024 Design Yr	B (15.1)	C (33.5)		B (14.6)		C (25.0)		B (10.0)	B (13.8)	A (9.2)	A (9.9)	B (14.3)	B (13.2)
		C (31.6)			C (25.0)			B (13.5)			B (13.8)		
PM Peak Hour													
2016 Existing		D (25.1)	-	C (15.3)	C (17.4)	-	-	A (8.5)	-	-	A (8.4)	-	-
		C (19.2)			B (12.5)								
2018 No Build		C (24.2)	-	C (15.3)	C (16.4)	-	-	A (8.5)	-	-	A (8.4)	-	-
		C (19.7)			C (16.4)								
2018 Build-out	C (23.9)	C (31.3)		B (14.8)		C (33.4)		B (16.8)	C (25.6)	B (16.1)	C (27.4)	C (23.7)	A (2.4)
		C (29.6)			C (33.4)			C (25.2)			B (19.6)		
2024 Design Yr	C (24.6)	C (32.9)		B (15.8)		C (35.0)		B (17.1)	C (26.1)	B (16.1)	C (28.5)	C (24.2)	A (2.3)
		C (31.1)			C (35.0)			C (25.8)			C (20.1)		

Table 6 Level of Service and Delays at Renaissance Drive and Site Entrance

Renaissance Drive and Site Entrance													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northeast			Northwest		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2016 Existing													
2018 No Build													
2018 Build-out	A (7.9)	-	-	-	A (7.9)	-	-	C (16.6)	-	-	A (8.8)	-	-
								A (9.2)					
2024 Design Yr	A (7.9)	-	-	-	A (7.5)	-	-	B (10.9)	-	-	B (10.2)	-	-
								B (10.2)					
PM Peak Hour													
2016 Existing													
2018 No Build													
2018 Build-out	A (9.2)	-	-	-	A (7.5)	-	-	B (11.1)	-	-	B (10.2)	-	-
								B (10.2)					
2024 Design Yr	A (9.2)	-	-	-	A (7.5)	-	-	B (10.9)	-	-	B (10.2)	-	-
								B (10.2)					

Table 7 Level of Service and Delays at Renaissance Drive and Shady Elm Road

Shady Elm Road and Renaissance Drive													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Southeast-bound			Northwest-bound			Northeast-bound			Southwest-bound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2016 Existing													
2018 No Build													
2018 Build-out	A (1.7)				A (8.9)		A (8.6)				A (7.3)		
					A (8.8)						A (3.3)		
2024 Design Yr	A (1.6)				A (8.9)		A (8.6)				A (7.3)		
					A (8.8)								
PM Peak Hour													
2016 Existing													
2018 No Build													
2018 Build-out	A (1.3)				A (9.0)		A (8.4)				A (7.3)		
					A (8.7)								
2024 Design Yr	A (1.2)				A (9.0)		A (8.4)				A (7.3)		
					A (8.7)								

2018 Background (No-Build) Traffic Conditions

Background traffic conditions are those that are expected to occur without the proposed rezoning. These traffic conditions were established by increasing the existing 2016 traffic volume by 1.0% per year to the build-out year of 2018. The growth factor of 1.0% was determined by VDOT Staunton District Planning staff and is based on the historical and anticipated growth in traffic volumes in the project area.

The 2018 Background AM and PM peak hour intersection turning movements were analyzed using the Synchro 9.1 traffic modeling software. The AM and PM peak hour traffic volumes are shown in Figure 10. The lane geometry, AM peak hour delay and level of service are shown in Figure 11 and the 95th percentile queue for the AM peak hour is shown in figure 12. The lane geometry, PM peak hour delay and level of service are shown in Figure 13 and the 95th percentile queue for the PM peak hour is shown in figure 14. The modeling results (levels of service and delay) are tabulated in Tables 4 through 7.

Analysis

The traffic modeling shows that traffic continues to operate smoothly with acceptable levels of service under the no-build conditions.

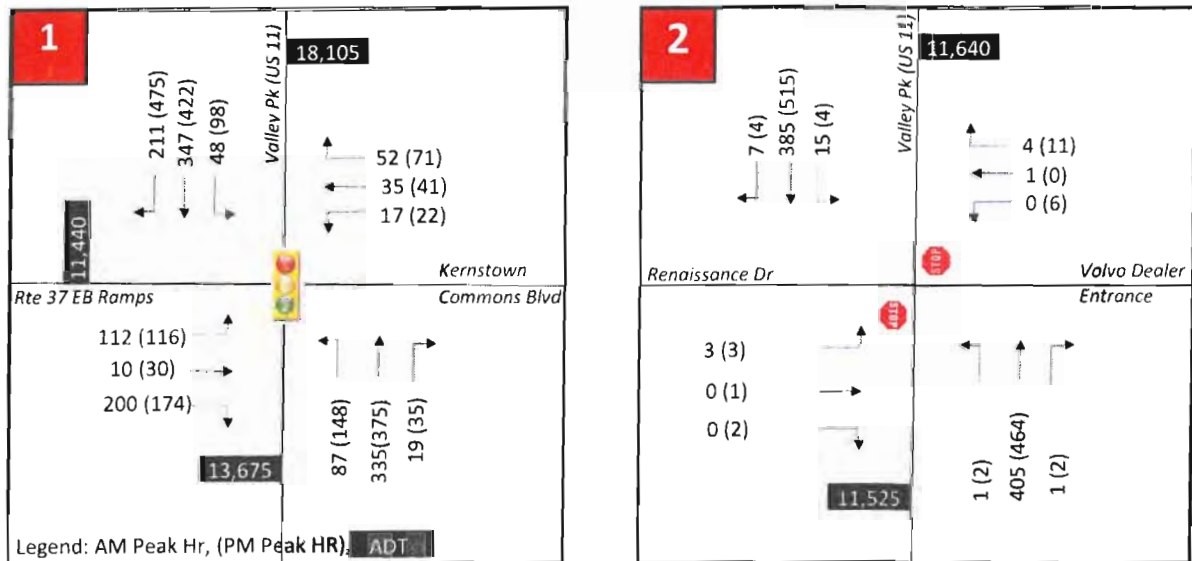


Figure 10 No-Build Year 2018 AM and PM Peak Hour Volumes

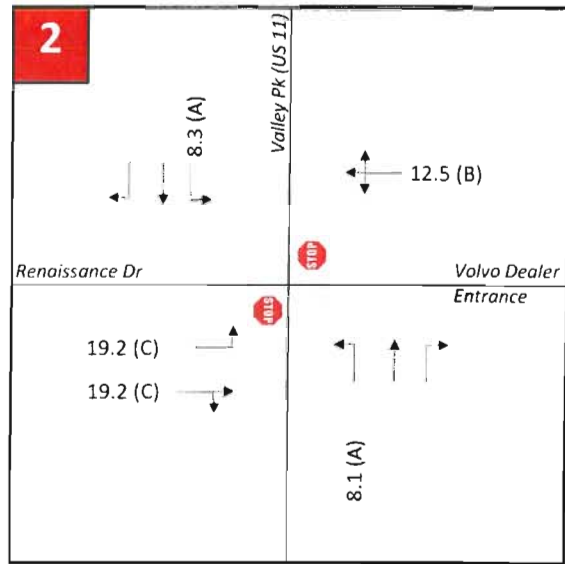
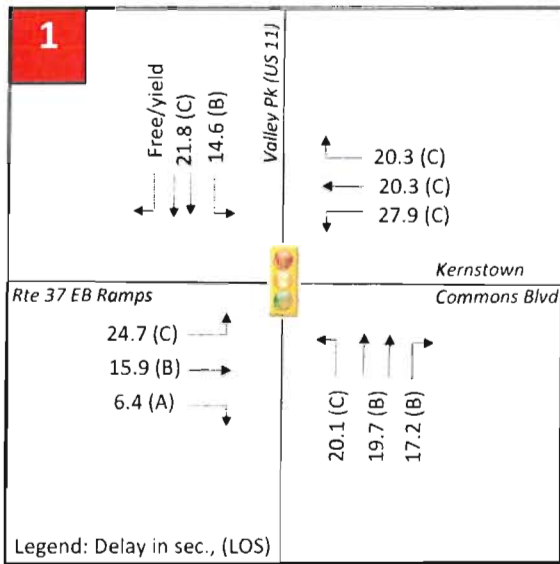


Figure 11 AM Peak Hour No-Build 2018 Lane Geometry, Delay (sec) and LOS

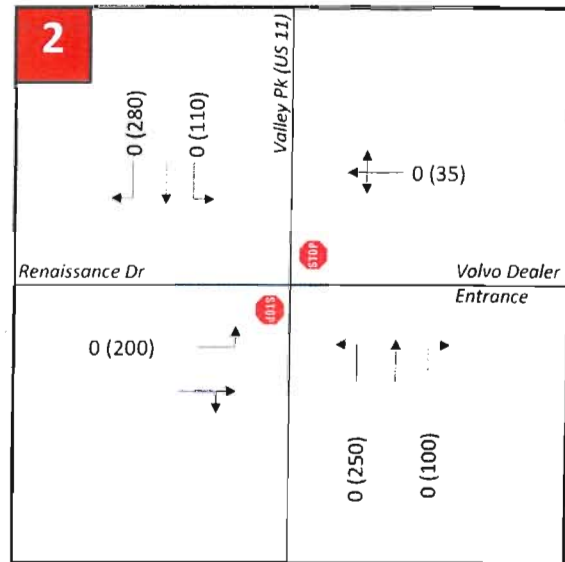
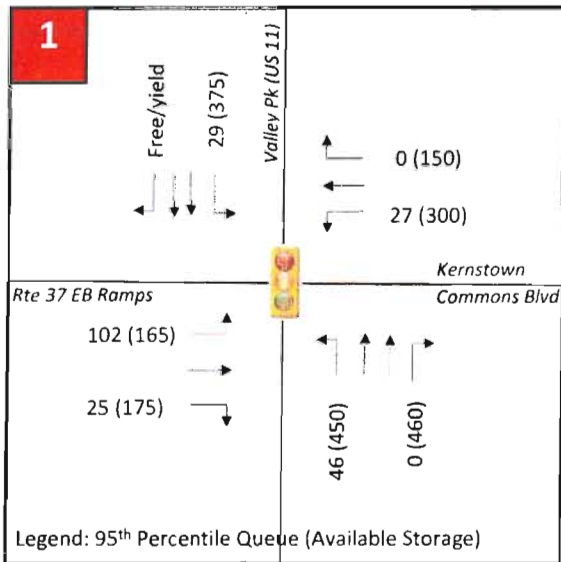


Figure 12 AM Peak Hour No-Build 2018 95th Percentile Queue (ft)

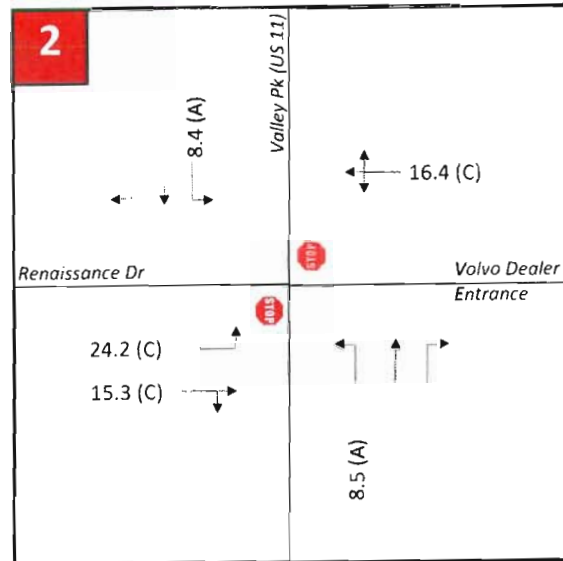
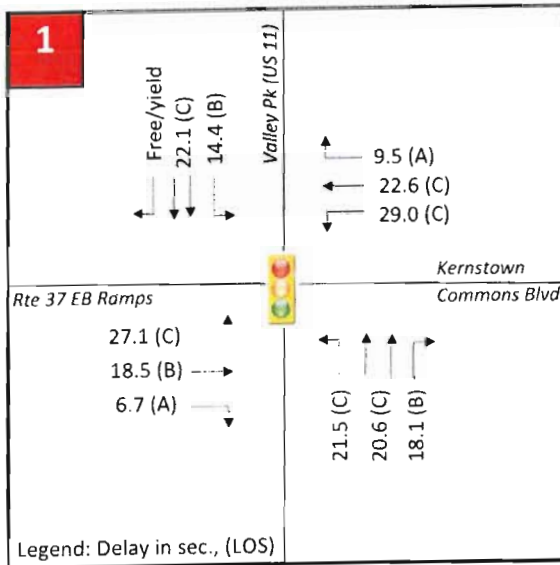


Figure 13 PM Peak Hour No-Build 2018 Lane Geometry, Delay (sec), and LOS

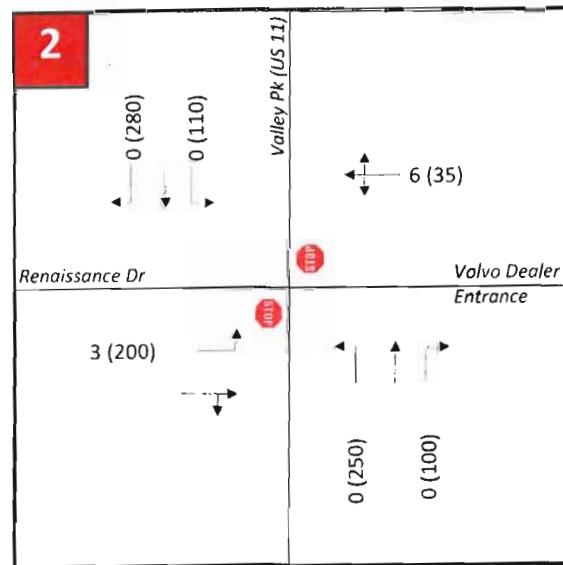
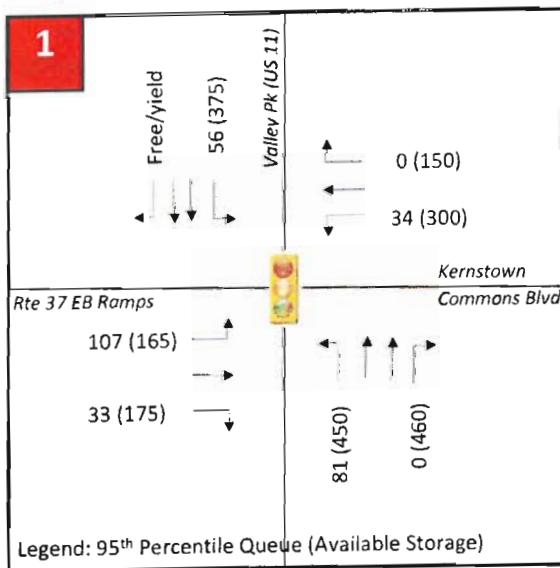


Figure 14 PM Peak Hour No-Build 2018 95th Percentile Queue (ft)

Methods of Forecasting Trips

During the scoping for this project it was brought to the attention of the VDOT staff that the ITE trip generation method was found to overestimate the traffic associated with light manufacturing and warehousing land uses. A report was prepared by Stowe Engineering that analyzes three locations where traffic counts were performed to compare the actual trip rates for warehouses and light industrial land uses with those published in the ITE Trip Generation Manual. The report was undertaken as part of the traffic study scoping for the development of the Carbaugh Business Center, a 107.4-acre parcel in Frederick County, VA and is included in Appendix A as a part of the scoping document for this project.

There is a strong indication that the trip generation rates published by ITE overestimate the trips that will result for warehouse and light manufacturing land uses. Some ITE data for these land uses dates to the 1960s and does not reflect efficiencies gained with current technologies and automation systems. The old data also does not account for the increased capacity of modern day trucks. Warehouse and light manufacturing facilities have evolved rapidly in recent years and have significantly improved the management of transporting their products. This must be accounted for in the planning of modern facilities.

While the data and findings presented in this report may not be representative of these same land uses in other areas, it does represent local conditions as is demonstrated in the Stowe Engineering Report. The trip generation rates presented in table 8 were presented to VDOT as more appropriate trip generation rates for this project. VDOT asked that the 2018 Build and 2026 Design Year analyses be performed using both scenarios. Subsequent sections of this report first present the more appropriate trip generation rates identified as "Proposed", followed by the ITE trip generation rates. A summary of these rates is presented in table 8.

Trips for both scenarios were distributed according to the distribution agreed upon in the project scoping and discussed later in this report.

Table 8 Proposed and ITE Trip Generation Rates

Land Use	Time Period	Proposed Trip Gen. Rate per Acre	ITE Trip Gen. Rate per Acre	ITE % Increase
110 Light Manufacturing	ADT	20.5	47.8	1336.2%
	AM Peak	4.1	7.5	82.9%
	PM Peak	4.4	6.1	38.6%
150 Warehousing	ADT	23.6	54.9	132.6%
	AM Peak	4.7	8.6	83.0%
	PM Peak	5.7	7.8	36.8%

Proposed Method for Trip Generation and Trip Distribution

Trip Generation - Proposed Method

The developer of this project has performed traffic analyses at three locations where they have developed similar projects to determine the appropriateness of the ITE trip generation rates for the light manufacturing and warehousing land uses. Through these studies, it has been found that the ITE trip generation rates greatly overestimate the amount of traffic that is associated with these uses. A copy of the analyses performed resulting in this determination is included in the appendix C of this report.

The trip generation rates provided on the following page are proposed as an alternative to the ITE trip generation rates. These proposed rates are consistent with actual traffic counts taken at similar nearby facilities where modern warehousing and production methods are in use as well as late model trucks.

Eight percent of the new traffic associated with the development is assumed to be heavy trucks based on information presented in the ITE Trip Generation Handbook data for industrial parks. There were no pass-by trip reductions applied to the forecasted traffic volumes.

Trip Distribution - Proposed Method

Trips generated by the development using the proposed trip generation rates were assigned to the roadway network based on proximity to logical transportation corridors, access to I-81, and commuter patterns.

The trip distribution percentages are shown in figure 15-A and the assignment of the new AM and PM peak hour trips are shown in figure 15-B.

Trip Generation Summary

Alternative: Full Build Out with Proposed Trip Generation Rates

Phase:

Open Date: 7/7/2016

Project: Carbaugh Business Center

Analysis Date: 7/7/2016

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
110	Light Industrial Use 46.9 Acres	✓ 481	480	961	✓ 159	33	192	✓ 45	161	206
150	Warehousing Use 46.9 Acres	✓ 554	553	1107	✓ 158	62	220	✓ 93	174	267
	Unadjusted Volume	1035	1033	2068	317	95	412	138	335	473
	Internal Capture Trips	0	0	0	0	0	0	0	0	0
	Pass-By Trips	0	0	0	0	0	0	0	0	0
	Volume Added to Adjacent Streets	1035	1033	2068	317	95	412	138	335	473

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

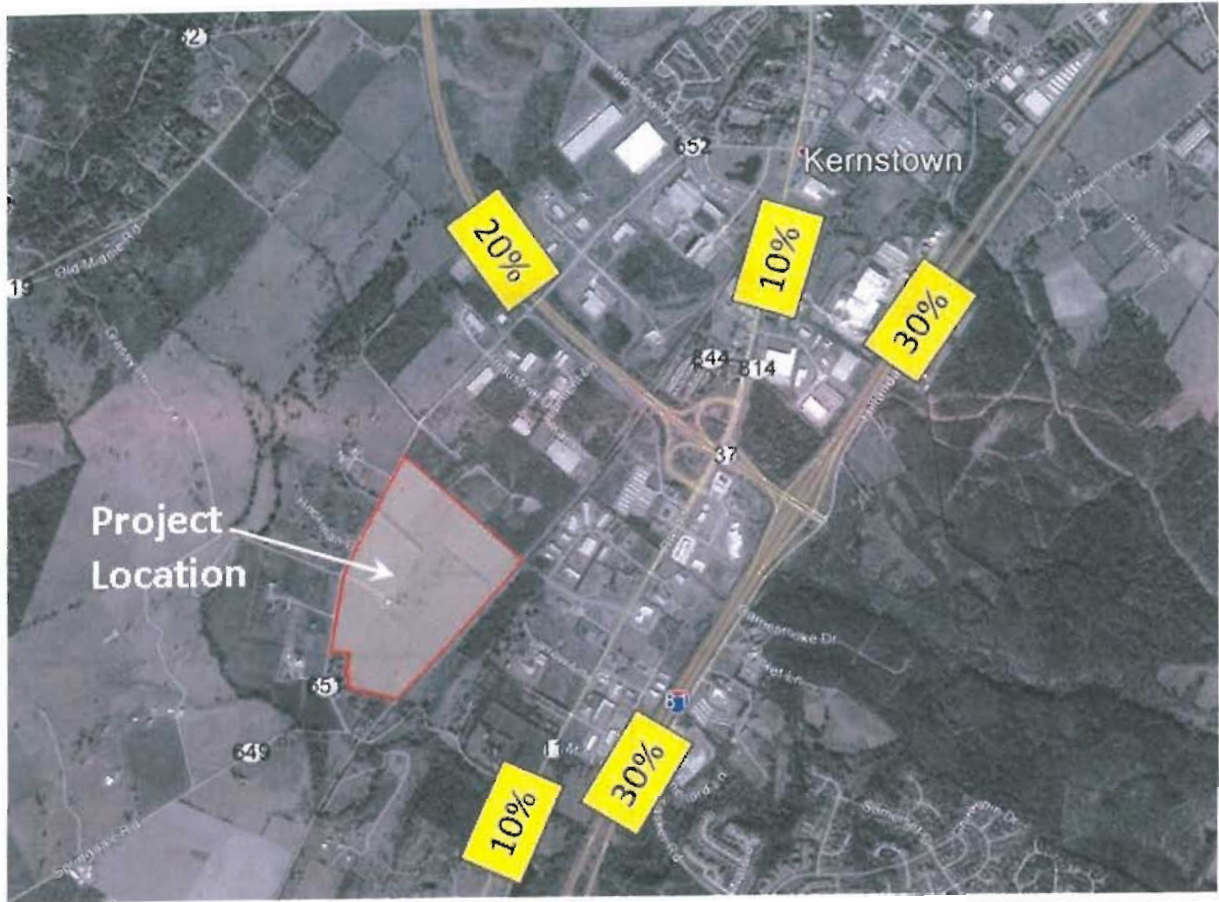


Figure 15-A Trip Distribution Percentages

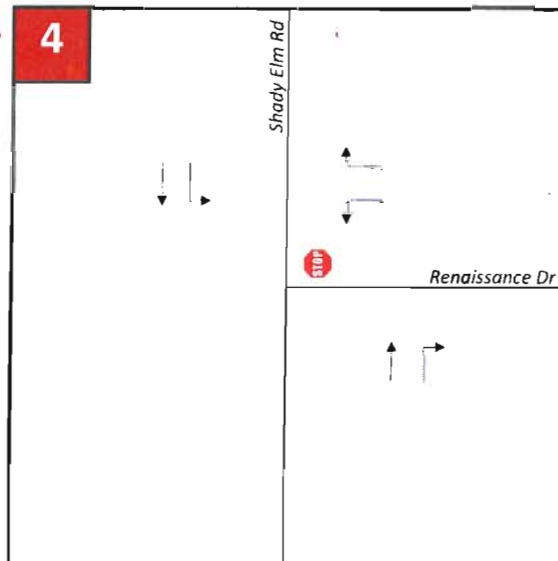
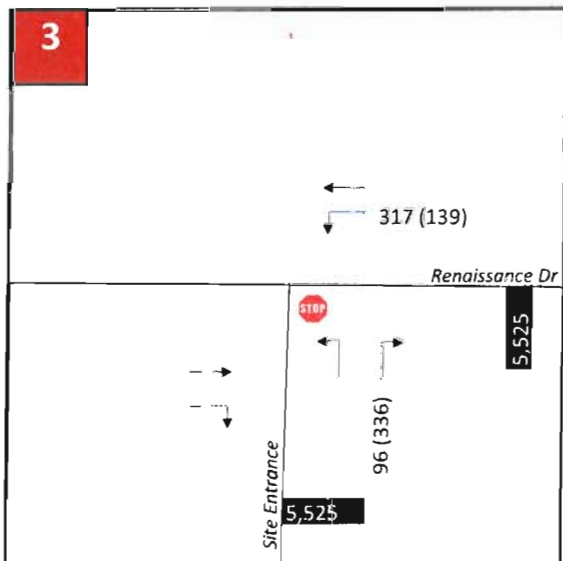
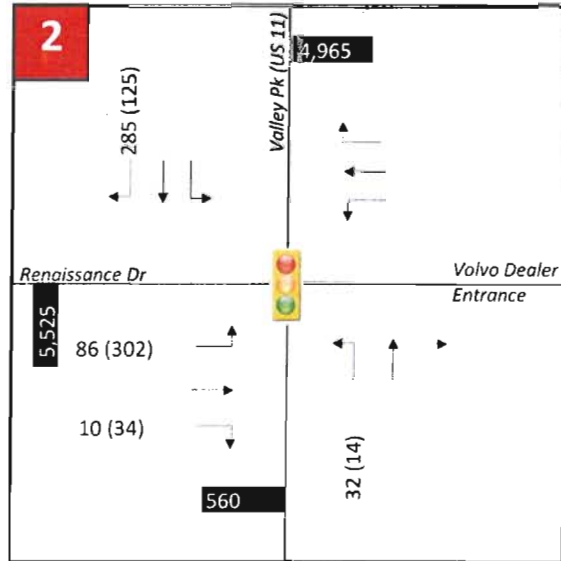
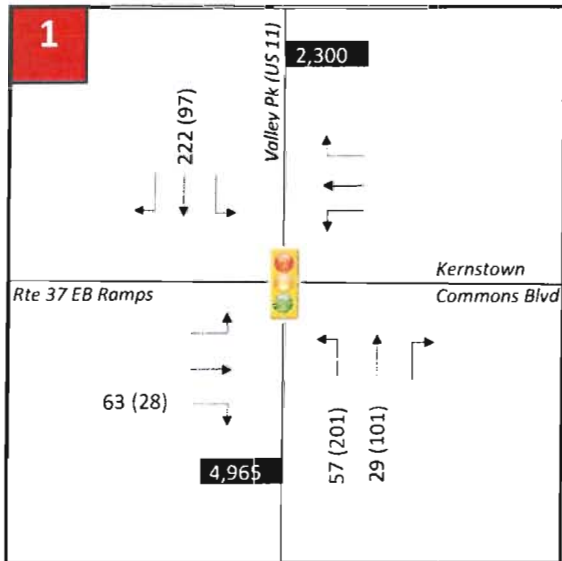


Figure 16-B New Trips - Proposed Method
 Legend: AM Peak Hr, (PM Peak HR), ADT

2018 Build-Out Conditions – Proposed Method

The 2018 build-out condition combines the background traffic for the year 2018, and the new trips that are forecasted to result from the development of this property. This is the “Proposed Build Condition” which is forecasted to occur in the year 2018.

The Proposed Build Condition anticipates the completion of Renaissance Drive from its current terminus to Shady Elm Road and the activation of the traffic signal at Renaissance Drive and Route 11. The entrance to the development will connect to Renaissance Drive west of the CSX crossing. It is assumed that Renaissance Drive will cross the CSX with a bridge over the railroad.

Analysis

The 2018 Build Condition AM and PM peak hour turning movements were analyzed using the Synchro 9.1 traffic modeling software. The AM and PM peak hour traffic volumes are shown in Figure 16. The lane geometry, AM peak hour delays, and level of service are shown in Figure 17. The AM peak hour 95th percentile queue length is shown in figure 18. The lane geometry, PM peak hour delays, and level of service are shown in Figure 19. The PM peak hour 95th percentile queue length is shown in figure 20. The modeling results (levels of service and delay) are tabulated in Tables 3 through 6.

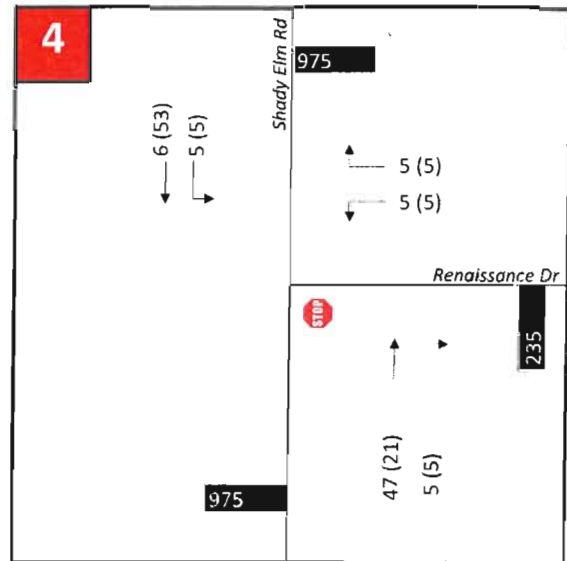
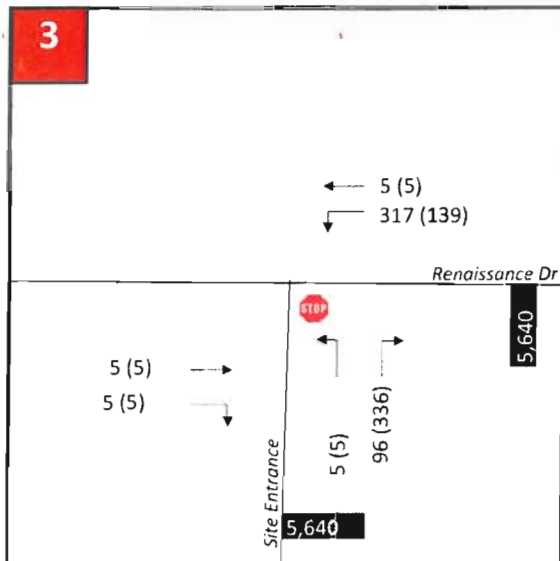
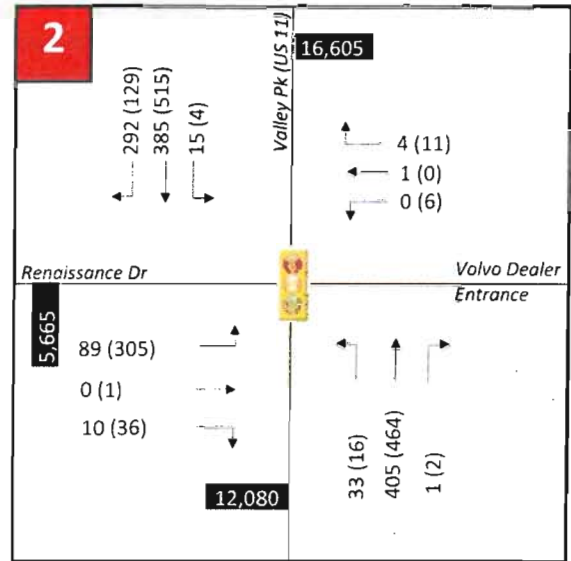
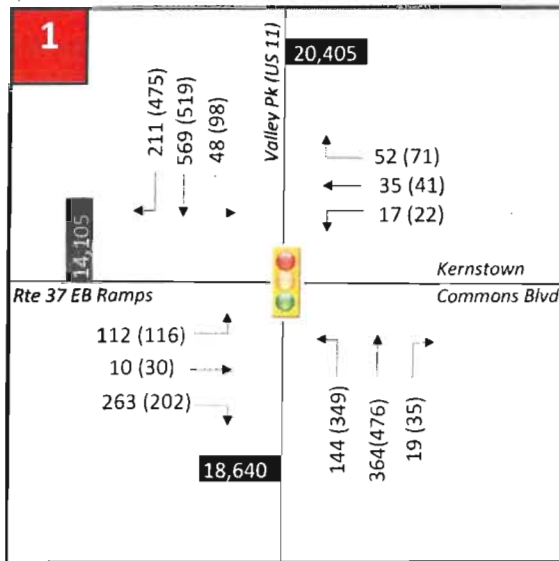


Figure 17 Build-Out Yr 2018 Lane Geometry and Peak Hour Traffic Volumes – Proposed Method

Legend: AM Peak Hr, (PM Peak Hr), ADT

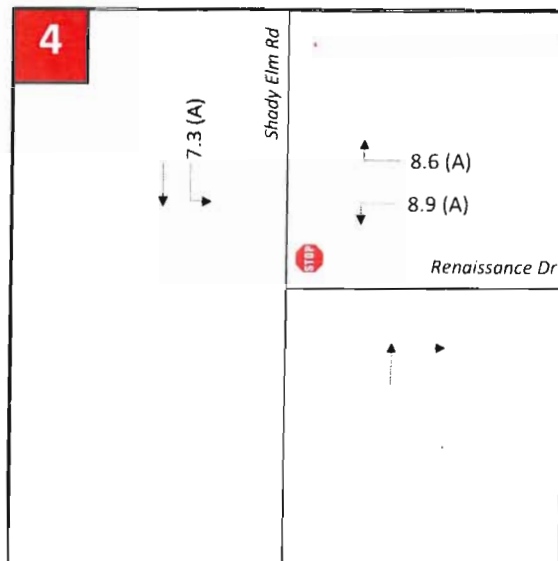
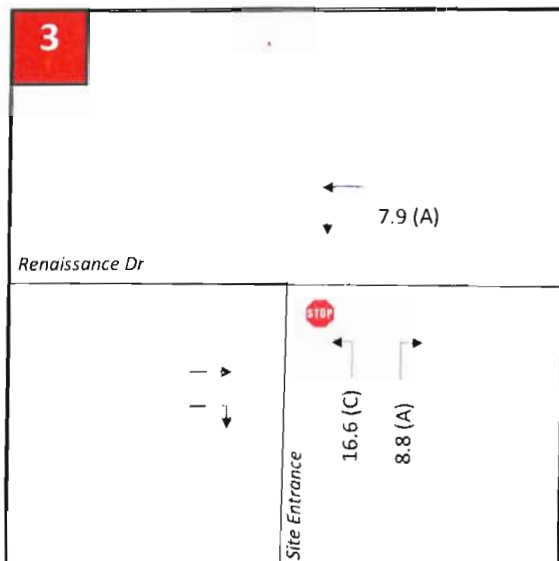
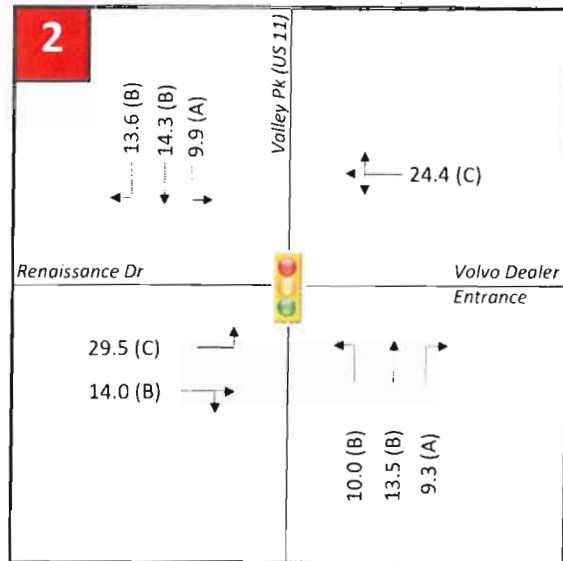
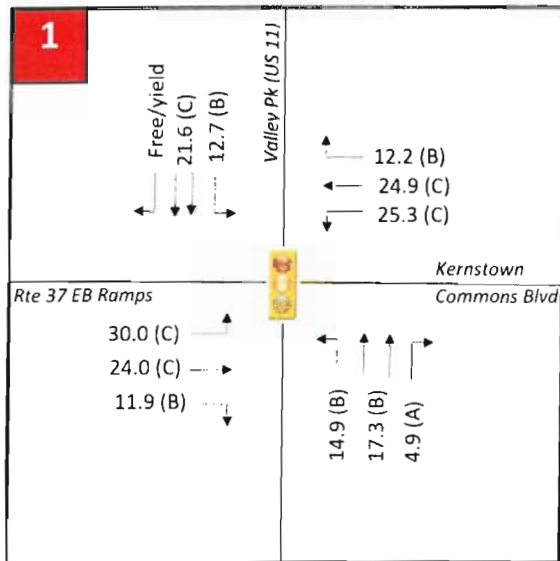


Figure 187 Build-Out Yr 2018 AM Peak Hour Lane Geometry, Delay (sec) and Level of Service – Proposed Method

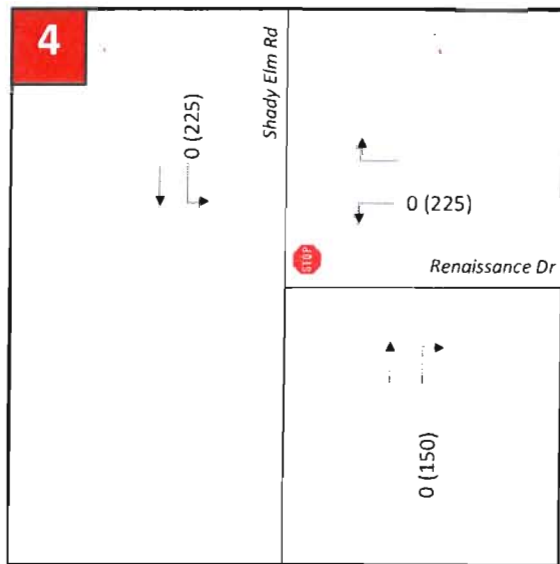
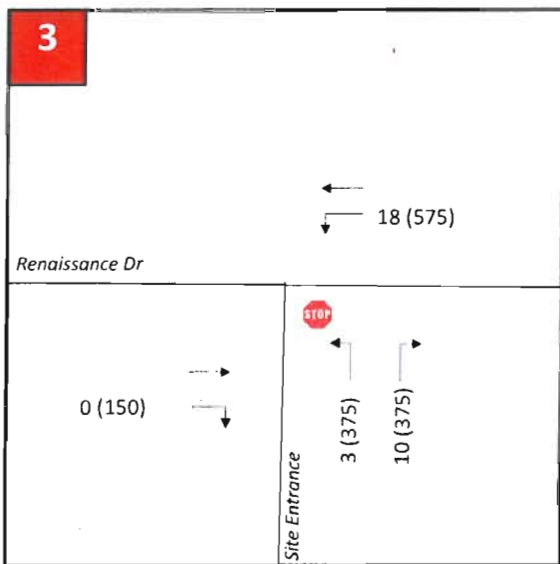
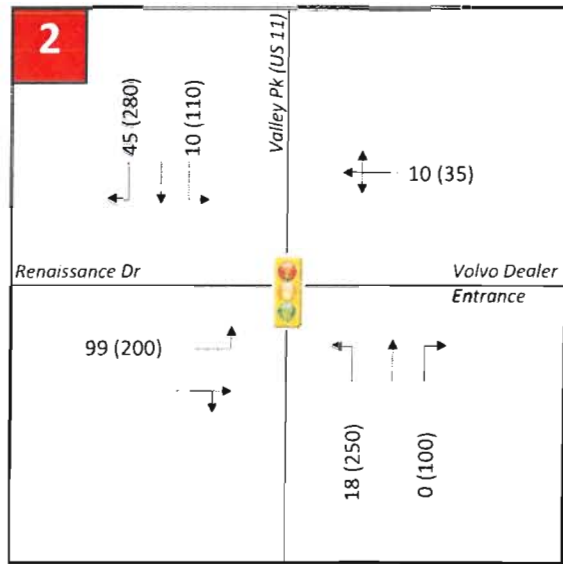
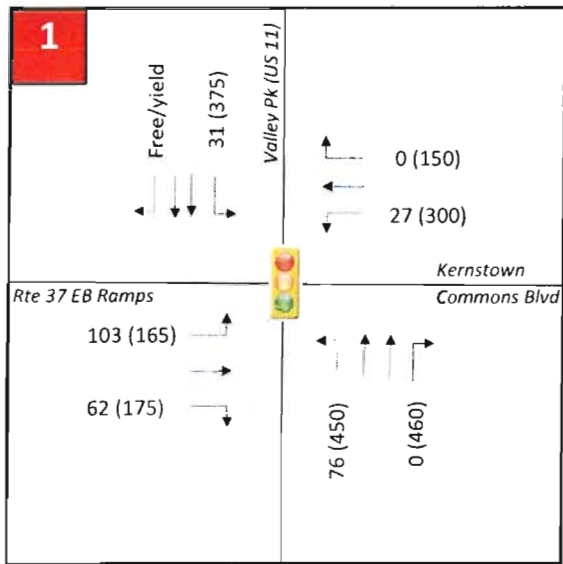


Figure 19 Build-Out Yr 2018 AM Peak Hour 95th Percentile Queue (ft) - Proposed Method

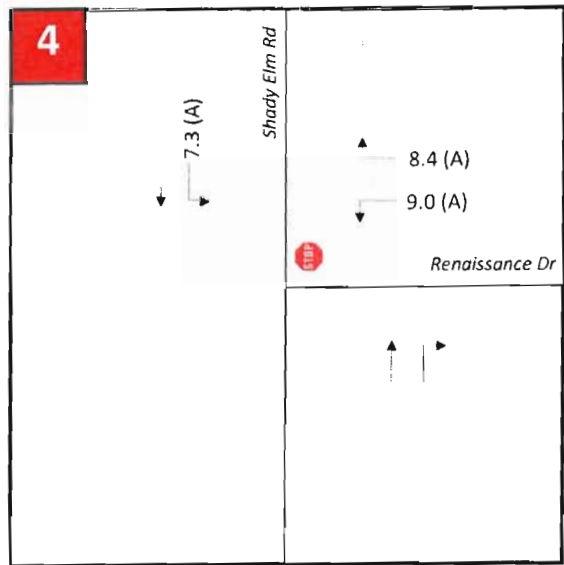
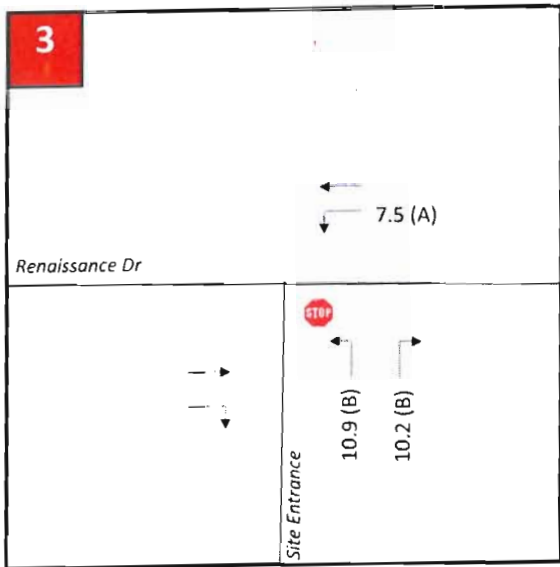
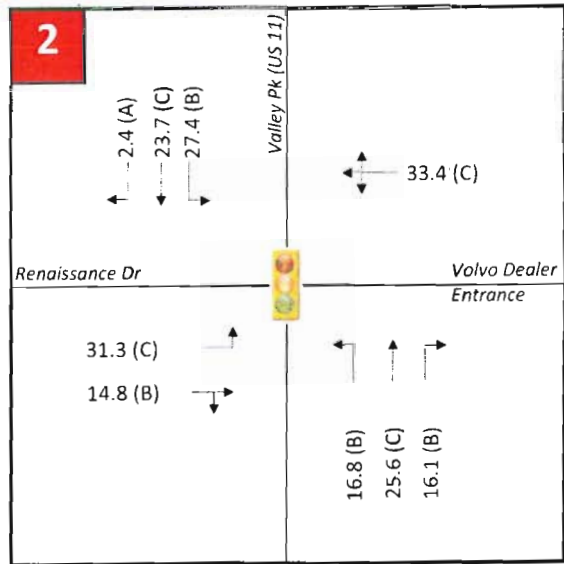
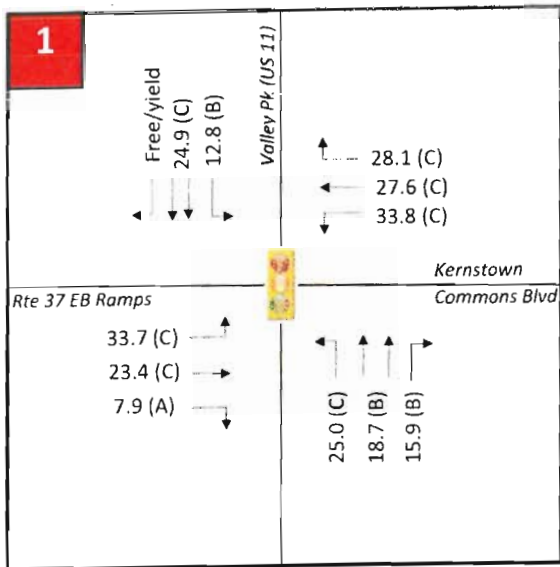


Figure 19 Build-Out Yr 2018 PM Peak Hour Lane Geometry, Delay (sec) and Level of Service - Proposed Method

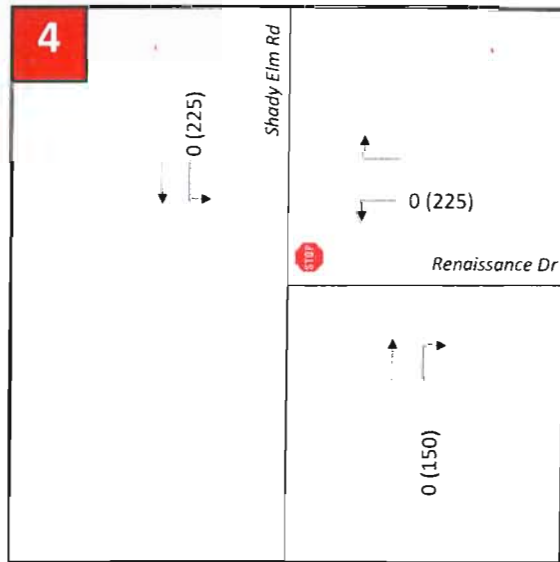
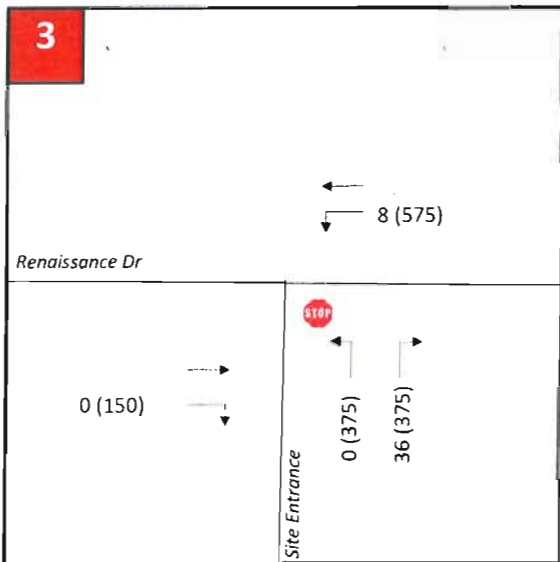
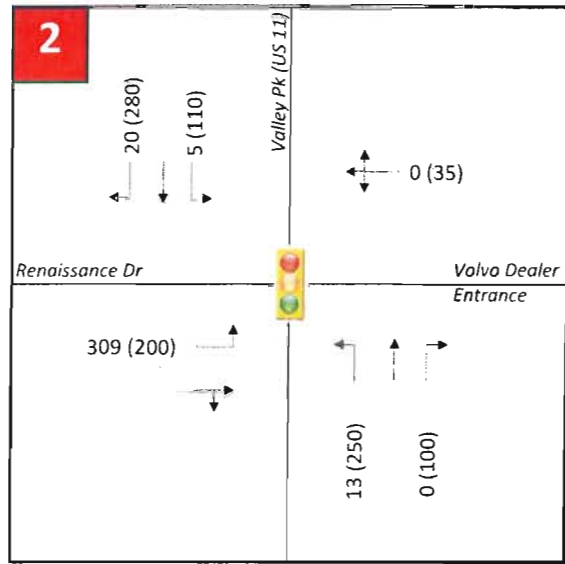
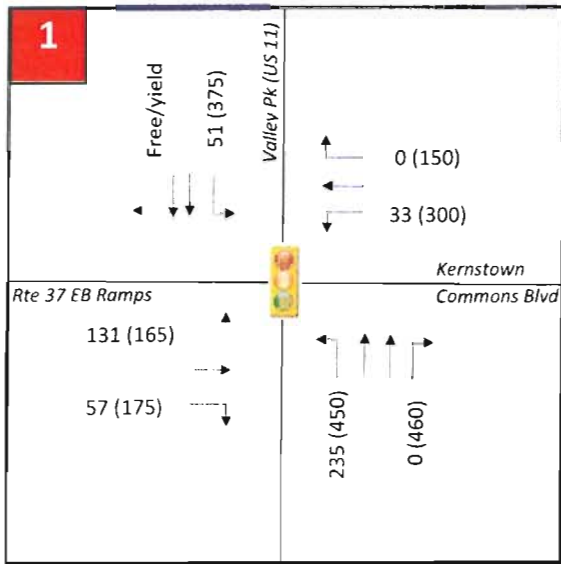


Figure 200 Build-Out Yr 2018 PM Peak Hour 95th Percentile Queue (ft) - Proposed Method

2024 Design Year Conditions - Proposed Method

The design year for the project is six years beyond the Build Conditions of the project, which in this case is the year 2024.

Analysis

The 2024 Design Year AM and PM peak hour intersection turning movements were analyzed using the Synchro 9.1 traffic modeling software. AM and PM peak hour traffic volumes are shown in Figure 21. The lane geometry, AM peak hour delay and LOS are shown in Figure 22 and the AM peak hour 95th percentile queue length is shown in figure 23. The lane geometry, PM peak hour delay and LOS are shown in Figure 24 and the PM peak hour 95th percentile queue length is shown in figure 25. The modeling results (levels of service and delay) are tabulated in Tables 3 through 6.

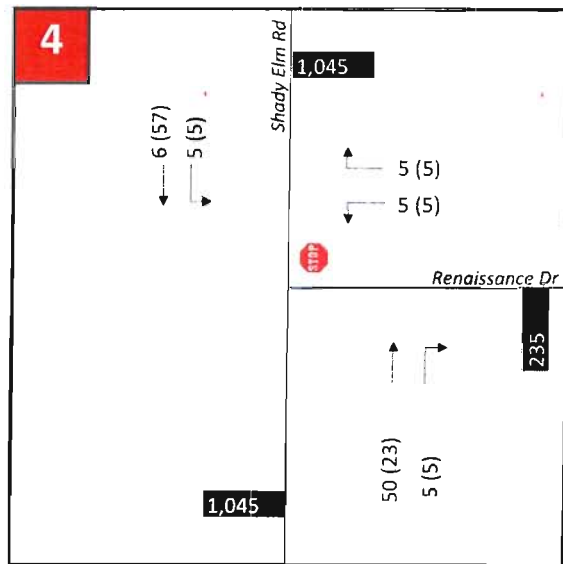
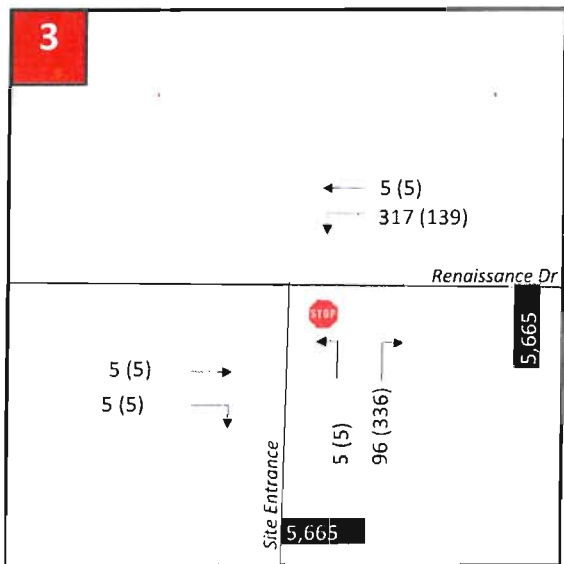
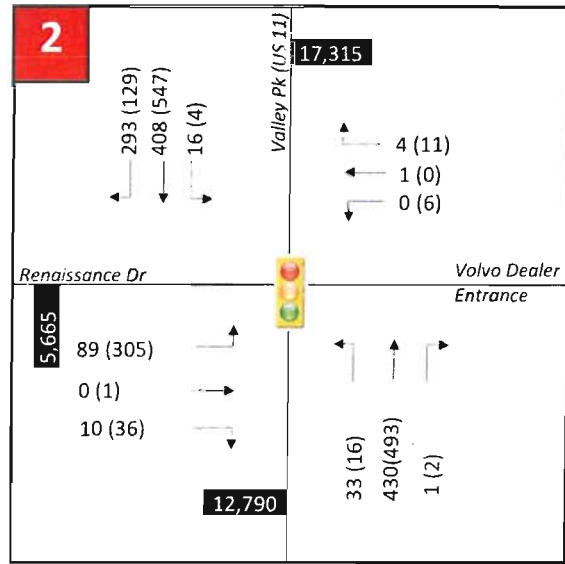
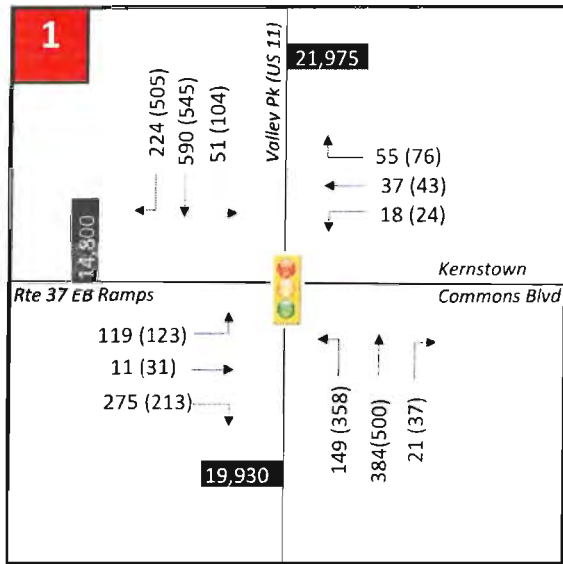


Figure 21 Design Year 2014 Peak Hour Traffic Volumes - Proposed Method

Legend: AM Peak Hr, (PM Peak Hr), ADT

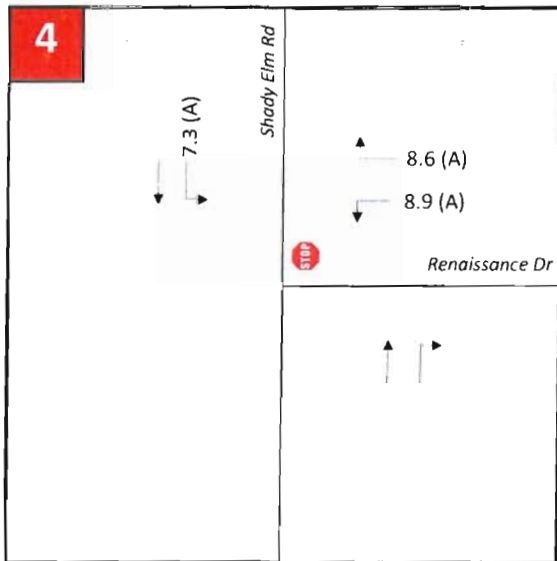
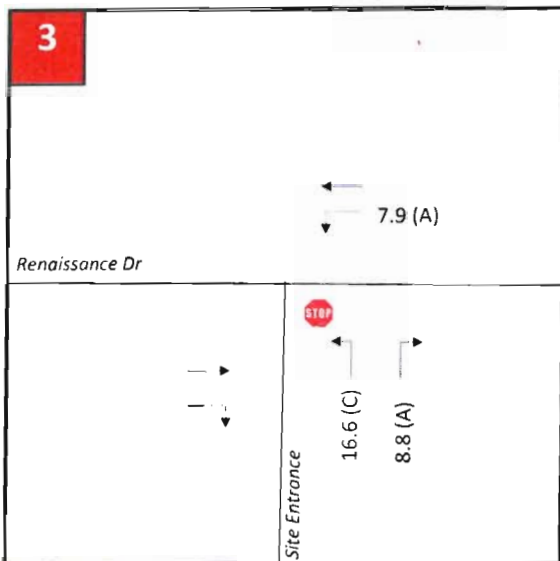
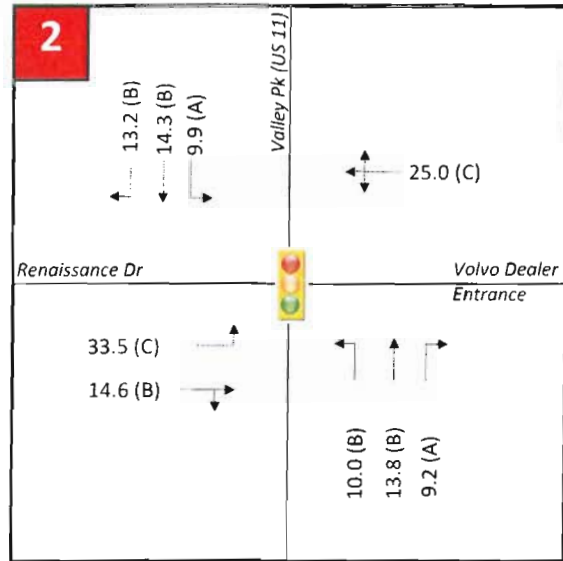
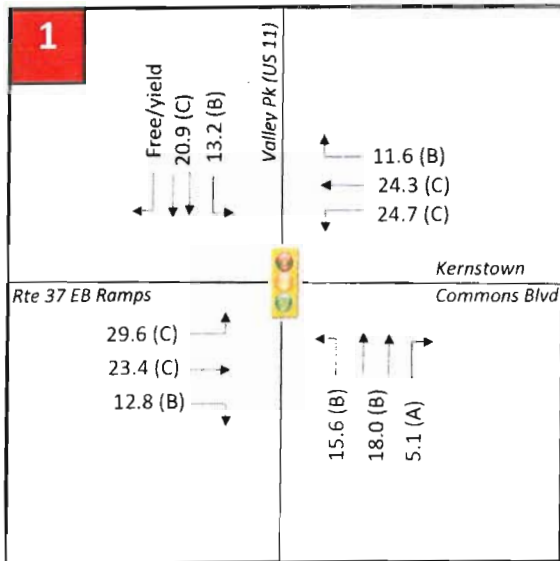


Figure 22 Design Year 2026 Lane Geometry, AM Peak Hour Delay (sec) and Level of Service – Proposed Method

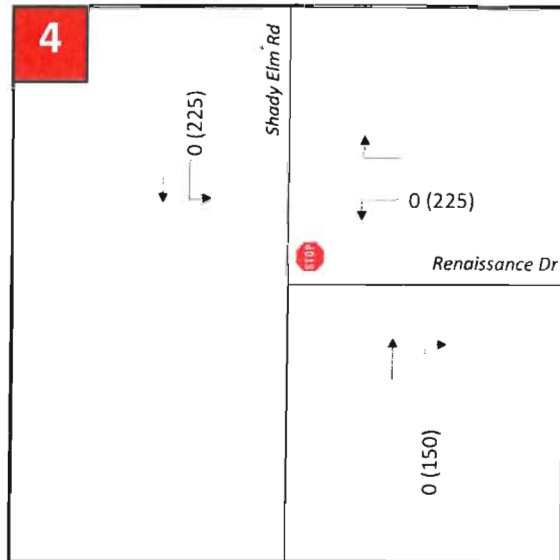
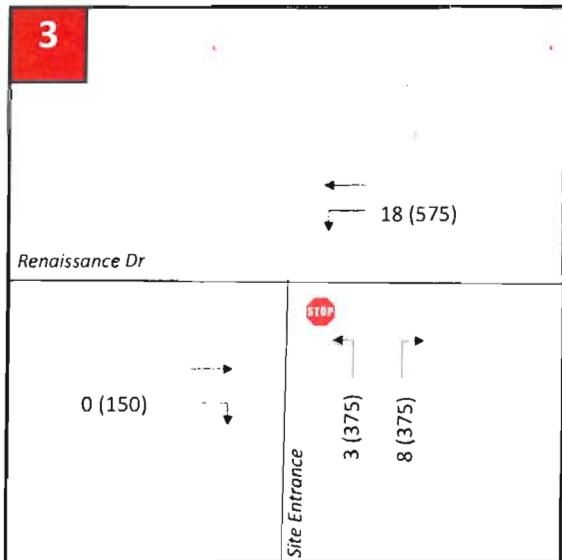
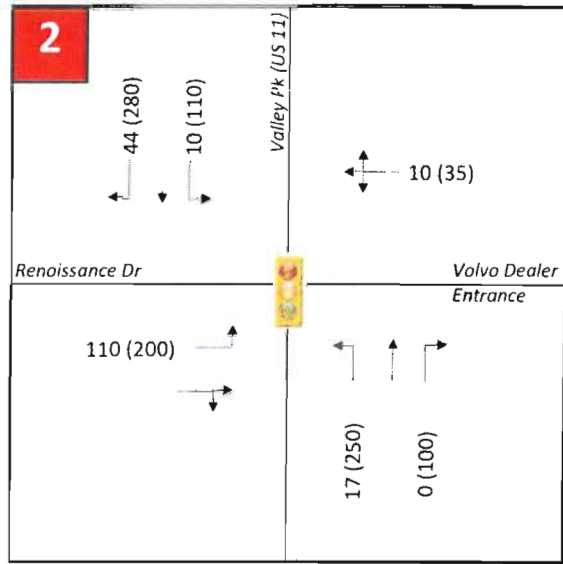
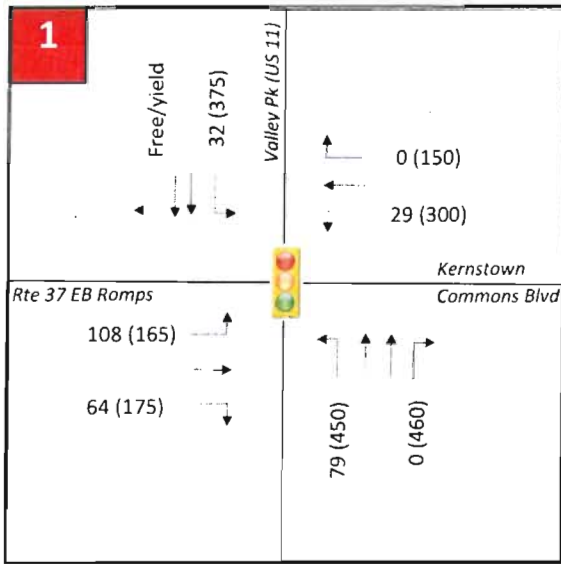


Figure 23 Design Year 2024 AM Peak Hour 95th Percentile Queue (ft) - Proposed Conditions

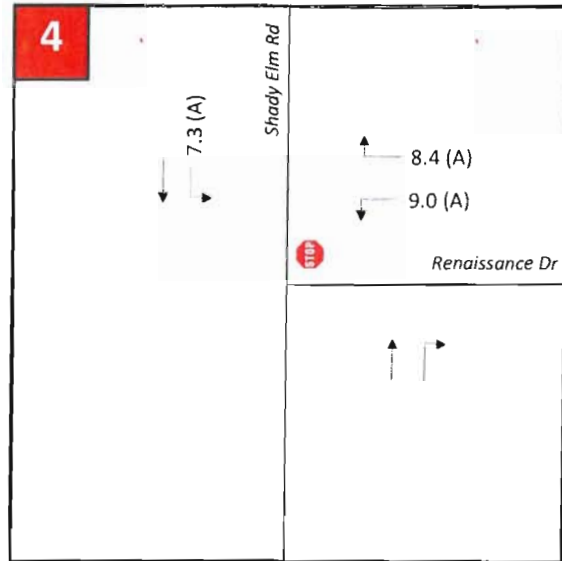
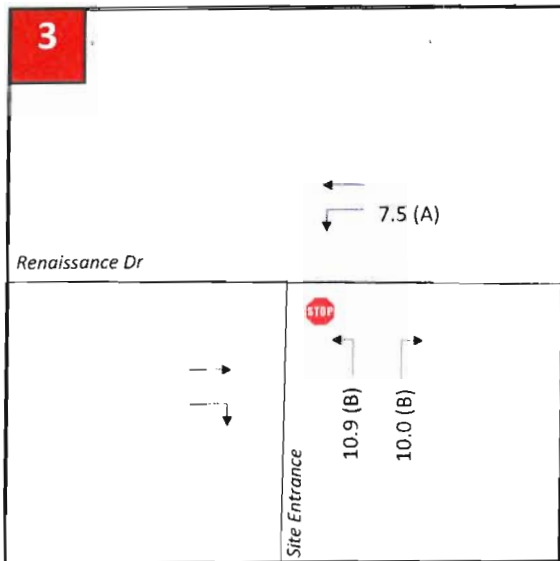
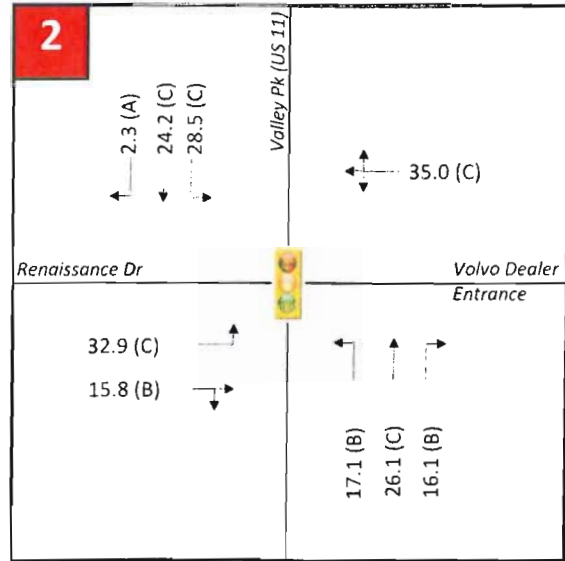
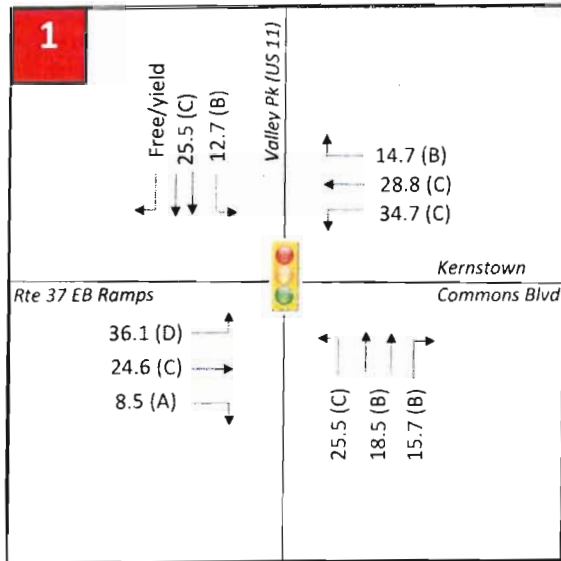


Figure 244 Design Year 2024 Lane Geometry, PM Peak Hour Delay (sec) and Level of Service - Proposed Conditions

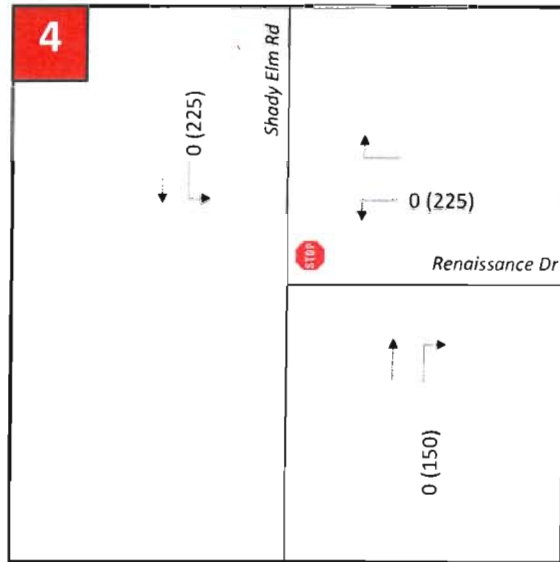
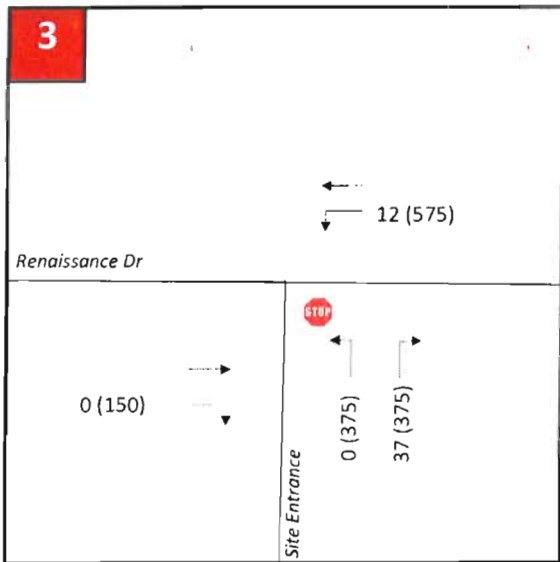
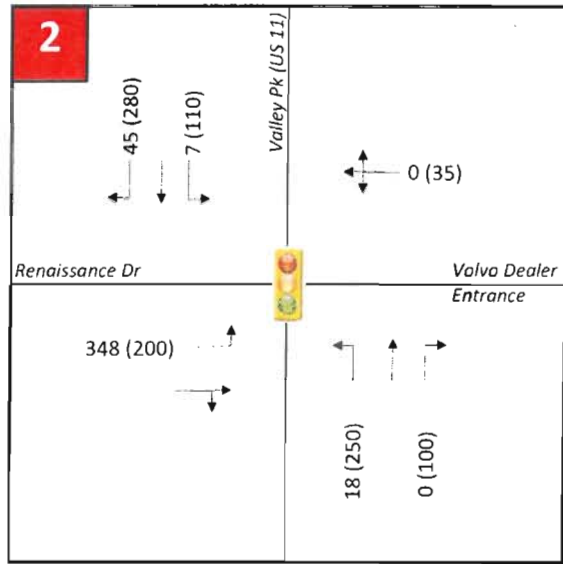
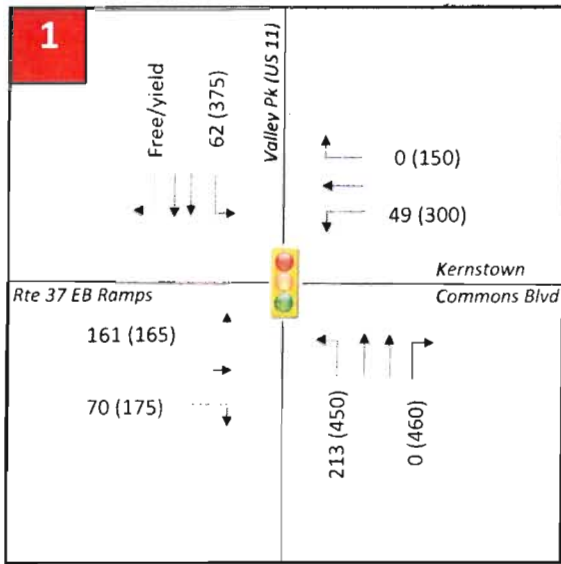


Figure 25 Design Year 2024 PM Peak Hour 95th Percentile Queue (ft) - Proposed Method

ITE Trip Generation and Distribution

Trip Generation – ITE Method

The ITE Method of trip generation for the project uses was developed using Trip Gen 2014 software based on the 9th edition of the ITE Trip Generation Manual. The peak traffic volumes on the adjacent streets for the AM and PM periods were used for forecasting the new traffic. Land uses and trips generated using the ITE rates are summarized in table on the following page. Eight percent of the new traffic associated with the development is assumed to be heavy trucks based on information presented in the ITE Trip Generation Handbook data for industrial parks.

There were no pass-by trip reductions applied to the forecasted traffic volumes.

Trip Distribution

Trips generated by the development were distributed on the roadway network based on proximity to logical transportation corridors, access to I-81, and commuter patterns.

The trip distribution percentages are shown in figure 15-A and the assignment of the new peak hour trips are shown in figure 26.

Trip Generation Summary

Alternative: Full Build Out using ITE Trip Generation method

Phase:

Open Date: 7/7/2016

Project: Carbaugh Business Center

Analysis Date: 7/7/2016

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic				
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
110	Light Industrial Use 46.9 Acres		1122	1121	2243		292	60	352		64	225	289
150	Warehousing Use 46.9 Acres		1289	1288	2577		291	113	404		128	237	365
Unadjusted Volume			2411	2409	4820		583	173	756		192	462	654
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			2411	2409	4820		583	173	756		192	462	654

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

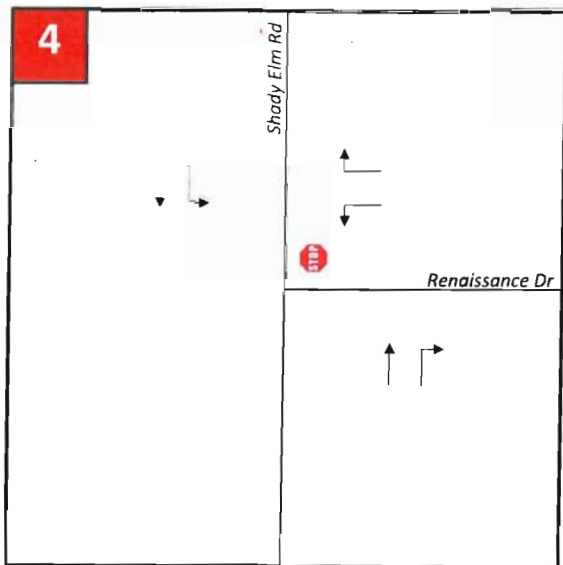
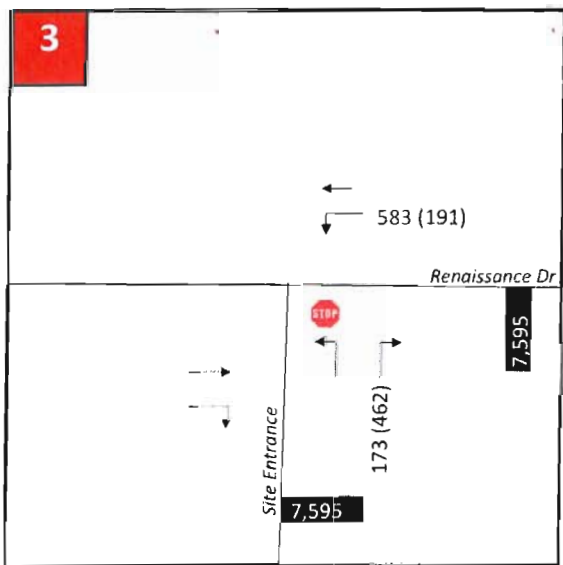
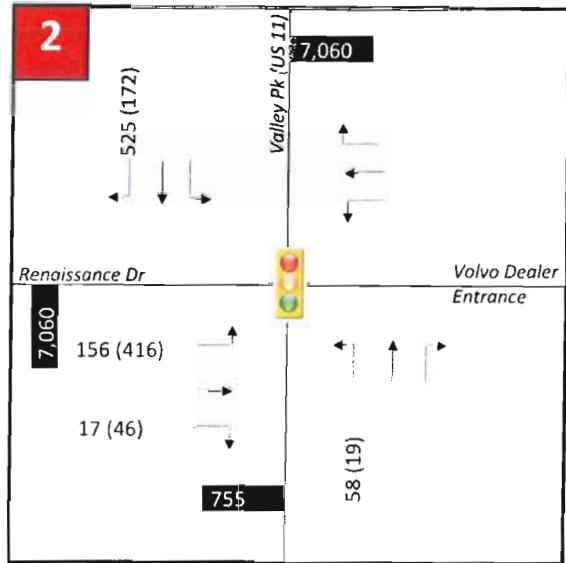
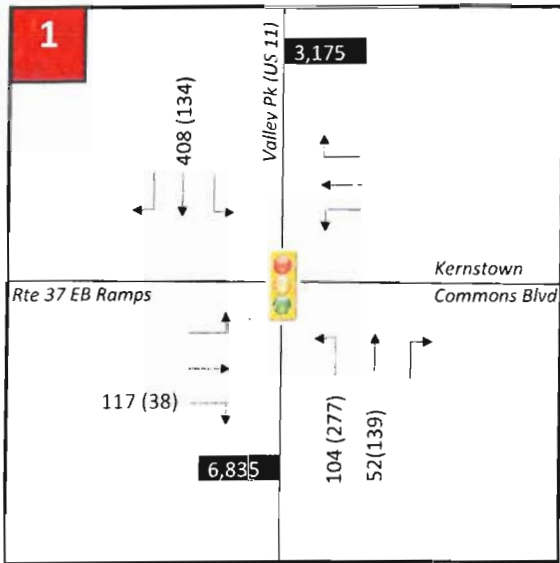


Figure 26 New Trip Assignments based on ITE Trip Generation Method

Legend: AM Peak Hr, (PM Peak Hr), ADT

2018 Build-out Conditions with ITE Rates

The 2018 build-out conditions combine the background traffic for the year 2018, and the new traffic that is forecasted to result from the development of this property. This is commonly referred to as the “Build Condition” which is forecasted to occur in the year 2018.

The Build Condition takes into account the completion of Renaissance Drive from its current terminus to Shady Elm Road and the activation of the traffic signal at Renaissance Drive and Route 11. The entrance to the development will connect to Renaissance Drive west of the CSX crossing. It is assumed that Renaissance Drive will cross the CSX with a bridge over the railroad. It is also assumed that the signal at the intersection of Valley Pike and Renaissance Drive will be activated.

Analysis

The 2018 Build Condition AM and PM peak hour turning movements were analyzed using the Synchro 9.1 traffic modeling software. The AM and PM peak hour traffic volumes are shown in Figure 27. The lane geometry, AM peak hour delays, and level of service are shown in Figure 28. The AM peak hour 95th percentile queue length is shown in figure 29. The lane geometry, PM peak hour delays, and level of service are shown in Figure 30. The PM peak hour 95th percentile queue length is shown in figure 31. The modeling results (levels of service and delay) are tabulated in Tables 10 through 13.

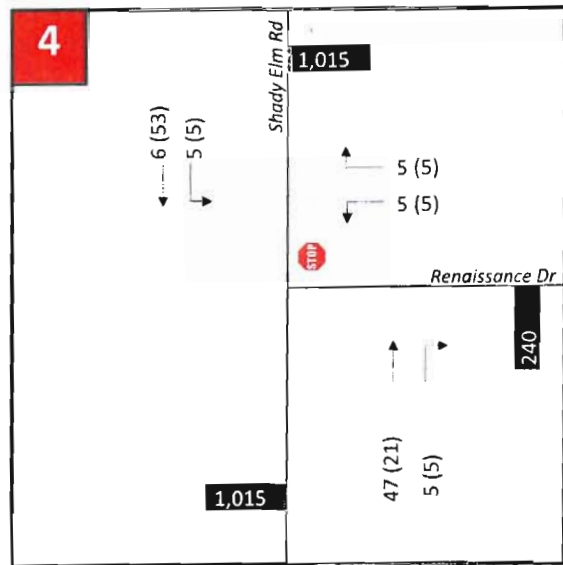
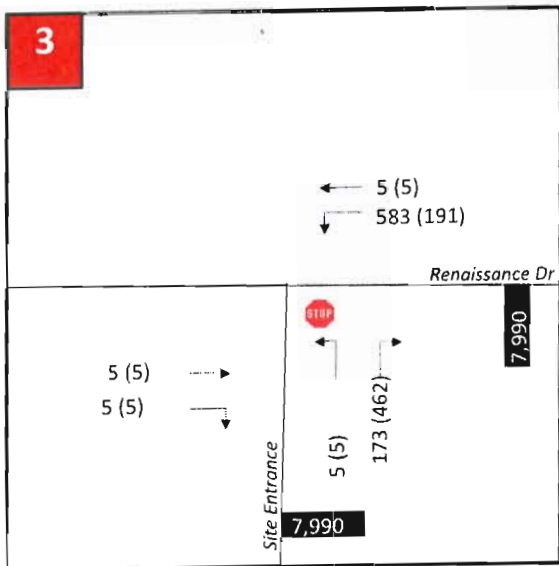
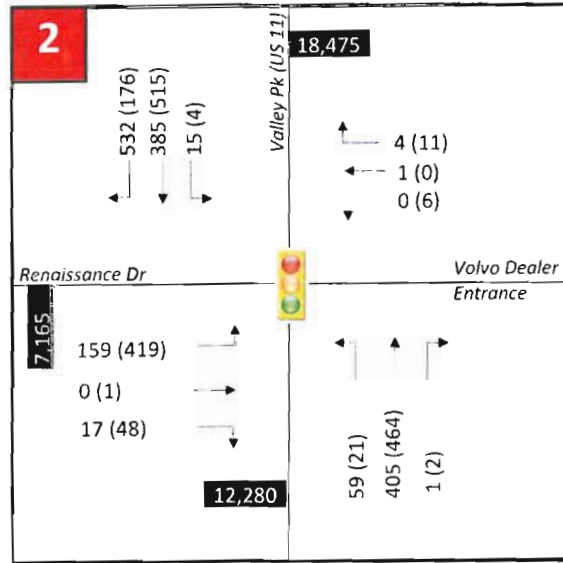
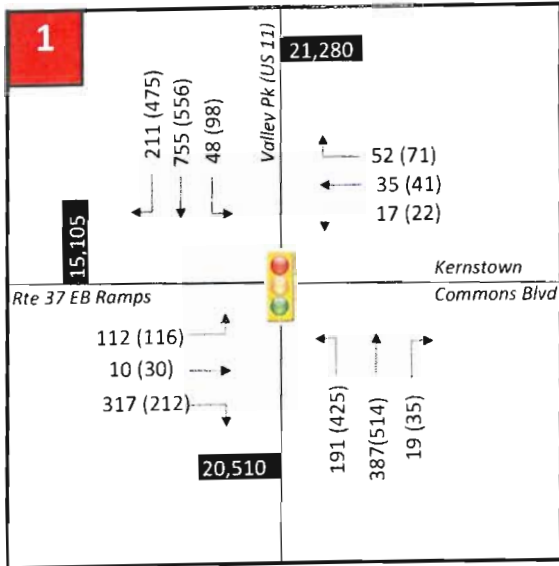


Figure 27 Build Condition 2018 Peak Hour Traffic Volumes
 Legend: AM Peak Hr, (PM Peak Hr), ADT

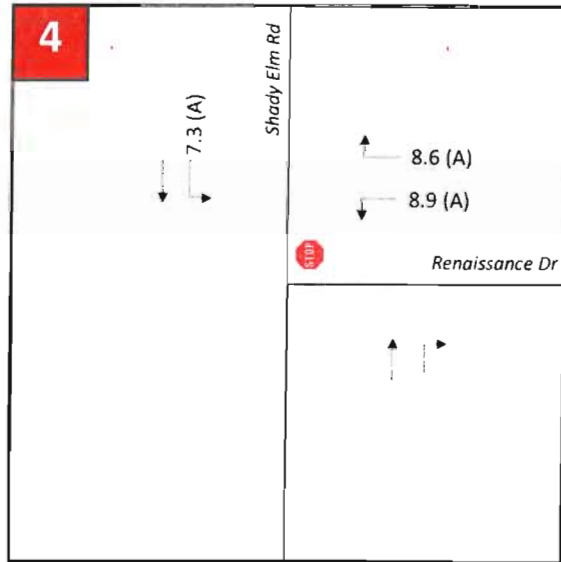
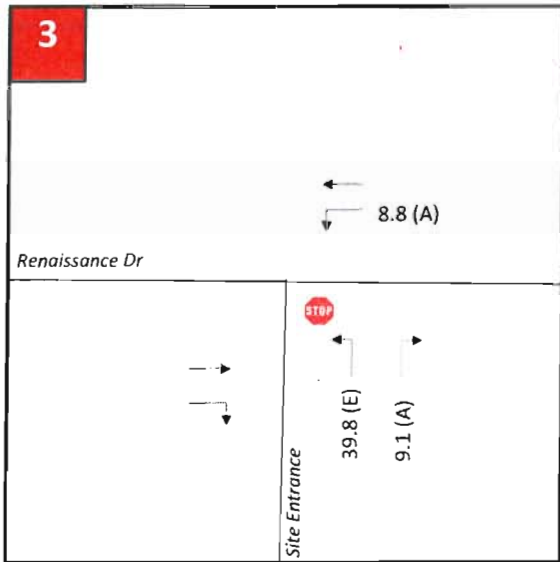
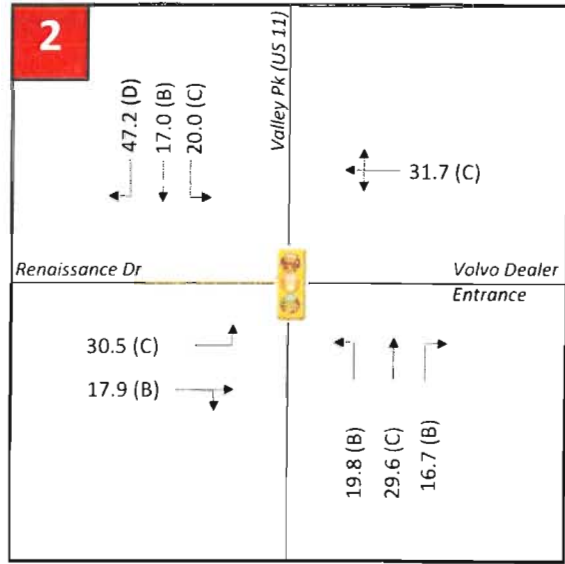
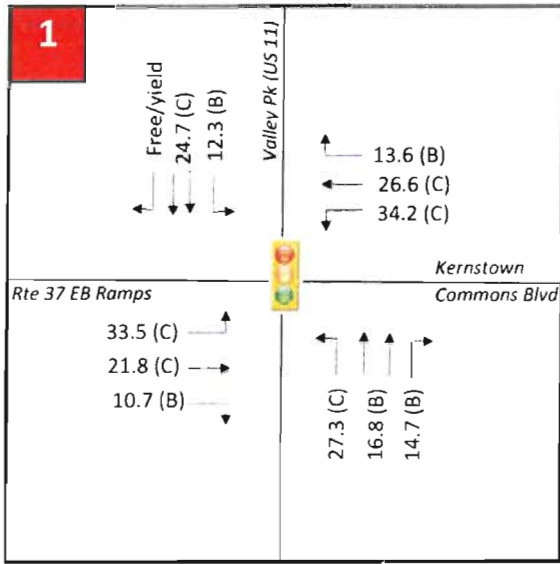


Figure 28 AM Peak Hour Build Condition 2018 Lane Geometry, Delay and LOS

Legend: Delay in sec., (LOS)

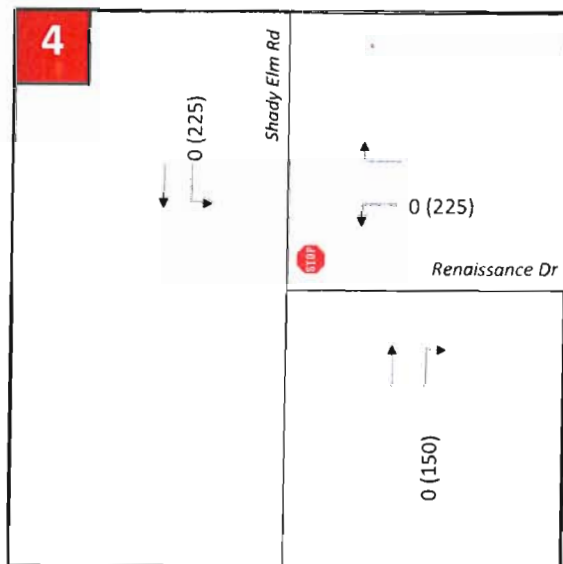
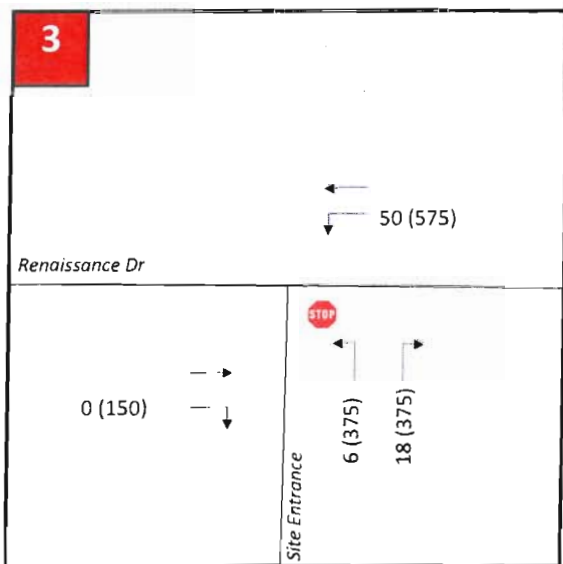
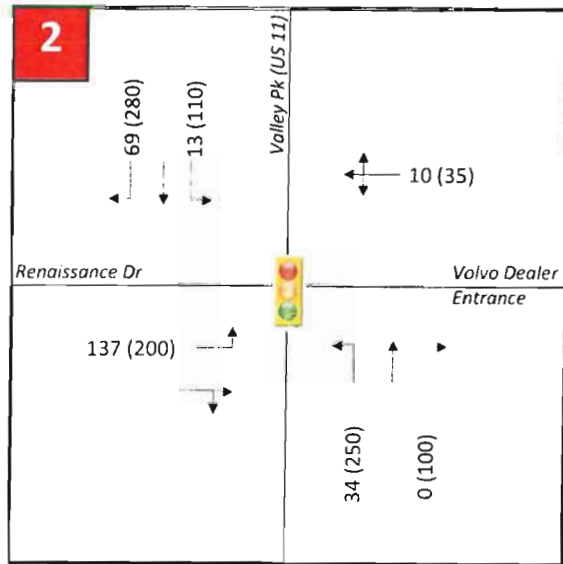
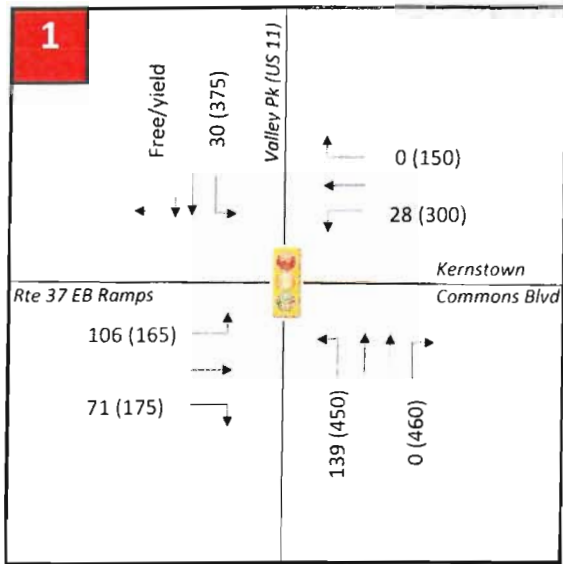


Figure 29 AM Peak Hour 2018 Build Condition 95th Percentile Queue Length (ft)

Legend: 95th Percentile Queue (Available Storage)

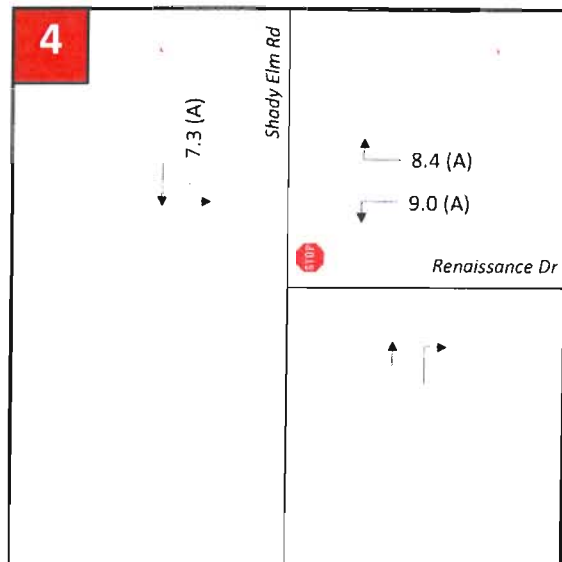
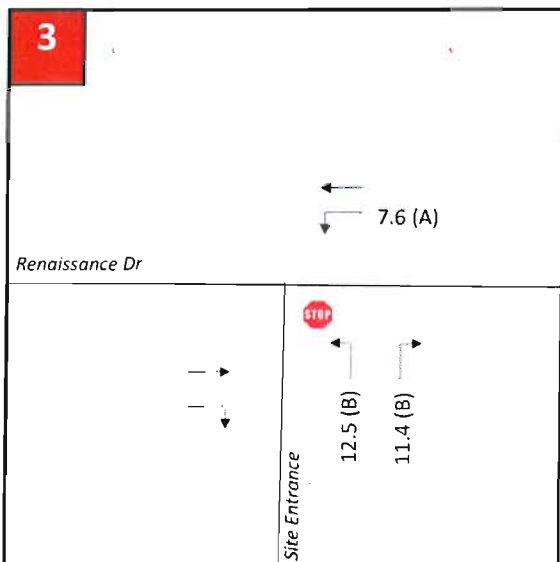
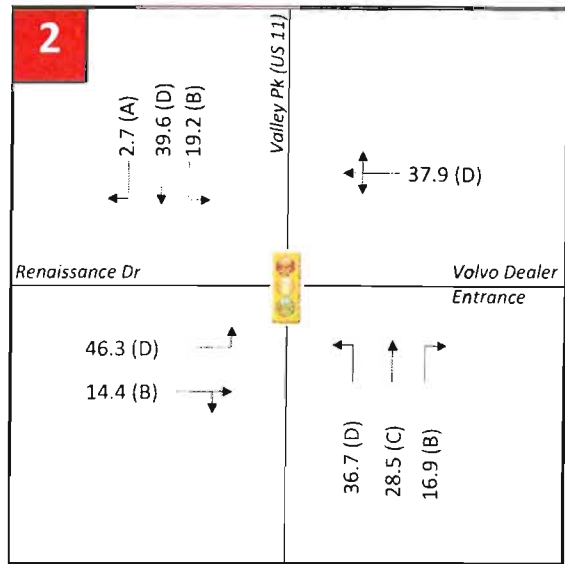
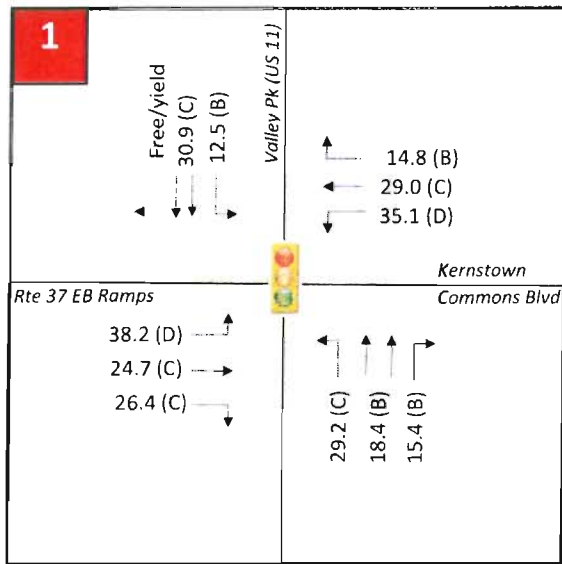


Figure 250 PM Peak Hour 2018 Build Condition Lane Geometry, Delay and LOS

Legend: Delay in sec., (LOS)

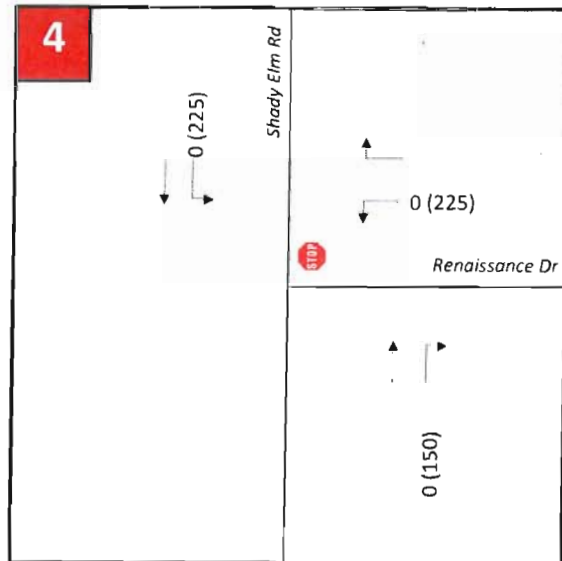
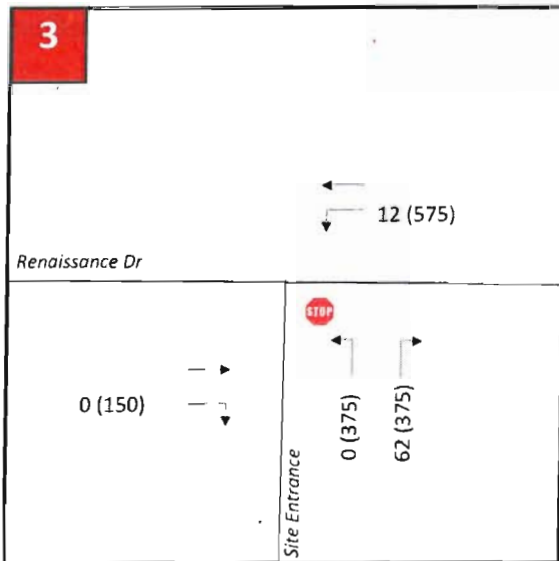
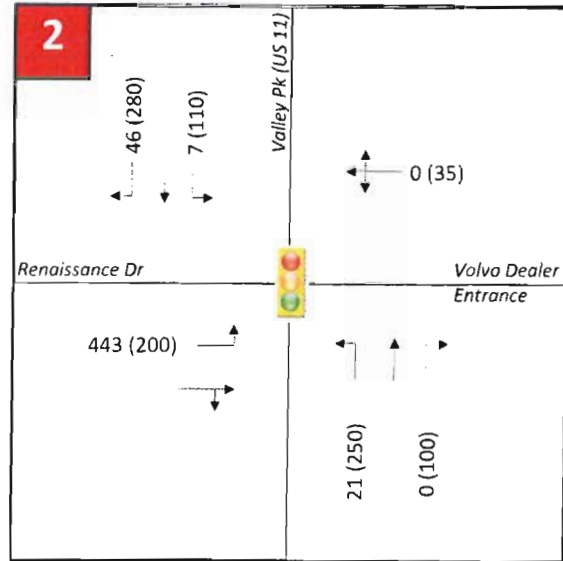
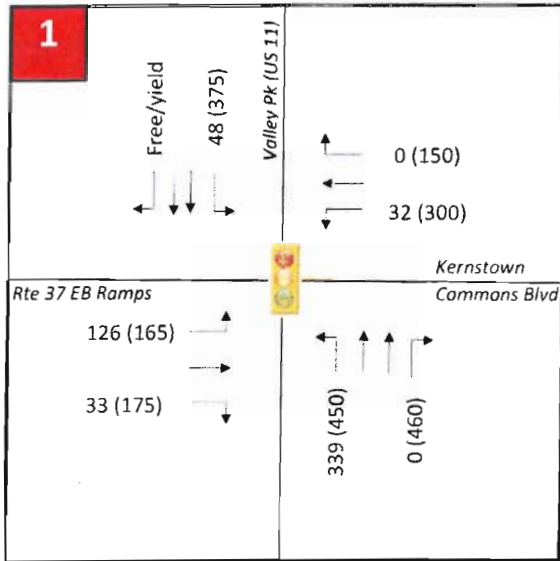


Figure 261 PM Peak Hour 2018 Build Conditions 95th Percentile Queue Length (ft)

Table 9 Level of Service and Delays at Route 11 and Route 37 EB Ramps - ITE Trip Generation Method

Route 11, Route 37 EB Ramps, and Kernstown Commons Blvd													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
2018 Build-out	C (22.3)	C (33.5)	C (21.8)	B (10.7)	C (34.2)	C (26.6)	B (13.6)	C (27.3)	B (16.8)	B (14.7)	B (12.3)	C (24.7)	
		C (21.3)			C (23.7)			C (20.2)			C (23.9)		
2024 Design Yr	C (23.0)	D (35.8)	C (22.1)	B (11.4)	C (34.2)	C (27.0)	C (27.0)	C (28.2)	B (17.0)	B (14.8)	B (12.3)	C (25.2)	
		C (22.5)			C (28.6)			C (20.6)			C (24.4)		
PM Peak Hour													
2018 Build-out	C (25.9)	D (38.2)	C (24.7)	C (26.4)	D (35.1)	C (29.0)	B (14.8)	C (29.2)	B (18.4)	B (15.9)	B (12.8)	C (24.9)	
		C (23.4)			C (29.1)			C (21.2)			C (23.0)		
2024 Design Yr	C (30.3)	D (41.4)	C (28.9)	B (12.1)	C (29.3)	C (29.3)	C (30.0)	C (31.1)	C (26.9)	C (21.7)	C (20.6)	D (35.9)	
		C (28.5)			C (29.6)			C (28.6)			C (33.6)		

Table 10 Level of Service and Delays at Route 11 and Renaissance Drive - ITE Trip Generation Method

Route 11, Renaissance Drive, and Volvo Dealer Ent.													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2018 Build-out	C (31.9)	C (30.5)	B (17.9)		C (31.7)			B (19.8)	B (29.6)	B (16.7)	C (20.0)	B (17.0)	D (47.2)
		C (29.3)			C (31.7)			B (28.4)			C (34.2)		
2024 Design Yr	C (27.3)	D (38.4)	B (18.3)		C (31.4)			B (19.3)	C (26.8)	B (15.3)	B (19.5)	B (15.6)	C (35.0)
		D (36.5)			C (31.4)			C (25.9)			C (26.4)		
PM Peak Hour													
2018 Build-out	C (33.5)	D (46.3)	B (14.4)		D (37.9)			D (36.7)	C (28.5)	B (16.9)	B (19.2)	D (39.6)	A (2.7)
		D (43.0)			D (37.9)			C (28.8)			C (30.3)		
2024 Design Yr	C (34.9)	D (49.0)	B (16.6)		D (42.3)			C (21.4)	C (28.0)	B (16.9)	B (19.6)	D (36.6)	C (20.9)
		D (45.7)			D (42.3)			C (27.7)			C (32.8)		

Table 11 Level of Service and Delays at Renaissance Drive and Site Entrance - ITE Trip Generation Method

Renaissance Drive and Site Entrance													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northeast			Northwest		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2018 Build-out	A (8.9)	-	-	-	A (8.8)	-	-	E (39.8)	-	-	A (9.18)	-	-
					B (10.0)			B (10.0)					
2024 Design Yr	A (8.9)	-	-	-	A (8.8)	-	-	E (39.8)	-	-	A (9.1)	-	-
					B (10.0)			B (10.0)					
PM Peak Hour													
2018 Build-out	B (10.1)	-	-	-	A (7.6)	-	-	B (12.2)	-	-	B (11.4)	-	-
					B (11.4)			B (11.4)					
2024 Design Yr	B (10.1)	-	-	-	A (7.6)	-	-	B (12.2)	-	-	B (11.4)	-	-
					B (11.4)			B (11.4)					

Table 12 Level of Service and Delays at Renaissance Drive and Shady Elm Rd - ITE Trip Generation Method

Shady Elm Road and Renaissance Drive													
Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2018 Build-out	A (1.7)				A (8.9)		A (8.6)				A (7.3)		
					A (8.8)						A (3.3)		
2024 Design Yr	A (1.6)				A (8.9)		A (8.6)				A (7.3)		
					A (8.8)								
PM Peak Hour													
2018 Build-out	A (1.3)				A (9.0)		A (8.4)				A (7.3)		
					A (8.7)								
2024 Design Yr	A (1.2)				A (9.0)		A (8.4)				A (7.3)		
					A (8.7)								

Design Year (2024) with ITE Rates

The design year for the project is six years beyond the Build Conditions of the project, which in this case is the year 2024.

Analysis

The 2024 Design Year AM and PM peak hour intersection turning movements were analyzed using the Synchro 9.1 traffic modeling software. AM and PM peak hour traffic volumes are shown in Figure 32. The lane geometry, AM peak hour delay and LOS are shown in Figure 33 and the AM peak hour 95th percentile queue length is shown in figure 34. The lane geometry, PM peak hour delay and LOS are shown in Figure 35 and the PM peak hour 95th percentile queue length is shown in figure 36. The modeling results (levels of service and delay) are tabulated in Tables 10 through 13.

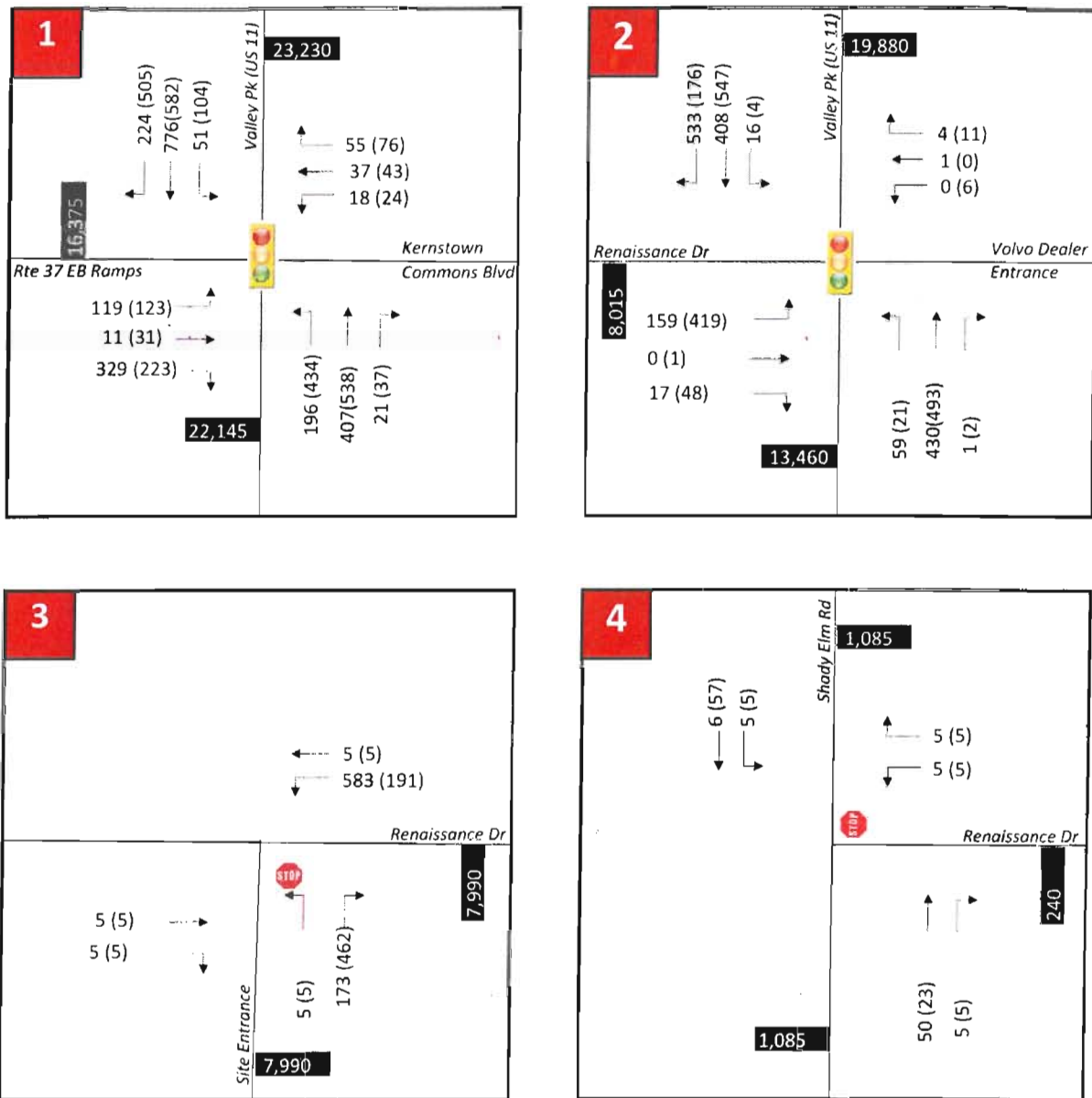


Figure 27 Design Year 2024 Peak Hour Volumes
 Legend: AM Peak Hr, (PM Peak HR), ADT

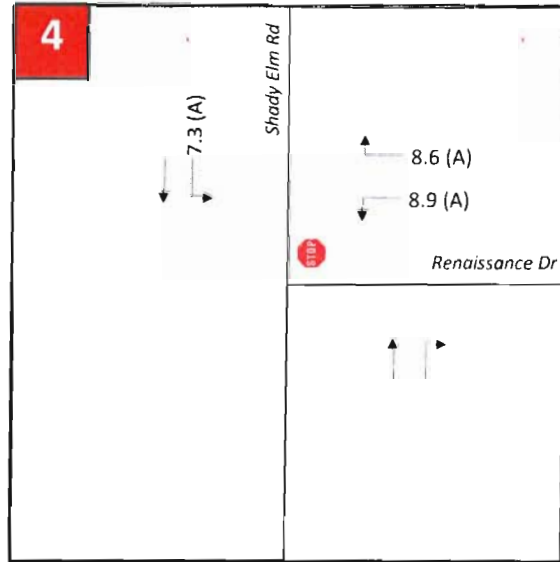
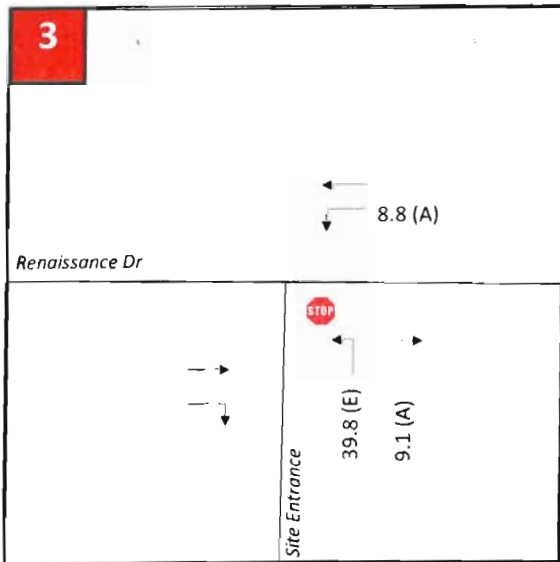
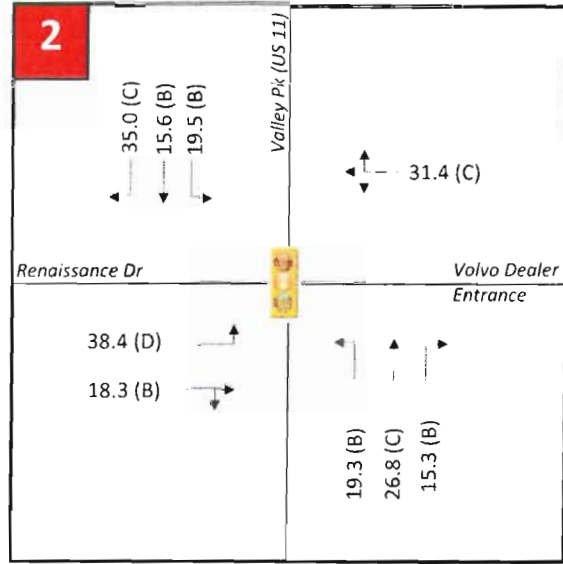
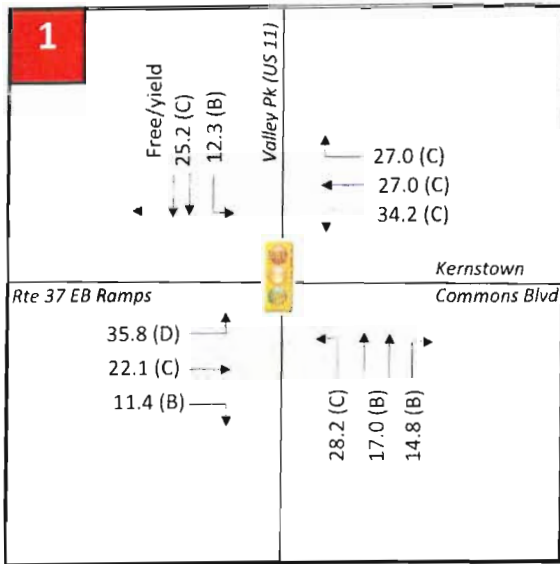


Figure 28 AM Peak Hour 2024 Design Year Lane Geometry, Delay and LOS

Legend: Delay in sec., (LOS)

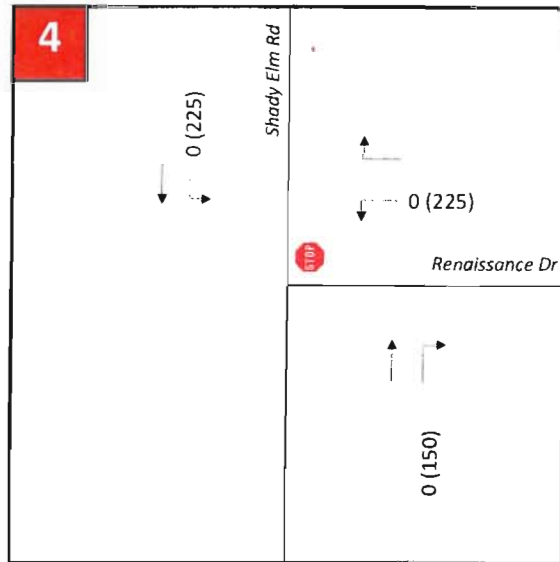
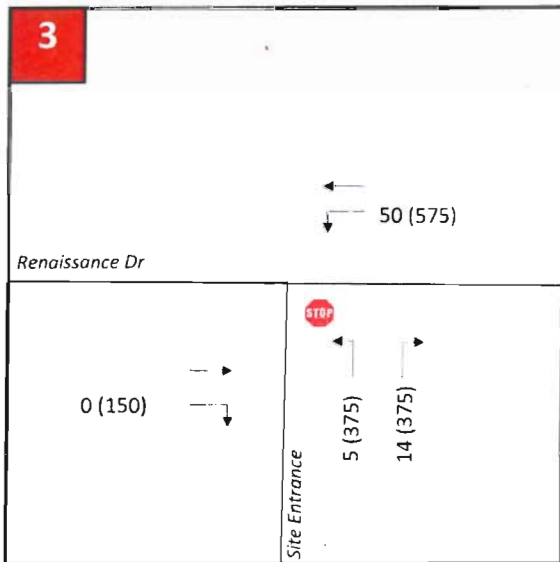
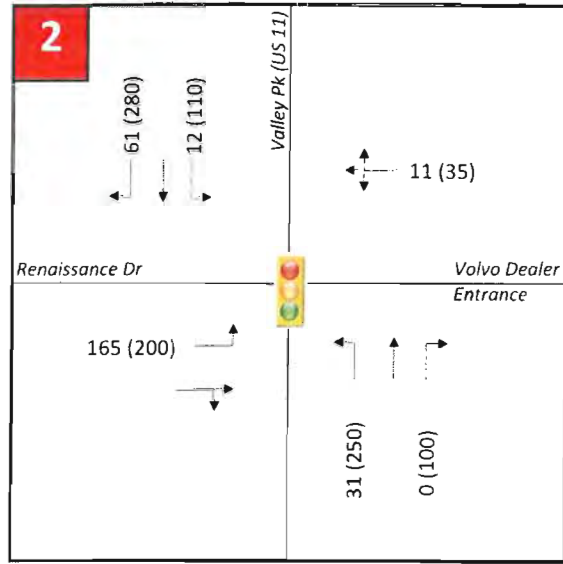
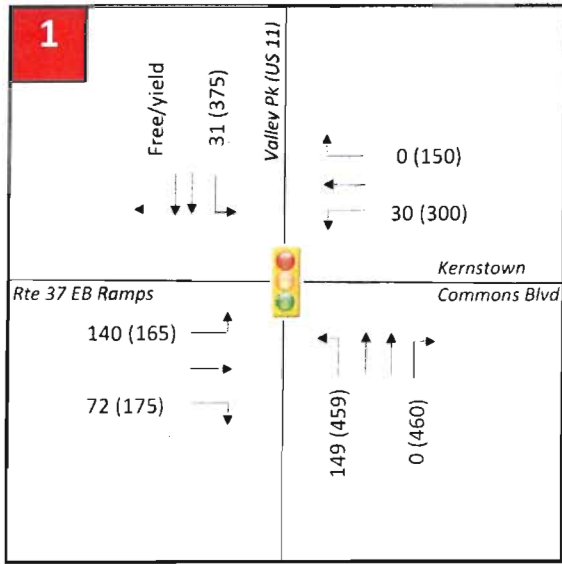


Figure 29 AM Peak Hour 2024 Design Year 95th Percentile Queue Length (ft)

Legend: 95th Percentile Queue (Available Storage)

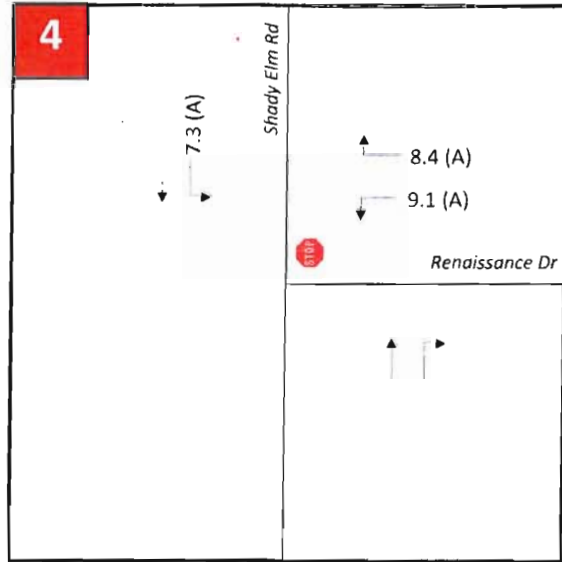
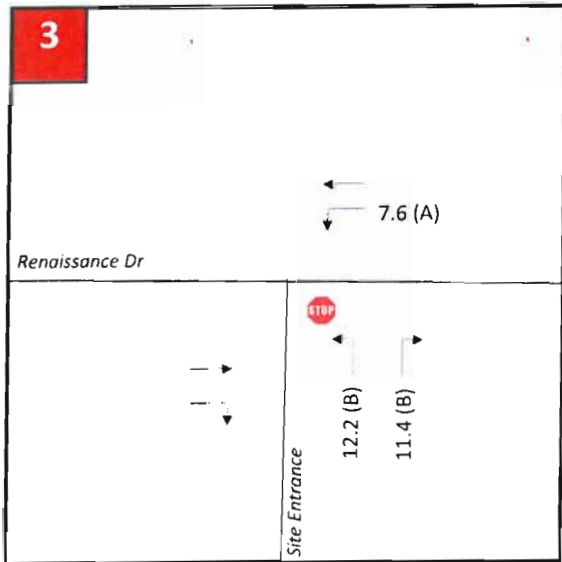
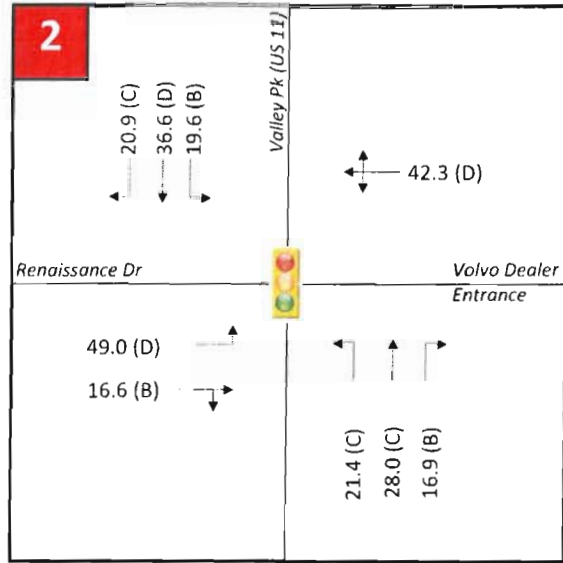
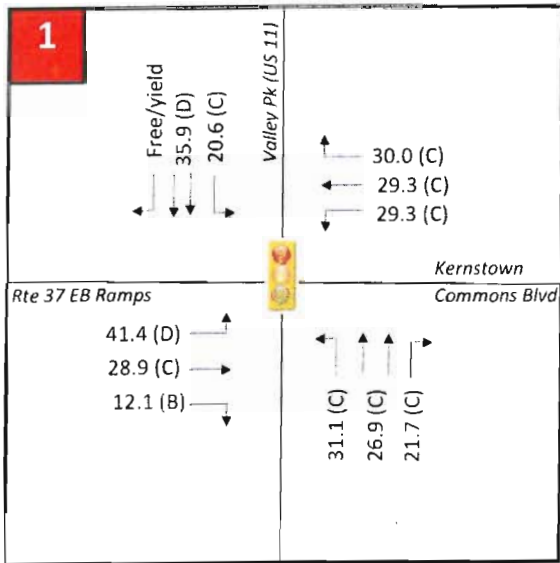


Figure 30 PM Peak Hour 2024 Design Year Lane Geometry, Delay and LOS

Legend: Delay in sec., (LOS)

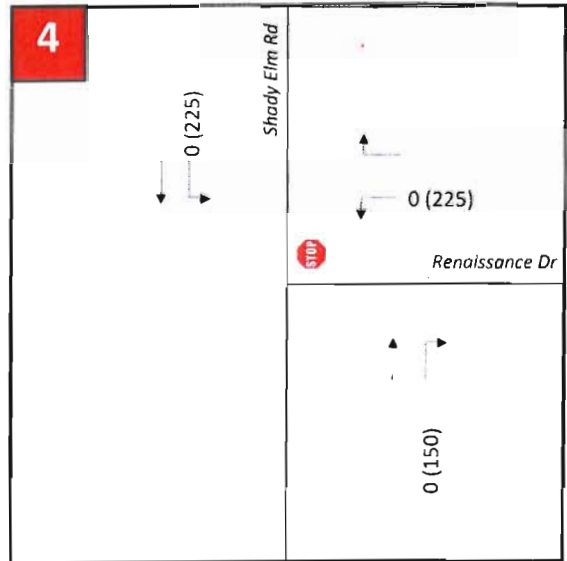
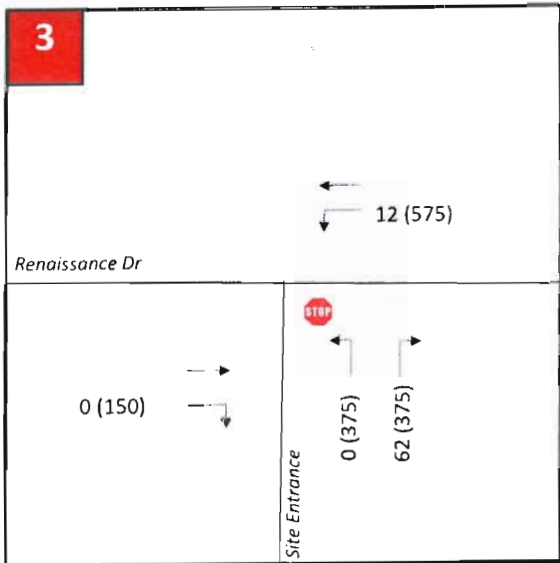
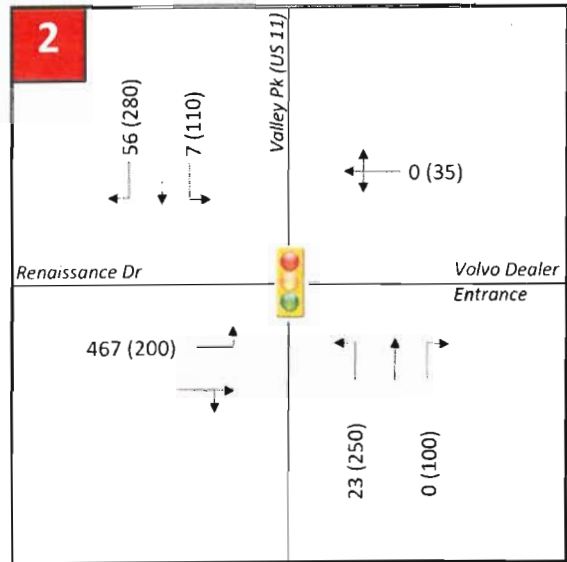
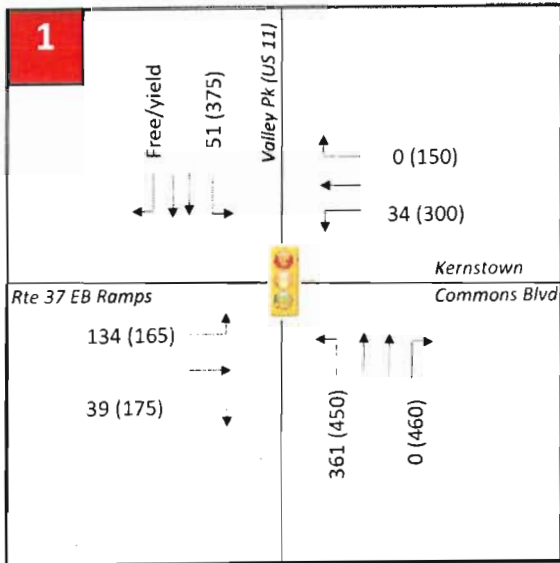


Figure 31 PM Peak Hour 2024 Design Year 95th Percentile Queue Length (ft)

Legend: 95th Percentile Queue (Available Storage)

Recommended Roadway Improvements

The speedy completion of Renaissance Drive is a necessary component of this project. The completion of Renaissance Drive will bring with it benefits beyond those recognized by this project by providing traffic relief to other local roadways in the region, including Route 11 on the north side of Route 37. Additionally, planning for future roadway improvements, as depicted in the Frederick County Comprehensive Plan, is necessary. Since the studied intersections operate at an acceptable level of service, the focus for roadway improvements has directed towards the roadways surrounding the site. The recommended roadway improvements are:

- 20 feet of right of way should be dedicated along the northern property line towards the Renaissance Drive project, totaling approximately one acre. Note: the remainder of the needed right of way for Renaissance Drive and the Shady Elm Road intersection improvements was proffered with the rezoning of the Venture 1 property.
- An 80' wide permanent grading/slope easement should be dedicated along the aforementioned right of way line from the CSX right of way, 600 ft. to the west, totaling approximately 1.1 acres.
- 40' of additional right of way should be dedicated for future roadway improvement along the western property line adjacent to Shady Elm Road, totaling approximately 2.7 acres.
- Financial participation in the development of Renaissance Drive.

With these improvements proffered by this developer, combined with the improvements planned and proffered by other developers in the vicinity, it is the opinion of this engineer that the transportation impacts of this rezoning and its resulting development are both manageable and acceptable for this project setting.

Queue Analysis

At signalized intersection and stop signs a queue forms while vehicles wait to advance. An analysis was performed to evaluate the back of the queue for the 50th and 95th percentile of the queue. The 50th percentile maximum queue is the maximum back of queue on a typical traffic signal cycle and has a probability of happening 50% of the time. The 95th percentile maximum queue is the maximum back of queue with 95th percentile traffic volumes when traffic does not move for two signal cycles and has the probability of happening 5% of the time. The queues associated with the 50th and 95th percentile maximum queues using the Proposed Trip Generation method are shown in Table 14. The same queues for the ITE Trip Generation method are shown in Table 15.

Table 13 50th and 95th Percentile Queue Lengths – Proposed

|--|--|--|--|--|--|

Table 14 50th and 95th Percentile Queue Length - ITE Trip Generation Method

Pedestrian and Bicycle Traffic

To identify any previously planned pedestrian and/or bicycle facilities in the project area, the Frederick County Comprehensive Plan Future Land Use map was reviewed. There are no pedestrian or bicycle facilities planned in this area. However, in discussions with the County Transportation Planner it was learned that a multi-use trail was proffered/is planned along Shady Elm Road on the Venture 1 property. It was felt that this trail should be extended south on this property as well. Therefore the developer is proposing to construct a 10' wide multi-use trail along the east side of Shady Elm Road for the length of its frontage on said road.

Conclusions

This Traffic Impact Study was prepared to support the rezoning request for the land owned by the Henry J. Carbaugh Trust, and is located south of Kernstown in Frederick County, VA. The rezoning, if approved, will lead to development that will create 46.9 acres of light manufacturing and 46.9 acres of warehousing uses. The total area of the proposed project area is 107.21 acres.

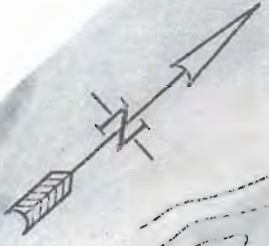
The subject property is located south of the unincorporated area of Kernstown in Frederick County, VA. More specifically the site is west of Route 11, east of Shady Elm Road, and north of Springdale Road. Access to the site will be through a new entrance onto Renaissance Drive. Development traffic will be directed east on Renaissance Drive towards Route 11 for access to Route 37 and I-81.

During the scoping for this project it was brought to the attention of the VDOT staff that the ITE trip generation method was found to overestimate the traffic associated with light manufacturing and warehousing land uses. Some ITE data for these land uses dates to the 1960s and does not reflect efficiencies gained with current technologies and automation systems. The old data also does not account for the increased capacity of modern day trucks. The Proposed Trip Generation rates presented in this report were offered to VDOT as a more appropriate trip generation rates for this project. VDOT asked that the 2018 Build and 2026 Design Year analyses be performed using the Proposed Trip Generation and ITE Trip Generation rates. These are included in this report and are identified with labeling of either "Proposed" or "ITE trip generation rates."

While the traffic that is forecasted to result from this development can be accommodated on the existing roadway network, the completion of Renaissance Drive will bring with it benefits beyond those recognized by this project by providing traffic relief to other local roadways in the region, including Route 11 on the north side of Route 37. The recommended roadway improvements are:

- 20 feet of right of way should be dedicated along the northern property line towards the Renaissance Drive project, totaling approximately one acre. Note: the remainder of the needed right of way for Renaissance Drive and the Shady Elm Road intersection improvements was proffered with the rezoning of the Venture 1 property.
- An 80' wide permanent grading/slope easement should be dedicated along the aforementioned right of way line extending 600 ft. west from the CSX right of way, totaling approximately 1.1 acres.
- 40' of additional right of way should be dedicated for future roadway improvement along the western property line adjacent to Shady Elm Road, totaling approximately 2.7 acres.
- Participation financially in the development of Renaissance Drive.

With these improvements proffered by this developer combined with the improvements planned and proffered by other developers in the vicinity, it is the opinion of this engineer that the transportation impacts of this rezoning and its resulting development are both manageable and acceptable for this project setting.



VA. SEC. ROUTE 651
SHADY ELM ROAD
40' R/W - D.B. 324 P. 15

WINCHESTER, VA.
1 ST. # 2100000
INST. # 160001418
45.115 ACRES

TAX MAP 74-A-69
17.3391 ACRES
INST. #070000157

TAX MAP 74-A-68
89.8719 ACRES
INST. #160001418
INST. #070000157

PROPERTY LINE
BY BOUNDARY
LINE ADJUSTMENT
INST. #160001418

WETLANDS

POND

POND

CSX RAILROAD

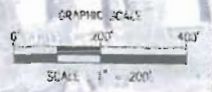
DATE:
01/11/2017
DWG NAME:
10205-EXHIBIT
DRAWN BY: JTC
SHEET 1 OF 1



Marsh & Legge Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET ~ WINCHESTER, VIRGINIA 22601
PHONE (540) 587-0458 ~ FAX (540) 587-0459 ~ EMAIL office@marshandlegge.com
www.marshandlegge.com

EXHIBIT DRAWING
OF THE LAND OF
THE HENRY J. CARBAUGH TRUST



T.M. 75-A-1
 VENTURE I OF WINCHESTER, LLC
 INST. #080005980
 INST. #160001418
 45.1035 ACRES

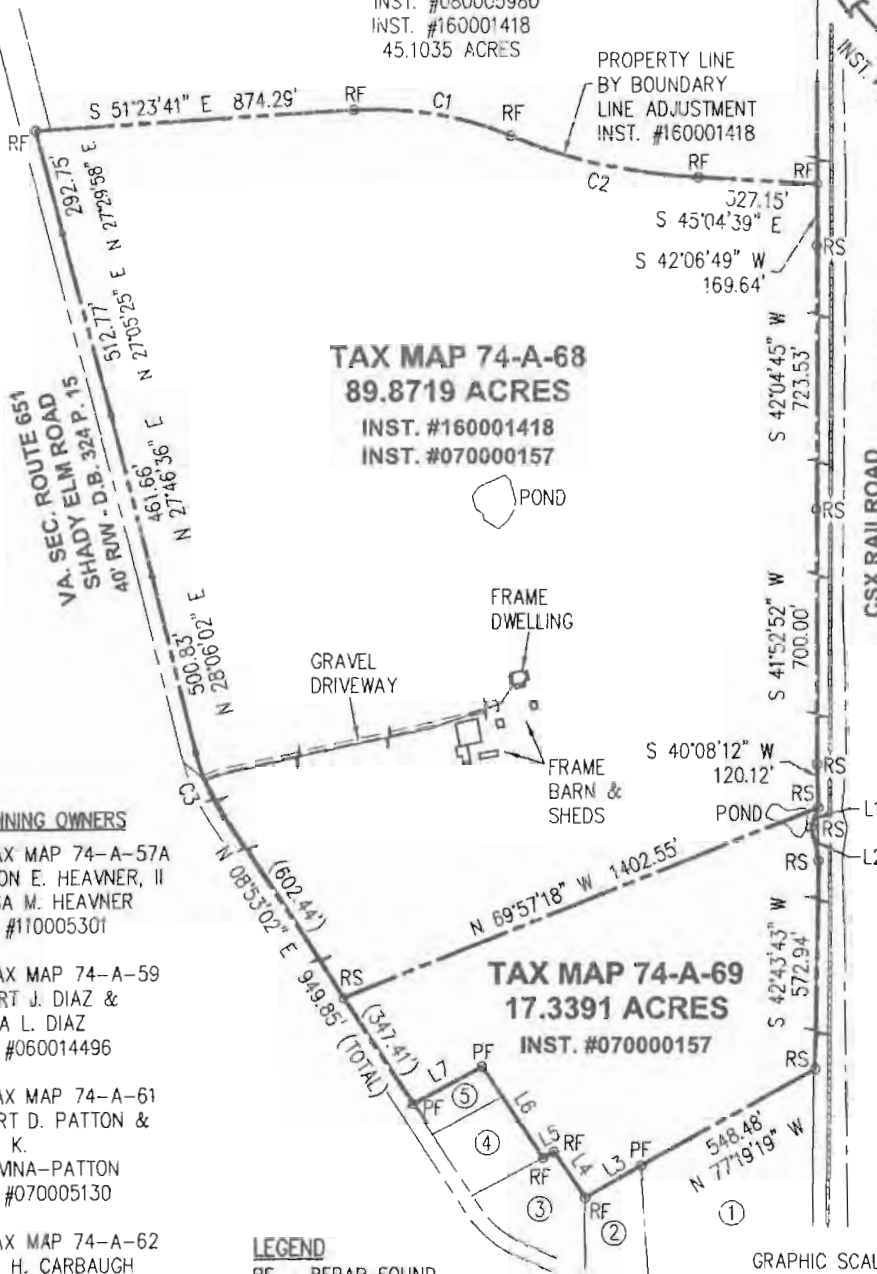
PROPERTY LINE
 BY BOUNDARY
 LINE ADJUSTMENT
 INST. #160001418

TAX MAP 74-A-68

89.8719 ACRES

INST. #160001418

INST. #070000157



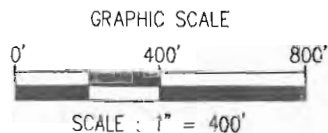
CSX RAILROAD
 SEE NOTE 4 SHEET 2

ADJOINING OWNERS

- ① TAX MAP 74-A-57A
 VERNON E. HEAVNER, II
 & LISA M. HEAVNER
 INST. #110005301
- ② TAX MAP 74-A-59
 ROBERT J. DIAZ &
 DONNA L. DIAZ
 INST. #060014496
- ③ TAX MAP 74-A-61
 ROBERT D. PATTON &
 ANITA K.
 RUKAVINA-PATTON
 INST. #070005130
- ④ TAX MAP 74-A-62
 DAVID H. CARBAUGH
 INST. #150001374
- ⑤ TAX MAP 74-A-63
 DAVID H. CARBAUGH
 INST. #150001375

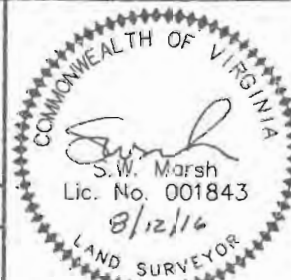
LEGEND

- RF - REBAR FOUND
- RS - REBAR SET
- PF - PIPE FOUND
- OVERHEAD UTILITY LINE



*SEE SHEET 2 FOR NOTES, LINE TABLE & CURVE TABLE

**BOUNDARY SURVEY
 OF THE LAND OF
 THE HENRY J. CARBAUGH TRUST
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA**



DRAWN BY: JTG

DWG NAME: 10205-PLAT-4-17

SHEET 1 OF 2



Marsh & Legge Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET WINCHESTER, VIRGINIA 22601
 PHONE (540) 667-0468 FAX (540) 667-0469
 EMAIL office@marshandlegge.com

DATE: 08/12/2016

NOTES

1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY REPRESENTED BY THIS SURVEY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
2. THE LOCATIONS OF UNDERGROUND UTILITIES OR OTHER SUBSURFACE IMPROVEMENTS, IF ANY, WERE NOT ASCERTAINED; THEREFORE, ARE NOT SHOWN.
3. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 10 AUGUST 2016.
4. REFERENCE IS MADE TO RAILROAD VALUATION MAP ENTITLED RIGHT OF WAY AND TRACK MAP THE WINCHESTER AND STRASBURG RAILROAD COMPANY OPERATED BY THE BALTIMORE AND OHIO RAILROAD COMPANY V32.1/3.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 61°26'49" W	57.20'
L2	S 30°29'58" W	94.93'
L3	N 77°56'19" W	176.80'
L4	N 07°34'36" E	153.22'
L5	N 75°57'24" W	34.09'
L6	N 08°35'35" E	304.46'
L7	N 76°47'38" W	214.35'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	960.00'	436.53'	432.77'	S 38°22'06" E	23°03'12"
C2	1540.00'	530.46'	527.84'	S 35°12'34" E	19°44'09"
C3	570.40'	191.31'	190.41'	N 18°29'32" E	19°13'00"

**BOUNDARY SURVEY
 OF THE LAND OF
 THE HENRY J. CARBAUGH TRUST
 BACK CREEK MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA**

DRAWN BY: JTG

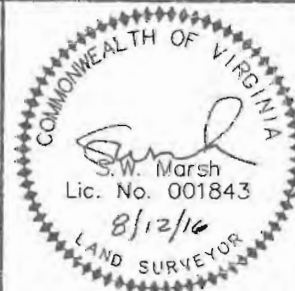
DWG NAME: 10205-PLAT

SHEET 2 OF 2



Marsh & Legge Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET WINCHESTER, VIRGINIA 22601
 PHONE (540) 667-0468 FAX (540) 667-0469
 E-MAIL office@marshandlegge.com



DATE: 08/12/2016

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number 04-17 Fee Amount Paid \$ 20,731.00
PC Hearing Date 11/1/17 Date Received 10/6/17
BOS Hearing Date 12/13/17

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

Name: Timothy Stowe Telephone: 540-336-0656

Address: Stowe Engineering, PLC
103 Heath Court, Winchester VA 22602

2. Property Owner (if different than above):

Name: The Henry J. Carbaugh Trust Telephone: _____

Address: C/O Bank of Clarke County Trust Department
202 N. Loudoun St. Winchester VA 22601

3. Contact person if other than above:

Name: Timothy Stowe Telephone: 540-336-0656

4. Property Information:

- a. Property Identification Number(s): 74 - A - 68 and 74 - A - 69
- b. Total acreage to be rezoned: 107.21 acres
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____
- d. Current zoning designation(s) and acreage(s) in each designation: _____
107.21 acres zoned RA
- e. Proposed zoning designation(s) and acreage(s) in each designation: _____
107.21 acres to be rezoned M1
- f. Magisterial District(s): Back Creek Magisterial District

5. Checklist: Check the following items that have been included with this application.

Location map	<input checked="" type="checkbox"/>	Agency Comments	<input type="checkbox"/>
Plat	<input checked="" type="checkbox"/>	Fees	<input type="checkbox"/>
Deed to property	<input checked="" type="checkbox"/>	Impact Analysis Statement	<input checked="" type="checkbox"/>
Verification of taxes paid	<input checked="" type="checkbox"/>	Proffer Statement	<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

The Henry J. Carbaugh Trust

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
See attached List		
<hr/>	<hr/>	<hr/>
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8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The property is located at 831 Shady Elm Road. From the intersection of Apple Valley Road and Shady Elm Road, the property is

located approximately 1.11 miles heading southwest on Shady Elm Road. The southeast portion of the property is bound by the

CSX Railroad.

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
 Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
 Retail: _____ Manufacturing: 500,000
 Restaurant: _____ Warehouse: 500,000
 Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):  Date: 6/15/17

Date: _____

Owner(s): _____ Date: _____

Date: _____

Adjoining Property Owners

#	PIN	Owner	Address	Zoning
1	75 A 1	Venture I of Winchester LLC	54 Merriman's Lane, Winchester, VA 22601	M1
2	74 A 71	Stephen D. Brim, ETALS	254 Queen Street, Strasburg, VA 22657	RA
3	74 A 70	Elizabeth Ann Haymaker	316 Springdale Road, Winchester, VA 22602	RA
4	74 A 72	Elizabeth Ann Haymaker	316 Springdale Road, Winchester, VA 22602	RA
5	74 A 57A	Vernon E., II and Lisa M. Heavner	1043 Shady Elm Road, Winchester, VA 22602	RA
6	74 A 59	Robert J. and Donna L. Diaz	1006 Shady Elm Road, Winchester, VA 22602	RA
7	74 A 61	Robert D. Patton and Anita K. Rukavina-Patton	983 Shady Elm Road, Winchester, VA 22602	RA
8	74 A 62	David H. Carbaugh	957 Shady Elm Road, Winchester, VA 22602	RA
9	74 A 63	David H. Carbaugh	957 Shady Elm Road, Winchester, VA 22602	RA
10	74 A 64	Ronald L. Brown	970 Shady Elm Road, Winchester, VA 22602	RA
11	74 6 12	300N LLC	P. O. Box 179, Moorefield, WV 26836	RA
12	74 6 11	Daniel J. and Sandra M. Lyons	121 Skyjes Lane, Winchester, VA 22602	RA
13	74 6 2	300N LLC	P. O. Box 179, Moorefield, WV 26836	RA
14	74 6 1	Matthew and Mary Ann Kremer	138 Skyjes Lane, Winchester, VA 22602	RA
15	74 3 14	Kevin and Tina Anderson	113 Hockman Ct., Winchester, VA 22602	RA
16	74 3 5	Gregory R. and Johanna A. Brown	114 Hockman Ct., Winchester, VA 22602	RA
17	74 3 4	Jacob T., III and Heather R. Rudolph	750 Shady Elm Road, Winchester, VA 22602	RA
18	74 A 67	Kitty Hockman Nicholas	690 Shady Elm Road, Winchester, VA 22602	RA
19	74 3 3	Kitty Hockman Nicholas and Robin H. Eddy	690 Shady Elm Road, Winchester, VA 22602	RA
20	74 3 2	Kitty Hockman Nicholas and Robin H. Eddy	690 Shady Elm Road, Winchester, VA 22602	RA
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**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)

Henry J. Carbaugh Trust Under Agreement
(Name) Dated December 18, 2006 (Phone) 540/665-2400

(Address) 202 North Loudoun Street, Winchester, VA 22601

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

SEE EXHIBIT "A" ATTACHED HERETO FOR DESCRIPTION OF PROPERTY.
Instrument No. _____ on Page _____, and is described as

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

(Name) Timothy Stowe (Phone) 540: 336-0656

(Address) 103 Heath Court, 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 _____ day of _____, 20____,

Signature(s) SEE ATTACHED SIGNATURE PAGE

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

I, _____, 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 _____ day of _____, 20____.

Notary Public My Commission Expires: _____

**HENRY J. CARBAUGH TRUST UNDER
AGREEMENT DATED DECEMBER 18, 2006**

By: Bank of Clarke County, Successor Trustee

By: Carl A. Esterhay (SEAL)
Carl A. Esterhay, Senior Vice President

STATE OF VIRGINIA, AT LARGE,
CITY OF WINCHESTER, to-wit:

The foregoing instrument was acknowledged before me, a Notary Public in and for the State and Jurisdiction aforesaid, this 19th day of June, 2017, by Carl A. Esterhay, Senior Vice President of Bank of Clarke County, Successor Trustee of the Henry J. Carbaugh Trust Under Agreement Dated December 18, 2006.

My commission expires 4-30-2018.

Jimmy R. Cunningham
Notary Public

EXHIBIT "A"

PARCEL ONE: That certain parcel of land containing 89.8719 acres, more or less, located on the eastern side of Shady Elm Road, in Back Creek Magisterial District, Frederick County, Virginia, designated as "Tax Map 74-A-68 89.8719 Acres" on that certain plat titled "Boundary Survey Of The Land Of The Henry J. Carbaugh Trust" dated August 12, 2016, drawn by S. W. Marsh, L.S., a copy of which is attached hereto and incorporated herein by reference as if set out in full; and being a portion of the lands designated as Parcel One acquired by that certain Deed dated January 3, 2007, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 070000157.

Tax Map No. 74-A-68.

PARCEL TWO: That certain parcel of land containing 17.3391 acres, more or less (according to Frederick County Tax Records), located on Shady Elm Road, in Back Creek Magisterial District, Frederick County, Virginia, designated as "Tax Map 74-A-69 17.3391 Acres" on that certain plat titled "Boundary Survey Of The Land Of The Henry J. Carbaugh Trust" dated August 12, 2016, drawn by S. W. Marsh, L.S., a copy of which is attached hereto and incorporated herein by reference as if set out in full; and being the remainder of the lands designated as Parcel Two acquired by that certain Deed dated January 3, 2007, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 070000157.

Tax Map No. 74-A-69.

MLB/pmn