



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JULY 9, 2014
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

6:00 P.M. – Closed Session:

There will be a Closed Session in Accordance with the *Code of Virginia*, 1950, as Amended, Section 2.2-3711, Subsection A, (1) to Discuss Personnel Matters.

7:00 P.M. – Regular Meeting - Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda:

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

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: None)

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

Board of Supervisors Comments

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

1. Regular Meeting, June 25, 2014.

County Officials:

1. Employee of the Month Award. **(See Attached)**----- B

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- 2. Committee Appointments. **(See Attached)**----- **C**
- 3. Request from Commissioner of the Revenue for Refund.
(See Attached) ----- **D**
- 4. Request to Schedule Work Session with the Frederick County Economic
Development Authority. **(See Attached)** ----- **E**

Committee Reports:

- 1. Public Works Committee. **(See Attached)**----- **F**

Public Hearing:

- 1. Ordinance Amending the Special Assessment for the Russell 150
Community Development Authority and Authorizing the First Amendment
to the Memorandum Of Understanding by and Among the Board of
Supervisors, the Russell 150 Landowner, and the Russell 150 Community
Development Authority. **(See Attached)** ----- **G**

Planning Commission Business:

Public Hearing:

- 1. Ordinance Amendment to the Frederick County Code – Chapter 165
Zoning, Article V Planned Development Districts, Part 502-R5
Residential Recreational Community District, Section 165-502.05
Design Requirements. Proposed Revision to Remove the Requirement
that R-5 Communities Must Be “Age Restricted Communities” to Qualify
for Private Streets, Inclusion of Additional Design Standards for Private
Roads, and Maintenance Responsibilities of the Private Roads by the
Property Owners Association. **(See Attached)**----- **H**
- 2. Ordinance Amendment to the Frederick County Code – Chapter 165
Zoning, Article VI Agricultural and Residential Districts, Part 402-RP
Residential Performance District, Section 165-402.09 Dimensional
Requirements. Proposed Revision to Reduce the Minimum Front Setback
for Multifamily Residential Buildings from 35 Feet to 20 Feet.
(See Attached) ----- **I**

Other Planning Items:

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1. Master Development Plan #03-14 - Madison Village. **(See Attached)**----- J
2. Master Development Plan #04-14 - Clearbrook Business Center.
(See Attached) ----- K
3. Master Development Plan #05-14 - Snowden Bridge Station.
(See Attached) ----- L
4. Request to Amend Sewer and Water Service Area (SWSA) to Serve
Proposed 4th High School. **(See Attached)**----- M

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

June 25, 2014

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, June 25, 2014 at 5:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Richard C. Shickle; Charles S. DeHaven, Jr.; Christopher E. Collins; Gene E. Fisher; Robert A. Hess; Gary A. Lofton; and Robert W. Wells

CALL TO ORDER

Chairman Shickle called the meeting to order.

CLOSED SESSION

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Frederick County Board of Supervisors convened in closed session pursuant to Virginia Code Section 2.2-3711 A (1) to discuss personnel matters, specifically, the annual evaluation of the County Administrator and pursuant to Section 2.2-3711 A (7), to discuss legal matters for consultation with legal counsel and staff regarding specific legal matters concerning the Russell150 Community Development Authority Assessments and requiring the provision of legal advice by such counsel.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board came out of closed session and reconvened in open session.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board certified that to the best of each board member's knowledge the Board discussed only matters involving consultation with legal counsel and staff, specifically, legal matters concerning the Russell 150 Community Development Authority Assessments and requiring the provision of legal advice by such counsel, pursuant to Virginia Code Section 2.2.-3711 A (7).

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Supervisor Collins, seconded by Supervisor Wells, the Board authorized a public hearing to be held on July 9, 2014 on an ordinance amending the special assessment for the Russell 150 Community Development Authority and authorizing the first amendment to the memorandum of understanding by and among the Board of Supervisors, the Russell 150 landowner, and the Russell 150 Community Development Authority.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye

Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Collins, the Frederick County Board of Supervisors convened in closed session pursuant to Virginia Code Section 2.2-3711 A (1) to discuss personnel matters, specifically, the annual evaluation of the County Administrator.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board came out of closed session and reconvened in open session.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board certified that to the best of each board member's knowledge the Board discussed only matters involving personnel specifically, the annual evaluation of the County Administrator, pursuant to Virginia Code Section 2.2.-3711 A (1).

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board certified the annual evaluation of the county administrator.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

RECESS

Chairman Shickle advised the Board would recess until 7:00 p.m.

CALL TO ORDER

Chairman Shickle called the regular meeting to order.

INVOCATION

Supervisor Fisher delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA – APPROVED AS AMENDED

County Administrator John R. Riley, Jr. advised he had one change to the agenda. He removed the presentation of the Employee of the Month Award because the recipient could not be present.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the amended agenda by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

PRESENTATION OF RESOLUTION TO H.P. HOOD, LLC

The Board presented a framed copy of the resolution recognizing H.P. Hood, LLC for being selected as processor of the year for 2013 and for their continued investment in Frederick County. The resolution was presented to Marcus Humphreys, local plant manager.

CONSENT AGENDA - APPROVED

Administrator Riley offered the following items for the Board's consideration under the consent agenda:

- Resolution for Board of Supervisors' Re-Authorization for Participation in Shenandoah Valley Electric Cooperative (SVEC) Rate Case;
- Parks and Recreation Commission Report; and
- Human Resources Committee Report.

Chairman Shickle advised that he would abstain from the vote due to a conflict of interest related to one of the items.

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the consent agenda by the following recorded vote:

Richard C. Shickle	Abstain
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

CITIZEN COMMENTS

Eds Coleman, Attorney for Mr. and Mrs. Berman, appeared before the Board on behalf of his clients. He briefly reviewed the histories of various conditional use permits for kennels. He noted previous boards had set the precedent regarding kennels bringing about decreased property values and noise. He submitted the following letter for the record:

"To: Members of the Frederick County Board of Supervisors ("BOS") and the Frederick County Planning Staff

From: Eds Coleman, Attorney for Scott and Bethanne Berman

The Bermans continue their Opposition to Mrs. Neff's Application for a Conditional Use Permit ("CUP") for a dog Kennel. Consistent with their prior comments, no CUP, regardless of the "Conditions" imposed, should be granted for the establishment of the Kennel. Further, the proposed "Conditions" suggested by the Planning Staff do not assure the mitigation of the negative impacts which will result to the Bermans and the Bermans' neighbors. The Bermans reside at 247 Laurel Grove Road, TM 73-8-3, approximately 1,890 feet from Ms. Neff's proposed Kennel on TM 73-9-3.

During the May 14 BOS Meeting discussion of the Kennel Application, Zoning Administrator Mark Cheran advised that there were sixteen (16) existing kennels established by CUPs in the Rural Areas Zoning District. A review of the County's files concerning CUP applications for kennels reveals the following:

- 1. A "kennel" is defined as "a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation."*
- 2. Since 1978 there have been a total of approximately twenty six (26) applications for kennel CUPs (not including the current Neff Application). Sixteen (16) such applications have been Approved – of the sixteen (16) Approvals, only fourteen (14) of the related files are available for review. Six Applications were Denied and four applications were Withdrawn.*
- 3. Six (6) of the fourteen (14) Approvals available for review have been for properties containing in excess of 15 acres (ranging from 20 acres to 107.71 acres). Ms. Neff's parcel contains only 7.65 acres. The larger the property containing the kennel, the less negative impacts are imposed on neighboring properties.*

The following applications were Approved:

- i. 20 acres – Roy Spaid, January 2001 – to continue in operation an existing kennel for which no permit previously had been issued;*
- ii. 33.9 acres – John Keeler, April 1992 – to relocate to a different parcel of property an existing non-boarding kennel previously illegally operated;*

- iii. 36.36 acres – Wray Kimmel, March 1987;
 - iv. 55 acres – Cheryl Anderson, October 1985 – Cancelled because subject property was not purchased;
 - v. 66 acres – Christopher Chisholm, December 1990 – for a dog grooming facility, with no dogs being housed overnight;
 - vi. 107.71 acres – Lisa Drinkwater, October 1997 – limited to boarding of dogs owned by the property owner.
4. Six (6) of the fourteen (14) Approvals were granted in situations involving pre-existing, technically illegal kennel-related uses:
- i. John Keeler, April 1992 – to relocate an existing kennel operated on Senseny Road that had been unknowingly illegally operated;
 - ii. James Orndorff, July 1992 – operated an existing kennel that was unknowingly illegal;
 - iii. Shannon Bridges, March 1999 – to re-establish a non-conforming use that previously had operated for roughly 30 years prior to being discontinued 5 years previously;
 - iv. Roy Spaid, January 2001 – to continue in operation an existing dog kennel for which no permit had previously been issued and which had operated for approximately 20 years;
 - v. Timothy Felty, December 2002 – breeding, raising and selling dogs as a “hobby,” without knowledge of the necessity of a permit;
 - vi. James Frye, September 2012 – application was a result of a pre-existing violation for use of an existing kennel without a permit.

*Thus, these six (6) Approvals were, at least in part, a recognition of the applicant’s right to continue a kennel use in effect. **No kennel has previously been in existence on Ms. Neff’s parcel.***

Three (3) of the six (6) Denials involved applications by Joseph W. Edmiston in 1994, 1995, and 1997 for a non-boarding dog kennel. The 1997 Application was for an already existing kennel operation that had been operating illegally since the 1995 Application had been denied.

5. Five (5) of the fourteen (14) Approvals were not for overnight boarding of clients’ dogs:
- i. Christopher Chisholm, December 1990 – for a dog grooming facility with dogs not to be housed overnight;
 - ii. John Keeler, April 1992 – overnight boarding of dogs was not proposed;
 - iii. Lisa Drinkwater, October 1997 – only dogs owned by the owner could be boarded, as she wanted to breed one or two dogs a year and sell the puppies;
 - iv. Nanette McFarland, January 2000 – CUP granted for pet sitting in her home, with the dogs to be kept completely

- indoors in the basement of her residence;
- v. Roy Spaid, January 2001 – for non-boarding only, stating that this was not the retail type kennel whereby the dog owners would leave their dogs at the kennel while on vacation, etc.

Further, all three of Joseph Edmiston's denied Applications were for the boarding of dogs owned by Mr. Edmiston, not for dogs owned by clients. Mrs. Neff seeks to board overnight twenty-eight (28) dogs owned by clients, but a motion was made and seconded at the 5/14/14 BOS Meeting to reduce the number of dogs from twenty-eight (28) to twenty (20).

6. *In various applications, the County Health Department has commented that dog waste is considered to be a commercial and industrial waste regulated by the Virginia Department of Environmental Quality ("DEQ").*
7. *The May 14 Meeting on Mrs. Neff's Application included the Board's discussion to the effect that no empirical data has been provided to support a claim that a dog kennel causes a decrease in property values. The attached May 12, 2014 letter of Realtor Laura White had been submitted to the Board in support of that claim. It is common knowledge, and this Board can take notice thereof, that a dog kennel negatively impacts residential property values. A typical residential real estate buyer, when given a choice as to purchasing a residence near to a dog kennel vs. purchasing a comparable residence not near a dog kennel, would choose the residence that is not near a kennel. An adjacent or nearby dog kennel does have an impact on market value, and a typical buyer would pay less for the same residence that is near a kennel. The only question is: "How much less?" Empirical data may be useful to establish the percentage or amount of the reduction in values, but is not necessary in order for this Board to recognize that there is a reduction in value.*

Previous Boards have acknowledged the obvious negative impact of a dog kennel upon neighboring property values. This is apparent from the denials of the Joseph Edmiston applications:

- a. *The 1995 Denial file includes a 3/24/1994 letter from three Edmiston neighbors stating that they had spoken to realtors about selling their houses and moving, but they were told they would have a hard time doing so with a kennel of barking dogs next door.*
- b. *The 1997 Denial specifically noted the Board's concern regarding noise and the resulting affect upon property value, and the Staff Report indicated that a contracted sale had been lost due to the existence of the kennel.*
8. *The CUP files are replete with expressions of prior Board's concerns about the noise created by barking dogs. In support of his application for a CUP for a pre-existing kennel already operating without a CUP, James*

Frye stated to the Board that he utilizes shock collars and electronic bark deterrent systems to discourage barking.

Mrs. Neff has not proposed her use of any collars, devices or systems to discourage and limit barking.

9. *Included in the six (6) Denials are the following:*
- a. *1997 Denial of Application from Marietta and Kim Walls/Apple Valley Animal Hospital on TM 63-A-2K (Cedar Creek Grade), containing 3.5 acres, seeking expansion of a 1991 CUP for a veterinarian clinic and hospital, without the right to board animals that did not require hospitalization. The 1997 Application sought boarding rights, and was denied by the Board.*
 - b. *2004 Denial of Application from Coy Thompson on TM 34-3-B containing 5.90 acres, seeking a boarding and grooming facility. The Planning Commission and the Staff had recommended approval, but the Board denied the CUP.*

Based upon the Board's own precedents as reflected in the County's Kennel CUP files, Mrs. Neff's Application for a CUP for the boarding of dogs on a parcel containing only 7.65 acres should be denied.

Respectfully submitted,

Eds Coleman for

Scott and Bethanne Berman"

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

MINUTES – APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved the minutes from the May 28, 2014 regular meeting by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

COUNTY OFFICIALS

EMPLOYEE OF THE MONTH AWARD – REMOVED FROM AGENDA

COMMITTEE APPOINTMENTS

APPOINTMENT OF JASON MCDONALD AND HARMAN BRUMBACK TO THE AGRICULTURAL DISTRICT ADVISORY COMMITTEE - APPROVED

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board appointed Jason McDonald and Harman Brumback to the Agricultural District Advisory Committee.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

APPOINTMENT OF LISA CARPER AS BACK CREEK DISTRICT REPRESENTATIVE TO THE SOCIAL SERVICES BOARD - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board appointed Lisa Carper as Back Creek District Representative to the Social Services Board. This is a four year appointment. Term expires June 30, 2018.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

REAPPOINTMENT OF GENE FISHER AS BOARD OF SUPERVISORS' REPRESENTATIVE TO THE CONSERVATION EASEMENT AUTHORITY - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board reappointed Gene Fisher as Board of Supervisors' representative to the Conservation Easement Authority. This is a three year appointment. Term expires August 24, 2017.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

REAPPOINTMENT OF DIANE KEARNS TO THE CONSERVATION EASEMENT AUTHORITY - APPROVED

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board reappointed Diane Kearns to the Conservation Easement Authority. This is a three year appointment. Term expires August 24, 2017.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

REAPPOINTMENT OF LARRY OLIVER AS PAID FREDERICK COUNTY EMS PROVIDER REPRESENTATIVE TO THE LORD FAIRFAX EMERGENCY MEDICAL SERVICES (EMS) COUNCIL - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board reappointed Larry Oliver as paid Frederick County EMS Provider Representative to the Lord Fairfax Emergency Medical Services (EMS) Council. This is a three year appointment. Term expires August 30, 2017.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

REAPPOINTMENT OF WELLINGTON “WENDY” H. JONES AS FREDERICK COUNTY REPRESENTATIVE TO THE FREDERICK-WINCHESTER SERVICE AUTHORITY - APPROVED

Upon a motion by Supervisor Fisher, seconded by Supervisor Wells, the Board reappointed Wellington “Wendy” H. Jones as Frederick County representative to the Frederick-Winchester Service Authority. This is a three year appointment. Term expires August 31, 2017.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

RESOLUTION FOR BOARD OF SUPERVISORS RE-AUTHORIZATION FOR PARTICIPIATION IN SHENANDOAH VALLEY ELECTRIC COOPERATIVE (SVEC) RATE CASE – APPROVED UNDER CONSENT AGENDA

WHEREAS, Shenandoah Valley Electric Cooperative (SVEC) has filed an application with the State Corporation Commission (the Commission), Case Number PUE-2013-00132, for an increase in electric rates charged to and rate schedules applicable to its member-owners; and

WHEREAS, as a condition imposed by the Commission on SVEC’s 2010 acquisition of a portion of Allegheny Energy’s Virginia electric distribution service territory, including a portion of Frederick County, the Commission required SVEC, over a reasonable transition period following the service territory acquisition, to adopt a Board of Directors structure that would include, relevant to Frederick County, one Director from Frederick or Clarke County and one Director from Frederick or Clarke County or the City of Winchester; and

WHEREAS, four years have passed since SVEC’s service territory acquisition and

SVEC has yet to include on its Board of Directors the Frederick-Clarke-Winchester Director, resulting in an imbalance on its Board of Directors, with some jurisdictions having three times as many members as Frederick County; and

WHEREAS, SVEC has otherwise not set out an adequate basis for its requested rate increase and changes to its rate schedules; and

WHEREAS, SVEC's requested rate increase and rate schedules may be detrimental to economic development in Frederick County;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Frederick County, Virginia hereby authorizes and approves the filing of such documents on its behalf, by the County Attorney, and the submission of such testimony and exhibits, by the County Administrator and/or other County staff, with the State Corporation Commission, as may be necessary to set forth the matters identified in this Resolution and as may be otherwise necessary to protect the interests of Frederick County member-owners of Shenandoah Valley Electric Cooperative; and

BE IT RESOLVED THAT the Board of Supervisors further ratifies and adopts any actions that the County Attorney and/or the County Administrator, including through their duly authorized staff, have to date taken with regard to SVEC's requested increase in rates and change in rate schedules, in State Corporation Commission Case Number PUE-2013-00132.

Enacted this 25th day of June, 2014.

This item was approved under the consent agenda.

REQUEST FOR COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED

Administrator Riley advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund the following:

1. D L Peterson Trust in the amount of \$14,669.64 for the proration of personal property taxes and registration fees in the normal course of business for 2012 and 2013. This refund was the result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company. - **APPROVED**

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board authorized the above refund request and approved the supplemental appropriation.

The above motion was approved by the following recorded vote:

Richard C. Shickle Aye

Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

2. G E Capital Auto Lease in the amount of \$3,022.38 for proration of personal property taxes and registration fee in the normal course of business for 2013. This refund was the result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company. -

APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board authorized the above refund request and approved the supplemental appropriation.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

3. Toyota Motor Credit Corp. in the amount of \$3,095.05 for proration of personal property taxes for 2012, 2013, and 2014 in the name of Toyota Motor Credit Corp. This refund was the result of the normal business proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company, thus the timing difference. - **APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board authorized the above refund request and approved the supplemental appropriation.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

Robert W. Wells Aye

4. Ford Motor Credit Corp in the amount of \$5,018.32 for proration of personal property taxes and vehicle license fee in the normal course of business for 2013 and 2014. This refund was a result of the company's vehicles being reported from one location in the company and the verification of titling and situs being made elsewhere in the company. - **APPROVED**

Upon a motion by Supervisor Collins, seconded by Supervisor Fisher, the Board authorized the above refund request and approved the supplemental appropriation.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

COMMITTEE REPORTS

PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT AGENDA

The Parks and Recreation Commission met on June 10, 2014. Members present were: Kevin Anderson, Patrick Anderson, Greg Brondos, Jr., Gary Longerbeam, Ronald Madagan, and Charles Sandy, Jr. Members absent were: Randy Carter, Marty Cybulski, and Christopher Collins.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Policy Changes – Mr. Brondos moved to accept the Policy Change policy as submitted, second my Mr. Madagan, motion carried unanimously (6-0). Please find attached a copy of the approved policy change.
2. Public Relations Committee – New Department Logo – The Public Relations Committee recommended a new department logo, second by Mr. Madagan, motion carried unanimously (6-0). Please find attached a copy of the new logo.

3. Buildings & Grounds Committee – Eagle Scout Project – The Buildings and Grounds Committee recommended approval of Cody Smith’s Eagle Scout project to replace an existing wire fence with a split rail/wire fence around the sediment basin of the Clearbrook Park Lake, second by Mr. Longerbeam, motion carried unanimously (6-0).

HUMAN RESOURCES COMMITTEE – APPROVED UNDER CONSENT AGENDA

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, June 13, 2014 at 8:00 a.m. Committee members present were: Supervisor Robert Hess, Supervisor Chris Collins, citizen member Don Butler, citizen member Dorrie Greene, and citizen member Beth Lewin. Also present were: EDC Executive Director Patrick Barker and DSS Representative Delsie Butts and Melody Williams. Supervisor Robert Wells was absent.

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

1. Approval of the Employee of the Month Award.

The Committee recommends approval of the Correctional Officer George Hosby as the Employee of the Month for June 2014.

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

1. Presentation by the Director of EDC, Patrick Barker.

At the request of the Committee, Mr. Barker presented an overview of the objectives and responsibilities of the Economic Development Commission. The presentation also provided the Committee an understanding of his department’s role, authority, projects, and topics of importance within his department. Presentation attached.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, July 11, 2014.

FINANCE COMMITTEE - APPROVED

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, June 18, 2014 at 8:00 a.m. All voting members were present. Non-voting liaison, C. William Orndoff, Jr., was absent. Items 2 and 7 were hand carried and added to the agenda. Items 1, 3, and 4 were approved under consent agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the consent agenda by the following recorded vote:

Richard C. Shickle Aye

Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$848.15. This amount represents funds reimbursed from the Secret Service. No local funds required. See attached memo, p. 4-5. – **APPROVED UNDER CONSENT AGENDA**
2. The Sheriff requests an FY15 General Fund supplemental appropriation in the amount of \$98,824. This amount represents a grant from the Attorney General. No local funds required. See attached memo, p. 6. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

3. The NRADC Superintendent requests a Jail Fund supplemental appropriation in the amount of \$43,457.99. This amount represents an insurance claim for damages sustained to the HVAC during severe cold weather. See attached information, p. 7-12. – **APPROVED UNDER CONSENT AGENDA**
4. The Landfill Manager requests an FY15 Landfill Fund supplemental appropriation in the amount of \$85,000. This amount represents salaries and fringes for two positions that were inadvertently omitted from the FY15 budget. See attached information, p. 13. – **APPROVED UNDER CONSENT AGENDA**
5. The Winchester Regional Airport Director requests an FY15 Airport Capital Fund supplemental appropriation in the amount of \$5,070,000 (requires public hearing) and an FY15 General Fund supplemental appropriation in the amount of \$80,282. This amount represents funds for capital projects and land acquisitions. See attached information, p. 14-17. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board

approved the public hearing on this item.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board approved the supplemental appropriation in the amount of \$80,282 by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

6. The County Administrator requests approval of a \$1,000 donation for a brick in the Korean War Memorial to be located in Jim Barnett Park. See attached information, p. 18-21. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

7. The County Administrator requests an amendment to the Snowden Bridge Boulevard revenue sharing resolution to reflect a \$35,000 increase, making the total amended amount \$4,068,350. See attached information, p. 22-29. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

8. Staff requests review of Outside Agency contributions for FY15. See attached information, p. 30. The committee forwarded the Discovery Museum, Our Health, and Handley Library to budget work session for further discussion. The committee also instructed staff to delay LFCC awaiting scholarship information. –**WORK SESSION AUTHORIZED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board authorized a budget work session.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

9. Staff requests approval of the borrowing resolution and amount. See attached resolution, p. 31. The committee recommends approval of the resolution to include the amount of \$25 million and the addition of language regarding payoff. – **DISCUSSION DELAYED.**
10. The County Administrator is seeking a recommendation for a Capital Project Fund supplemental appropriation in the amount of \$7,217,104 (requires public hearing) for the total project cost of the Round Hill Fire & Rescue Station and Event Center. A recommendation is also requested on the financing options. See attached information, p. 32-60. The committee recommends approval of the supplemental appropriation in the amount of \$7,217,104 and forwards the financing options with no recommendation. (Mrs. Slaughter voted no.) – **ACTION ITEM LATER IN THE MEETING.**

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p. 61-62.
2. The Finance Director provides FY2014 financial statements for the period ending May 31, 2014. See attached, p. 63-73.
3. The Finance Director provides the FY2014 Fund Balance Report for the period ending June 11, 2014. See attached, p. 74.

DEVELOPMENT IMPACT MODEL OVERSIGHT COMMITTEE - APPROVED

The Development Impact Model – Oversight Committee (DIM-OC) met on Thursday, June 5, 2014 at 8:30 a.m.

Members Present

J.P. Carr
 Robert Hess
 Dr. John Lamanna
 Gary Lofton
 H. Paige Manuel
 Stephen Pettler
 Roger Thomas
 Kris Tierney

Members Absent

Brian Madagan

Patrick Barker, Eric Lawrence, Wayne Lee, and Al Orndorff were present.

*****Item Requiring Action*****

The DIM-OC reviewed the critical inputs for the Annual Update of the Development Impact Model (DIM). The inputs are essential in order to maintain an updated DIM. It is important to note that the DIM is a planning tool which projects anticipated operational and capital facility costs associated with land use planning, although the DIM is also commonly referenced as the model utilized to project the capital facility costs associated with development and rezoning proposals.

Upon approval of the DIM-OC’s recommendation, staff will use the updated model in the consideration of land use planning analysis and for future rezoning petitions. The critical input spreadsheet (Attachment #1) and resulting projected capital facilities costs (Attachment #2) are attached for your information.

Upon utilizing the critical input updated figures, the DIM projects the following impacts on the County’s capital facilities:

<u>NEW</u>	
<u>FY15</u>	<u>FY14</u>

Single Family Dwelling Unit	=	\$19,583	\$19,600
Town Home Dwelling Unit	=	\$13,437	\$13,062
Apartment Dwelling Unit	=	\$12,697	\$11,339

By majority vote, the DIM-OC recommends the use of the critical inputs, and for their incorporation into model.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the new Development Impact Model inputs and their incorporation into the model.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

*****Informational Purposes Only*****

The DIM-OC reviewed the past years' extensive effort to evaluate the Development Impact Model, and the policies currently in effect for how the DIM is utilized during the rezoning application process. This evaluation was at the recommendation of the Board's Business Friendly Committee.

It was noted that the DIM projects that a single family home will generate \$133,511 in demands for county services over 20 years, yet the same home would contribute less than \$74,000 directly to the county in terms of tax contributions from real estate and personal property.

The DIM-OC discussed how the DIM was used during the rezoning process and recognized that during rezoning considerations the DIM solely considers capital costs, and not revenue contributions. The DIM-OC evaluated potential policy amendments to enable revenue credits to be included during the rezoning process. The revenue credits considered were associated with residential and commercial development when a development proposal had a mix of uses. Ultimately, the DIM-OC recommended against such revenue credits. The DIM-OC also evaluated credits for proffered transportation improvements, and endorsed such credits when the improvements exceeded what was identified in a Transportation Impact Analysis as necessary to offset projected impacts. The Board did ultimately, in January 2014, amend the policy to enable the transportation credits.

PUBLIC HEARING

TWELVE MONTH OUTDOOR FESTIVAL PERMIT REQUEST OF TRUMPET

VINE FARM (DEMARCHI SPEARS). PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE; PARAGRAPH 3, TWELVE MONTH PERMITS. ALL EVENTS TO BE HELD ON THE GROUNDS OF TRUMPET VINE FARM, 266 VAUCLUSE ROAD, STEPHENS CITY, VIRGINIA. PROPERTY OWNED BY DEMARCHI SPEARS. - DENIED

Administrator Riley advised this was a request for a 12 month outdoor festival permit by Trumpet Vine Farm and DeMarchi Spears. The request was pursuant to the Frederick County Code, Chapter 86 Festivals. All events to be held on the grounds of Trumpet Vine Farm, 266 Vaucluse Road, Stephens City, VA.

Chairman Shickle convened the public hearing.

William H. Pfahl, Back Creek District and adjacent landowner, spoke in opposition to this permit. He stated the property owner did not consult with him about this venture and the first he heard of this was when he saw the ad in the June 11, 2014 edition of *The Winchester Star*. He stated he was not sure if the applicant had adhered to the setback regulations. He went on to say it appeared the applicant was trying to change the zoning of this property for a commercial activity. He noted several items on the application were left blank. He believed this was a financially rewarding enterprise without a license and was an attempt to alter the rural nature of the area. He stated if the permit was granted it would permanently alter the nature of the area. He concluded by saying if the permit were to be approved he would like to see the applicant be required to post a performance bond and that events not be permitted to go beyond 10:00 p.m.

There being no further comments, Chairman Shickle closed the public hearing.

Supervisor Lofton advised that he had visited both properties and he had a conflict with Mr. Pfahl's interpretation of location of the pavilion. He noted there was 500 feet of separation and a grown fence line between the two properties. He went on to say the only issue might be

loud music. He noted that he had spoken with the applicant and was assured the applicant would work with events regarding speaker placement, etc. so as to limit noise. Supervisor Lofton concluded by saying there was no guarantee of 24/7 peace and quiet because the property was close to the drive-in and I-81 could be heard.

Supervisor Lofton moved to approve the 12 month festival permit for Trumpet Vine Farm. The motion was seconded by Vice-Chairman DeHaven.

Supervisor Fisher advised the pavilion structure was not approved and a building permit was not applied for.

Supervisor Lofton stated that was not an issue because the structure is permitted as an agricultural structure. He went on to say the building official does not have a problem with the structure, but the change of use is what has caused the applicant to go through the building permit process.

There being no further discussion, the motion to approve the 12 month festival permit was denied by the following recorded vote:

Richard C. Shickle	Nay
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Nay
Gene E. Fisher	Nay
Robert A. Hess	Nay
Gary A. Lofton	Aye
Robert W. Wells	Nay

AMENDMENT TO THE 2014-2015 FISCAL YEAR BUDGET – PURSUANT TO SECTION 15.2-2507 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO AMEND THE FISCAL YEAR 2014-2015 BUDGET TO REFLECT:

AIRPORT CAPITAL FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$5,070,000. THIS AMOUNT REPRESENTS CAPITAL PROJECTS INCLUDING RELOCATION OF SOUTH APRON AND LAND ACQUISITION.

CAPITAL PROJECT FUND SUPPLEMENTAL APPROPRIATION IN THE

AMOUNT OF \$7,206,953. THIS AMOUNT REPRESENTS THE PROJECT BUDGET FOR THE REPLACEMENT ROUND HILL FIRE AND RESCUE STATION AND EVENT CENTER. - APPROVED

Administrator Riley advised this was a public hearing on an amendment to the FY 2014-2015 budget. The first item was an Airport Capital Fund supplemental appropriation in the amount of \$5,070,000 for capital projects to include the relocation of the south apron and land acquisition. The second item was a capital project supplemental appropriation in the amount of \$7,206,953 for the replacement Round Hill fire and rescue station and event center.

With regard to the fire station, Administrator Riley advised the Finance Committee recommended advertisement and approval of the Capital Project Fund Supplemental Appropriation for the construction of the new Round Hill fire station and event center. At the conclusion of the budget amendment public hearing, staff was seeking Board approval of the supplemental appropriation.

In addition to approval of the appropriation, staff was seeking action from the Board on an authorization resolution which would allow the County to pursue financing through the Virginia Resources Authority. The Finance Committee did not forward a recommendation on a preferred financing option; however, there were two options that could be pursued relative to this project. The two options to be considered were:

- 1) Submit an application for the County's share of this project in the amount of \$4,200,000 which would include \$3,869,693.00 for the fire station component and associated site work and \$330,307.00 for cost of issuance and any discount; or
- 2) Submit an application to fund both the fire station and event center in the amount of \$5,900,000, which would include \$5,600,541.00 and \$299,459.00 for cost of issuance and any discount.

Included as part of each authorizing resolution is a reimbursement resolution (paragraph 13), which would allow the County to reimburse itself for costs incurred between now and the

bond closing date, tentatively set for August 13, 2014. Board action on the authorizing resolution would approve the reimbursement component as well.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved the amendments to the FY2014-2015 budget.

WHEREAS, Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on June 25, 2014, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY 2014-2015 Budget be Amended to Reflect:

Airport Capital Fund Supplemental Appropriation in the Amount of \$5,070,000. This Amount Represents Capital Projects Including the Relocation of the South Apron and Land Acquisition.

Capital Project Fund Supplemental Appropriation in the Amount of \$7,206,953. This Amount Represents the Project Budget for the Replacement Round Hill Fire and Rescue Station and Event Center.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Nay
Robert W. Wells	Aye

Administrator Riley advised that staff was seeking board action on a financing option.

Supervisor Fisher stated it made sense to go to the bond market to get the lowest interest rate possible.

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved

the resolution of the Board of Supervisors of the County of Frederick, Virginia approving the lease financing of fire and rescue facilities and a community center and authorizing the leasing of certain county-owned property, the execution and delivery of a prime lease and a local lease acquisition agreement and financing lease, and other related actions.

WHEREAS, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County"), intends to finance the construction and equipping of fire and rescue facilities, consisting primarily of a fire station and a building to be used as a community center for the Round Hill Community Fire and Rescue Company (the "Projects");

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Projects;

WHEREAS, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

WHEREAS, Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014B or such other series of bonds as VRA and the County may determine (the "VRA Bonds") and, subject to VRA credit approval, to provide a portion of the proceeds to the County to finance the Projects pursuant to the terms of a Local Lease Acquisition Agreement and Financing Lease (the "Financing Lease"), between the County and VRA;

WHEREAS, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease the Projects and the real estate on which the Projects will be located (the "Real Estate") to VRA;

WHEREAS, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Projects back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Projects (the "Rental Payments");

WHEREAS, pursuant to the Financing Lease the County will undertake and complete the Projects;

WHEREAS, the County intends to pay the Rental Payments out of appropriations from the County's General Fund;

WHEREAS, the Financing Lease shall indicate that approximately \$5,600,541 plus an amount sufficient to pay local costs of issuance (or such other amount as requested by the County and approved by VRA prior to the pricing of the VRA Bonds) is the amount of proceeds requested (the "Proceeds Requested") from VRA;

WHEREAS, VRA has advised the County that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking into consideration the Proceeds Requested and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds;

WHEREAS, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate amount of the principal components of the Rental Payments under the Financing Lease does not equal or exceed the sum of the Proceeds Requested plus the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, the Prime Lease and the Financing Lease and an Addendum between the County and the Round Hill Community Fire and Rescue Company amending the Fire and Rescue Joint Agreement, dated as of September 26, 2007 are referred to herein as the "Documents." Copies of the Documents are on file with the County Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:

1. **Approval of Lease-Leaseback Arrangement.** The lease-leaseback arrangement with VRA to accomplish the financing of the Projects is hereby approved. The leasing of the Real Estate and the Projects by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved. The leasing of the Real Estate and the Projects by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

2. **Approval of the Terms of the Rental Payments.** The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$5,900,000 and a true interest cost not to exceed 6.0% per annum (exclusive of "Supplemental Interest" as provided in the Financing Lease and taking into account any original issue discount or premium); and the final maturity shall be not later than 25 years from the date of the first Rental Payment under the Financing Lease.

It is determined to be in the best interest of the County to enter into the Financing Lease with VRA, subject to the terms and conditions set forth in this Resolution. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 2 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price

Objective and market conditions, the County Administrator is authorized to accept a purchase price at an amount less than the Proceeds Requested. The County Administrator is authorized to accept the interest component of Rental Payments based on the interest rate or rates established by VRA. The actions of the County Administrator in accepting the final terms of the Financing Lease, including its purchase price and the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

3. **Other Payments under Financing Lease.** Subject to paragraphs 7 and 8 below, the County agrees to pay all amounts required by the Financing Lease in addition to Rental Payments, including the "Supplemental Interest," as provided in the Financing Lease.

4. **Execution and Recordation of Documents.** The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Clerk of the Board of Supervisors and any Deputy Clerk, any of whom may act, are authorized to affix the seal of the County, or a facsimile thereof, to the Documents, if required, and to attest such seal. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease, to be recorded in the Clerk's Office of the Circuit Court of Frederick County.

5. **Form of Documents.** The Documents shall be in substantially the forms on file with the County Administrator, which Documents are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman and the County Administrator, either of whom may act. The execution and delivery of the Documents by the Chairman and the County Administrator, or either of them, will constitute conclusive evidence of the approval of any such completions, omissions, insertions, and changes, including acceptance of the final terms of the Financing Lease.

6. **Essentiality of the Projects and Real Estate.** The Projects and the Real Estate are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Projects and the Real Estate will continue to be essential to the operation of the County during the term of the Financing Lease.

7. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next

scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

8. Rental Payments Subject to Appropriation. The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit or taxing power of the County or compel the Board to make any such appropriation.

9. Disclosure Documents. The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

10. Tax Documents. The County Administrator and the County's Director of Finance, either of whom may act, are hereby authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and/or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

11. Other Actions. All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the actions contemplated by this Resolution or the execution and delivery of the Documents.

12. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the County Administrator and the Treasurer, or either of them, to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the County Administrator and the Treasurer determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

13. **Reimbursement.** The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its debt or other financings. The maximum amount of debt or other financings expected to be issued in one or more series for the Projects is \$5,725,000.

14. **Effective Date.** This resolution shall take effect immediately.

Supervisor Lofton asked if documents had been prepared that would indemnify the County if the Round Hill fire company could not pay the debt service on their portion of the debt or was the County responsible for paying that portion of the debt?

Administrator Riley responded the County would carry the debt.

Supervisor Fisher stated the Board should make all efforts to ensure Round Hill pays their share of the debt; however, there could probably be some exposure to the county's taxpayers.

There being no further discussion, the motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Nay
Robert W. Wells	Aye

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

UDA CENTERS AND 2030 COMPREHENSIVE PLAN – THE BOARD OF SUPERVISORS WILL DISCUSS A PROPOSED AMENDMENT TO THE 2030 COMPREHENSIVE PLAN; FREDERICK COUNTY UDA CENTERS AND THE 2030 COMPREHENSIVE PLAN. THIS AMENDMENT IS A FOLLOW UP TO AND IN SUPPORT OF, THE UDA CENTER DESIGN CABINET REPORT AND THE DRAFT TRADITIONAL NEIGHBORHOOD DESIGN (TND) ORDINANCE DISCUSSION. THE PROPOSED AMENDMENT CONTINUES TO CONSOLIDATE AND REINFORCE THE UDA CENTER DISCUSSION WITHIN THE 2030 COMPREHENSIVE PLAN AND FURTHER STRENGTHENS SOUND

PLANNING PRINCIPLES WITHIN THE COUNTY'S URBAN AREAS. THE AIM OF THIS PROPOSED AMENDMENT IS TO ILLUSTRATE WHY UDA CENTERS IN FREDERICK COUNTY ARE IMPORTANT AND TO HIGHLIGHT WHO WOULD BENEFIT FROM LIVING IN THESE STRATEGIC GROWTH AREAS. THE PROPOSED AMENDMENT WOULD BE INSERTED INTO THE PLAN WITHIN CHAPTER 1, URBAN AREAS. - DENIED

Deputy Director of Planning Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed amendment to the Comprehensive Plan regarding UDA Centers. This proposed amendment supports projects the development community finds desirable. The Comprehensive Plans and Programs Committee supported the proposed amendment and the Planning Commission recommended approval of the proposed amendment.

Supervisor Hess asked how a determination would be made regarding the success of this proposal.

Deputy Director Ruddy responded success would be based on how it would be received by the community. He went on to say these types of developments tend to evolve with the market.

Supervisor Hess asked when staff thought one of these developments would be seen in Frederick County.

Deputy Director Ruddy responded there could very easily be one in the next five years.

Supervisor Hess asked if the word "direct" under the Future Focus section could be changed to "encourage", as that seemed a better word choice.

Deputy Director Ruddy concurred.

Supervisor Wells stated the demographics of an area drive this type of development and he did not think it would happen right now.

Supervisor Collins stated this proposal was encouraging development in the Urban Development Area and not mandating action. He went on to say he did not see a definition of

urban center.

Chairman Shickle convened the public hearing.

Evan Wyatt, Greenway Engineering, concurred that this proposed amendment was aspirational and provided opportunities in the future. He went on to say he would be concerned if this was a way of dictating rezonings. He concluded by saying this was a good target and goal.

Alan Morrison, Gainesboro District, expressed concern over this proposed high density residential growth without adequate employment for the people residing in these types of developments. He went on to say growth would happen in Frederick County “without regard for what we do here or not.” He stated this type of development was not Frederick County and would create fundamental change in the county. He concluded by saying he was concerned about the loss of freedom by the property owners.

Dody Stottlemeyer, Shawnee District, stated she continues to believe Urban Development Areas are a bad development idea for people. She stated the main contributors of growth were outside of the Winchester Metropolitan Statistical Area. She concluded by saying a higher quality of life means more freedom of choices.

There being no further public comments, Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Collins, the Board denied the amendment to the 2030 Comprehensive Plan, Chapter I, Urban Areas – UDA Centers and the 2030 Comprehensive Plan.

Supervisor Fisher stated he was not convinced this the way we want to go. He went on to say the intensity and density required to do this type of development did not exist here.

Supervisor Hess stated Urban Development Centers would not occur here for some time. He went on to say a lot of views and perspectives might change over the years, but we should wait until these types of developments are closer to being a reality.

Supervisor Collins stated he was not in favor at this time.

Supervisor Lofton stated he looked at this as another tool and it would give property owners more tools or development options for their property.

The motion to deny was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Nay
Robert W. Wells	Nay

OTHER PLANNING ITEMS:

CONDITIONAL USE PERMIT #02-14 FOR JESSICA M. NEFF FOR A KENNEL. THIS PROPERTY IS LOCATED AT 461 LAUREL GROVE ROAD, AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 73-9-3 IN THE BACK CREEK MAGISTERIAL DISTRICT. (VOTE POSTPONED FROM APRIL 23 AND MAY 14, 2014 BOARD MEETINGS.) - APPROVED

Zoning and Subdivision Administrator Mark Cheran appeared before the Board regarding this item. He advised this was an application for a conditional use permit for a dog boarding kennel. He noted that nothing had changed since the Board last saw this application and the conditions were the same as those shown at the May 14, 2014 meeting.

1. All review agency comments shall be complied with at all times.
2. No more than twenty-eight (28) dogs shall be permitted on the property at any given time.
3. This conditional use permit (CUP) is solely to enable the boarding of dogs on this property.
4. No employees other than those residing on the property shall be allowed.
5. All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.

6. The applicant will construct a 20' x 30' enclosed kennel in the rear of the property, with a 6 foot fenced outdoor play area.
7. The enclosed kennel house shall be built with noise-abatement construction material to reduce any dog barking so as to no exceed 50 dba. A professional engineer licensed in the state of Virginia shall seal the plans of the kennel house indicating it has met the 50 dba threshold.
8. The plans for the kennel house shall be reviewed by the County prior to any construction activity or operation of the kennel.
9. The kennel shall have an appointment only drop-off and pick-up of dogs.
10. The applicant shall maintain a contract with a waste removal company.
11. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m. No more than three (3) dogs may be outdoors at any given time.
12. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
13. Any expansion or modification of this use will require the approval of a new CUP.

Supervisor Lofton asked what sound 50 decibels would equate to.

Zoning Administrator Cheran responded that a normal conversation is measured at 60 decibels.

Supervisor Hess asked if the applicant had previously circulated a letter proposing 14 kennels and if so, how did it get to 28.

Zoning Administrator Cheran responded the application has always been 28.

Supervisor Lofton advised the applicant's attorney that empirical data might be useful to establish a percentage of the decline in land value.

Mr. Coleman responded that he did not have time to develop that data.

Supervisor Lofton stated he had not seen any empirical data yet, but he had spoken to two professional appraisal firms and was told they could find no such data. He concluded by saying he was interested if Mr. Coleman had found any empirical data.

Upon a motion by Supervisor Lofton, seconded by Supervisor Collins, the Board approved Conditional Use Permit #02-14 for Jessica Neff.

Supervisor Hess moved to limit the number of dogs on site to 20.

The motion died due to the lack of a second.

There being no further discussion, the motion to approve Conditional Use Permit #02-14 was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Nay
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Nay
Gary A. Lofton	Aye
Robert W. Wells	Nay

DISCUSSION – MIDDLETOWN AREA SEWER AND WATER DIRECTION:

- (I) **(COMPREHENSIVE POLICY PLAN AMENDMENT (CPPA) – MIDDLETOWN/LFCC – FUTURE EXPANSION AREA. (VOTE POSTPONED FROM MAY 28, 2014 BOARD MEETING.)**

- (II) **RELIANCE ROAD REQUEST – MIDDLETOWN PROPERTIES, LLC. – MODIFIED REQUEST SENT FORWARD FOR PUBLIC HEARING**

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed Comprehensive Policy Plan Amendment for a future expansion of the sewer and water service area for property to the north of Lord Fairfax Community College. The property has been designated as OM (Mixed Use Office/Industrial) with the recognition that other business development land uses aimed at supporting Lord Fairfax Community College might be considered with rezoning requests implementing the plan. Deputy Director Ruddy noted no residential development would be allowed. He stated the timing of the proposed sewer and water service area expansion needed to be addressed, in particular who would be responsible for providing water and sewer service to this area. The two options are the Frederick County Sanitation Authority or the City of Winchester (Water) and Town of Middletown (Sewer). Deputy Director Ruddy noted two additional requests had been received to expand the sewer and water service area down Reliance Road. He concluded by saying staff was

seeking direction from the Board regarding this proposal.

Supervisor Lofton stated he would like to forward the proposed plan to public hearing.

Supervisor Wells stated at the present time the Frederick County Sanitation Authority does not have water and sewer service in that area; however, he believed the Authority would want the rights to water and sewer connections in the future. He went on to say he would like to put a 15 to 20 year time line in place that would enable the Sanitation Authority to have the option to take over those facilities when feasible.

Vice-Chairman DeHaven stated he had no objection to the sewer and water service area expansion, but the area needed to be served by the Frederick County Sanitation Authority "period".

Supervisor Lofton agreed with Vice-Chairman DeHaven. He went on to say the Authority should be directed to find a way to serve that area and across I-81.

Supervisor Fisher stated that to do anything less than have the area served by the Frederick County Sanitation Authority would drive a wedge into that area.

Supervisor Lofton stated he was in favor of the expansion, but if the Board directs the Sanitation Authority to provide water and sewer to the area and they do not then it negates what the Board does tonight.

Vice-Chairman DeHaven stated he had no objection to looking at Reliance Road area, but right now the Board had nothing but a request.

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board directed staff to move this request through the public hearing process with the understanding that the Frederick County Sanitation Authority would provide services in that area.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

DISCUSSION – MCCANN-SLAUGHTER PROPERTY – DRAFT AMENDMENT TO THE 2030 COMPREHENSIVE PLAN, APPENDIX I – AREA PLANS, - NORTHEAST FREDERICK LAND USE PLAN. – SENT FORWARD FOR PUBLIC HEARING

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed amendment to the Comprehensive Plan and the Northeast Land Use Plan. He noted the Board had directed the Comprehensive Plans and Programs Committee to study this area. The Comprehensive Plans and Programs Committee and the Planning Commission endorsed this proposed amendment to the Northeast Land Use Plan with the Historic Resources Advisory Board comment regarding protection of environmental features and preservation of developmentally sensitive areas. Deputy Director Ruddy went on to say the proposed land use designation would be OM (Mixed Use Office/Industrial). He noted that discussions with VDOT regarding roads would continue.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board forwarded this item for public hearing with discussions with VDOT to continue.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Christopher E. Collins	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

REQUEST TO SCHEDULE WORK SESSION RE: COMPREHENSIVE POLICY

PLAN AMENDMENT (CPPA) AND OTHER PLANNING ITEMS. – STAFF TO RESCHEDULE

Staff presented a number of dates to the Board for a possible work session. None of the dates worked for a majority of the members.

Administrator Riley advised staff would work with the Board to coordinate something in August.

BOARD LIAISON REPORTS

Administrator Riley advised the Economic Development Authority was ready to hold a work session with the Board to discuss the transition from EDC to EDA, signage, messaging, etc. He noted staff would have a memo on the Board's July 9, 2014 meeting agenda requesting possible dates.

Chairman Shickle stated the Board might want to have a closed session that night to discuss personnel matters.

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

Supervisor Wells reported the Handley Regional Library was doing some exciting things. They would be conducting an open house at the library and would like the Board to attend.

Administrator Riley announced that he would be retiring from his position as county administrator effective January 1, 2015 and he would have more to say at a later date.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (9:10 P.M.)

B

Employee of the Month Resolution

for:

George A. Hosby

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,

WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,

WHEREAS, the Board of Supervisors selects one employee from those nominated, based on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County; and,

WHEREAS, George A. Hosby who serves the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, George A. Hosby, an Officer who can best be described as an all-round solid performer. He is very dedicated to his chosen profession, is very motivated, always gives 100% at whatever task he is assigned and is always pleasant in dealing with others. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages and portrays a sound understanding this his availability can easily make a difference in a safe and secure workplace for all the officers; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 25th day of June, 2014, that George A. Hosby is hereby recognized as the Frederick County Employee of the Month for June 2014; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to George A. Hosby for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that George A. Hosby is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA
Board of Supervisors

Richard C. Shickle, Chairman



Dedication

County of Frederick

Employee of the Month

June 2014

George A. Hosby

Hardworking

Excellence

Professional

Richard C. Shickle
Chairman, Board of Supervisors

MEMORANDUM

TO: Paula Nofsinger, HR Director

FROM: James F. Whitley, Superintendent - NRADC

DATE: January 29, 2014

SUBJ: Employee of the Month Nominations

I am submitting the following nominations of NRADC personnel to be considered for Frederick County Employee of the Month.

George Hosby, CO II – Mr. Hosby can best be described as an all-round solid performer. He is very dedicated to his chosen profession as a Correctional Officer. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages. He portrays a sound understanding that his availability can easily make a difference in a safe and secure workplace for all Officers. Officer Hosby is very motivated; his supervisors attest that he always gives 100% at whatever task he is assigned...and he is always pleasant in dealing with others.

C



John R. Riley, Jr.
County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

MEMORANDUM

TO: Board of Supervisors
FROM: John R. Riley, Jr., County Administrator
DATE: July 3, 2014
RE: Committee Appointments

Listed below are the vacancies/appointments due through September, 2014. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Winchester-Frederick County Tourism Board

Rainee Simpson – Private Sector Representative (Lodging Industry-Holiday Inn)
Holiday Inn Historic Gateway
333 Front Royal Road
Winchester, VA 22602
Term Expires: 06/30/15
Three year term

(See Attached Correspondence from Executive Tourism Director recommending to the Board of Supervisors (and City Council) the appointment of Priya Patel to fill the seat vacated by Ms. Rainee Simpson who has moved out of the area. Per email to staff, the Tourism Board would like to have the new appointee begin representation with the other 3 new appointees and attend the next meeting on July 17, 2014. The Tourism Board was formed by Joint Resolution of the Board of Supervisors and the City Council in April, 2001. Recommendation for appointment/reappointment is contingent upon like approval by the City of Winchester.)

FEBRUARY 2014

Historic Resources Advisory Board

Claus Bader – Red Bud District Representative

102 Whipp Drive
Winchester, VA 22602
Home: (540)722-6578
Term Expires: 02/22/14
Four year term

JUNE 2014

Development Impact Model Committee

The Development Impact Model Committee was established at the June 28, 2006 Board of Supervisors Meeting. Appointments are for a one year term. The following will expire June 28, 2014:

Stephen Pettler – Top of Virginia Building Association Representative
J. P. Carr – Top of Virginia Building Association Representative

(See Attached Correspondence from Top of Virginia Building Association recommending the appointment of Stephen Pettler and Philip A. Lemieux.)

Brian Madagan – EDC Representative – **Resigned - Vacancy**

(Per Board Direction at May 14, 2014 meeting, to be assigned once EDC/EDA transition and appointments completed.)

Economic Development Authority (EDA)

Beverly B. Shoemaker – Opequon District Representative
P. O. Box 480
Stephens City, VA 22655
Home: (540)869-4828
Term Expires: 06/30/14
Four Year Term

(Per Board Direction at May 14, 2014 meeting, appointments made once EDC/EDA transition completed.)

JULY 2014

Shawneeland Sanitary District Advisory Committee

Charity N. Thomas
221 Beaver Trail

Winchester, VA 22602
Home: (540)303-1279
Term Expires: 07/23/14
Two year term

(The Advisory Committee is comprised of five members made up of resident property owners and serve a two year term.)

AUGUST 2014

Frederick-Winchester Service Authority (FWSA)

James R. Wilkins, III – Member-At-Large (Joint Appointment)
13 South Loudoun Street
Winchester, VA 22601
Home: (540)722-0779
Term Expires: 08/31/14
Three year term

(The county has three representatives on the Service Authority as is in accordance with the Joint Agreement and Memorandum of Understanding with the City of Winchester. The member-at-large seat is a joint appointment by both localities; therefore, any recommendation for appointment/reappointment is submitted to the City of Winchester for similar action.)

SEPTEMBER 2014

Board of Building Appeals

Scott D. Simpson – County Representative
180 Rome Drive
Clearbrook, VA 22624
Home: (540)974-6038
Term Expires: 09/09/14
Five year term

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

Historic Resources Advisory Board

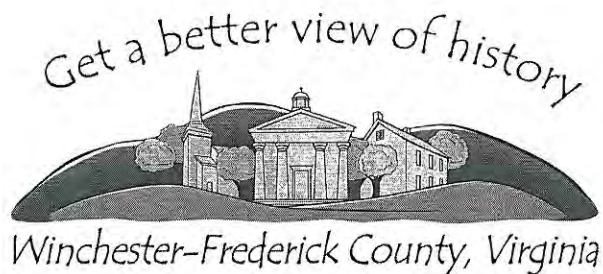
Memorandum – Board of Supervisors
July 3, 2014
Page 4

Mary M. Turner – Back Creek District Representative
2344 Jones Road
Winchester, VA 22602
Office: (540)665-9692
Term Expires: 09/14/14
Four year term

JRR/tjp

Attachments

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To: Frederick County Board of Supervisors and Winchester City Council

From: Sally Coates, Executive Director, Winchester-Frederick County Convention & Visitors Bureau

Date: June 20, 2014

Subject: Appointment of Priya Patel to the Winchester-Frederick County Tourism Board

As Rainee Simpson vacated her position on the Winchester-Frederick County Tourism Board member when she resigned her position at the Holiday Inn and moved out of the area, the Board respectfully requests that Priya Patel be appointed to fill Ms. Simpson's unexpired term. Ms. Patel is a resident of the City of Winchester, and she owns the Wingate Hotel. She also has interest in another city hotel and a county hotel. She will represent the private sector, and specifically the lodging industry, as outlined in the Bylaws of the organization. She will fill the unexpired term of Ms. Simpson through June 2015, at which time she will be eligible for re-appointment.

With your approval, the Board will continue to consist of five (5) private sector representatives, two of whom represent the lodging industry, and four (4) non-private sector representatives.

Winchester-Frederick County Convention and Visitors Bureau

1400 South Pleasant Valley Road, Winchester, VA 22601 • 540.542.1326 phone • 540.450.0099
fax • www.VisitWinchesterVa.com

Teresa Price

From: Eric Lawrence
Sent: Thursday, July 03, 2014 8:36 AM
To: Teresa Price; Jay Tibbs
Subject: FW: Reappointments to DIM-OC

From: TVBA [<mailto:tvba@verizon.net>]
Sent: Wednesday, July 02, 2014 4:47 PM
To: Eric Lawrence
Subject: RE: Reappointments to DIM-OC

Eric,

Please officially accept Stephen L. Pettler, Jr. and Philip A. Lemieux as the two TVBA DIM Committee representatives. We appreciate the opportunity to have input in to issues surrounding our industry.

Please feel free to share our selections with whomever you feel needs to be informed regardless of the privacy paragraph at the close of this email.

Nancy Tilson Sinback

Executive Officer

Top of Virginia Building Association

Building a Successful America!

PO Box 3566

Winchester, VA 22604

Office: 540.665.0365

Fax: 540.665.3860

info@tvba.org NEW!

www.tvba.org NEW!

Visit www.nahb.com/ma for

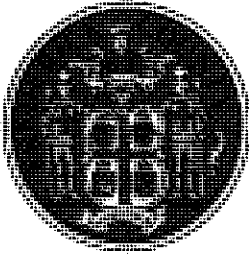
Member Advantages and

Discounts!

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D



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 25, 2014

RE: Refund – Undisclosed Taxpayer – Disabled Veteran’s Relief

I am in receipt of the Commissioner’s request, dated June 24, 2014, to authorize the Treasurer to refund a taxpayer the amount of \$2,792.54 for half of 2011, all of 2012, 2013 and 2014 real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer’s name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner, the Treasurer, and the County Attorney on a confidential basis. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner’s memorandum.

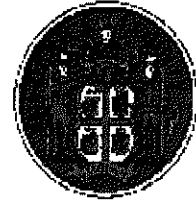


Roderick B. Williams
County Attorney

Attachment



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




June 24, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Taxpayer name withheld – Veterans Admn rules.



Please approve a refund of \$2,792.54 for real estate taxes for ½ of 2011 and all of 2012, 2013, and 2014 for a taxpayer that qualified for the Disabled Veterans Relief on his residence. The taxpayer's name must be withheld by Veterans Administration rules because the relief is based on medical information that cannot be made public. Under the General Assembly legislation passed for 2011 and beyond the relief is retroactive to the effective date of the qualification of disability or January 1, 2011 whichever is later.

A copy of the treasurer's credit balance is provided with identifying information redacted.

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

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

Exoneration is \$2,792.54.

Date: 6/20/14

Cash Register: COUNTY OF FREDERICK

Time: 09:36:49

Customer Name:

Total Transactions: 39
Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2011	1	00234870002	\$275.28-	\$.00	\$275.28-
-	RE2012	2	00233730001	\$506.61-	\$.00	\$506.61-
-	RE2012	3	00233730002	\$506.61-	\$.00	\$506.61-
-	RE2013	4	00233000001	\$501.35-	\$.00	\$501.35-
-	RE2013	5	00233000002	\$501.34-	\$.00	\$501.34-
-	RE2014	6	00234010001	\$501.35-	\$.00	\$501.35-

Total Paid : \$2,792.54

F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CndLine

Needs Board Approval

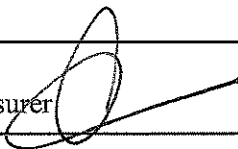
E

ECONOMIC DEVELOPMENT AUTHORITY

COUNTY OF FREDERICK, VIRGINIA

(540) 665-6382
Fax (540) 667-0370

MEMORANDUM

TO:	Board of Supervisors
FROM:	John R. Riley, Jr., Secretary/Treasurer 
SUBJECT:	Request for Work Session with Economic Development Authority
DATE:	July 3, 2014

The Economic Development Authority members and staff request a work session with the Board of Supervisors to discuss a number of items related to the EDA. Topics for the work session will include:

- Transition from EDC to EDC;
- EDA board make-up;
- EDA recommendation re: signage along major routes in the county;
- Discussion of economic development strategy and direction.

We would offer the following dates for this 12:00 PM lunch work session:

Monday, August 11, 2014
Thursday, August 14, 2014
Monday, August 18, 2014
Tuesday, August 19, 2014

Staff is seeking a date that would work for the Board.

JRR/jet

F



MEMORANDUM

TO: Board of Supervisors
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works
SUBJECT: Public Works Committee Report for Meeting of June 24, 2014
DATE: June 26, 2014

HEJ
JL

The Public Works Committee met on Tuesday, June 24, 2014, at 8:00 a.m. All members were present except Bob Wells. The following items were discussed:

*****Item Requiring Action*****

1. Proposed Increases in Building Inspection Fees

The committee unanimously endorsed minor increases in building inspection fees. The proposed increases are reflected in the attached summary along with a brief explanation from the Building Official, Mr. John Trenary. (**Attachment 1**)

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

1. Carry Forward Requests

The committee reviewed and unanimously endorsed carry forward requests from the following budgets: landfill, road administration, animal shelter and Shawneeland. These requests are explained in the attached memorandums. For the most part, these requests are related to projects or purchases which could not be initiated or completed in the current fiscal year. (**Attachment 2**)

2. Discussion with the Fire Marshal Regarding Fee Increases

The committee engaged the fire marshal in a discussion centered on their role in assisting the building inspection department related to plan review and inspections of fire safety issues such as sprinkler systems, emergency lighting, etc. Basically, it was concluded that the building official through the inspection department has the legal responsibility for issuing building permits and certificates of occupancy. The fire marshal's office has the legal responsibility for enforcing the fire code after the building is occupied. The committee concluded that even though there was some duplication of effort during the initial permitting and construction phases, it was advantageous to Frederick County to have both departments involved in the review and inspection of fire safety items.

The fire marshal indicated that he plans to present proposed fees for inspections related to occupied structures at a future public works committee meeting.

Public Works Committee Report

Page 2

June 26, 2014

3. Miscellaneous Reports

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

Respectfully submitted,

Public Works Committee

Gene E. Fisher, Chairman

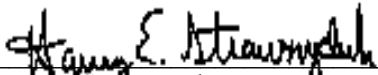
David W. Ganse

Gary Lofton

Whit L. Wagner

Robert W. Wells

James Wilson

By 

Harvey E. Strawsnyder, Jr., P.E.

Public Works Director

HES/rls

Attachments: as stated

cc: file

Inspections Department

John S. Trenary, Building Official


540/665-5650

Fax 540/678-0682

MEMORANDUM

DATE: April 22, 2014

TO: Harvey E. Strawsynder Jr., PE, Director of Public Works

FROM: John S. Trenary, Building Code Official 

SUBJECT: Adjustments to the Frederick County Building Permit Fees

As requested, the Building Department has conducted an evaluation of the current permit fee schedule. The previous amendment of the fee schedule occurred in March of 2006. This evaluation included several other localities Building Departments permit fees, the activities and expenses not related to permit fees and the revenue to expenditure comparison of Building Department to maintain services. Our findings are as follows:

The permit fees (\$733,405 collected over the past twelve months) have shown a 6% increase over the same period of the previous year. This increase was accomplished without a permitted commercial project exceeding 200,000 sq. ft. in size. The recommended increases shown on the revised fee schedule attached would increase the fees collected within a similar year by approximately \$90,000. Any additional percentage of activity increase would be added to this amount.

The Building Department conducted 398 Property Maintenance Complaints, and Red Tag Fire Damage inspections this past year. The staff also reviewed 99 site plans in the twelve month period. This non-permitted activity relates to approximately \$65,000 in expenditures. I would not recommend reclaiming the cost of these expenditures through the collection of permit fees.

Compared to other localities, Frederick County needs to increase fees on the residential permit from our current amount of \$.38 per sq. ft. to \$.40 per sq. ft. The greater need is for increase in the Commercial and Industrial fees. The increases shown on the revised fees attached are to offset the lack of a separate plans review fee that is charged by some localities. The increase fees would be placed on the type of structures that creates the most Building Inspection Department's activity. The fee schedule shows an increase in those structures from \$.15 per sq. ft. to \$.22 per sq. ft. and other structures such as a warehouse from \$.15 per sq. ft. to \$.18 per sq. ft. Please note the increase of \$.01 per sq. ft. would equal a collection of \$6,356.00 in revenue for a commercial building and \$5,444.00 for a residential building based on square footage this past year. Square footage relates to 41% of all fees collected in the Building Departments revenue.

Please review the attached charts of an average size dwelling and a 53,584 sq. ft. office building comparing Frederick County's building permit fees collected to other localities. Also note the chart comparing Building Department's recent revenues to expenditures.

RESIDENTIAL FEE SCHEDULE

GREEN INDICATES INCREASES YELLOW IS REMOVED OR REPLACED

One and Two Family Dwellings, Townhouses and Apartments IRC Structures

.38 cent per square foot (includes all permits - plumbing, electrical, and mechanical)
\$.40 sq. ft.

Finished Basements

.38 cent per square foot (includes all permits - plumbing, electrical, and mechanical)
\$.40 sq. ft.

Unfinished Basements **.07 cent per square foot**
\$.10 sq. ft.

Additions and Remodeling

.38 cent per square foot (includes all permits - plumbing, electrical, and mechanical)
\$.40 sq. ft.
(Minimum charge up to 200 sq. ft. \$100.00 - 200 to 600 sq. ft. **\$200.00**)
\$240.00

Footing/Foundation **\$30.00**
\$50.00

Accessory Buildings, Pole Buildings, Garages, Carports, and Shelters

150 square feet to 600 square feet **\$75.00**
200 (256 under 2012 VCC) **\$90.00**

600 square feet and over (**\$75.00 + .05 cent** per each square foot over 600)
\$90.00 + \$.10 (Above 3,000 sq. ft. Commercial IBC fee)

Temporary Occupancy **\$35.00**
\$50.00

INDUSTRIALIZED BUILDINGS / MANUFACTURED HOMES

Industrialized Buildings / Manufactured Homes with Third Party Inspection Seal (Modulars)

.25 cent per square foot (includes all permits - plumbing, electrical, and mechanical)
\$.30 sq. ft.

Finished Basements

.38 cent per square foot (includes all permits - plumbing, electrical, and mechanical)
\$.40 sq. ft. IRC Structures

Commercial fee based on Use classification and systems.

Unfinished Basements **.07 cent per square foot**
\$.10 sq. ft.

Manufactured Homes (Mobile Home) **\$70.00**

COMMERCIAL FEE SCHEDULE IBC STRUCTURES

Churches and Schools IBC Uses A-3 and E08 cents per square foot
\$.15 sq. ft.

**Restaurants, Motels, Hotels, Canopies and Commercial/Industrial
 IBC Use Groups R-1, R-2, B, H, F, I, A-1, A-2, and A-4.**
15 cent per square foot
\$.22 sq. ft.

Warehouses and Utility, IBC Uses S, U and A-5
 Up to 250,000 square feet 15 cents per square foot
\$.18 sq. ft.
 Over 250,000 square feet10 cents per square foot
\$.15 sq. ft.

Remodeling/Alterations /Additions/Accessory Buildings .15 cents per square foot
 (Minimum Fee \$75.00)
\$.18 sq. ft. / Minimum Fee \$120.00

Pre-Engineered Metal Buildings (slabs will be charged per inspection for shells)
Shell Buildings Constructed in Phases

Foundation/Shell/Remodeling..... .15 cent per square foot
 Foundation and Shell Only(without c.o.- no slab)08 cent per square foot
\$.12 sq. ft.

Foundation and Shell Only (without c.o.- slabs placed) **\$.14 sq. ft.**
 Remodeling Only (areas without c.o.)08 cent per square foot
One Half sq. ft. Fee for New Construction IBC Use Group Above

Temporary Occupancy **\$60.00**
\$75.00

MISCELLANEOUS

Renewal of Permit
 First Year No Charge
Each six month period after expiration (not to exceed permit fee)...\$50.00

Reinspection Fees..... **\$50.00**
\$75.00

IBC Reshingling and Residing **\$30.00**
The first 10,000 sq. ft. **\$50.00**
Each additional 10,000 sq. ft. or partition thereof **\$30.00**
 (IRC not permitted unless requested)

Reroofing	\$45.00
The first 10,000 sq. ft. \$75.00 each additional 10,000 sq. ft.	\$50.00
Fence	\$50.00
	\$50.00
Retaining Walls, Walls	\$50.00
Each 100 ' length of wall or partition thereof	\$75.00
Radio Towers & like Structures (50' in height or less)	\$50.00
Radio Towers & like Structures Above 50' in Height or 50' in Diameter	\$250.00
	\$300.00
Each Antenna connected to Existing (regardless of height)	\$50.00
Masonry Fireplaces, Chimneys, Relining	\$50.00
	\$55.00
Masonry Fireplaces, Chimneys with additional flue liner within	\$25.00
additional flue liner within Masonry Fireplaces , Chimneys	\$25.00
Woodstoves with metal chimneys	\$45.00
	\$55.00
Woodstoves	\$35.00
(solid fuel furnaces or boiler with ducts or hydronic piping requires mech. permit)	\$50.00
Signs	\$30.00
	\$50.00
Engineered Signs	\$60.00
	\$75.00
Listed Above Ground/Inground Tanks (Over 500 Gal) ..	First Tank \$35.00
(Non – Listed constructed on site tanks are Utility Commercial fee)	\$50.00
Each additional listed tank.	\$20.00
	\$25.00
(Tanks 500 Gal. or less are included with the mechanical permit for gas / fuel piping permit; tanks over 500 gal. are required a separate building permits as structures.)	
Tents	
900 square feet and under	No Permit Required
Over 900 square feet.	\$75.00
Carnivals (amusement rides) (Minimum cost per ride VUSBC) Max...	\$75.00
(Not to exceed VUSBC cost per ride)Max. per site location.....	\$100.00

Decks, Ramps and Porches (not associated with new homes) \$50.00
 (Up to 120 sq. ft.)(\$50.00 + \$.10 sq. ft. above 120 sq. ft.)\$.10 sq. ft.
 (Decks / Landings 16 sq. ft. or less are fee exempt)

Demolition IBC (Structure or Removal of Tanks-regardless of how many) \$40.00
 \$65.00
 Demolition IRC \$35.00
 \$50.00

IRC Residential Swimming pools
 Inground..... \$100.00
 \$120.00
 Above ground \$30.00
 \$50.00

IBC Public Swimming Pools \$100.00
 \$.10 sq. ft. / Minimum Fee \$120.00

Minimum Fees (Unless Stated Otherwise) \$30.00
 Or as determined by the Building Official\$50.00

**Issuing C.O.s for Existing Buildings Under USBC, Part III, Maintenance of
 (Existing Structures Code)**

Residential. \$50.00
 \$75.00

Commercial \$100.00
 \$120.00

Change of Use \$50.00
 \$120.00

Re-review of plans and stamping of additional plan **First 25 Pages**.....\$25.00
Each additional page beyond 25..... \$1.00

Inspection of work started prior to permit issuance \$50.00
 Per work hour or portion thereof... \$75.00

Escalator or Elevators (per floor) .. \$20.00
 \$25.00

Annual Elevator Inspection Fee Per Elevator	\$30.00
Additional Fee for beyond 30 days and written notification is sent.....	\$.25.00
Annual Permit – 4 inspections per year	\$120.00
	\$150.00

1.75% State Surcharge – **1.75%** surcharge is charged on permits only. There is no
2.0% **2.0%**
surcharge for re-inspection fees, temporaries, renewal of permits or special inspections.

REFUNDS

Due to the cost of processing permit applications, there is a non-refundable processing fee of
\$25.00 on all permits refunded.
20% of permit fees paid or \$35.00 minimum, whichever is greater

In order to receive a refund the permit holder must make a written request for a refund prior to the expiration date of the permit (permits with no activity are voided after six months from the date of issuance or last scheduled inspection.)

RESIDENTIAL/ELECTRICAL IRC

Base fee for each electrical permit (includes 1-5 fixtures)	\$35.00
	\$40.00

Single Family Dwelling, Townhouses and Apartments, Detached Structures, Generators

NOTE: Includes Low Voltage for Telephones

Not over 100 amp service	\$40.00
Not over 200 amp service	\$55.00
Not over 400 amp service	\$60.00
Not over 600 amp service	\$85.00
Over 2 Apartments - Each.....	\$35.00
Construction Service	\$20.00
	\$25.00

Re-connection fees and upgrading service

Not over 100 amps.....	\$15.00
Over 100 amps to 225 amps..	\$20.00
Over 225 amps to 400 amps .	\$25.00
Over 400 amps to 1000 amps	\$35.00

MINOR ALTERATIONS AND ADDITIONS

Dwelling (1-25 outlets)	\$35.00
	\$40.00
(includes appliance and/or appliance outlets)	
Each additional 25 outlets or appliances ..	\$10.00

MANUFACTURED HOMES (MOBILE HOMES)

Service Only (Includes Feeder)	\$20.00
Each additional meter	\$5.00

Private Residential Inground Pool	\$20.00
Private Residential Above Ground Pool ..	\$5.00
	\$10.00

COMMERCIAL/INDUSTRIAL NFPA 70

Base fee for each electrical permit	\$35.00
	\$50.00

Commercial / Public Swimming Pools	\$75.00
	\$100.00

Rough Wiring: all switches, lighting, and receptacles to be counted as outlets:

1-5 outlets	\$25.00
	\$30.00

1-50 outlets/fixtures	\$85.00
	\$95.00

Each additional 25 fixtures ..	\$30.00
	\$35.00

Heating, Cooking Equipment and Similar Appliance

1-5 outlets/fixtures	\$35.00
	\$45.00

Each additional 5 units or outlets	\$35.00
	\$9.00

Single unit group not exceeding 5 motors	\$35.00
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Each additional	\$15.00
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Motors (each)	\$9.00
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Service - Meter Equipment and Feeders up to 600 volts

Not over 225 amps	\$35.00
--------------------------------	----------------

	\$45.00
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Over 225 amps to 400 amps ..	\$50.00
-------------------------------------	----------------

	\$55.00
--	----------------

Over 400 amps to 1000 amps	\$75.00
	\$85.00
Over 1000 amps	\$125.00
	\$135.00

Primary transformer vaults - enclosures sub-stations

Not over 100 KVA.....	\$55.00
Over 200 to 500 KVA	\$65.00
Over 500 KVA.....	\$110.00

NOTE: Above applies to each bank of transformers

Electrical signs - incandescent and electric discharge lighting systems

Each sign or system ..	\$25.00
	\$30.00

Protective Signaling Systems

For the first 15 devices	\$40.00
	\$50.00

For each additional 5 devices	\$ 3.00
	\$1.00

Telephone Wiring

First telephone outlet	\$15.00
Each additional outlet	\$ 3.00

Generator fee per amp service noted above for Res. or Com.

**PLUMBING FEE SCHEDULE
Residential - Commercial - Industrial**

Base fee for plumbing permit.....	\$35.00
Residential	\$40.00
Commercial.....	\$50.00
Per Fixture	\$ 5.00
	\$7.00

Renewal of Building sewer without other changes to the existing system \$ 5.00

Installation of air conditioning requiring water connections	\$ 5.00
	\$ 7.00

Water supply to heating systems	\$ 5.00
	\$ 7.00

Well Pumps and Pressure Tanks	\$ 5.00
	\$ 7.00
Sewer service, pump, interceptor or separators	\$ 10.00
	\$ 15.00
New water service	\$ 10.00
	\$15.00
The permit fee schedule for storm sewer inspection shall be as follows:	
Roof drains (each)	\$ 5.00
	\$7.00
Outside leader (each)	\$ 5.00
	\$ 7.00
Manhole	\$ 5.00
	\$ 7.00
Area drain (each)	\$ 5.00
	\$ 7.00

MECHANICAL FEE SCHEDULE

Residential - Commercial - Industrial

Base fee for mechanical permit	\$35.00
IRC Residential	\$40.00
IBC Commercial /Industrial	\$50.00

Central heating, furnace, boiler or incinerator:

Residential - each fixture includes solar panels	\$15.00
Up to 5 fixtures/units	\$70.00
Up to 10 fixtures/units	\$125.00
Commercial - First 100,000 BTU=s	\$20.00
	\$25.00
Each additional 100,000 BTU=s	\$ 5.00
Maximum Fee Per Unit.....	\$120.00
	\$130.00

Fire damper or subducts

1-5	\$15.00
Each additional 5	\$15.00
Each.....	\$ 5.00

Incineration, per 100 lbs. per hour burning rate ..	\$15.00
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Gas Piping: Residential/Mobile Homes	\$10.00
Commercial	\$15.00
Each additional.....	\$ 3.00

(Tanks 500 gal or less require piping permit only)

Automatic sprinkler systems:

A Residential (per floor)	\$20.00
	\$25.00

B. Limited (up to 20 heads)	\$25.00
	\$35.00

C. Hood Systems	\$50.00
	\$75.00

D. NFPA Systems	\$50.00
	\$75.00

Plus:

21-300 heads	75 cents per head
	\$1.00 per head

Each additional head over 300.....	50 cents per head
	\$1.00 per head

E. Fire Pump (each).....	\$50.00
	\$75.00

F. Dry pipe add on (each)	\$50.00
	\$75.00

G. Standpipe system only (each)	\$50.00
	\$75.00

H. Underground fire line (each)	\$50.00
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I. Chemical Systems (each includes 20 devices).....	\$50.00
	\$75.00

Each device above 20 in the system.....\$1.00

Unfired pressure vessels (each).....	\$20.00
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Fire hydrants (each)	\$10.00
Commercial hoods and fans	\$40.00
	\$50.00
Fans up to 400 CFM	\$20.00
Fans over 400 CFM	\$30.00

Central air condition, refrigeration and refrigeration cycle of air conditioning systems:

Residential, per unit (per floor)

Mobile Homes - regardless of the number of fixtures	\$15.00
Heat Pumps (each).....	\$15.00
	\$30.00

Geo Thermal Systems\$30.00
 (Well water supplied needs D.E.Q./Health Department Approval)

Commercial, first 5 tons	\$20.00
	\$30.00
Each additional ton.....	\$ 5.00

Maximum fee per unit\$120.00

Solar hot water heater – plumbing permit only unless it has electric
 Solar panels – mechanical permit only unless it has electric

APPROVED MARCH 2006 - REVISIONS MARCH 2014

Inspections Department Expenditures for Code Enforcement of a 53,854 Sq. Ft. Office

Office Staff – Processing Permit, Scanning documents, filing	\$168.00
Computer AS 400 , paper, storage of records for 3.5 yr.....	\$250.00
Scheduling Inspections	\$529.30
Plans Review- Building review and scanning.....	\$333.60
Electrical review of four permits.....	\$166.80
Plumbing review of four permits.....	\$166.80
Mechanical review of five permits.....	\$333.60
Site plan review.....	\$135.40
Inspections - 189 inspections conducted.....	\$11,812.50
Travel / Vehicle – 150 @ 10 mi. per trip.....	<u>\$825.00</u>

Total expenditures excluding department overhead \$14,719.00

Permit fees collected at the current rate was \$14,114.86

Inspections Department Expenditures for Code Enforcement of a 2,080 sq. ft. Dwelling

Office Staff – Processing Permit, scanning document, filing.....	\$50.40
Computer AS 400, Storage of records for 3.5 yr.....	\$75.00
Scheduling Inspections.....	\$64.00
Plans Review- Review Building Plans and Scanning.....	\$166.80
Inspections – 23 inspections @ 45min.ea.....	\$719.33
Travel / Vehicle – 10 trips.....	<u>\$110.00</u>

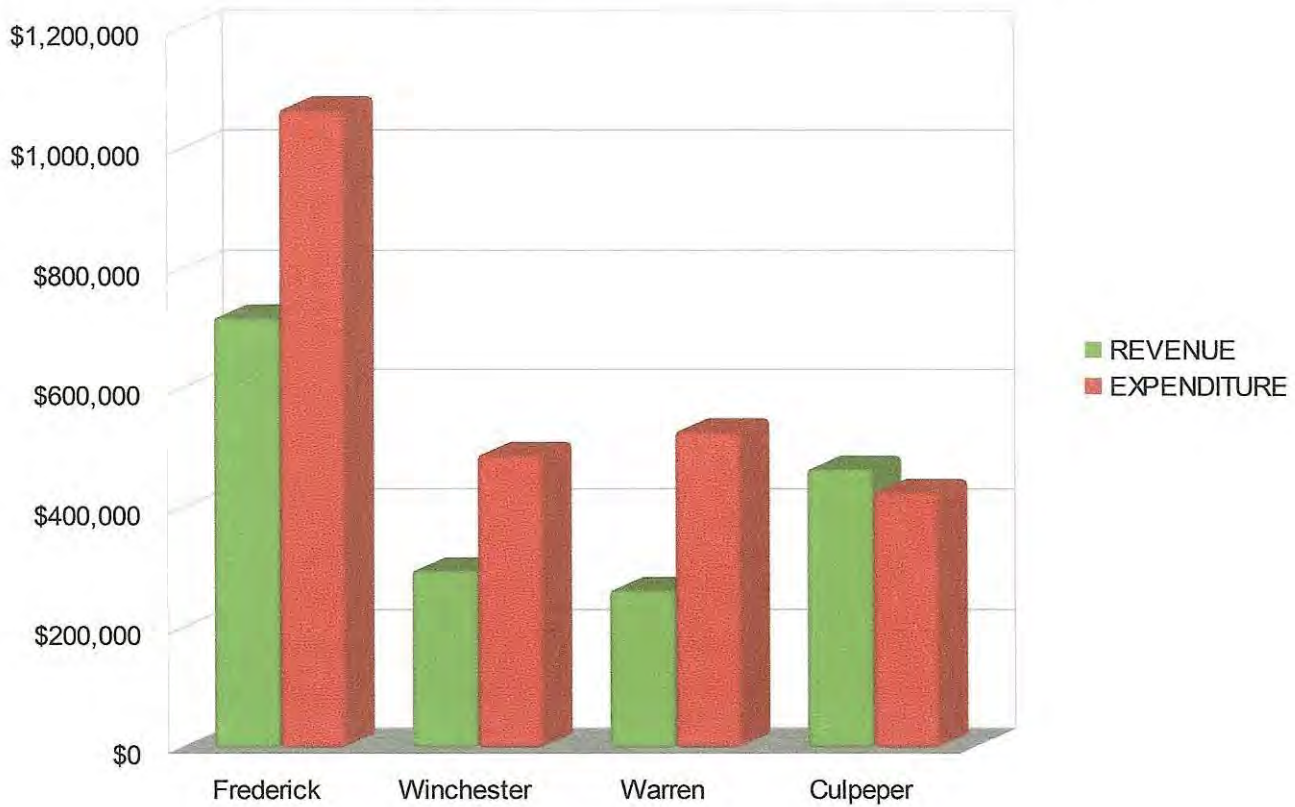
Total expenditures excluding department overhead \$1,185.53

Permit fees collected at the current rate would be \$806.64

Inspection Department Revenue and Expenditures

	REVENUE	EXPENDITURES
Frederick	\$719,032	\$1,067,296
Winchester	\$297,100	\$489,700
Warren	\$264,355	\$529,355
Culpeper	\$466,250.00	\$427,979.00
Spotsylvania	\$2,750,300.00	\$4,272,100.00
Loudoun	\$16,291,328.00	\$21,028,092.00

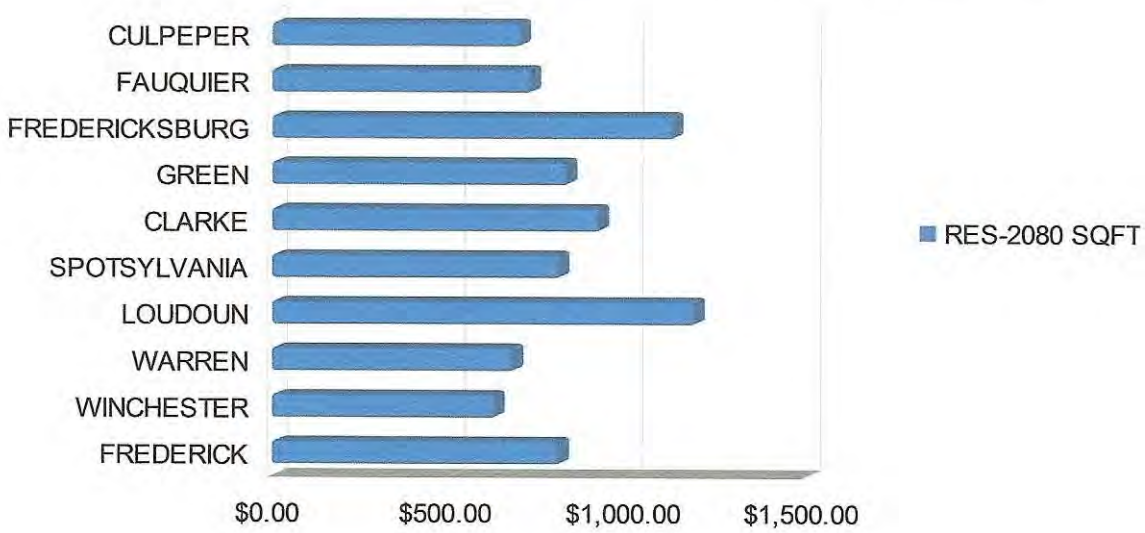
BUILDING DEPARTMENT REVENUE AND EXPENDITURES



RES-2080 SQFT

FREDERICK	\$806.64
WINCHESTER	\$624.80
WARREN	\$677.28
LOUDOUN	\$1,187.00
SPOTSYLVANIA	\$806.64
CLARKE	\$917.95
GREEN	\$828.20
FREDERICKSBURG	\$1,126.00
FAUQUIER	\$726.00
CULPEPER	\$697.00

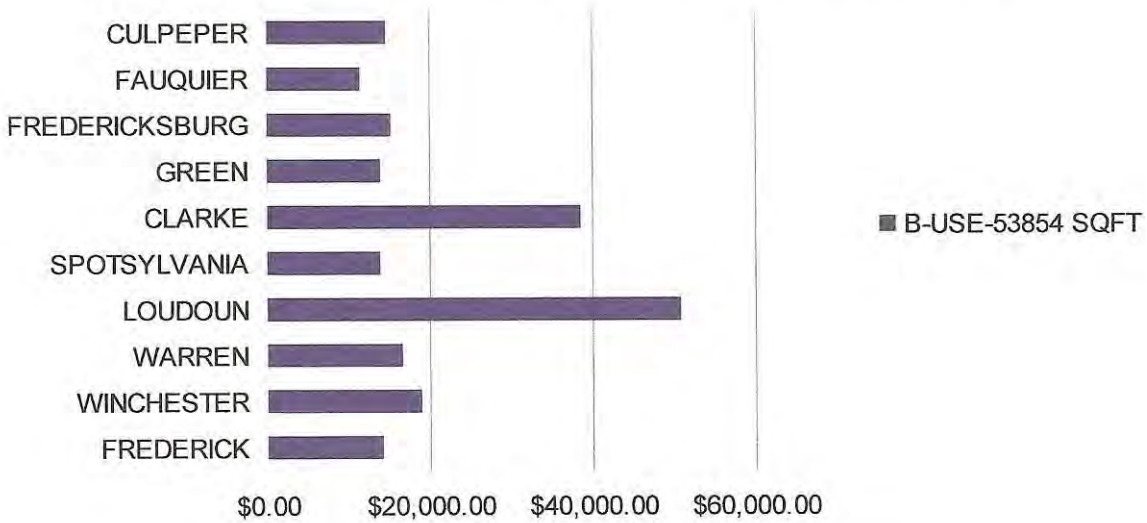
PERMIT FEE COMPARISON FOR AVERAGE SIZE DWELLING



B-USE-53854 SQFT

FREDERICK	\$14,114.86
WINCHESTER	\$18,867.19
WARREN	\$16,528.00
LOUDOUN	\$50,797.00
SPOTSYLVANIA	\$13,836.30
CLARKE	\$38,467.10
GREEN	\$13,884.00
FREDERICKSBURG	\$15,203.00
FAUQUIER	\$11,434.00
CULPEPER	\$14,609.00

PERMIT FEE COMPARISON OF A BUSINESS USE STRUCTURE





COUNTY of FREDERICK

Department of Public Works

540/665-5643

FAX: 540/678-0682

MEMORANDUM

TO: **Public Works Committee**
 FROM: **Steve Frye, Landfill Manager** *SF*
 THROUGH: **Harvey E. Strawsnyder, Director of Public Works** *HES*
 SUBJECT: **Carry Forwards to 2014/2015**
 DATE: **June 2, 2014**

We are requesting that the following funds be carried over from the 2013/2014 budget into the new 2014/2015 budget. The total amount of this request is \$ 420,000 and is itemized as follows:

12-4204-3002-00 Professional Services

We are requesting that \$200,000 be carried forward and allocated to line item 12-4204-3002-00 for professional services. These funds will be used for final phase for capping of Permit 40, CDD pump station upgrade and Landfill to Gas expansion and upgrades.

12-4204-8006-00 Construction Vehicles and Equipment

We are requesting that \$120,000 be carried forward for the purchase of a used motor grader. We have been in contact with several vendors, but have been unable to locate a suitable machine to date.

12-4204-8900-00 Improvements Other Than

We are requesting that \$100,000 be carried forward to cover any unexpected changes in work related to a contract awarded to Perry Engineering in on April 30, 2014. A portion of the contract is to reconstruct the leachate holding pond for the old Permit 40 landfill. Due to the location of the existing pond, we were unable to completely evaluate the site conditions, therefore the potential for unknown conditions exists, which may cause additional work that is not in the original scope awarded.



MEMORANDUM

TO: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES.*

FROM: Rhonda L. Sargent, Administrative Assistant, Department of Public Works *RLS*

SUBJECT: Request for Carry Forward from Fiscal Year 2013/2014 to Fiscal Year 2014/2015 Road Administration Budget

DATE: June 17, 2014

I am requesting that an amount of \$4,500 be carried forward from the 2013/2014 fiscal year Road Administration budget line item 10-4102-3010-00 – Other Contractual Services to the same line item in the 2014/2015 fiscal year Road Administration budget.

Recently, the county sign installation contractor informed me that our installation materials (posts, caps, crosspieces and mounting hardware) were in short supply; however, I didn't have enough funds remaining in the current fiscal year budget to completely replenish the materials. In order to make it more cost effective, it's necessary to order posts, caps and crosspieces in quantities of 100 per item. The cost for the items listed above will be \$14,581 which will be a major expenditure from the funds budgeted in the fiscal year 2014/2015 budget. Therefore, I am requesting the carry forward of funds to supplement the approved 2014/2105 budget to accommodate the purchase of these materials as well as continue the county's street name sign program.

If you have any questions, do not hesitate to contact me.

/rls

cc: file

FREDERICK COUNTY - ANIMAL SHELTER

Kathy M. Whetzel
Shelter Manager
540/667-9192 ext. 2502
FAX 540/722-6108
E-mail: kwhetzel@fcva.us

MEMORANDUM

TO: Harvey E. Strawsnyer, P.E.

FROM: Kathy M. Whetzel, Shelter Manager

SUBJECT: FY 13/14 Carry Forwards

DATE: 6/19/14

The Shelter is requesting a funding carry forward from FY 13/14 in the amount of \$1,330.00 into line item 10-4305-3004-02 Repair and Maintenance Vehicles. The requested funds are needed to insulate, install tie downs, and add signage to the Nissan cargo van purchased in FY 13/14. Approval to purchase the van was received too late to complete the work in the current fiscal year.

Please contact me if you have any questions.

KMW:hag

THE CUSTOMIZERS, INC.
and CREATIVE ACCENTS
14133 PENNSYLVANIA AVENUE
HAGERSTOWN, MD 21742

SHOP INSTALLATION

DATE: 06/19/2014
INV #: 1413560

301-797-7727 / FAX 797-5738

APPOINTMENT DATE:
TIME:
NEED BY:

BILL TO: FREDERICK COUNTY ESTHER L. BOYD ANIMAL SHELTER WINCHESTER VA HOLLY GRIM	SHIP TO:(if not same as billed to)
---	------------------------------------

PHONE: (549) 667-9192
FAX:
CELL:

SALESPERSON: KELLY
VIN:
CHASSIS COLOR:
INTERIOR:
CHASSIS MODEL: NISSAN
AUTHORIZED BY: HOLLY GRIM
P.O. / AUTH. #:

		UNIT	EXTENSION	LABOR
1.	1	INSULATION & FIBREX WALLS AND CEILING	765.00	765.00
2.	1	NISSAN FACTORY FLOOR MAT	100.00	100.00
3.	1	7 EXTRA TIE DOWNS (LABOR ONLY)	165.00	165.00
4.	1	DESIGN & INSTALL LETTERING & NEW LOGO	300.00	300.00
5.		NORMAL \$500.00 (\$200 KELLY DISCOUNT)		
6.				
7.				
8.				
9.				
10.				

PAINTED PARTS:

- 1.
- 2.
- 3.
- 4.

AUTHORIZATION:

I HEREBY AUTHORIZE THE ABOVE WORK TO BE DONE ALONG WITH THE NECESSARY MATERIALS. YOU & YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE. AN EXPRESS MECHANICS LIEN IS ACKNOWLEDGED ON THE ABOVE VEHICLE TO SECURE THE AMOUNT DUE THERETO. IT IS ALSO UNDERSTOOD THAT YOU WILL NOT BE HELD RESPONSIBLE FOR LOSS OR DAMAGE TO VEHICLES OR ARTICLES LEFT IN VEHICLES IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE BEYOND YOUR CONTROL:

TAXABLE MATERIALS:	1330.00
SALES TAX:	.00
FREIGHT:	.00
PAINT & LABOR:	.00
TOTAL:	1330.00
DEPOSIT:	.00
NET DUE:	1330.00

DATE PAID:
CHECK #:

BY: -----

TERMS: NET 30

PRINT NAME: -----

ALL SALES ARE FINAL

RECEIVED BY: -----

DATE: -----

COMMENTS: -----



COUNTY of FREDERICK

Sanitary District of Shawneeland

Kevin Alderman
District Manager

Office: 540/877-1035
Fax: 540/877-1361

MEMORANDUM

TO: Harvey E. Strawsnyder Jr., P.E., Director of Public Works
FROM: Kevin C. Alderman, District Manager, Shawneeland Sanitary District *KCA*
SUBJECT: Carry Forward of Funds from Fiscal Year 2013-2014 Budget to Fiscal Year 2014-2015 Budget
DATE: June 10, 2014

I am requesting that an amount of \$80,000.00 be carried forward from the Fiscal Year 2013-2014 Shawneeland Sanitary district budget line item 16-8108-3010-00-Other Contractual Services to line item 16-8108-3010-00-Other Contractual Services in the Fiscal Year 2014-2015 budget. This amount will be used for services associated with the upgrade of the spillway at Lake Cherokee in Shawneeland.

If you have any questions, please do not hesitate to call me.

KCA/pms

Cc: file


COUNTY of FREDERICK
Department of Public Works
540/665-5643
FAX: 540/678-0682
MEMORANDUM

TO: Public Works Committee

FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HES*

SUBJECT: Monthly Tonnage Report - Fiscal Year 13/14

DATE: June 6, 2014

The following is the tonnage for the months of July 2013, through June 2014, and the average monthly tonnage for fiscal years 03/04 through 12/13.

FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,366 TONS (UP 301 TONS)

MONTH	FY 2012-2013	FY 2013-2014
JULY	12,596	13,514
AUGUST	13,934	13,343
SEPTEMBER	11,621	12,345
OCTOBER	12,863	13,266
NOVEMBER	12,598	10,857
DECEMBER	10,728	11,614
JANUARY	11,054	11,411
FEBRUARY	9,776	10,021
MARCH	10,636	11,518
APRIL	13,074	13,796
MAY	13,396	14,340
JUNE	12,508	

HES/gmp

RECYCLING REPORT - FY 13/14

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL CANS</u>	<u>STEEL CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES</u>	<u>TEXTILE</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL	86,440	37,440	3,980	7,760	104,840	79,810	1,260	3,300	43,380	185,385	553,595
AUG	75,380	38,140	3,154	6,706	104,392	81,880	130	1,090	43,500	147,580	501,952
SEP	65,700	33,640	2,805	5,955	93,049	70,630	1,140	3,800	68,880	148,940	494,539
OCT	87,180	36,760	3,595	10,585	163,586	68,660	1,580	1,520	46,580	143,540	563,586
NOV	72,280	31,200	2,915	8,465	99,826	60,820	600	1,080	43,040	106,280	426,506
DEC	83,840	37,640	3,480	10,871	153,074	88,621	1,620	1,520	21,680	76,520	478,866
JAN	71,020	31,520	3,005	7,755	74,539	67,320	2,180	320	45,660	61,240	364,559
FEB	75,480	29,080	3,630	10,010	124,793	61,820	980	1,100	50,100	61,240	418,233
MAR	60,280	34,100	2,785	7,275	98,479	76,860	1,760	3,040	49,460	124,800	458,839
APR	69,260	34,720	3,215	8,005	103,655	72,760	1,500	2,040	62,400	182,840	540,395
MAY	81,060	37,020	3,520	8,645	32,387	91,780	1,360	1,800	65,040	193,500	516,112
JUN											0
TOTAL	827,920	381,260	36,084	92,032	1,152,620	820,961	14,110	20,610	539,720	1,431,865	5,317,182
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	15,020	24,680	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	8,200	29,720	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	18,420	23,280	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160		435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780		404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0		498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0		382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162				381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111				273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461				156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195				62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206				54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731					9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587					44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950					48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000						2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000						2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060						2,305,960
TO DATE	10,241,771	3,915,812	331,113	748,060	26,730,615	3,889,229	76,560	53,000	3,602,591	7,719,244	57,307,995

add ONP

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2013-2014

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	70	55	56	1	3	62	33	25	0	0	65
AUG	65	38	42	1	0	37	39	15	0	0	55
SEP	55	36	51	4	0	47	39	2	0	0	58
OCT	58	59	42	1	0	49	35	17	0	0	59
NOV	59	39	34	2	0	39	27	6	0	0	62
DEC	62	24	30	1	0	40	22	10	0	0	45
JAN	45	30	27	2	0	38	22	2	0	0	42
FEB	42	39	24	1	0	33	24	6	0	0	43
MAR	43	45	39	3	0	43	29	6	0	0	52
APR	52	47	45	2	0	43	31	8	1	0	63
MAY	63	36	42	2	0	47	40	9	0	0	47
JUN											
TOTAL	614	448	432	20	3	478	341	106	1	0	591

In the month of May - 143 dogs in and out of kennel.

4 dogs transferred to Clarke County Animal Shelter, 1 dog to SPCA, 1 dog to rescue.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2013-2014

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	147	197	74	1	8	16	4	210	50	0	147
AUG	147	226	27	6	17	26	1	216	29	0	151
SEP	151	173	38	0	7	18	2	166	31	0	152
OCT	152	222	25	0	0	14	1	219	35	0	130
NOV	130	112	8	1	9	32	3	122	16	0	87
DEC	87	113	11	2	0	29	2	70	17	0	95
JAN	95	65	6	7	0	13	2	73	12	0	73
FEB	73	44	4	0	0	35	0	32	2	0	52
MAR	52	65	8	0	0	23	1	36	0	0	65
APR	65	67	16	1	5	28	2	50	7	0	67
MAY	67	179	21	2	26	16	3	151	2	0	123
JUN											
TOTAL	1166	1463	238	20	72	250	21	1345	201	0	1142

In the month of May - 295 cats in and out of shelter.

G



**ORDINANCE AMENDING THE SPECIAL ASSESSMENT FOR THE
RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY
AND AUTHORIZING THE FIRST AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BY AND AMONG
THE BOARD OF SUPERVISORS, THE RUSSELL 150 LANDOWNER,
AND THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY
July 9, 2014**

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia (the "Board") created the Russell 150 Community Development Authority (the "CDA") by Ordinance enacted March 9, 2005; and,

WHEREAS, the CDA previously, in 2006, requested that the Board establish special assessments on the property within the CDA District; and,

WHEREAS, pursuant to that request, by Ordinance enacted May 24, 2006, the Board established special assessments (the "Special Assessments") on the property within the CDA District and authorized entry into a Memorandum of Understanding (the "Memorandum of Understanding") among the Board, Russell 150, LC, as the original owner and developer of the property within the CDA District, and the CDA, such Memorandum of Understanding setting forth certain agreements with Russell 150, LC and with the CDA; and,

WHEREAS, the CDA issued bonds (the "Bonds") to finance certain public improvements to benefit property within the CDA District; and,

WHEREAS, proceeds from the Special Assessments would be used to repay the Bonds; and,

WHEREAS, Russell 150, LC defaulted on certain of its obligations with respect to the Special Assessments, the Memorandum of Understanding and the property within the CDA District, resulting in delinquencies in the payment of real property taxes and the Special Assessments, and resulting in the purchase of the Property, at a court-ordered sale, by R150 SPE, LLC, which entity therefore takes the place of Russell 150,

LC for purposes of the CDA, the Special Assessments, the Memorandum of Understanding, and the Bonds; and,

WHEREAS, a portion of the original principal amount of the Bonds has been redeemed, but a balance of \$5,749,000 remains outstanding; and,

WHEREAS, MMA Realty Capital, LLC, having previously executed a debt service reserve fund deficiency agreement, as security for the repayment of the Bonds, paid to the indenture trustee for the Bonds amount totaling \$2,062,053 as amounts necessary to maintain the debt service reserve fund requirement for the bonds (the "Guarantor Advances"); and,

WHEREAS, the Special Assessments are delinquent by an amount in excess of \$5,000,000 and, as a result, no funds are currently available to repay the Bonds or the Guarantor Advances; and,

WHEREAS, the amendment of the Special Assessments and the amendment of the Memorandum of Understanding will facilitate payment of the Special Assessments and, as such, will benefit the citizens of the County by promoting increased employment opportunities, a strengthened economic base, increased tax revenues, and additional business opportunities not currently available in the local area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:

1. Approval of First Amendment to the Memorandum of Understanding. The First Amendment to the Memorandum of Understanding, including the accompanying Schedule 1 – Revised Special Assessment Roll and Exhibit A – Term Sheet, is approved in substantially the form presented to the Board at this meeting, with such changes and corrections (including, without limitation, changes in the date thereof) that do not materially adversely affect the County's interests as may be approved by the County Administrator or the Chairman of the Board of Supervisors, whose approval shall be evidenced conclusively by the execution and delivery of the First Amendment to the Memorandum of Understanding. The County Administrator and the Chairman of the Board of Supervisors, or either of them, is authorized and directed to execute and deliver the First Amendment to the Memorandum of Understanding.

2. Special Assessment. By agreement among the Board, R150 SPE, LLC, and the CDA, pursuant to the Memorandum of Understanding, the Special Assessments to pay the costs of certain public improvements to benefit property within the CDA District are hereby amended and apportioned in accordance with the Schedule 1 – Revised Special Assessment Roll and Exhibit A – Term Sheet, accompanying the First Amendment to the Memorandum of Understanding, in substantially the form

presented to the Board at this meeting. The CDA shall cause notice of the Special Assessments, as amended, to be reported to the County's Treasurer or other County official responsible for the collection of taxes. The Special Assessments, as amended shall be liens on the taxable real property in the CDA District in accordance with the provisions of Virginia Code Sections 15.2-2404 et seq.

3. No Effect on Real Property Taxes or Administrative Expenses. Nothing in this Ordinance shall in any way affect the assessment or collection of regular County real property taxes on the real property within the CDA District, including but not limited to delinquent regular County real property taxes on the real property within the CDA District, which shall remain due and owing, including penalties and interest thereon, until paid. This Ordinance in no way operates to forgive or abate any past, current, or future regular County real property taxes on the real property within the CDA District, including penalties and interest thereon. Furthermore, nothing in this Ordinance shall in any way affect the assessment or collection of administrative expenses (not to exceed \$10,000 for first year of the Special Assessments and \$7,500 per year thereafter) incurred in the assessment and collection of the Special Assessments, as provided for in paragraph 4(f) of the Memorandum of Understanding dated May 1, 2007.

4. Subsequent Resolution. The Board may make such additional changes or amendments to the Memorandum of Understanding as it determines to be necessary or appropriate by subsequent resolution.

5. Severability. If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or any other assessment hereunder.

6. Effective Date. This Ordinance shall be effective immediately.

Enacted this 9th day of July, 2014.

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Christopher E. Collins	_____	Gene E. Fisher	_____
Charles S. DeHaven, Jr.	_____		

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

THIS FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING (this "First Amendment") is made this _____ day of June, 2014 and shall be effective for all purposes as of the 22nd day of May, 2013, by and among **BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA**, (the "County"), **R 150 SPE LLC**, a Virginia limited liability company (the "Sole Landowner"), and **RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY**, a political subdivision of the Commonwealth of Virginia (the "CDA"), and is consented to by **MUNIMAE TEI HOLDINGS, LLC**, a Maryland limited liability company, as the beneficial owner of 100% of the outstanding principal amount of the hereinafter-defined Series 2007 Bonds (the "Majority Holder").

RECITALS

WHEREAS, the CDA and Regions Bank, as Trustee (the "Trustee") previously executed an Indenture of Trust dated as of May 1, 2007 (the "Indenture"), pursuant to which the CDA issued its \$5,470,000 Special Assessment Bonds, Series 2007A (the "2007A Bonds") and its \$15,685,000 Special Assessment Bonds, Series 2007B (the "2007B Bonds" and, together with the 2007A Bonds, the "Series 2007 Bonds"); and

WHEREAS, the Series 2007 Bonds were issued to finance the costs of certain infrastructure improvements described in the Indenture relating to a mixed-use development to be located on approximately 150 acres in the County of Frederick, Virginia (and comprising the District, as defined in the Indenture), and to fund certain reserves and pay construction period interest, administrative expenses and the costs of issuing the Series 2007 Bonds; and

WHEREAS, as security for repayment of the Series 2007 Bonds, MMA Realty Capital, LLC ("MRC"), Russell 150, LC, as the initial Sole Landowner (the "Initial Landowner") and the Trustee previously executed a Debt Service Reserve Fund Deficiency Agreement dated as of July 1, 2007 (the "DSRF Deficiency Agreement"), pursuant to which MRC agreed to pay to the Trustee certain amounts necessary to maintain the Debt Service Reserve Fund Requirement as provided in the Indenture; and

WHEREAS, in furtherance of and pursuant to an Ordinance enacted by the County on March 9, 2005, the County, the Initial Landowner and the CDA previously executed a Memorandum of Understanding dated as of May 1, 2007 (the "Memorandum"); and

WHEREAS, the Memorandum delineates the manner in which Special Installments (as defined in the Memorandum) will be computed, billed and collected against real property in the Russell 150 Community Development District (the "Russell 150 CDA") to be used to pay principal and interest on the Bonds and Administrative Expenses (as defined in the Memorandum); and

WHEREAS, the Initial Landowner failed to pay a portion of the Special Assessments that were previously due and payable under the terms of the Memorandum; and

WHEREAS, a portion of the original principal amount of the Series 2007 Bonds has been redeemed; and

WHEREAS, the Sole Landowner has succeeded the Initial Landowner as the owner of all of the land comprising the District; and

WHEREAS, the parties hereto desire to amend the Memorandum to provide for the exoneration of a portion of the unpaid Special Assessments and to amend the Special Assessment Roll attached to the Memorandum to provide for the payment of the reduced principal amount of the Series 2007 Bonds, accrued interest thereon, Administrative Expenses, and a portion of the MRC Future Advances advanced by MRC pursuant to the terms of the DSRF Deficiency Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this First Agreement hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are incorporated in this First Amendment and made a part hereof by this reference to the same extent as if set forth herein in full. All section references shall mean the corresponding section of the Memorandum.

2. Definitions. All capitalized terms used herein shall have the meanings given such terms in the Recitals hereto or, if not defined therein, shall have the meanings given such terms in the Memorandum.

3. Clarification of Application of Collections. The parties acknowledge that the CDA sold the Series 2007 Bonds and advanced the proceeds thereof to the Initial Landowner to construct the infrastructure, and that the sole source of repayment of the Series 2007 Bonds are the Special Assessments on the land comprising the District levied by the County at the request of the CDA. The County and CDA further acknowledge that it was their intent that all monies collected in respect of the Special Assessments made upon the land comprising the District for the purpose of enabling the CDA to repay the Series 2007 Bonds were intended to be applied, first, to administrative expenses of the CDA and County (not to exceed \$10,000 in the first bond year and \$7,500 per year in subsequent years, or such other reasonable amount as may be agreed to by the County, CDA, Initial Landowner and MRC); second, to the payment of principal and interest on the Series 2007 Bonds and all other amounts due and payable under the Indenture for the Series 2007 Bonds until all such amounts are paid current; third, to the repayment of any other obligations incurred by the CDA in connection with the Series 2007 Bonds (including the repayment of funds advanced by MRC under its partial guarantee of debt service on the Series 2007 Bonds); and fourth, the balance, if any, after all sums owing by the CDA to any person have been paid in full, to be returned to the County. Thus, for example, to the extent that there are excess funds from penalties and interest, or other assessments, after all sums due and payable under the indenture and by the CDA have been paid in full, such funds may be paid over to the County.

4. Reduction of Bond Amount and Adjustment of Annual Installments. As a result of the Initial Landowner's default in constructing the infrastructure and the subsequent redemption of a portion of the Series 2007 Bonds, the remaining outstanding principal amount of the Series 2007

Bonds has been reduced to \$5,749,000 and an obligation has been incurred by the CDA to repay MRC for guaranty advances in the amount of \$2,062,053 (the "MRC Advance"). The County met on May 22, 2013, and determined that the Rate and Method of Apportionment of Special Assessments and the Annual Installments (each as described in the Memorandum and the bond documents) needed to be revised to correspond to the amounts remaining outstanding as described above. Accordingly, the parties, MRC and the Trustee agreed that the Series 2007 Bonds should be amended to conform to a term sheet and a revised Rate and Method of Apportionment approved at the May 22, 2013 meeting. The parties agreed that the Series 2007 Bonds should be reissued on such terms as soon as practicable and that as of the date thereof and through and including the reissuance date of the Series 2007 Bonds, no penalties and interest shall be due on the Series 2007 Bonds except for the \$2,062,053 described in the term sheet to be used to repay the MRC Advance. Any and all unpaid Special Assessments assessed in respect of the CDA's obligations on the Series 2007 Bonds were to be deemed void, and no amounts are to be assessed in connection with the Series 2007 Bonds in excess of the principal and interest coming due thereon and administrative expenses until the Series 2007 Bonds are reissued, after which assessments shall be made in accordance with the schedule set forth in the modified Rate and Method of Apportionment and the modified bond documents.

5. Continuation of Memorandum. Subject to the clarifications set forth in this First Amendment, the Memorandum remains in full force and effect in accordance with its terms. In the event any conflict arises between the Memorandum and the bond documents for the Series 2007 Bonds as reissued, the terms of the bond documents shall control unless otherwise required by law.

6. Amendments. The Special Assessment Roll attached as Appendix A-1 to the Rate and Method of Apportionment attached to the Memorandum as Exhibit A is hereby deleted in its entirety and replaced with the Special Assessment Roll attached to this First Amendment as Schedule 1 (the "Revised Special Assessment Roll").

7. Ratification of Memorandum. Except as set forth in this First Amendment, all the terms and conditions contained in the Memorandum are hereby ratified and shall remain in full force and effect. In the event that any of the terms, conditions and provisions of this First Amendment shall conflict with any of the terms, conditions and provisions of the Memorandum, then, and in such event, the terms, conditions and provisions of this First Amendment shall prevail and be controlling. Hereafter, all references to the Memorandum shall mean the Memorandum as amended by this First Amendment.

8. Effective Date of First Amendment. The effective date of this First Amendment shall be May 22, 2013.

9. Counterparts. This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed to be a single instrument.

10. Applicable Law. This First Amendment shall be governed by the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, and intending to be legally bound, the County, the Sole Landowner and the CDA have caused this First Amendment to be executed on their behalf by their duly authorized representatives as of the date set forth above.

WITNESS:

COUNTY:

BOARD OF SUPERVISORS OF THE COUNTY
OF FREDERICK, VIRGINIA

By: _____
Name: _____
Title: _____

SOLE LANDOWNER:

R 150 SPE LLC,
a Virginia limited liability company

By: _____
Name: _____
Title: _____

CDA:

RUSSELL 150 COMMUNITY DEVELOPMENT
AUTHORITY

By: _____
Name: _____
Title: _____

[Signature Page to First Amendment to Memorandum of Understanding -
Continued on Next Page]

CONSENT

As required by the terms of Section 9.3 of the Indenture, the undersigned hereby executes this First Amendment to evidence its approval of the terms of this First Amendment.

MAJORITY HOLDER:

MUNIMAE TEI HOLDINGS, LLC

By: _____
Name: _____
Title: _____

[Signature Page to First Amendment to Memorandum of Understanding -
Continued from Previous Page]

Schedule 1
Revised Special Assessment Roll

Bond Year Ending	Revised Principal Payment	Revised Interest	Reimbursement to the Bondholder	Estimated Administrative Expenses ¹	Estimated Annual Installment
1-Mar-14	\$113,000	\$379,434		\$65,784	\$558,218
1-Mar-15	\$122,000	\$371,976		\$44,460	\$538,436
1-Mar-16	\$129,000	\$363,924		\$45,149	\$538,073
1-Mar-17	\$137,000	\$355,410		\$45,852	\$538,262
1-Mar-18	\$147,000	\$346,368		\$46,569	\$539,937
1-Mar-19	\$157,000	\$336,666		\$47,300	\$540,966
1-Mar-20	\$167,000	\$326,304		\$48,046	\$541,350
1-Mar-21	\$177,000	\$315,282		\$48,807	\$541,089
1-Mar-22	\$188,000	\$303,600		\$49,583	\$541,183
1-Mar-23	\$201,000	\$291,192	\$500,000	\$50,375	\$1,042,567
1-Mar-24	\$215,000	\$277,926	\$500,000	\$51,183	\$1,044,109
1-Mar-25	\$229,000	\$263,736	\$500,000	\$52,006	\$1,044,742
1-Mar-26	\$243,000	\$248,622	\$500,000	\$52,846	\$1,044,468
1-Mar-27	\$260,000	\$232,584	\$62,053	\$53,703	\$608,340
1-Mar-28	\$277,000	\$215,424		\$54,577	\$547,001
1-Mar-29	\$296,000	\$197,142		\$55,469	\$548,611
1-Mar-30	\$315,000	\$177,606		\$56,378	\$548,984
1-Mar-31	\$337,000	\$156,816		\$57,306	\$551,122
1-Mar-32	\$358,000	\$134,574		\$58,252	\$550,826
1-Mar-33	\$382,000	\$110,946		\$59,217	\$552,163
1-Mar-34	\$406,000	\$85,734		\$60,201	\$551,935
1-Mar-35	\$434,000	\$58,938		\$61,205	\$554,143
1-Mar-36	\$459,000	\$30,294		\$62,229	\$551,523
Total	\$5,749,000	\$5,580,498	\$2,062,053	\$1,226,499	\$14,618,050

¹ Administrative expense for bond year ending March 1, 2014 include estimated cost to do the audit (\$25,000 for 2008 through 2012), arbitrage rebate report (\$1,250), and estimated annual CDA expenses. The administrative expense budget for subsequent years is based on the original estimate of the annual administrative expenses of the CDA. A contingency of \$10,000 is also included as part of the annual CDA expense fund budget in the event of delinquencies and unexpected expenses.

**Exhibit A Term
Sheet**

The following is intended to set forth the general terms under which the remaining outstanding principal balance of the Russell 150 Community Development Authority Special Assessment Bonds Series 2007A and Series 2008B (the "Bonds") will be repaid. The parties will use reasonable efforts to accommodate the terms set forth below without the need to refund the Bonds, and if possible, within the confines of the existing bond documents without the need to have a reissuance for tax purposes.

Outstanding Principal Balance:	\$5,749,000
Guarantor Advances:	\$2,062,053
Delinquent Assessments:	\$5,379,282
Payment of Delinquent Assessments:	Delinquent assessments will be repaid.
Bondholder Advance Reimbursement:	Beginning in 2022, Russell 150 Community Development Authority (the "Authority") will request and Frederick County (the "County") will issue additional assessments of \$500,000 per year for four years and \$62,053 for one year to be applied by the Authority to the repayment in full of the Guarantor Advances.
Interest Rate:	6.60% (unchanged)
Amortization:	The Authority shall request and the County will issue assessments sufficient to amortize the outstanding principal balance of the Bonds, as of the date of the restructuring, over the remaining term of the Bonds, in accordance with the amortization schedule attached as Exhibit B to the MuniCap, Inc. memorandum of March 13, 2013, all in accordance with the existing Bond documents to the maximum extent possible.
Accrued but Unpaid Interest:	Going forward, any accrued but unpaid interest on the bonds from and after the date of the restructuring shall bear interest as provided in the existing Bond documents. Such interest on interest shall be paid from

interest on delinquent special assessments, to the extent available.

Acceleration and Foreclosure:

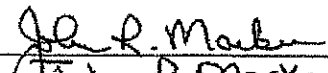
For as long as all of the property in the Russell 150 District has only one owner, the Authority shall have, in addition to the right to foreclose on the property to collect overdue assessments, the right to accelerate the entire unpaid principal amount of the Bonds, but only to the extent permitted under the Bond documents (including any Supplemental Indentures) and only at the direction of a majority in interest of the bondholders, and to apply the proceeds of foreclosure in satisfaction of all accrued but unpaid interest and, if accelerated, the entire outstanding principal amount of the Bonds.

(Signatures appear on following page)

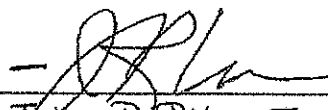
R150 SPE LLC

By: _____
Name: _____
Title: _____

RUSSELL 150 COMMUNITY DEVELOPMENT
AUTHORITY

By: 
Name: John R. Marker
Title: Chairman

FREDERICK COUNTY, VIRGINIA

By: 
Name: John R. Riley, Jr.
Title: County Administrator

REGIONS BANK, AS BOND TRUSTEE

By: _____
Name: _____
Title: _____

(Signature Page to Russell 150 Bond Restructuring Term Sheet)

H



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *C.E.P.*

SUBJECT: Public Hearing – Private Streets in the R5 Zoning District

DATE: June 24, 2014

Staff has received a second request to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) Zoning District. Currently, the use of private streets in the R5 District is only permitted within age-restricted communities and only if approved by the Board of Supervisors. The age-restricted private street allowance was added into the R5 Zoning District in 2000, along with a number of other revisions that were requested by Dogwood Development Group (prior owner of the Shenandoah Development (Wheatlands)). The changes in 2000 were approved to allow increased flexibility and alternative designs in the R5 District while recognizing that an age-restricted development would have a reduced impact on capital facilities. Prior to the adoption of the age-restricted private street allowance, the use of public streets was mandatory for all new developments in the R5 District.

If approved, this amendment would apply to all land zoned R5 (Residential Recreational Community) Zoning District. The developments that currently have this zoning are Shenandoah, Lake Holiday, Shawneeland, Mountain Falls Park, and Autumn Hills Estates. While these developments currently utilize private streets, it should be noted there are undeveloped (large lot) sections within some of these developments zoned R5 that could potentially utilize the waiver request. New Master Development Plans and approval of a private street waiver would be required.

History – First Request

A previous request for private streets was discussed by the DRRC in October 2012; at that time the DRRC endorsed the proposed text amendment. The Planning Commission, Public Works Committee, the Transportation Committee, and the Board of Supervisors also discussed this item in 2012 and 2013. Ultimately, the Board of Supervisors declined to send the requested amendment forward for public hearing. The applicant has since requested another review of the text amendment and the discussion was moved forward by the Board of Supervisors.

2014 Transportation Committee Discussions

The Transportation Committee discussed this proposed change at their February 2014 meeting and forwarded it to the DRRC for comment. The DRRC discussed the requested amendment at their March 2014 meeting; the minutes from the DRRC meeting are attached. The DRRC expressed concern about maintenance of the private streets and the potential for HOA's to go defunct and subsequently request

the County to take over the streets. The Transportation Committee discussed the item again at their April 2014 meeting and forwarded the amendment to the Board of Supervisors with no action.

May 7, 2014 Planning Commission Discussion

This item was discussed by the Planning Commission at their meeting on May 7, 2014. Commissioners expressed the need for specificity in the language of not just the R5 ordinance, but the broader ordinance, if private roads are allowed in non-age-restricted communities, in which it is clearly detailed that private streets need to be designed and constructed in accordance with all VDOT standards, particularly including the structural section, material quality, drainage, vertical and horizontal sections, etc., and be verified by an independent engineer. In addition, the deed should specifically state the streets meet VDOT standards and the maintenance and improvements of drainage systems and snow removal is the responsibility of the HOA. Furthermore, a mechanism should be included whereby these responsibilities are recognized by the buyer of the lot and they will be responsible for all costs associated with maintenance and snow removal. Commissioners wanted the private roads to be constructed to a high quality that would last over time and avoid roads constructed to sub-quality standards. Their rationale was that if the road was constructed to a high standard, it would protect those people buying into the private road community and the remaining county residents, in the event the HOA would become defunct and VDOT needed to take over the roads. Conversely, it was pointed out that constructing a road to VDOT standards today would not guarantee it would be accepted into the State's system in future years because the State's criteria frequently changes.

Three residents of the Lake Frederick community came forward to address the Commission and noted the issue centers around Phase 2 of Lake Frederick, which is a blend of age-restricted and non-age restricted communities. These residents spoke about incidences relating to non-residents staying overnight at the lake area and/or driving through the residential areas looking for the lake, and drug situations. This was why the gated concept was important to many of the residents; however, a gate cannot be placed across a public road. It was also believed that specific criteria were needed so the homeowners know what to expect in order to meet their financial obligations regarding the maintenance of the roads, along with the agreement between the developer and the VDGIF, the promised community center, and other amenities not yet constructed, once the developer pulls out. It was noted the newly developed area, with non-age-restricted homes, may have 750 to 1,000 residences, which will generate a significant contribution to the HOA.

The Developer's representative explained the original community was approved as a gated community with private roads and the intent is to continue development as a gated community, but this can't be accomplished without private roads. He stated the existing private streets are built to a very exacting standard that meets or exceeds the standard for depth of pavement and the roads also satisfy all drainage requirements. The message the developer received was the private streets need to be constructed so they last and this is what they are doing. In addition, detail was added to the proposed ordinance as a result of various committee meetings and included requirements for depth of pavement and verification by a certified Virginia engineer. Also included is a requirement for capital reserve studies on a bi-annual basis to guarantee reserve funds for future road maintenance. He pointed out, however, the developer has an issue with the horizontal aspect of road construction because he intentionally does not want to construct massive roads enabling high-speed travel; the intent is to slow down traffic. It was also noted the majority of residents want to keep their community gated, not just on one side of the lake, but on both sides. The developer is in favor of including specific standards to ensure private roads are

constructed to last, but does not want to build VDOT roads. (Note: Commissioners Mohn, Dunlap, and Unger were absent from the meeting.)

May 28, 2014 Board of Supervisors Discussion

This item was discussed by the Board of Supervisors at their meeting on May 28, 2014. Four citizens spoke at the beginning of the meeting requesting the item be sent forward for public hearing. The Board of Supervisors expressed concern with the long term maintenance of the streets and concern that streets may be too narrow for on-street parking. Ultimately, the Board of Supervisors sent the item forward for public hearing.

June 18, 2014 Planning Commission Public Hearing Summary & Action

Seven residents of Lake Frederick came forward to speak during the public hearing, plus one email communication was received for the record. All of the residents supported private roads throughout the Lake Frederick community, for both age-restricted and non-age-restricted sections. They believed it would eliminate complexities in the governance, management, and maintenance of the streets that a mix of public and private streets would create. They assured the Commission the HOA and residents completely understand the financial obligations and reserve requirements for street maintenance. In addition, the residents believed that private streets throughout the community would provide the security homeowners expected, as well as a sense of cohesiveness and community among residents.

The developer's representative also spoke in support of the proposed amendment. However, he was opposed to requiring the private streets to meet the horizontal standards for a public street. He said the intention was for narrower private streets to decrease vehicular speed and to eliminate the possibility of roads being accepted into the public system.

Members of the Commission expressed concern with the language in the two options presented within the agenda, particularly, "...paving designs, based on actual CBR's will be provided to the County for approval." Commissioners did express support of the amendment only with the following qualifications: The private roads must meet VDOT standards for the following five items: 1) structural section design; 2) material composition and quality; 3) construction standards, techniques, and workmanship quality; 4) drainage and storm water management systems; 5) all the design, testing and materials, and in-place quality testing and as-built drawings for the road system must be certified by the developer, the builder, and a registered professional engineer in the State of Virginia, that the roads meet all of VDOT structural and quality standards, and the plans are submitted to the Frederick County Engineer and the Frederick County Planning Department. The Commission believed that if the developer was required to meet these standards, the residents and future home buyers will have roads with quality and durability and will have only minimal road maintenance costs over the next 20 years. It was noted that if narrower streets were desired, VDOT has standards for alleyways and narrower streets which the developer could follow. A motion for approval was made and seconded to include these five specific qualifications within the ordinance amendment and was unanimously passed. (Note: Commissioner Mohn abstained; Commissioners Kenney, Triplett, and Dunlap were absent from the meeting.) **Staff has received one letter from a Shenandoah resident since the Planning Commission public hearing, this letter has been attached.**

Conclusion

The amendment proposes to allow the use of private streets within all developments in the R5 District, but would still require Board of Supervisors approval. At the Planning Commission's June 18th meeting, they recommended the amendment be approved provided that the text be changed to require the private roads to meet VDOT standards for the following items: 1) structural section design; 2) material composition and quality; 3) construction standards, techniques, and workmanship quality; 4) drainage and storm water management systems; 5) all the design, testing and materials, and in-place quality testing and as-built drawings for the road system must be certified by the developer, the builder, and a registered professional engineer in the State of Virginia, that the roads meet all of VDOT structural and quality standards, and the plans are submitted to the Frederick County Engineer and the Frederick County Planning Department.

The attached document shows the existing ordinance with the proposed changes (with strikethroughs for text eliminated and bold italic for text added). **This proposed amendment is being presented to the Board of Supervisors as a public hearing item. A decision by the Board of Supervisors on this proposed Zoning Ordinance text amendment is sought.** Please contact me if you have any questions.

Attachments:

- 1. Proposed Revisions recommended by the Planning Commission**
- 2. Correspondence from Supervisors Wells**
- 3. Applicant Request Letter**
- 4. Letters from Shenandoah Residents**
- 5. DRRC Minutes – March 2014**
- 6. Transportation Committee Reports – February 2014, April 2014**
- 7. Resolution**

CEP/pd/rsa

ARTICLE V
PLANNED DEVELOPMENT DISTRICTS

Part 502 – R5 Residential Recreational Community District

§ 165-502.05 Design requirements.

F. Open space. A minimum of 35% of the gross area of any proposed development shall be designated as common open space. This open space shall be for purposes of environmental protection and for the common use of residents of the development. No more than 50% of the required open space shall be within lakes and ponds, wetlands or steep slopes. The Board of Supervisors may allow a larger amount of steep slopes to be utilized where the developer can demonstrate a viable plan for the use of these areas. ~~Where age-restricted~~ When communities are approved with private streets, a minimum of 45% of open space shall be required.

K. Streets. The residential recreational community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation. The road system shall conform with the Frederick County Comprehensive Policy Plan and with road improvement plans adopted by the County.

(1) Within any portion of a residential recreational community ~~which qualifies as an age-restricted community~~, the Board of Supervisors may **waive the public street requirement and** allow for the installation of private streets, ~~provided that all streets conform to the construction details and materials of the Virginia Department of Transportation Standards and that.~~ A program for the perpetual maintenance of all streets is provided which is acceptable to the Board of Supervisors and the Transportation Planner. **All private streets shall meet the following VDOT standards:**

- i. All structural section design standards;**
- ii. Material composition and quality standards;**
- iii. Construction standards, techniques, and workmanship quality standards;**
- iv. Drainage and storm water management systems;**
- v. All the design, testing and materials, and in-place quality testing and as-built drawings for the road system must be certified by the developer, the builder, and a registered professional engineer in the State of Virginia, that the roads meet all of VDOT structural and quality standards, and the plans are submitted to the Frederick County Engineer and the Frederick County Planning Department.**

(a) Three classes of private streets ~~shall be permitted in age-restricted communities and~~ shall be identified on a MDP as follows:

[1] Greenways. All private streets with a projected ADT of over 3,000 shall have a minimum right-of-way of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. Along the portions of right-of-way which

ATTACHMENT 1
Planning Commission Recommendation

abut mature woodland, the Planning Director may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).

[2] Neighborhood collectors. All private streets with a projected ADT of over 400 shall have a minimum right-of-way of 50 feet and may have lot frontage. Neighborhood collectors shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 mph.

[3] Local streets. All private streets with a projected ADT of 400 or less shall have a minimum right-of-way of 30 feet and may have lot frontage. Local streets shall be lined with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 20 mph.

~~(b) The subdivision design plans and final subdivision plats for all lots contained within an age-restricted community that utilize private roads shall include the following language:~~

~~The proposed private streets will not be maintained by the Virginia Department of Transportation or the County of Frederick. The maintenance and improvement of said private streets shall be the sole responsibility of the owners of the lots within the age-restricted community which are provided access via the private streets.~~

(b) **Developments utilizing private streets shall meet the following conditions:**

[1] The plan for the development shall include 1000 or more planned lots.

[2] The subdivision design plans and final subdivision plats for all lots that utilize private streets shall include language that states "The private streets within this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or Frederick County. Frederick County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of the private streets within this development. The maintenance and improvement of said private streets shall be the sole responsibility of the property owners' association".

[3] The developer shall establish a reserve fund dedicated solely for the maintenance of the private streets within the development. The reserve fund shall consist of a specified percentage of all dues collected from the residents as determined by the developer. The percentage may be reduced by the developer or the property owners' association only after a reserve study has been completed and said study shows that a lesser amount is necessary to maintain the private street system within the development. The property owners' association shall complete a capital reserve study on a bi-annual basis

and such study will be used as the basis of the reserve funding. Such reserve study shall be held at the office of the property owners' association and available for review by the County, if requested.

[4] Sales brochures or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(2) Within R-5 residential recreation community developments approved prior to 1980, the Board of Supervisors may allow the extension of existing private roads if no other means of access is available.

(3) Within developments utilizing private streets, a certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to bond release, the certified professional engineer, licensed in the State of Virginia, shall provide the county with certification that the bonded phase or section of construction met density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.

L. Curb and gutter. All public and private streets shall be provided with curb and gutter.

ROBERT W. WELLS
5114 Laura Drive
Stephens City, Virginia 22655

January 29, 2014

Mr. Charles S. (Chuck) DeHaven, Jr.
Frederick County, Va. Supervisor, Stonewall District
Representative Supervisor, Transportation Committee
2077 Martinsburg Pike
Winchester, Virginia 22603

REFERENCE: Shenandoah Development (Lake Frederick) request for private streets

Chuck:

Please find enclosed copies of the formal request for the above from Lawson and Silek, P.L.C. and an email that I received from Mr. Charlie Harmon, resident of Lake Frederick expressing his feeling about private streets in his community. From what I have been able to ascertain so far approximately 90% of the current residents are in favor of having private roads.

I have spoken to Mr. Lawson and the current owner/developers to listen to their request. On all occasions I have expressed my desire for them to be able to assure me and the other board members that MREC and Lansdowne Development have the finances,(reserve fund) and experience necessary in installing and maintaining private streets that will assure this request success.

At present one section of this development is already "Gated" and MREC and Lansdowne Development have expressed their intentions in installing a gated situation for the second section. I am presenting this information because I have been told that VDOT will not accept nor maintain roads in a Gated Community. I will rely on the Transportation Committee's resources determine if this is true.

I would support this request based on receipt of the necessary assurances from MREC and Lansdowne and the approval from Transportation. If after reviewing the enclosed you need additional information please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Bob".

Robert W. (Bob) Wells

LAWSON AND SILEK, P.L.C.

120 EXETER DRIVE, SUITE 200
POST OFFICE BOX 2740
WINCHESTER, VA 22604
TELEPHONE: (540) 665-0050
FACSIMILE: (540) 722-4051

THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

October 1, 2013

Mr. Robert W. Wells
Frederick County Board of Supervisors
5114 Laura Drive
Stephens City, VA 22655

Re: Shenandoah Development
Our File No. 1211.001

VIA E-MAIL AND U.S. MAIL

Dear Supervisor Wells:

It was very nice meeting with you last week to discuss the new development at Shenandoah. This is to confirm that the owners, MREC Shenandoah VA, LLC and MREC Shenandoah Investment, LLC (collectively "MREC"), would like to formally request that the Board of Supervisors consider a waiver to allow for private streets throughout the entire Shenandoah community and not just in the age-restricted areas. MREC is committed to installing private streets that have a depth of pavement that meets or, in many cases, exceeds VDOT's standards. Its goal is to create a private, gated community that benefits the residents and also helps to create an exclusive community feel. MREC and Lansdowne Development Group have had a significant amount of experience installing and maintaining private streets in other communities and look forward to doing the same at Shenandoah.

For your convenience, I enclose a draft ordinance which we would ask be considered by the Board of Supervisors and allowed to be advertised for a public hearing.

Thank you for your assistance and cooperation. After you have considered this request, please feel free to call with any questions.

Very truly yours,


Thomas Moore Lawson

TML:jk

Enclosure

cc: Lansdowne Development Group

LAWSON AND SILEK, P.L.C.

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March 21, 2014

John Bishop, AICP
Deputy Director, Transportation
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Our File No. 1211.001

VIA E-MAIL

Dear John:

This is a follow-up to our telephone conversation earlier today concerning the revised private streets ordinance. I enclose a redlined and clean version of the revised ordinance, which adds more language to the meeting or exceeding VDOT depth of pavement road standards and also spells out a rather unique mechanism to ensure there are sufficient funds being held in escrow within the HOA to address maintenance issues for the private streets. Lansdowne has found through its experiences dealing with communities with private streets that it is a good idea to impose an obligation on the HOA to revisit its capital reserve needs on at least a bi-annual basis to ensure sufficient funds are being escrowed to address all maintenance and upkeep issues associated with the roads. Further still, they believe that engaging a certified professional engineer as part of the installation of private streets will assure that the roads are constructed in a sufficient manner to keep them in good service and operation. Interestingly, ensuring proper installation keeps the cost down associated with ongoing maintenance.

It is our thought that if this revised language in the ordinance meets with the approval of the Transportation Committee and DRRC then this ordinance would be appropriate for consideration and approval by the Board of Supervisors. If we are able to proceed in this manner, we will be able to avoid having the matter come back to the Transportation Committee (in April) after the DRRC meets next Thursday.

John Bishop, AICP
Deputy Director, Transportation
March 21, 2014
Page 2

Thank you for your continued assistance and cooperation. As always, if you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

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

Thomas Moore Lawson

TML:atd
Enclosures

LAWSON AND SILEK, P.L.C.

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April 25, 2014

John Bishop, AICP
Deputy Director, Transportation
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Private Streets
Our File No. 1211.001

VIA E-MAIL

Dear John:

In getting ready for Monday's Transportation Committee meeting, I think it is a good idea to review where we have been. As you know, at the conclusion of Monday's meeting, the issue of continuing private streets in the Lake Frederick/Shenandoah/Lansdowne community will have been to the DRRC two times, the Transportation Committee three times, the Public Works Committee two times, the Planning Commission one time and the Board of Supervisors two times. I cannot help but point out that it always seemed odd that we needed an ordinance to allow for private streets in a community where we already have private streets and an ordinance that enables same. Of course, the existing ordinance has standards built into it such as minimum depth of road sections, but as we have gone through the process and been asked to make revisions to the new ordinance, we have done so and added additional engineering and financial standards to allow for the continuation of private streets in this community. The developer and owner have done this because the property owners in the community have been adamant that they want to continue and finish this community with private streets and as a gated community.

Although proceeding in this manner puts an additional cost on the owner and developer, they have remained constant in their desire to deliver private streets throughout this gated community. To this point, the only additional response or comment that we have heard from Committee members has been that there should be a guarantee that there will not be some future resident to demand that the County or some other public entity take over these streets. As we all know there are no guarantees in life, but certainly the track record for this community has been

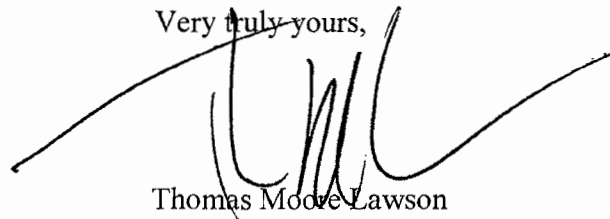
John Bishop, AICP
Deputy Director, Transportation
April 25, 2014
Page 2

that not only is there not a demand by any resident for public roads, but in fact, the demand has been just the opposite. Further still, construction that meets or exceeds the existing private street standards has demonstrated that there are private roads of superior quality in the community.

Again, although we have heard comments about this "guarantee," we have not received any substantive request from any Committee members as to additional language that ought to be added to the revised ordinance. Certainly if any member of the Transportation Committee has such a suggestion, we would be more than willing to entertain it and add it to the text. In any event, however, it does appear that we are finally at a point where the ordinance to allow the completion of private streets in the Lake Frederick/Shenandoah/Lansdowne community needs to go forward to the Board of Supervisors so this community can be finished with the high quality standards that have already been established.

Thank you for your continued assistance and cooperation. As always, if you have any questions or comments, please do not hesitate to contact me. I look forward to Monday's Transportation Committee meeting and recommendation to the Board of Supervisors.

Very truly yours,

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

Thomas Moore Lawson

TML;jk

LAWSON AND SILEK, P.L.C.

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THOMAS MOORE LAWSON • T.LAWSON@LSPLC.COM

May 8, 2014

Candice Perkins, Senior Planner
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Our File No. 1211.001

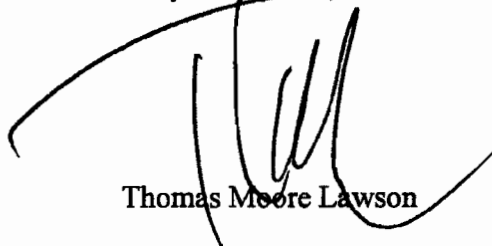
VIA E-MAIL

Dear Candice:

I received your e-mail of yesterday advising that the draft ordinance included in the Planning Commission's packet was the same as what was attached to my letter of March 21, 2014. I realize this matter has dragged on, but there have been various versions of the ordinance and the one included in the packet is not the most current version. After sitting through last night's meeting, I believe it would be helpful to the Planning Commissioners and Board of Supervisors' members if they have the most current revised ordinance for review. Accordingly, I enclose both redline and clean versions, which were attached to my letter to John Bishop dated March 21, 2014, for circulation to the Commission and Board members. Please note this is the version that was most recently presented to and considered by the DRRC and Transportation Committee.

Thank you for your anticipated assistance and cooperation.

Very truly yours,



Thomas Moore Lawson

TML:atd
Enclosures

LAWSON AND SILEK, P.L.C.

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THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

May 28, 2014

Candice Perkins, Senior Planner
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Our File No. 1211.001

VIA E-MAIL

Dear Candice:

I have reviewed the agenda packet for tonight's Board of Supervisors' hearing and note that while my cover letter to you of May 8, 2014 is included in the packet, the enclosures to that letter, namely the redlined and clean versions of the proposed ordinance, are not. As I have previously stated, I believe it would be beneficial to the Board members to have the latest revised language, which is a result of comments from the DRRC and Transportation Committee. To that end, once again I enclose both the redlined and clean versions of the proposed ordinance for circulation to the Board of Supervisors for tonight's hearing.

Thank you for your anticipated assistance and cooperation.

Very truly yours,


Thomas Moore Lawson

TML:atd
Enclosures

Chapter 165. ZONING

ARTICLE V. Planned Development Districts

Part 502. R5 Residential Recreational Community District

§ 165-502.05. Design requirements.

F. Open space. A minimum of 35% of the gross area of any proposed development shall be designated as common open space. This open space shall be for purposes of environmental protection and for the common use of residents of the development. No more than 50% of the required open space shall be within lakes and ponds, wetlands or steep slopes. The Board of Supervisors may allow a larger amount of steep slopes to be utilized where the developer can demonstrate a viable plan for the use of these areas. ~~Where age-restricted~~ When communities are approved with private streets, a minimum of 45% of open space shall be required.

[Amended 9-26-2012]

K. Streets. The residential recreational community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation. The road system shall conform with the Frederick County Comprehensive Policy Plan and with road improvement plans adopted by the County.

[Amended 9-26-2012]

(1) Within any portion of a residential recreational community which qualifies as an age-restricted community, the Board of Supervisors may waive the public street requirement and allow for the installation of private streets, provided that all road sections meet the minimum thickness based on the Virginia Department of Transportation pavement design standards, all storm sewer, signage, guardrails, and any other accessory features shall be designed following the VDOT Manual of Road and Bridge Standards, streets conform to the construction details and materials of the Virginia Department of Transportation Standards Paving designs, based on actual CBR's will be provided to the County for approval. and that a program for the perpetual maintenance of all streets by the property owner's association will be provided which is acceptable to the Board of Supervisors and the Transportation Planner.

(a) Three classes of private streets shall be permitted in age-restricted communities and shall be identified on a MDP as follows:

[1] Greenways. All private streets with a projected ADT of over 3,000 shall have a minimum right-of-way of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. Along the portions of right-of-way which abut mature woodland, the Planning Director

may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).

[2] Neighborhood collectors. All private streets with a projected ADT of over 400 shall have a minimum right-of-way of 50 feet and may have lot frontage. Neighborhood collectors shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 mph.

[3] Local streets. All private streets with a projected ADT of 400 or less shall have a minimum right-of-way of 30 feet and may have lot frontage. Local streets shall be lined with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 20 mph.

~~(b) The subdivision design plans and final subdivision plats for all lots contained within an age-restricted community that utilize private roads shall include the following language:~~

~~The proposed private streets will not be maintained by the Virginia Department of Transportation or the County of Frederick. The maintenance and improvement of said private streets shall be the sole responsibility of the owners of the lots within the age-restricted community which are provided access via the private streets.~~

(b) Developments utilizing private streets shall meet the following conditions:

[1] The plan for the development shall include 1000 or more planned lots.

[2] The subdivision design plans and final subdivision plats for all lots that utilize private streets shall include language that states "The private streets within this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or Frederick County. Frederick County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of the private streets within this development. The maintenance and improvement of said private streets shall be the sole responsibility of the property owners' association."

[3] The developer shall establish a reserve fund dedicated solely for the maintenance of the private streets within the

development. The reserve fund shall consist of a specified percentage of all dues collected from the residents as determined by the developer. The percentage may be reduced by the developer or the property owners' association only after a reserve study has been completed and said study shows that a lesser amount is necessary to maintain the private street system within the development. The property owners' association shall complete a capital reserve study on a bi-annual basis and such study will be used as the basis of the reserve funding. Such reserve study shall be held at the office of the property owners' association and available for review by the County, if requested.

[4] Sales brochures or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(2) Within R-5 residential recreation community developments approved prior to 1980, the Board of Supervisors may allow the extension of existing private roads if no other means of access is available.

(3) Within developments utilizing private streets, a certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to bond release, the certified professional engineer, licensed in the State of Virginia, shall provide the County with certification that the bonded phase or section of construction met density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.

L. Curb and gutter. All public and private streets shall be provided with curb and gutter.

Chapter 165. ZONING

ARTICLE V. Planned Development Districts

Part 502. R5 Residential Recreational Community District

§ 165-502.05. Design requirements.

F. Open space. A minimum of 35% of the gross area of any proposed development shall be designated as common open space. This open space shall be for purposes of environmental protection and for the common use of residents of the development. No more than 50% of the required open space shall be within lakes and ponds, wetlands or steep slopes. The Board of Supervisors may allow a larger amount of steep slopes to be utilized where the developer can demonstrate a viable plan for the use of these areas. When communities are approved with private streets, a minimum of 45% of open space shall be required.

[Amended 9-26-2012]

K. Streets. The residential recreational community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation. The road system shall conform with the Frederick County Comprehensive Policy Plan and with road improvement plans adopted by the County.

[Amended 9-26-2012]

(1) Within any portion of a residential recreational community, the Board of Supervisors may waive the public street requirement and allow for the installation of private streets, provided that all road sections meet the minimum thickness based on the Virginia Department of Transportation pavement design standards, all storm sewer, signage, guardrails, and any other accessory features shall be designed following the VDOT Manual of Road and Bridge Standards. Paving designs, based on actual CBR's will be provided to the County for approval. A program for the perpetual maintenance of all streets by the property owner's association will be provided which is acceptable to the Board of Supervisors and the Transportation Planner.

(a) Three classes of private streets permitted shall be identified on a MDP as follows:

[1] Greenways. All private streets with a projected ADT of over 3,000 shall have a minimum right-of-way of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. Along the portions of right-of-way which abut mature woodland, the Planning Director may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT

criteria for subdivision streets with a design speed of 30 miles per hour (mph).

[2] **Neighborhood collectors.** All private streets with a projected ADT of over 400 shall have a minimum right-of-way of 50 feet and may have lot frontage. Neighborhood collectors shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 mph.

[3] **Local streets.** All private streets with a projected ADT of 400 or less shall have a minimum right-of-way of 30 feet and may have lot frontage. Local streets shall be lined with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 20 mph.

(b) **Developments utilizing private streets shall meet the following conditions:**

[1] The plan for the development shall include 1000 or more planned lots.

[2] The subdivision design plans and final subdivision plats for all lots that utilize private streets shall include language that states "The private streets within this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or Frederick County. Frederick County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of the private streets within this development. The maintenance and improvement of said private streets shall be the sole responsibility of the property owners' association."

[3] The developer shall establish a reserve fund dedicated solely for the maintenance of the private streets within the development. The reserve fund shall consist of a specified percentage of all dues collected from the residents as determined by the developer. The percentage may be reduced by the developer or the property owners' association only after a reserve study has been completed and said study shows that a lesser amount is necessary to maintain the private street system within the development. The property owners' association shall complete a capital reserve study on a bi-annual basis and such study will be used as the basis of the reserve funding. Such reserve study shall

be held at the office of the property owners' association and available for review by the County, if requested.

[4] Sales brochures or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(2) Within R-5 residential recreation community developments approved prior to 1980, the Board of Supervisors may allow the extension of existing private roads if no other means of access is available.

(3) Within developments utilizing private streets, a certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to bond release, the certified professional engineer, licensed in the State of Virginia, shall provide the County with certification that the bonded phase or section of construction met density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.

L. Curb and gutter. All public and private streets shall be provided with curb and gutter.

June Wilmot

From: june.wilmot@verizon.net
Sent: Monday, June 16, 2014 3:09 PM
To: june.wilmot@verizon.net
Subject: Frederick County Email from Frederick County Website

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

Form Name: Email Planning Commission Chairman - June Wilmot
Date & Time: 06/16/2014 3:08 PM
Response #: 5
Submitter ID: 5583
IP address: 24.127.83.216
Time to complete: 21 min. , 43 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

LARRY & JANICE ATKINSON

2. Your Email

latkinson2000@gmail.com

3. Your Phone Number

540-868-8245

4. Subject

PRIVATE STREETS IN R5 ZONED DISTRICTS

5. Message

Ms. Wilmot (copy to Commissioners Thomas and Molden):

Our letter of 4/29/2014 to Supervisor Wells, with copy to you, is in the 6/18/2014 Planning Commission agenda package. We do not plan to speak at the public hearing as (a) all Commissioners have seen our position on the county code change proposed by Lansdowne Development Group and (b) all Commissioners heard Larry's remarks at your recent meeting.

We still are of the opinion that the county code must be modified to require a developer or a HOA to submit documentation that clearly shows the community can meet all significant, future financial obligations -- not just setting up a capital reserve

fund solely for private streets maintenance and repairs. We hope the Planning Commission will forward such a recommendation to the Board of Supervisors.

Our recent discussions with a Lansdowne representative indicates they have hired a consultant to do a forward-looking analysis of Shenandoah's financial future for several years. That analysis and its results should be required at the time of the county's consideration of the Lansdowne's permit request.

Finally, we are in complete agreement with the Planning Department's alternative proposal that these private streets are be built to all current VDOT standards in every respect. We have visited Shawneeland, and though we believe Lansdowne will build much better streets than at Shawneeland, we would not want private streets built to standards other than complete VDOT standards.

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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Private Streets Remarks
Charlie Harmon

My name is Charlie Harmon. I reside at Lake Frederick in Opequon District (pronounced Oh-PECK-In). I want to speak on the private road request for our Lake Frederick community currently before the County. I am speaking on behalf of the residents of our community, a number of whom are present here tonight. [Point to the audience and ask them to identify themselves by a show of hands.]

Our current residents all bought our homes expecting a private, gated age-restricted community of some 2,100 residences. The advantages of such a community were re-enforced to us when, on November 29, 2010, the County Board of Supervisors held a Community Forum at Lake Frederick to, among other things, stress the benefits of private streets – including enabling creative designs such as narrower streets, on-street parking areas, and enhanced street side landscaping and landscaped central parks.

However, given recent changes in market conditions, we recognize that completing the full development of our community will require addressing the market for both age-restricted and non-restricted homebuyers.

The ordinance change and waiver requested by our developer, Lansdowne Development Group, will enable us to keep the gated community design we all bought into, and will avoid what could be management and coordination challenges in a mixed community of private and public streets. Consider, for example the challenges associated with managing snow removal. With a mix of public and private streets throughout the community VDOT and our

**Private Streets Remarks
Charlie Harmon**

private snow removal contractors will have to determine where at various intersections, one's responsibility ends and the other's begins. Similar issues may arise on maintenance of signage and streetlights.

We fully understand the financial obligations of the HOA for private street repairs and maintenance and we all bought our properties with full disclosure of those obligations. We have for several years, under the guiding hand of an experienced and knowledgeable Budget and Finance Committee, been building up our long-term reserves in anticipation of those expenditures. And we continue to work with the developer and builder to assure that the build out plan for the community will be done in a manner that will ensure the HOA's ability to fund all its obligations, including the reserve funding for private street maintenance and repairs.

:

As evidenced by the turnout you see here tonight, this is a very important issue to our current community and to the continued growth of our community in the future. We urge the Commission to send a positive recommendation on this matter to the Board of Supervisors for their consideration in Public Hearing at their July 9th meeting.

Thank you.

Private Streets Remarks – Planning Commission Meeting, 06-18-2014
D. Michael Reyman

Madame Chairman; Commission Members. My name is Michael Reyman and I reside at Lake Frederick in Opequon District.

While we recognize the County must consider zoning ordinance changes in the context of both present and potential future development, the specific request before the Commission has a reality and urgency affecting the interests of all current and future Lake Frederick residents and I will speak to those interests tonight.

The County originally approved private streets and gated access for a community of 2,100 homes at Lake Frederick in 2001, with approval of the MDP submitted by the then owner of the property. The essential elements of that plan remain today in number of homes, amenities and the desire of both developer and residents to develop a gated access community.

What has changed is that the marketplace has spoken. The experience of the preceding developer demonstrated that completing the community in a timeframe acceptable to developers and their financiers will require addressing two separate market segments in parallel –the age-restricted and non-age-restricted homebuyer markets.

Responding to that message, and at its core, the only change Lansdowne is requesting to long standing County approvals is to enable them to apply to the County to build private streets at Lake Frederick for these two classes of homebuyers.

Let me also point out that, at completion, 72% of the homes at Lake Frederick will be located on private residential streets under existing

Private Streets Remarks – Planning Commission Meeting, 06-18-2014
D. Michael Reyman

County approvals - factoring in both the age-restricted neighborhoods and the town home sections in the non-restricted neighborhoods. The requested ordinance change will enable Lansdowne to apply for permission to construct private streets for the remaining 28% and - most importantly - for the main connector road between the Rte. 522 and Rte. 277 entrances to the community. This will allow us to retain the gated community design we all bought into, and will avoid the previously mentioned management challenges for the HOA dealing with a mix of private and public streets.

Finally, let me address stated concerns about the HOA's ability to fund private street maintenance. Initial financial studies have indicated that funding street maintenance reserves -- in a steady state environment at build-out -- would require approximately 6% of our annual fee budget using the current homeowner annual fee level. And we have high confidence this cost can be absorbed within the current fee level, as more residences will be available to share other common, fixed costs to the HOA.

Three hundred plus tax paying voters at Lake Frederick overwhelmingly support Lansdowne's request and we urge the Commission to send a positive recommendation on this matter to the Board of Supervisors for their consideration in Public Hearing on July 9th.

Thank you.

- I'm Dr. Richard Setton and I'm a resident of Lake Frederick in the Opequon District, and I thank you for the opportunity to speak to you this evening.
- About 35 years ago, I was the clinical director of the Woodstock Mental Health Center of the Northwestern Community Services Board, which was based in Winchester.

I knew back then that this was the region in which I wanted to live, and my wife and I have been fortunate to be part of this area for the last 7 years.

I'm also now serving on the Board of Directors of Habitat for Humanity, Winchester-Frederick County, and I'm chairman of their Family Services Committee.

- I'd like to re-emphasize a few points made by our earlier speakers:
 1. First, the county approved private streets and gated access for about 2,100 homes at Lake Frederick as early as the original MDP approval in 2001.
 2. The only change, and all that Lansdowne is requesting, is the ability to submit an application to the county to provide private streets for both age-restricted and non-age-restricted homes at Lake Frederick. If effect, at the highest level, not much else has changed in the plan since that early MDP.
 - It will:
 - a) still consist of some 2,100 homes
 - b) total paved street areas will be about the same
 - c) amenities will be about the same, and in some ways, even better.
 3. Importantly, the HOA and the residents are no strangers to the challenges and benefits of private streets. We currently have about 4.8 miles of private streets, all built to VDOT base

standards. We have a solid grasp on the reserve requirements necessary for these streets, both from formal cost and reserve studies and from the considerable prior life experience and knowledge that many of our residents bring with them.

- Now we all know that the county has had previous negative experiences that may have you appropriately questioning our request, but I believe that each situation needs to be measured and evaluated on its own merits. If we were to just accept a bad experience as predictive of all future ones, there are a number of us who might never have gotten married, or bought a better new car. I for one am glad that I gave love a second, albeit different, chance, both with my wife and my automobiles.
- What I'm saying is, please don't equate this community's situation with some of those of the past. There are significant and substantive facts that are clearly different, and we ask that you look at the differences, not the similarities.
- Therefore, representing the overwhelming majority of the residents at Lake Frederick, we respectfully urge the Commission to send a positive recommendation on this matter to the Board of Supervisors for their consideration in Public Hearing at their July 9th meeting.
- Thank you.

Comments for Kevin Walek:

- **Madam Chairman; Commission Members; all: I would like to thank you for providing us with this opportunity to come before you and speak this evening regarding the issue of Private streets for the Lake Frederick Community.**
- **My name is Kevin Walek. I am a retired attorney, having spent the last 28 years in the financial, regulatory world. Along with my wife, Margaret, a retired accounting manager, we are residents of Lake Frederick in the Opequon District (REMINDER: “Oh-PECK-in”).**
- **My wife and I welcome and embrace the diversity that a mixed age-restricted and non-age-restricted community will bring. And, as has been underscored by many urban sociologists as early as Jane Jacobs, and Edward Banfield, we believe, in the long run, it will enrich our lives and those of others in our community.**
- **We also support the developer’s desire to build out such a mixed community with gated access and private streets.**
- **As previous speakers have indicated, we believe an integrated private street development will provide benefits to all homeowners; will**

eliminate complexities and avoid challenges in the governance and day-to-day management of the HOA.

- **In a broader demographic and economic perspective, we read with interest John Martin’s reported comments at the recent spring dinner of the Northern Shenandoah Valley Regional Commission. In brief, Mr. Martin’s key points were:**
 - **Aging baby boomers will fuel the area’s economy in the short term but younger “life-style” seekers will become an increasing percentage of the area’s population over the next two or three decades;**
 - **Boomers are re-defining what it’s like to grow old: looking at the promise of aging, NOT the problems of aging;**
 - **Younger life-style seekers are looking for place first, career and job second. They want a sense of place and community, carefree living and sustainability**
- **That, I submit, is exactly the two classes of homebuyers our mixed community has been designed to address. And given these broad demographic trends, I submit that the Lake Frederick development**

may well be, if not should be, the model for future planned communities in Frederick County and the Northern Shenandoah.

- **Finally, allowing *private streets* for such a community will align both costs and benefits with the residents of the community. In an age where less and less transportation funding will be coming from the State, such an alignment is surely a more viable option than relying on the County's general taxpayers to fund the maintenance and repairs of *public streets*.**
- **We respectfully request the Commission to send a positive recommendation on this matter to the Board of Supervisors for their consideration in Public Hearing at their July 9th meeting.**
- **Thank you.**

Madame Chairman, Commission Members, my name is Dr. Carol Delacruz, a homeowner in Shenandoah at Lake Frederick.

- That our community of approximately 2,100 residences was approved for **gated, private streets**, was an important part of our personal buying decision.
- Beginning in 2012, I was a member of the group of nine homeowners on a **Redevelopment Study Group** working with Lansdowne prior to their purchase of the Lake Frederick property. Although we differed on some details of the new development plan, we and Lansdowne **were** in agreement on two key points:
 1. In order to fulfill the promise of a 2,100 home community, the developer needed to address *in parallel* both the age-restricted and non-age restricted homebuyer markets:
 2. Given the geography of the development and existing developed portion, it was imperative that we have **gated, private streets throughout the entire** development to provide the security existing homeowners expected, as

well as a sense of cohesiveness and community among the age-restricted residents.

We presently have two age restricted sections with private streets, one is gated, the other, as yet is not. As new age-restricted homes are built, and as non age-restricted homes are added, it is our hope and desire that our community will be one of **inclusion** not **exclusion** to maintain that sense of community, particularly within the age- restricted section. Imagine the **impact** on this sense of community, and on community governance, in a situation where roughly half of the age-restricted community has gated access and private streets and the other half has no gated access and a mix of private and public streets. Such a condition would create disjunction within our community, not to mention the challenges it would present for HOA governance.

The original developer **was granted the requisite ordinance for private streets throughout** our community of 2100 homes. The **only** change in our community is that it will now be comprised of both age-restricted and non age-restricted residents. **The roads**

will be the same. In my opinion, resident age should not influence or be a determining factor as to whether we are permitted to continue with private roads throughout our development. *To dispel any misconceptions about us, we are an ACTIVE adult community, most have two cars, some also have a motorcycle. We travel, play golf, bicycle, kayak, work, volunteer, and engage in multiple clubs and activities every day.* In other words, our daily lives will not be that much different from our new neighbors, nor will be the use of our roads.

We urge the Commission to send a positive recommendation on this matter to the Board of Supervisors for their consideration in Public Hearing at their July 9th meeting.

Thank you.

Lake Frederick Road Options

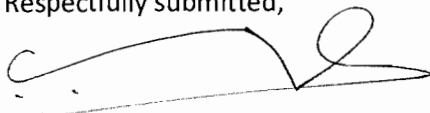
As a resident of Phase II (West Lake Frederick), the following options seem open to the County for the road system in the Lake Frederick development:

1. Private roads completed by the developer and maintained by the HOA throughout the development, as originally planned and approved.
 - a. Limit to age restricted homes as originally approved, implemented by denying building permits to any non-age restricted housing (including town homes), and as provided for in prior sewage treatment and school capacity planning.
 - b. Authorize non-age restricted areas within the development providing they do not break up (insert themselves into or between) the non-age restricted area(s).
 - c. Authorize non-age restricted areas anywhere the developer chooses, regardless of the wishes/financial interests of the existing residents or of the HOA covenants.
2. Segment the development into age restricted zones with private roads and non-age restricted zones with public roads, as previously requested by the residents of Phase II in the attached.
 - a. Ensure that all age restricted zones are gated, as originally approved, with separate entrances off 522 and 277 for the non-age restricted zones.
 - b. Keep the East side of Lake Frederick gated, as currently, but put ungated public roads through the West side of Lake Frederick.
 - i. Maintain private side roads in Phase II, causing residents to bear the cost of maintenance without the benefit of private gating.
 - ii. Convert the side roads in Phase II to public roads without any maintenance obligation for the residents of that section.
3. Hold up issuance of non-age restricted building permits until the developer complies with the County's decision.

Concern has been expressed with the ability of the HOA to maintain the private roads, once completed by the developer and turned over to the HOA. Resurfacing and repair costs are reasonably predictable, with resurfacing needed probably some fifteen years after the HOA assumes responsibility. During that time, a sinking fund would be established and funded out of HOA dues to ensure adequate funding is available when needed. But even if the HOA were to fail to do this (and there has been precedent for such failure), then the maintenance costs to the government would be no more that that incurred if the roads were public from the outset, so where is the downside risk?

My preference, and I believe that of my neighbors in Phase II, would be Option 1.a. However, given actions by the developer, that now seems unrealistic, so failing that, then Option 1.b, and third would be Option 2.b.ii.

Respectfully submitted,



5/7/14

Chris Barltrop

105 Tutelo Lane, Lake Frederick, VA 22630-2095

Tel (703) 620-2986

To: Hobie Mitchel, Lansdowne Development Group

From: Chris Barltrop

Dated: 7/28/2013

There are two natural dividing line between age restricted and non-age restricted areas of Lake Frederick:

A. Lake Frederick Drive.

Age restricted housing in Phase II made sense for Oxbridge and to the purchasers of the 23 homes in Phase II when it was part of a larger, integrated age restricted community. It does not make sense in the current mixed design. Abutting a public road (with or without gates) and non-age restricted housing to the North and South, with access to West Lake Frederick only over a public road, ensures that an age restricted portion of East Lake Frederick is unlikely to be attractive as an age restricted community, regardless of how much landscaping Lansdowne provides.

Quite apart from the security issue, having a block of age restricted housing outside of the main age restricted area presents a series of challenges, the least of which is justifying continuation of the subsidization of Lake Frederick West's gating, street lighting and maintenance of the long entrance drive, when the homeowner fees are the same but Phase II residents benefits from none of those features, all of which are common in other age restricted communities. Assuring equality of costs and benefits seems problematic at best.

The proposals made so far by Lansdowne are purely cosmetic and will do nothing to make the currently planned age restricted area of East Lake Frederick look like a true age restricted community. So what would be the impact on Shea Homes' ability to succeed in selling age restricted homes here? And how saleable are our existing homes, when buyers would be limited by age restrictions yet have the alternative of buying in the truly age restricted West Lake Frederick?

East Lake Frederick residents have some \$10 million invested in their homes, so more than Lansdowne paid. Does Lansdowne really want to add age restricted homes into an area where the existing residents are uncomfortable with how this is developing? Word of mouth is a powerful sales tool, and could existing residents in good conscience encourage retirees to move into East Lake Frederick as currently presented by Lansdowne? This has an impact on the salability of new homes as age restricted residences – bad for Shea Homes and further impairing the value of existing homes.

B. The natural draw/stream beyond Atlantis Lane, so one street beyond the current Lansdowne master plan of Metalmark Lane.

Given that age restricted housing in East Lake Frederick already exists, and option A above is unlikely to be acceptable to present or future age restricted residents of East Lake Frederick, then ensuring an integrated age restricted community would logically require the following:

1. The isthmus between us and the public landing area, currently scheduled by Lansdowne for non-age restricted town homes, should be converted back to the original design: age restricted condos or equivalent accessible housing. This would:
 - a) provide a migration option for residents who lose a spouse, no longer need a house, but want to stay with friends – by providing a path for staying in the community, this would improve the marketability of age restricted homes in both East and West Lake Frederick; and
 - b) eliminate a non-age restricted wedge between the East and the West side of the lake that would otherwise divide the community, both physically and psychologically.
 - c) entice 55+ couples or singles who do not wish a full house to move into our community.
2. The age restricted boundary of East Lake Frederick should be moved North to the natural draw, so beyond Atlantis Lane, one street beyond Lansdowne's current master plan boundary of between Metalmark Lane and Atlantis Lane. This would improve security but also marginally improve the number of age restricted residents, spreading the cost of maintaining the centers over a larger base.
3. Access to the non-age restricted area should be from 277 (and from 522 if Lansdowne can arrange that) with no through road through the age restricted area of East Lake Frederick, with the exception of a gate level with that draw to allow access for emergency vehicles.
4. Rachel Carson should be left private up to that draw, with resident access gates installed near the traffic circle, where originally designed.

This would create two clearly separate communities, one an integrated age restricted and gated community, the other an entirely separate non-age restricted community with its own HOA, facilities and access. Given the demographics and geography, Lansdowne could have been expected to reach the same conclusion.

Nothing short of this option B will be sufficient to make the age restricted area of East Lake Frederick truly marketable and livable as an age restricted community.

Each of these issues has been raised individually in one or more of the meetings with Lansdowne, both through the working group and in community meetings with Lansdowne. Part of the challenge we are facing is that Lansdowne has not previously been involved with an age restricted community (according to their own statement to us during one of the early meetings), so apparently does not have an inherent feel for what makes sense for that type of development. Phase II residents did our own research before settling here, so do have a reasonable understanding of what makes an age restricted community - this would seem market research that Lansdowne should take seriously. In addition, Lansdowne's primary point of contact has been through the ELC, none of whose members reside in Phase II, so none have any "skin in the game" on residents' investments in Phase II.

It seems fair to say that we all wish Lansdowne and Shea to succeed - the question is how best to achieve that success. And the currently proposed option A, as offered by Lansdowne, does not seem to lay a solid base for such success.

LARRY & JANICE ATKINSON
101 TUTELO LANE, LAKE FREDERICK, VA 22630

April 29, 2014

Mr. Robert W. Wells
Frederick County Supervisor, Opequon Magisterial District
5114 Laura Drive
Stephens City, VA 22655

Dear Mr. Wells:

This letter provides our views and concerns about Lansdowne Development Group (LDG) proposals dealing with "Private Streets in the R5 Zoning District."

We agree with the spirit of LDG's proposal that there should be no distinction between age restricted and non-age restricted developments when evaluating requests for private streets. We also agree with DRRRC and Transportation Committee concerns about how to determine if an HOA can adequately finance maintenance of private streets once they are built.

In determining whether to modify county code to remove age restricted versus non-age restricted distinctions and to address committee concerns about HOA fiscal capabilities, we believe county officials must fully evaluate answers to two critical questions:

1. Is there a logical rationale for maintaining the distinction between age restricted and non-age restricted developments?
2. What definitive set of criteria should be a key foundation in evaluating whether to approve or deny a request for private streets in any R5 zoning district?

We have attended county meetings where the private streets issue has been discussed. At no time have we heard a logical justification for continuing the age restricted and non-age restricted community distinction. If a Board of Supervisors' eventual decision is to maintain that distinction, supporting logic should be provided to the public so rationale for the county code is understood.

As to establishing definitive criteria to underpin a county decision for permitting or denying private streets, we propose that criteria be an integral part of the county code for at least two reasons.

1. It provides a developer forehand knowledge of necessary conditions, but not all sufficient conditions, that must be attained for county consideration of a request.
2. It lets current and future community homeowners know what factors are important to the Board of Supervisors to protect homeowners' interests during the request evaluation.

To satisfy concerns as to whether a HOA can finance private street maintenance, LDG's county code § 165-502.05 proposal is for the developer (i.e., Board of Directors in the instance of Shenandoah) to establish a capital reserve fund, where a portion of homeowners' HOA dues will be set aside for the reserve fund. In our opinion, details of how that capital reserve is established and sustained over the long-term should be among the criteria set mentioned earlier. You should note whether private streets maintenance is the only significant long-term liability faced by a HOA. If the Board judges a HOA's financial viability by simply examining its finances for private streets without examining the HOA's capability to adequately handle all its significant long-term liabilities, the Board will be short-changing responsibility to itself and to the community's homeowners.

Relevant to Shenandoah homeowners are three, potentially-significant long-term liabilities as yet undefined or quantified to current homeowners either in terms of total annual liability or impact on monthly HOA dues: These liabilities are:

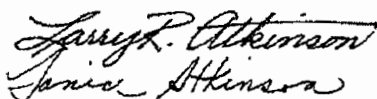
1. Potential costs for repair and repaving of X number of miles private streets and parking lots along with associated accessories such as curbing, stormwater drains and piping, signage, etc.
2. Potential cost for the operation and maintenance of a Fitness Center and a 32,000 square foot Community Center complex with "resort-like" amenities such as tennis courts and other outdoor recreation facilities, amphitheater, trail to lake, etc.
3. Potential cost for operation and maintenance of facilities and property on Virginia Department of Game and Inland Fisheries (VDGIF)-owned lands around the lake in accordance of yet-to-be negotiated terms under a July 2001 20-year Memorandum of Agreement (MOA) signed by VDGIF and a previous developer of the Shenandoah community.

We believe Liability #3 could be very significant as, among other things, page 11 of the MOA says "The Department [i.e., VDGIF] will allow the Company [i.e., the developer] to transfer the Company's rights and obligations to the Homeowners Association provided the Department determines that the Homeowners Association has the capability to carry out the provisions of the Company's maintenance rights and obligations." What sort of criteria set will VDGIF employ in making such a determination; the same as the county would use for a private roads request decision? Those maintenance obligations could cover maintenance of facilities now existing or to be constructed by the developer, including boat landing and access sites, public parking areas, stormwater and sediment control features, lakeside and wetlands trails, boardwalks, foot bridges, fishing and courtesy piers, restrooms, a concession facility, and the access road as well as mowing grass at public access points and collecting/removing trash, garbage and debris. We also note that recent LDG site plans filed with the county show the lakeside trail system as a path 4 feet wide and mulched to 4 inches deep. The final terms of a Maintenance Agreement, called for by the MOA, have not yet been defined but could be a large liability on Shenandoah homeowners.

While as was stated at yesterday's Transportation Committee meeting, Shenandoah HOA can handle private streets maintenance, it is not yet clear to us that the HOA can handle all of the previously mentioned long-term liabilities without a significant increase in monthly HOA dues. How can the Board make any reasonable judgment about the financial viability without fact-based assurance that the HOA can handle all significant liabilities? Of further concern to us is whether LDG and builders will fully disclose those liabilities to potential buyers, and, if so, will there be a suppression of home sales so fewer homeowners than projected are left to pay the bills when developer supplemental funding is no longer available?

Also, a petition signed by 90% of Shenandoah homeowners in favor of private roads was mentioned at yesterday's meeting. We signed that petition before we were aware of the extent of the VDGIF-Developer MOA details as that document was never provided to us. Upon reflecting about the three potential long-term liabilities, we withdraw our support of private roads in Shenandoah until we are fully informed of the HOA liability details and impacts.

Sincerely,



Larry R. Atkinson
Janice Atkinson

Copies to: Supervisor DeHaven and Planning Commissioners Wilmot, Thomas and Molden

DRRC Meeting – 03/27/2014

Members present: Greg Unger, Tim Stowe, Gary Oates, June Wilmot, Jay Banks

Absent: Larry Ambrogi, Kevin Kenney, Eric Lowman, Dwight Shenk, Whit Wagner, Roger Thomas

Staff: Candice Perkins

Applicants: Rick Lanham, Josh Hummer - Attorney

Item 1: Private Streets in the R5 Zoning District. Discussion on revisions to the Frederick County Zoning Ordinance to remove the requirement that R-5 communities must be “age restricted communities” to qualify for private streets.

The Applicant’s Attorney summarized the Transportation Committee meeting. The TC wanted the roads built to state standards and cbr’s to be provided to the county. They also wanted to have the PE requirement to monitor the instillation and certify the construction. Mr. Unger asked about the construction and the PE certification. The applicant stated that the same standards would apply to them; paving design would be provided to the county and bonded. They would be inspected and then fixed at the end and off bond.

The committee was concerned because private streets don’t have the same requirements as the public streets. Private streets go bad eventually; the committee questioned how this could be avoided. The applicant stated that the ordinance includes a provision for a reserve fund and a reserve balance analysis to make sure there are adequate funds for repairs. He further stated that Shenandoah is a large community and the residents are asking for private streets. Every two years a capital reserve study is completed that ensures there are adequate funds for repairs.

Mr. Unger expressed concern about busses not being able to go into the community. Ms. Wilmot wanted to know if this community would draw more residents with or without kids. The applicant stated that he believes that it will draw fewer children, but can't be sure. The DRRC also had questions about liability for accidents on the private streets.

The committee questioned how the reserve is started? The Applicant stated that it is created at day one and as more improvements get underway more gets added to the fund.

The committee expressed concern about the guarantee that the HOA would never fold and then the residents come back to the county for help. The applicant stated that there is no way to provide a complete guarantee but they are trying to put ordinances in place to help that from happening. The applicant further stated that Shenandoah is proposed to be a nice development and the residents are going to want to keep it up but how do you make sure the maintenance is kept up. If the HOA doesn't do the reserve study then the county would have to enforce the ordinance and make them do it.

Item 2: (Other) Setbacks for Multifamily residential buildings.


The committee expressed concern with the proposal to reduce the front setback from 35 feet to 15 feet. They felt that it seemed to close to a public street.

TND or high density developments should have commercial elements that include eating establishments which would be between the street and the building and 15 feet seems close. The committee expressed comfort with reducing the setback from 35 feet to 20 feet because it would provide more distance to the public road.

The committee also stated the possibility of going off the speed limit. Roads with a 25 mph should be 20 feet and anything over that should be 35 feet.



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Deputy Director - Transportation 
RE: Transportation Committee Report for Meeting of April 28, 2014
DATE: May 7, 2014

The Transportation Committee met on April 28, 2014 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
James Racey (voting)
Gene Fisher (voting)
Lewis Boyer (liaison Stephens City)
Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)
Christopher Collins (voting)

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

1. Welcoming Signage

One of the recommendations of the recent business friendly committee work was to recommend that welcoming signage be placed at key entrances to Frederick County.

For signage along primary routes such as Route 522, Route 50, or Route 11, the process is fairly simple. The County would need to design the signage and place it in accordance with VDOT standards and practices and with a VDOT permit. Attached please find the VDOT guidelines as well as a memorandum of support from Mr. Riley which includes example signage.

For signage along I-81, the process is somewhat more complicated. VDOT does not allow location of such signage within the limited access right-of-way so alternative methods must be evaluated. To utilize an existing billboard, the cost would be approximately \$600 per month in addition to what the cost would be to create and install the signage itself. Staff would recommend that the agency doing the signage cooperate with property owners neighboring the I-81 right-of-way to purchase or occupy enough land to place and maintain a sign. This can be accomplished with a conditional use permit and would allow for greater variability and likely a more attractive signage design. Actual cost of this option would be highly variable depending upon agreements reached with property owners and final signage design.

In addition to this material staff and VDOT noted that signage cannot be placed in the median.

Motion was made by Mr. Racey and Seconded by Mr. Fisher to recommend that the Board direct the EDA to proceed with signage on the primary routes and to further investigate the options (rented billboard vs. county owned sign) and to include consideration of the water tower. Motion passed unanimously.

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

2. Interstate, Primary, and Secondary Road Plan (appearing as separate agenda item)

The Interstate and Primary Plans are unchanged while the Secondary Plan has been updated to reflect projects that have been or are in the process of being completed on the scheduled hardsurfacing list as well as add new projects to the unscheduled list for hardsurfacing. Additional funding is not available that would allow any projects to be promoted from the unscheduled to the scheduled list.

Motion to recommend approval was made by Mr. Racey and seconded by Mr. Fisher.

3. Intersection of Tasker Road and Crosskeys Blvd.

Staff has received a request from Mrs. Jorie Martin who serves as the property manager for the Musket Ridge subdivision. The residents of Musket Ridge have requested that a left turn lane be installed from Tasker Road onto Crosskeys Boulevard. Staff has attached graphics of the intersection for reference. Staff contacted Captain Heflin of the Sheriff's office and he indicated that there are regular issues caused in this location by the lack of a turn lane and that the installation would be a positive improvement. Accident data has also been requested from VDOT.

Staff would recommend that the Committee request an evaluation from VDOT's traffic engineering division that analyze the issue, develop a cost estimate for the improvement, and evaluate the competitiveness of the project for a safety grant.

The committee directed staff to continue on the course that they had recommended.

4. Private Streets in the R5 Zoning District (appearing under separate agenda item)

Staff provided the minutes of the DRRC as well as a letter from Mr. Lawson and noted that no other new materials had been received. Staff further noted that the concerns raised by DRRC were very similar to those raised at Transportation.

Supervisor Wells, several residents of the Shenandoah Development, and the applicant were present and requested that even if the Transportation Committee did not have a recommendation that they forward this item to the Board of Supervisors without one.

Motion by Mr. Racey and seconded by Mr. Fisher to forward the request to the Board without a transportation committee recommendation.

5. **6 Year Improvement Program Public Hearing**

Staff noted to the Committee that on April 29, 2014 the Commonwealth Transportation Board would be holding a public hearing on the Draft 6 Year Improvement Program. Staff outlined concerns with the draft which had been previously covered with Mr. Shickle and Mr. Riley. The committee concurred with the concerns and the resulting comments that were made are below.

Frederick County would like to note our appreciation of the expansion of the revenue sharing program and note our success in that area. I would particularly like to emphasize how Frederick County's use of the public private partnership within the scope of the revenue sharing program has been very successful.

Noted the positive progress on exit 310 and Route 277.

Regarding project funding we would like to note that we waited a long time for significant funding of those projects and that pattern of funding reminds us in Frederick County how important it is that the next significant spending item is carefully chosen.

In the draft plan there is 9M on the exit 313 interchange. \$3-3.5M is for the interchange study. Remainder seems to be seed money for the next project.

If that seed money is for the redecking then we are fully supportive of that project which is much needed for the safety of the traveling public.

Frederick County does not believe that this is the best project to be the next major project in our region. However, if something more is envisioned by VDOT I would caution them and the CTB that region. I would note that extending Route 37 from exit 310 to Route 522 would be a much more regionally significant project. This facility will offer much needed relief to exit 307, exit 313, and offer significantly improved access to vehicles accessing the Virginia Inland Port. Port expansion has been a key planning item in Virginia for some time now and cannot afford to be overlooked here.


As I noted earlier, major projects do not often come to our part of the state. HB 2313 certainly helps that and gives us cause to be optimistic. However it remains critical that when major projects are up for funding that they are very carefully chosen and that local planning and priorities are considered and local officials are involved.

6. **Other**

JB/pd



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Deputy Director - Transportation 
RE: Transportation Committee Report for Meeting of February 24, 2014
DATE: March 5, 2014

The Transportation Committee met on February 24, 2014 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)

James Racey (voting)

Gene Fisher (voting)

Christopher Collins (voting)

Lewis Boyer (liaison Stephens City)

Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)

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

None

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

1. Shenandoah Private Streets

Staff provided an updated request from the Shenandoah Development regarding the use of private streets in the non age-restricted portion of the development. The committee has requested that the item return with feedback from the Development Review and Regulation Committee as well as a more complete description of how the development would provide financial security for the ongoing maintenance of the private streets.

2. Cougill Road Paving

Staff reviewed a citizen's request to advance Cougill Road for paving ahead of roadways that have scored higher on the County's unpaved road ranking system. Key reasons given by the resident were significant tourism traffic, particularly with the upcoming anniversary of the Battle of Cedar Creek as well as the general conditions of the roadway. The committee determined that not enough information was forthcoming to justify over ruling the adopted ranking system.

3. Getting Private Roadways Adopted for State Maintenance

VDOT staff gave a brief overview of the process involved in adopting a private roadway into the state system. Key points include providing an unencumbered right of way and bringing the roadway up to current state standards. Specific examples of expected costs were given for Arklow Road, for which recent inquiries have been received.

4. Devolution

VDOT staff was on hand to give an overview of their devolution program. This is the program by which localities take over ownership and maintenance responsibility of their roadways with funding from the State. Since the advent of the devolution program several communities have investigated it extensively, most notably Fairfax, and found that the financial benefit is not present. They actually found that it would cost them more to do the job than it does VDOT and that state funding would not cover the obligation. Also worth noting is that since the advent of the devolution program, no localities have entered the program. To date, the only Counties that maintain their own roadways are Arlington and Henrico, both of whom did not surrender their roadways when the Byrd act was passed.

5. Other

JB/pd

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, February 27, 2013 at 7:00 P.M., in the Board of Supervisors' Meeting Room, County Administration Building, 107 North Kent Street, Winchester, Virginia.

PRESENT

Chairman Richard C. Shickle; Christopher E. Collins; Charles S. DeHaven, Jr.; Bill M. Ewing; Gene E. Fisher; Robert A. Hess; and Gary A. Lofton.

CALL TO ORDER

Chairman Shickle called the meeting to order.

INVOCATION

Supervisor Fisher delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman Ewing led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

County Administrator John R. Riley, Jr. advised there were no additions to the agenda.

Upon a motion by Supervisor DeHaven, seconded by Supervisor Lofton, the Board approved the agenda by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

CONSENT AGENDA - APPROVED

Administrator Riley offered the following items for the Board's consideration under the consent agenda:

- Parks and Recreation Commission Report – **Tab D**; and
- Transportation Committee Report – **Tab F**.

Upon a motion by Supervisor Collins, seconded by Supervisor Fisher, the Board approved the consent agenda by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

Under a separate consent agenda, Administrator Riley offered:

- Subdivision Waiver Request – 300N, LLC (Wincrest Drive-Blue Ridge Hospice Site)
– Tab G.

Chairman Shickle advised he would abstain from consideration of item G due to a conflict of interest.

Upon a motion by Supervisor DeHaven, seconded by Supervisor Collins, the Board approved the second consent agenda by the following recorded vote:

Richard C. Shickle	Abstain
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

CITIZEN COMMENTS

Tim Donovan, Opequon District and resident of Lake Frederick, appeared before the Board to urge the approval of the proposed R-5 text amendment. He said it is important that it be approved so the development can continue to grow. He said the proposal was a win/win. He concluded by saying he would provide copies of a petition signed by the residents urging support of the proposed amendment.

Ty Lawson, attorney with Lawson & Silek, appeared before the Board on behalf of the Lansdowne Development Group. He noted the existing Lake Frederick community was approved for private streets; however, the developer would like to continue developing this property and add non-age restricted lots. He noted 221 residents signed the petition in favor of the text amendment and waiver. He noted the text amendment provides tougher standards than the current ordinance. He went on to say the developer wants gated private streets for the community. He concluded by saying the applicant would like to have the text amendment and waiver request heard at the same time so the Board could see exactly what the proposal would allow.

Hobie Mitchell, real estate developer and former member of the Commonwealth Transportation Board, expressed his excitement about the potential to develop the rest of the Lake Frederick community. He noted the developer planned to get the community active right away and they had no problem with the new standards proposed. He expressed some concern about design speeds. He concluded by asking the Board to send the text amendment forward and to consider the amendment and waiver request at the same time.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors' comments.

MINUTES - APPROVED

Supervisor Hess advised he would abstain from voting on the approval of the minutes.

Upon a motion by Supervisor Fisher, seconded by Supervisor Collins, the Board approved the minutes from the February 13, 2013 budget work session.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Abstain
Gary A. Lofton	Aye

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Lofton, the Board approved the minutes from the February 13, 2013 regular meeting.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Abstain
Gary A. Lofton	Aye

COUNTY OFFICIALS**COMMITTEE APPOINTMENTS****REAPPOINTMENT OF ALLAN HUDSON TO THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY (CDA) - APPROVED**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Fisher, the Board reappointed Allan Hudson to the Russell 150 Community Development Authority. This is a four year appointment. Term expires March 1, 2017.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUND - APPROVED

Administrator Riley advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund Winchester Speech Pathologists the amount of \$5,152.20 for over reporting and over paying business license for one or more years. One or more subsequent years was adjusted with an increase and all other records are now correct.

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Lofton, the Board approved the refund request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hles	Aye
Gary A. Lofton	Aye

COMMITTEE REPORTS

PARKS AND RECREATION COMMISSION REPORT – APPROVED UNDER CONSENT AGENDA

The Parks and Recreation Commission met on February 12, 2013. Members present were: Martin Cybulski, Gary Longerbeam, Charles R. Sandy, Jr., Ronald Madagan, and Kevin Anderson. Members absent were: Ron Hodgson, Patrick Anderson, and Christopher Collins.

Items Requiring Board of Supervisor Action:

1. None.

Submitted for Board Information Only:

1. Foundation/Reserve Fund – Mr. Madagan moved to go forward with the Reserve Fund and develop policies to operate the fund, second by Mr. Sandy, motion carried unanimously (5-0).

2. Committee Appointments – Mr. Cybulski appointed the following committees:

Executive Committee: Martin Cybulski and Gary Longerbeam
 Finance Committee: Patrick Anderson and Charles R. Sandy, Jr.
 Buildings and Grounds: Ronald Madagan and Gary Longerbeam
 Public Relations: Charles R. Sandy, Jr. and Kevin Anderson
 Appeals Committee: Kevin Anderson, Ronald Madagan, and Ron Hodgson

FINANCE COMMITTEE REPORT - APPROVED

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, February 20, 2013 at 8:00 a.m. The Audit Committee immediately followed. Members Stephen Swiger and Richard Shickle were absent. Items 1 and 2 were approved under consent agenda.

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor DeHaven, the Board approved the consent agenda by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye

Gene E. Fisher	Aye
Robert A. Hess	Ayc
Gary A. Lofton	Aye

1. The Sheriff requests a General Fund supplemental appropriation in the amount of \$2,207.14. This amount represents payment for firing range use (\$500), a reimbursement from the Department of Homeland Security (\$1,492.14), and donations to DARE (\$15) and the K-9 program (\$200). No local funds are required. See attached memo, p.4-8. – **Approved Under Consent Agenda.**

2. The Department of Social Services requests a General Fund supplemental appropriation in the amount of \$20,000 for Strengthening Families Innovators for Success Council. No local funds required. See attached memo, p. 9. – **Approved Under Consent Agenda.**

3. The NRADC Superintendent request a NRADC Fund supplemental appropriation in the amount of \$261,183 for the fall 2012 employcc bonus and to revitalizc Office Carcer Advancement and Development Program this spring. The Jail Authority approved the request. See attached memo, p.10. The committee recommends approval. – **Approved.**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor DeHaven, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Ayc
Gary A. Lofton	Aye

4. Greenwood Volunteer F&R Company requests a General Fund supplemental appropriation in the amount of \$23,797.38. This amount represents proffer funds available to Greenwood for the purchase of an ambulance. The item is listed on the County's CIP. Se e attached memo, p. 11-13. The committee recommends approval of the current balance of the proffers designated to Greenwood, \$25,211.38. – **Approved.**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Hess, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

5. The Voter Registrar requests a General Fund supplemental appropriation in the amount of \$33,385 for the June dual primary election. See attached information, p. 14-15. The committee recommends appropriation contingent on the calling of the primary. – **Approved.**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Nay
Charles S. DeHaven, Jr.	Aye

Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

6. The Transportation Director requests a General Fund supplemental appropriation in the amount of \$710,904. This amount represents revenue sharing with VDOT for work on Route 11 N. No local funds required. See attached information, p. 16-17. The committee recommends approval. - **Approved**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor DeHaven, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

7. The Public Works Director requests a General Fund supplemental appropriation in the amount of \$452,347 for the design of the new Round Hill Fire and Rescue Station and Social Hall. The Public Works Committee has approved this request. Local funds are required. The committee recommends approval. - **Approved**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Fisher, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

8. The County Administrator requests authorization to have an appraisal on the County Administration Building. Funds are available in current budget. The committee recommends approval. - **Approved**

Upon a motion by Vice-Chairman Ewing, seconded by Supervisor Lofton, the Board approved the above request by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Aye
Christopher E. Collins	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye

9. The Finance Director discusses the FY2012 Comprehensive Annual Financial Report (CAFR). No action is required.

AUDIT COMMITTEE

1. David Foley from Robinson, Farmer, Cox Associates will present the FY2012 final audit and be available for discussion of the upcoming 2013 audit. The committee authorized the Finance Committee chairman to sign the engagement letter for the 2013 audit.

*****Information Only*****

1. The Finance Director provides a Fund 10 Transfer report for January 2013. See attached, p. 18-19.
2. The Finance Director provides 1/31/13 financial statements. See attached, p. 20-30.
3. The Finance Director provides 2/13/13 General Fund fund balance report. See attached, p. 31.

**TRANSPORTATION COMMITTEE REPORT - APPROVED UNDER
CONSENT AGENDA**

The Transportation Committee met on February 19, 2013 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
Gene Fisher (voting)
James Racey (voting)
Gary Oates (liaison PC)
Lewis Boyer (liaison Stephens City)
Bryon Grigsby (voting)

Members Absent

Mark Davis (liaison Middletown)
Christopher Collins (voting)

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

None

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

1. Private Streets in the R5 District

Staff presented the draft modifications to the ordinance governing the use of private streets in the R5 district.

The applicant was present and noted that they had specific desires regarding their development which prompted the modification request. They also noted that what they intend to build exceeds the proposed requirements.

In discussion the committee did not identify any concerns with the modifications.

MOTION: Mr. Racey made a motion to forward to the Board of Supervisors for consideration. Mr. Fisher seconded the motion. The motion passed with 1 vote against.

2. VDOT Route 37 Work

For information only at this point staff and VDOT presented a draft of the Route 37 corridor refinements being undertaken by VDOT. The purpose of this work is to make sure that current planning for the corridor is consistent with current design standards where the old plans may not be. Staff is doing some additional work to the map coverage and will then forward them for consideration.

This item will return to the Transportation Committee at their March meeting for a recommendation of comments to the Board of Supervisors.

3. I-81 Corridor Coalition

Staff notified the committee that the County had been solicited to join the I-81 Corridor Coalition at a cost of \$5,000.00 per year for a three year term. Staff noted that based on discussions with local public safety leaders that the benefits of being a direct member did not

seem to justify the cost of membership. In addition the County is still a member under the umbrella of the Northern Shenandoah Valley Regional Commission which is a member.

MOTION: Mr. Racey made a motion that the committee not recommend membership at this time. Motion was seconded by Mr. Grigsby. The motion passed unanimously.

4. Other

Mr. Carter of VDOT noted that they will be approaching the committee for a recommendation regarding the reconstruction of the Rt. 623 bridge at the Frederick/Shenandoah County line.

Mr. Oates asked for follow up on the discussion of MARC train access or shuttles from Frederick County that was discussed at the Planning Commission retreat.

PLANNING COMMISSION BUSINESS

SUBDIVISION WAIVER REQUEST – 300N, LLC (WINCREST DRIVE-BLUE RIDGE HOSPICE SITE) – PUBLIC ROAD FRONTAGE WAIVER – APPROVED UNDER CONSENT AGENDA

This was a request from 300N, LLC to subdivide commercial lots, which would utilize private roads instead of public streets. In order for the subdivision to occur a waiver of Section 144-24C of the Frederick County Subdivision Ordinance must be approved by the Board of Supervisors.

This item was approved under the consent agenda.

DISCUSSION – PRIVATE STREETS IN THE R5 (RESIDENTIAL RECREATIONAL COMMUNITY) DISTRICT – DENIED SENDING FORWARD FOR PUBLIC HEARING

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised staff received a request to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) Zoning District. She noted the use of private streets in the R5 District is currently only permitted within age-restricted communities and only if approved by the Board of Supervisors. She went on to say the proposed amendment has the potential to modify communities previously approved (not proffered) as age-restricted and could introduce dwelling units that accommodate all ages; therefore, the impacts on the County's school system should be considered with this amendment. The proposed amendment was reviewed by the Development Review and Regulations Committee, Public Works Committee, Transportation Committee, and Planning Commission. Senior Planner Perkins noted the Public Works Committee expressed concern about impacts on county services and future maintenance of the private streets.

Supervisor Lofton asked if the Board did not allow private streets then the developer could still do their proposal using public streets?

Senior Planner Perkins responded if the developer kept the project as age-restricted then they could utilize private streets; however, a non-age restricted development would have to implement public streets.

Supervisor Lofton asked if this amendment affected current subdivisions.

Senior Planner Perkins responded no.

Supervisor Lofton asked if it would affect future developments.

Senior Planner Perkins responded yes.

Supervisor Fisher stated that he believed the impact on county services was serious.

Upon a motion by Supervisor Fisher, seconded by Supervisor DeHaven, the Board denied sending this proposal forward for public hearing due to impacts on County services.

Supervisor Lofton stated he was looking forward to hearing from the community. He noted if the development continues with public streets the impacts are not negated. He concluded by saying private streets might be an advantage to the County in the future.

Vice-Chairman Ewing stated he was hoping to hear from the community also.

There being no further discussion, the above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Bill M. Ewing	Nay
Christopher E. Collins	Nay
Charles S. DeHaven, Jr.	Aye
Gene F. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Nay

BOARD LIAISON REPORTS

Vice-Chairman Ewing informed the Board that Trish Ridgeway, Director of Handley Regional Library, was retiring in August.

Supervisor Lofton informed the Board that Karen Ridings from Cooperative Extension was retiring. He noted she had done a wonderful job and he thanked her for her service to the county.

Chairman Shickle provided a brief report on the Joint Finance Committee meeting. Topics included the status of the Request for Proposals for renovations to the Joint Judicial Center, salary supplements for the General District and Juvenile Domestic Relations Courts, which were not approved, and discussions regarding outside agency and joint project funding.

CITIZEN COMMENTS

John Wright, Red Bud District, addressed the Board regarding the FY2014 budget. He encouraged the Board to address the priorities of salary increases, salary scales, and benefits. He noted now was the time to support the employees with a meaningful raise. He noted in the Fire and Rescue Department the quality of applicants is down over past years. He concluded by saying the department has seen a 19% turnover rate since 2008.

BOARD OF SUPERVISORS COMMENTS

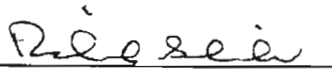
There were no Board of Supervisors' comments.

BENEDICTION

Reverend Ross Halbersma delivered a benediction.

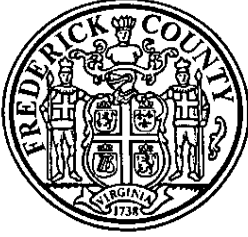
ADJOURN

UPON A MOTION BY VICE-CHAIRMAN EWING, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:42 P.M.)


Richard C. Shickle
Chairman, Board of Supervisors


John R. Riley, Jr.
Clerk, Board of Supervisors

Minutes Prepared By: 
Jay E. Tibbs
Deputy Clerk, Board of Supervisors



RESOLUTION

Action:

PLANNING COMMISSION: June 18, 2014

Recommended Approval

BOARD OF SUPERVISORS: July 9, 2014

APPROVED DENIED

**AN ORDINANCE AMENDING
THE FREDERICK COUNTY CODE
CHAPTER 165 ZONING**

**PART 502 – R5 RESIDENTIAL RECREATIONAL COMMUNITY DISTRICT
ARTICLE V – PLANNED DEVELOPMENT DISTRICTS
§ 165-502.05 DESIGN REQUIREMENTS**

WHEREAS, an ordinance to amend Chapter 165, Zoning to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) District with a Board of Supervisors waiver was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on June 18, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on July 9, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to update Article V – Planned Development Districts, Part 502 – R5 (Residential Recreational Community) District, §165-502.05 Design Requirements to allow the use of private streets for all types of developments in the R5 (Residential Community) District with a Board of Supervisors waiver.**

This amendment shall be in effect on the day of adoption.

Passed this 9th day of July, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Gene E. Fisher	_____	Charles S. DeHaven, Jr.	_____
Christopher E. Collins	_____		

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

I



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *CEP*

SUBJECT: **Public Hearing- Setback Requirements for Multifamily Residential Buildings**

DATE: June 24, 2014

Changes to the RP (Residential Performance) Zoning District were approved by the Board of Supervisors in January of 2013. One change to the ordinance was the addition of a new housing type called "multifamily residential buildings." This multifamily housing type allows for high density (up to 20 units per acre) in areas designated by the Comprehensive Plan as neighborhood villages, urban centers or other areas planned for high-density residential. During the discussion and public hearing process, a high-density residential streetscape section schematic was provided of how this housing type could be developed. The schematic depicted a multifamily building with a front setback of 12-20 feet. The text adopted for multifamily residential buildings requires a 35-foot front setback which is contrary to what was shown during the initial discussions. An applicant is now trying to implement this housing type and they have requested the setback be re-evaluated to reduce the 35-foot front setback to 15 feet.

The DRRC reviewed this proposed change at their March 2014 meeting. The DRRC initially discussed a change to reduce the setback from 35 feet to 15 feet, but felt that 15 feet was too close to a public street. The committee expressed comfort with reducing the setback from 35 feet to 20 feet because it would provide a comfortable distance to the public road while still allowing the buildings to be closer to the road, which is common in high density and TND developments. The 20-foot setback would fit the maximum shown in the schematic.

This item was discussed by the Planning Commission at their May 7, 2014 meeting. A comment was made that the proposed revision should specifically state if the setback was measured from the centerline or right-of-way and whether the resulting structure might be too close to a sidewalk. Staff noted the 20 feet would be measured from the edge of the right-of-way. Staff pointed out this housing type is only permitted within areas planned for high-density residential development and is not allowed everywhere. (Note: Commissioners Mohn, Dunlap, and Unger were absent from the meeting.) The Board of Supervisors Discussed this item at their May 28, 2014 meeting; the Board discussed where this reduced setback would be used and whether keeping the 35' setback would encourage parking in front of the structure (which was not desirable). Ultimately the Board of Supervisors sent the item forward for public hearing. The

Planning Commission held a public hearing for this item on June 18, 2014; there were no citizen comments and the Commission recommended approval of the amendment.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC and the Planning Commission (with strikethroughs for text eliminated and bold italic for text added). **This proposed amendment is being presented to the Board of Supervisors as a public hearing item. A decision by the Board of Supervisors on this proposed Zoning Ordinance text amendment is sought.** Please contact me if you have any questions.

-
- Attachment:**
- 1. Proposed Revisions (deletions shown in strikethrough and additions shown in bold underlined italics)**
 - 2. High Density Residential Streetscape Section Schematic**
 - 3. Resolution**

CEP/pd

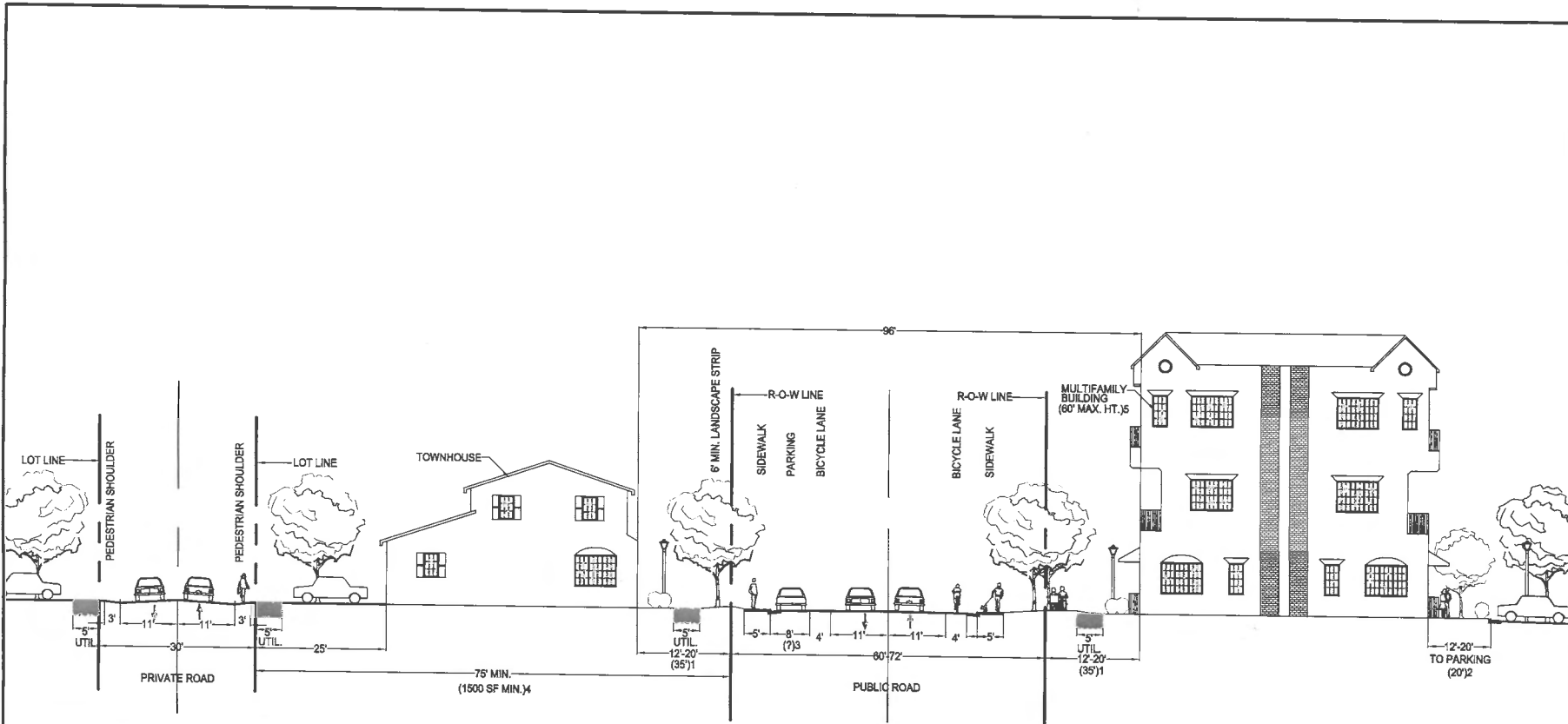
**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 402 – RP Residential Performance District

§ 165-402.09 Dimensional requirements.

J. Multifamily residential buildings. This housing type consists of multifamily buildings with a minimum of four dwelling unit entrances sharing an internal corridor per floor. The entire dwelling unit does not necessarily have to be on the same floor. External corridors are not permitted. Multifamily residential building shall only be located in areas designated in the Comprehensive Plan as neighborhood villages, urban centers or other areas planned for high density residential. Dimensional requirements shall be as follows:

A. Lot Dimensions	
A1 Maximum site impervious surface ratio	.60
B. Building Setbacks	
B1 From public road <u>or private road</u> right-of-way	35 feet <u>20 feet</u>
B2 From off street parking lot or driveway	20 feet <u>10 feet</u>
B3 Side (perimeter)	50 feet
B4 Rear (perimeter)	50 feet
B5 Rear for balconies and decks	20 feet
B6 Minimum on-site building spacing: Minimum on-site building spacing. Buildings placed side to side shall have a minimum distance of 20 feet between buildings; buildings placed side to back shall have a minimum distance of 35 feet between buildings. Buildings back to back shall have a minimum distance of 50 feet between buildings.	
C. Minimum Parking	
C1 Required off street parking	2 per unit
D. Height	
D1 Principal Building (max): 60 feet provided that a multifamily residential building may be erected to a maximum of 80 feet if it is set back from road right-of-ways and from lit lines in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot of height that it exceeds the 60 foot limit.	
D2 Accessory Building (max)	20 feet



Noted Dimensions

- 1-165-402.09.K(4)(a)[1]: The current setback requirement is 35'.
- 2-165-402.09.K(4)(a)[2]: The current separation distance to parking is 20'.
- 3-On-street parking will act as a traffic calming measure, reduce mass parking areas, and provide guest parking.
- 4-The "75'" dimension generally conforms to the current area requirements for townhouse lots.
- 5-165-402.09.L(8)(a): The current building height is limited to 40'.

In General

- 165-203.02.D: Distance buffers between residential and commercial zoning will inhibit development of the "new urbanism" concepts.
- 165-402.05: Current zoning limits parcels with more than 10 and less than 100 acres to a maximum density of 5.5 dwellings per acre.
- 165-402.06: Current zoning limits parcels with more than 50 acres to a maximum of 50% multifamily housing types.
- 165-402.09.K(5)(b): Current zoning requires a 50' spacing between buildings in the rear of the buildings. This appears to prohibit "back-to-back" townhomes.

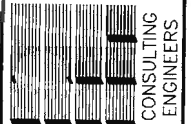


Scale in Feet

PROJECT:
**HIGH DENSITY RESIDENTIAL
 STREETSCAPE SECTION**

PAINTER-LEWIS, P.L.C.

116 NORTH BRADDOCK STREET
 WINCHESTER, VIRGINIA 22601
 Telephone: (540) 662-5792
 Facsimile: (540) 662-5793
 Email: office@painterlewis.com



SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1201007
SCALE:	DATE:
SHOWN	10/24/12
SHEET:	1/1



RESOLUTION

Action:

PLANNING COMMISSION: June 18, 2014

Recommended Approval

BOARD OF SUPERVISORS: July 9, 2014

APPROVED DENIED

**AN ORDINANCE AMENDING
THE FREDERICK COUNTY CODE
CHAPTER 165 ZONING**

**PART 402 – RP RESIDENTIAL PERFORMANCE DISTRICT
ARTICLE IV – AGRICULTURAL AND RESIDENTIAL DISTRICTS
§165-402.09 DIMENSIONAL REQUIREMENTS
§ 165-402.09J MULTIFAMILY RESIDENTIAL BUILDINGS**

WHEREAS, an ordinance to amend Chapter 165, Zoning to allow that the front setback for Multifamily Residential Buildings be reduced from 35 feet to 20 feet, was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on June 18, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on July 9, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to update Article IV – Agricultural and Residential Districts, Part 402 – RP Residential Performance District, §165-402.09 Dimensional Requirements and §165-402.09J Multifamily Residential Buildings to reduce the front setback for multifamily residential buildings from 35 feet to 20 feet.**

This amendment shall be in effect on the day of adoption.

Passed this 9th day of July, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Gene E. Fisher	_____	Charles S. DeHaven, Jr.	_____
Christopher E. Collins	_____		

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

J

REVIEW EVALUATIONS:

Virginia Department of Transportation: Plan approved.

Frederick County Public Works: Plan approved.

Frederick County Inspections: Comments shall be made at site plan/subdivision site submittal.

Frederick County Parks and Recreation: The applicant will need to submit details on the required recreational units during the site development phase.

Frederick County Fire & Rescue: Plan approved.

Frederick County Fire Marshall: Plan approved.

Frederick County Health Department: Health Department has no objection. Public water and sewer required.

Frederick County Sanitation Authority: Per your request, a review of the proposed master plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcel is in the water and sanitary sewer area served by the Authority. Based on the location both water service and sanitary sewer service is available. Sanitary sewer treatment capacity at the waste water treatment plant is also presently available. Sanitary sewer conveyance capacity and layout will be contingent on the applicant performing a technical analysis of the existing sanitary sewer system within the area to be served and the ability of the existing conveyance system to accept additional load. Likewise, water distribution capacity will require the applicant to perform a technical analysis of the existing system within the area to be served to determine available capacity. Both water and sanitary sewer facilities are located within a reasonable distance from this site.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements will be required and based on the layout, vehicular access will need to be incorporated into the final design. All easements should be free from any encumbrance including permanent structures (fences, signs, etc.) and landscaping (trees, shrubs, etc.).

Please be aware, the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicants in support of or in conjunction with this application, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the applicant may hereafter provide to Frederick County.

Frederick County Public Schools: It is noted the public streets will be phased with the development. Our buses can use the roundabouts to turn around at the ends of phases 1 and 2. We will need a cul-de-sac or similar feature to turn around at the end of Phase 3. Roadway features that do not require backing are preferred over features such as hammer heads that do require backing.

Planning & Zoning:

A) Master Development Plan Requirement

A master development plan is required prior to development of this property. Before a master development plan can be approved, it must be reviewed by the Planning Commission, Board of Supervisors, and all relevant review agencies. Approval may only be granted if the master development plan conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the master development plan is to promote orderly and planned development of property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) Site History

The original Frederick County zoning map (U.S.G.S. Winchester, VA Quadrangle) identifies the subject property as being zoned A-1 (Agricultural General). The County's agricultural zoning districts were combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding zoning map resulted in the re-mapping of this portion of the subject property and all other A-1 and A-2 rezoned land to the RA District. On December 11, 2013 the Board of Supervisors approved Rezoning #03-13 of Madison Village which rezoned the property to RP (Residential Performance) and B2 (Business General) with proffers.

C) Site Suitability & Project Scope

Comprehensive Policy Plan:

The 2030 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.

Land Use Compatibility:

The 2030 Comprehensive Plan and the Senseny/Eastern Frederick Urban Areas Plan (Appendix D) provide guidance on the future development of the property. The property is located in the UDA (Urban Development Area) and the SWSA (Sewer and Water Service Area). The 2030 Comprehensive Plan identifies the general area surrounding this property with a high density residential land use designation.

Site Access and Transportation:

The Madison Village development will have one signalized entrance on Route 522. It should be noted that the location on the MDP has been shifted south due to entrance spacing requirements. The modified entrance is still in general conformance with the proffered Generalized Development Plan from the rezoning. The development includes the following improvements: installation of a traffic signal at the development entrance, right and left turn lanes on Route 522, dual eastbound left turn lanes from the development entrance, and two roundabouts internal to the project. The site will also be providing interparcel connections to the adjacent B2 zoned properties as proffered, as well as a connection into the Russell 150 property.

PLANNING COMMISSION SUMMARY FOR THE 6/18/14 MEETING:

A Commission member inquired if arrangements had been made to provide access for the adjoining landowner.

Another question concerned where Phase 1 of the entrance road would begin and end since the signalized entrance was moved slightly south; it was noted the public school system had requested a school bus turn-around area. Staff replied the adjoining landowner has been provided with an inter-parcel access in two locations, which was required by the proffer.

The project's representative pointed out the location where Phase 1 will end; he said they will be constructing the intersection at Route 522, the entrance to the first round-about, and then north to the northern property, meeting the approved MDP for Russell 150. They will then build to the south to the first intersection, which would allow them to develop a number of townhomes and part of the multi-family. He added that a temporary cul-de-sac will be provided in every phase for school bus turn-around.

No other questions or issues were raised by the Planning Commission. No action was needed by the Commission.

(Note: Commissioner Oates abstained from discussion; Commissioners Triplett, Dunlap, and Kenney were absent from the meeting.)

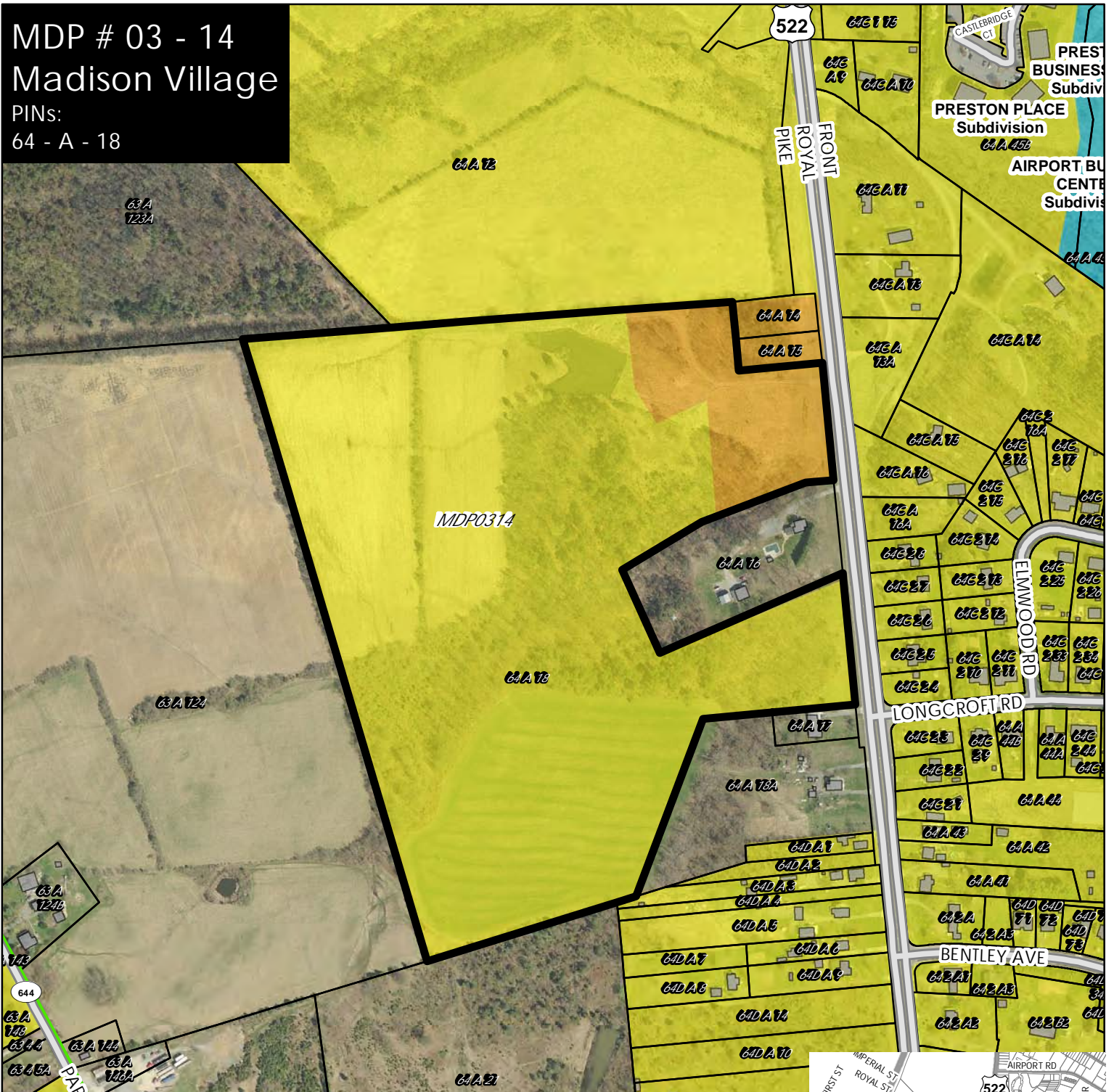
STAFF CONCLUSIONS FOR THE 07/09/2014 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Madison Village depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for Rezoning #03-13. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant.

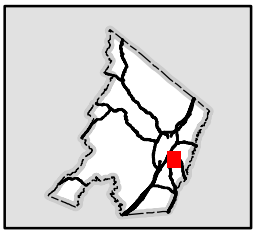
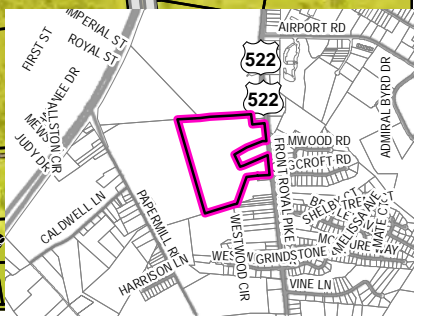
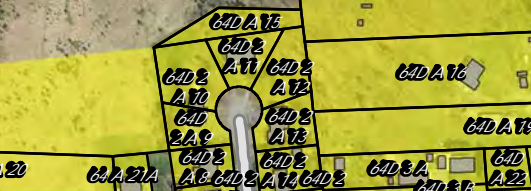
It appears the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

MDP # 03 - 14 Madison Village

PINs:
64 - A - 18

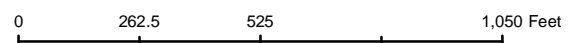


- Applications
- Parcels
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- M2 (Industrial, General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



MDP # 03 - 14
Madison Village
PINs:
64 - A - 18

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: May 23, 2014
Staff: cperkins



**MASTER DEVELOPMENT PLAN
APPLICATION FORM**

- Department of Planning & Development Use Only -

Application # 0314 Date Application Received: 5/1/14
PC Meeting Date 6/18/14 BOS Meeting Date 7/9/14
Fee Amount Paid \$ 8,126.00 Initials: RLR Receipt # 855925

1. **Project Title:** Madison Village, Mixed Use Property Development

2. **Applicant:**

Name: Painter-Lewis, PLC Telephone: 540-662-5792
Address: 817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

3. **Property Owner (if different than above):**

Name: Madison Farms, LLC Telephone: 540-974-0584
Address: 558 Bennys Beach Road
Front Royal, Virginia 22630

4. **Design Company:**

Name: Painter-Lewis, PLC Telephone: 540-662-5792
Address: 817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

5. **Please list names of all owners, principals, and/or majority stockholders:**

Mr. David Madison

6. **Magisterial District:** Shawnee

7. Property Location: The site is located on the west side of U.S. Route 522 approximately 1.6 miles south of the U.S. Rte. 522 and U.S. Rte. 50 intersection and approximately 0.8 miles north of the intersection of U.S. Rte. 522 and Co. Rte. 644 (Papermill Road).
 (Give State Route # and name, distance and direction from intersection)

8. Is this an original or amended Master Development Plan?

Original Amended , Previous MDP# _____

9. Property Information:

a) Property Identification Number (PIN): 64-A-18
 b) Total Acreage: 51.26
 c) Current Zoning: RP and B2
 d) Present Use: Vacant
 e) Proposed Uses: Residential Apartments, Residential Town Homes, Commercial

10. If residential uses are proposed, provide the following:

a) Density: _____
 b) Number of Units: 640 total maximum residential units
 c) Housing Types: Apartments, Townhouses

11. Adjoining Property use and zoning:

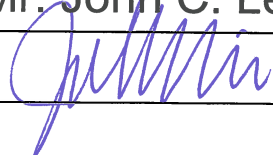
	<u>USE</u>	<u>ZONING</u>
North	<u>Agricultural and Vacant</u>	<u>RA, RPB2, B2</u>
East	<u>Public Right-of-way, S.F. Residential</u>	<u>RA, U.S. Route 522 (Front Royal Pike), RP</u>
South	<u>Agricultural, S.F. Residential</u>	<u>RA, RP</u>
West	<u>Agricultural</u>	<u>RA</u>

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plan shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Mr. John C. Lewis

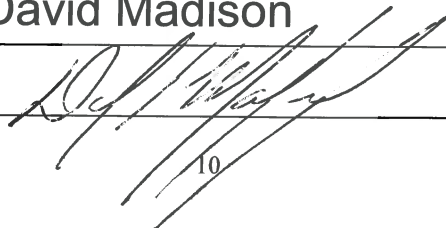
Date: _____



Date: 4-29-14

Owner(s): Mr. David Madison

Date: _____



Date: 4-30-2014

Adjoining Property Owners MASTER DEVELOPMENT PLAN

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number	Address
✓ Name Michael and Cheryl Shepard Property # 64-A-14	179 George Drive Winchester, VA 22602
✓ Name Michael and Cheryl Shepard Property # 64-A-15	179 George Drive Winchester, VA 22602
✓ Name R 150 SPE, LLC Property # 64-A-12	621 E. Pratt Street Baltimore, MD 21202
✓ Name EFG Investments, LLC Property # 64-A-123A	340 W. Parkins Mill Road Winchester, VA 22602
✓ Name EFG Investments, LLC Property # 64-A-124	340 W. Parkins Mill Road Winchester, VA 22602
✓ Name Shen-Valley Land Holdings LLC Property # 64-A-20	1835 Valley Ave Winchester, VA 22601
✓ Name Cleveland Michael Turner Property # 64D-A-3	201 Vine Lane Winchester, VA 22602
✓ Name Thomas Beatley Property # 64-A-18A	1014 Front Royal Pike Winchester, VA 22602
✓ Name Jesse Willard Riley, Jr Property # 64-A-17	980 Front Royal Pike Winchester, VA 22602

64-A-18

POA
Painter Lewis
817 Cedar Creek Grade
Suite 120
Winchester VA 22601

Please verify
[Signature]

Name and Property Identification Number		Address
Name Michael D. Hockman		910 Front Royal Pike
Property # 64-A-16		Winchester, VA 22602
✓ Name Montie Gibson, Jr.		2508 Wilson Boulevard
Property # 64C-A-13A 13		Winchester, VA 22601
✓ Name Howard F. Sharp Jr.		921 Front Royal Pike
Property # 64C-A-16		Winchester, VA 22602
✓ Name Robert E. Wallace		929 Front Royal Pike
Property # 64C-2-8		Winchester, VA 22602
✓ Name Junxuan Z. Guiliani		937 Front Royal Pike
Property # 64C-2-7		Winchester, VA 22602
✓ Name Donna Lee Dewitt, Tr		949 Front Royal Pike
Property # 64C-2-6		Winchester, VA 22602
Name J.A.E. Gillespie, Tr		961 Front Royal Pike
Property # 64C-2-4		Winchester, VA 22602
✓ Name J.A.E. Gillespie, Tr		961 Front Royal Pike
Property # 64C-2-5		Winchester, VA 22602
Name		
Property # <i>04B-1A-13</i>		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		
Name		
Property #		

Please verify _____



**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) Madison Farms LLC (Phone) 540-723-9869

(Address) 558 Bennys Beach Road, Front Royal, VA 22630
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. 130007746 on Page 0140, and is described as

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

(Name) Painter-Lewis, P.L.C. (Phone) 540-662-5792

(Address) 817 Cedar Creek Grade, Suite 120, Winchester, VA 22601
To act as my true and lawful attorney -in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

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

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____,

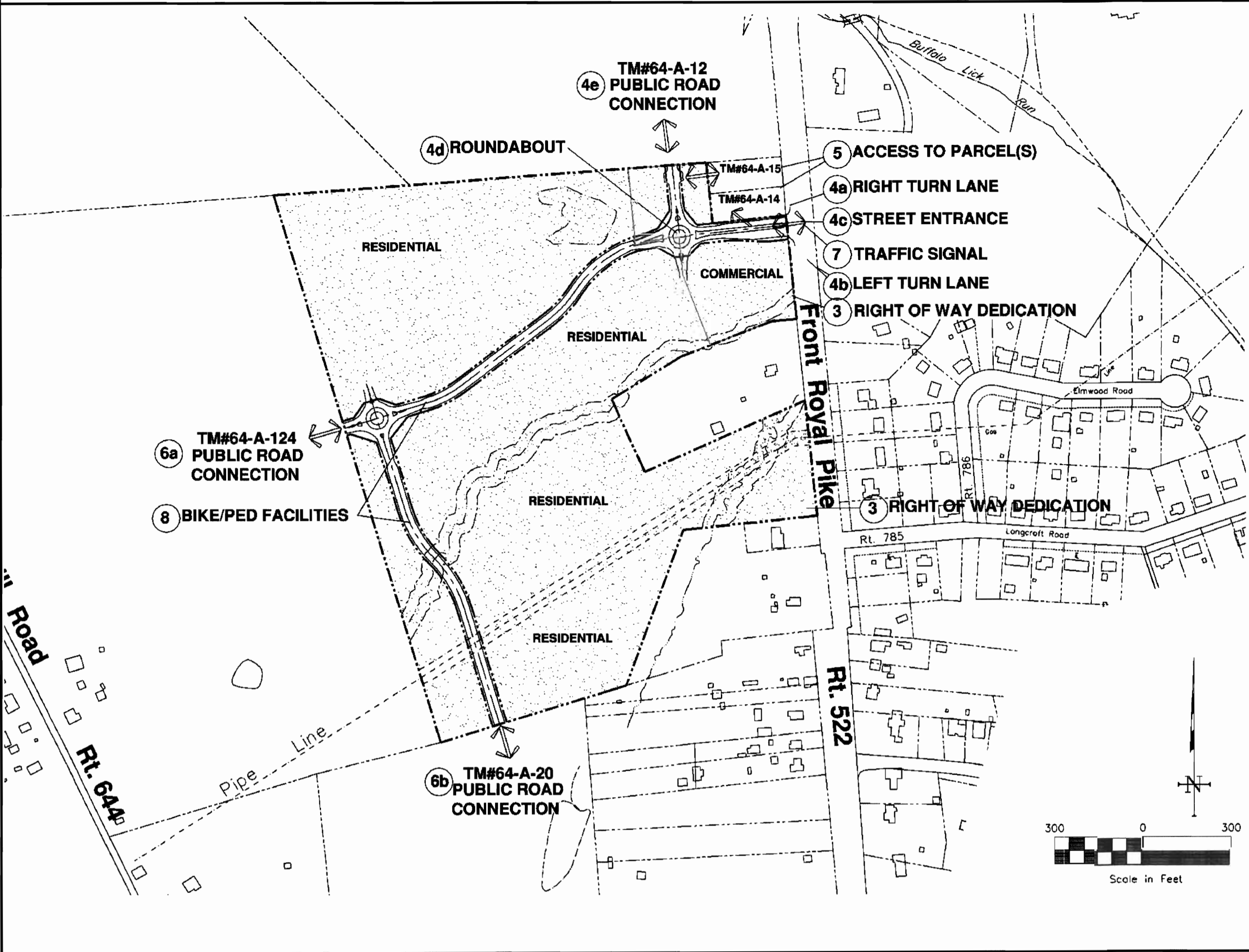
Signature(s) _____

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

I, Barbara A. VanSickler, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 30 day of April, 2014.

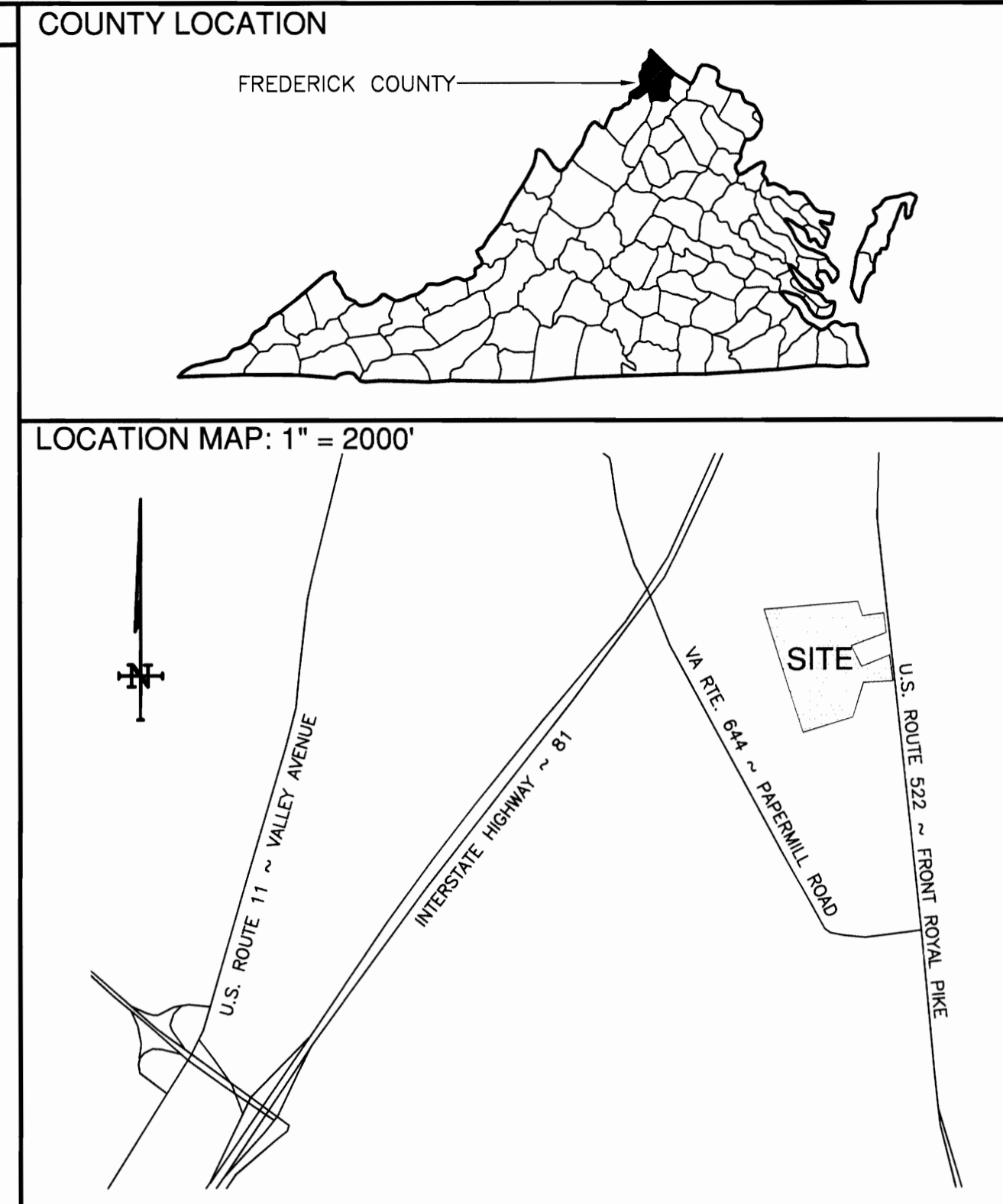
Barbara A. VanSickler My Commission Expires: 9/30/2016
Notary Public

APPROVED PROFFERED GENERALIZED DEVELOPMENT PLAN



GENERAL NOTES:
OWNER / DEVELOPER: TM# 64-A-18 Madison Farms, LLC 558 Bennys Beach Road Front Royal, VA 22630
Contact: Mr. David Madison Tel: 540-974-0584
PARCEL DATA (OVERALL):
 Zoning: RP-Residential Performance District and B2-Business General District
 Area: 51.26 acres total (5 acres of B2, 46.26 acres of RP, 4.75 acres dedicated to public R-O-W)
 Existing Use: Vacant
 Proposed Use: Commercial (B2), Residential Apartments and Townhouses (RP), Public Roads
 Historical Structures and Sites: None
 Environmental Features: Wetlands - 2.05 acres of wetlands have been identified on the site. Flood plains - FIRM Map No. 51069C0209D shows that a portion of the parcel is within Zone X. This zone is characterized by areas of 1% annual chance flood with average depths of less than 1 foot. Steep Slopes - Approximately 0.02 acres of steep slopes (>50%) have been identified on the site.
 Project Phasing: Phasing for the construction of this project will be in accordance with Items #4, 6a, and 6b of the approved Proffer Statement for Madison Village, Parcel TM#64-A-18. The approved Proffer Statement can be found on this page.
 Buffers and Screening: Zoning District Buffers: RP against RP: no buffer required; RP against (vacant) RA: no buffer required; RP against (residential)RA: Category B buffer (30' inactive/20' active w/ full screen); B2 against B2: No Buffer or Screen required; B2 against RP: Category B buffer (25' inactive/25' active w/ full screen).
 Residential Separation Buffers: Townhouses against Multifamily: Category B: Full Screen in 30' Inactive/20' Active; Townhouses against Multifamily (on-site): no buffer required.
 Road Efficiency Buffer: The existing woodland shall be preserved and maintained as the Road Efficiency Buffer along Rt. 522.
 Storm Water Management: Storm water quantity and quality controls will be provided throughout the development in multiple, underground & surface facilities.

RP ZONING:
 Existing Use: Vacant
 Proposed Use: Residential
 Residential Density: Maximum=640/46.26=13.8 units per acre; Minimum=420/46.26= 9.1 units per acre; Required: 30%, 13.88 acres; Proposed: 30%, 13.88 acres
 Open Space Requirements: (26% or 3.61 acres is covered by environmental features.)
 Recreational Units: Required: 1 rec. unit per 30 housing units; Maximum Required: 640/30= 21 rec. units; Minimum Required: 420/30= 14 rec. units
 Recreational Units will include a community building and swimming pool in both Phase 1 and Phase 3, plus hiking trails generally throughout the development.
 Parking Requirements: Minimum Parking Requirement: 2 spaces per unit
 Parking Restriction Lines: Street Setback: Required-10'; Required-5'
 Yard Setback: Required-10'
 Sign Setback: Required-10'
Townhouse Lot Dimensions:
 Minimum Lot Size: 1,500 sf
 Minimum Lot Width: 22' end unit, 18' interior unit
Building Restriction Lines:
 From Public or Private Road right of way: 25' with garage; 15' without garage
 From off-street parking: 15'
 Side Yard Setback: 10'
 Rear Yard Setback: 20'
 Setbacks for Decks, stoops, landings: 10'
 Front from off-street parking: 15'
 Side Yard: 5'
 Rear Yard: 5'
Minimum Parking Required: 2 spaces per unit
Maximum Main Building Height: 20'
Maximum Accessory Building Height: 20'
Multi-family Dimensions:
 Maximum impervious area: 60%
Building Restriction Lines:
 From public roadway: 35'
 From offstreet parking or driveways: 20'
 Side(perimeter): 50'
 Rear(perimeter): 50'
 Rear for balconies/decks: 20'
 Building spacing side to side: 20'
 Building spacing side to back: 35'
 Building spacing back to back: 50'
Principal Structure: 60' (or up to 80' with increased setbacks)
Accessory Structure: 20'



PROPERTY DEVELOPMENT BREAKDOWN

PROPERTY DESCRIPTION	AREA (acres)
Existing Total Parcel Area	51.26 acres
RP Zoned Area	46.26 acres
B2 Zoned Area	05.00 acres
Total Route 522 R-O-W Dedication	00.19 acres
Proposed Public R-O-W Dedication (on-site)	04.56 acres
Estimated Open Space Proposed (within RP)	13.88 acres (30%)
Disturbed/protected land within common open space	NA
Phase 1 Open Space/Units (approximate)	4.00 acres/144 units
Phase 2 Open Space/Units (approximate)	3.88 acres/220 units
Phase 3 Open Space/Units (approximate)	6.00 acres/276 units
RP Zoned, Townhouse Density	140units/15.26acres=9.2 units per acre
RP Zoned, Multifamily Density	50units/31.00acres=16.1 units per acre

B2 ZONING:
 Existing Use: Vacant
 Proposed Use: Commercial
 Building Restriction Lines: Front Yard Major Street Setback: Required-50'; Front Yard Minor Street Setback: Required-35'; Rear Yard Setback: Required-0'; Side Yard Setback: Required-0'; Maximum Building Height: Allowed-35' (60' for office use); Sign Setback: Required-10'
 Parking Requirements: Parking Restriction Lines: Street Setback: Required-10'; Yard Setback: Required-5'
 Open Space Required: 15%
WATER AND SEWER AVAILABILITY:
 The Frederick County Sanitation Authority has confirmed the availability of public water and sanitary sewer service to the proposed Madison Village development.

ENVIRONMENTAL FEATURES NOTES:
 1. A combined total of 5.62 acres of environmental features exist on the site. Of the 5.62 acres, 1.21 acres of the features overlap (Wetlands, Waterways and Riparian Buffers).
 2. The adjusted coverage area of environmental features for the site is 4.41 acres.

ENVIRONMENTAL FEATURES CHART

FEATURE	EXISTING AREA (ACRES)	ALLOWABLE DISTURBANCE (PERCENTAGE)	ALLOWABLE DISTURBANCE (ACRES)	PROPOSED DISTURBANCE (ACRES)
Floodplains	0.00 acres	0%	0.00 acres	0.00 acres
Lakes, Ponds	0.85 acres	0%	0.00 acres	0.00 acres
Wetlands	1.20 acres	0%	0.00 acres	0.15 acres (R-O-W crossing)
Waterways including Riparian Buffers	3.55 acres	0%	0.00 acres	0.28 acres (R-O-W crossing)
Sinkholes	0.00 acres	0%	0.00 acres	0.00 acres
Natural Stormwater Retention Areas	0.00 acres	10%	0.00 acres	0.00 acres
Steep Slopes	0.02 acres	25%	0.005 acres	0.005 acres

PROFFERS:
 Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned applicant proffers that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application #03-13 for the rezoning of parcel TM# 64-A-18 from RA to RP/B2 with proffers, the use and development of the subject property shall be in strict conformance with the following conditions set forth in this proffer except to the extent that such conditions may be subsequently amended or revised by the owner and such are approved by the Board of Supervisors in accordance with the Code of Virginia and Frederick County Zoning Ordinance. These proffers shall be binding on the owner and their legal successors or assigns.

PROFFERS
 1.) **Generalized Development Plan**
 The owner proffers to develop the property in general conformance with the Generalized Development Plan (GDP) dated 7/21/13, identified as "Generalized Development Plan TM# 64-A-18, 61.26 Acres" and which is attached to the proffer statement, for the purpose of identifying the proposed zoning changes to the parcel, the general location and form of the parcel access, and improvements to Route 522. Approximately five acres will be rezoned to B2 Business General District and approximately 46.26 acres will be rezoned to RP Residential Performance District. Attached to the proffer statement is a "Plan of Rezoning" dated July 1, 2013 which delineates the proposed zoning areas.
 2.) **Residential Density**
 The owner proffers to limit the maximum number of residential units to six hundred forty (640). The owner proffers to limit the minimum number of residential units to four hundred twenty (420).
 3.) **Right of Way Dedication**
 The owner proffers to dedicate a ten-foot strip of land along the frontage of Parcel TM# 64-A-18 to the Virginia Department of Transportation for the purpose of facilitating future improvements to Route 522. This dedication will occur prior to the issuance of any occupancy permit for the property.
 4.) **Initial Transportation Improvements**
 The Owner must obtain adequate access to Route 522 as approved by VDOT for the rezoned parcel.
 The owner proffers to dedicate the necessary land for road improvements and to construct the internal road system as generally shown on the GDP. Implementation of certain of these improvements as approved by VDOT and Frederick County will be completed prior to the issuance of any occupancy permit for the property. These improvements will include:
 a) The design and construction of a right turn lane southbound on Route 522 into the parcel.
 b) The design of one northbound left turn lane on Route 522 into the parcel.
 c) The design and construction of a full movement roundabout entrance into the property including one west bound lane, two eastbound left turn lanes, one east bound right turn lane, and bicycle/pedestrian facilities.
 d) The design and construction of a roundabout at the western limits of the commercial area unless it is determined by the Virginia Department of Transportation that an alternate intersection design is required.
 e) The design and construction of a public street to the northern limits of the parcel to allow connection to Parcel TM#64-A-12 as generally shown on the GDP.
 5.) **Interparcel Access**
 The owner agrees to provide the necessary ingress and egress easements to allow vehicle access for the benefit of Parcel TM#64-A-14 and Parcel TM#64-A-15, to and from the public roads described in items 4.c and 4.e above subject to approval by the Virginia Department of Transportation.
 6.) **Other Transportation Improvements**
 a.) A public road will be extended to the western limits of the parcel to allow future connection to Parcel TM#64-A-124 as generally shown on the GDP. The road will include the design and construction of a roundabout at the intersection of the proposed road unless it is determined by the Virginia Department of Transportation that an alternate intersection design is required. Construction of this road will be completed before the three hundred twelfth (312') residential unit receives an occupancy permit.
 b.) A public road will be extended to the southern limits of the parcel to allow future connection to Parcel TM#64-A-20 as generally shown on the GDP. Construction of this road will be completed before the four hundred twentieth (420') residential unit receives an occupancy permit.
 7.) **Route 522 Traffic Signal**
 In the event that the Virginia Department of Transportation notifies the owner that a warrant study is required at the intersection of Route 522 and the access to the parcel, the owner hereby proffers to complete said warrant study within three months of the notification. If, after reviewing the warrant study, the Virginia Department of Transportation notifies the owner that a traffic signal is warranted at the intersection of Route 522 and the access to the parcel, the owner hereby proffers to undertake and complete the design and construction of the traffic signal within one year of the signal warrant notification.
 8.) **Bicycle/Pedestrian Facilities**
 The owner proffers to install bicycle and pedestrian facilities generally along the proposed public road routes and as part of the construction of said roads. Construction details and phasing will be submitted as part of a Master Development Plan for the project.
 9.) **Residential Development Impact Offset Contribution**
 a. Single Family Detached and Single Family Attached: The owner proffers to pay to the Treasurer of Frederick County, Virginia the amount of \$19,600 per single family detached dwelling unit and \$13,000 per single family attached unit prior to the time that the Certificate of Occupancy is issued for each unit.
 b. Apartments - The owner proffers to pay to the Treasurer of Frederick County, Virginia the amount of \$1,339 per apartment unit in accordance with the following:
 Payment of the amount determined will be made prior to the time of the issuance of the Certificate of Occupancy for each apartment building in a Phase and as follows:
 (i) Ten (10%) Percent of the amount determined in cash or its equivalent.
 (ii) The Balance of the Impact Fee in the form of a bond, secured by cash (or its equivalent) or by a letter of credit from County approved financial institution, payable five (5) years from date, and payable to the Treasurer of the County of Frederick, Virginia.
 10.) **Age-Restricted Residential Development Impact Offset Contribution**
 a. Single Family Detached and Single Family Attached: The owner proffers to pay to the Treasurer of Frederick County, Virginia the amount of \$2,869 per single family detached dwelling unit and \$2,181 per single family attached unit prior to the time that the Certificate of Occupancy is issued for each unit.
 b. Apartments - The owner proffers to pay to the Treasurer of Frederick County, Virginia the amount of \$2,187 per apartment unit in accordance with the following:
 Payment of the amount determined will be made at the time of the issuance of the Certificate of Occupancy for each apartment building in a Phase and as follows:
 (i) Ten (10%) Percent of the amount determined in cash or its equivalent.
 (ii) The Balance of the Impact Fee in the form of a bond, secured by cash (or its equivalent) or by a letter of credit from County approved financial institution, payable five (5) years from date, and payable to the Treasurer of the County of Frederick, Virginia.
 11.) **Property Owners Association**
 The residential development will be made subject to a Property Owners Association (POA) that shall be responsible for the ownership and maintenance of all property (res not privately owned or dedicated to public agencies). The POA shall be provided other responsibilities, duties, and powers as are necessary and customary for such associations. In addition to other responsibilities as assigned, the POA shall be responsible for solid waste disposal programs and the maintenance of streets, parking areas, buffer areas, recreational features, lighting and landscaping.
 The Owner agrees to fund the POA in a sum of Five Thousand Dollars (\$5,000.00) in order to facilitate the POA's operating costs upon the transfer of control of the POA from the Developer to the third party property owners.
 The conditions proffered above shall be binding on the heirs, executors, administrators, assigns, and successors in the interest of the owner. In the event that the Frederick County Board of Supervisors grant this rezoning and accepts these proffers, these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.
 Submitted By: MADISON II, LLC on the 11th day of December, 2013
 By: David R. Madison, Manager
 City of Winchester, Commonwealth of Virginia.
 The foregoing instrument was acknowledged before me this 13th day of December, 2013, by David R. Madison, Manager of Madison II, LLC.
 My Commission expires 1-31-14

ABBREVIATIONS

ASSY.	ASSEMBLY
B.F.	BASEMENT FLOOR
BLK.	BLOCK
BC	BOTTOM OF CURB
BNL	BUILDING MOUNTED LIGHT
BP	BREAK POINT
BSSD.	BASEBOARD
CG-2	VDOT CURB
CG-6	VDOT CURB & GUTTER
CIP	CAST IN PLACE CONCRETE
CMF	CONCRETE MONUMENT FOUND
CPP	CORRUGATED POLYETHYLENE PIPE
CMP	CORRUGATED METAL PIPE
CMPA	CORRUGATED METAL PIPE ARCH
CO	CLEAN OUT
DIAMETER	DIAMETER
DS	DOWNSPOUT
EOP	EDGE OF PAVEMENT
EGG	EDGE OF GRAVEL
ESMT.	EASEMENT
EX.	EXISTING
F.F.	FIRST FLOOR ELEVATION
F.F.E.	FIRST FLOOR ELEVATION
FDC	FIRE DEPARTMENT CONNECTION
FG	FACE OF GUTTER
FH	FIRE HYDRANT
F.L.S.	FIRE LANE SIGN
F.L.T.	FLOOD LIGHT
GAUGE	GAUGE
GM	GAS METER
GV	GAS VALVE or GATE VALVE
HCR	HANDICAP RAMP
HOSE BIB	HOSE BIB
HR CURB	8" HEADER CURB
HP	HIGH POINT
HTR.	HEATER
INC	INCREASER
INVT	INVERT
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
LP	LOW POINT
LT	LIGHT
M.L.P.	METAL LIGHT POLE
MPD	MULTI-PRODUCT DISPENSER
MP	METAL POST
MH	MANHOLE
NDC	NOISE DOWN CURB
N.P.S.	NO PARKING SIGN
N.L.	NO LEFT TURN
NRT	NO RIGHT TURN
N.T.S.	NOT TO SCALE
OHE	OVERHEAD ELECTRIC
OH	OVERHEAD TELEPHONE
PIV	POST INDICATOR VALVE
PL	PROPERTY LINE
PP	POWER POLE
PROP.	PROPOSED
PVMT	PAVEMENT
RCP	REINFORCED CONCRETE PIPE
R.D.	ROOF DRAIN
RED.	REDUCER
R.O.	ROCK OUTCROP
SAN.	SANITARY
SEW.	SEWER
STD.	STANDARD
T.D.	TO BE DEMOLISHED
T.B.R.	TO BE REMOVED
T.B.P.	TO BE PRESERVED or PROTECTED
T.B. BLOCK	TIE-UP BLOCK
TC	TOP OF CURB
TEL	TELEPHONE
TRB	TELEPHONE RISER BOX
TVRB	TELEVISION RISER BOX
TYP. or TYP.	TYPICAL
UG	UNDERGROUND ELECTRIC
UGG	UNDERGROUND GAS
UG CATV	UNDERGROUND CABLE T.V.
UGT	UNDERGROUND TELEPHONE
WFM	ELECTRIC TRANSFORMER
WL	WATERLINE
WM	WATER METER
WPP	WOOD POWER POLE
WTP	WOOD TELEPHONE POLE
WV	WATER VALVE
25R	RADIUS IN FEET (ALL CURB RADII 5' UNLESS OTHERWISE NOTED)
400.00	PROPOSED SPOT ELEVATION
x(00.00)	EXISTING SPOT ELEVATION
hatched	HATCHING INDICATES REVERSED PITCH IN THE GUTTER PAN. PITCH TO BE 1/2" PER FOOT. TRANSITION THE GUTTER OVER A 10' LENGTH (TYP).

LIST OF DRAWINGS:
 SHEET 1/2: COVER SHEET
 SHEET 2/2: MASTER DEVELOPMENT PLAN

MADISON VILLAGE
 MASTER DEVELOPMENT PLAN
 SHAWNEE MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA
 TM # 64-A-18

APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT DATE

APPROVED BY THE COUNTY ADMINISTRATOR DATE

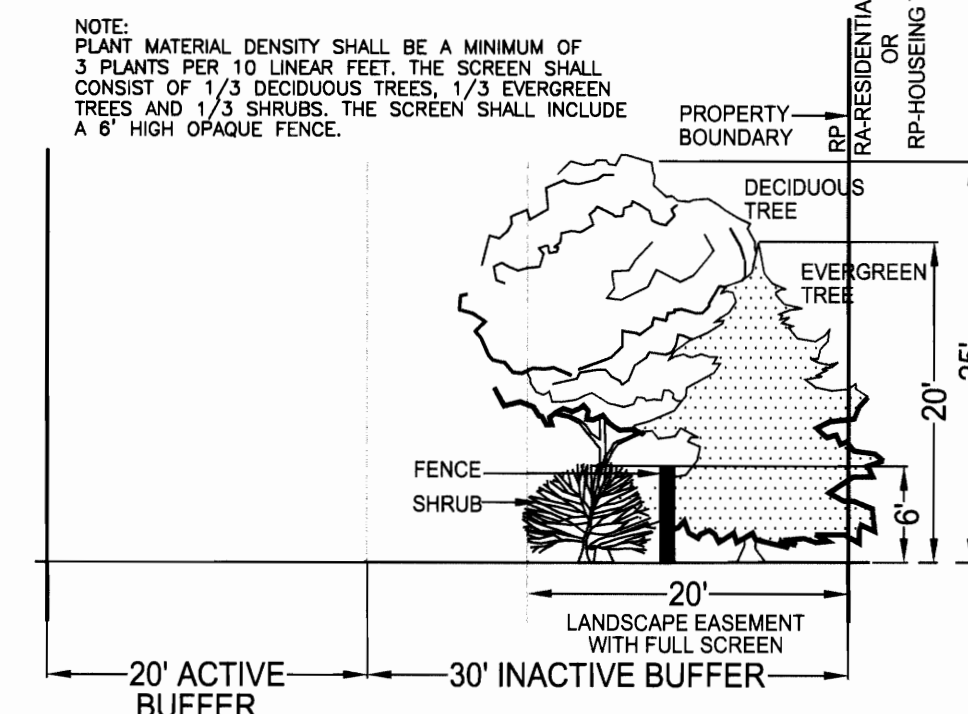
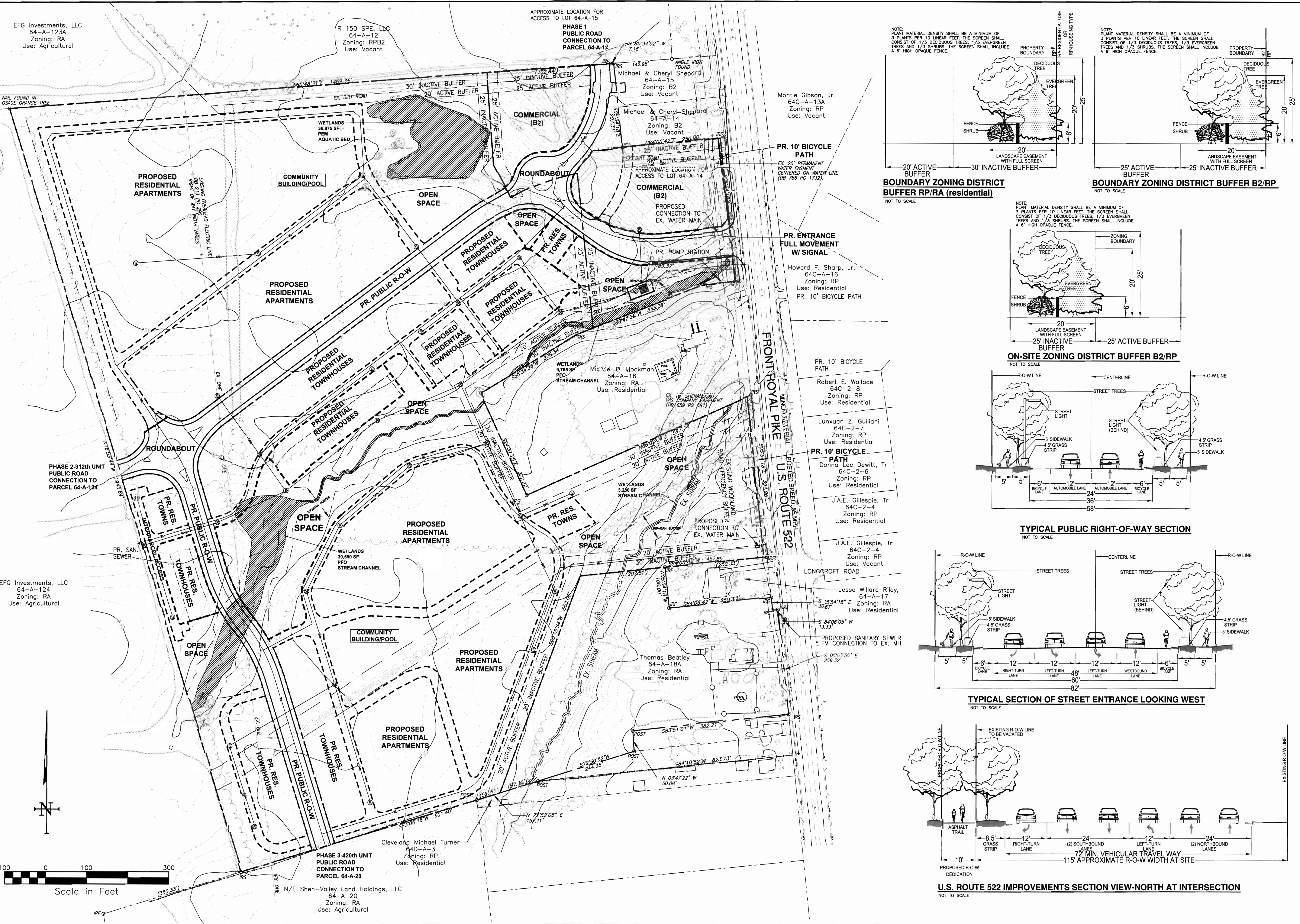
OWNER DATE

CONSULTING ENGINEERS
PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540) 662-5792
 Facsimile (540) 662-5793
 Email: office@painterlewis.com
 JOB NO.: 1201007
 March 17, 2014
 Latest Revision Date: April 30, 2014

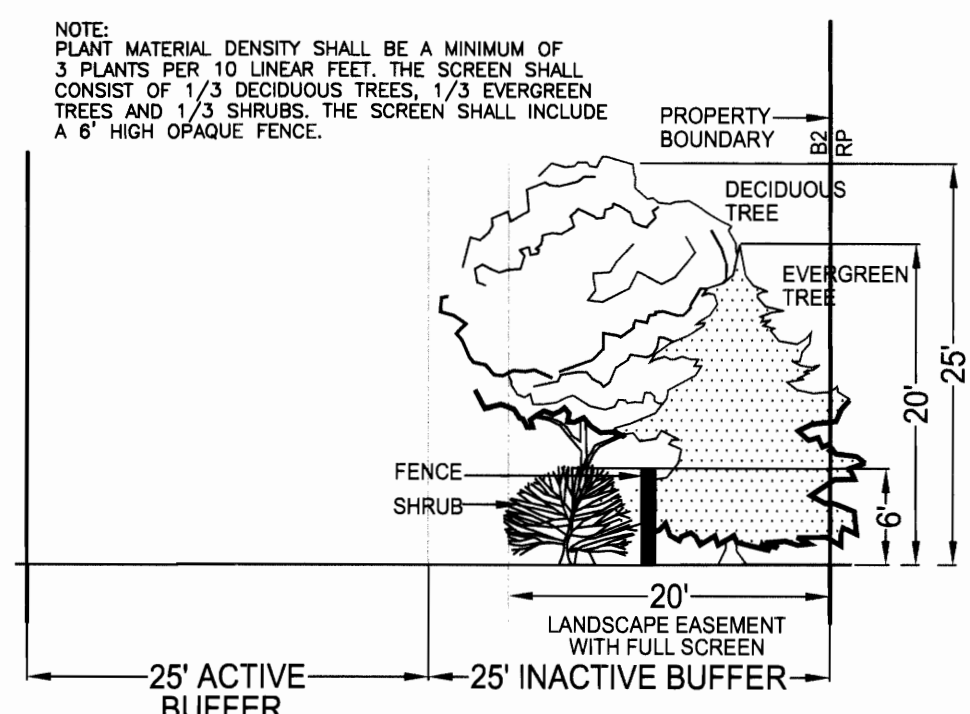
EFG Investments, LLC
64-A-123A
Zoning: RA
Use: Agricultural

R 150 SPE, LLC
64-A-12
Zoning: RPB2
Use: Vacant

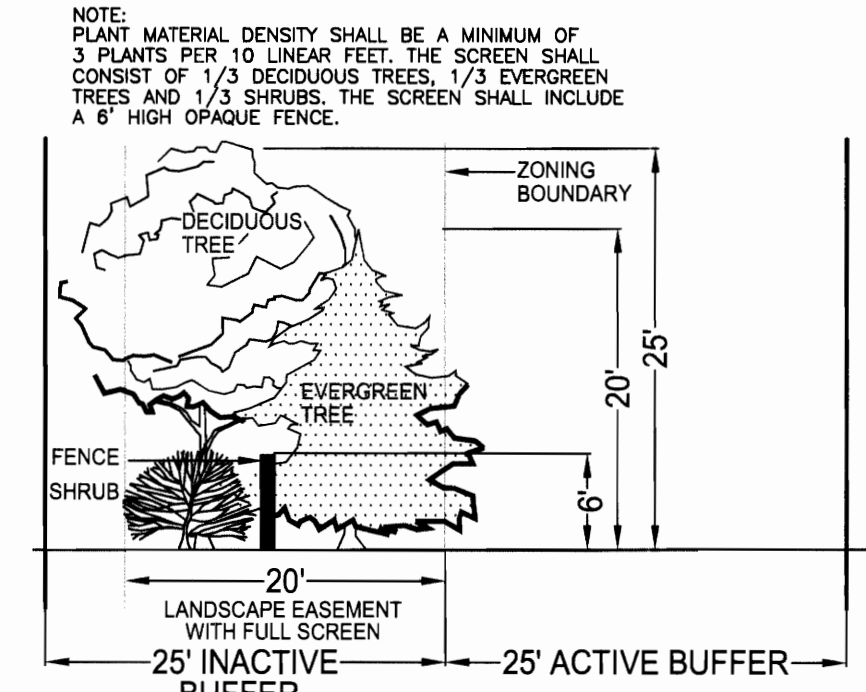
APPROXIMATE LOCATION FOR ACCESS TO LOT 64-A-15
PHASE 1 PUBLIC ROAD CONNECTION TO PARCEL 64-A-12



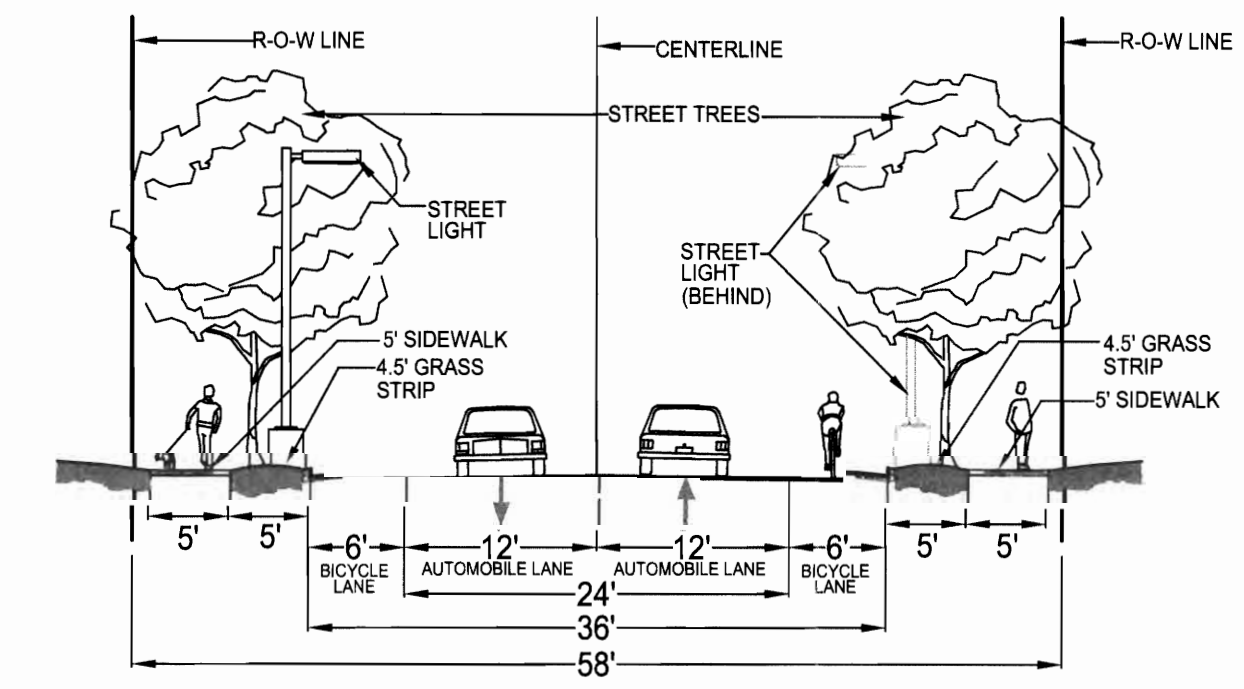
BOUNDARY ZONING DISTRICT BUFFER RP/RA (residential)
NOT TO SCALE



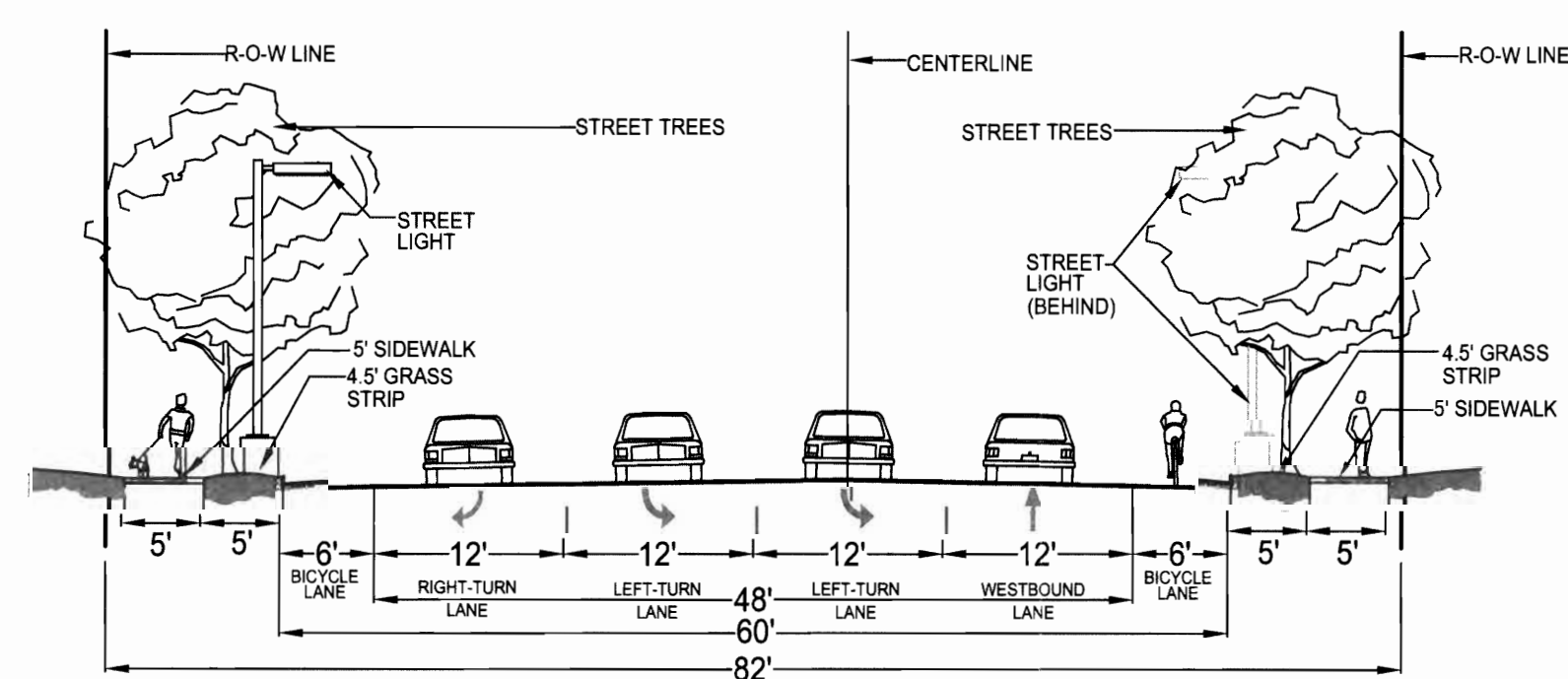
BOUNDARY ZONING DISTRICT BUFFER B2/RP
NOT TO SCALE



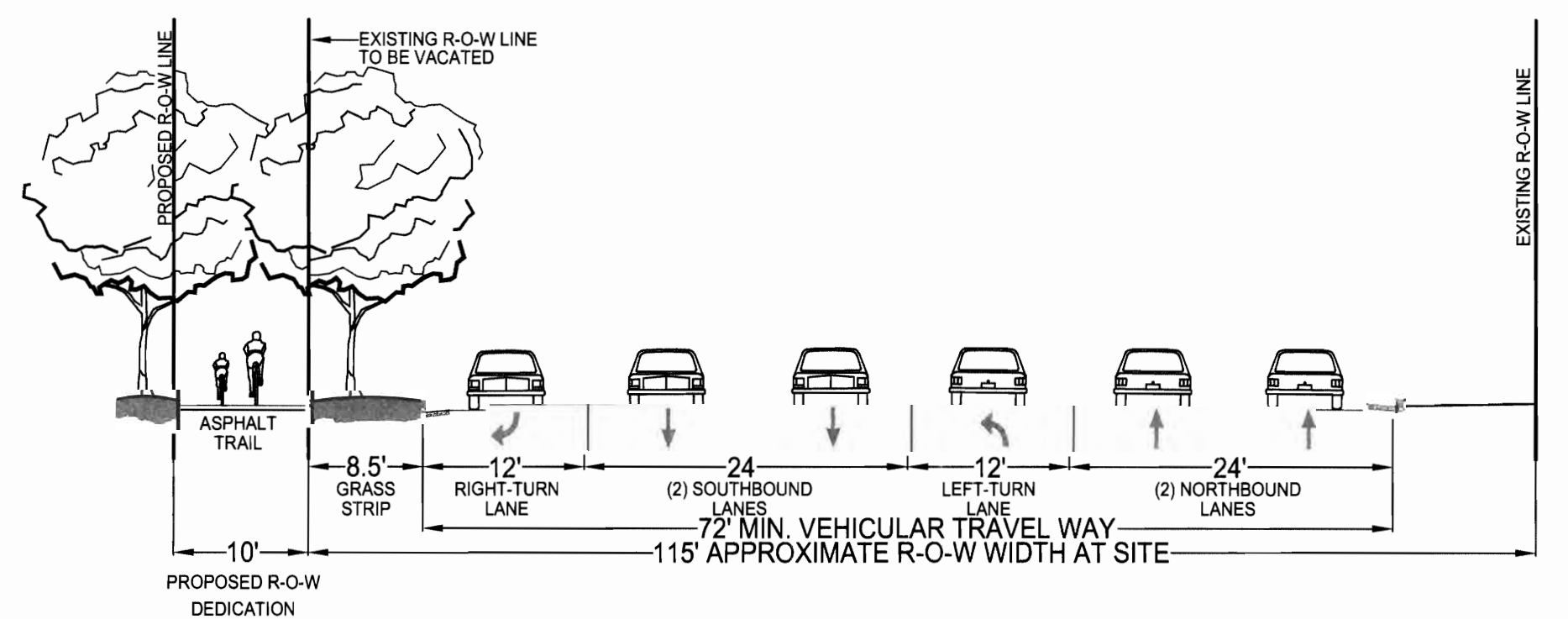
ON-SITE ZONING DISTRICT BUFFER B2/RP
NOT TO SCALE



TYPICAL PUBLIC RIGHT-OF-WAY SECTION
NOT TO SCALE



TYPICAL SECTION OF STREET ENTRANCE LOOKING WEST
NOT TO SCALE



U.S. ROUTE 522 IMPROVEMENTS SECTION VIEW-NORTH AT INTERSECTION
NOT TO SCALE

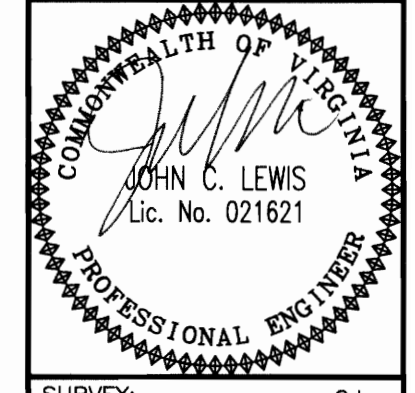
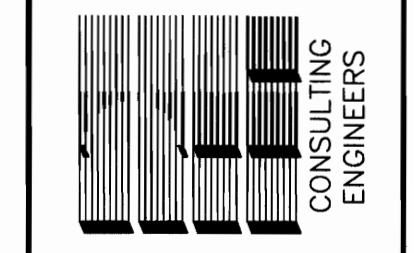


NO.	DATE	AGENCY COMMENTS	BY
1	4/30/14		

TITLE: **MASTER DEVELOPMENT PLAN**

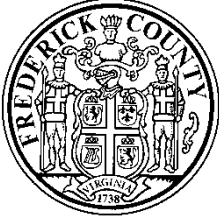
PROJECT: **MADISON VILLAGE MASTER DEVELOPMENT PLAN TAX MAP #64-A-18 SHAWNEE MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA**

PAINTER-LEWIS, P.L.C.
817 Cedar Creek Circle, Suite 120
Winchester, Virginia 22601
Telephone: (540) 662-5792
Facsimile: (540) 662-5793
Email: office@painterlewis.com



SURVEY: P-L C.I.: 2'
DRAWN BY: P-L JOB NO.: 1201007
SCALE: 1"=100.0' DATE: 03/17/14
SHEET: 2/2

К



MASTER DEVELOPMENT PLAN #04-14

Clearbrook Business Center

Staff Report for the Board of Supervisors

Prepared: June 24, 2014

Staff Contact: Candice E. Perkins, AICP, Senior 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 in the review of this application. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	06/18/14	Reviewed
Board of Supervisors:	07/09/14	Pending

PROPOSAL: To develop 16.886 acres of land zoned B3 (Industrial Transition) District with commercial/industrial uses.

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBERS: 33-(A)-122A and 33-(A)-123

LOCATION: The subject properties are located at 3625 Martinsburg Pike, on the west side of Route 11, approximately 2,000' north of Hopewell Road (Route 672).

PROPERTY ZONING & PRESENT USE:

Zoned: Industrial Transition (B3)

Use: Residential & Agricultural

ZONING & PRESENT USE OF ADJOINING PROPERTIES:

North: Residential/Agricultural Use: RA (Rural Areas)

South: Agricultural and Residential Use: RA (Rural Areas)

East: Route 11/ Residential Use: RA (Rural Areas)

West: Interstate I-81 Use: N/A

STAFF CONCLUSIONS FOR THE 07/09/14 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Clearbrook Business Center depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for Rezoning #01-06. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant.

It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The Master Development Plan for this property appears to have a measurable impact on Route 11, the VDOT facility which would provide access to the property. VDOT finds the MDP acceptable. Once approved by Frederick County, please provide a signed PDF of the plan. Before making any final comments, this office will require a complete set of site plans, drainage calculations and traffic flow data from the I.T.E. Trip Generation Manual, Seventh Edition for review. VDOT reserves the right to comment on all right-of-way needs, including right-of-way dedications, traffic signalization, and off-site roadway improvements and drainage. Prior to construction on the State's right-of-way the developer will need to apply to this office for issuance of appropriate permits to cover said work.

Frederick County Fire Marshal: Plan approved.

Frederick County Fire & Rescue: Plan approved.

Frederick County Public Works: No comment at this time.

Frederick County Inspections: No comments required at this time. The department will comment at the time of the site plan.

Frederick County Sanitation Authority: Per your request, a review of the proposed master plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcel is in the water and sanitary sewer area served by the Authority. Based on the location both water service and sanitary sewer service is available. Sanitary sewer treatment capacity at the waste water treatment plant is also presently available. Sanitary sewer conveyance capacity and layout will be contingent on the applicant performing a technical analysis of the existing sanitary sewer system within the area to be served and the ability of the existing conveyance system to accept additional load. Likewise, water distribution capacity will require the applicant to perform a technical analysis of the existing system within the area to be served to determine available capacity. Both water and sanitary sewer facilities are located within a reasonable distance from this site.

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicants in support of or in conjunction with this application, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the Applicant may hereafter provide to Frederick County.

Planning & Zoning:

A) Master Development Plan Requirement

A master development plan is required prior to development of this property. Before a master development plan can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the master development plan conforms to all requirements of the Frederick County Zoning and Subdivision

Ordinances. The purpose of the master development plan is to promote orderly and planned development of property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) Site History

The original Frederick County zoning map (U.S.G.S. Inwood Quadrangle) identifies the subject parcels as being zoned A-2 (Agricultural General). 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. The corresponding revision of the zoning map resulted in the re-mapping of the subject property and all other A-1 and A-2 zoned land to the RA District. On March 22, 2006 the Board of Supervisors approved Rezoning #01-06 which rezoned the subject properties from the RA District to the B3 (Industrial Transition) District with proffers.

C) Site Suitability & Project Scope

Comprehensive Policy Plan:

The 2030 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.

Land Use Compatibility:

The parcels comprising this MDP application are located within the County's Sewer and Water Service Area (SWSA). The site is within the limits of the Northeast Land Use Plan and is designated for business use.

Site Access and Transportation:

The Clearbrook Business Center development will be accessed via a public street that will intersect with Martinsburg Pike. The internal road network will also provide interparcel access to the properties to the north and south.

PLANNING COMMISSION SUMMARY FOR THE 6/18/14 MEETING:

No questions or issues were raised by the Planning Commission. No action was required by the Commission. (Note: Commissioner Oates abstained from discussion; Commissioners Triplett, Dunlap, and Kenney were absent from the meeting.)

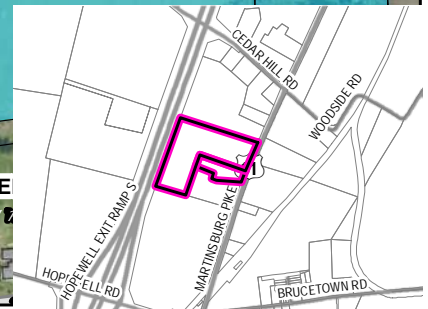
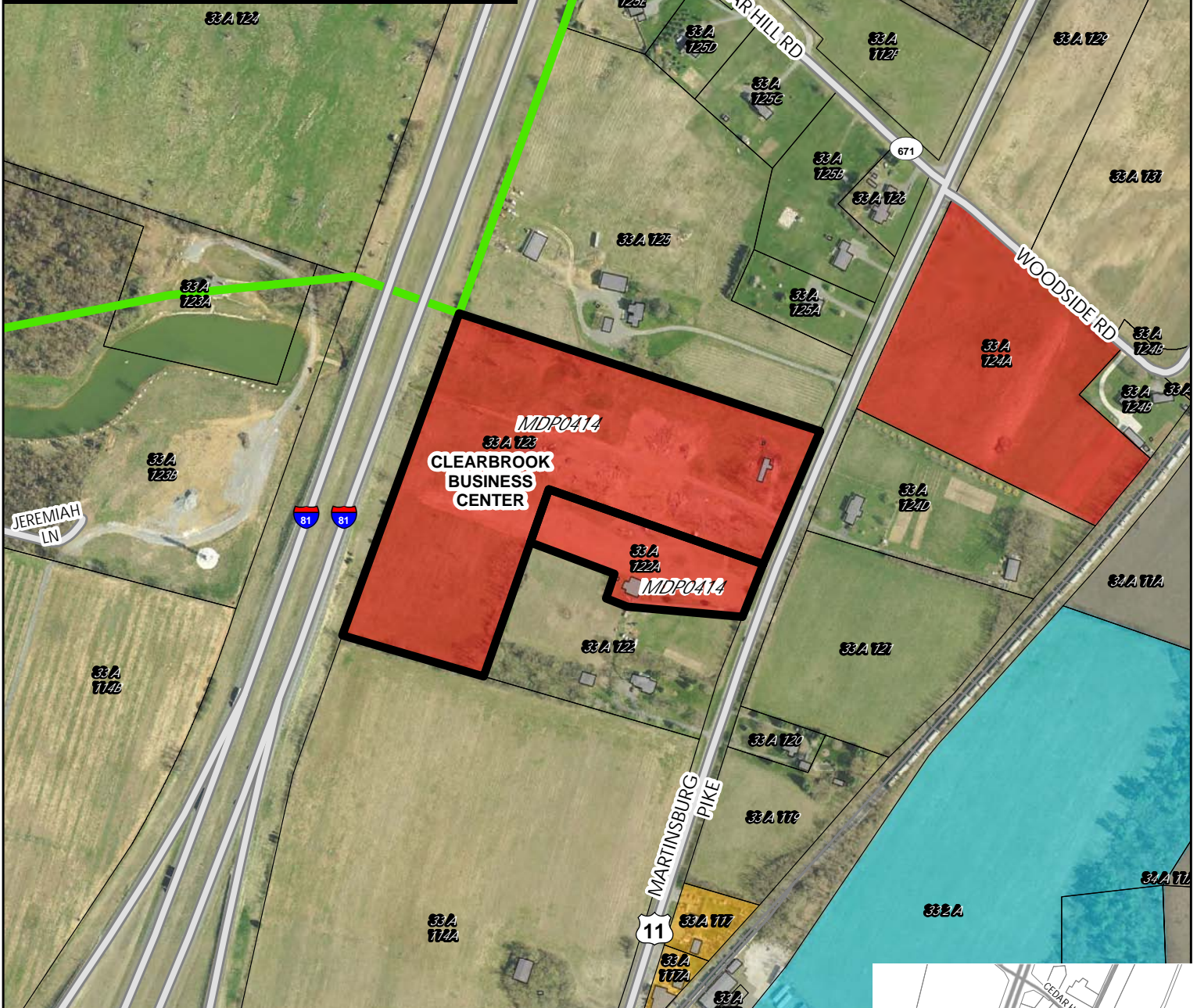
STAFF CONCLUSIONS FOR THE 07/09/14 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Clearbrook Business Center depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for Rezoning #01-06. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant.

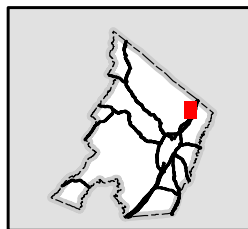
It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

MDP # 04 - 14 Clearbrook Business Center

PINs:
33 - A - 122A, 33 - A - 123



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



MDP # 04 - 14 Clearbrook Business Center

PINs:
33 - A - 122A, 33 - A - 123

0 262.5 525 1,050 Feet

Note:
Frederick County Dept of
Planning & Development

107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: May 30, 2014
Staff: cperkins



MASTER DEVELOPMENT PLAN
APPLICATION FORM



- Department of Planning & Development Use Only -

Application # 04-14 Date Application Received: 5/20/14
PC Meeting Date 6/18/14 BOS Meeting Date 7/9/14
Fee Amount Paid \$ 4,688.60 Initials: PD Receipt # 855934

1. Project Title: Clearbrook Business Center

2. Applicant:

Name: R&J Land Development, LLC Telephone: (540) 667-3092
Address: 1631 Redbud Road
Winchester, VA 22603

3. Property Owner (if different than above):

Name: _____ Telephone: _____
Address: _____

4. Design Company:

Name: GreyWolfe, Inc. - Gary R. Oates, LS-B, PE Telephone: (540) 667-2001
Address: 1073 Redbud Road
Winchester, VA 22603

5. Please list names of all owners, principals, and/or majority stockholders:

Jeffrey G. Jenkins and Roseanna M. Jenkins

6. Magisterial District: Stonewall

7. **Property Location:** 3625 Martinsburg Pike - Near Interstate 81 exit 321

Bounded by Route 11 to the east and Interstate 81 to the west
(Give State Route # and name, distance and direction from intersection)

8. **Is this an original or amended Master Development Plan?**

Original Amended Previous MDP# _____

9. **Property Information:**

a)	Property Identification Number (PIN):	<u>33-(A)-122A and 33-(A)-123</u>
b)	Total Acreage:	<u>16.886</u>
c)	Current Zoning:	<u>B-3</u>
d)	Present Use:	<u>Residential & Agriculture</u>
e)	Proposed Uses:	<u>Commercial</u>

10. **If residential uses are proposed, provide the following:**

a)	Density:	_____
b)	Number of Units:	_____
c)	Housing Types:	_____

11. **Adjoining Property use and zoning:**

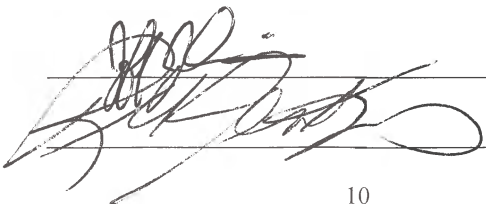
	<u>USE</u>	<u>ZONING</u>
North	<u>Vahidi Farm</u>	<u>RA</u>
East	<u>Route 11 and residence</u>	<u>RA</u>
South	<u>Residential and Agricultural</u>	<u>RA</u>
West	<u>I-81 and Church</u>	<u>RA</u>

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plans shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

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: _____
Date: _____

Owner(s):  _____

Date: 2-18-14
Date: 2-18-14

**Adjoining Property Owners
MASTER DEVELOPMENT PLAN**

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number	Address
Name MSD Investments, LC	151 Harvest Ridge Drive Winchester, VA 22601
Property # 33-(A)-114A	
Name Kristin Howerton Nickerson	3599 Martinsburg Pike Winchester, VA 22603
Property # 33-(A)-122	
Name Open Door Baptist Church, Inc.	2587 Northwestern Pike Winchester, VA 22603
Property # 33-(A)123B	
Name Mo Vahidi	794 Center Street Herndon, VA 20170
Property # 33-(A)-125	
Name Frederick A. Stronko	3656 Martinsburg Pike Winchester, VA 22603
Property # 33-(A)-124D	
Name Barbara Devers	PO Box 212 Clear Brook, VA 22624
Property # 33-(A)-121	
Name SilverWolfe, LLC	1073 Redbud Road Winchester, VA 22603
Property # 33-(A)-124A	
Name	
Property #	
Name	
Property #	



**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) R&J Land Development, LLC (Phone) (540) 667-3092

(Address) 1631 Redbud Road, Winchester, Virginia 22603

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

Instrument No. _____ on Page _____, and is described as

Parcel: 33 Lot: _____ Block: _____ Section: A Subdivision: 122A & 123

do hereby make, constitute and appoint:

(Name) GreyWolfe, Inc - Gary R. Oates, LS-B, PE (Phone) _____

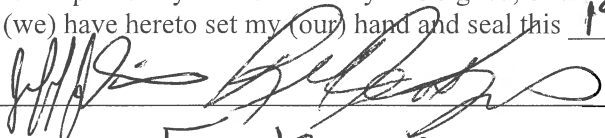
(Address) 1073 Redbud Road, Winchester, Virginia 22603

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

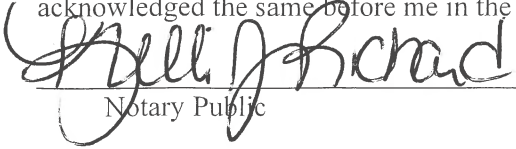
My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

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 18 day of Feb, 2014,

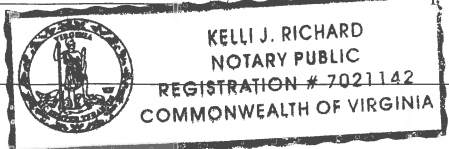
Signature(s) 

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

I, Kelli J. Richard, 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 18 day of Feb, 2014.

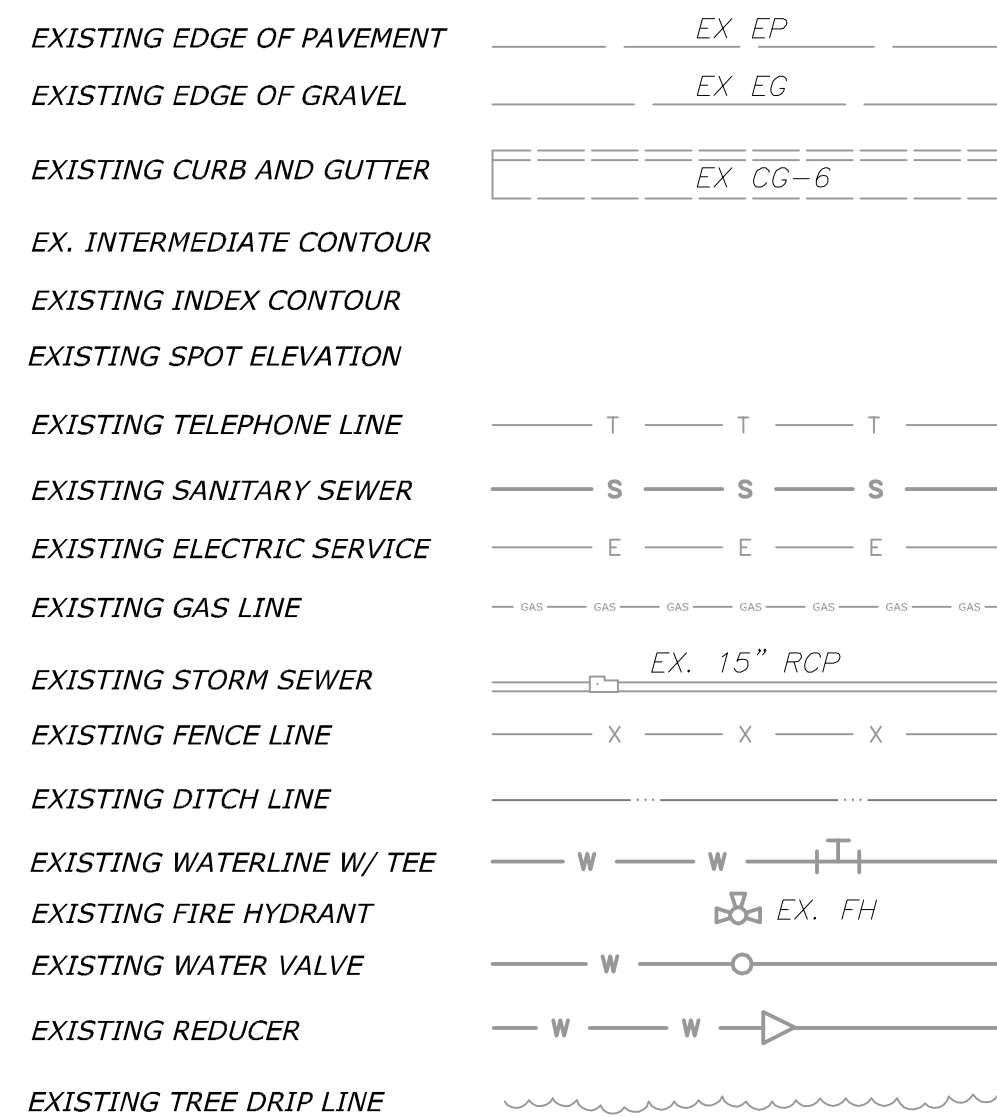

Notary Public

My Commission Expires: 1-31-15

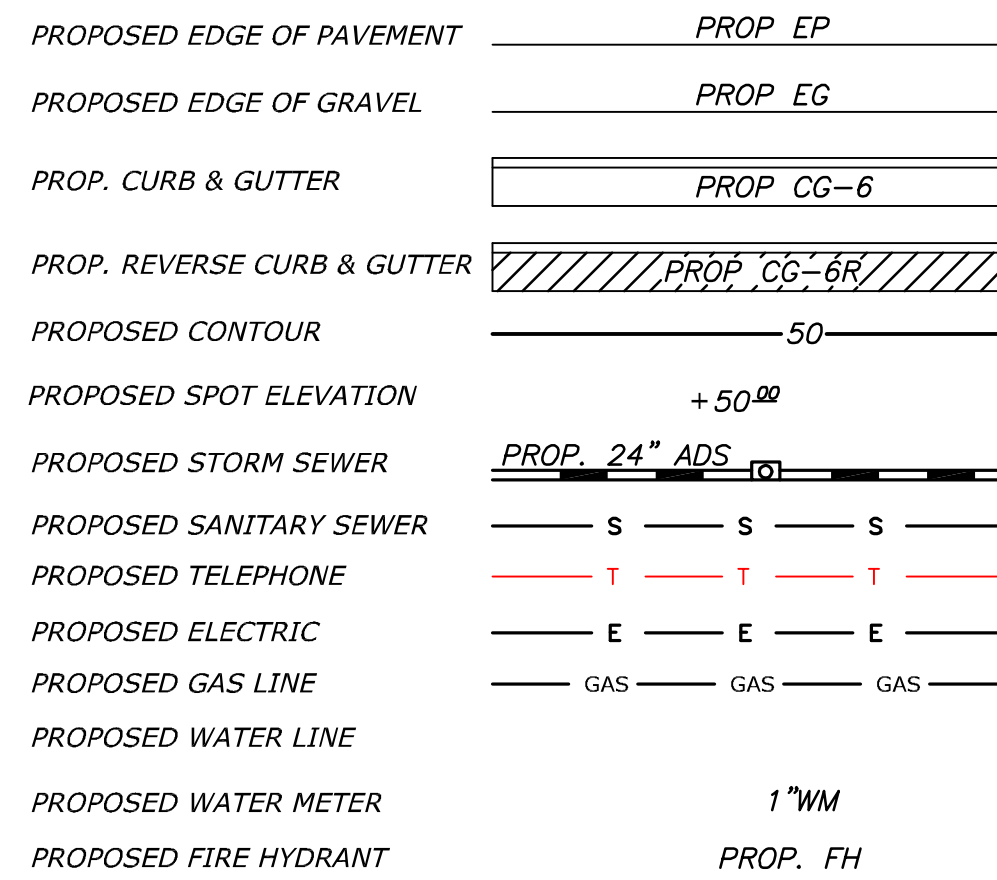


LEGEND

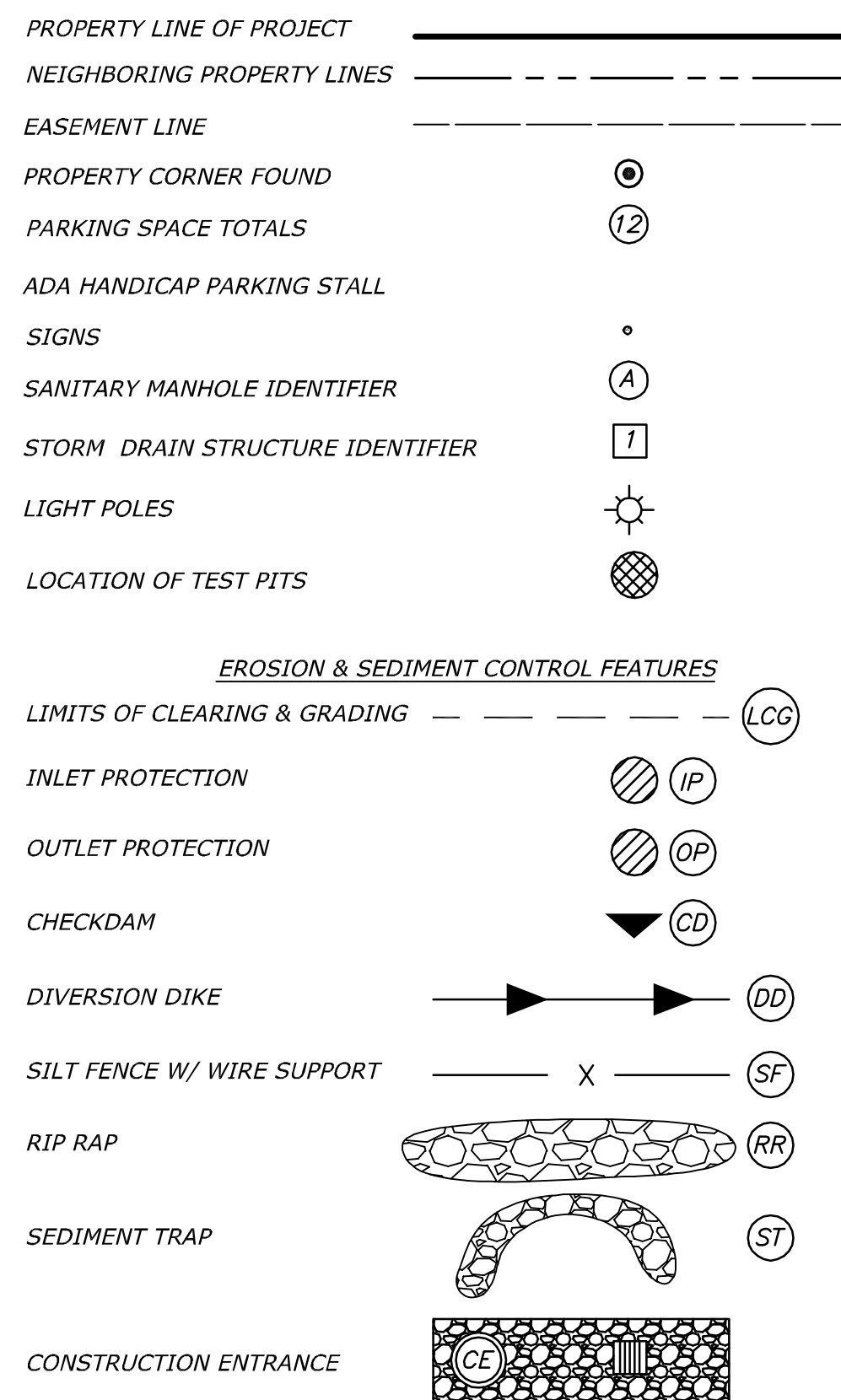
EXISTING FEATURES



PROPOSED FEATURES



COMMON LABELS & FEATURES



Rezoning: RZ # 01-06 Rural Areas District (RA) to Industrial Transition District (B-3) with Proffers
 Property: Area: 16.886 acres
 Tax Parcels 33-(A)-122A & 33-(A)-123
 Record Owner: R & J Land Development, L.L.C.
 Applicant: Jeffery G. Jenkins & Rosanna M. Jenkins
 Project Name: Clearbrook Business Center
 Original Date of Proffers: January 25, 2006
 Revised Date Proffers: March 2, 2006
 Magisterial District: Stonewall

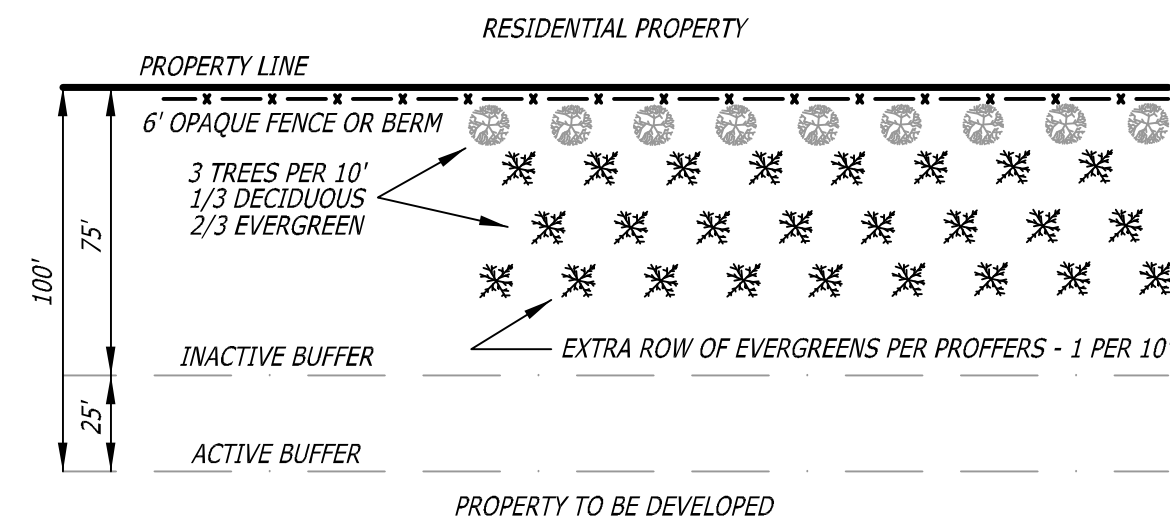
Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby offers the following proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #01-06 for rezoning of 16.886-acres from the RA District to Industrial Transition (B-3) District, development of the subject 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 applicant and such are approved by the Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this applicant and their legal successors, heirs, or assigns.

The subject properties are more particularly described as the lands conveyed to R & J Land Development, LLC, from Linda J. Vorous as recorded in the Frederick County Circuit Court Clerk's Office as instrument 050002818 dated February 9, 2005, and from Junior L. Dornier as recorded in the Frederick County Circuit Court Clerk's Office as instrument 030022368 dated September 29, 2003.

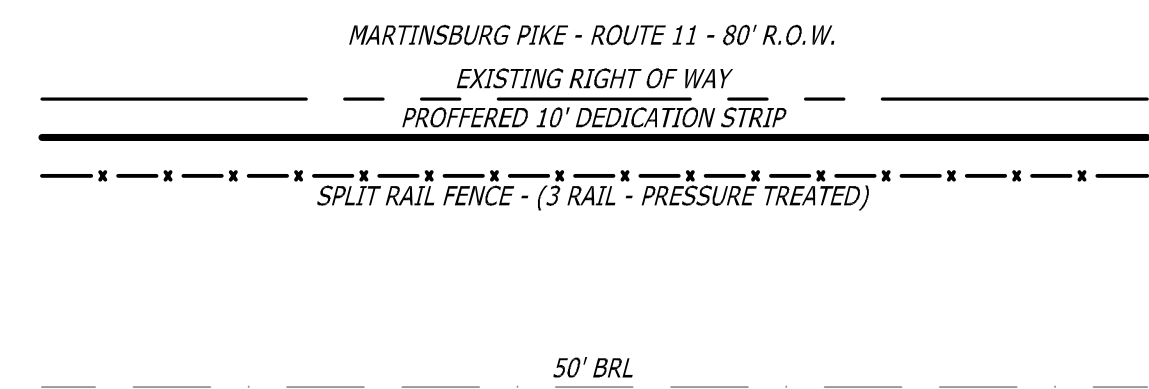
Proffers:

- A. On-Site and Off-site Improvements
 1. Transportation
 - a. Access
Access to this property from Martinsburg Pike (US Route 11) shall be limited to one commercial entrance. This entrance will provide ingress and egress to all uses on this site. The final location will be subject to VDOT review and approval once a site plan is submitted.
 - b. Additional Lane
The applicant hereby proffers to construct a 12' lane onto Route 11 along the site road frontage. This 550' long lane will be built to VDOT requirements. This will be built prior to applying for and obtaining any building permits.
 - c. Interparcel connections
The applicant hereby proffers one interparcel connection along the northern boundary and one interparcel connection along the southern boundary. These roads and connections will be constructed to VDOT requirements and shown on the Master Development Plan.
 - d. Signalization
The applicant, R & J Land Development, LLC, hereby proffers to contribute a prorated share of cost of a signalization improvement at the offset intersection of Route 11 with Hopewell Road (Route 672) and Brucetown Road (Route 672) in recognition of off-site transportation impacts. The final design and location of the signalization improvements will be determined by the Virginia Department of Transportation (VDOT). This agency will also determine when this improvement will be warranted. The applicant shall enter into a "signalization agreement" with VDOT that provides a one-time contribution towards the cost of the signalization in a prorated amount to be determined by VDOT. The applicant also proffers an additional \$2,500 with the prorated amount to be applied towards right of way acquisition for future turn lanes at the intersection. VDOT will also determine when this improvement will be warranted.
 - e. Right of Way Dedication
The applicant hereby proffers to the Commonwealth of Virginia a strip of land ten feet (10') in width along the entire frontage of the property on Martinsburg Pike (Route 11) Right of Way. The dedication will take place prior to site plan approval.
 2. Monetary Contributions - Fire & Rescue
 - a. In recognition of the increased demand on public services, the applicant hereby offers the following cash contributions to be paid at the time of building permits. The term "building square foot" shall be the combined floor area for each story.
The applicant hereby voluntarily proffers a cash contribution directly to the Clear Brook Fire & Rescue Department the following amount: \$0.05 per building square foot
The applicant hereby voluntarily proffers a cash contribution to the Treasurer of Frederick County, Virginia, the following amount: \$0.05 per building square foot
 3. The applicant hereby voluntarily prohibits the following uses
 - SIC 5541 - "Gasoline Service Stations"
Automobile service stations-retail
Filling Stations, gasoline-retail
Gasoline and Oil-Retail
Marine service stations-retail
Service Station, gasoline-retail
Truck stops-retail
 - SIC 4231 - "Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation"
 - SIC 4741 - "Rental of Railroad Cars"
 - SIC 5231 - "Paint, Glass, and Wallpaper Stores"
 - SIC 5271 - "Mobile Home Dealers"
 - SIC 79 - "Amusement and recreational services operated indoors"
 4. The applicant hereby proffers to limit the total building square footage for SIC 42 - "Motor Freight Transportation and Warehousing" and SIC 47 - "Transportation Services" to a combined total of 20,000 square feet or less.
 5. The applicant hereby proffers to limit the total building square footage for SIC 52 - "Building Materials, Hardware, Garden Supply, Mobile Home Dealers, and Retail Nurseries" to a combined total 20,000 square feet or less.
 6. The applicant hereby voluntarily prohibits the combined building floor area not to exceed 128,000 square feet on this site. The applicant further prohibits that a "restaurant use" as defined by SIC 581 shall not exceed 8,000 square feet of the 128,000 square feet of the building combined floor area.
 7. The applicant hereby proffers a "Full Screen" buffer, as defined by the Frederick County Zoning Ordinance, plus an additional row of evergreens trees for a total of four rows to be placed along any neighboring parcels zoned RA with a residential use at the time of site plan approval.
 8. The applicant hereby proffers the following corridor enhancements along the road frontage of Route 11, Martinsburg Pike:
 - The applicant will construct a split rail fence along the road frontage.
 - The applicant will not allow any parking lots to be constructed between the buildings and Route 11. This applies only to the buildings nearest to Route 11 and not inside the park.
 - The applicant will erect a single monument style sign with the park's name and list of tenants. The applicant will not install any signs between the buildings and Route 11 other than this one monument sign.

CATEGORY "C" ZONING DISTRICT BUFFER



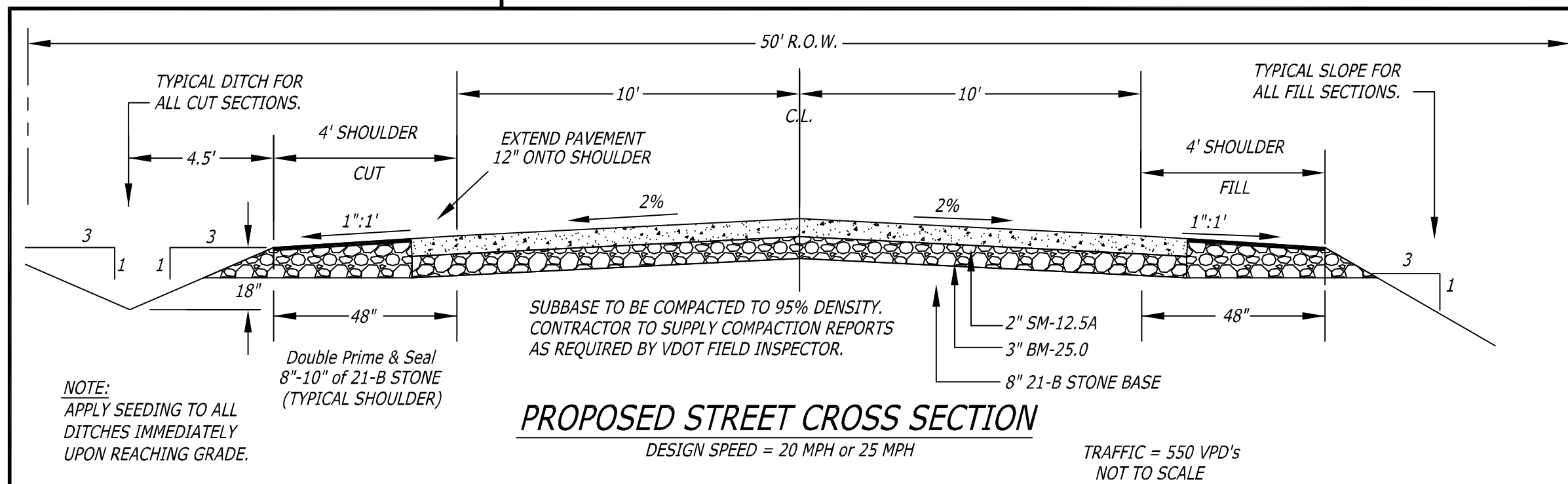
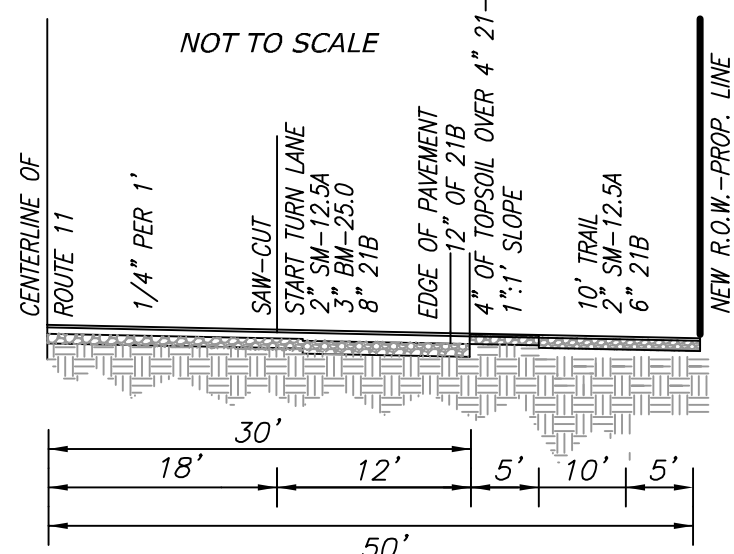
PROFFERED FENCE ALONG MARTINSBURG PIKE



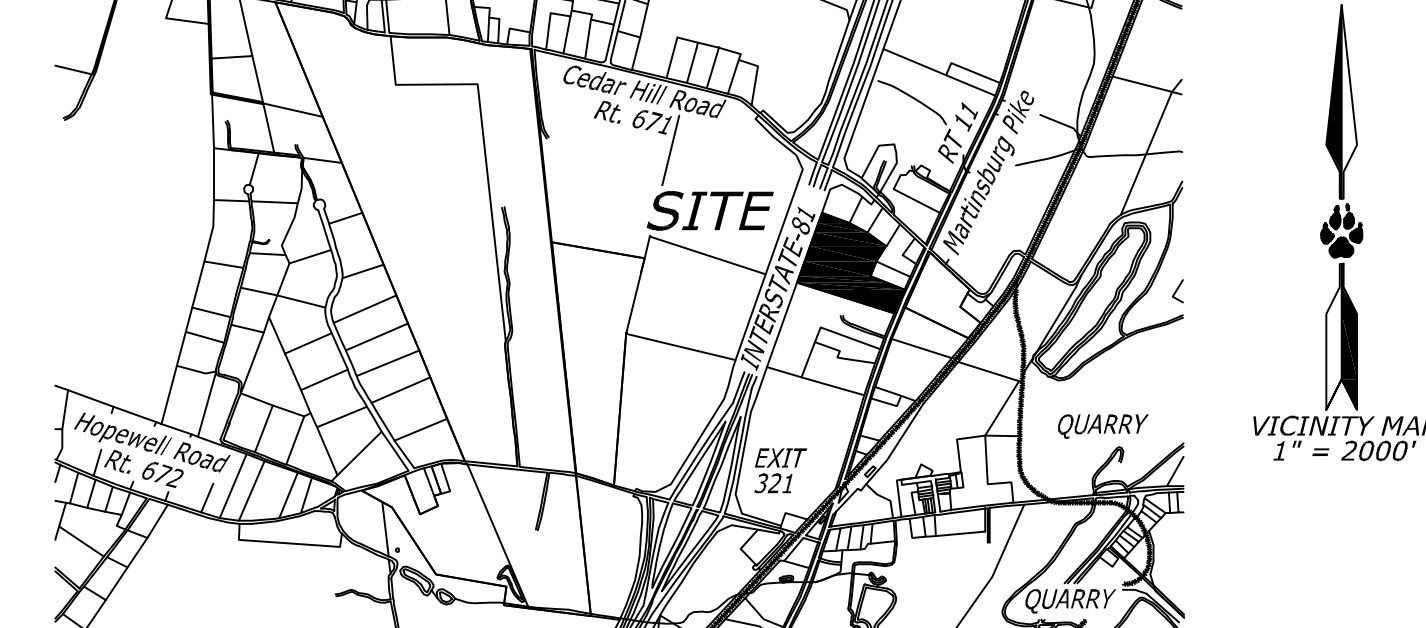
PUBLIC WORKS

1. STORMWATER MANAGEMENT WILL BE ACCOMPLISHED WITH SOME OR ALL OF THE FOLLOWING IN ORDER MEET DEQ AND COUNTY REQUIREMENTS OF QUANTITY AND QUALITY:
 - 1.1. BIO-RETENTION CELLS
 - 1.2. INFILTRATION DITCHES
 - 1.3. PERMEABLE PAVERS
 - 1.4. RAIN GARDENS
2. THE SITE, IN GENERAL, IS LOCATED WITHIN KARST TERRAIN WHICH MAY REQUIRE BLASTING.
3. SITE PLANS SHALL BE ACCOMPANIED BY A GEOTECHNICAL REPORT TO DETERMINE WHETHER SINKHOLES OR VOIDS ARE LOCATED WITHIN BUILDING, PARKING, AND ROADS.

PROFFER 12' LANE ~ HALF-TYPICAL SECTION MATCH EXISTING PAVEMENT SECTION ON ROUTE 11 IF GREATER LAYER THICKNESSES THAN THOSE SHOWN. PER THE VDOT DETAIL WP-2 (REV. 11-07) MILL & PAVE THE ADJACENT THROUGH LANE ON ROUTE 11 FOR THE LENGTH OF THE PROPOSED WIDENING.



VICINITY MAP



PROJECT INFORMATION

Owner: R & J Land Development, LLC
 1631 Red Bud Road
 Winchester, VA 22603
 (540) 667-3092
 Property Data: Tax Map Numbers 33-(A)-122A and 33-(A)-123
 Address 3625 Martinsburg Pike
 Zoning B-3
 Area 16.886 acres

Property Data	Building Setbacks	Per Code
Zoning B-3	Front (Major Collector):	50'
Existing Use Agriculture and Residential	Front (Minor Collector):	35'
	Side:	15'
	Rear:	15'
Zoning Data	Parking Setbacks	Per Code
Open Space Minimum 25%	Front (Route 11):	50' per proffer
F.A.R. Maximum 1.0	Front:	10'
Maximum Floor Area 128,000 per proffer	Side:	5'
Height Maximum 35 feet	Rear:	5'
	Zoning Buffer	Per Code
	Residential RA:	Category C (+ extra row of trees)
	Agricultural RA:	not required
	Commercial B-2:	not required
	Industrial M-1:	not required
	Industrial M-2:	not required

Natural Gas Notes

NATURAL GAS LINES ARE NOT AVAILABLE ALONG THE ROUTE 11 CORRIDOR AT THIS TIME.

Water and Sewer Notes

SANITARY SEWER AND WATER SERVICES ARE AVAILABLE PER FREDERICK COUNTY SANITATION AUTHORITY.

Zoning General Notes

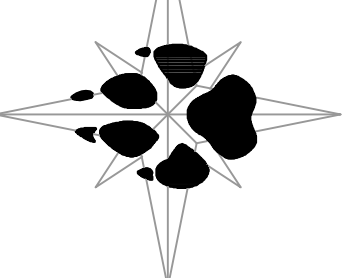
Environmental Features	Existing Acreage	Maximum Disturbance Allowed	Proposed Disturbance
Floodplain	0 acres	0%	0%
Lakes & Ponds	0 acres	0%	0%
Wetlands >1AC	0 acres	0%	0%
Sinkholes	0 acres	0%	0%
Natural S.W.	0 acres	10%	0%
Retention Areas			
Steep Slopes >50%	0 acres	25%	0%
Woodlands	0 acres	25%	0%

1. All lights will be shielded (cut-off type) or directed to prevent glare on neighboring properties.
2. Outdoor trash receptacles will be in an enclosed six (6) foot fence, unless located inside of a screened storage yard.
3. This project will not disturb any environmental features as defined by the Frederick County Zoning Ordinance.
4. The owner will be responsible for obtaining or granting easements shown on this plan.
5. Easements will be recorded and copies sent to the parties involved.
6. All utilities that will service this site must be placed underground.

APPROVAL

FREDERICK COUNTY DIRECTOR OF PLANNING AND DEVELOPMENT _____ Date
 FREDERICK COUNTY ADMINISTRATOR _____ Date

GreyWolfe, Inc.
 Land Surveying and Consulting
 1073 Redbud Road
 Winchester, VA 22603
 (540) 667-2001 OFC
 (540) 545-4001 FAX
 GreyWolfeInc@aol.com



COMMONWEALTH OF VIRGINIA
 GARY R. OATES
 Lic. No. 40616
 PROFESSIONAL ENGINEER

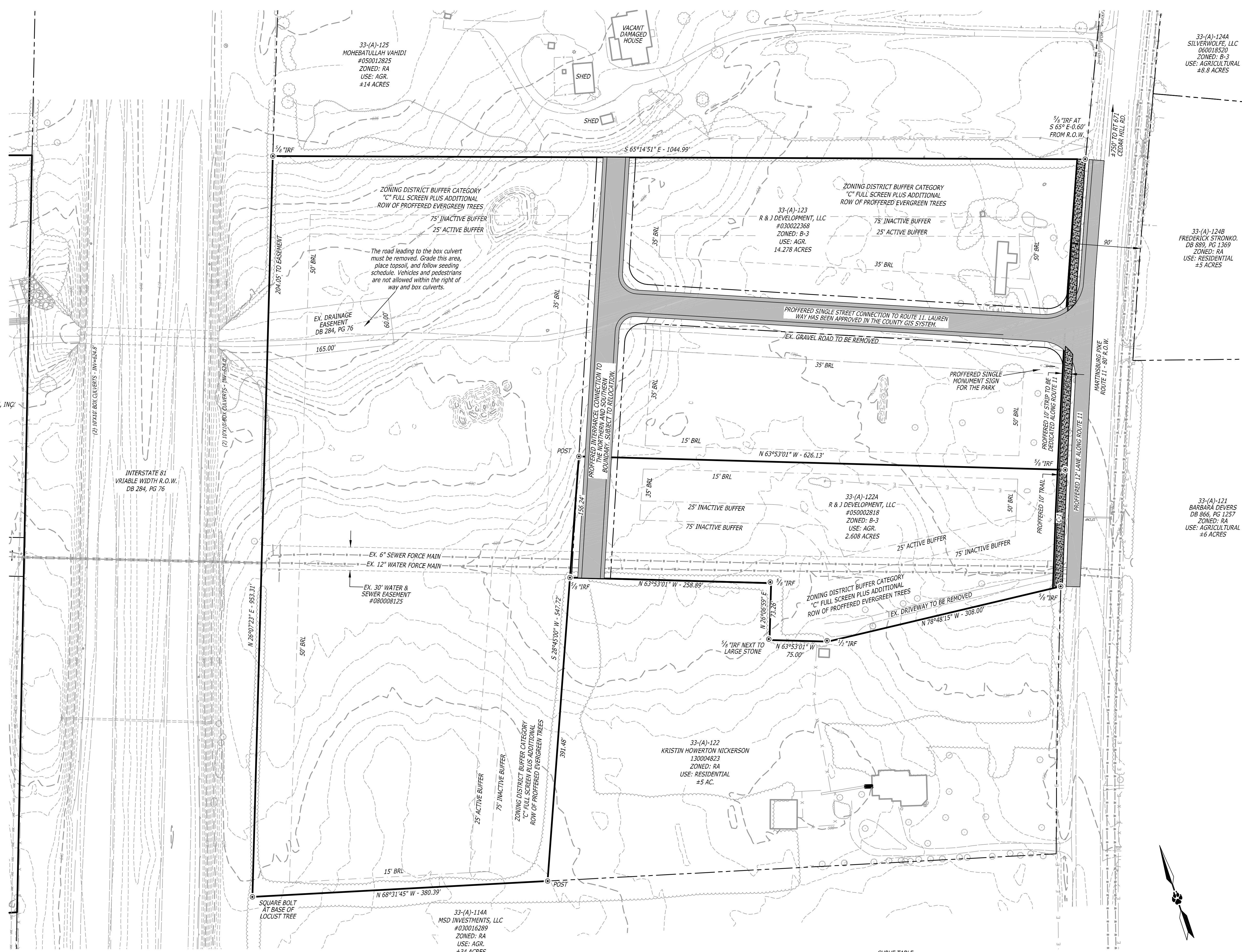
THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF FREDERICK STANDARDS AND ORDINANCES. ANY DEVIATION FROM THESE STANDARDS OR ORDINANCES SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION.

DATE	REVISION
5/14/14	REV. PER PLANNING COMMENTS
6/02/14	REV. PER PLANNING COMMENTS
6/23/14	REV. PER PLANNING COMMENTS

COVER SHEET FOR
Master Development Plan
Clearbrook Business Center
 STONEWALL MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: February 18, 2014
 SCALE: N/A
 FILE NO. 0119
 SHEET 1 OF 2

33-(A)-123B
OPEN DOOR BAPTIST CHURCH, INC.
#060003086
ZONED: RA
USE: CHURCH
±23 ACRES



EX. 6" SEWER FORCE MAIN
EX. 12" WATER FORCE MAIN
EX. 30" WATER & SEWER EASEMENT #080008125

INTERSTATE 81
VARIABLE WIDTH R.O.W.
DB 284, PG 76

33-(A)-125
MOHEBATULLAH VAHIDI
#050012825
ZONED: RA
USE: AGR.
±14 ACRES

33-(A)-122
KRISTIN HOWERTON WICKERSON
130004823
ZONED: RA
USE: RESIDENTIAL
±5 AC.

33-(A)-123
R & J DEVELOPMENT, LLC
#030022368
ZONED: B-3
USE: AGR.
14.278 ACRES

33-(A)-122A
R & J DEVELOPMENT, LLC
#050002818
ZONED: B-3
USE: AGR.
2.608 ACRES

33-(A)-124A
SILVERWOLFE, LLC
060018520
ZONED: B-3
USE: AGRICULTURAL
±8.8 ACRES

33-(A)-124B
FREDERICK STRONKO.
DB 889, PG 1369
ZONED: RA
USE: RESIDENTIAL
±5 ACRES

33-(A)-121
BARBARA DEVERS
DB 866, PG 1257
ZONED: RA
USE: AGRICULTURAL
±6 ACRES

ZONING DISTRICT BUFFER CATEGORY
"C" FULL SCREEN PLUS ADDITIONAL
ROW OF PROFFERED EVERGREEN TREES
75' INACTIVE BUFFER
25' ACTIVE BUFFER

The road leading to the box culvert
must be removed. Grade this area,
place topsoil, and follow seeding
schedule. Vehicles and pedestrians
are not allowed within the right of
way and box culverts.

ZONING DISTRICT BUFFER CATEGORY
"C" FULL SCREEN PLUS ADDITIONAL
ROW OF PROFFERED EVERGREEN TREES
75' INACTIVE BUFFER
25' ACTIVE BUFFER

PROFFERED SINGLE STREET CONNECTION TO ROUTE 11. LAUREN
WAY HAS BEEN APPROVED IN THE COUNTY GIS SYSTEM.

EX. GRAVEL ROAD TO BE REMOVED.

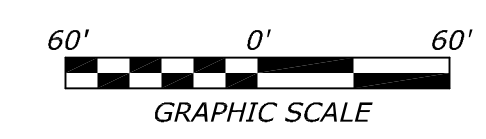
PROFFERED SINGLE
MONUMENT SIGN
FOR THE PARK

ZONING DISTRICT BUFFER CATEGORY
"C" FULL SCREEN PLUS ADDITIONAL
ROW OF PROFFERED EVERGREEN TREES
EX. DRIVEWAY TO BE REMOVED

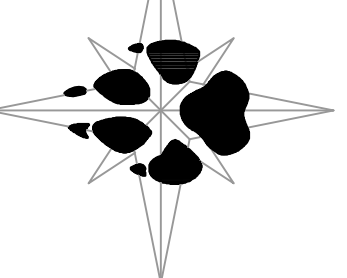
33-(A)-114A
MSD INVESTMENTS, LLC
#030016289
ZONED: RA
USE: AGR.
±34 ACRES

CURVE TABLE

#	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C-1	11,499.16	150.042'	00° 44' 51"	75.02'	S 26° 48' 05" W	150.04'
C-2	11,499.16	400.513'	01° 59' 44"	200.28'	S 28° 10' 23" W	400.49'



GreyWolfe, Inc.
Land Surveying and Consulting
1073 Redbud Road
Winchester, VA 22603
GreyWolfeInc@aol.com
(540) 667-2001 OFC
(540) 545-4001 FAX



COMMONWEALTH OF VIRGINIA
GARY R. OATES
Lic. No. 40616
PROFESSIONAL ENGINEER

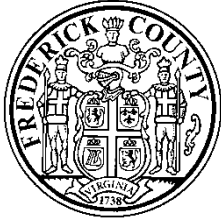
THESE PLANS ARE IN
CONFORMANCE WITH COUNTY
OF FREDERICK STANDARDS AND
ORDINANCES. ANY DEVIATION
HEREFROM WILL BE AT THE
OWNER'S RISK. THESE PLANS
SHALL BE APPROVED BY THE
ZONING ADMINISTRATOR PRIOR
TO CONSTRUCTION.

DATE	REVISION
5/14/14	REV. PER PLANNING COMMENTS
6/02/14	REV. PER PLANNING COMMENTS
6/23/14	REV. PER PLANNING COMMENTS

MASTER DEVELOPMENT PLAN
FOR
Clearbrook Business Center
STONEMALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE: February 18, 2014
SCALE: 1"=60'
FILE NO. 0119
SHEET 2 OF 2

L



MASTER DEVELOPMENT PLAN #05-14

Snowden Bridge Station

Staff Report for the Board of Supervisors

Prepared: June 24, 2014

Staff Contact: Candice E. Perkins, AICP, Senior 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 in the review of this application. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	06/18/14	Reviewed
Board of Supervisors:	07/09/14	Pending

PROPOSAL: To develop 91.82 acres of land zoned M1 (Light Industrial) with industrial uses.

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBERS: 44-A-143, 44-A-144, 43-A-145, 43-A-146, 43-A-147, 43-A-150, 43-A-151, 43-A-152, 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43C-3-5, and 43C-3-7A

LOCATION: The subject properties are located at 1800 Martinsburg Pike – near Interstate 81 North exit 317 and bounded by CSX to the east, Redbud Road (Route 661) to the south, and Martinsburg Pike (Route 11) to the west.

PROPERTY ZONING & PRESENT USE:

Zoned: M1 (Light Industrial)

Use: Industrial, Residential & Agricultural

ZONING & PRESENT USE OF ADJOINING PROPERTIES:

North: RA (Rural Areas), RP (Residential Performance)

Use: Nursery/Residential

South: Interstate I-81, RA (Rural Areas)

Use: Interstate/Residential

East: M1 (Light Industrial)

Use: Vacant/Graystone Industrial Park

West: RP (Residential Performance), RA (Rural Areas)

Use: Residential

B2 (Business General)

Rutherford Crossing (commercial)

STAFF CONCLUSIONS FOR THE 07/09/2014 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Snowden Bridge Station depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for Rezoning's #03-05 for North Stephenson and #01-12 for Snowden Bridge Station. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant.

It appears the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

REVIEW EVALUATIONS:

Virginia Department of Transportation: The Master Development Plan for this property appears to have a measurable impact on Route 11, the VDOT facility which would provide access to the property. VDOT finds the MDP acceptable. Once approved by Frederick County, please provide a signed PDF of the plan. Before making any final comments, this office will require a complete set of site plans, drainage calculations and traffic flow data from the I.T.E. Trip Generation Manual, Seventh Edition for review. VDOT reserves the right to comment on all right-of-way needs, including right-of-way dedications, traffic signalization, and off-site roadway improvements and drainage. Prior to construction on the State's right-of-way the developer will need to apply to this office for issuance of appropriate permits to cover said work.

Frederick County Fire Marshal: Plan approved.

Frederick County Fire & Rescue: Plan approved.

Frederick County Public Works: No comments.

Frederick County Inspections: Comments shall be made at site plan submittal.

Frederick County Sanitation Authority: Per your request, a review of the proposed master plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcel is in the water and sanitary sewer area served by the Authority. Based on the location both water service and sanitary sewer service is available. Sanitary sewer treatment capacity at the waste water treatment plant is also presently available. Sanitary sewer conveyance capacity and layout will be contingent on the applicant performing a technical analysis of the existing sanitary sewer system within the area to be served and the ability of the existing conveyance system to accept additional load. Likewise, water distribution capacity will require the applicant to perform a technical analysis of the existing system within the area to be served to determine available capacity. Both water and sanitary sewer facilities are located within a reasonable distance from this site.

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicants in support of or in conjunction with this master plan, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the Applicant may hereafter provide to Frederick County.

Planning & Zoning:

A) Master Development Plan Requirement

A master development plan is required prior to development of this property. Before a master development plan can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the master development plan conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the master development plan is to promote orderly and planned

development of property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) Site History

The original Frederick County zoning map (U.S.G.S. Winchester, VA Quadrangle) identifies the majority of the subject property as being zoned A-2 (Agriculture General). The County's agricultural zoning districts were combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding zoning map resulted in the re-mapping of this portion of the subject property and all other A-1 and A-2 rezoned land to the RA District. The remainder of the property was identified as being zoned R-3. The R-3 (Residential-General) District zoning classification was modified to RP (Residential Performance) District on February 14, 1990, during the comprehensive amendment to the county's Zoning Ordinance. On April 26, 2005 the Board of Supervisors approved Rezoning #03-05 for North Stephenson, Inc. which rezoned 79.13 acres from RA (Rural Areas) District and RP (Residential Performance) District area to the M1 (Light Industrial) District with proffers. On March 14, 2012 the Board of Supervisors approved Rezoning #01-12 for Snowden Bridge Station which rezoned 6.512 acres from RA (Rural Areas) District and 6.180 acres from RP (Residential Performance) District, totaling 12.692 acres to M1 (Light Industrial) District, with proffers.

C) Site Suitability & Project Scope

Comprehensive Policy Plan:

The 2030 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.

Land Use Compatibility:

The North East Land Use Plan, Appendix I of the 2030 Comprehensive Plan, recognizes that this property is planned for industrial land uses. In addition, the adjacent area is planned for industrial and commercial land uses. The property is located within the County's Sewer and Water Service Area.

Site Access and Transportation:

Access to this site will be via a connection to Snowden Bridge Boulevard that would align with an access point already approved with the North Stephenson, Inc., rezoning application. The initial segment of Snowden Bridge Boulevard has been constructed and aligns at a signalized intersection of Martinsburg Pike across from the Rutherford Crossing Shopping Center. The Master Development shows the platted ROW for the continuation of Snowden Bridge Boulevard and road construction is coordinated through several projects including North Stephenson Inc., Graystone, and Snowden Bridge. Additional portions of Snowden Bridge Boulevard and the proposed Ezra Lane will be built by Snowden Bridge Station if needed for site access. The MDP also shows the proffered ROW for the relocation of Redbud Road.

PLANNING COMMISSION SUMMARY FOR THE 6/18/14 MEETING:

No questions or issues were raised by the Planning Commission. No action was required by the Commission. (Note: Commissioner Oates abstained from discussion; Commissioners Triplett, Dunlap, and Kenney were absent from the meeting.)

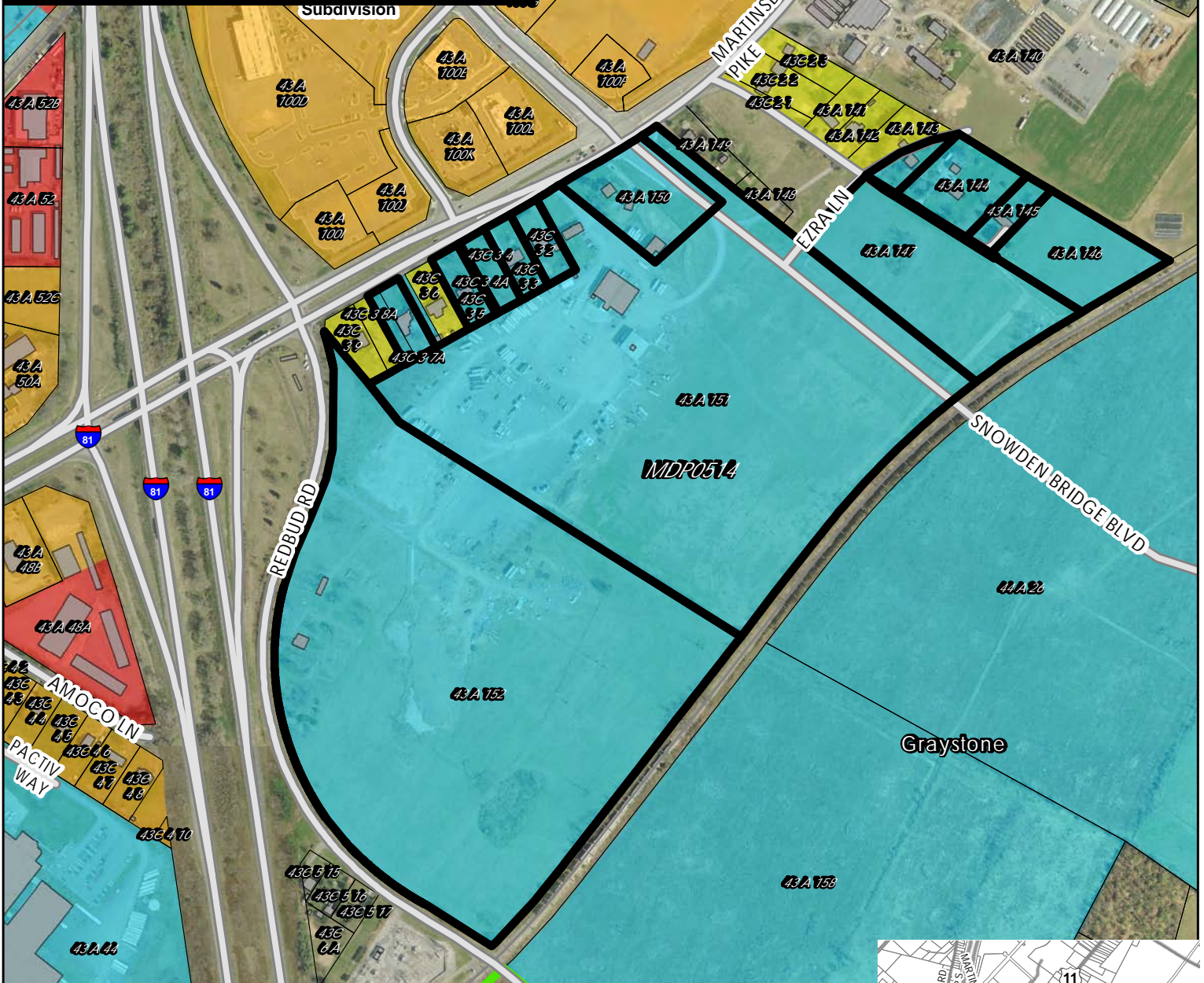
STAFF CONCLUSIONS FOR THE 07/09/2014 BOARD OF SUPERVISORS MEETING:

The Master Development Plan for Snowden Bridge Station depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for Rezoning's #03-05 for North Stephenson and #01-12 for Snowden Bridge Station. All of the issues brought forth by the Board of Supervisors should be appropriately addressed by the applicant.

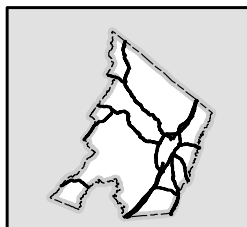
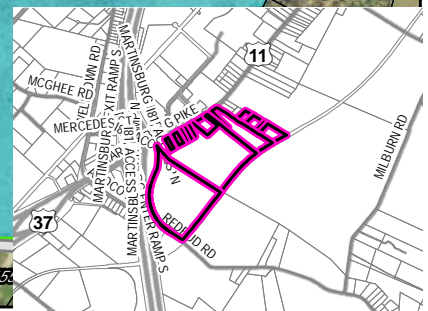
It appears the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.

MDP # 05 - 14 Snowden Bridge Station

PINs:
43 - A - 143, 144, 145, 146, 147, 150, 151, 152
43C - 3 - 2, 3, 4, 4A, 5, 7A



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



MDP # 05 - 14 Snowden Bridge Station

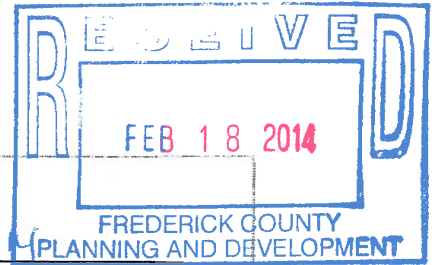
PINs:
43 - A - 143, 144, 145, 146, 147, 150, 151, 152
43C - 3 - 2, 3, 4, 4A, 5, 7A

Note:
Frederick County Dept of
Planning & Development

107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: May 29, 2014
Staff: cperkins



MASTER DEVELOPMENT PLAN
APPLICATION FORM



- Department of Planning & Development Use Only -

Application # 05-14 Date Application Received: 5/20/14
PC Meeting Date 4/18/14 BOS Meeting Date 7/9/14
Fee Amount Paid \$12,182.00 Initials: DD Receipt # 855935

1. Project Title: Snowden Bridge Station

2. Applicant:

Name: K&J Investments, LC and North Stephenson, Inc. Telephone: (540) 667-4919
Address: 1800 Martinsburg Pike
Winchester, VA 22603

3. Property Owner (if different than above):

Name: _____ Telephone: _____
Address: _____

4. Design Company:

Name: GreyWolfe, Inc. - Gary R. Oates, LS-B, PE Telephone: (540) 667-2001
Address: 1073 Redbud Road
Winchester, VA 22603

5. Please list names of all owners, principals, and/or majority stockholders:

Keven V. Omps and John E. Omps
K&J Investments, LC and North Stephenson, Inc.

6. Magisterial District: Stonewall

7. **Property Location:** 1800 Martinsburg Pike - Near Interstate 81 exit 317

Bounded by CSX to the east, Redbud Road (Rt 661) to the south, and Martinsburg Pike (Rt 11) to the west
(Give State Route # and name, distance and direction from intersection)

8. **Is this an original or amended Master Development Plan?**

Original Amended , Previous MDP# _____

9. **Property Information:**

- a) Property Identification Number (PIN): 43-(A)-143,144,145,146,147,150,151,151A,152 & 43C-(3)-2, 3, 4,4A, 5, 7A
- b) Total Acreage: 91.82
- c) Current Zoning: M-1
- d) Present Use: Trucking, Outdoor Storage, Residences, Trailer Parking, Repair, Office, & Agr.
- e) Proposed Uses: Industrial

10. **If residential uses are proposed, provide the following:**

- a) Density: _____
- b) Number of Units: _____
- c) Housing Types: _____

11. **Adjoining Property use and zoning:**

	<u>USE</u>	<u>ZONING</u>
North	<u>Weber's Nursery</u>	<u>RA</u>
East	<u>Graystone Industrial Park</u>	<u>M-1</u>
South	<u>Redbud Road and I-81</u>	<u>n/a</u>
West	<u>Rutherford's Crossing and Houses</u>	<u>RA, B-2, and B-3</u>

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plans shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Ray R. Oates Date: 5/20/14
_____ Date: _____

Owner(s): _____ Date: _____
_____ Date: _____

**Adjoining Property Owners
MASTER DEVELOPMENT PLAN**

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number	Address
Name Michael Weber Property # 43-(A)-140	1912 Martinsburg Pike Winchester, VA 22603
Name Crider and Shockey of WV Property # 43-(A)-158 & 44-(A)-26	PO Box 2530 Winchester, VA 22604
Name Rosezella Godlove Property # 43C-(5)-16, 43C-(5)-17	288 Redbud Road Winchester, VA 22603
Name Carol Lyons Property # 43C-(3)-8A and 9	1550 Tiffany Ranch Road Arroyo Grande, CA 93420
Name William Sandy Property # 43C-(3)-6	1744 Martinsburg Pike Winchester, VA 22603
Name Cheryl L. DeHaven Property # 43-(A)-149	1840 Martinsburg Pike Winchester, VA 22603
Name R. Wayne Baker Property # 43C-(2)-1	1854 Martinsburg Pike Winchester, VA 22603
Name Harry Ratlief Property # 43-(A)-141	141 Nulton Lane Winchester, VA 22603
Name Rutherford Farm, LLC Property # 43-(A)-100, 100F, 100i, 100J	8230 Leesburg Pike, Suite 620 Vienna, VA 22182

43C-2-2



**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) K & J Investments, LC (Phone) (540) 667-4919

(Address) 1800 Martinsburg Pike

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. _____ on Page _____, and is described as

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

do hereby make, constitute and appoint:

(Name) GreyWolfe, Inc - Gary R. Oates, LS-B, PE (Phone) (540) 667-2001

(Address) 1073 Redbud Road, Winchester, Virginia 22603

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 20th day of February, 2014.

Signature(s) Kevin Oates

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

I, ESTEN O. RUDOLPH III, 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 20th day of February, 2014.

Esten O. Rudolph III My Commission Expires: July 31, 2015
Notary Public
138886

LEGEND

EXISTING FEATURES

EXISTING EDGE OF PAVEMENT EX EP

EXISTING EDGE OF GRAVEL EX EG

EXISTING CURB AND GUTTER EX CG-6

EX. INTERMEDIATE CONTOUR 48

EXISTING INDEX CONTOUR 50

EXISTING SPOT ELEVATION X 50.0'

EXISTING TELEPHONE LINE T

EXISTING SANITARY SEWER S

EXISTING ELECTRIC SERVICE E

EXISTING GAS LINE GAS GAS GAS

EXISTING STORM SEWER EX. 15" RCP

EXISTING FENCE LINE X

EXISTING DITCH LINE

EXISTING WATERLINE W/ TEE W T

EXISTING FIRE HYDRANT EX. FH

EXISTING WATER VALVE

EXISTING REDUCER

EXISTING TREE DRIP LINE

PROPOSED FEATURES

PROPOSED EDGE OF PAVEMENT PROP EP

PROPOSED EDGE OF GRAVEL PROP EG

PROP. CURB & GUTTER PROP CG-6

PROP. REVERSE CURB & GUTTER PROP CG-6R

PROPOSED CONTOUR 50

PROPOSED SPOT ELEVATION +50.00

PROPOSED STORM SEWER PROP. 24" ADS

PROPOSED SANITARY SEWER S

PROPOSED TELEPHONE T

PROPOSED ELECTRIC E

PROPOSED GAS LINE GAS

PROPOSED WATER LINE

PROPOSED WATER METER 1" WM

PROPOSED FIRE HYDRANT PROP. FH

COMMON LABELS & FEATURES

PROPERTY LINE OF PROJECT

NEIGHBORING PROPERTY LINES

EASEMENT LINE

PROPERTY CORNER FOUND

PARKING SPACE TOTALS 12

ADA HANDICAP PARKING STALL

SIGNS

SANITARY MANHOLE IDENTIFIER A

STORM DRAIN STRUCTURE IDENTIFIER T

LIGHT POLES

LOCATION OF TEST PITS

EROSION & SEDIMENT CONTROL FEATURES

LIMITS OF CLEARING & GRADING LCC

INLET PROTECTION IP

OUTLET PROTECTION OP

CHECKDAM CD

DIVERSION DIKE DD

SILT FENCE W/ WIRE SUPPORT SF

RIP RAP RR

SEDIMENT TRAP ST

CONSTRUCTION ENTRANCE CE

REZONING: RZ# 03-05 RURAL AREAS DISTRICT (RA) TO LIGHT INDUSTRIAL DISTRICT (M1) WITH PROFFERS

PROPERTY: 79.13 ACRES +/-;
TAX PARCELS #43-(A)-150, 43-(A)-151, #43-(A)-151A, 43-(A)-152, 43C-(3)-2, 43C-(3)-3, 43C-(3)-4, 43C-(3)-4A, 43C-(3)-5, 43C-(3)-7A

RECORD OWNER: NORTH STEPHENSON, INC.

APPLICANT: NORTH STEPHENSON, INC. (HERE-IN AFTER "THE APPLICANTS")

PROJECT NAME: NORTH STEPHENSON, INC. - LIGHT INDUSTRIAL REZONING

ORIGINAL DATE OF PROFFERS: OCTOBER 13, 2004

REVISION DATE: MAY 13, 2005

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 APPLICANT HEREBY PROFFERS THAT IN THE EVENT THE BOARD OF SUPERVISORS OF FREDERICK COUNTY, VIRGINIA, SHALL APPROVE REZONING APPLICATION #03-05 FOR THE REZONING OF THE 79.13-ACRE TRACT FROM RURAL AREAS (RA) DISTRICT, TO LIGHT INDUSTRIAL (M-1) DISTRICT, DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE DONE IN CONFORMITY WITH THE TERMS AND CONDITIONS MAY BE SUBSEQUENTLY AMENDED OR REVISED BY THE APPLICANT AND SUCH BE APPROVED BY THE FREDERICK COUNTY BOARD OF SUPERVISORS IN ACCORDANCE WITH THE SAID CODE AND ZONING ORDINANCE. IN THE EVENT THAT SUCH REZONING IS NOT GRANTED, THEN THESE PROFFERS SHALL BE DEEMED WITHDRAWN AND HAVE NO EFFECT WHATSOEVER. THOSE PROFFERS SHALL BE BINDING UPON THE APPLICANTS AND THEIR LEGAL SUCCESSORS, HEIRS, OR ASSIGNS.

THE SUBJECT PROPERTY IS MORE PARTICULARLY DESCRIBED AS THE LAND OWNED BY NORTH STEPHENSON, INC., BEING ALL OF TAX MAP PARCELS 43-(A)-150, 43-(A)-151, 43-(A)-151A, 43-(A)-152, 43C-(3)-2, 43C-(3)-3, 43C-(3)-4, 43C-(3)-4A, 43C-(3)-5, 43C-(3)-7A, AS EVIDENCED BY RECORDING PROPERTY DEEDS IN THE FREDERICK COUNTY CLERK OF COURT OFFICE INCLUDED WITH THE REZONING.

1.) TRANSPORTATION

A.) THE APPLICANTS HEREBY PROFFER TO CONSTRUCT, OR CAUSE FOR THE CONSTRUCTION OF DUAL SOUTHBOUND LEFT TURN LANES ON MARTINSBURG PIKE (U.S. ROUTE 11 NORTH) AT THE MAJOR COLLECTOR ROAD INTERSECTION WITH RENZI DRIVE AT THE RUTHERFORD'S FARM INDUSTRIAL PARK. THE SOUTHBOUND DUAL LEFT TURN LANES WILL BE CONSTRUCTED AT THE SAME TIME THAT RUTHERFORD'S FARM INDUSTRIAL PARK IMPROVEMENTS TO MARTINSBURG PIKE ARE CONSTRUCTED.

B.) THE APPLICANTS HEREBY PROFFER TO CONSTRUCT, OR CAUSE FOR THE CONSTRUCTION OF A RIGHT TURN LANE WITHIN THE MARTINSBURG PIKE (U.S. ROUTE 11 NORTH) RIGHT-OF-WAY AT A LOCATION AND DISTANCE ACCEPTABLE TO VDOT BETWEEN THE INTERSECTION OF REDBUD ROAD (ROUTE 661) AND THE MAJOR COLLECTOR ROAD INTERSECTION SERVING AS THE PRIMARY ENTRANCE TO THE 79.13-ACRE PROJECT SITE. A TRAFFIC STUDY WILL BE PREPARED AND SUBMITTED TO VDOT AS A COMPONENT OF THE SITE DEVELOPMENT PLAN FOR EACH PROPOSED LAND USE ON THE 79.13-ACRE SITE TO ALLOW VDOT TO DETERMINE WHEN THE PROFFERED IMPROVEMENT IS WARRANTED.

C.) THE APPLICANTS HEREBY PROFFER TO PROVIDE FOR THE DEDICATION OF RIGHT-OF-WAY AND FOR THE ALLOWANCE OF TEMPORARY CONSTRUCTION EASEMENTS NEEDED FOR THE ULTIMATE DESIGN OF THE MAJOR COLLECTOR ROAD FROM CSX RAILROAD TO MARTINSBURG PIKE. THE DEDICATED RIGHT OF WAY SHALL PROVIDE FOR THE IMPROVEMENTS IDENTIFIED FROM STATION 10+00 TO STATION 24+00 ON THE STEPHENSON VILLAGE MAJOR COLLECTOR ROAD PLAN AND CSX CROSSING PREPARED BY GREENWAY ENGINEERING AND DATED OCTOBER 2004, WHICH IS INCLUDED AS AN EXHIBIT WITH THIS PROFFER STATEMENT. THE APPLICANTS FURTHER PROFFER TO PROVIDE FOR THE DEDICATION OF RIGHT-OF-WAY ACCEPTABLE TO VDOT FOR THE PURPOSE OF PROVIDING A RIGHT TURN LANE FROM THE MAJOR COLLECTOR ROAD ONTO THE INTERNAL STREET CONNECTION LOCATED AT STATION 17+00 ON THE SUBJECT EXHIBIT.

D.) THE APPLICANTS HEREBY PROFFER TO ENTER INTO A SIGNALIZATION AGREEMENT WITH VDOT FOR THE PROVISION OF A TRAFFIC SIGNAL AT THE MAJOR COLLECTOR ROAD INTERSECTION WITH MARTINSBURG PIKE, WHICH WILL ALIGN WITH RENZI DRIVE AT THE RUTHERFORD'S FARM INDUSTRIAL PARK. THE SIGNALIZATION AGREEMENT SHALL PROVIDE FOR THE PRO-RATA SHARE OF THE PROJECTED TRAFFIC VOLUMES IDENTIFIED IN THE TRAFFIC IMPACT ANALYSIS (TIA) COMPARED TO THE PROJECTED TRAFFIC VOLUMES IDENTIFIED IN THE TIA FOR RUTHERFORD'S FARM INDUSTRIAL PARK AND THE TIA FOR STEPHENSON VILLAGE RESIDENTIAL PLANNED COMMUNITY.

E.) THE APPLICANTS HEREBY PROFFER TO PREPARE AND SUBMIT A TRAFFIC STUDY TO VDOT AS A COMPONENT OF SITE DEVELOPMENT PLAN FOR EACH PROPOSED LAND USE ON THE 79.13-ACRE SITE TO DETERMINE THE PORTION OF THE MAJOR COLLECTOR ROAD THAT WILL BE REQUIRED TO BE CONSTRUCTED BASED ON THE IMPACTS ASSOCIATED WITH EACH FUTURE LAND USE.

F.) THE APPLICANTS HEREBY PROFFER TO DEDICATE RIGHT-OF-WAY TO VDOT ALONG REDBUD ROAD FOR FUTURE IMPROVEMENTS TO THE INTERSTATE 81 EXIT 317 INTERCHANGE AREA. THIS RIGHT-OF-WAY SHALL BE DEDICATED TO VDOT WITHIN 180 DAYS OF FINAL ENGINEERING PLAN APPROVAL. THE PREPARATION OF RIGHT-OF-WAY DEDICATION PLATS AND LEGAL DOCUMENTS ASSOCIATED WITH THIS DEDICATION SHALL BE PREPARED BY PARTIES OTHER THAN THE APPLICANTS.

G.) THE APPLICANTS HEREBY PROFFER TO DEDICATE A 50-FOOT RIGHT-OF-WAY AND PROVIDE TEMPORARY CONSTRUCTION EASEMENTS TO VDOT FOR THE PROPOSED REDBUD ROAD (ROUTE 661) FROM THE CURRENT INTERSECTION AT MARTINSBURG PIKE (U.S. ROUTE 11) TO CONNECT TO THE MAJOR COLLECTOR ROAD ON THE SUBJECT SITE. THE PURPOSE OF THE 50-FOOT RIGHT-OF-WAY DEDICATION AND TEMPORARY CONSTRUCTION EASEMENTS IS TO PROVIDE VDOT AND FREDERICK COUNTY WITH AN APPROPRIATE ALTERNATIVE TO RELOCATE REDBUD ROAD. THE DEDICATED 50-FOOT RIGHT-OF-WAY WILL CONNECT TO THE INTERSECTION THAT IS IDENTIFIED AT STATION 17+00 ON THE STEPHENSON VILLAGE MAJOR COLLECTOR ROAD PLAN AND CSX CROSSING PREPARED BY GREENWAY ENGINEERING AND DATED OCTOBER 2004, WHICH IS INCLUDED AS AN EXHIBIT WITH THIS PROFFER STATEMENT. THE LOCATION OF THE 50-FOOT RIGHT-OF-WAY TO CONNECT TO THIS INTERSECTION WILL BE AGREED UPON BY VDOT AND THE PROPERTY OWNERS TO ALLOW FOR A MINIMUM 25 MPH GEOMETRIC DESIGN CRITERIA AND WILL BE MADE AVAILABLE AT SUCH TIME THAT VDOT DEEMS NECESSARY. THE PREPARATION OF THE RIGHT-OF-WAY DEDICATION PLATS AND LEGAL DOCUMENTS ASSOCIATED WITH THIS DEDICATION SHALL BE PREPARED BY PARTIES OTHER THAN THE APPLICANTS. THE CONSTRUCTION OF THE REALIGNED PORTION OF REDBUD ROAD SHALL OCCUR BY PARTIES OTHER THAN THE APPLICANTS.

H.) THE APPLICANTS HEREBY PROFFER TO PROHIBIT COMMERCIAL ENTRANCES ALONG THE WESTERN PROPERTY LINE ON TAX PARCEL 43-(A)-152 ADJOINING THE REDBUD ROAD (ROUTE 661) RIGHT-OF-WAY. THIS PROFFER IS INTENDED TO PROHIBIT COMMERCIAL ENTRANCE LOCATIONS ON THE CURRENT ALIGNMENT OF REDBUD ROAD AND IS NOT INTENDED TO PROHIBIT COMMERCIAL ENTRANCES INTERNALLY TO THE SUBJECT SITE SHOULD REDBUD ROAD BE REALIGNED THROUGH THE SUBJECT SITE RESULTING FROM THE WIDENING OF INTERSTATE 81.

2.) STRUCTURAL DEVELOPMENT

THE APPLICANTS HEREBY PROFFER TO LIMIT THE STRUCTURAL DEVELOPMENT ON THE 79.13-ACRE TO A MAXIMUM OF 800,000 SQUARE FEET OF TOTAL FLOOR AREA.

3.) ENVIRONMENTAL PROTECTION

THE APPLICANTS HEREBY PROFFER TO PROVIDE FOR THE DELINEATION OF KARST FEATURES LOCATED ON THE 79.13-ACRE SITE AS A CONDITION OF THE MASTER DEVELOPMENT PLAN APPROVAL. THE APPLICANTS FURTHER PROFFER TO CONDUCT GEOTECHNICAL ANALYSIS FOR EACH SITE PLAN IN WHICH STRUCTURAL DEVELOPMENT OR OTHER SITE IMPROVEMENTS ARE LOCATED WITHIN 50 FEET OF IDENTIFIED KARST FEATURES. THE GEOTECHNICAL ANALYSIS REPORTS AND METHODS FOR TREATMENT OF IMPACTS SHALL BE PROVIDED BY TO THE FREDERICK COUNTY ENGINEER FOR REVIEW AND APPROVAL AS A CONDITION OF SITE DEVELOPMENT PLAN APPROVAL.

4.) VIEWSHED MITIGATION

THE APPLICANTS HEREBY PROFFER TO PROHIBIT THE PLACEMENT OF FREESTANDING AND BUILDING MOUNTED ILLUMINATED AND NON-ILLUMINATED BUSINESS SIGNS FACING THE EASTERN PROPERTY LINE OF TAX MAP PARCEL 43-(A)-152 TO MITIGATE VIEWSHED IMPACTS FROM THE 3RD WINCHESTER CORE BATTLEFIELD AREA.

5.) FIRE AND RESCUE MONETARY CONTRIBUTION

THE APPLICANTS HEREBY PROFFERS TO PROVIDE A MONETARY CONTRIBUTION OF \$0.01 PER SQUARE FOOT OF STRUCTURAL DEVELOPMENT ON THE 79.13-ACRE SITE OCCURRING SUBSEQUENT TO REZONING APPROVAL. THIS MONETARY CONTRIBUTION SHALL BE PROVIDED TO FREDERICK COUNTY AT THE TIME OF BUILDING PERMIT ISSUANCE FOR STRUCTURAL DEVELOPMENT, WHICH GENERATE A MAXIMUM MONETARY CONTRIBUTION OF \$8,000.00 BASED ON THE PROFFERED MAXIMUM SQUARE FOOTAGE OF STRUCTURAL DEVELOPMENT. THE APPLICANTS MONETARY CONTRIBUTION WILL BE DIRECTED TO THE CLEARBROOK VOLUNTEER FIRE AND RESCUE COMPANY, WHICH WILL PROVIDE FIRST DUE RESPONSE TO THE SUBJECT SITE.

6.) MARTINSBURG PIKE CORRIDOR ENHANCEMENT

THE APPLICANTS HEREBY PROFFER TO PROVIDE CORRIDOR ENHANCEMENTS ALONG MARTINSBURG PIKE. THE LOCATION AND TYPE OF ENHANCEMENTS FOR THIS CORRIDOR WILL BE IDENTIFIED ON THE MASTER DEVELOPMENT PLAN FOR THE 79.13-ACRE PROJECT SITE.

REZONING: RZ # 01-12

PROPERTY: AREA: 12.692 ACRES
TAX PARCELS 43-(A)-143, 43-(A)-144, 43-(A)-145, 43-(A)-146, 43-(A)-147

RECORD OWNERS: K & J INVESTMENTS, LC AND NORTH STEPHENSON, INC.

APPLICANT: GREYWOLFE, INC. ~ GARY R. OATES, LS-B, PE

PROJECT NAME: SNOWDEN BRIDGE STATION

ORIGINAL DATE OF PROFFERS: JULY 18, 2011

REVISION DATE: JANUARY 9, 2012

MAGISTERIAL DISTRICT: STONEWALL

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 APPLICANT HEREBY OFFER THE FOLLOWING PROFFERS THAT IN THE EVENT THE BOARD OF SUPERVISORS OF FREDERICK COUNTY, VIRGINIA, SHALL APPROVE REZONING APPLICATION # -12 FOR REZONING OF 6.512 ACRES FROM THE RA (RURAL AREAS), AND 6.180 ACRES FROM RP (RESIDENTIAL PERFORMANCE) TO M-1 (INDUSTRIAL DISTRICT), DEVELOPMENT OF THE SUBJECT 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 APPLICANT AND SUCH ARE APPROVED BY THE BOARD OF SUPERVISORS IN ACCORDANCE WITH THE SAID CODE AND ZONING ORDINANCE. IN THE EVENT THAT SUCH REZONING IS NOT GRANTED, THEN THESE PROFFERS SHALL BE DEEMED WITHDRAWN AND HAVE NO EFFECT WHATSOEVER. THESE PROFFERS SHALL BE BINDING UPON THIS APPLICANT AND THEIR LEGAL SUCCESSORS, HEIRS, OR ASSIGNS.

THE SUBJECT PROPERTIES, AS RECORDED IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE, ARE MORE PARTICULARLY DESCRIBED AS THE LANDS CONVEYED TO:

- NORTH STEPHENSON, INC. FROM WARREN RAY SALES AND CONNIE JEAN SALES IN DEED BOOK 751, PAGE 1431, DATED OCTOBER 10, 1990 - [43-(A)-143]
- K & J INVESTMENTS, LC FROM FLORENCE TRENARY #020007399 DATED MAY 6, 2002, AND DEED OF CORRECTION #110007194 - [43-(A)-144 AND 43-(A)-146]
- K & J INVESTMENTS, LC FROM WILLIAM BUHL #080006163 DATED MAY 20, 2008, AND DEED OF CORRECTION #110007195 - [43-(A)-145]
- NORTH STEPHENSON, INC. FROM H. SMITH DORSEY AND WINIFRED K. DORSEY IN DEED BOOK 668, PAGE 229, DATED DECEMBER 23, 1987 - [43-(A)-147]

1. TRANSPORTATION

A. EZRA LANE

THE APPLICANTS PROFFER TO CONSTRUCT EZRA LANE IN THE GENERAL LOCATION SHOWN ON THE ATTACHED PLAT FROM SNOWDEN BRIDGE BLVD TO NULTON LANE. THE ROAD WILL BE BUILT TO VDOT STANDARDS FOR PUBLIC USE AS A TWO-LANE URBAN ROAD PER THE COMPREHENSIVE PLAN. ACCESS TO THE PROPERTIES SHALL BE LIMITED TO COMMERCIAL ENTRANCES ON THE PROPOSED EZRA AVENUE. THE FINAL LOCATIONS WILL BE SUBJECT TO VDOT REVIEW AND APPROVAL ONCE A SITE PLAN IS SUBMITTED. THIS RIGHT OF WAY AND CONSTRUCTED ROAD WILL BE DEDICATED TO THE COUNTY OF FREDERICK WHEN IT MEETS THE COMMONWEALTH'S CRITERIA FOR ACCEPTANCE.

B. SIGNALIZATION

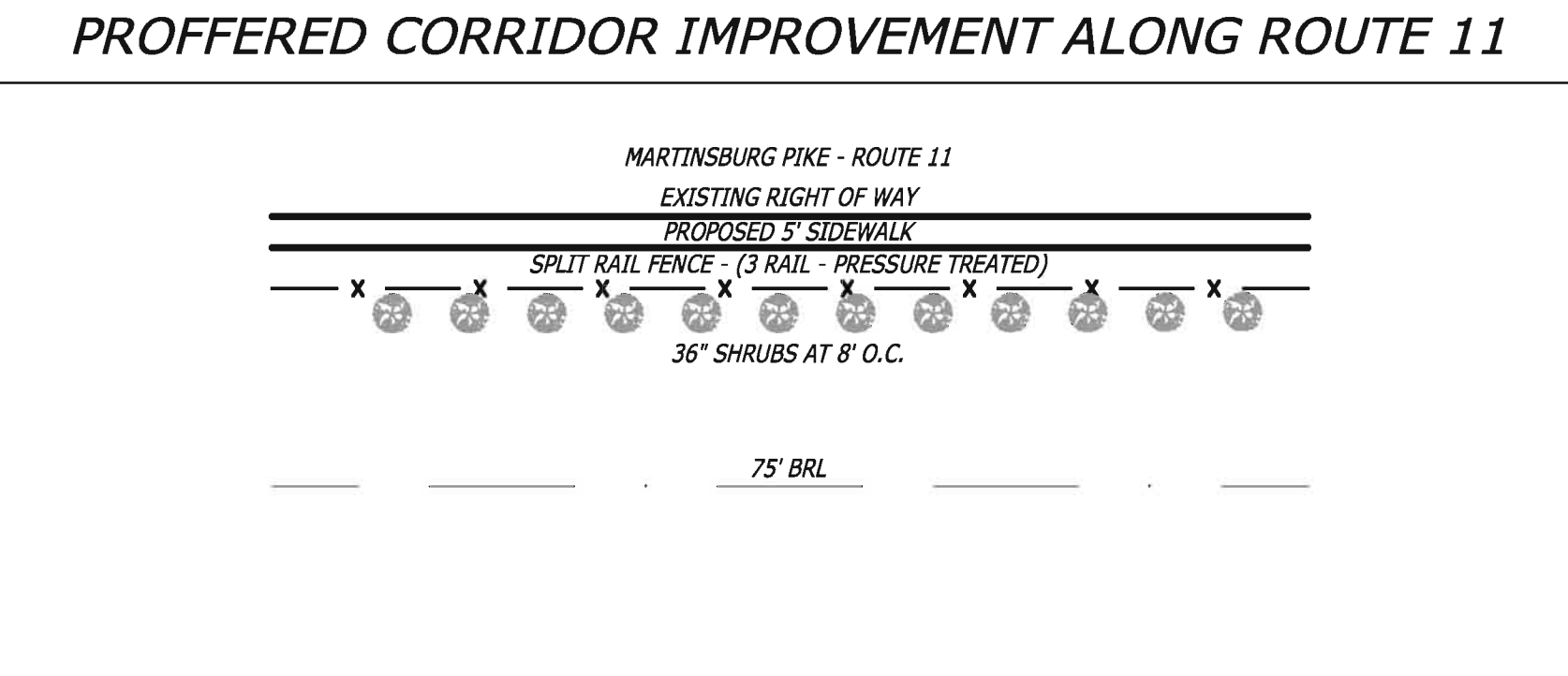
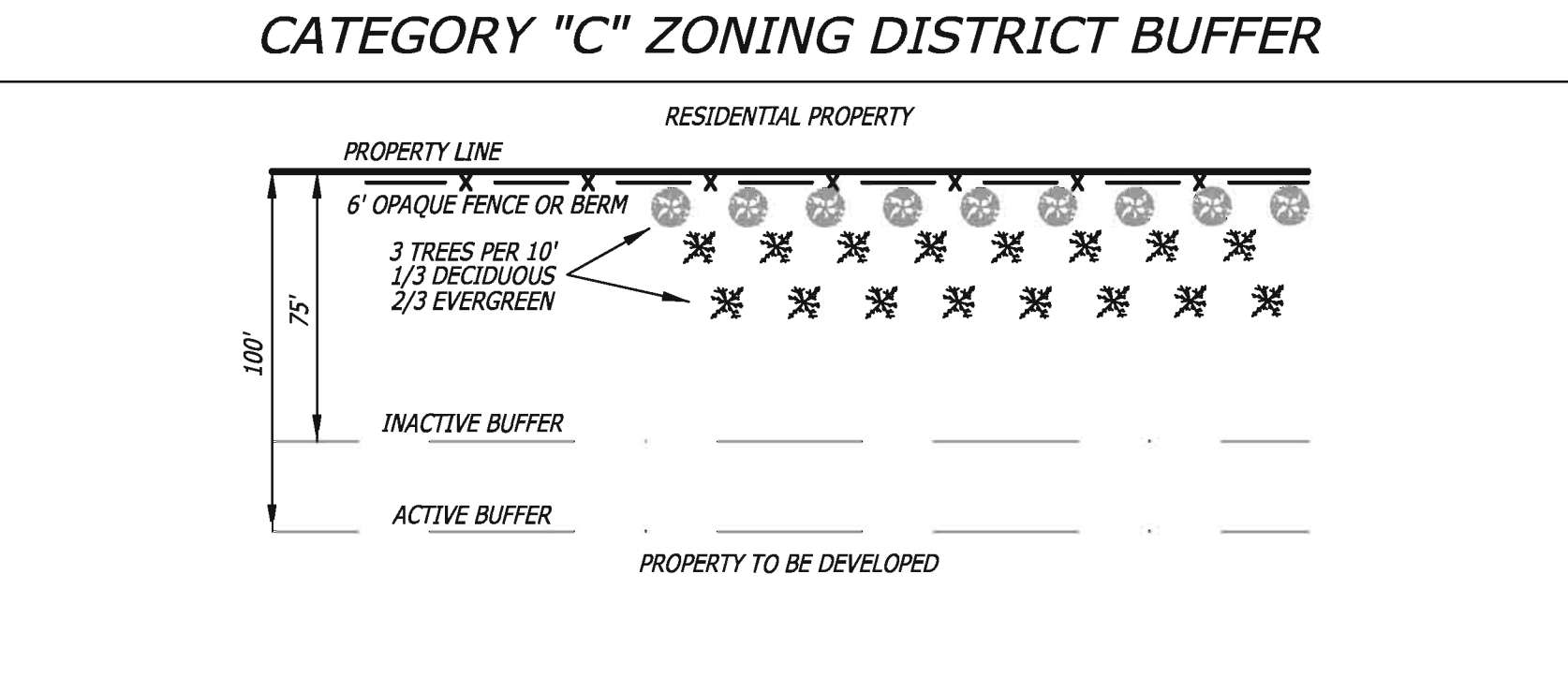
THE APPLICANTS HEREBY PROFFER TO INSTALL THE WARRANTED SIGNALIZATION IMPROVEMENTS AT THE INTERSECTION OF SNOWDEN BRIDGE BLVD AND EZRA LANE, AS SPECIFIED BY VDOT. THE FINAL DESIGN, LOCATION, AND DATE OF COMPLETION OF THE IMPROVEMENTS WILL BE DETERMINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT).

2. FIRE & RESCUE - MONETARY CONTRIBUTIONS

THE APPLICANT HEREBY VOLUNTARILY PROFFERS A CASH CONTRIBUTION TO THE TREASURER OF FREDERICK COUNTY, VIRGINIA, OF \$0.10 PER BUILDING SQUARE FOOT TO BE DISBURSED TO THE FREDERICK COUNTY FIRE AND RESCUE DEPARTMENT, TO BE PAID PRIOR TO EACH FINAL SITE PLAN APPROVAL. THE TERM "BUILDING SQUARE FOOT" SHALL BE THE COMBINED FLOOR AREA FOR EACH STORY.

3. WATER AND SEWER

THE APPLICANT PROFFERS TO CONSTRUCT WATER AND SEWER TO ALONG EZRA LANE AND WILL PROVIDE AN EASEMENT, NEEDED, TO ALLOW THE ADJACENT PROPERTIES TO CONNECT.



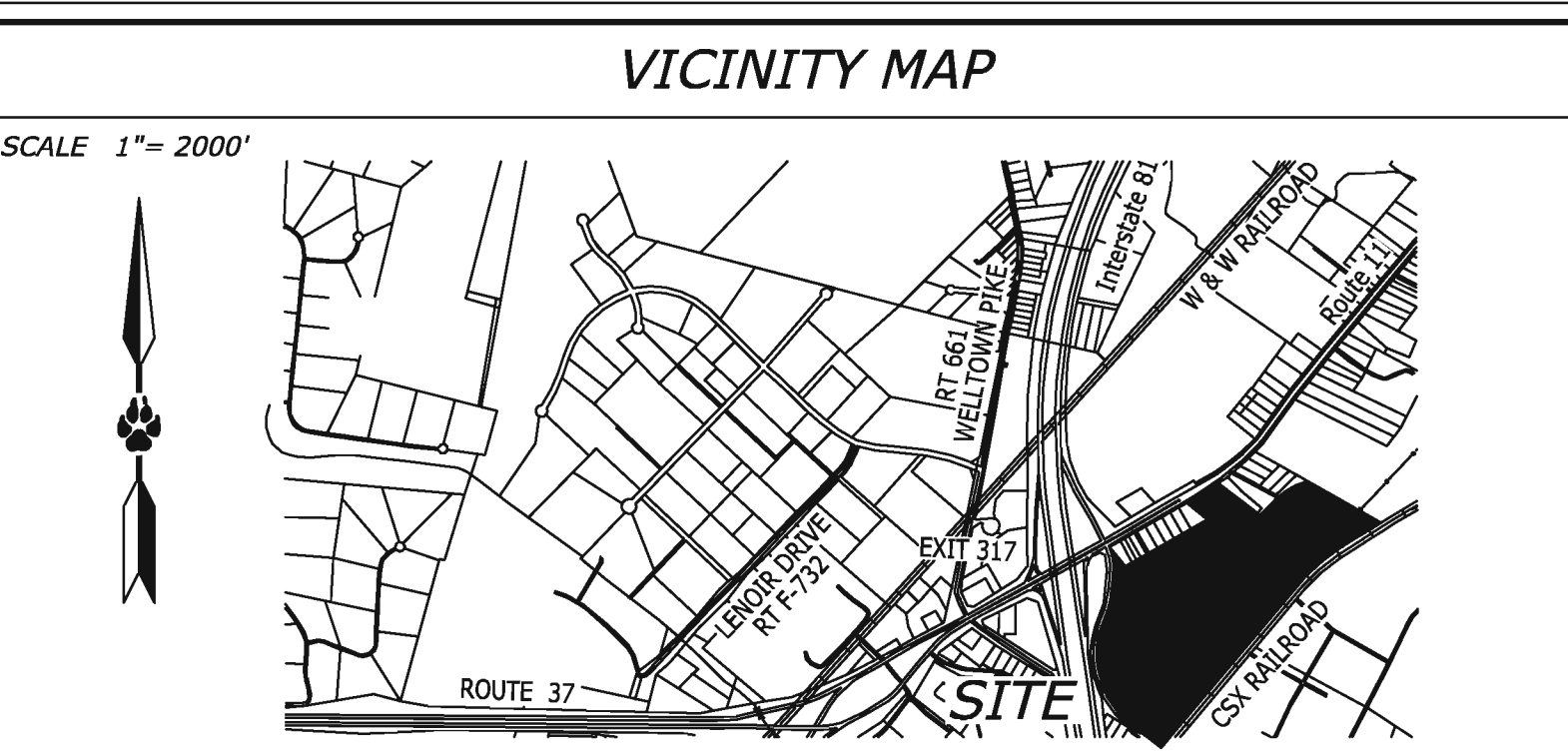
PUBLIC WORKS

1. STORMWATER MANAGEMENT WILL BE ACCOMPLISHED WITH SOME OR ALL OF THE FOLLOWING IN ORDER MEET DEQ AND COUNTY REQUIREMENTS OF QUANTITY AND QUALITY:

- BIO-RETENTION CELLS
- INFILTRATION DITCHES
- PERMEABLE PAVERS
- RAIN GARDENS

2. THE SITE, IN GENERAL, IS LOCATED WITHIN KARST TERRAIN WHICH MAY REQUIRE BLASTING.

3. SITE PLANS SHALL BE ACCOMPANIED BY A GEOTECHNICAL REPORT TO DETERMINE WHETHER SINKHOLES OR VOIDS ARE LOCATED WITHIN BUILDING, PARKING, AND ROADS.



PROJECT INFORMATION

Owner
K & J INVESTMENTS, LC & NORTH STEPHENSON, INC.
1800 Martinsburg Pike
Winchester, VA 22603
(540) 667-4919

Property Data

Tax Map Numbers	43-(A)-150, 43-(A)-151, 43-(A)-151A, 43-(A)-152, 43C-(3)-2, 43C-(3)-3, 43C-(3)-4, 43C-(3)-4A, 43C-(3)-5, 43C-(3)-7A, 43-(A)-143, 43-(A)-144, 43-(A)-145, 43-(A)-146, 43-(A)-147
Address	1800 Martinsburg Pike
Zoning	M-1

Building Setbacks

Front:	75'
Side:	25'
Rear:	25'

Parking Setbacks

Front:	10'
Side:	5'
Rear:	5'

Zoning Data

Open Space Minimum	25%
F.A.R. Maximum	1
Maximum Floor Area	800,000 per proffer
Height Maximum	60 feet

Zoning Buffer

Residential RA:	Category C
Residential RP:	Category C
Commercial B-2:	Category B
Industrial M-1:	not required

Water and Sewer Notes

SANITARY SEWER AND WATER SERVICES ARE AVAILABLE PER FREDERICK COUNTY SANITATION AUTHORITY.

Zoning General Notes

Environmental Features	Existing Acreage	Maximum Disturbance Allowed	Proposed Disturbance
Floodplain	0 acres	0%	0%
Lakes & Ponds	0 acres	0%	0%
Wetlands >1AC	0 acres	0%	0%
Sinkholes	0 acres	0%	0%
Natural S.W.	0 acres	10%	0%
Retention Areas			
Steep Slopes >50%	0 acres	25%	0%
Woodlands	0 acres	25%	0%

- All lights will be shielded (cut-off type) or directed to prevent glare on neighboring properties.
- Outdoor trash receptacles will be in an enclosed six (6) foot fence, unless located inside of a screened storage yard.
- This project will not disturb any environmental features as defined by the Frederick County Zoning Ordinance.
- The owner will be responsible for obtaining or granting easements shown on this plan.
- Easements will be recorded and copies sent to the parties involved.
- All utilities that will service this site must be placed underground.

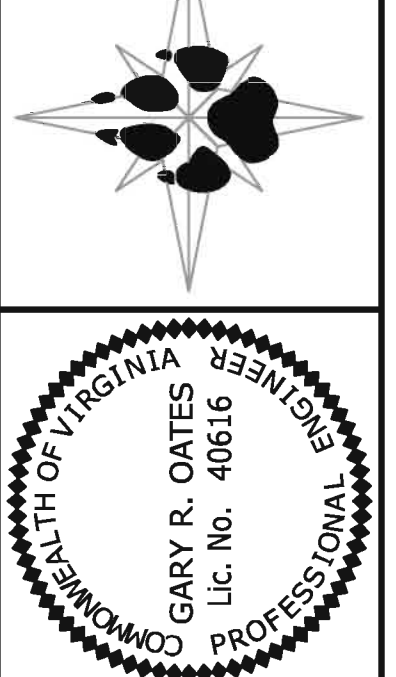
APPROVAL

FREDERICK COUNTY DIRECTOR OF PLANNING AND DEVELOPMENT _____ Date

FREDERICK COUNTY ADMINISTRATOR _____ Date

DATE: February 18, 2014
SCALE: N/A
FILE NO. 0260
SHEET 1 OF 4

GreyWolfe, Inc.
Land Surveying and Consulting
1073 Redbud Road
Winchester, VA 22603
GreyWolfeInc@aol.com
(540) 667-2001 OFC
(540) 405-4401 FAX



THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF FREDERICK STANDARDS AND ORDINANCES. ANY DEVIATION FROM THESE STANDARDS OR ORDINANCES SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION.

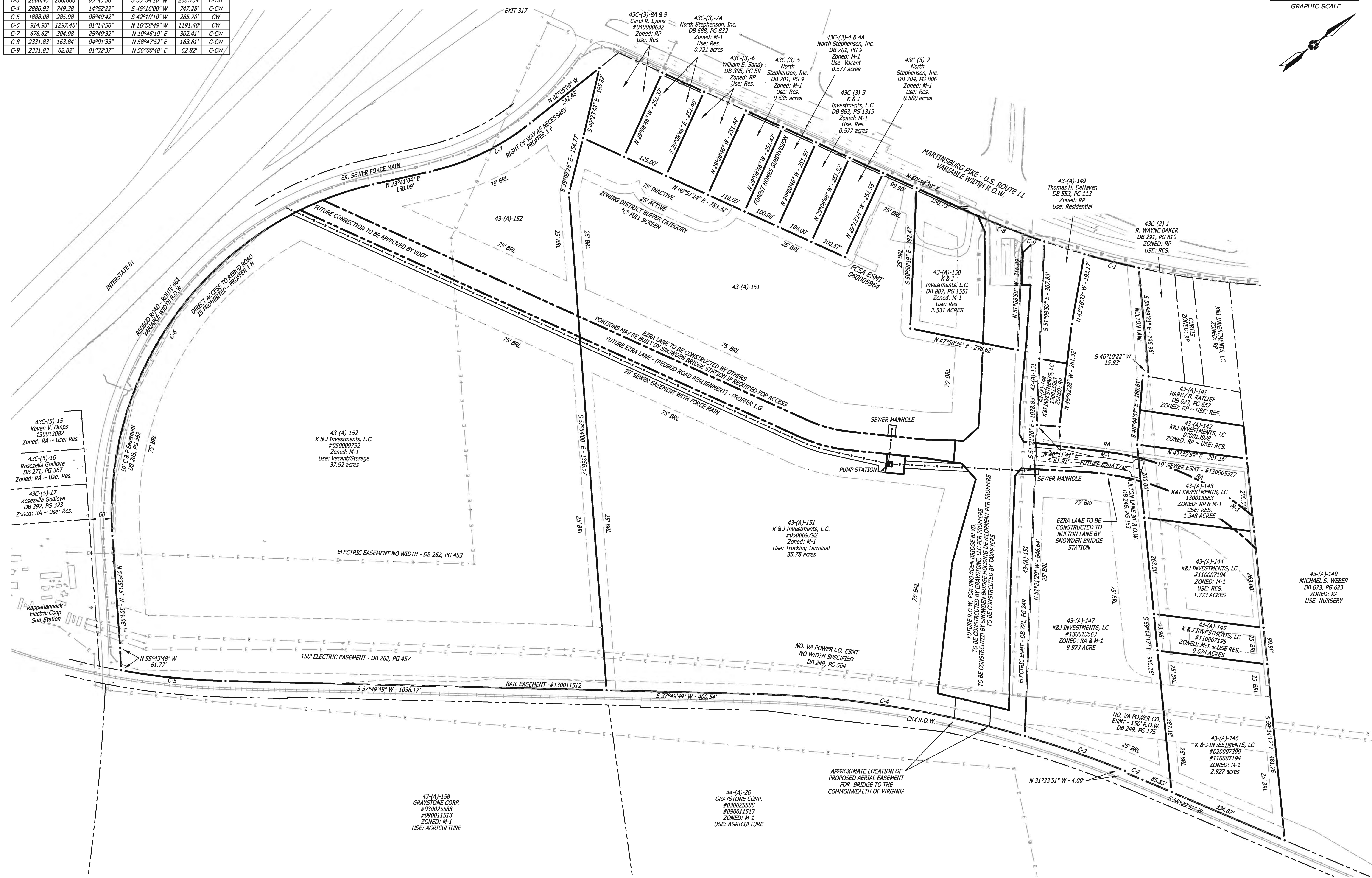
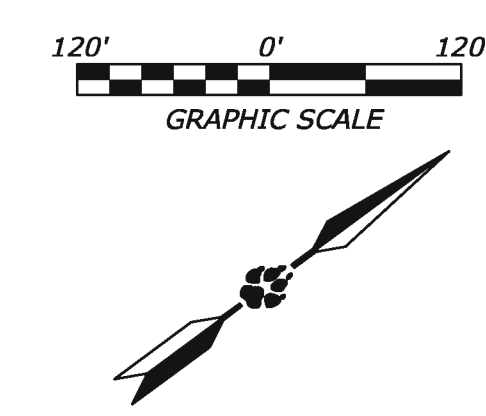
DATE	REVISION	REV. PER	PLANNING COMMENTS
5/7/15			

COVER SHEET FOR

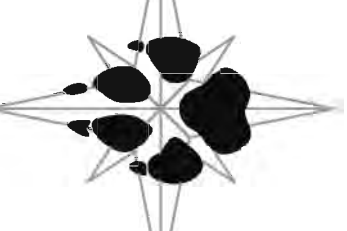
Master Development Plan Snowden Bridge Station

STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C-1	2331.83'	152.245'	03°44'27"	N 50°33'17" E	152.218'	C-CW
C-2	2882.93'	53.419'	01°03'42"	S 58°55'00" W	53.418'	C-CW
C-3	2886.93'	288.860'	05°43'58"	S 55°34'10" W	288.739'	C-CW
C-4	2886.93'	749.38'	14°52'22"	S 45°16'00" W	747.28'	C-CW
C-5	1888.08'	285.98'	08°40'42"	S 42°10'10" W	285.70'	CW
C-6	914.93'	1297.40'	81°14'50"	N 16°58'49" W	1191.40'	CW
C-7	676.62'	304.98'	25°49'32"	N 10°46'19" E	302.41'	C-CW
C-8	2331.83'	163.84'	04°01'33"	N 58°47'52" E	163.81'	C-CW
C-9	2331.83'	62.82'	01°32'37"	N 56°00'48" E	62.82'	C-CW



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 Land Surveying and Consulting
 1073 Redbud Road
 Winchester, VA 22603
 (540) 667-2001 OFC
 (540) 545-4001 FAX
 GreyWolfeInc@aol.com



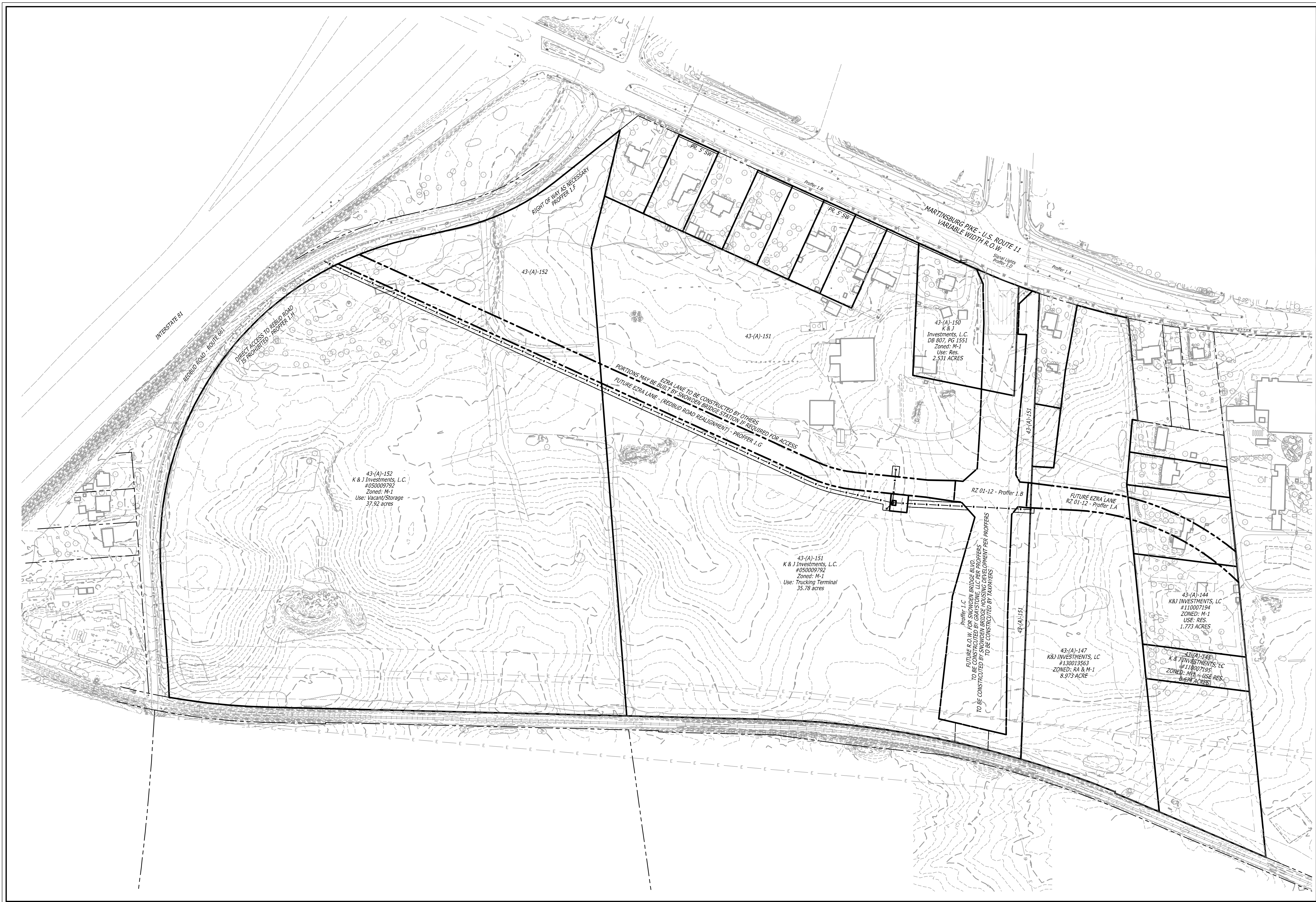
COMMONWEALTH OF VIRGINIA
 GARY R. OATES
 Lic. No. 1518-B
 LAND SURVEYING

THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF FREDERICK STANDARDS AND ORDINANCES. ANY DEVIATION FROM THE SAME SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION.

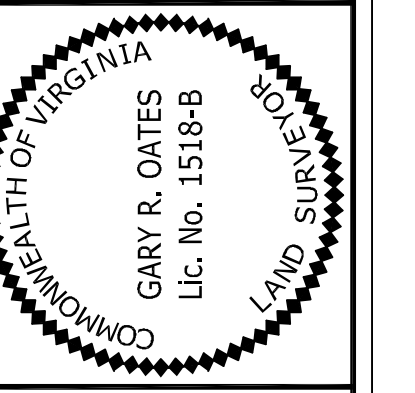
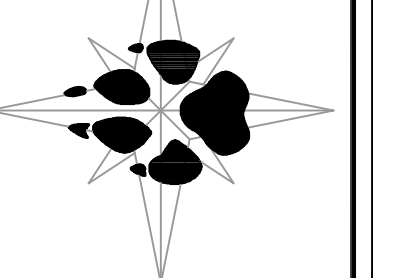
DATE	REVISION
5/2/15	REV. PER PLANNING COMMENTS

Master Development Plan
Snowden Bridge Station
 STONEWALL MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: February 18, 2014
 SCALE: 1" = 120'
 FILE NO. 0260
 SHEET 2 OF 4



GreyWolfe, Inc.
 Land Surveying and Consulting
 1073 Redbud Road
 Winchester, VA 22603
 GreyWolfeInc@aol.com
 (540) 667-2001 OFC
 (540) 545-4001 FAX



THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF FREDERICK STANDARDS AND ORDINANCES. ANY DEVIATION FROM THE SAME SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION.

DATE	REVISION
5/21/14	REV. PER PLANNING COMMENTS

K & J INVESTMENTS, L.C. & NORTH STEPHENSON, INC.
Master Development Plan
Snowden Bridge Station
 STONEWALL MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: February 18, 2014
 SCALE: 1" = 120'
 FILE NO. 0260
 SHEET 3 OF 4

M



MEMORANDUM

TO: Board of Supervisors

FROM: Eric R. Lawrence, AICP, Planning Director

SUBJECT: Request to Amend SWSA to Serve Proposed 4th High School

DATE: June 30, 2014

Frederick County Public Schools has requested an amendment to the Sewer and Water Service Area (SWSA) in an effort to serve the proposed 4th high school site. The recently acquired high school site is adjacent to Admiral Richard E. Byrd Middle and Evendale Elementary Schools. Supervisor Fisher has agreed to sponsor this request, which enables the request to be processed as a Board of Supervisors' directed special exception, rather than proceed through the annual Comprehensive Policy Plan Amendment process. Through the special exception process, the Board may direct the Comprehensive Plans and Programs Subcommittee (CPPS) to study the request and report back to the Board with a recommendation. ***The Board may also, in the case of this public use request, direct staff to proceed through the public hearing process to amend the SWSA to incorporate the 4th high school site.***

The proposed high school site is located at the eastern terminus of Justes Drive, adjacent to Admiral Byrd Middle School. This high school site is 83 acres and zoned RA Rural Areas Zoning District – schools are by-right permitted uses in the RA Zoning District. The site is located outside of the Sewer and Water Service Area (SWSA). Therefore, current County policy would prohibit the proposed high school from utilizing the public water and sewer services. Private on-site health systems are generally expected in the RA Zoning District.

With the Admiral Byrd Middle School and the Evendale Elementary School adjacent to the high school site, it would appear appropriate to permit the extension of water and sewer to serve the new school.

Via adoption of the attached resolution, the Board would be directing the Planning Commission to initiate the public hearing process to consider an amendment to the SWSA, and allowing the extension of sewer and water to the 4th high school site.

Please contact staff should you have any questions regarding this resolution. Thank you.

Attachments: Request from School Board
Map depicting school location
Resolution Directing the Public Hearing

ERL/pd

Mr. Eric Lawrence
107 North Kent Street, Suite 202
Winchester, Virginia 22601

June 25, 2014

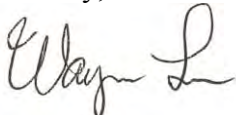
Re: Water and sewer service for the Fourth High School

Dear Eric,

This letter is to request consideration by the Planning Commission and the Board of Supervisors that water and sewer services be extended to the property recently purchased for the Fourth High School. Currently, the property is located just outside the SWSA, and so what we are seeking is a SWSA amendment.

Should you wish to contact me, please feel free to do so. My phone number is 540-662-3889 x88249. My email address is leew@frederick.k12.va.us.

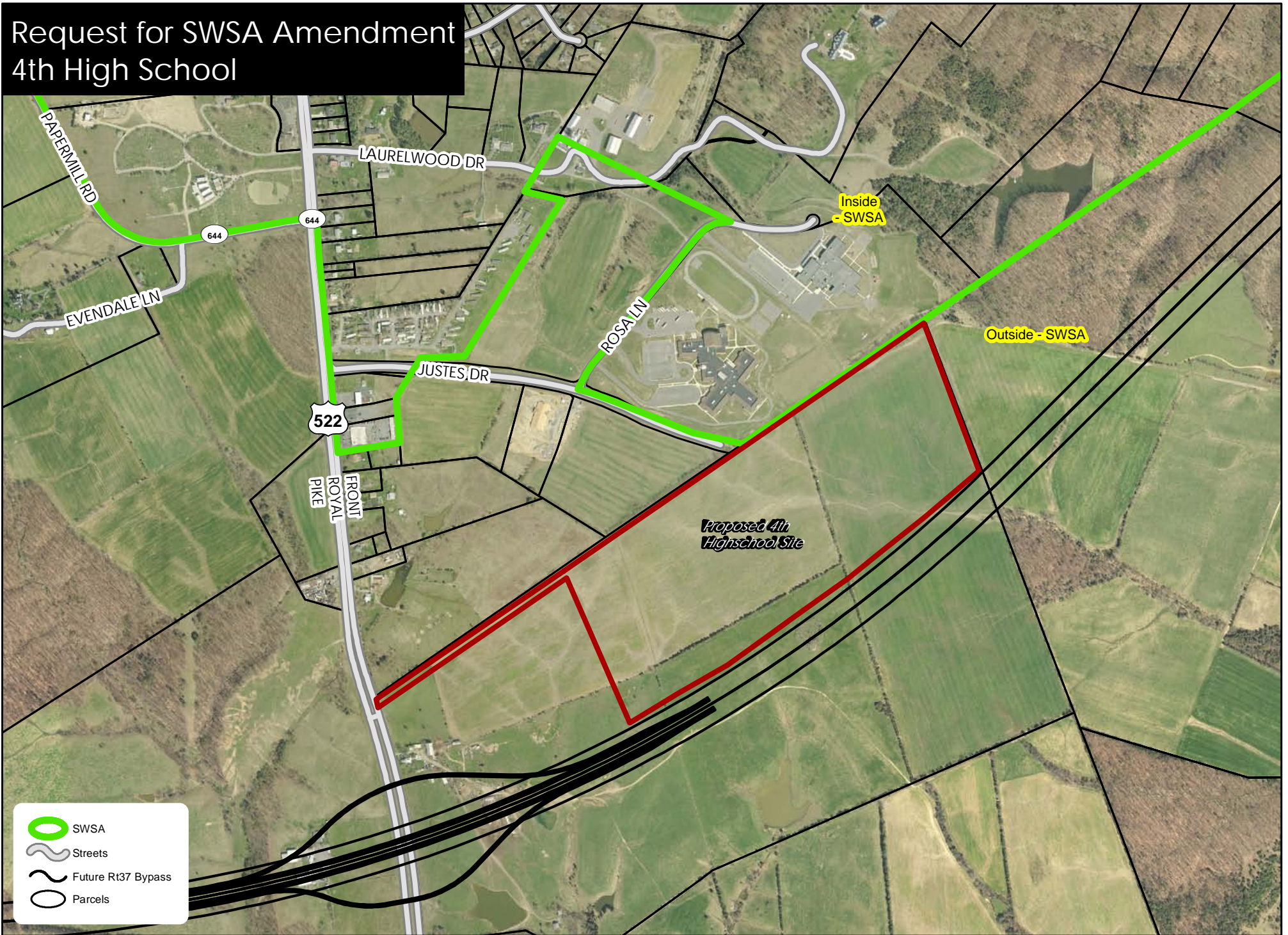
Sincerely,







Wayne Lee, LEED AP
Coordinator of Planning and Development

cc: Dr. David T. Sovine, Superintendent of Schools
Mr. Albert L. Orndorff, Assistant Superintendent for Administration

Request for SWSA Amendment 4th High School



-  SWSA
-  Streets
-  Future Rt37 Bypass
-  Parcels

0 500 1,000 2,000 Feet





Action:

BOARD OF SUPERVISORS: July 9, 2014 APPROVED DENID

RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING
TO CONSIDER SWSA AMENDMENT FOR THE FOURTH HIGH SCHOOL**

WHEREAS, Frederick County Public Schools (FCPS) wishes to construct the 4th High School on the recently purchased 83 acre site at the terminus of Justes Drive. FCPS is seeking the use of the public sewer and water for this planned facility. The property is located adjacent to and east of Admiral Richard E. Byrd Middle and Evendale Elementary Schools, and is identified by Property Identification Number 76-A-96E, in the Shawnee Magisterial District; and,

WHEREAS, The request for consideration of this amendment of the Sewer and Water Service Area (SWSA) would only serve the proposed 4th High School; and,

WHEREAS, This SWSA amendment request was sponsored and presented to the Board of Supervisors by the Shawnee Magisterial District Supervisor on July 9, 2014; and,

NOW, THEREFORE, BE IT REQUESTED that the Frederick County Board of Supervisors directs the Frederick County Planning Commission to hold a public hearing and forward a recommendation to the Board of Supervisors regarding this SWSA amendment to serve the 4th High School.

Passed this 9th day of July, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Charles S. DeHaven, Jr.	_____
Gene E. Fisher	_____	Christopher E. Collins	_____
Robert W. Wells	_____		

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator