

# 2021 Annual Report



**Prepared By: Frederick County Planning and Development**

**September 20, 2022**

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2021  
**FREDERICK COUNTY**  
*Board of Supervisors*

Charles S. DeHaven, Jr.  
*Chairman At-Large*

J. Douglas McCarthy  
*Vice-Chairman*  
*Gainesboro Supervisor*

Shawn L. Graber  
*Back Creek Supervisor*

Robert W. Wells  
*Opequon Supervisor*

Blaine P. Dunn  
*Red Bud Supervisor*

Josh Ludwig  
*Shawnee Supervisor*

Judith McCann-Slaughter  
*Stonewall Supervisor*

2021  
**FREDERICK COUNTY**  
*Planning Commission*

John F. Jewell  
*Chairman*

Roger Thomas – Vice Chairman  
*Opequon District*

Elizabeth Kozel  
*Shawnee District*

Betsy Brumback  
*Back Creek District*

H. Paige Manuel  
*Shawnee District*

Mollie Brannon  
*Back Creek District*

Kay Dawson  
*Red Bud District*

Charles E. Triplett  
*Gainesboro District*

Charles Markert  
*Red Bud District*

Jason Aikens  
*Gainesboro District*

Justin Kerns  
*Stonewall District*

Robbie Molden  
*Opequon District*

William A. Orndorff  
*Stonewall District*

Josh Ludwig  
*BOS Liaison*

Rod Williams  
*Legal Counsel*

Wyatt G. Pearson  
*Secretary (non member)*

# 2021 Annual Report

## Executive Summary

The Department of Planning and Development is pleased to present the 2021 Annual Report. The Annual Report summarizes the planning and development activities for January 2021 through December 2021. The Department of Planning and Development is responsible for the development of Board of Supervisors directed policies and procedures pertaining to all aspects of community growth and development. The Department also administers existing policies and procedures. Primary responsibilities of the Planning Department include: comprehensive planning, zoning enforcement, subdivision of land, transportation planning, land management, data and mapping, staffing of various committees, Board of Supervisors and Planning Commission support. The Department also serves a significant customer service function by handling various citizen inquiries as well as coordination of various land use applications.

### 2021 by the Numbers

Application Type	Applications Received	Applications Approved
<b>Rezoning (REZ)</b>	5	5
<b>Master Development Plans (MDP)</b>	5	5
<b>SUB (RP, R4, R5 &amp; RA)</b>	NA	1358 lots
<b>Site Plans (SP)*</b>	31	24
<b>Conditional Use Permits (CUP)</b>	14	9
<b>Zoning Violations</b>	168	NA
<b>Comprehensive Plan Amendments (CPPA)</b>	NA	NA
<b>Variances</b>	9	8
* "Applications Approved" reflects all approvals (legislative or administrative) in FY 2022; some of these applications may have been "received" in prior calendar years.		

## Forecast for the Future

Frederick County's 2040 Comprehensive Policy Plan ("Comprehensive Plan"), adopted in January 2021, forecasts future population growth. Each year, Planning and Development staff provide the most recent population estimates from the University of Virginia's Weldon Cooper Center for Public Service as part of the Annual Report. Since 2010, Frederick County has grown by 14.7 percent, more than double the state average of 7.3 percent for the same period.

Understanding future population growth is important to planning for additional residential housing units and capital investment (infrastructure, parks, schools, and County services) and also for retaining, expanding and attracting businesses.

In 2020 a decennial census was conducted across the United States. The census aims to count the entire population of the country and identify where the population is distributed. Numerous Federal and State funding opportunities are based on population totals and demographic information (sex, age, race, and other factors) that are counted during the decennial census. Census data informs economic development, public safety and emergency preparedness. Census data will also serve as a baseline for projecting future population growth (beyond 2020) in Frederick County. Additionally, the Census informs redistricting efforts at the state and local level and may result in changes to the County's magisterial districts.

Year	Population
2000	59,209
2010	78,305
2020	91,766
2030	103,035*
2040	117,383*
2050	133,488*

\*Population Projections for Virginia and its Localities, 2030, 2040 published by the *Weldon Cooper Center for Public Service Demographics Research Group*, July 2022.  
(<http://demographics.coopercenter.org>)

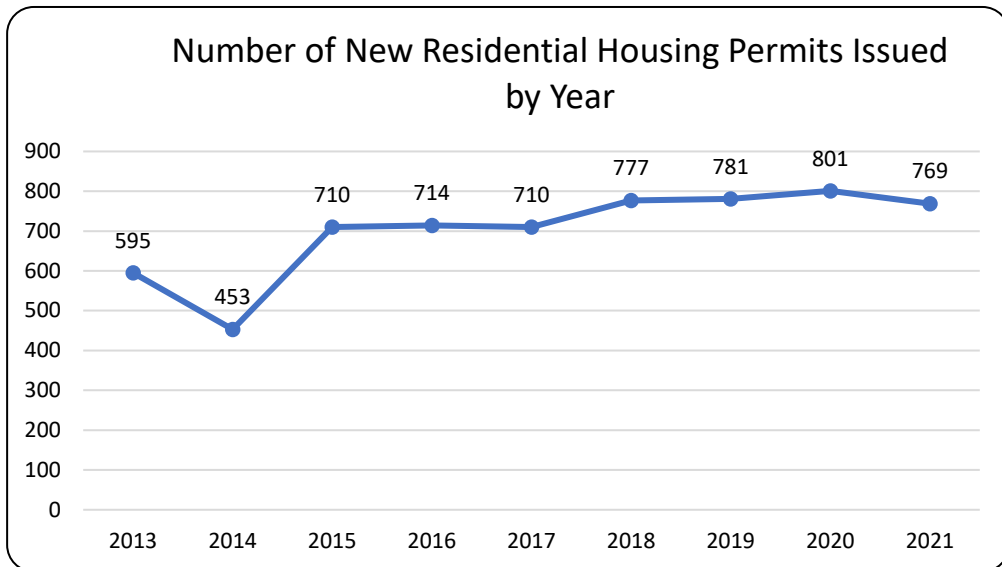
2000 & 2010 reflects official Census record.  
2020 Official Census, March 2022, CO-EST2021-POP-51 (<https://www.census.gov/data/datasets/time-series/demo/popest/2020s-counties-total.html>)

# Residential Housing Unit Permits

In the 2021 Calendar Year, Frederick County issued a total of 769 building permits for new residential units. A table of the number of permits issued by each housing type is provided below.

Housing Type	Number of Building Permits Issued*
Single-Family Detached (SFD – RA, RP, R4, & R5 Zoning Districts)	516
Single-Family Attached (SFA – townhomes, duplexes, or age-restricted)	159
Modular (MD)	7
Mobile Home (MH)	24
Multi-Family (MF – apartments)	63
*As of December 31, 2021.	

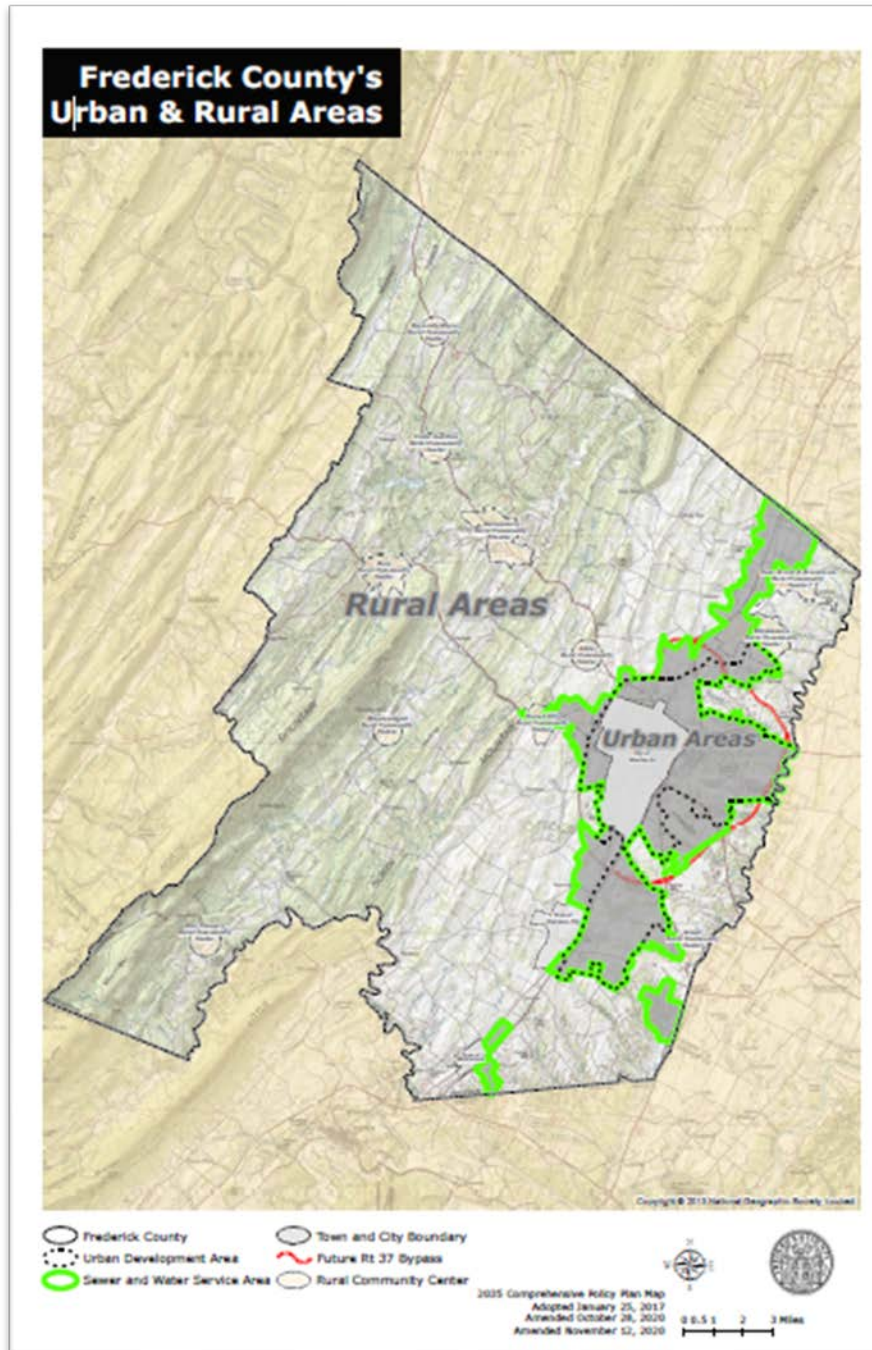
In 2021 Calendar Year, Magisterial Districts with the most permits issued for new residential units were the Back Creek, Opequon, and Shawnee Districts. The number of new permits issued for residential units in FY 2020 shows a decrease from 2021 Calendar year. The chart below illustrates the total number of new residential unit permits issued since 2013.





Frederick County maintains an Urban Development Area (UDA) Report that tracks residential building permits, development within subdivisions in the UDA and identifies the potential number of future residential units that exist. This potential number is calculated by looking at vacant land with no approved Generalized Development Plans (GDP), zoned land with approved GDPs, Master Development Plan (MDP) projects, and platted but undeveloped lots in residential subdivisions under construction. Based on this report, there is the potential for 3688 additional residential housing units in Frederick County's UDA as of January 1, 2022.

*Note: A complete analysis of residential building permits and potential for additional housing units is available in the Urban Development Area (UDA) Report, updated at the end of each month.*



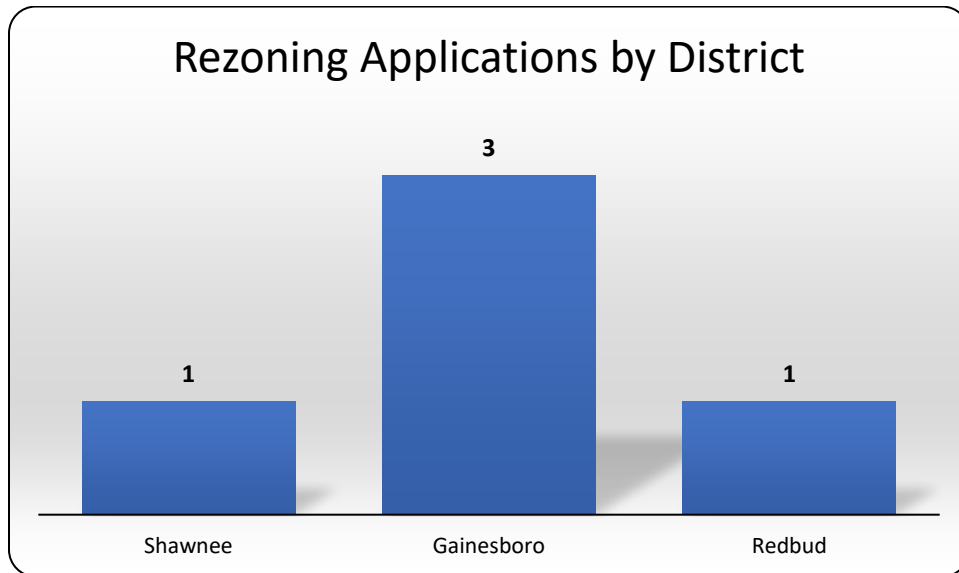


# Rezoning Applications (REZ)

Zoning regulations are the rules that determine how parcels of land may be used. When owners want to develop or use their property in ways that do not conform to their current zoning regulations, they must apply for a change to their zoning classification. This is commonly referred to as a rezoning. Rezoning applications are evaluated on their conformance with the Comprehensive Plan and their impacts on the County.

In fiscal year 2022 there were seven (7) rezoning applications submitted to the Board of Supervisors of which all seven (7) were approved.

A summary of rezoning applications approved in calendar year 2021 is provided below.



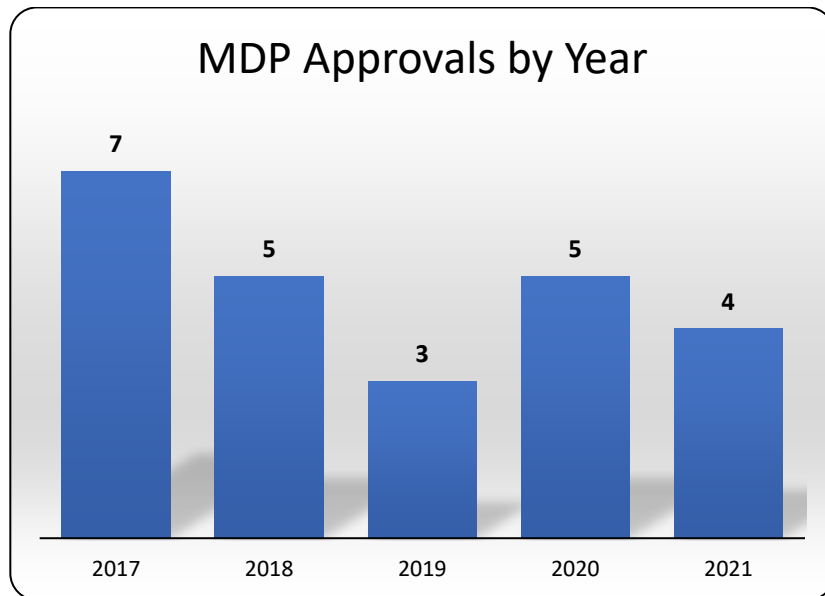
Application Number	Name	Description	Acreage	District	Approval Date
6-19	Winchester Medical Property	B2 to MS	89.5 acres	Gainesboro	7/14/2021
01-21	One Logistics Park Winchester	R4 to M1 & B2	277.16 acres	Shawnee	7/14/2021
02-21	Greystone Properties & White Properties	R4 to RP & RA	119.27 acres (R4) & 238.37 acres (RA)	Gainesboro	7/14/2021
03-21	CRT Properties LLC	RA to B2; B2 to B2	.75 acres/4.09 acres	Gainesboro	7/14/2021
04-21	Orrick Commons	RP to RP with Revised Proffers	33.61	Redbud	9/22/2021

## Master Development Plans (MDP)

A Master Development Plan is a general plan of development approved administratively for new developments in certain zoning districts. MDP's are required before a subdivision or site plan can be approved. MDP's are presented to the Planning Commission and Board of Supervisors as information items.

In calendar year 2021 there were a total of four (4) MDP applications submitted and approved. The number of MDP's approved each year has remained steady.

A summary of the MDPs approved in 2021 is provided below.



Application Number	Name	Description	District	Approval Date
#1-21	Hackwoods -Shenandoah Valley Westminister Canterbury	Multifamily residential development (11.5-acres)	Stonewall	4/19/2021
#02-21	Opequon Crossing	Single family detached & single family attached	Opequon	6/21/2021
#03-21	Adams Development Group	107 Single-family detached units & 126 townhouse units (73.79-acres)	Red Bud	5/17/2021
#04-21	Clearbrook Business Center	Revision to MDP #06-04 to implement REZ #06-19 GDP	Gainesboro	5/18/2021

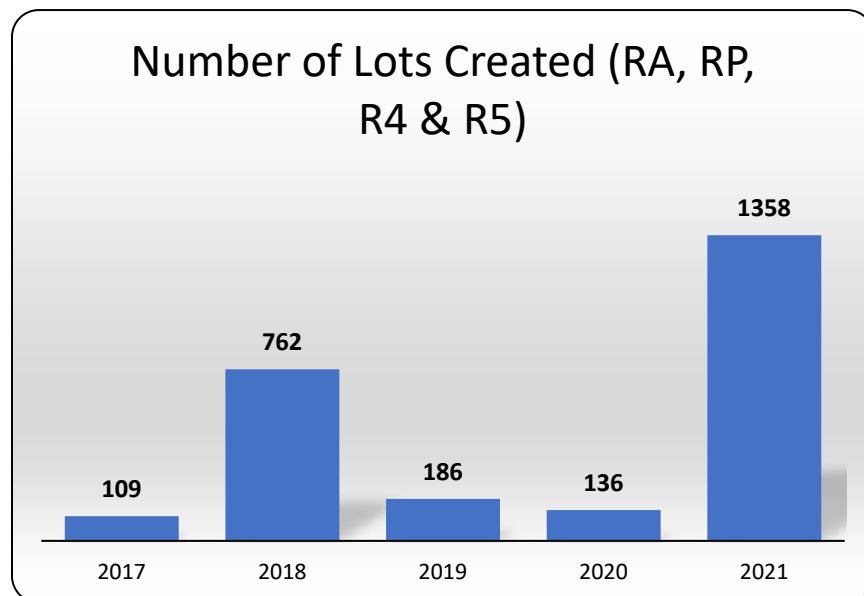
## Subdivision of Land (SUB)

A subdivision is the act of dividing land into pieces (i.e. lots) that are easier to sell or otherwise develop, usually via a plat. If it is used for housing it is typically known as a residential subdivision or housing development. Subdivisions may also be for the purpose of commercial or industrial development, and the results vary from retail or office uses with independently owned out-parcels, to industrial parks.

All land divisions require the submittal of a subdivision plat for review and approval/recordation. Unless specifically exempt, all residential subdivisions and their associated amenities are required to submit a subdivision design plan for review and approval before final plats can be approved. Commercial and industrial properties, unless specifically exempt, must have an approved Master Development Plan.

A subdivision is not considered approved until plats for the property and lots are approved and recorded. Therefore, the numbers below reflect only lots approved and platted in 2021. “Subdivision” for purposes of this section also includes family lots, minor & major rural subdivisions, and boundary line adjustments resulting in new lots.

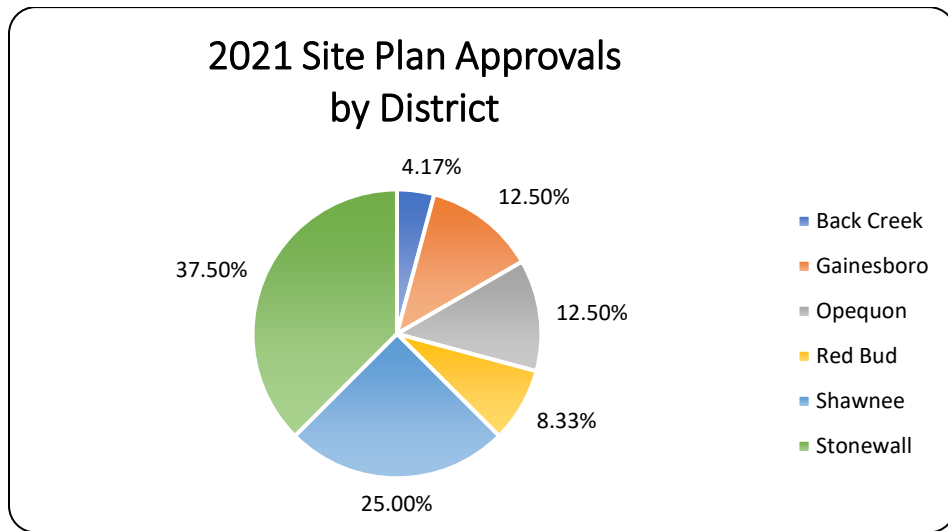
As shown below, 1358 new residential lots were created (i.e. plats approved/recorded) in the RP, RA, R4, and R5 Zoning Districts of Frederick County 2021. Subdivisions approved in 2021 include Lake Frederick Section 8A & 9A (171 lots), Lake Frederick Section 3 (87 lots), Lake Frederick Section 7 (50 lots), Snowden Bridge Section 17 & 18 (95 lots), Senseny Village (148 lots), Fairfax Downs (93 lots), and Snowden Bridge Sections 19 & 20 (93 lots).



## Site Plans (SP)

A site plan is a detailed engineering drawing of proposed improvements to a given lot. A site plan usually shows a building footprint, travel ways, parking, drainage facilities, sanitary sewer lines, water lines, trails, and lighting, landscaping and property lines.

There were 24 approved site plan applications in 2021. There remains a total of 13 pending applications from calendar year 2021. For comparison, 48 applications were approved in calendar year 2020. A complete list of applications approved in 2021 is included on the next page. Highlights for 2021 site approvals include approval of approximately 421,754+/- square feet (SF) of commercial (retail/office/restaurant) and industrial uses, not including self-storage facilities, 1 senior residential building, and an outdoor amphitheater for Bowman Library and a 8.3-acre solar farm.

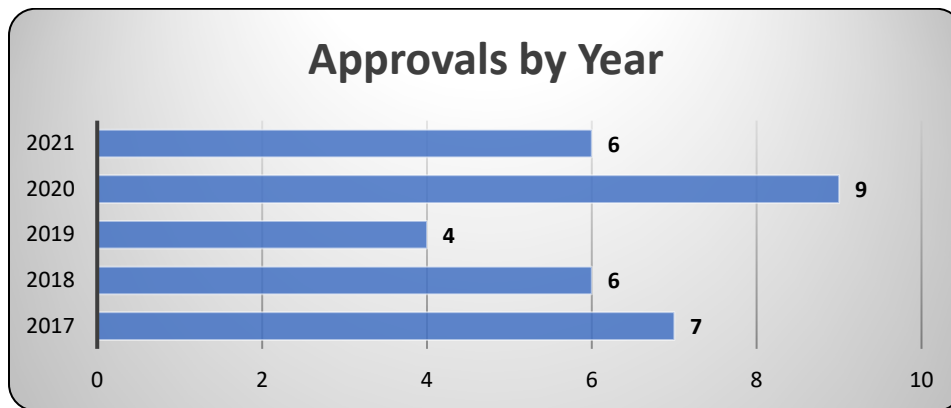


Application Number	Name	Description	Approval Date	District
04-20	Martinsburg Pike, LLC (Donato Lanzetta)	Stephenson Pizza (3,104 SF building)	1/29/2021	Stonewall
05-20	Annandale Millwork	Minor site plan - 5,440 SF building expansion	7/26/2021	Shawnee
07-20	Winchester Medical Center - West Medical Campus	169,958 two-story office, administration & warehouse building	8/25/2021	Gainesboro
17-20	Chick-fil-A (Rutherford Crossing)	Expansion of drive-thru facility and 390 SF building addition	5/25/2021	Stonewall
18-20	Senseny Place	Senior residential bldg (63 units) & future 4,050 SF church	2/11/2021	Red Bud
40-20	City of Winchester (Dept. of Fire Programs)	1,250 SF modular classroom building	1/4/2021	Red Bud
42-20	Tri-State Nissan	Additional vehicle display parking (98 spaces total)	4/27/2021	Shawnee
44-20	HP Hood	Silo addition	1/13/2021	Shawnee
45-20	The Village at Orchard Ridge (TVOR)	8.3-acre solar farm	1/13/2021	Gainesboro
01-21	Clear Brook Volunteer Fire Department	2,492 SF building addition	2/26/2021	Stonewall
02-21	New Life Christian Church	9,500 SF (350 seat) sanctuary addition	3/9/2021	Gainesboro
04-21	Tidal Wave Auto Spa	3,300 SF automated car wash w/ 19 vacuum stalls (+ 9 parking spaces)	8/2/2021	Shawnee
06-21	Big Lots	4,760 SF building addition	4/26/2021	Shawnee
07-21	Sheetz (Berryville Pike)	Tesla vehicle charging stations	6/8/2021	Stonewall
09-21	Graystone Industrial Center	209,560 SF warehouse (Ph. II building 3)	7/26/2021	Stonewall
10-21	Animal Medical Center	14 parking spaces addition	6/15/2021	Opequon
11-21	Bowman Library	Outdoor amphitheater with concrete seating and stage	5/24/2021	Shawnee
12-21	1863 Berryville Pike (Floors & More)	Change of use - wine sales	6/4/2021	Stonewall
13-21	Secure Store Self-Storage	76,600 SF self-storage facility	10/26/2021	Opequon
14-21	Lake Frederick	Revision to community center & pool footprints	10/13/2021	Opequon
16-21	Winchester Cold Storage	Tractor trailer truck parking lot (58 spaces; CUP #03-21)	11/4/2021	Stonewall
17-21	Allied Self-Storage	75,000 SF self-storage facility	12/3/2021	Back Creek
19-21	Back Seat Event Center	12,000 SF building + parking	10/7/2021	Stonewall
27-21	Chick-fil-A (Rutherford Crossing)	Parking addition (5 spaces)	12/2/2021	Stonewall

## Conditional Use Permits (CUP)

A conditional use permit is a legislatively approved application to undertake certain uses on a property that are not permitted by-right. As part of the application, a public hearing is required by the Planning Commission and Board of Supervisors.

In 2021, 14 CUPs were scheduled for public hearing. 6 applications were approved, and 1 application was denied. A summary of the approved applications is provided below.



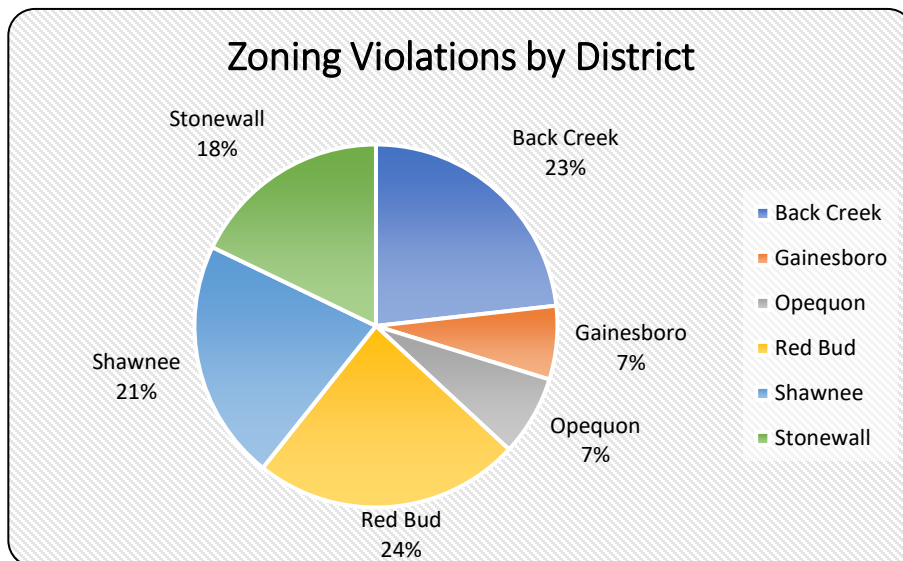
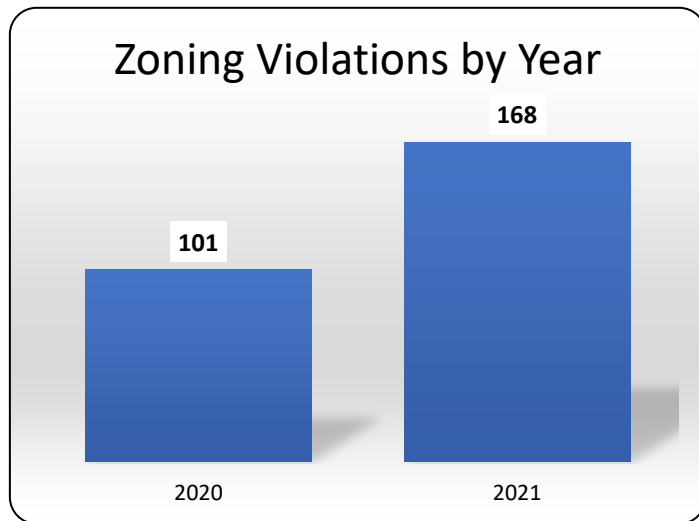
Application Number	Name	Description	Approval Date	District
03-21	Winchester Cold Storage	Parking Facility	7/14/2021	Stonewall
04-21	C Clan, LLC	Parking Facility	7/14/2021	Stonewall
05-21	Corey Garrison	Boat Repair	7/14/2021	Gainesboro
06-21	Kelrock LLC (Rocky Keplinger)	Expansion of McFarland Sawmill	9/8/2021	Back Creek
08-21	Southern States Winchester Cooperative	Agricultural Supply Cooperative	12/8/2021	Opequon
09-21	KSS, LC. (Katherine Solenberger)	Special Events Facility	12/8/2021	Stonewall

# Zoning Violations

Zoning enforcement involves responding to citizen inquiries and concerns regarding land use and development. When formal complaints are registered, investigated, and appropriate enforcement action taken when the noted issue is in violation of the zoning ordinance. Violations typically include inoperable vehicles, high grass, junk/debris and illegal uses on a property. Department staff attempts to work with landowners to ensure compliance of an ordinance violation. However, once all efforts to work with property owners to alleviate the violation have been unsuccessful criminal charges are filed. Once criminal charges are filed, resolution of the violation is determined by the court system.

There were a total of 168 Zoning Ordinance Notice of Violation (NOV's) issued by Frederick County in calendar year 2021 (see table and chart below). 12 complaints received in 2021 are still under "active" investigation, 134 violations were "closed" and/or the complaint has been resolved and 22 complaints were found to have no violation. For comparison there were a total of 101 violations recorded in 2020. The tables below outline the total number of violations by type and by Magisterial District for calendar year 2021.

Violation Type	Count
Inoperable Vehicles	51
Tall Grass	32
Junk Property	20
Trash	12
24ther (Animals, Illegal Uses, Illegal Structures, etc.)	53





## Other Planning Applications

### Variations and Appeals

A variance is a deviation, granted by the Board of Zoning Appeals (BZA) from the provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, massing (bulk) or location of a building or structure. There were 9 variance requests submitted for review. Eight were approved by the Board of Zoning Appeals (BZA) in calendar year 2021 and one was withdrawn.

A summary of the variance and appeal applications are as follows:

<b>Number</b>	<b>Name</b>	<b>Request</b>	<b>Approval Date</b>	<b>District</b>
01-21	Randy S. Kelly	Variance	04/20/21	Back Creek
02-21	Gerald & Linda Aronovitch	Variance	03/16/21	Back Creek
03-21	Gene & Angela Fishel	Variance	04/20/21	Opequon
04-21	Old Virginia Land LLC	Variance	04/20/21	Back Creek
05-21	Braddock Hills, LLC	Variance	07/20/2021	Gainesboro
06-21	Braddock Hills, LLC	Variance	07/20/2021	Gainesboro
07-21	Alexander Manzo	Variance	08/17/2021	Gainesboro
08-21	Get Plastered, LLC	Variance	09/21/2021	Stonewall

### Comprehensive Plans Amendments (CPPA)

Comprehensive Plan Amendments are changes to the approved 2040 Comprehensive Plan, Area Plans and/or Long-Range Land Use Plans. During the yearly CPPA process, which accepts applications once a year, applicants can submit individual requests to amend the Comprehensive Plan. Once submitted, CPPA's are evaluated by the Comprehensive Plans and Programs Committee (CPPC), Planning Commission and Board of Supervisors. Ultimately the Board of Supervisors determines if the CPPA request merits further study by the County. Requests that are sent forward for further study are scheduled for discussions and ultimately public hearings by the Planning Commission and Board of Supervisors.

There was 1 Comprehensive Policy Plan Amendment (CPPA) reviewed and denied in calendar year 2021.

## Committees & Other Department Functions

### **Street (Road) Sign Replacement Program**

Frederick County re-installs missing or vandalized street name signs throughout the County. In 2021 79 signs were replaced through this program, including 46 units installed (units include the road signs plus mounting poles). Missing or damaged street sign through the County's 'At Your Service' feature on the website or by contacting the Department of Planning and Development directly.

### **Comprehensive Plans and Programs Committee (CPPC)**

The Comprehensive Plans and Programs Committee is a Committee of the Planning Commission whose primary responsibility is to formulate land use policies that shape the location, and timing of development throughout the County. In addition, the CPPC conducts studies of specific areas to develop guidelines for future land uses within those areas. The CPPC also considers requests for amendments to the Comprehensive Plan.

The CPPC was involved in several projects during 2021. There was 1 Comprehensive Plan Amendment (CPPA) application submitted and reviewed in 2021 for the Russell Smith Property. The CPPC also was involved in draft text and map updates to the Northeast Land Use Plan (NELUP); this project is expected to be completed in 2023. The CPPC also reviewed the proposed 2022-2027 Capital Improvement Plan (CIP).

### **Development Review and Regulations Committee (DRRC)**

The Development Review and Regulations Committee is a Committee of the Planning Commission whose primary responsibility is to assess and formulate proposed changes to the Frederick County Zoning and Subdivision Ordinances that cover a broad range of topics. This year, the DRRC reviewed 13 items including: Requirements for master development plans (MDPs), inoperable motor vehicles, farm wineries/breweries/distilleries, street design, pedestrian access, planned community district conditional use, off-street parking requirements, steep slope requirements, short-term lodging, and commercial district allowed uses. Proposed changes, as supported by the DRRC, may go forward to the Planning Commission and Board of Supervisors for additional discussion and action.

### **Transportation Committee (TC)**

The Transportation Committee is responsible for oversight of County transportation projects, seeking transportation funds at the State and Federal level, transportation planning on a continuous basis and dealing with any additional transportation planning or implementation issues as they arise or are assigned by the Board of Supervisors. Of particular note for FY2022, the County was awarded the Commonwealth Connectors Transportation Project of the year for the Crossover Boulevard project by the Virginia Chapter of the American Planning Association. Some of the issues considered by the Transportation Committee in FY 2022 included:

- Issue estimates and policy guidance to the Board of Supervisors for potential County transportation funding.
- Update of Interstate, Primary, and Secondary Road plans.
- Render input on VDOT Six Year Improvement Plan.
- Render input on MPO Unified Planning Work Program.
- Coordination with VDOT and public safety officials on transportation safety concerns.

- Conduct Fall Transportation Forum
- Oversight of County transportation projects including:
  - Crossover Boulevard – now complete
  - Renaissance Drive Phase II
- Address safety concerns by numerous citizens throughout the County.
- SmartScale application finalization and submittal
  - Exit 317 Diverging Diamond
  - Exit 313 Partial Median U-Turn
  - Route 522 at Costello Drive intersection improvements
  - Route 11 @ Shawnee Drive Intersection improvement and NB Widening

The Transportation Committee met monthly throughout FY 2022.

### **Historic Resources Advisory Board (HRAB)**

The Historic Resources Advisory Board is a Board established in 1987 by the Board of Supervisors. The Board consists of 9 members, including one from each Magisterial District in the County and three at-large members. The Board also has a Planning Commission liaison and an architectural historian.

The HRAB reviews land use applications that involve properties that are historically significant or may impact historic resources. The HRAB reviews rezoning, master development plan, and conditional use permit applications and provides comments and suggestions for proposals that would impact historic resources. The HRAB also administers a historic plaque program and awards plaques to historically significant properties.

In 2021 the HRAB reviewed and provided comments for five conditional use permits (CUP), of which two were for utility scale solar projects.

### **Conservation Easement Authority (CEA)**

The Conservation Easement Authority was established in 2005 by the Board of Supervisors. It contains 9 members, including one Planning Commissioner and one Board Member. The CEA focuses on conservation easement education for landowners and manages the County's Purchase of Development Rights Program. The County co-holds one 89-acre conservation easement with the Potomac Conservancy which was acquired in 2009. The CEA meets as needed and there were no meetings held in FY 2022.

### **Board of Zoning Appeals (BZA)**

The Board of Zoning Appeals is comprised of 7 members that are recommended by the Board of Supervisors and appointed by the Circuit Court. The primary purpose of the BZA is to hear and decide appeals and variances of Chapter 165, Zoning, of the Code of Frederick County. Variance applications predominately pertain to requests for reductions from standards such as setbacks outlined in the Zoning Ordinance. The BZA also hears appeals from applicants for interpretations by the Zoning Administrator for Zoning Ordinance regulations.

A summary of applications reviewed by the BZA is provided in the preceding section.

## **Geographic Information Systems (GIS)**

GIS in Planning and Development continues to offer mapping and database support for department projects and public inquiries. There are online mapping applications available to both the planning staff and public that allow any user to look up relevant information for any question. These applications are constantly in a state of development and advancement to better assist the user, whether it is a staff member or citizen.

Going into another year with the Mobile GIS application that allows users to easily search parcel information, newer applications are constantly in development that will continue to aid in the daily operations of the staff. One application that is available is an updated Planning Access Terminal map. Along with viewing property information and planning layers (ex. Zoning, Land Use, Agricultural & Forestal Districts, TDR Properties, and Conservation Easements), the public can view current Planning Applications and their corresponding documents.

Our ArcGIS Story Maps continue to evolve and provide helpful information. Story Maps are a way to tell a story digitally, and can include interactive maps, static maps, photos, and more. Our most popular Story Map is the Transportation Projects Story Map, which shows the current transportation projects within the County. Story Maps updated this year were Land Preservation, 2020-2025 Agricultural and Forestal Districts, Transportation Projects, and 2022-2027 Capital Improvement Projects.



*Story Maps are a way to tell a story digitally, and can include interactive maps, static maps, photos, and more. Depicted is the Transportation Story Map which shows current transportation projects in Frederick County.*

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