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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, MAY 13, 2015  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**6:15 P.M. – Closed Session:**

There will be a Closed Session Pursuant to Virginia Code Section 2.2-3711(A)(3), Involving Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, Where Discussion in an Open Meeting would Adversely Affect the Bargaining Position or Negotiating Strategy of the Board.

**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: D, E, and F)

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

**Board of Supervisors Comments**

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

1. Special Meeting, April 15, 2015.
2. Budget Work Session, April 15, 2015.



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3. Regular Meeting, April 22, 2015.

**County Officials:**

1. Committee Appointments. **(See Attached)**----- B
2. Request from Commissioner of the Revenue for Refund.  
**(See Attached)** ----- C

**Committee Reports:**

1. Parks and Recreation Commission. **(See Attached)** ----- D
2. Public Works Committee. **(See Attached)**----- E
3. Transportation Committee – Meeting of April 27, 2015. **(See Attached)**----- F
4. Transportation Committee – Meeting of May 4, 2015. **(See Attached)**----- G

**Public Hearing:**

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

**Planning Commission Business:**

**Public Hearing:**

1. Rezoning #01-15 Blackburn Commerce Center Submitted by Stowe Engineering, PLC., to Rezone 128.56+/- Acres as Follows: 92.066+/- Acres from RA (Rural Areas) District to M1 (Light Industrial) District and 36.754+/- Acres are to Remain RA (Rural Areas) with Proffers. The Property is Located Adjacent to Dawson Drive, Apple Valley Road and Route 37 and is Identified by Property Identification Number 63-A-80I in the Back Creek Magisterial District. **(See Attached)**----- I



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2. Ordinance Amendment to the Frederick County Code – Chapter 165 Zoning, Article V – Planned Development Districts, Part 501 – R4 Residential Planned Community District, §165-501.03 Permitted Uses. Revision to the Frederick County Zoning Ordinance to Include the OM (Office Manufacturing Park) District to the Permitted Uses in the R4 District. **(See Attached)** ----- J
3. Ordinance Amendment to the Frederick County Code – Chapter 165 Zoning, Article II Supplementary Use Regulations, Parking, Buffers, and Regulations for Specific Uses, Part 202 – Off-Street Parking, Loading and Access, §165-202.01 Off-Street Parking; Parking Lots. Revisions to the Frederick County Zoning Ordinance to Include the Use of Permeable Paving Systems for Parking Lots. **(See Attached)** ----- K

**Other Planning Items:**

1. Rezoning #05-14 CB Ventures, LLC, Submitted by CB Ventures, LLC, to Rezone 2.42 Acres of Property from B1 (Neighborhood Business) District to B2 (General Business) District with Proffers. The Property is Located at 1033 Aylor Road in Stephens City and is Identified by Property Identification Numbers 74-((A))-104 and 74-((A))-105 in the Opequon Magisterial District. **(Vote Postponed from Board Meeting of March 11, 2015.) (See Attached)** ----- L
2. Master Development Plan #02-15 – Blackburn Commerce Center. **(See Attached)** ----- M

**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**



A



**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**SPECIAL MEETING**

**April 15, 2015**



A Special Meeting of the Frederick County Board of Supervisors was held on Wednesday, April 15, 2015 at 8:25 A.M., in the First Floor Conference Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

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

**ABSENT**

Redbud District - Vacant

**CALL TO ORDER**

Chairman Shickle called the meeting to order.

**ADOPTION OF AGENDA - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the agenda by the following recorded vote:

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

**APPOINTMENT OF REDBUD MAGISTERIAL DISTRICT SEAT – JASON E. RANSOM APPOINTED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board appointed Jason E. Ransom to fill the vacant Redbud Magisterial District until the Special Election to be held on November 3, 2015.

The above motion was approved by the following recorded vote:

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

**ADJOURN**

**UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY  
SUPERVISOR LOFTON, THERE BEING NO FURTHER BUSINESS TO COME  
BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (8:27 A.M.)**



**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**BUDGET WORK SESSION**

**April 15, 2015**



A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, April 15, 2015 at 8:30 a.m., in the First Floor Conference Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

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

**ABSENT**

Jason E. Ransom

**OTHERS PRESENT**

Finance Committee members Bill M. Ewing and Judith McCann-Slaughter; Roderick B. Williams, Interim-County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; Fire Chief Dennis Linaburg; Sheriff Robert T. Williamson; HR Director Paula Nofsinger; and Ann White, Operations and Business Manager for Handley Regional Library.

**CALL TO ORDER**

Chairman Shickle called the work session to order.

Finance Director Shiffler provided a brief recap of what had been done to date. She noted there was \$8.8 million in new revenue with the General Fund's share of that amount being \$3.7 million. Most of those funds were used to fund positions in Social Services and Fire and Rescue after the FY15 budget process had closed. The remainder of those funds was used to implement the salary survey, pay debt service on the Round Hill Fire Station. She noted the



Board approved the use of an additional \$3 million in Fund Balance funding, with approximately \$1.3 million representing the General Fund share. Those dollars were allocated for Sheriff's Department and Fire & Rescue positions. She noted the School Board planned to give a division average increase of 5.5% to their employees. She advised that staff had met with representatives from the jail, Social Services, and department heads and staff had located dollars to give a 4% to 5% salary increase. Some of this money became available through recognized savings in healthcare costs and salary savings following retirements. She advised that Handley Library was still in the budget, but their funding did not include a supplement to address the request for increased hours. She concluded by asking if there were any other changes that need to be reviewed in the budget.

Supervisor Hess stated he would like to talk about funding for the Northern Shenandoah Valley Regional Commission.

Supervisor Fisher stated that he thought \$3,500 for Blue Ridge Legal Services was a small amount to pay for what that agency does.

Ms. McCann-Slaughter stated she believed part of the reason this group's funding was cut last year was because the legal community did not contribute to the Services' operation.

After a brief discussion about Blue Ridge Legal Services and their funding sources, Supervisor Fisher withdrew his request.

Vice-Chairman DeHaven suggested a contribution be looked at in the future versus trying to back it into a budget request.

Chairman Shickle asked staff to advise Blue Ridge Legal Services that there is interest in pursuing a conversation at a later date.



The Board and committee discussed the request from Handley Library to reinstate Thursday hours.

Supervisor Wells advised that it would take approximately \$79,000 to reinstate the Thursday hours at the library.

Supervisor Hess did not disagree with considering this request, but thought it should be revisited at another time since the budget process was this far along.

Supervisor Wells suggested considering it in the fall. He went on to say that he felt the money identified by the County for Thursday hours should be used to operate the library on Thursday.

Chairman Shickle suggested Handley Regional Library go to a Joint Finance Committee in the early fall. He asked the Board to express its support or non-support of looking at the Thursday hours.

Supervisor Lofton stated that if Frederick County gives its share of the Thursday hours contribution and the other jurisdictions do not then "we didn't get there".

Vice-Chairman DeHaven supported Supervisors Wells' desire to address this issue; however, he was not comfortable directing Handley Regional Library on how to spend money coming to them. He concluded by saying that it seems we will be looking at this item in the fall.

Chairman Shickle stated he was supportive of the library and he was not sure he disagreed with their strategy of reducing hours in order to meeting budget.

Supervisor Hess stated the Board would have to look at this request and what other items are out there and what funding is available.

Mr. Ewing stated that looking at this request in the fall will allow us to know what other localities have done regarding funding.



Supervisor Wells stated he had no problem waiting until the fall to look at this again.

Chairman Shickle advised the library representative that there was reluctance to do anything as part of the budget process, but the door was not shut. He went on to say the Board would look at what the other jurisdictions do and would revisit this matter in the fall, if they do something.

Supervisor Hess spoke regarding the funding of the Northern Shenandoah Valley Regional Commission and stated that regional cooperation is important and a domino effect could start if we do not fund our share.

Vice-Chairman DeHaven stated he had no objection to discussing, but he wished it had occurred earlier.

Supervisor Lofton stated that reviewing these requests prior to the full-blown budget process would be optimal to him.

Supervisor Hess stated his preference would be to fund it. He went on to say if the Board takes the approach of looking at funding requests in the fall then he would not have a problem with that.

The take away items for further discussion were:

- Planning and philosophical discussion regarding the budget;
- Fund balance policy;
- Handley Regional Library; and
- Northern Shenandoah Valley Regional Commission.

Supervisor Fisher suggested staff look at what it costs the county to provide meeting space to outside groups and the need for a use of public facilities policy, because there is a cost associated with room set-up, clean-up, utilities, etc.



Chairman Shickle asked Supervisor Fisher to begin this discussion with the Public Works Committee.

There being no further business, the work session was adjourned at 9:25 a.m.



**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**REGULAR MEETING**

**April 22, 2015**



A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, April 22, 2015 at 5:30 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Richard C. Shickle; Charles S. DeHaven, Jr.; Gene E. Fisher; Robert A. Hess; Gary A. Lofton; Jason E. Ransom; 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 Board convened in closed session pursuant to Section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, for consultation with legal counsel and briefing by staff, pertaining to a legal claim against the County, R150 SPE, LLC V. COUNTY OF FREDERICK, VIRGINIA, ET AL., currently pending in the Frederick County Circuit Court, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, and the matter required the provision of legal advice by such counsel; and pursuant to Section 2.2-3711 A (1) for discussion of personnel matters.

The above motion was approved by the following recorded vote:

Richard C. Shickle	Aye
Charles S. DeHaven, Jr.	Aye
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	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 only legal matters, pursuant to Section 2.2-3711 A (7) of the Code of Virginia, 1950, as amended, specifically, for consultation with legal counsel and briefing by staff, pertaining to a legal claim against the County, R150 SPE, LLC V. COUNTY OF FREDERICK, VIRGINIA, ET AL., currently pending in the Frederick County Circuit Court, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board, and the matter required the provision of legal advice by such counsel; and personnel matters pursuant to Section 2.2-3711 A (1), were discussed.

The above motion was approved by the following recorded vote:

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

### **INVOCATION**

Pastor Mark Carey, Fellowship Bible Church, delivered the invocation.

### **PLEDGE OF ALLEGIANCE**



Vice-Chairman DeHaven led the Pledge of Allegiance.

**ADOPTION OF AGENDA - APPROVED**

Interim County Administrator Rod Williams advised that he had no changes to the agenda.

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

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

**CONSENT AGENDA - APPROVED**

Interim Administrator Williams advised that he had one item for the Board's consideration under the consent agenda, the HR Committee Report – **Tab D**.

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

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

**CITIZEN COMMENTS**

There were no citizen comments.

**BOARD OF SUPERVISORS COMMENTS**

There were no Board of Supervisors' comments.



## **MINUTES - APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the minutes from the March 25, 2015 regular meeting by the following recorded vote:

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

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the minutes from the April 8, 2015 regular meeting by the following recorded vote:

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

## **COUNTY OFFICIALS**

### **COMMITTEE APPOINTMENTS**

#### **APPOINTMENT OF MEMBERS TO THE DEVELOPMENT IMPACT MODEL OVERSIGHT COMMITTEE - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board appointed the following members to the Development Impact Model Oversight Committee:

Kris Tierney – County Administration Representative  
Gary A. Lofton – Board of Supervisors EDA Representative  
Robert A. Hess – Board of Supervisors Representative  
H. Paige Manuel – Planning Commission Representative  
Roger L. Thomas – Planning Commission Representative  
Dr. John Lamanna – School Board Representative.

This is a one year appointment. Term expires June 28, 2016.



The above motion was approved by the following recorded vote:

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

**MEMORANDUM RE: REQUEST TO SET SCHEDULE FOR BOARD MEETINGS DURING SUMMER MONTHS AND FOR 2015 HOLIDAY SEASON AND POSSIBLE RE-SCHEDULE OF NOVEMBER MEETING - APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the 2015 summer schedule, holiday schedule, and rescheduling of the November meeting, as follows:

- Cancellation of the June 24<sup>th</sup>, July 22<sup>nd</sup>, September 23<sup>rd</sup>, and October 28<sup>th</sup> meetings;
- Cancellation of the November 25<sup>th</sup> and December 23<sup>rd</sup> meetings; and
- Reschedule November 11<sup>th</sup> meeting to Thursday, November 12<sup>th</sup>.

The above motion was approved by the following recorded vote:

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

**COMMITTEE REPORTS**

**HUMAN RESOURCES COMMITTEE – APPROVED UNDER CONSENT AGENDA**

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, April 10, 2015 at 8:00 a.m. All members were present with the exception of Mr. Don Butler.

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

1. None



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

1. At the request of the Committee, Mr. Ross Spicer and Mr. Andrew Robbins presented an overview of the objectives and responsibilities of the Commonwealth's Attorney's Office. The presentation also provided the Committee an understanding of his department's role, authority, projects, and topics of importance within his department.
2. The Committee discussed the right-sizing report provided by prm Consulting Group. It was the consensus of the Committee that this report was only one minor element, should it be decided to have an overall staffing plan. At their discretion, Department Directors will be able to provide feedback.
3. The Committee discussed the recent Winchester Star article regarding overtime in the Fire & Rescue Department. Chief Dennis Linaburg was present and offered to provide an overview of the components of overtime at a Committee meeting.
4. A copy of a Total Compensation Benefit Statement that was provided to employees in March is included for information only.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, May 8, 2015.

**FINANCE COMMITTEE - APPROVED**

A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, April 15, 2015 at 8:00 a.m. There was a Budget Work Session immediately following. Member Angela Rudolph was absent. Items 2, 4, and 5 were approved under consent agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved items 2, 4, and 5 under the consent agenda.

The above motion was approved by the following recorded vote:

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

**FINANCE COMMITTEE**



1. The Fire and Rescue Chief requests a General Fund supplemental appropriation in the amount of \$170,530 to cover overtime expenses through the end of fiscal year 2015. \$160,000 of this request represents local funds and the remainder represents a grant for hazmat training. This item was postponed at the February Finance Committee meeting. See attached information, p. 4. The committee recommends approval. - **APPROVED**

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

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

2. The Fire and Rescue Chief requests a General Fund supplemental appropriation in the amount of \$16,060. This amount represents a Local Emergency Management Performance Grant to purchase replacement radios and equipment for use in the Mobile Command Post and the EOC. No local funds required. See attached info., p. 5-8. – **APPROVED UNDER CONSENT AGENDA**
3. The Fire and Rescue Chief requests a General Fund supplemental appropriation in the amount of \$2,642. This amount represents funds collected for SCBA Parts/Repairs and will be used for uniforms. No local funds required. See attached memo, p. 9. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$5,286. This amount represents an insurance reimbursement for an auto claim. No local funds required. See attached memo, p. 10. – **APPROVED UNDER CONSENT AGENDA**
5. The Sheriff requests a General Fund supplemental appropriation in the amount of



\$10,627. This amount represents prisoner extradition reimbursements. No local funds required. See attached memo, p. 11. – **APPROVED UNDER CONSENT AGENDA**

6. The Registrar requests a General Fund supplemental appropriation in the amount of \$24,495. This amount represents expenses for the June 9, 2015 Republican Primary. Local funds are required. See attached memo, 12-13. The committee recommends approval. - **APPROVED**

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

approved the above request by the following recorded vote:

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

7. The EDA Executive Director requests an EDA Fund supplemental appropriation in the amount of \$3,500. This amount represents funds for The Widget Cup. No local funds required. See attached memo, p. 14-16. 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
Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Jason E. Ransom	Aye
Robert W. Wells	Aye

8. At the request of the committee, the EDA Executive Director provides an overview of audit process conducted by the Economic Development Authority (EDA) on Local Economic Development Incentive Grants (LEDIG). No action is required. See attached information, p. 17-19. The committee requests further information on a final reporting mechanism.
9. At the request of the committee, the Commissioner of the Revenue provides follow up information on tables presented in the CAFR. No action is required. See attached information, p. 20-22.



10. At the request of the committee, the Assistant Finance Director provides a draft Grant Application & Acceptance Policy for review and recommendation. See attached, p. 23-25. The committee postpones the item awaiting review by the new County Administrator.

## **BUDGET WORK SESSION**

1. At the request of the BOS and the Finance Committee, the Finance Director provides information on comparable salary increases for all county employees.

## **INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for March 2015. See attached, p. 26.
2. The Finance Director provides financial statements for the month ending March 31, 2015. See attached, p. 27-37.
3. The Finance Director provides an FY 2015 Fund Balance Report ending April 9, 2015. See attached, p. 38.

## **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 D, 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. - APPROVED**

Interim Administrator Williams advised this was an application for a 12-month outdoor festival permit by Trumpet Vine Farm. All events are to be held on the grounds of Trumpet Vine Farm, 266 Vacluse Road, Stephens City, VA.

Chairman Shickle convened the public hearing.

William Pfahl, Back Creek District and owner of an adjacent property, spoke against this proposed application. He noted there had been no appreciable change in the documents submitted last year and this year. He went on to say this was a money making operation and by



approving this application it would be a defacto rezoning. He asked the Board to deny this application.

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

Supervisor Lofton asked the applicant if he had complied with the outstanding items from the last application regarding the building.

DeMarchi Spears advised that was correct. He brought in an engineer, who prepared drawings and signed off on the building. It has been inspected and met the issues identified by the Inspections Department.

Upon a motion by Supervisor Lofton, seconded by Supervisor Ransom, the Board approved the twelve month outdoor festival permit request of Trumpet Vine Farm.

The above motion was approved by the following recorded vote:

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

**CONSIDERATION OF A PROPOSED AGREED ORDER TO RESOLVE CERTAIN LITIGATION KNOWN AS LAKE HOLIDAY COUNTRY CLUB, INC. V. FREDERICK COUNTY BOARD OF SUPERVISORS, ET AL., CURRENTLY PENDING IN THE FREDERICK COUNTY CIRCUIT COURT. A COPY OF THE PROPOSED ORDER WILL BE AVAILABLE FOR INSPECTION AND REVIEW AT THE OFFICE OF THE COUNTY ADMINISTRATOR AND WILL BE INCLUDED IN THE BOARD'S AGENDA MATERIALS FOR ITS APRIL 22 MEETING. THE BOARD SEEKS PUBLIC COMMENTS ON SEEKING THE CIRCUIT COURT'S ENTRY OF AN ORDER IN SUBSTANTIALLY THE SAME FORM AS THE ORDER THAT WILL BE AVAILABLE FOR PUBLIC REVIEW. – NO ACTION TAKEN**

Interim Administrator Williams advised this item had been scheduled for public hearing per the Board's direction. He stated that no final action was to be taken tonight as there were



some details to be finalized. He advised that in April 2012, Lake Holiday Country Club, Inc. ("LHCC") filed suit against the Board of Supervisors regarding the imposition of the Lake Holiday Sanitary District tax against lots owned by LHCC, as the automatic membership association for Lake Holiday. Working with counsel for LHCC and after consultation with relevant County staff and officials, there is now a proposed resolution of the litigation, reflected in the proposed final order. The proposed resolution would enable LHCC to acquire the 557 lots owned by Lake Holiday Land, Inc., which lots have been delinquent as to regular real estate taxes and LHSD taxes since the original imposition of the LHSD taxes in 2011. The proposal would allow the LHSD taxes to be treated like regular real estate taxes and therefore not imposed on lots owned by LHCC or acquired by LHCC from Lake Holiday Land, Inc. Interim Administrator Williams noted the proposal would require that all delinquent regular real estate taxes be paid and therefore would not affect any past, present, or future regular real estate taxes. He concluded by saying no formal action was being sought tonight.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

#### **PLANNING COMMISSION BUSINESS**

#### **MASTER DEVELOPMENT PLAN #01-15 FOR GRAYSTONE COMMERCE CENTER. – INFORMATION ONLY**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was master development plan for Graystone Commerce Center, which is a proposal to develop 271.40 acres zoned M1 (Light Industrial) District with industrial land uses. The property is located in the Stonewall Magisterial District. Senior Planner Perkins reviewed the proposed master development plan. She noted the plan depicts appropriate land uses, is in



conformance with the proffers for Rezoning #03-12, and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance and was in a form that was administratively approvable.

There were no Board comments or questions.

### **BOARD LIAISON REPORTS**

Supervisor Fisher advised that he attended the Virginia Airport Operators' Convention. He stated that Winchester Airport Manager Renny Manuel is highly thought of and respected across the state.

### **CITIZEN COMMENTS**

**Shawn Graber**, Back Creek District, thanked Supervisors Wells, DeHaven, Lofton, Fisher, and Hess for listening to his concerns. He referenced Chairman Shickle's comments from the last meeting and stated that he would like to tell him who he wants to be. He stated that he wants to be an individual who listens, humble, but confident, and one who puts God, family, and country before "myself". He asked Chairman Shickle to adopt these tenets as he governed.

### **BOARD OF SUPERVISORS COMMENTS**

Supervisor Hess advised that he attended the Fire Academy graduation. He stated it was a great event and "hats off to those citizens".

Chairman Shickle welcomed the new Redbud District Supervisor, Jason Ransom to the Board.

### **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. (7:30 P.M.)**



B





COUNTY of FREDERICK

**Roderick B. Williams**  
Interim County Administrator

540/665-6382

Fax 540/667-0370

E-mail: [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Roderick B. Williams, Interim County Administrator *RPW*  
**DATE:** May 7, 2015  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through July, 2015. 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**

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

Parks and Recreation Commission

Greg Brondos, Jr. – Gainesboro District Representative  
167 Brass Kettle Court  
Winchester, VA 22603  
Term Expires: 02/13/16  
Four year term

(Staff has been advised that Mr. Brondos has resigned.)



**APRIL 2015**

Historic Resources Advisory Board

Stacey Yost – Stonewall District Representative  
1031 Payne Road  
Winchester, VA 22603  
Home: (540)662-8418  
Term Expires: 04/13/15  
Four year term

Sanitation Authority

John V. Stevens – County Representative  
324 Round Hill Road  
Winchester, VA 22602  
Home: (540)667-4527  
Term Expires: 04/15/15  
Four year term

**(See Attached Application of Tom Simon.)** (The Sanitation Authority is composed of five members as stated in their Articles of Incorporation.)

**MAY 2015**

No appointments due.

**JUNE 2014**

Extension Leadership Council

Dr. Robert R. Meadows – Red Bud District Representative  
315 Asbury Road  
Winchester, VA 22602  
Home: (540)808-3304  
Term Expires: 06/22/15  
Four year term

**(Dr. Meadows has notified staff he is willing to continue serving.)**



Lord Fairfax Community College Board

Lynette L. Embree – County Representative  
687 Front Royal Pike  
Winchester, VA 22602  
Home: (540)722-0133  
Term Expires: 06/30/15  
Four year term

**(Mrs. Embree does not wish to be reappointed. See Attached Correspondence from College President Cheryl Thompson-Stacy.)**

Social Services Board

James L. Stephens – Opequon District Representative  
128 Spanish Oak Road  
Stephens City, VA 22655  
Home: (540)868-1019  
Term Expires: 06/30/15  
Four year term

**(See Attached Application of Gail Rush.)** (Members may only serve two terms. This is Mr. Stephens' second term and he is not eligible for reappointment.)

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, 2015:

Stephen Pettler – Top of Virginia Building Association Representative  
Philip A. Lemieux – Top of Virginia Building Association Representative

**(Staff is waiting on recommendation from Top of Virginia Building Association.)**

**JULY 2015**



ShawneeLand Sanitary District Advisory Committee

Lynn Schmitt  
106 Echota Trail  
Winchester, VA 22602  
Home: (540)877-1236  
Term Expires: 07/13/15  
Two year term

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

RBW/tjp

**Attachments**

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(051315BdMtg).docx



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**INFORMATIONAL DATA SHEET FOR FREDERICK COUNTY BOARD OF  
SUPERVISORS COMMITTEE APPOINTMENTS**

\_\_\_\_\_, Richard C. Shickle \_\_\_\_\_

Chairman at Large

District Supervisor, would like to nominate you to serve on the Frederick County Sanitation Authority. As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: Tom Simon

Home Phone: 540-869-3821

Address: 2130 First Street

Middletown Va. 22645

Cell/Mobile: 540-333-7953

\_\_\_\_\_, Fax: \_\_\_\_\_

Employer: Diebold, Inc Email: toms61563@gmail.com

Occupation: Senior Program Manager

Civic/Community Activities: Middletown Town Council/ Vice Mayor

**Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:**

\_\_\_\_\_, Yes: ☒ No: \_\_\_\_\_

**Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee? Yes: \_\_\_\_\_ No: ☒ Explain:**

\_\_\_\_\_  
Additional Information Or Comments You Would Like To Provide (If you need more space, please use the reverse side or include additional sheets):

I look forward to using my Program Management skills to help the FCSA move forward and provide more efficient service to its customers.

Applicant's Signature:  Date: 4/6/15

Nominating

Supervisor's

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





May 5, 2015

Mr. Roderick B. Williams  
Interim County Administrator  
107 North Kent Street  
Winchester, VA 22601

Dear Mr. Williams:

Ms. Lynnette L. Embree will complete her first four-year term representing Frederick County on the Lord Fairfax Community College Board on June 30, 2015. Ms. Embree was first appointed in March 2009 to fill a two-year unexpired term; her first four-year term then began in July 2011. Ms. Embree has been a very active member of the College Board, including her service to the LFCC Foundation Board as the College Board representative. The College is grateful for her commitment and support during her tenure.

Ms. Embree has notified me that after careful thought and consideration, she has decided that she will not be seeking reappointment to the College Board once her current term expires on June 30, 2015.

Please take this information to the Frederick County Board of Supervisors with the request for appointment of a new College Board member representing Frederick County for a four-year term to begin July 1, 2015 and expire June 30, 2019.

I have enclosed a copy of the Lord Fairfax Community College Board Bylaws and a roster of current board members. Please contact me at [cstacy@lfcc.edu](mailto:cstacy@lfcc.edu) or (540) 868-7101 if you should have any further questions or concerns.

Sincerely,

Cheryl Thompson-Stacy  
President

Cc: Ms. Lynnette L. Embree

**Middletown Campus**  
173 Skirmisher Lane  
Middletown, VA 22645-1745  
540-868-7000  
540-868-7100 Fax

**Fauquier Campus**  
6480 College Street  
Warrenton, VA 20187-8820  
540-351-1505  
540-351-1540 Fax

**Luray-Page County Center**  
334 North Hawksbill Street  
Luray, VA 22835-1130  
540-843-0722  
540-843-0322 Fax





**BYLAWS OF**  
**LORD FAIRFAX COMMUNITY COLLEGE BOARD**

President's Office  
173 Skirmisher Lane  
Middletown, VA 22645  
(540) 868-7101

**ARTICLE ONE**

**Section 1.** These Bylaws are subject to all rules, regulations, directives, policies and procedures as established by the State Board for Community Colleges of the Commonwealth of Virginia.

**ARTICLE TWO**

**COLLEGE BOARD**

**Section 1.** The local affairs of the College shall be managed by its College Board.

**Section 2.** The Lord Fairfax Community College Board shall exercise the responsibilities prescribed for local community college boards by the Code of Virginia and the State Board for Community Colleges.

**Section 3.** The number of Board members shall be fourteen (14). The Board members shall be appointed by the political subdivisions participating in the support of the



College. These political subdivisions are the Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah and Warren and the City of Winchester. Each political subdivision shall be represented by two members on the Board, with the exceptions of the Counties of Clarke and Rappahannock, which shall have one member, each subject, however, to the provisions for reallocation of Board members as established by the State Board for Community Colleges. Each member shall serve for a term of four (4) years and may serve two successive terms.

**Section 4.** Regular meetings of the Board shall be held during the months of August, October, December, February, April, and June, the time and place for holding said regular meetings to be as directed by resolution of the Board.

**Section 5.** Special meetings of the Board may be called by or at the request of the Chair, the President of the College, or any two Board members.

**Section 6.** All meetings, both regular and special, shall be held at the Middletown or Fauquier Campus of the College, or at such other place as the members of the Board may determine.

**Section 7.** Notice of any special meeting of the Board shall be given at least five (5) days previously thereto by written notice delivered personally or sent by mail, e-mail or fax to each Board member at his/her address as shown by the records of the College. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. Any Board member may waive notice of any meeting. The attendance of a Board member at any meeting shall constitute a waiver of notice of such meeting except where a Board member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be



specified in the notice or waiver of notice of such meeting, unless specifically required by law, by these Bylaws, or by order of the State Board for Community Colleges.

**Section 8.** A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Board members are present at any meeting, a majority of the Board members present may adjourn the meeting from time to time without further notice.

**Section 9.** The act of a majority of the Board members present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law or by these Bylaws.

**Section 10.** Any vacancy occurring in the Board shall be filled by the political subdivision that the vacating Board member represented. Any College Board member who misses three (3) consecutive regularly scheduled meetings, may be dismissed by the College Board. For purposes of this section, attendance during any part of the official meeting is considered attending the meeting. The Secretary of the Board shall notify the Chair of the Board of any member who has missed three (3) consecutive regular meetings. The Chair shall investigate to determine if there were extenuating circumstances that caused the member to miss the three (3) meetings. The investigation must include a discussion with the member and the Chair may consult the Vice Chair concerning the member and the circumstances. If after consultation, it is the opinion of the Chair that the member does not have good cause for missing the meetings, the Chair shall request the Board to consider whether replacement of the member is in the best interest of the college. If the Board votes to replace the member, the Board shall notify the sponsoring subdivision of the need for a replacement.



## **ARTICLE THREE**

### **OFFICERS**

**Section 1.** The officers of the Board shall be a Chair, Vice Chair, a Secretary and such other officers as may be elected in accordance with the provisions of this article. The Vice Chair will be considered to be the Chair Elect. The Secretary shall be the President of the College. The Board may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board.

**Section 2.** The officers of the Board shall be elected biennially by the Board at its June meeting to serve from July 1 immediately following. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. Nominations for the offices of Chair and Vice Chair during an election year will be proposed by a nominations committee consisting of the Chair, Vice Chair and a Board member appointed by the Chair, preferably a past Chair if available. The nominations committee shall be sensitive to locality representation and Board rotation in its proposed nominations which will be provided in writing to the Board prior to the election. New offices may be created and filled at any meeting of the Board. Each officer shall hold office until his successor has been duly elected and qualifies, except that an officer whose term of office on the Board has expired and who is not eligible for re-appointments shall hold office only until his term has expired.

**Section 3.** Any officer elected or appointed by the Board may be removed by the Board by a two thirds vote of the Board whenever in its judgment the best interest of the College would be served thereby.



**Section 4.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the members of the Board for the unexpired portion of the term.

**Section 5.** The several officers shall have such powers and perform such duties as may from time to time be specified in resolutions or other directives of the Board or of the State Board for Community Colleges or the Commonwealth of Virginia and that publication in the Minutes shall constitute sufficient notice.

## **ARTICLE FOUR**

### **COMMITTEES**

**Section 1.** The Board, by resolution adopted by a majority of the members of the Board-in office, may designate one or more committees, not having and exercising the authority of the Board in the management of the College. Except as otherwise provided in such resolution, members of each such committee shall be members of the Board and the Chair of the Board shall appoint the members thereof. Any member thereof may be removed by the Chair whenever in his/her judgment the best interests of the College shall be served by such removal.

## **ARTICLE FIVE**

### **EDUCATIONAL FOUNDATION BOARD MEMBER**

The College Board will recommend a College Board member, to be considered for membership on the Foundation Board to serve a one-year term. The recommendation will be made after the College Board member is approached by the chair and vice chair and agrees to be nominated for membership on the Foundation Board. The Foundation Board will follow



its normal Board member selection process. The Foundation Board chair will inform the nominated College Board member and College Board chair of the Foundation Board's decision in writing. For College Board members who do not serve full terms on the Foundation Board, their successors will be selected using the aforementioned process.

## **ARTICLE SIX**

### **WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the law, these Bylaws or under any provision or regulation formulated by the State Board for Community Colleges, a waiver thereof signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## **ARTICLE SEVEN**

### **AMENDMENT OF BYLAWS**

These Bylaws may be altered, amended, or repealed, and new Bylaws may be adopted by a majority of the Board members present at any regular meeting or at any special meeting, if at least ten (10) days notice is given of intention to alter, amend, or repeal or to adopt new Bylaws at such meeting.

I, Cheryl Thompson-Stacy, Secretary of the College Board of Lord Fairfax Community College, do certify that the foregoing is a true and correct copy of the Bylaws of the Board duly adopted at a meeting of the Board held on the eighth day of February, 2007. I further certify that a quorum was present at said meeting.



---

Cheryl Thompson-Stacy  
President of the College and Secretary to the  
Lord Fairfax Community College Board

---

Barbara P. Lee  
College Board Chair

Revised June 14, 2007  
Revised February 8, 2007  
Revised February 9, 2006  
Revised January 14, 1988





## **Lord Fairfax Community College Board 2014-15**

Richard M. Galecki, Chair  
Fran L. Jeffries, Vice Chair  
Cheryl Thompson-Stacy, Secretary

### **City of Winchester**

Fran L. Jeffries  
Kathryn K. Rosa

### **County of Clarke**

William C. Daniel

### **County of Fauquier**

Mary W. Barton  
Richard M. Galecki

### **County of Frederick**

Lynnette L. Embree  
Tara L. Woolever

### **County of Page**

Thomas R. "Ikey" Rosazza  
Bruce S. Short

### **County of Rappahannock**

Paula L. Howland

### **County of Shenandoah**

Rhonda G. Taylor  
Lee D. Sterner

### **County of Warren**

James R. Cobb, Jr.  
John E. Vance



INFORMATIONAL DATA SHEET  
FOR  
FREDERICK COUNTY BOARD OF SUPERVISORS  
COMMITTEE APPOINTMENTS

ROBERT WELLS, OPEQUON District Supervisor, would like to nominate you to serve on the SOCIAL SERVICES BOARD.  
As a brief personal introduction to the other Board members, please fill out the information requested below for their review prior to filling the appointment. (Please Print Clearly. Thank You.)

Name: Gail W. Rush Home Phone: 540-869-3529  
Address: 5078 Laura Drive Office Phone: -  
Stephens City, VA Fax: -  
Employer: retired (Fred. Co. Schools) Email: rushg@visualink.com  
Occupation: Teacher, Principal  
Civic/Community Activities: -

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting On:

Yes: ☒ No: ☐

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee? Yes: ☐ No: ☒ Explain:

Additional Information Or Comments You Would Like To Provide (If you need more space, please use the reverse side or include additional sheets):

Applicant's Signature: Gail W. Rush Date: 5/7/15

Nominating Supervisor's Comments: GAIL IS A RETIRED TEACHER  
PRINC. PRCL & SCHOOL ADMINISTRATOR. HAS EXCELLENT  
PEOPLE SKILLS AND A DESIRE TO SERVE HER  
COMMUNITY.  
(06/09/06)



C





COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

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

CC: County Administration

FROM: Roderick B. Williams, County Attorney

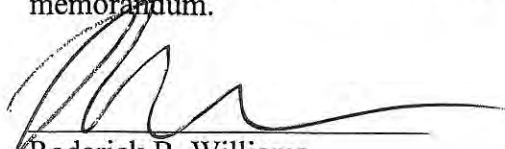
DATE: April 30, 2015

RE: Refund – Dominion Self Storage



I am in receipt of the Commissioner's request, dated March 12, 2015, to authorize the Treasurer to refund Dominion Self Storage the amount of \$4,012.15, for business license taxes for 2012, 2013, 2014 and 2015. This refund was a result of the taxpayer including rental on storage units, which is not subject to business license taxes, in gross receipts.

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

  
Roderick B. Williams  
County Attorney

Attachment





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



March 12, 2015

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 Dominion Self Storage

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

Please approve a refund of \$4,012.15 for business license taxes for 2012, 2013, 2014 and 2015 for Dominion Self Storage. Taxpayer included rental on storage units in his gross receipts. Storage units are rental real estate and not subject to business license taxes.

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

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

Exoneration is \$4,012.15.





**FREDERICK COUNTY, VIRGINIA**

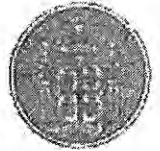
OFFICE OF

**COMMISSIONER OF THE REVENUE**

BEV ROSATO  
Business Division

brosato@fcva.us  
[www.fcva.us/biztax](http://www.fcva.us/biztax)

Phone: 540-722-8336  
Fax: 540-667-6487



**REQUEST FOR REFUND  
OVER \$2,500**

Company: **Dominion Self Storage**

Business License Number: **16641**

Amount: **4,012.15**

Reason for credit: **Business was reporting gross receipts from rental of storage units which are exempt from the BPOL tax**

Date of request submitted: **3 19 2015**

Submitted by: **Bev Rosato**

Account Audited by **Melinda Hillyard**



3/18/2015

Abatement Register  
COUNTY OF FREDERICK

-UPDATE-

\*\*TX306ABP\*\*

Page 1

FOR DATE - 3/18/2015

ACCOUNTING PERIOD - 2015/03

Type	Dept	Ticket#	Date	Amt. Charged	Customer	Tran#
----	----	-----	----	-----	-----	-----
ABA	BL2012	00077380001	3/18/2015	\$616.14-	DOMINION SELF STORAGE	3629
			Total for Dept.	\$616.14-		
ABA	BL2013	00035990001	3/18/2015	\$940.05-	DOMINION SELF STORAGE	3630
			Total for Dept.	\$940.05-		
ABA	BL2014	00009390001	3/18/2015	\$1,213.05-	DOMINION SELF STORAGE	3631
			Total for Dept.	\$1,213.05-		
ABA	BL2015	00061730001	3/18/2015	\$1,242.91-	DOMINION SELF STORAGE	3632
			Total for Dept.	\$1,242.91-		
			Total for Tran Type	\$4,012.15-		
Abatement count =	4		Total for Company	\$4,012.15-		



D





## COUNTY of FREDERICK

Parks and Recreation Department  
540-665-5678  
FAX: 540-665-9687  
www.fcprd.net  
e-mail: fcprd@fcva.us



# MEMO

**To:** Roderick Williams, Interim County Administrator  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** April 15, 2015

The Parks and Recreation Commission met on April 14, 2015. Members present were: Kevin Anderson, Randy Carter, Gary Longerbeam, Ronald Madagan and Charles Sandy, Jr. Members absent were: Patrick Anderson and Marty Cybulski.

### Items Requiring Board of Supervisors Action:

None

### Submitted for Board Information Only:

1. Policy Revision – Park Suspension – Mr. Carter moved to change the policy to read “A decision regarding a Park Suspension or other outcomes should be determined within seven business days of the incident.”, second by Mr. Madagan, motion carried unanimously (5-0). Please see attached policy.
2. Policy Revision – Recreation Reserve Fund – Mr. Madagan moved to change the policy to read “Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund’s Recreation Assistance Fund at the July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.”, second by Mr. Madagan, motion carried unanimously (5-0). Please see attached policy.

Attachment

cc: Charles R. Sandy, Jr., Chairman



## PARK SUSPENSION POLICY

100.24

### PURPOSE:

To establish a policy standardizing the procedure for the suspension of park visitors and program participants demonstrating conduct which is contrary to the rules and regulations of the department.

### GOAL:

To establish internal and external procedures for park suspensions to ensure that all occurrences are approached in a consistent manner.

### POLICY:

The following is the process to be followed when suspending individuals from Frederick County Parks and Recreation Department facilities:

1. All incident reports indicating a discipline problem will be faxed within the next business day to the main office or sent in via the Courier. Faxes received by the Registration Specialist will be forwarded to the appropriate program staff and Superintendent.
2. The Superintendents will review the report and forward to the Operations Manager.
3. *The Operations Manager, (and or other assigned staff) will conduct the investigation into the incident. The Operations Manager, Superintendent, and staff conducting the investigation will meet regarding a potential park suspension. A decision regarding a Park Suspension or other outcomes should be determined within seven business days of the incident.* All park suspensions must be approved by the Director.
4. If a park suspension is the decision, the Operations Manager will obtain a No Trespassing Notice from the Frederick County Sheriff's Department for FCPRD activities and facilities for the length of suspension. The Operations Manager will mail a certified letter and no trespassing notice to the violator stating the incident, date of incident, penalty, length of penalty, the date which the violator may return, and the right to an appeal. Typically, a park suspension will be for one to two years from the date of the incident (examples: threatening an official, abusing staff, visitors, or program participants, disorderly conduct, consumption of alcoholic beverages in the park, or reckless driving in the park, etc.); however, staff may adjust the length of Park Suspension based on the specific incident.
5. A copy of the signed certified suspension letter and no trespassing notice will be sent to:
  - a. Frederick County Attorney
  - b. Park Managers
  - c. Operations Manager



- d. All FCPRD Program Supervisors
  - e. Director of Parks and Recreation
  - f. Superintendents of Recreation and Parks
  - g. Chairman of the Parks and Recreation Commission
  - h. The Frederick County Sheriff
6. The Operations Manager will be responsible for maintaining an updated list of suspended individuals and maintaining all documents and information regarding Park Suspensions.
7. The suspended individual will have seven business days from the date the park suspension was delivered and received to request a hearing from the Parks and Recreation Commission Appeals Committee in writing. If a hearing is requested, the committee will meet within 15 business days of receiving the request to consider the park suspension and render a decision
8. The decision of the Appeals Committee will be mailed to the individual who appealed the decision and all parties copied in the original suspension letter.

*Approved: April 2015*



## **RECREATION RESERVE FUND**

### **500.20**

#### **PURPOSE:**

The Recreation Reserve Fund within the Frederick County Reserve Fund will be used for Frederick County residents who need financial assistance for their children to participate in recreation programs and to assist Frederick County in raising funds to fund capital projects identified in the Frederick County Comprehensive Plan. This fund is not intended to provide funds which can be substituted for traditional tax base funding.

#### **GOAL:**

Increase Frederick County youth participation in recreation for those who are unable to afford recreation programs and provide recreation facilities identified in the Frederick County Comprehensive Plan.

#### **POLICY:**

There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund, specific capital project funds, and a general park improvement fund.

#### **A. Recreation Assistance Fund:**

Funds dedicated for Recreation Assistance will be placed in the Recreation Reserve Fund within Frederick County's Reserve Fund as they are received. Each donation will be noted in a revenue code (10GL-3-010-018990-0027). Donations are non-refundable.

These funds will be utilized for individuals seeking recreation assistance based on their income level according to the Economic Assistance Policy (#500.08). Each time an individual requests assistance, Parks and Recreation staff will apply the standards from Policy #500.08. If the individual is eligible to receive assistance and funds are available, assistance will be provided and accounted in the department's registration system. Staff will request the Commission to recommend receiving the discounted registration fees from the Recreation Reserve Fund's Recreation Assistance Fund at the ***July Parks and Recreation Commission meeting. This request will be forwarded to the Finance Committee for recommendation to the Board of Supervisors for reimbursement. The Recreation Assistance Fund is known as the PLAY Fund, an acronym for People Lending Assistance to Youth.***

#### **B. Capital Project Funds**

A capital project fund may be created for any capital project approved by the Frederick County Parks and Recreation Commission and Frederick County Board of Supervisors. Twenty percent of the total project cost must be pledged prior to the establishment and acceptance of donations for a specific capital project fund in a revenue code (10GL-3-010-018990-0027).

The Frederick County Parks and Recreation Commission will recommend utilizing the money from the Recreation Reserve Fund within the Frederick County Reserve Fund to the Frederick County Finance Committee to recommend to the Frederick County Board of Supervisors. The



Frederick County Board of Supervisors must approve the disbursement of the Recreation Reserve Fund money within the Frederick County Reserve Fund.

### **C. General Park Improvement Fund**

The general park improvement fund is for donations made to improve existing parks or facilities. Donations may be of any amount, deposited into revenue code (10GL-3-010-018990-0027), and are non-refundable.

The Parks and Recreation Commission will recommend the use of General Park Improvement Funds to the Finance Committee and the Board of Supervisors specifying the particular improvement.

#### **Auditing/Accountability:**

All funds within the Recreation Reserve Fund will be accounted for annually by the Parks and Recreation Department based on the balance provide by the Frederick County Finance Department and the Parks and Recreation Department. This balance and activity will be reported to the Parks and Recreation Commission annually.

*Approved: April 2015*



E





## COUNTY of FREDERICK

Department of Public Works

540/665-5643

FAX: 540/678-0682

### MEMORANDUM

**TO:** Board of Supervisors

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

**SUBJECT:** Public Works Committee Report for Meeting of April 28, 2015

**DATE:** April 29, 2015

---

The Public Works Committee met on Tuesday, April 28, 2015, at 8:00 a.m. All members were present except Bob Wells. The following items were discussed:

#### **\*\*\*Items Not Requiring Action\*\*\***

##### **1. Request to Purchase Vehicle for Inspections**

The committee reviewed a request from the Building Official, Mr. John Trenary, to purchase an additional vehicle in the current fiscal year budget. The justification for this purchase was the need to replace an aging, high mileage vehicle and the fact that actual revenues will exceed projected revenues by approximately \$300,000. This additional vehicle had been cut from the proposed Fiscal Year 2015/2016 budget. This original budget request had included two (2) vehicle purchases. One of these vehicle purchases has been approved in the current Fiscal Year 2014/2015 budget. The committee unanimously endorsed the additional vehicle purchase. The request will be forwarded to the finance committee for their review and action.

##### **2. Discussion of Fees for Use of County Public Meeting Spaces**

The committee briefly discussed the implementation of fees for the use of county public meeting spaces. After this brief discussion, Assistant County Administrator, Mr. Kris Tierney, indicated that he would research available data on usage of these spaces throughout county buildings and present his findings at the next scheduled committee meeting.

##### **3. Closed Session**

The committee convened into a closed session to discuss property acquisition for multiple



**Public Works Committee Report**

**Page 2**

**April 29, 2015**

citizens' convenience sites in accordance with the Code of Virginia §2.2-3711 Subsection A, (3), Acquisition and Disposition of Real Estate. After reconvening from closed session, each committee member certified that only items related to property acquisition were discussed in closed session. No action resulted from the closed session.

**4. Miscellaneous Reports**

- a) Tonnage Report  
**(Attachment 1)**
- b) Recycling Report  
**(Attachment 2)**
- c) Animal Shelter Dog Report  
**(Attachment 3)**
- d) Animal Shelter Cat Report  
**(Attachment 4)**

Respectfully submitted,

Public Works Committee

Gene E. Fisher, Chairman

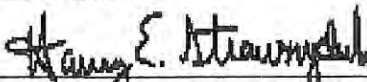
David W. Ganse

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





## 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*  
*also*

**SUBJECT:** Monthly Tonnage Report - Fiscal Year 14/15

**DATE:** April 13, 2015

The following is the tonnage for the months of July 2014, through June 2015, and the average monthly tonnage for fiscal years 03/04 through 14/15.

<b>FY 03-04:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,348 TONS (UP 1,164 TONS)</b>
<b>FY 04-05:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,029 TONS (UP 681 TONS)</b>
<b>FY 05-06:</b>	<b>AVERAGE PER MONTH:</b>	<b>17,785 TONS (UP 756 TONS)</b>
<b>FY 06-07:</b>	<b>AVERAGE PER MONTH:</b>	<b>16,705 TONS (DOWN 1,080 TONS)</b>
<b>FY 07-08:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,904 TONS (DOWN 2,801 TONS)</b>
<b>FY 08-09:</b>	<b>AVERAGE PER MONTH:</b>	<b>13,316 TONS (DOWN 588 TONS)</b>
<b>FY 09-10:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,219 TONS (DOWN 1,097 TONS)</b>
<b>FY 10-11:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,184 TONS (DOWN 35 TONS)</b>
<b>FY 11-12:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,013 TONS (DOWN 171 TONS)</b>
<b>FY 12-13:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,065 TONS (UP 52 TONS)</b>
<b>FY 13-14:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,468 TONS (UP 403 TONS)</b>
<b>FY 14-15:</b>	<b>AVERAGE PER MONTH:</b>	<b>12,332 TONS (DOWN 136 TONS)</b>

<b>MONTH</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>JULY</b>	13,514	14,029
<b>AUGUST</b>	13,343	13,585
<b>SEPTEMBER</b>	12,345	13,274
<b>OCTOBER</b>	13,266	14,339
<b>NOVEMBER</b>	10,857	11,194
<b>DECEMBER</b>	11,614	12,132
<b>JANUARY</b>	11,411	10,297
<b>FEBRUARY</b>	10,021	9,369
<b>MARCH</b>	11,518	12,768
<b>APRIL</b>	13,796	
<b>MAY</b>	14,340	
<b>JUNE</b>	13,594	

HES/gmp



<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	94,600	39,540	3,795	7,805	95,540	78,420	1,460	1,580	47,000	173,520	543,260
AUG	68,720	32,390	3,150	6,310	99,440	76,410	1,460	1,940	46,920	146,400	483,140
SEP	74,040	32,860	3,060	6,590	79,180	72,380	1,000	3,160	48,840	152,100	473,210
OCT	77,220	34,280	3,655	8,965	134,360	73,880	1,160	1,700	23,580	154,640	513,440
NOV	58,960	27,293	2,540	7,400	120,000	67,630	1,340	1,600	44,340	130,486	461,589
DEC	88,020	35,800	3,975	11,185	149,220	90,070	2,280	2,640	24,900	142,880	550,970
JAN	80,980	30,440	3,485	8,120	85,460	71,900	1,160	1,760	38,020	79,720	401,045
FEB	50,360	25,540	2,670	7,110	76,400	50,260	980	1,180	40,923	75,380	330,803
MAR	71,320	37,800	3,025	9,635	115,620	73,600	10,920	1,940	46,000	133,820	503,680
APR	0	0	0	0	0	0	0	0	0	0	0
MAY	0	0	0	0	0	0	0	0	0	0	0
JUN	0	0	0	0	0	0	0	0	0	0	0
TOTAL	664,220	295,943	29,355	73,120	955,220	654,550	21,760	17,500	360,523	1,188,946	4,261,137
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	15,230	22,650	611,580	1,639,225	5,932,937
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



## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2014-2015

## 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	50	40	47	2	0	49	42	3	1	0	44
AUG	44	39	24	1	0	28	22	8	0	0	50
SEP	50	37	39	0	0	38	32	3	0	0	53
OCT	53	50	30	2	0	38	31	5	0	0	61
NOV	61	35	35	2	0	37	24	6	3	0	63
DEC	63	32	23	2	0	54	24	9	0	0	33
JAN	33	44	47	0	0	46	21	8	1	0	48
FEB	48	34	21	1	2	38	14	1	1	0	52
MAR	52	43	27	1	0	44	21	9	0	0	49
APR											
MAY											
JUN											
TOTAL	454	354	293	11	2	372	231	52	6	0	453

In the month of March - 123 dogs in and out of kennel. 1 dog transferred to rescue,



## FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2014-2015

## 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	143	179	31	7	9	31	1	203	22	0	112
AUG	112	211	15	0	0	26	1	176	16	0	119
SEP	119	182	18	5	6	35	2	137	31	0	125
OCT	125	188	22	0	0	24	6	185	13	0	107
NOV	107	89	8	2	4	27	4	95	18	0	66
DEC	66	58	24	0	0	25	1	68	6	0	48
JAN	48	43	34	0	0	17	3	46	10	0	49
FEB	49	50	12	1	0	16	2	44	6	0	44
MAR	44	80	5	4	5	15	2	50	3	0	68
APR											
MAY											
JUN											
TOTAL	813	1080	169	19	24	216	22	1004	125	0	738

In the month of March - 138 cats in and out of shelter.



F





**COUNTY of FREDERICK**


**Department of Planning and Development**

**540/665-5651**

**FAX: 540/665-6395**

**MEMORANDUM**

**TO:** Board of Supervisors

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

**RE:** Transportation Committee Report for Meeting of April 27, 2015

**DATE:** May 7, 2015

---

The Transportation Committee met on April 27, 2015 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)  
James Racey (voting)  
Gene Fisher (voting)  
Barry Schnoor (voting)  
Jason Ransom (Voting)  
Gary Oates (liaison PC)  
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)

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

**NONE**

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

**1. MPO Draft Unified Planning Work Program**

Staff presented a brief overview and update on the program. It was noted this is an annual adoption and the following tasks of the Win-Fred MPO were mentioned, noting the first four are standard annually: Program Management and Administration; Transportation Improvement Program (TIP); State/Federal Requested Work Tasks; Public Mobility; Local Technical Assistance; Pedestrian Planned Development; System Planning; Long Range



Planning, Modeling, GIS and Data. A question was raised as to when the study is to start. Staff noted July is the anticipated start date. The Transportation Committee had no issues with the proposed program.

## **2. Kernstown Area Plan**

Staff presented an update on the Kernstown Area Plan and mapping of the land uses and transportation in this area. Staff noted areas of concern and the cleanup efforts in place. The Committee posed the question are we comfortable making the changes in the plan. Staff also noted that public input is important and therefore a Public Meeting is scheduled for May 26, 2015 at 7:00 p.m. to be held at the Valley Farm Credit office. A question was asked how this meeting will be advertised. Staff replied it will be advertised via newspaper, County web, and direct contact with those living in the affected areas. The Committee would like to see a more in depth map to identify areas such as; flood plain, railroad crossings, road names, etc... such mapping will be provided. This item will be discussed further at a future meeting.

## **3. Other**

Staff provided an update on House Bill 2 from an April 14, 2015 meeting. Mr. Bishop gave a brief overview of the category placement and where Frederick County falls within these categories. Staff noted the Technical Committee for MPO has made a recommendation to go from Category B to Category C. House Bill 1887 was also discussed briefly. The Committee asked if 1887 is an amendment or a further classification. Staff noted it appears to be an additional layer of legislation that is related to HB2 but not part of it.

Staff reported that the revenue sharing projects continue to move forward. The Snowden Bridge project is going well.



# **UNIFIED PLANNING WORK PROGRAM (UPWP)**

**FOR THE**

**WINCHESTER – FREDERICK COUNTY (WinFred)  
METROPOLITAN PLANNING ORGANIZATION (MPO)**



**FY 2016**

**(July 1, 2015 - June 30, 2016)**

**Adopted for Public Comment:  
Final Adoption:**

**Winchester/Frederick County, Virginia  
Metropolitan Planning Organization**  
C/o Northern Shenandoah Valley Regional Commission  
400 Kendrick Lane, Suite E  
Front Royal, VA 22630  
540-636-8800  
[www.winfredmpo.org](http://www.winfredmpo.org)



## **Preparation Statement**

Prepared on behalf of the WinFred Metropolitan Planning Organization by the Northern Shenandoah Valley Regional Commission staff through a cooperative process involving the City of Winchester, County of Frederick, Town of Stephens City, Virginia Department of Transportation, Virginia Department of Rail and Public Transportation, Federal Highway Administration, and the Federal Transit Administration.

The preparation of this program was financially aided through grants from the Federal Highway Administration, Federal Transit Administration, Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation.



## **MPO Policy Board**

### **Officers:**

Chair—Richard Shickle, Frederick County  
Vice Chair—John Willingham, City of Winchester  
Secretary/Treasurer—Martha Shickle, Executive Director NSVRC

### **Voting Members:**

Richard Shickle, Frederick County  
Charles DeHaven, Jr., Frederick County  
Rodney Williams, Frederick County  
Michael Majher, Town of Stephens City  
Eden Freeman, City of Winchester  
John Hill, City of Winchester  
John Willingham, City of Winchester  
Randy Kiser, Virginia Department of Transportation

### **Alternate Voting Members:**

Tim Youmans and Perry Eisenach, City of Winchester  
Kris Tierney, Frederick County  
Tim Stowe, Town of Stephens City  
Terry Short, Virginia Department of Transportation

### **Non-Voting Members:**

Mack Frost, Federal Highway Administration  
Tony Cho, Federal Transit Administration  
Lisa DuMetz-Rosier, Virginia Dept. of Rail & Public Transportation  
Rusty Harrington, Dept. of Aviation

### **MPO Technical Advisory Committee (TAC)**

Chair—Tim Youmans, City of Winchester  
Vice Chair—Eric Lawrence, Frederick County

#### **Members:**

Patrick Barker, Frederick County  
John Bishop, Frederick County  
Eric Lawrence, Frederick County  
Kris Tierney, Frederick County  
Tim Stowe, Town of Stephens City  
Tom Hoy, City of Winchester  
Tim Youmans, City of Winchester  
Perry Eisenach, City of Winchester  
Terry Short, Virginia Department of Transportation  
Lisa DuMetz-Rosier, Virginia Dept. of Rail & Public Transportation  
Serena ‘Renny’ Manuel, Winchester Airport  
Renee Wells, Winchester Transit

### **MPO Citizens Advisory Committee (CAC)**

Chair—R. William Bayliss, III  
Vice Chair—Walt Cunningham

#### **Members:**

Joshua Hummer, Thomas Reed & Walt Cunningham, Frederick County  
Vacant, Town of Stephens City  
R. William Bayliss, III, Dr. John Crandell, Vacant, City of Winchester

### **Administrative & Staff Support**

*Provided by Northern Shenandoah Valley Regional Commission*



**Resolution**  
**By The**  
**WinFred Metropolitan Planning Organization**  
**Approving the FY 2016 Unified Planning Work Program (UPWP)**

**WHEREAS**, the FY 2016 Unified Planning Work Program will serve as the basis for all U.S. Department of Transportation (DOT) funding participation and will be included in all requests for DOT planning funds, and

**WHEREAS**, this UPWP details all transportation and transportation-related planning activities anticipated within the area during the coming fiscal year, and

**WHEREAS**, this UPWP has been reviewed and recommended for approval by the Technical Advisory Committee and the Citizens Advisory Committee;

**NOW THEREFORE BE IT RESOLVED**, that the WinFred Metropolitan Planning Organization does hereby approve and adopt the FY 2016 Unified Planning Work Program on **DATE**.

Signed: \_\_\_\_\_  
Richard C. Shickle  
Chairman

Signed: \_\_\_\_\_  
Martha F. Shickle  
Secretary-Treasurer



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## INTRODUCTION

The Unified Planning Work Program (UPWP) for transportation planning identifies all activities to be undertaken in the WinFred Metropolitan Planning Organization study area for Fiscal Year 2016 (July 1, 2015 - June 30, 2016). The UPWP provides a mechanism for the coordination of transportation planning activities in the region, and is required as a basis for and condition of all federal funding assistance for transportation planning by the joint metropolitan planning regulations of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

The work tasks within this UPWP are reflective of issues and concerns originating from transportation agencies at the federal, state and local levels. The descriptions of the tasks to be accomplished and the budgets for these tasks are based on a best estimate of what can be accomplished within the confines of available federal, state and local resources.

The following are the regulations that inform the MPO Planning Process:

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) created a number of planning requirements. In October 1993, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued final regulations regarding metropolitan planning.

The Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21), which became law in June 1998, reaffirmed the structure of the metropolitan planning process. Most of the modifications to the process were aimed at streamlining and strengthening the provisions included in ISTEA.

On August 10, 2005, the federal legislation known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law.

On July 6, 2012, MAP-21, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act was signed into law. MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

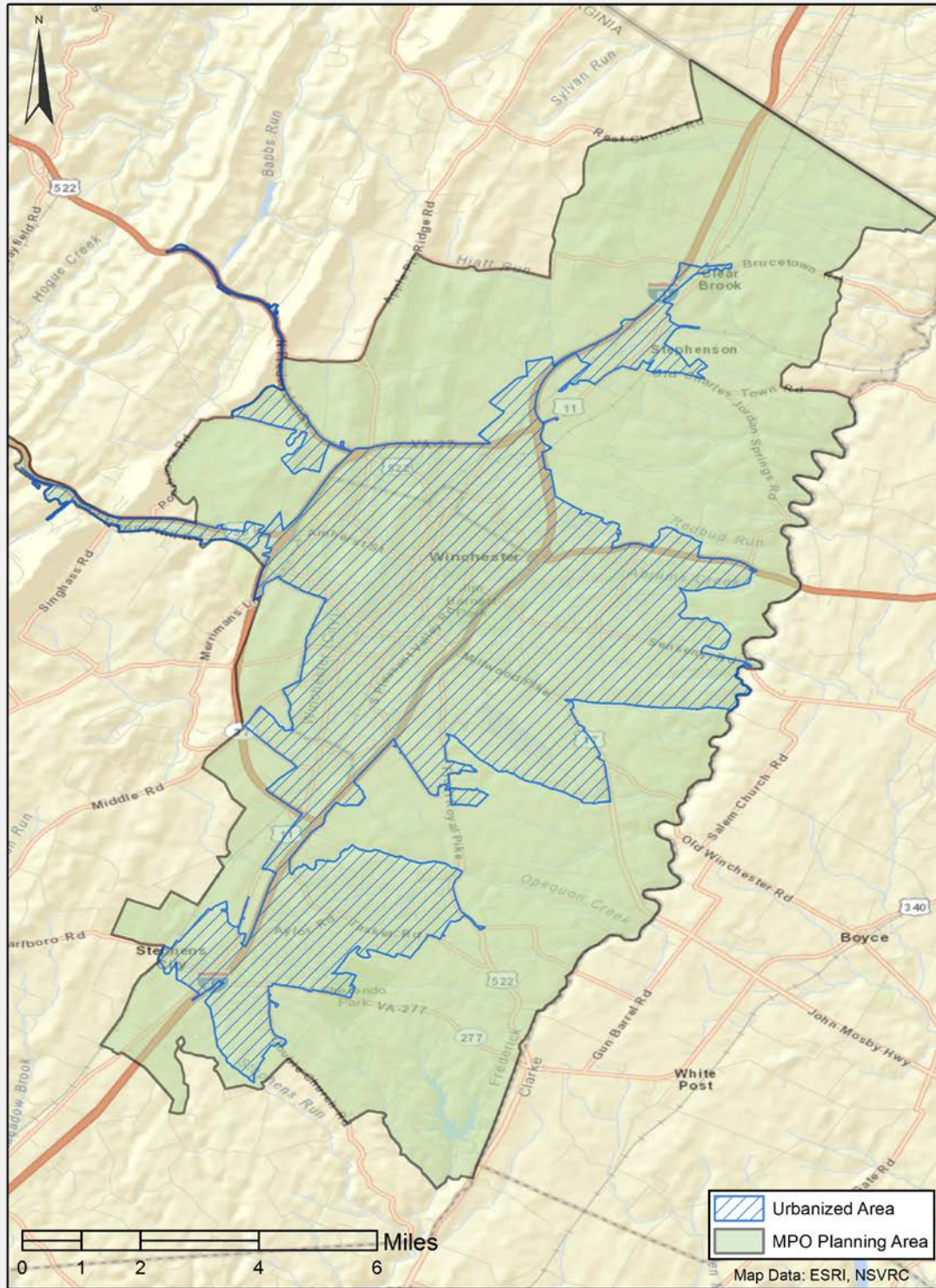
### Metropolitan Planning Area

The WinFred MPO study area consists of the City of Winchester, the Town of Stephens City, the Urbanized Area of Frederick County, and the area of Frederick County projected to be urbanized by the year 2020. See Figure 1 for an illustration of the region.

Reported by FHWA for 2010, the WinFred MPO Urbanized Area population was 78,440 and it encompasses a land area of approximately 103 sq. miles.



## WinFred MPO Boundary





## **Responsibilities for Transportation Planning**

The WinFred Metropolitan Planning Organization is the organization responsible for conducting the continuing, comprehensive, and coordinated (3-C) planning process for the Winchester-Frederick County Urbanized Area in accordance with requirements of Section 134 (Title 23 U.S.C.) of the Federal Highway Act of 1962, and Section 5303 of the Federal Transit Act. The WinFred MPO is the official Metropolitan Planning Organization for the urbanized area, designated by the Governor of Virginia, under Section 134 of the Federal Aid Highway Act, and the joint metropolitan planning regulations of FHWA and FTA.

The policy making body of the WinFred MPO is the Policy Board that consists of 8 voting members. These include 3 representatives from the City of Winchester, 3 representatives from Frederick County, 1 representative from the Town of Stephens City, and 1 representative from VDOT. Other agencies with non-voting membership on the WinFred MPO Policy Board include the Virginia Department of Rail and Public Transportation, Virginia Department of Aviation, Federal Highway Administration and Federal Transit Administration.

The Northern Shenandoah Valley Regional Commission (NSVRC) provides staff support to the WinFred MPO. NSVRC staff members, in cooperation with the MPOs member agencies, collect, analyze and evaluate demographic, land use, and transportation data to gain a better understanding of the transportation system requirements of the area. Special studies, research, and other work tasks requested by the MPO are the responsibility of the NSVRC to plan and coordinate. Consultant assistance may be sought when required to complete work tasks. NSVRC also prepares materials for use at the Policy Board, Technical Advisory and Citizens Advisory Committee meetings as well as any sub-committee meetings that are scheduled.

NSVRC staff will participate in all WinFred MPO meetings and provide required staff support and administration of the transportation planning program. In addition, staff members will represent the MPO at any meetings with federal, state, and local organizations as necessary.

## **Total Proposed Funding by Federal Source for FY 2016**

The primary funding source for transportation planning activities included in this work program are the FHWA Section 112 (PL) and FTA Section 5303. The proposed funding amounts (including state and local matching funds) for completion of tasks described in this UPWP are shown in Figure 2.



## **WORK TASK 1: Program Management & Administration**

Objective and Description: This task includes ongoing activities that ensure proper management and operation of a continuing, comprehensive, and coordinated (3-C) planning process as described in the Memorandum of Understanding. Products originated from MPO (NSVRC) staff.

### Products:

The primary products of this task are as follows and include those tasks necessary to the timely and accountable administration of the MPO Planning Process:

- Implementation of the FY16 UPWP throughout the fiscal year and provision of all required administrative functions including accounting, financial reporting, personnel administration, office management, website management, contract administration, map production, and necessary highway and transit purchases (e.g., office equipment, software, etc.);
- Maintenance of Title VI, ADA and environmental justice compliance, and in all work plans and activities for both highway and transit modes including consultation with appropriate groups, committees and community representatives;
- Support of the activities of the WinFred MPO through the preparation of reports, presentations, agendas, minutes and mailings for all Policy Board, TAC, CAC and other meetings, as well as attendance at those meetings;
- Continue a proactive public participation process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans, TIPs and other documents.

**Budget: \$44,284**



## **WORK TASK 2: Transportation Improvement Program (TIP)**

Objective and Description: As required by federal planning regulations, the Transportation Improvement Program (TIP) for the WinFred MPO is a four-year program of highway, transit, bicycle, pedestrian, safety, and transportation enhancement projects receiving federal funds. State and locally funded projects are also included in the TIP for coordination purposes.

The TIP is updated every four years must be approved by the MPO Policy Board and the Governor of Virginia. The TIP is required as a condition for all federal funding assistance for transportation improvements within the WinFred MPO study area.

The general public and all other interested parties will be given an opportunity to review and comment on the proposed TIP as described under the WinFred MPOs adopted Public Participation Plan. To facilitate public review, MPO staff will provide visualization of TIP projects, post the TIP on the MPO website, and make the TIP accessible at public libraries, government offices, and upon request.

This task provides for the maintenance of a regional Transportation Improvement Program and will require active support of the WinFred MPO Policy Board and Committees and coordination with member agencies. Products originated from MPO (NSVRC) Staff.

Products: Processing of requested amendments and administrative modifications to the adopted TIP; mapping of TIP projects and Annual Listing of Projects for the next fiscal year.

**Budget: \$2,500**

## **WORK TASK 3: Federal or State Requested Planning Work Program Items**

Objective and Description: The MPO staff will work with federal and state agencies in support of projects and programs designed to coordinate transportation planning activities within the region. Products originated from MPO (NSVRC) Staff.

Products: Staff will prepare studies and reports as necessary for the completion of this work program item and as directed by the appropriate federal and/or state agencies. Staff will represent the WinFred MPO on the Virginia Association of Metropolitan Planning Organizations (VAMPO) by participating in all meetings, events and training programs of the association and provide information as appropriate to the MPO agencies and partners.

**Budget: \$15,000**



## **WORK TASK 4: Public Mobility**

### **Transportation Demand Management and Human Services Transportation**

Objective and Description: This work task includes required transportation planning assistance for Human Services system providers and travel demand management and seeks to advance the MPO priorities for promoting multi-modal transportation opportunities where appropriate in the planning area. Products originated from MPO (NSVRC) Staff.

#### Products:

- Incorporate public mobility and travel demand management planning efforts into ongoing updates to the Long Range Transportation Plan.
- Participate in the regional Coordinated Human Services Public Mobility Planning process.
- Promotion of the FTA 5310 funds (Transportation for Elderly Persons with Disabilities) to the local human service agencies within the MPO.
- Annual presentations to the MPO from local human service agencies within the MPO.

### **Winchester Transit System Planning**

Objective and Description: The Winchester Transit System (WinTran) conducts transit planning and administration efforts necessary to comply with FTA requirements in order to receive Section 5307 capital and operating grants. WinTran will coordinate with the MPO on transit planning activities. Funds will be used to deliver specific, tangible transit planning products. Products originated from requests by the WinTran program.

#### Products:

- Feasibility Study, WinTran Service Extension to Lord Fairfax Community College. Work to be performed by consultant. Cost: \$35,000. Initiated by City of Winchester

**Budget: \$50,000**



## **WORK TASK 5: Local Technical Assistance**

Objective and Description: This is an annual UPWP task. This task is designed to provide flexible planning support and services to the WinFred MPO localities. Products will originate from a requesting locality.

### Products:

Activities may include, but are not limited to:

- Technical assistance to the Town of Stephens City in identifying resources to improve roadway to two-lane urban section with horizontal and vertical realignment, Route 631 (Fairfax St/Marlboro Road) from US Route 11 to Stephens City western corporate limit. Initiated by Town of Stephens City.
- Development and submission of transportation-related grants for WinFred MPO localities for both highway and transit projects; and
- Management of the on-call consultant list for the MPO and its member localities with contract administration and project management services.

**Budget: \$7,500**



## WORK TASK 6: Bicycle and Pedestrian Plan Development

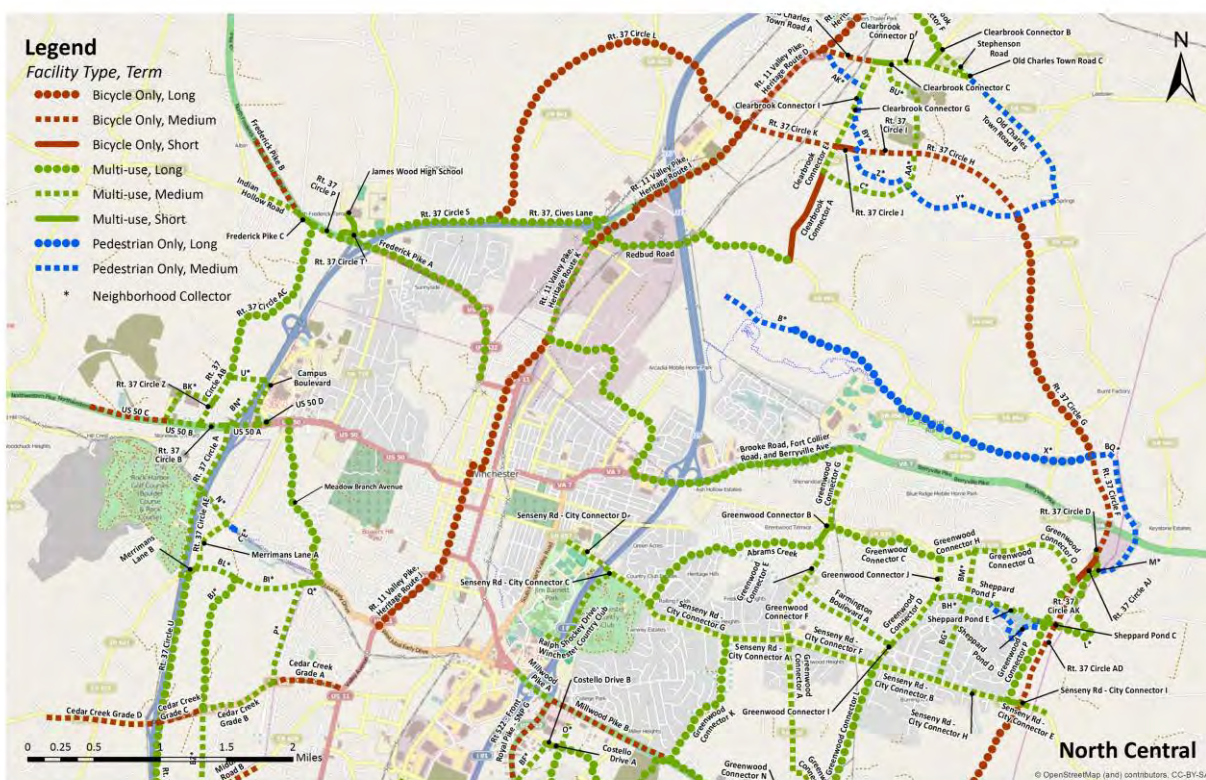
**Objective and Description:** An update to the MPO's bicycle and pedestrian master plan was completed in FY 14. This update prioritized facility improvement needs identified in the 2007 plan using objective criteria. This task will allow the MPO to advance the plan recommendations. Products originated from MPO (NSVRC) Staff and City of Winchester.

### Products:

Specific tasks and deliverables may include:

- A feasibility study for a segment of the Green Circle Trail along Featherbed Lane from S. Pleasant Valley Rd. to S. Loudoun St (0.3 miles). Consultant-led. Initiated by City of Winchester (Cost: \$20,000);
- Additional technical assistance to advance implementation of the WinFred Bicycle and Pedestrian Master Plan update;
- Promotion of Safe Routes to School programs

**Budget: \$20,000**



From WinFred 2014 Bicycle and Pedestrian Master Plan Update.



## WORK TASK 7A: System Planning

**Objective & Description:** Projects included in this work task bridge the gap between project readiness required for construction/ implementation and the conceptualized phase of a project prioritized in the CLRP. Activities will include site specific evaluation and validation of appropriate alternatives and will further refine understanding of the necessary project scope to accomplish a goal in the LRTP.

### 1. Valley Pike/Shawnee Drive Intersection Improvement Study – Carryover from FY15

#### Objective and Description:

Perceived problems with the safety and efficiency of the Shawnee Drive/Valley Pike (U.S. Route 11) intersection led the MPO to initiate a consultant-led study in FY 14. Consultants will complete a traffic study of the intersection projected to a 20-yr horizon, and recommend alternatives to bring intersection to acceptable LOS for the horizon year, considering capacity expansion, land use planning, access management and network development. The activity was initiated at the request of Frederick County.

This project, begun in FY 13 under the title “South Winchester Area Plan,” was subsequently re-scoped and re-named to reflect the revised scope.

**Products:** Report describing alternatives for bringing the intersection to an acceptable level of service in the horizon year

**Budget:** \$18,000

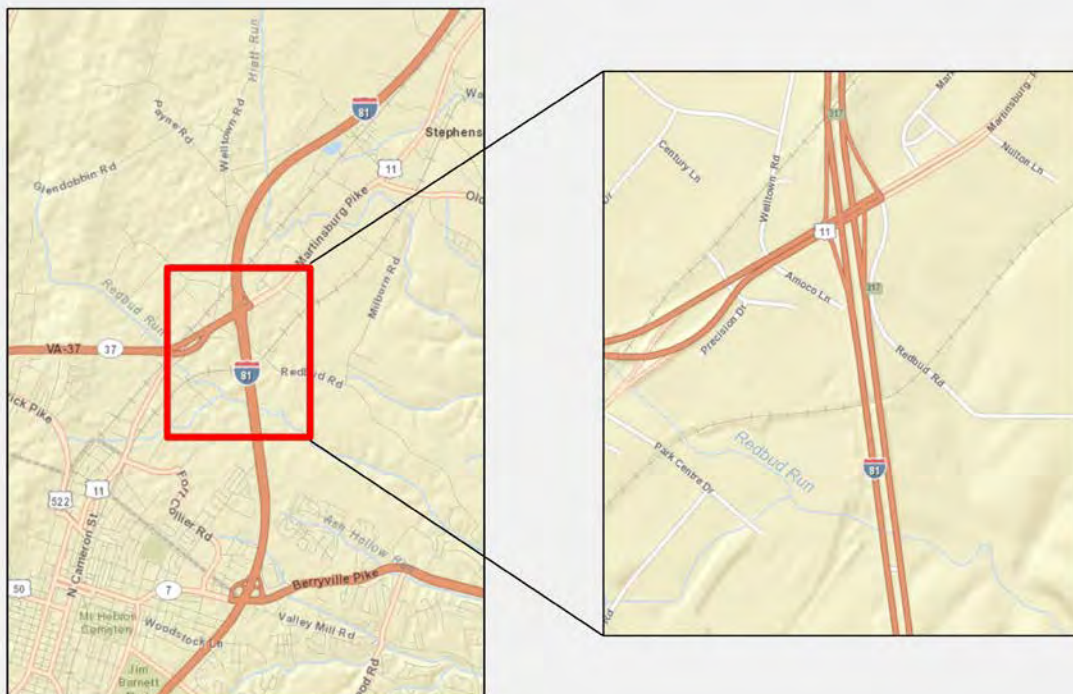




## 2. Area Plan for Exit 317 at I-81 – Carryover from FY15

**Objective and Description:** The purpose of this consultant-led study is to identify and evaluate feasible interchange modifications to accommodate existing and projected future traffic volumes and growth at and within the vicinity of Exit 317 along Interstate 81. It is anticipated that the proposed improvements may include, but are not limited to the construction of new roadways/ramps and/or modifications to existing roadways and ramps. Improvements may also include the replacement of existing bridges, as well as new signalized intersections.

A consultant will provide project management, quality control, traffic analysis and the development of a report and conceptual alternatives for improvements to the existing interchange, including preliminary interchange concepts. The general study area is expected to encompass the area shown below. The project was initiated by VDOT.





Products:

- Report: A complete study will be developed in accordance with applicable VDOT and FHWA guidelines. While not an Interchange Modification Report (IMR), this product is intended to substantially complete a future IMR.
- Conceptual Interchange Options: Up to three (3) conceptual options, with planning-level cost estimates and phased improvement scenarios, will be developed and presented in schematic roll-plot format.
- Displays: Three (3) mounted color displays will be produced using aerial photography to depict the conceptual interchange options. Large scale displays of conceptual typical sections will also be produced. Updated planning level cost estimates and other supporting planning level data will be developed as appropriate.

Timeframe: 24 months

Budget: \$182,000 (\$375,000 over two fiscal years)



## WORK TASK 8: Long Range Planning, Modeling, GIS & Data

Objective and Description: Many of the federally-required Long Range Transportation Plan activities have been identified in the UPWP as stand alone tasks. Work Task 8 is meant to be the recurring umbrella long range planning task to include updates to the Long Range Plan, as well as support for travel modeling, GIS and database management.

This task provides staff and/or consultant technical assistance in modeling scenarios, model enhancements, network and land use updates and completion of studies necessary for maintenance of the model. Model maintenance provides support for required long range planning activities, funding applications and support of any future air quality analysis in support of regional early action air quality conformity compacts. GIS activities support the regional travel demand model maintenance and all other UPWP work tasks. VDOT will continue to provide technical assistance for model development, updates and statewide data collection activities, and fund software maintenance, upgrades and training. PE / NEPA study modeling for SYIP projects will be completed by VDOT, not by the MPO.

The products are initiated by the MPO (NSVRC) Staff and VDOT.

### Products:

- Scope, tasks and schedule for WinFred 2040 Long Range Transportation Plan development;
- ongoing updates to 2035 Long Range Transportation Plan;
- post-processing of Regional Travel Demand Model<sup>1</sup>;
- update of regional origin & destination studies\* and incorporation into base and future year model scenarios;
- GIS mapping, data collection, and database management in support of all MPO UPWP work tasks (including GIS software maintenance for 2 users at 50% of total cost); and

Budget: \$75,000 <sup>2</sup>

<sup>1</sup>The model, updated in 2014, has an acceptable error margin overall (expressed as the difference between forecast to observed volumes for all links in the base year, 2012). Post-processing will rectify errors on selected critical links based on unique factors and assumptions using planning and engineering judgment. This work is needed in preparation for the Long Range Plan Update. Work to be performed by consultant. Estimated cost: \$30,000. Initiated by VDOT.

<sup>2</sup>Origin-destination studies are anticipated to be undertaken by VDOT, and therefore not included in the budget.



**Figure 2: Win-Fred MPO FY 2016 Proposed Revenues and Expenditures by Funding Source**

Proposed Revenues FY16		Highway Funding				Transit Funding				Total MPO FY13 Revenues
		FHWA Planning	State Match	Local Match	Subtotal	FTA 5303	State Match	Local Match	Subtotal	
		80%	10%	10%	Highway	80%	10%	10%	Transit	
FY 2016 New PL 112 Funds (1)		\$121,063	\$15,133	\$15,133	\$151,329					\$151,329
FY 2014 Carryover PL112 Funds available in FY 2016 (2)		\$158,234	\$19,779	\$19,780	\$197,793					\$197,793
FY 2016 5303 Funds (4)						\$74,970	\$9,371	\$9,371	\$93,712	\$93,712
<b>Subtotal: FY16 Revenues</b>		<b>\$279,297</b>	<b>\$34,912</b>	<b>\$34,913</b>	<b>\$349,122</b>	<b>\$74,970</b>	<b>\$9,371</b>	<b>\$9,371</b>	<b>\$93,712</b>	<b>\$442,834</b>
<b>Total FY16 Proposed Revenues</b>										<b>\$442,834</b>
Proposed Expenditures	VDOT/ DRPT	FHWA Planning	State Match	Local Match	Subtotal Highway	FTA 5303	State Match	Local Match	Subtotal Transit	Total MPO Expenditures
		80%	10%	10%		80%	10%	10%		
Task 1: Program Management and Administration	85/15	\$30,113	\$3,764	\$3,764	\$37,641	\$5,314	\$664	\$664	\$6,643	\$44,284
Task 2: Transportation Improvement Program (TIP)	75/25	\$1,500	\$188	\$188	\$1,875	\$500	\$63	\$63	\$625	\$2,500
Task 3: State/Federal Requested Work Tasks	60/40	\$7,200	\$900	\$900	\$9,000	\$4,800	\$600	\$600	\$6,000	\$15,000
Task 4: Public Mobility	0/100	\$0	\$0	\$0	\$0	\$40,000	\$5,000	\$5,000	\$50,000	\$50,000
Task 5: Local Technical Assistance	100/0	\$6,000	\$750	\$750	\$7,500	\$0	\$0	\$0	\$0	\$7,500
Task 6: Bicycle & Pedestrian Plan Development	50/50	\$8,000	\$1,000	\$1,000	\$10,000	\$8,000	\$1,000	\$1,000	\$10,000	\$20,000
Task 7: System Planning	95/5	\$167,200	\$20,900	\$20,900	\$209,000	\$8,800	\$1,100	\$1,100	\$11,000	\$220,000
Task 8: Long Range Planning, Modeling, GIS and Data	90/10	\$54,000	\$6,750	\$6,750	\$67,500	\$6,000	\$750	\$750	\$7,500	\$75,000
<b>Subtotal: FY16 Expenditures</b>		<b>\$274,013</b>	<b>\$34,252</b>	<b>\$34,252</b>	<b>\$342,516</b>	<b>\$73,414</b>	<b>\$9,177</b>	<b>\$9,177</b>	<b>\$91,768</b>	<b>\$434,284</b>
		\$5,284	\$660	\$661	\$6,606	\$1,556	\$194	\$194	\$1,944	\$8,550
<b>Estimated Contingency/Reserve Funds for Project Support</b>										<b>\$8,550</b>
<b>Total FY16 Proposed Expenditures</b>										<b>\$442,834</b>

(1) FY16 PL Funding from VDOT for Highway

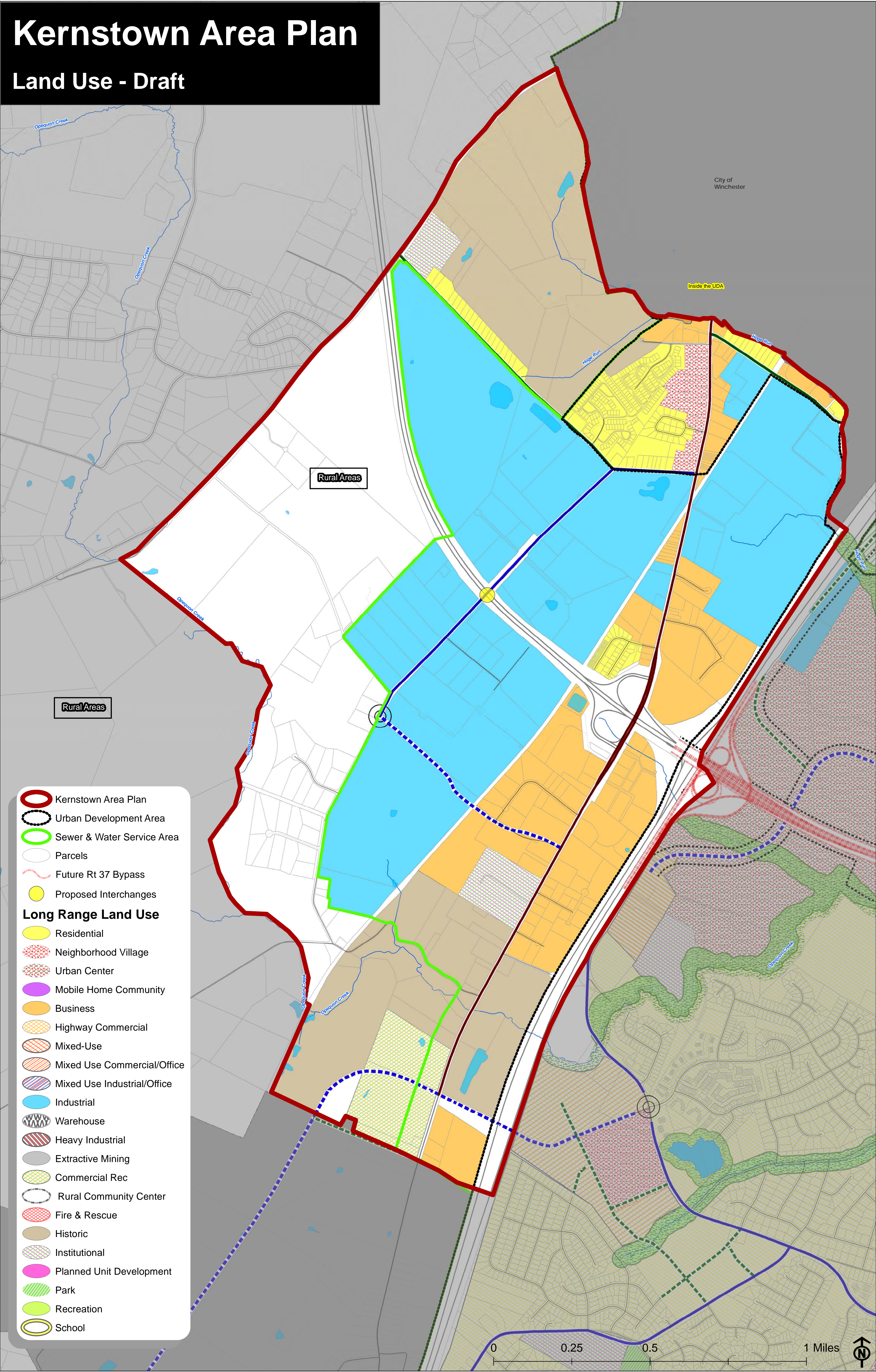
(2) FY14 PL Carryover Funds: not Expended in FY14

(3) FY16 5303 Funding from DRPT for Multi-modal Planning



# Kernstown Area Plan

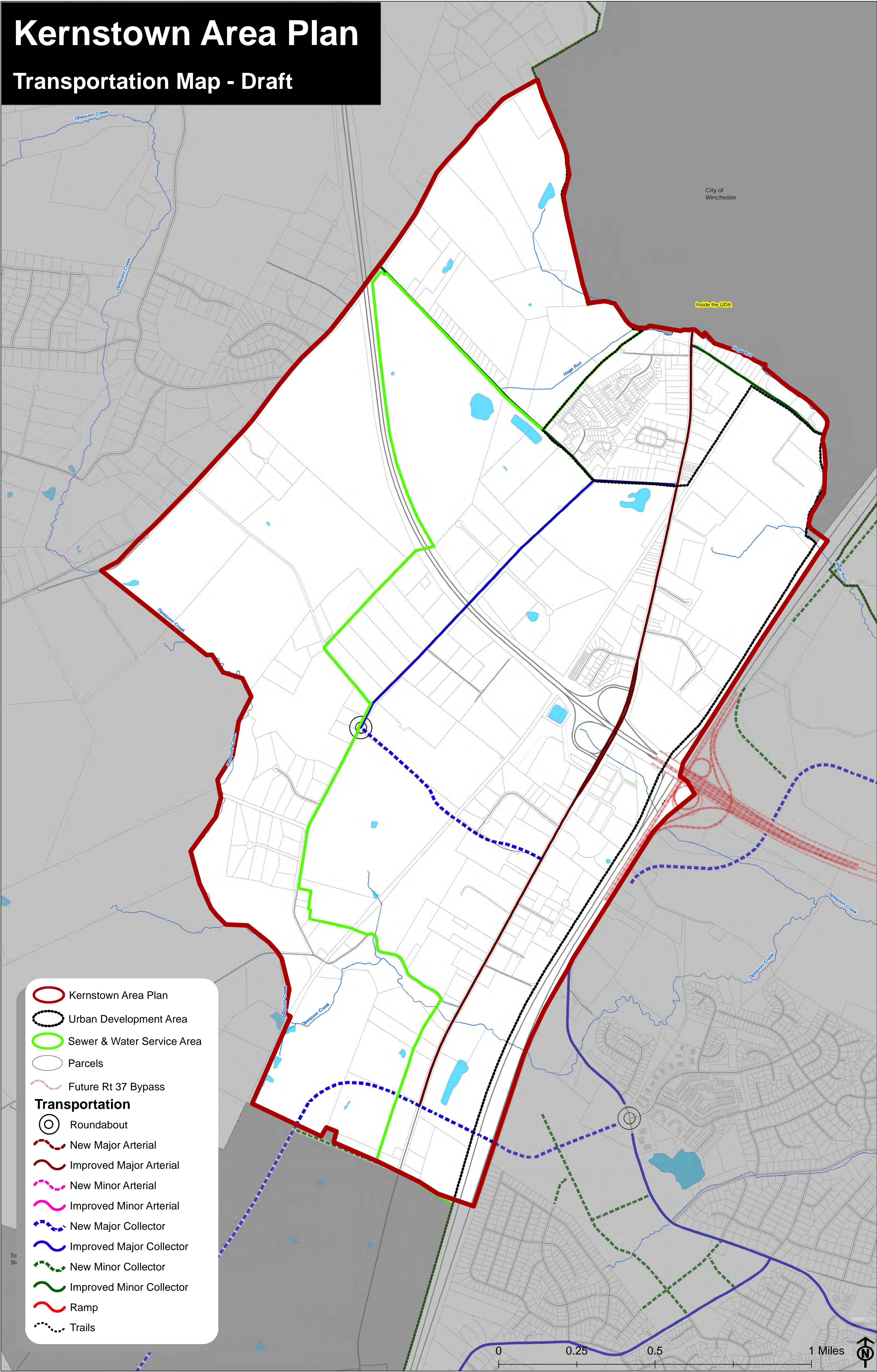
## Land Use - Draft





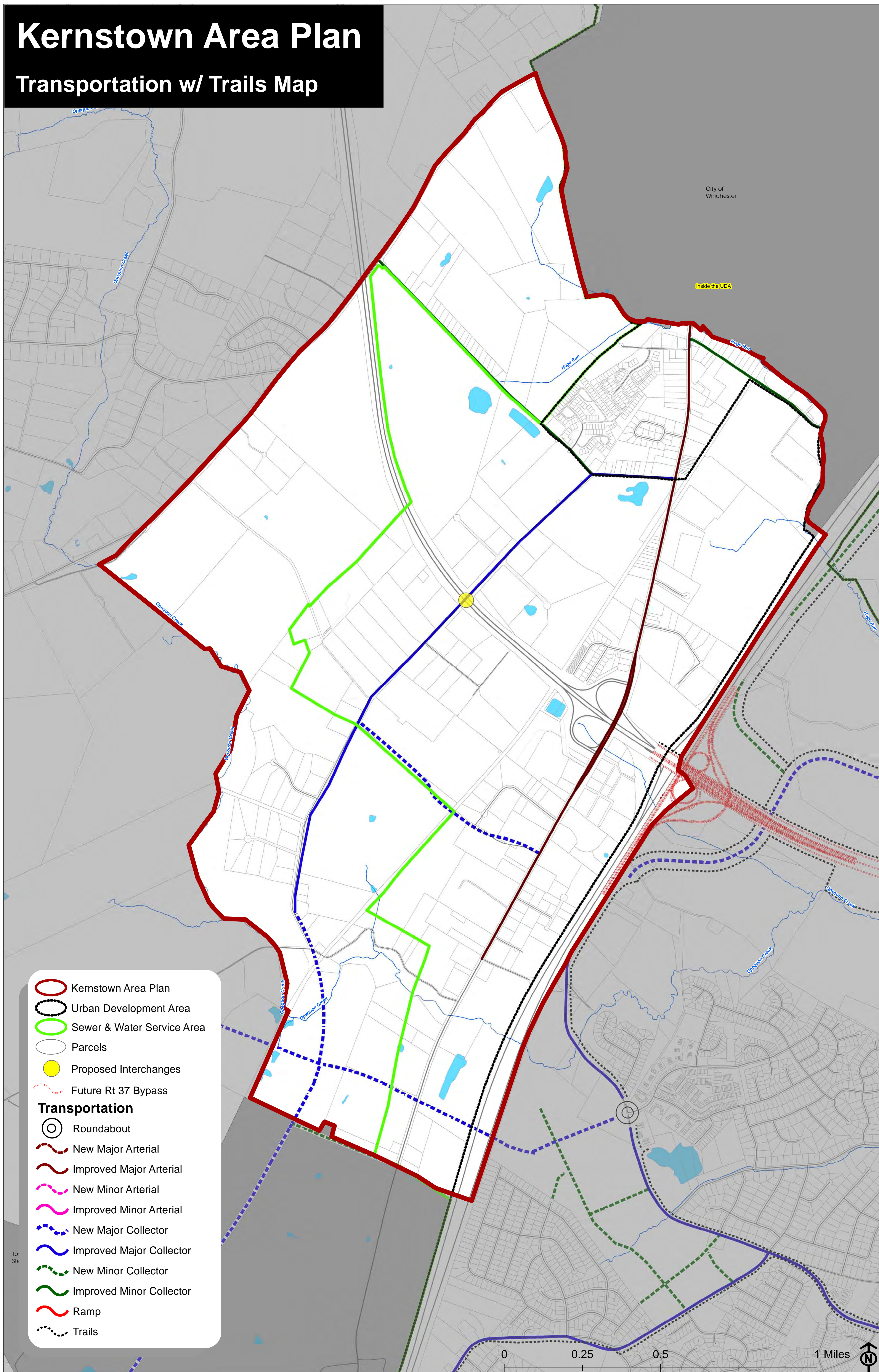
# Kernstown Area Plan

## Transportation Map - Draft





## Transportation w/ Trails Map





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## COUNTY of FREDERICK


Department of Planning and Development

540/665-5651

FAX: 540/665-6395

### MEMORANDUM

**TO:** Board of Supervisors

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

**RE:** Transportation Committee Report for Meeting of May 4, 2015

**DATE:** May 7, 2015

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The Transportation Committee met on May 4, 2015 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)  
James Racey (voting)  
Jason Ransom (Voting)  
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)  
Barry Schnoor (voting)  
Gene Fisher (voting)  
Gary Oates (liaison PC)

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

**1. HB2 Classification Discussion**

Staff reviewed the draft classifications and the most recent Secretary of Transportation presentation to the Commonwealth Transportation Board with the Committee. Staff noted that while VDOT currently has the County rated as a B, it is the opinion of our local VDOT partners and staff that within our MPO area we should be rated a C and within our rural areas we should be rated a D. This it is believed, would make the County more competitive and gives greater weight to items such as economic development and safety that were identified as our top priorities regionally early in the process. It was noted that many localities across the state are requesting adjustments and that VDOT and the CTB are listening. At the request of the committee, Staff has since followed up with the regional commission to determine what their conversations with our CTB member would indicate his feelings are on this. Ms. Shickle (Executive Director of the Northern Shenandoah Valley Regional Commission) indicated that our CTB member (Mr. Whitworth) is supportive of localities that request changes to their classification.



On a Motion by Mr. Ransom that was seconded by Mr. Racey the committee recommended that the Board endorse a change in classification from B for the entire County to C for the MPO area and a D for the rural areas. Motion passed unanimously.

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

**2. Interstate, Primary, and Secondary Road Improvement Plans**

The committee recommended approval with some minor modifications. This item will be appearing independently as a public hearing item on a future Board agenda.

**3. Other**

JB/pd





COMMONWEALTH of VIRGINIA  
*Office of the*  
SECRETARY of TRANSPORTATION

## House Bill 2 Update

Nick Donohue, Deputy Secretary of Transportation

Chad Tucker- VDOT TMPD

Tommy DiGiulian, PE, VDOT Salem District

April 14, 2015





# House Bill 2 Update

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- **Late February/Early March – Held meetings in each district to get feedback on measures/process**
- **April/May – Public Comment on draft**
- **Today – Progress on HB2 Pilot Project Scoring**
- **May CTB – Revised process presented**
- **June CTB – Final process considered by the Board**



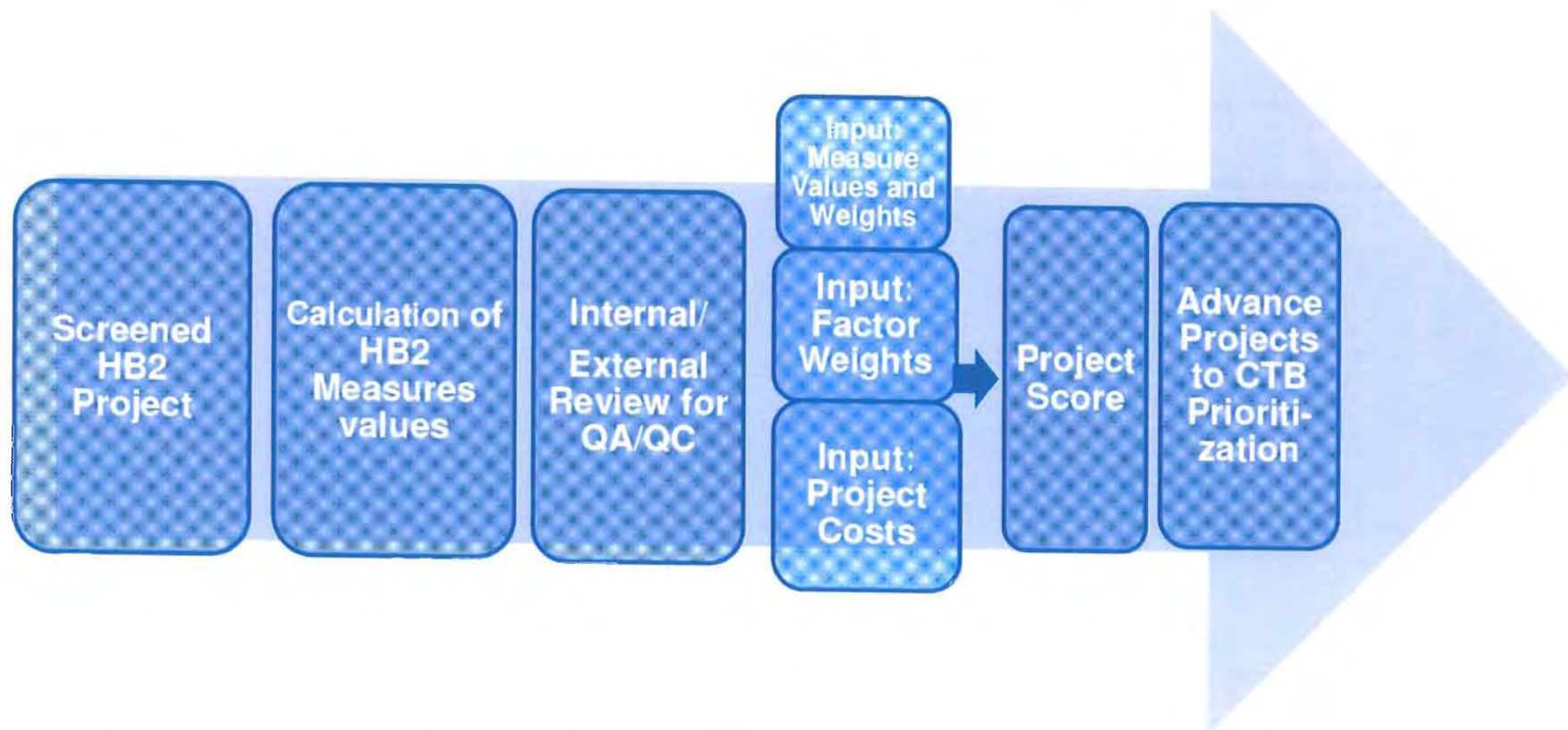
# Outline

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- **Framework and Evaluation Process**
- **Overview of Pilot Projects**
- **Scorecard and Relative Benefits**
- **Findings**
- **Challenges**
- **Recommended Changes**
- **Next Steps**



# HB2 Project Evaluation Process





# Factor Weighting Frameworks

Factor	Congestion Mitigation	Economic Development	Accessibility	Safety	Environmental Quality	Land Use
Category A	35%**	10%	25%	10%	10%	10%*
Category B	15%	20%	25%	15%	10%	15%*
Category C	10%	20%	30%	30%	10%	
Category D	10%	30%	20%	30%	10%	

**Note\*** – For metropolitan planning areas with a population over 200,000 (TPB, HRTPO, RRTPO, FAMPO, RVTPO), the prioritization process shall also include a factor based on the quantifiable and achievable goals in VTrans (referred to as the Transportation-Land Use Coordination factor).

**Note\*\*** – For Northern Virginia and Hampton Roads construction districts, congestion mitigation is weighted highest among the factors in the prioritization process.



# Draft Area Types

## Legend

 VDOT District Boundaries

 MPO/PDC Boundaries

Counties and Cities

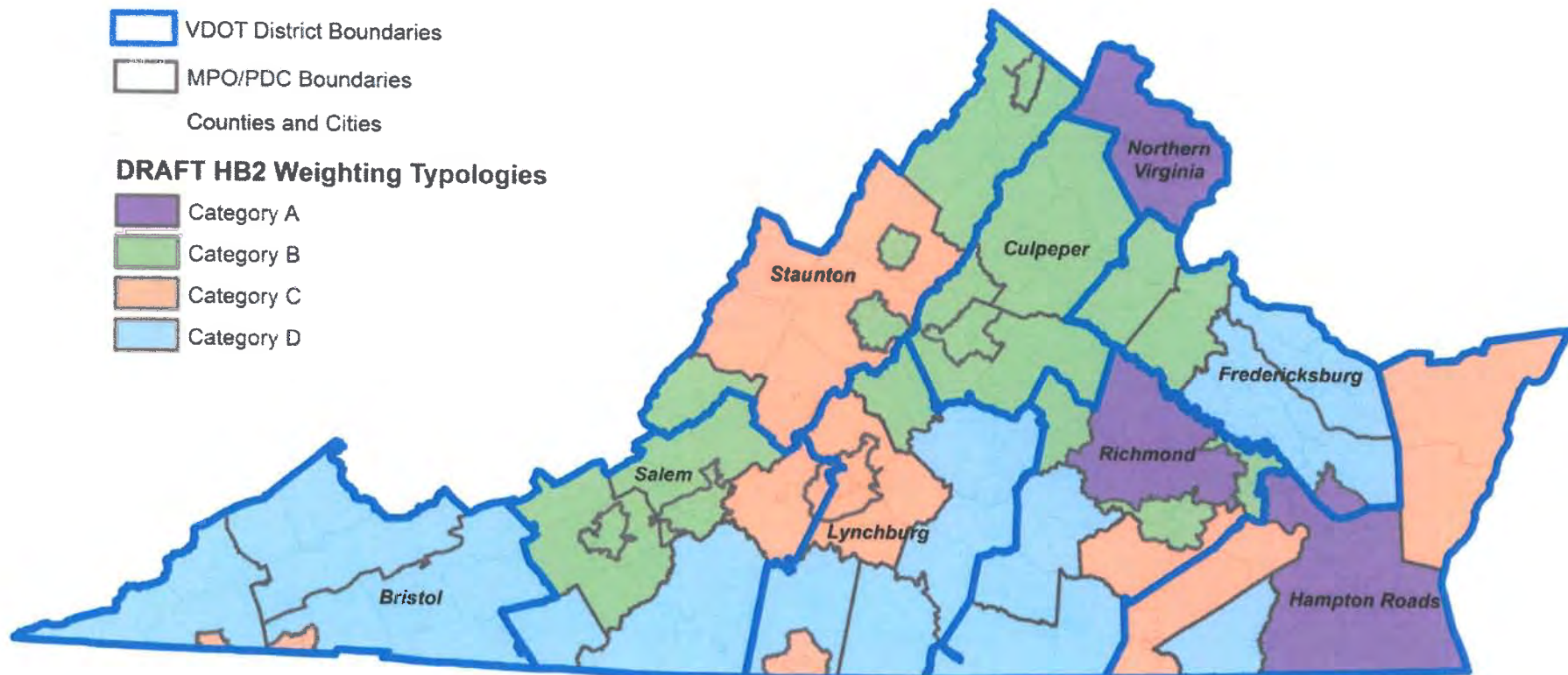
## DRAFT HB2 Weighting Typologies

 Category A

 Category B

 Category C

 Category D





# Overview of Pilot Projects

Typology	A	B	C	D	Total
Train Station	1				1
Bus Expansion	1				1
Fixed Route Transit	1				1
New Location Roadway		2			2
Widen Existing Roadway	8	4	2	1	15
Reconstruction w/ Added Capacity				1	1
Interchange Improvements	4	8	2	1	15
Bridge Replacement			1		1
Safety			1		1
Multimodal – Park and Ride		1			1
<b>Total</b>	<b>15</b>	<b>15</b>	<b>6</b>	<b>3</b>	<b>39</b>



# Illustrative Scorecard Examples

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# PROJECT NAME

LIMITS OF PROJECT AND JURISDICTION

## HB2 PROJECT SCORECARD

DRAFT

### HB2 SCORE SUMMARY

WEIGHTING CATEGORY  
(CHOOSE ONE)

☐ A ☐ B ☐ C ☐ D

#### EVALUATION MEASURES

##### SAFETY

Expected Reduction in # F+I Crashes (50%)  
Expected Reduction in F+I Crash Rate (50%)

RAW SCORES

WEIGHTED SCORES

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

##### CONGESTION MITIGATION

Person Throughput (50%)  
Person Hours of Delay (50%)

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

##### ACCESSIBILITY

Access to Work Destinations (60%)  
Access to Non-Work Destinations (20%)  
Access to Multimodal Choices (20%)

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

##### ENVIRONMENTAL QUALITY

Air Quality and Energy Environmental Effect (50%)  
Access to Jobs for Disadvantaged Populations (40%)  
Access to Essential Destinations for DP (10%)

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

##### ECONOMIC DEVELOPMENT

Project Consistency/Support (70%)  
Intermodal Access and Efficiency (30%)

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

##### LAND USE COORDINATION

Land Use Policy Consistency (50%)  
VMT Per Capita (50%)

YYYY XX.XX

YYYY XX.XX

YYYY XX.XX

### FINAL PROJECT SCORE :

YYYY

XX.XX

### TOTAL PROJECT COST:

\$XX,XXX,XXX

### WEIGHTED SCORE PER TOTAL PROJECT COST

##.##

### (RANKING):

(##)

### HB2-FUNDED PROJECT COST:

\$XX,XXX,XXX

### WEIGHTED SCORE PER HB2-FUNDED PROJECT COST

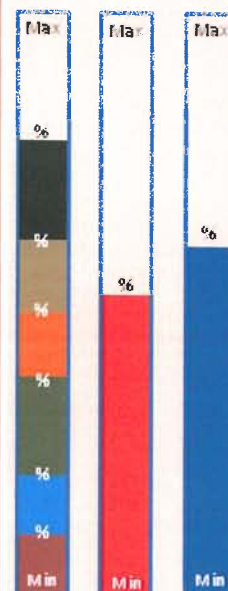
##.##

### (RANKING):

(##)

### RELATIVE SCORES

% = Percentile of all projects scored



Weighted Project Score

Score Per Total Project Cost

Score Per HB2-Funded Project Cost

### PROJECT DESCRIPTION

General project description goes here along with key informational fields from application, including VDOT District, MPO and/or PC.

Map of project location goes here. Example provided.



### PROJECT READINESS

- ☐ Locally-Approved Planning Document
- ☐ State-Approved Planning Document
- ☐ Constrained Long-Range Plan (CLRP)
- ☐ Transportation Improvement Program (TIP)
- ☐ Preliminary Engineering Started
- ☐ Preliminary Engineering Complete
- ☐ Right-of-way Started
- ☐ Right-of-way Complete
- ☐ IIEPA Started
- ☐ IIEPA Complete

Other, Describe: \_\_\_\_\_



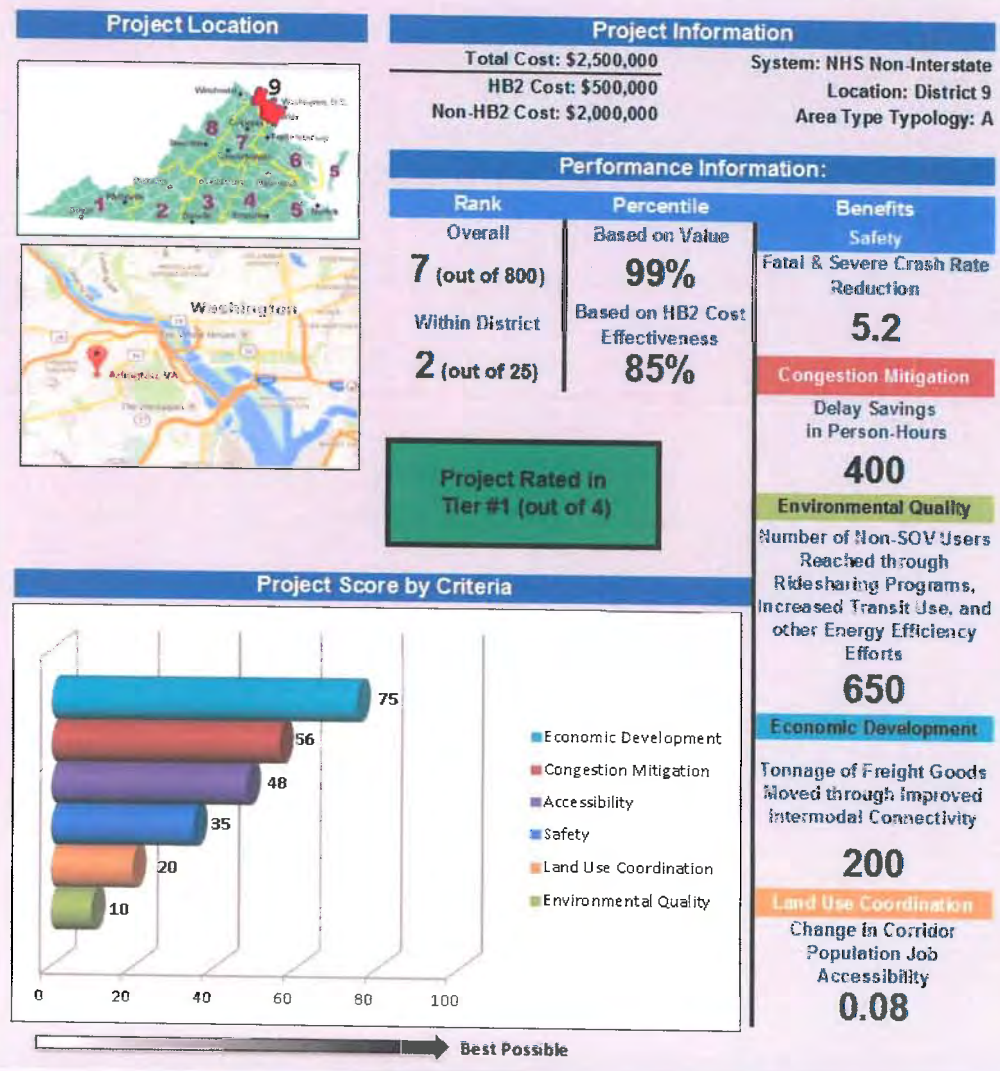


# Sample Scorecard

## HB2 Project Scorecard

Project Name: Route Z - Project A

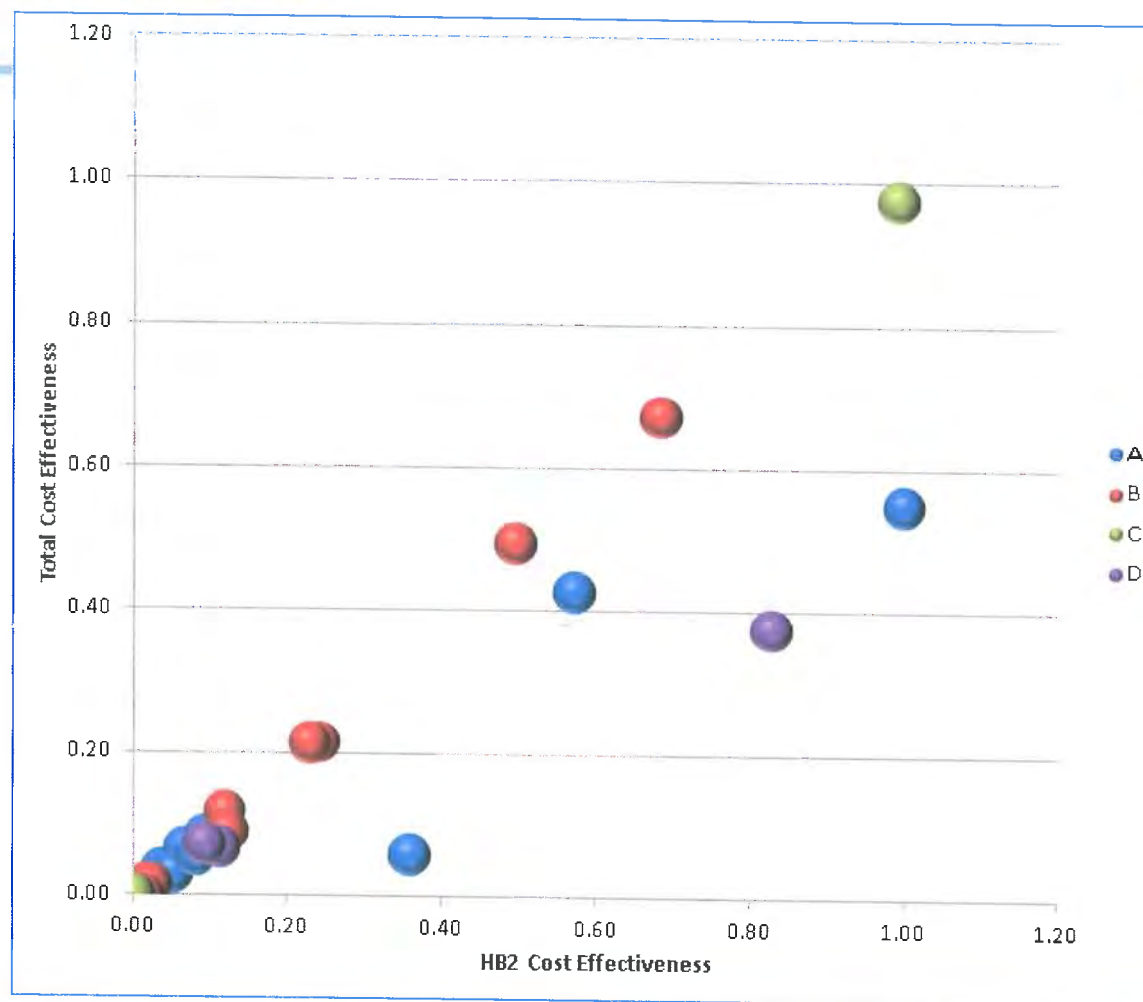
Description: This is a generic project description





# Project Scoring

## Cost-Effectiveness





# Findings from Initial Scoring of Pilot Projects

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## Overall Findings:

- **Develop consistent and clear definitions and criteria for applications**
  - Minimize interpretation of responses
  - Ensure consistency of information provided
- **Reduce complexity and improve clarity of certain measures**
  - Congestion
  - Accessibility
  - Economic Development



# Findings from Initial Scoring of Pilot Projects

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## Safety Factor Area

- **Finding: Inconsistent project scope descriptions- dictates scope of analysis**
- **Recommended Action: Crashes as performance measure- emphasis on locations with greatest potential for fatalities and injuries**
- **Finding: Insufficient number of incidents in certain locations**
- **Recommended Action: Expand to larger sample size to be consistent with federal guidelines- five years**



# Findings from Initial Scoring of Pilot Projects

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## Congestion Factor Area

- **Finding:** Using multiple evaluation techniques based on location provided inconsistent results. For example, a regional model may provide one answer while a calculation based on the Highway Capacity Manual may provide a different answer
- **Recommended Action:** Use a uniform, consistent, and repeatable process that will allow projects to be comparably evaluated



# Findings from Initial Scoring of Pilot Projects

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## Economic Development

- **Finding:** It is difficult to determine which undeveloped or underdeveloped parcels within the project area should be considered as benefitting from improved transportation facility
- **Recommended Action:** Incorporate levels of commitment- active site plans, occupancy permits, water and sewer in place, letters of intent, market studies, etc.



# Potential Changes to Measures

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- **Economic development factor area**
  - Undertaking analysis to determine if a reliability measure can be incorporated into this factor area
- **Environmental factor area**
  - Concern that accessibility for disadvantaged populations is not an environmental justice measure
  - Concern over lack of consideration of natural, historic and cultural resources
- **Accessibility factor area**
  - Concern over appropriateness and definition of “essential destinations”



# Next Steps

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- **April/May–**
  - **Public comment on draft will be solicited**
  - **Six-Year Improvement Program hearings**
- **May CTB – Pilot Results and process revisions presented**
- **June CTB – Final process considered by Board**



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## BOARD OF SUPERVISORS

### ORDINANCE

#### SALARIES OF BOARD OF SUPERVISORS FISCAL YEAR 2015-2016

**BE IT ORDAINED**, the annual salary for each member of the Frederick County Board of Supervisors, for the fiscal year beginning July 1, 2015, shall be as follows: Chairman, \$10,800; Vice Chairman, \$10,200; and each other member of the Board of Supervisors at \$9,000.

Upon motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the above was approved by the Board of Supervisors of the County of Frederick, Virginia, at a regular meeting and public hearing held on May 13, 2015, by the following recorded vote:

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

#### A COPY TESTE:

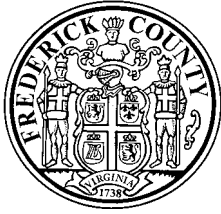
\_\_\_\_\_  
Roderick B. Williams  
Interim Clerk, Board of Supervisors

cc: Cheryl B. Shiffler, Finance Director  
C. William Orndoff, Jr., Treasurer  
Paula A. Nofsinger, Human Resources Director



I





**REZONING APPLICATION #01-15  
BLACKBURN COMMERCE CENTER  
Staff Report for the Board of Supervisors  
Prepared: May 7, 2015**

Staff Contact: Michael T. Ruddy, AICP, Deputy Planning Director

---

	<u>Reviewed</u>	<u>Action</u>
<b>Planning Commission:</b>	05/06/15	Public Hearing Held; Action Recommended Approval
<b>Board of Supervisors:</b>	05/13/15	Pending

**PROPOSAL:** To rezone 128.56+/- acres as follows: 92.066+/- acres from RA (Rural Areas) District to M1 (Light Industrial) District with proffers, and 36.754+/- acres are to remain RA (Rural Areas) District.

**LOCATION:** The property is located adjacent to Dawson Drive, Apple Valley Road and Route 37.

**PLANNING COMMISSION ACTION AND SUMMARY & STAFF CONCLUSIONS FOR THE  
05/13/15 BOARD OF SUPERVISORS MEETING:**

**The Planning Commission unanimously recommended approval of this rezoning request, an application to rezone a total of 92.066 acres of land from RA (Rural Areas) District to M1 (Light Industrial) District with proffers, to accommodate industrial uses.**

*Three citizens spoke during the Public Hearing for the request; two against the request who expressed concerns regarding the traffic impacts, lighting issues, residential appeal of area, and the overall heritage that exists in that area of the County, and one with more development related concerns. Members of the Planning Commission expressed their overall support for the application but discussed the transportation components of the request in great detail.*

*The Applicant modified their proffer statement as a result of this discussion to change the timing of the monetary contribution of the transportation improvement proffer; Site Improvement Proffer #1, to reflect that the payment of the proffers will be at the time of the issuance of the Building Permit, rather than at the time of the issuance of the Certificate of Occupancy. Based upon the above, a motion was made, seconded and unanimously passed to recommend approval of REZ #01-15 Blackburn Commerce Center with a change to the proffer statement. The Revised Proffer Statement has been included with this agenda.*

This is an application to rezone a total of 92.066+/- acres of land from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers to accommodate industrial uses. The property is located within the Sewer and Water Service Area (SWSA). In general, the proposed industrial land use designation for this property is consistent with the current industrial land use supported by the 2030 Comprehensive Plan.



With this rezoning, the applicant has proffered that this project will contribute to transportation improvements in the vicinity of the property that have been identified as important to the overall transportation solution for this general area. The application has addressed the concerns identified by the various reviewing agencies and has worked with the Kernstown Battlefield Association to reach an agreement that addresses the historical context of this rezoning application. The application appears to have mitigated many of the impacts associated with the rezoning request. The Planning Commission evaluated the request and determined that the approach to addressing the transportation component of the application is acceptable, and the amount of the potential proffer was appropriate.

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



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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	05/06/15	Public Hearing Held; Action Recommended Approval
Board of Supervisors:	05/13/15	Pending

**PROPOSAL:** To rezone 128.56+/- acres as follows: 92.066+/- acres from RA (Rural Areas) District to M1 (Light Industrial) District with proffers, and 36.754+/- acres are to remain RA (Rural Areas) District.

**LOCATION:** The property is located adjacent to Dawson Drive, Apple Valley Road and Route 37.

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBERS:** 63-A-80I

**PROPERTY ZONING:** RA (Rural Areas)

**PRESENT USE:** Vacant/Agricultural

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North: RA (Rural Areas)	Use: Battlefield/Agricultural
RP (Residential Performance)	Residential
South: M1 (Light Industrial)	Use: Industrial
East: M1 (Light Industrial)	Use: Industrial/Vacant
West: RA (Rural Areas)	Use: Agricultural



## **REVIEW EVALUATIONS:**

**Virginia Dept. of Transportation:** District Planning has completed its review of the subject rezoning TIA. In conversation with the Frederick County Deputy Director of Planning, Transportation, we understand that County staff has negotiated a proffer arrangement with the applicant in lieu of the findings of a TIA, and that they are satisfied with the prescribed mitigation. We have been notified that there is specific time critical contractual arrangements at play which require a resolution of transportation impact mitigation immediately. It is for those reasons that, and in consultation with the County, that we are suspending our review and are differing to Frederick County staff.

**Fire and Rescue:** Plan approved.

**Public Works Department:** The Public Works Department does not have any comments regarding the proposed rezoning. We would expect that any future Master Development Plans and Site Plans to include copies of wetland delineations and geological surveys of kaist features.

**Frederick County Sanitation Authority:** *Please see attached letter dated March 18, 2015, from Uwe E. Weindel, PE.*

**Frederick-Winchester Service Authority:** No comments.

**Winchester Regional Airport:** I have completed a review of the referenced rezoning proposal. Allowed uses under this rezoning should not impact airside operations of the Winchester Regional Airport therefore we have no comments or objections regarding this rezoning request.

**Frederick County Attorney:** *Please see attached letter dated March 20, 2015, from Roderick B. Williams, County Attorney.*

## **Planning & Zoning:**

### **1) Site History**

The original Frederick County zoning map (U.S.G.S. Winchester Quadrangle) identifies the subject parcels as being zoned R-2 (Residential Limited). The subject parcels were re-mapped from R-2 to A-2 (Agricultural General) pursuant to the County's comprehensive downzoning initiative (Zoning Amendment Petition #011-80), which was adopted on October 8, 1980. 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.



2) **Comprehensive Policy Plan**

**The 2030 Comprehensive Plan is the guide for the future growth of Frederick County.**

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.

The Area Plans, Appendix I of the 2030 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

In order for any proposed rezoning to be approved, the applicants will be expected to contribute a reasonable portion of the costs of new or expanded infrastructure needed to serve the proposed development. Such contributions can be in the form of cash, dedicated land, or constructed improvements or in any other manner consistent with the Code of Virginia. *[2030 Comprehensive Plan, Implementing the Plan, V]*

Rezoning requests should be evaluated to determine their potential impacts on public facilities. Costs to the County should be estimated in terms of what impact the development, which could result from the proposed rezoning, would have on public facilities and infrastructure. *[2030 Comprehensive Plan, Implementing the Plan, V]*

Rezoning requests should not be approved unless the net impacts on public facilities are positive, or unless the negative impacts can be adequately addressed through proffers or some other means. A request for rezoning may be turned down even though all fiscal impacts appear to be addressed. If there are other impacts which are not addressed by the rezoning application, or if the request does not conform to this plan, a similar method should be developed for determining the impacts of proposed developments on transportation systems and other public facilities. *[2030 Comprehensive Plan, Implementing the Plan, V]*

**Land Use.**

The 2030 Comprehensive Plan and the Southern Frederick Plan provide guidance on the future development of the property. The 2030 Comprehensive Plan identifies the general area surrounding and including this property with an industrial land use designation. The property is located within the Sewer and Water Service Area (SWSA). In general, the proposed industrial land use designation for this property is consistent with the current land use supported by the Comprehensive Plan.

**Site Access and Transportation.**

The Transportation network in this area is identified in the County's Eastern Road Plan and is supported by an improved Major Collector Road (Shady Elm Road), an improved Minor



Collector Road (Apple Valley Road), and an improved Arterial Road, Route 11 (Valley Pike). Access to the site via the existing entrance on to Apple Valley Road and existing Dawson Drive is desirable and has been proffered by the Applicant. Any additional entrances onto, and improvements to, Apple Valley Road should be avoided at this time. The Generalized Development Plan for the Blackburn Property identifies the location of two private roads accessing the property.

Future consideration should be given to pedestrian or trail improvements along Apple Valley Road to complete this section of planned pedestrian accommodations adjacent to the identified minor collector road. This could be achieved internal to the property, adjacent to the area containing the numerous existing easements.

*Environment.*

Issues concerning water quality, quantity, use, and protection of water resources are directly related to land development activities. Water supplies are needed to support development, while surface and groundwater are potentially affected by development activities [2030 Comprehensive Plan, Section VII, Natural Resources].

*History.*

According to the Rural Landmarks Survey, there are no significant historic structures located on the property. It is noted that the National Park Service Study of Civil War Sites in the Shenandoah Valley does identify this property as core battlefield area for the First and Second Battles of Kernstown with retained integrity.

This application was presented to the County's Historic Resources Advisory Board (HRAB) who recommended approval of the rezoning application, with conditions. The Applicant's proffer statement addresses these conditions. An agreement with the Kernstown Battlefield Association has been made regarding items that relate to the battlefield including building construction, landscaping and buffering, public viewing space and historical signage, and the exploration for, and preservation of, historical items. The agreement has been included with the comments for your information.

**3) Site Suitability/Environment**

The site is not located within or near any 100 year floodplains. However, there are a substantial amount of wetlands identified on the site. The wetlands delineation has occurred and will be incorporated into the Master Development Plan for this project. This area is known for karst topography and special attention should be paid during development for potential sinkholes and related impacts. This should occur in coordination with the review of the County Engineer. The site does contain a small area of woodlands that will be disturbed with the development of the site.



**4) Potential Impacts**

This application recognizes the existing residential land uses that are zoned RP (Residential Performance) District that are located immediately adjacent to the Blackburn Property by providing buffering and landscape screening consistent with that of the landscape portion of a zoning district buffer, on the portion of the land that is to be rezoned, adjacent to the proposed zoning line. This green space buffer will be fifty feet wide and will remain undisturbed to continue its natural state and allow the maturing of the existing vegetation. The Zoning Boundary Exhibit prepared for this request identifies the proposed zoning line within the property separating the proposed M1 (Light Industrial) Zoning District from the existing RA (Rural Areas) Zoning District. Therefore, at no point does the proposed M1 zoning abut adjacent property that would require a zoning district buffer.

For your information, the original rezoning in this area, RZ#04-98 immediately adjacent to the subject property to the north, included several proffers aimed at mitigating any impact on the adjacent residential land and historical properties. These included; a maximum height of 60 feet for all primary and ancillary structures, screening of all rooftop mechanical equipment, and screening of all loading docks from all adjacent Rural Areas (RA) and Residential Performance (RP) Zoning Districts. Further, landscape design features were proffered between all developed parts of the property and all RA and RP Zoning Districts. This included a berm that was a minimum of 6 feet higher than the adjacent Route 652 and landscape plantings consistent with those of the landscape screen. Said landscaping was defined.

Recognizing this, the Blackburn Commerce Center application has addressed the height component by proffering the same standards to a point one thousand feet from Apple Valley Road. This distance is consistent with the depth of the above rezoning. Beyond that point, the County's current height requirements would apply. The maximum height limit for primary structures in the M1 District is 60'. However, certain height limitation exceptions exist that would enable a greater height for certain structures. Of note, automated storage facilities in the M1 District would be permitted up to 100' in height.

The landscape portion of the above has been addressed in conjunction with the Kernstown Battlefield Association.

**Frederick County Transportation Comments:**

Frederick County Transportation's review of the application for the rezoning of the Blackburn property has made it clear that numerous transportation issues exist in the nearby vicinity. Key needs for improvement include the intersection of Apple Valley Road and Route 11, Widening of Route 11, and the completion of Renaissance Drive from Route 11 to Shady Elm Road. In order to try and address their share of this traffic situation, the applicant has offered a cash proffer that is based upon the BPG rezoning proffer that was previously accepted. Staff believes this is a good strategy in this situation as it acknowledges the most key needs are on property the applicant does not control right of way for and allows the County to potentially leverage the cash proffer against state revenue sharing dollars to accomplish more.



It should be noted that the cash proffer should be in addition to bicycle and pedestrian improvements on site and along the site frontage as well as any entrance requirements that might be made by the Virginia Department of Transportation.

5) **Proffer Statement**

A) Allowed Uses:

All of the uses permitted in the M1 (Light Industrial) District would be allowed. No additional use restrictions have been proffered by the Applicant.

A Generalized Development Plan (GDP) has been used to illustrate the location of the proposed landscape/green space/buffer area design features, the preservation of the pond area, and the location of the two entrances to the property.

B) Access Management and Transportation:

Dawson Drive and the existing entrance onto Apple Valley Road are proffered as the two entrances for the property. Interparcel connections are also proffered to enable future access to the balance of the Rural Area (RA) portion of the property.

The Applicant has proffered to participate in the cost of transportation improvements in the nearby area. The method for doing so is based upon a similar model used with the BPG rezoning Application. The Applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00). Such Payments shall be made prior to the issuance of a Certificate of Occupancy for all building structures developed on the property, with each payment being in proportion to the square footage of the proposed construction on the property. This is consistent with the TIA developed for the project. The funds would be available to the County in its discretion and may be used by the County as a local match for Revenue Sharing Program projects.

As an example, the application describes an anticipated project that will be submitted upon rezoning that may generate \$153,000.00 for use in addressing transportation in the nearby area. It should be noted that the proffered maximum contribution of \$625,000.00 would not be immediately available for use by the County. In addition, the improvements would not be completed by the Applicant. It is most likely that improvement projects would be completed by others as part of a Revenue Sharing Project.

C) Site Development:

The Applicant will develop the property with several building restrictions and landscape design features aimed at mitigating the impact of the project on the adjacent residential and historical properties proffered. These include a maximum height limitation of sixty (60) feet for all structures for a distance of one thousand feet from Apple Valley Road,



the screening of all loading docks from adjacent properties, and the provision of green space buffer areas between Apple Valley Road and the development including the existing pond and a green space buffer fifty (50) feet wide in the area along the zoning boundary.

D) Mitigating the Impact of Development:

The Applicant has proffered a cash contribution in the amount of \$10,000 to be directed to Frederick County Fire and Rescue. The purpose of this dedication would be to assist in the capital facility needs of fire and rescue associated with the development of this property.

**STAFF CONCLUSIONS FOR THE 05/06/15 PLANNING COMMISSION MEETING:**

This is an application to rezone a total of 92.066+/- acres of land from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers to accommodate industrial uses. The property is located within the Sewer and Water Service Area (SWSA). In general, the proposed industrial land use designation for this property is consistent with the current industrial land use supported by the 2030 Comprehensive Plan.

With this rezoning, the applicant has proffered that this project will contribute to transportation improvements in the vicinity of the property that have been identified as important to the overall transportation solution for this general area. The application has addressed the concerns identified by the various reviewing agencies and has worked with the Kernstown Battlefield Association to reach an agreement that addresses the historical context of this rezoning application. The application appears to have mitigated many of the impacts associated with the rezoning request. The Planning Commission should determine if the approach to addressing the transportation component of the application is acceptable, and the amount of the potential proffer appropriate.

**PLANNING COMMISSION SUMMARY AND ACTION FROM THE 05/06/15 MEETING:**

Staff presented an overview of the proposed application to rezone 92.066+/- acres of land from RA (Rural Areas) District to M1 (Light Industrial) District with proffers to accommodate industrial uses. Staff noted with this rezoning, the applicant has proffered that this project will contribute to transportation improvements in the vicinity of the property that have been identified as important to the overall transportation solution in this general area. The applicant has also proffered a cash contribution to be directed to the Frederick County Fire and Rescue, site development with restrictions and provisions. The Applicant is also working with the Kernstown Battlefield Association for preservation of historical items. Staff reiterated the proposed industrial land use designation for this property is consistent with the current industrial land use supported by the 2030 Comprehensive Plan. Staff addressed the Transportation impacts associated with this application. At this time there were no questions from the Planning Commission.



Representation for the Applicant noted they have been working closely with Staff to address many of the concerns. The applicant is intending to follow the business friendly approach and their goal is to move forward with this quickly from a scheduling stand point. He noted the neighbors are also being considered and they want to reduce the impact this project will have on them. Also noted was the reiterated and agreement has been reached with the Kernstown Battlefield Association. Commission members shared their concerns regarding the traffic impacts this will have in the area and the need to change the proffer from Certificate of Occupancy to Building Permit Issuance.

The Public Hearing portion of the meeting was opened and several citizens voiced their concerns regarding the traffic impacts, lighting issues, residential appeal of area, and the overall heritage that exists in that area of the County. There were no further comments and the Public Hearing portion was closed.

A motion was made, seconded and unanimously passed to recommend approval of REZ #01-15 Blackburn Commerce Center with a change to the proffer statement.

Abstain: Oates, Marston

Absent: Triplett, Molden

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



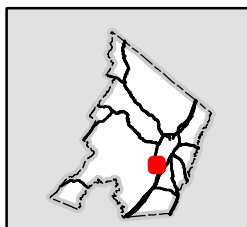
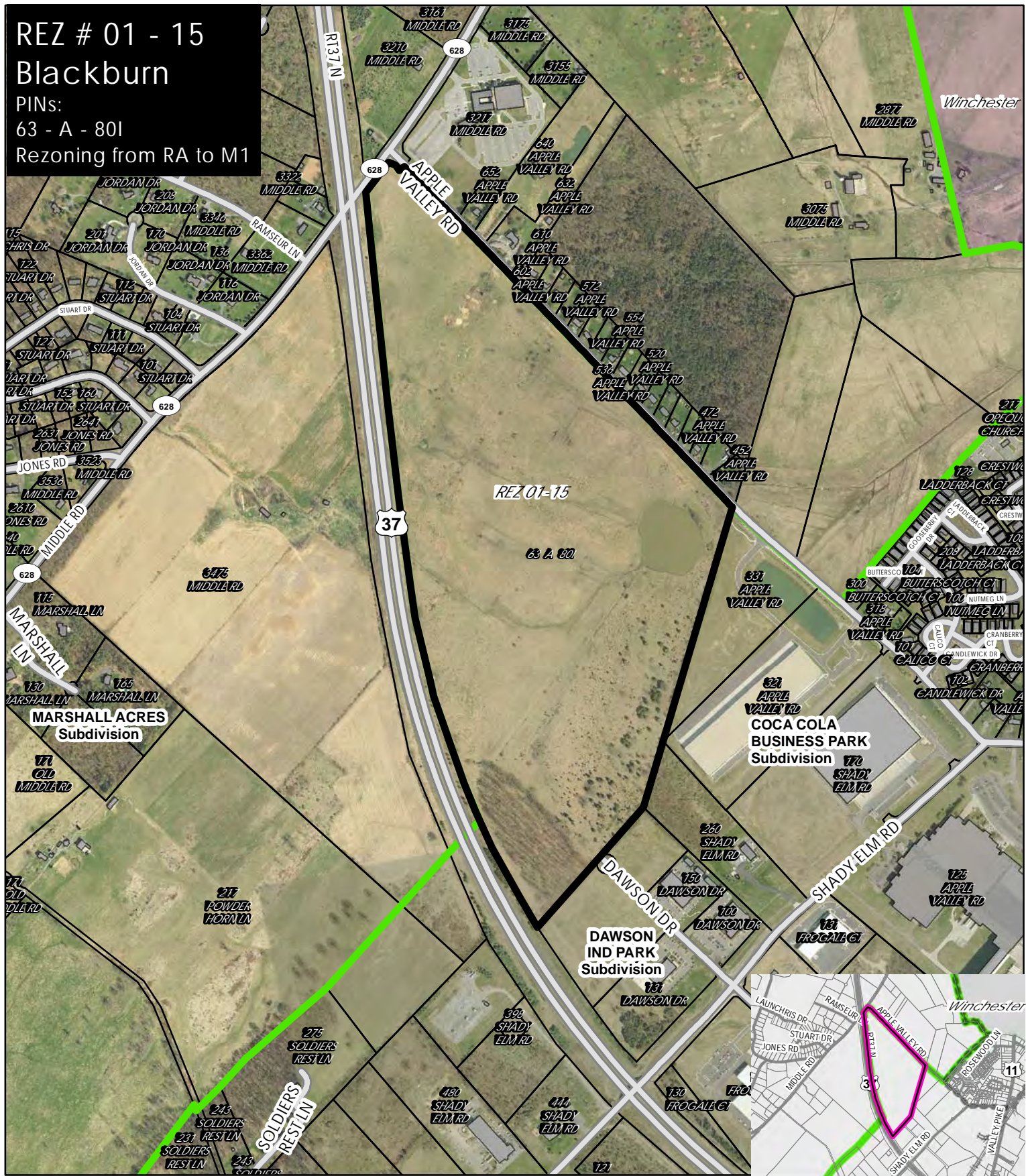
# REZ # 01 - 15

## Blackburn

PINs:

63 - A - 80I

Rezoning from RA to M1



## REZ # 01 - 15 Blackburn

PINs:

63 - A - 80I

Rezoning from RA to M1

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: April 8, 2015  
Staff: mruddy



0 495 990 1,980 Feet

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



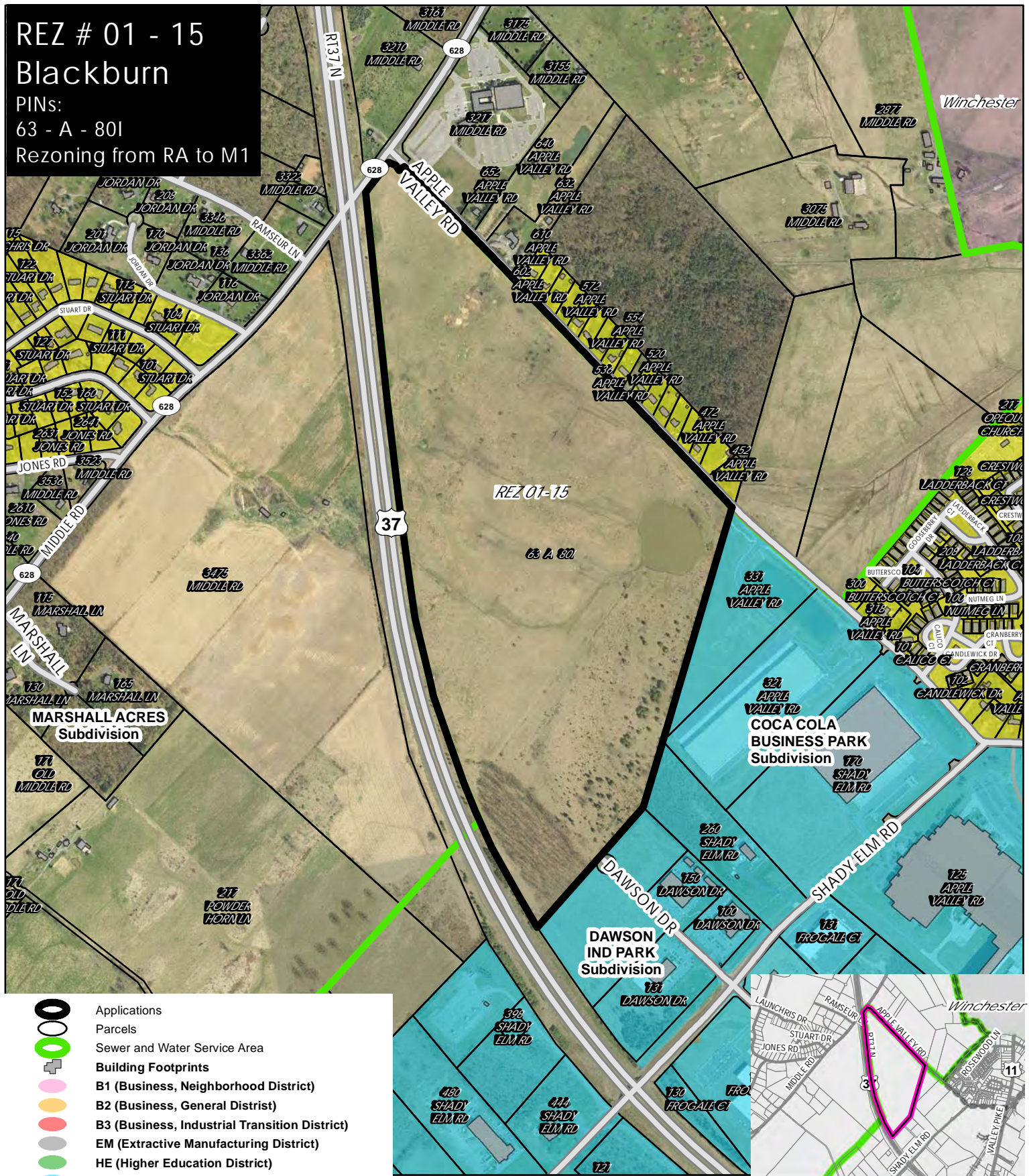
# REZ # 01 - 15

## Blackburn

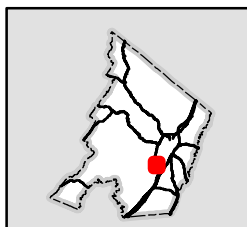
PINs:

63 - A - 80I

Rezoning from RA to M1



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



### REZ # 01 - 15 Blackburn

PINs:

63 - A - 80I

Rezoning from RA to M1

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: April 8, 2015  
Staff: mrruddy



0 495 990 1,980 Feet



## **REZONING REQUEST PROFFER**

**Property Identification Number**

**63- ( ( A ) ) – 80I**

**Back Creek Magisterial District**

**Blackburn Commerce Center**

**Record Owner: Blackburn Limited Partnership**

**Applicant: Timothy Stowe**

**Original Date of Proffers: March 09, 2015**

**Revision Date of Proffers: May 07, 2015**

### 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 #\_\_\_\_\_ for the rezoning of Tax Map Parcel 63-A-80I, a 128.82-acre parcel, to establish 92.066 +/- acres of Light Industrial (M-1) Zoning District and 36.754 +/- acres of Rural Area (RA) Zoning District. Development of the 92.066 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", portion of the Tax Map Parcel 63-A-80I shall be done in conformity with the term 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 be approved by the Frederick county Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

### Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the nearby area. The applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00), which will be subject to the escalation clause contained in these proffers. Such payment shall be made at the time of issuance of **each building permit** for all building structures



developed on the Property. Each payment shall be in proportion to the square footage of the proposed construction on the Property consistent with the development projection in the Traffic Impact Study, which amounts to \$0.735/ square foot of building structural development. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements, and can also be used as local match funding for County Revenue Sharing Program projects.

2. The owner agrees to limit the number of entrances for the Property to be rezoned to a maximum of two (2) entrances. One (1) entrance will feed directly into Dawson Drive. Entrance two (2) will use the existing entrance onto Apple Valley Road through parcel 63-A-58C. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.
3. The owner hereby proffers to provide for inter-parcel connections within the Property where possible to mitigate transportation impacts.

#### Building Restrictions

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

1. The maximum height for all primary and ancillary structures will be sixty (60) feet within a distance of one thousand (1000) feet of Apple Valley Road. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction.
2. All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) or Residential Performance (RP) Zoning Districts that are located on the east side of Route 37.
3. Utility service lines are to be constructed underground from the utility distribution lines to the building service connection.

#### Landscape Design Features

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

- 1) There will be a green space buffer between Apple Valley Road and the existing pond in the area to be rezoned M1. The buffer extends out two hundred (200) feet from the edge of Apple Valley Road. The green space buffer is to be left undisturbed and remain



in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.

2) There will be a green space buffer provided along the northern border of the area to be rezoned M1. The green space buffer will run along the northern boundary separating the M1 zoning from the RA zoning. The green space buffer will be fifty (50) feet wide. The starting point for the buffer is where the area to be rezoned M1 meets Apple Valley Road and runs the length of the boundary between the area to remain zoned RA and the subject Property. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.

#### Monetary Contributions to Offset Impact of Development

The undersigned, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 92.066+/- acre portion of Tax Map Parcel 63-A-80I to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the Light Industrial (M-1) Zoning District portion of the parcel, the sum of ten thousand dollars (\$10,000.00), for use by the Board in its discretion for fire and rescue purposes.

#### Escalator

In the event the monetary contributions set forth in the Proffer Statement are paid to Frederick County within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the County after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, non-compounded.



Respectfully Submitted,

**Blackburn Limited Partnership**

OWNER:

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 2015, by \_\_\_\_\_.

My Commission expires \_\_\_\_\_.

Notary Public \_\_\_\_\_



## REZONING REQUEST PROFFER

Property Identification Number

63- ( ( A ) ) – 80I

Back Creek Magisterial District

---

Blackburn Commerce Center

Record Owner: Blackburn Limited Partnership

Applicant: Timothy Stowe

Original Date of Proffers: March 09, 2015

Revisions Date of Proffers: March 31, 2015

REVISED - MR

### 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 # \_\_\_\_\_ for the rezoning of Tax Map Parcel 63-A-80I, a 128.82-acre parcel, to establish 92.066 +/- acres of Light Industrial (M-1) Zoning District and 36.754 +/- acres of Rural Area (RA) Zoning District. Development of the 92.066 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", portion of the Tax Map Parcel 63-A-80I shall be done in conformity with the term 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 be approved by the Frederick county Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

### Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the nearby area. The applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00), which will be subject to the escalation clause contained in these proffers. Such payment shall be made prior to the issuance of the certificate of occupancy permit for all building



structures developed on the Property. Each payment shall be in proportion to the square footage of the proposed construction on the Property consistent with the development projection in the Traffic Impact Study, which amounts to \$0.735/ square foot of building structural development. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements, and can also be used as local match funding for County Revenue Sharing Program projects.

2. The owner agrees to limit the number of entrances for the Property to be rezoned to a maximum of two (2) entrances. One (1) entrance will feed directly into Dawson Drive. Entrance two (2) will use the existing entrance onto Apple Valley Road through parcel 63-A-58C.
3. The owner hereby proffers to provide for inter-parcel connections within the Property where possible to mitigate transportation impacts.

#### Building Restrictions

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

1. The maximum height for all primary and ancillary structures will be sixty (60) feet within a distance of one thousand (1000) feet of Apple Valley Road. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction.
2. All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) or Residential Performance (RP) Zoning Districts that are located on the east side of Route 37.
3. Utility service lines are to be constructed underground from the utility distribution lines to the building service connection.

#### Landscape Design Features

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

- 1) There will be a green space buffer between Apple Valley Road and the existing pond in the area to be rezoned M1. The buffer extends out two hundred (200) feet from the edge of Apple Valley Road. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and



maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan attached to these and made part of these proffers.

2) There will be a green space buffer provided along the northern border of the area to be rezoned M1. The green space buffer will run along the northern boundary separating the M1 zoning from the RA zoning. The green space buffer will be fifty (50) feet wide. The starting point for the buffer is where the area to be rezoned M1 meets Apple Valley Road and runs the length of the boundary between the area to remain zoned RA and the subject Property. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan attached to these proffers.

#### Monetary Contributions to Offset Impact of Development

The undersigned, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 92.066+/- acre portion of Tax Map Parcel 63-A-80I to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the Light Industrial (M-1) Zoning District portion of the parcel, the sum of ten thousand dollars (\$10,000.00), for use by the Board in its discretion for fire and rescue purposes.

#### Escalator

In the event the monetary contributions set forth in the Proffer Statement are paid to Frederick County within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the County after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, non-compounded.



Respectfully Submitted,

**Blackburn Limited Partnership**

OWNER:

By: Barbara B. Lewis

Date: 4/22/15

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

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of  
April 2015, by Barbara B. Lewis.

My Commission expires 3-31-16.

Notary Public Gail N. Farnae





## REZONING REQUEST PROFFER

Property Identification Number

63- ( A ) – 80I

Back Creek Magisterial District

Blackburn Commerce Center

**Record Owner: Blackburn Limited Partnership**

**Applicant: Timothy Stowe**

**Original Date of Proffers: March 09, 2015**

**Revisions Date of Proffers: March 31, 2015**

### 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 # \_\_\_\_\_ for the rezoning of Tax Map Parcel 63-A-80I, a 128.82-acre parcel, to establish 92.066 +/- acres of Light Industrial (M-1) Zoning District and 36.754 +/- acres of Rural Area (RA) Zoning District. Development of the 92.066 +/- acre Light Industrial (M-1) Zoning District, **hereinafter referred to as the "Property"**, portion of the ~~subject property~~ Tax Map Parcel 63-A-80I shall be done in conformity with the term 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 be approved by the Frederick county Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the **owner** and their legal successors or assigns.

### Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the **nearby** area. The applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00), which will be subject to the escalation clause contained in these proffers. Such payment shall be made prior to the issuance of the certificate of occupancy permit for all building structures developed on the **Property**. Each payment shall be in proportion to the square footage of the proposed construction on the **Property** consistent with the development projection in the Traffic Impact Study, which amounts to \$0.735/ square foot of building structural development. Such funds can be used by the Board



- of Supervisors in its discretion for transportation improvements, and can also be used as local match funding for County Revenue Sharing Program projects.
2. The owner agrees to limit the number of entrances for the Property to be rezoned to a maximum of two (2) entrances. One (1) entrance will feed directly into Dawson Drive. Entrance two (2) will use the existing entrance onto Apple Valley Road through parcel 63-A-58C.
  3. The owner hereby proffers to provide for inter-parcel connections within the Property where possible to mitigate transportation impacts.
  4. ~~The owner shall have the ability to develop the entire property with a complete system of internal streets that are privately owned and maintained. All internal private streets will be designed to vertical base standards, drainage standards, and pedestrian standards acceptable to the County, which shall be approved by the County Engineer. The applicant shall have the ability to subdivide and develop lots that are served by private streets on the entire property.~~

#### Building Restrictions

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

1. The maximum height for all primary and ancillary structures will be ~~in accordance with the Frederick County Zoning Ordinance~~ sixty (60) feet within a distance of one thousand (1000) feet of Apple Valley Road. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction.
2. All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) or Residential Performance (RP) Zoning Districts that are located on the east side of Route 37.
3. Utility service lines are to be constructed underground from the utility distribution lines to the building service connection.

#### Landscape Design Features

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

1. ~~Landscape screening shall be provided in accordance with the Frederick County Zoning Ordinance and in conjunction with the full screen. Landscaping in conjunction with the full screen will consist of a mixture of evergreen and deciduous trees. The ratio of deciduous tree to evergreens may increase, subject to County site~~



~~plan approval, to accommodate the view shed request from the Kernstown Battlefield Association ("KBA").~~

1) There will be a green space buffer between Apple Valley Road and the existing pond in the area to be rezoned M1. The buffer extends out two hundred (200) feet from the edge of Apple Valley Road. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan attached to these and made part of these proffers.

2) There will be a green space buffer provided along the northern border of the area to be rezoned M1. The green space buffer will run along the northern boundary separating the M1 zoning from the RA zoning. The green space buffer will be fifty (50) feet wide. The starting point for the buffer is where the area to be rezoned M1 meets Apple Valley Road and runs the length of the boundary between the area to remain zoned RA and the subject Property. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan attached to these proffers.

#### Monetary Contributions to Offset Impact of Development

The undersigned, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 92.066+/- acre portion of Tax Map Parcel 63-A-80I to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the Light Industrial (M-1) Zoning District portion of the **parcel**, the sum of ten thousand dollars (\$10,000.00), for use by the Board in its discretion for fire and rescue purposes.

#### Escalator

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



recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, non-compounded.

Respectfully Submitted,

**Blackburn Limited Partnership**

OWNER:

By: \_\_\_\_\_

Date: \_\_\_\_\_

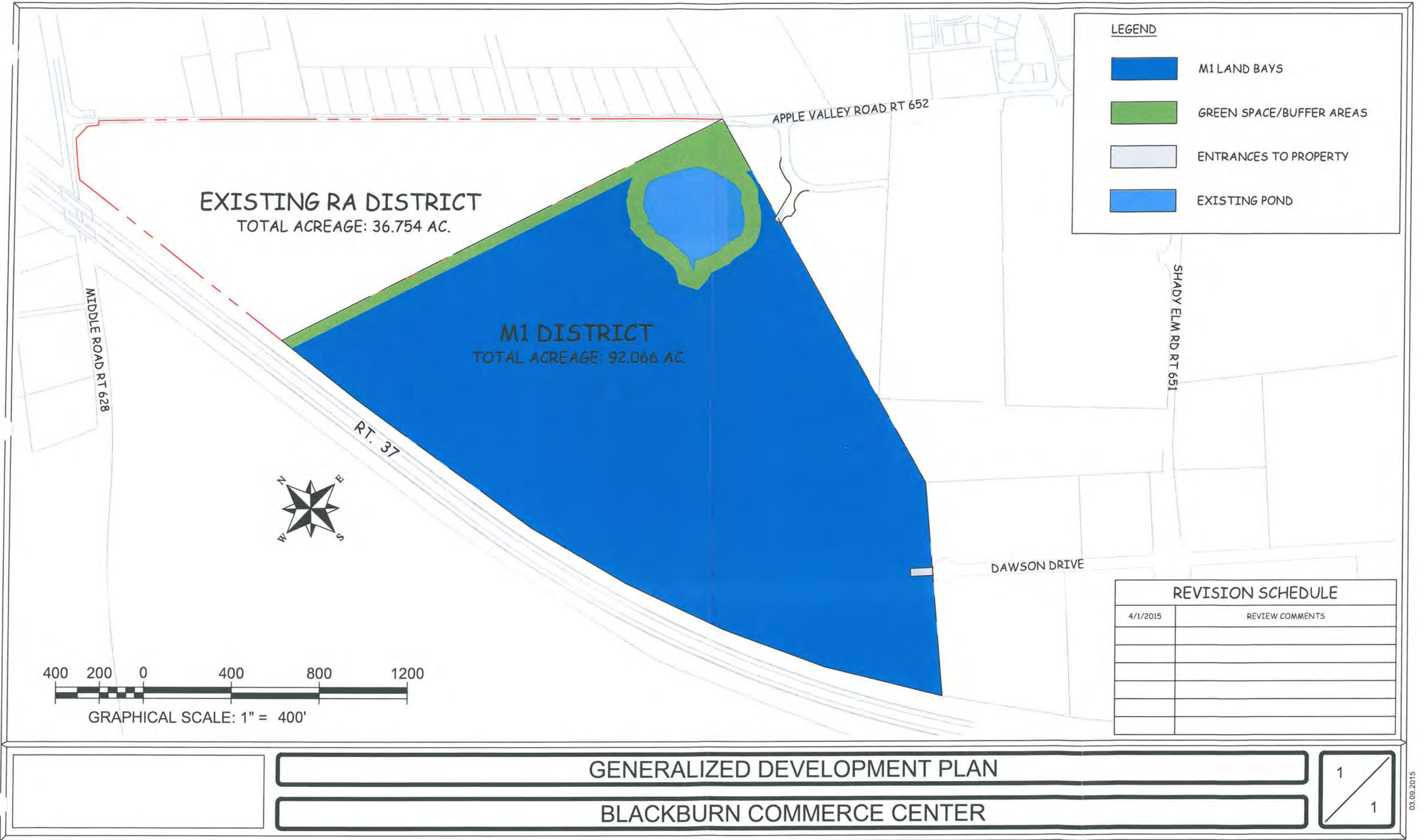
STATE OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 2015, by \_\_\_\_\_.

My Commission expires \_\_\_\_\_.

Notary Public \_\_\_\_\_







STOWE ENGINEERING  
103 HEATH COURT  
WINCHESTER, VA 22602  
540.336.0656

**Rezoning Application for Blackburn Commerce Center**

April 2, 2015

Mr. Michael Ruddy  
County of Frederick  
Department of Planning and Development  
107 North Kent Street, Suite 202  
Winchester, VA 22601

Re: Rezoning Application Comments

Dear Mr. Ruddy,

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

- 1) Frederick County Fire and Rescue Department – Office of the Fire Marshal
  - a. Plan approval was recommended
- 2) Fire and Rescue Volunteer Company – Stephens City Volunteer Fire and Rescue
  - a. Plan approved as proposed
- 3) Winchester Regional Airport
  - a. No comments or objections regarding the rezoning request.
- 4) Frederick County Sanitation Authority
  - a. Both water and sanitary sewer service is available within a reasonable distance to the site.
  - b. Sanitary sewer treatment capacity at the waste water treatment plant is presently available.
  - c. The applicant should perform a technical analysis for both water and sewer to determine capacity prior to construction / use of the systems. *This is being performed in the design documents for the first building.*
  - d. Water and sanitary sewers are to be constructed in accordance with the FCSA standard specifications.
- 5) Frederick-Winchester Service Authority
  - a. No comments



6) Fredrick County Department of Public Works

- a. No comments regarding the proposed rezoning.
- b. They would expect future MDP / Site plans to included wetland delineations and geological surveys of karst features. *We will include this information in the MDP.*

7) Virginia Department of Transportation (VDOT)

- a. VDOT is suspending their review and they are differing to Frederick County Staff.

8) Frederick County Attorney

- a. The following are responses to the notes from the County Attorney.
  - i. Change made – See revised Proffers
  - ii. Change made – See revised Proffers
  - iii. Change made – See revised Proffers
  - iv. Change made – See revised Proffers
  - v. Change made – See revised Proffers
  - vi. Change made – See revised Proffers
  - vii. Arrangements are being made outside of the proffers.
  - viii. See adjustment to paragraph.
  - ix. The paragraph has been deleted. This will be addressed in the MDP.
  - x. Change made – See revised Proffers
  - xi. See modification to height restriction.
  - xii. We left the paragraph as stated, this clarifies issues regarding property on the other side of Route 37 and addresses screening that may be need for the portion of the property that remains RA.
  - xiii. Change made – See revised Proffers
  - xiv. The paragraph has been deleted. Please see the new paragraphs added to this section that should further clarify landscaping issues.
  - xv. Change made – See revised Proffers. Blackburn Limited Partnership has stated that Ms. Lewis is the only required signature.

9) Historic Resources Advisory Board

- a. The HRAB has recommended approval of the rezoning application.
- b. Please see the revised proffer statement “Building Restrictions” section for modification to the height requirement.
- c. We have proffered a larger buffer area along Apple Valley Road, please see the “Landscape Design Features” section of the revised proffers. No signage can be placed in this expanded buffer area.
- d. An agreement with the Kernstown Battlefield Association has been made outside of the project proffers. This agreement can be found attached to the HRAB comments.



Mr. Ruddy  
Page Three  
April 2, 2015

10) Department of Planning and Development

- a. Please see the revised proffer statement for a description of the added green space buffer.
- b. Please see the revised proffer statement for the modification to the height restrictions.
- c. A GDP has been attached to the proffers. We have removed the reference to the KBA agreement from the proffers and enhanced the size of the green space near the pull-off area in the adjoining parcel.
- d. Please see the GDP for the location of the entrances to the property.
- e. We do not believe that pedestrian trails internal to the M1 area to be conducive to the intended use. Trails/sidewalks may be added if the area remaining RA is developed.
- f. Access to the RA portion from the M1 portion is being addressed in the land contracts outside of the proffers.
- g. Paragraph #4 of the "Site Improvements" has been removed from the proffers. The private street issue will be addressed in the MDP.

11) Frederick County Transportation - The comments were included in the letter from Planning and Development.

- a. Staff believes our cash proffer to be a good strategy.
- b. As noted previously, we do not believe that pedestrian trails internal to the M1 area to be conducive to the intended use. Trails/sidewalks may be added if the area remaining RA is developed.
- c. For an example of the cash proffer: We will be submitting a site and building plan for a project to start immediately if the property is rezoned, the County could potentially see a monetary contribution from the proffers of approximately \$153,000.00 as early as December of 2015.

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

Thank you,

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

Tim Stowe





# **FREDERICK COUNTY** **SANITATION AUTHORITY**

Post Office Box 1877  
Winchester Virginia 22604-8377

PH. - (540)868-1061  
Fax - (540)868-1429  
[www.fcsa-water.com](http://www.fcsa-water.com)

Uwe E. Weindel, P.E.  
Engineer-Director

March 18, 2015

Mr. Timothy Stowe  
Stowe Engineering, PLC  
103 Health Court  
Winchester, Virginia 22602

Ref.: Rezoning Application Comments  
Blackburn Limited Partnership  
Tax Map # 63-A-801

Dear Sir:

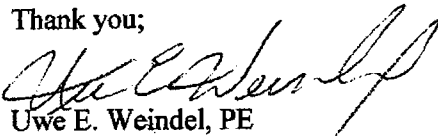
Per your request, a review of the proposed rezoning application has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcels are in the water and sanitary sewer area served by the Authority. Based on the location both water and sanitary sewer service is available within a reasonable distance from the site. 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 of both the potable water system and the ability to provide fire protection..

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be requires 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.).

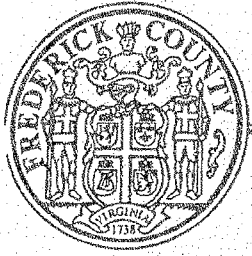
Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicant in support of or in conjunction with this plan, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the Applicant may hereafter provide to Frederick County.

Thank you;



Uwe E. Weindel, PE  
Engineer-Director





## COUNTY of FREDERICK

Roderick B. Williams  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

March 20, 2015

**VIA E-MAIL – timstowe@stowecompanies.com – AND REGULAR MAIL**

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

Re: Rezoning Application – Blackburn Commerce Center  
Tax Parcel Number 63-A-80I, portion consisting of 92.066± acres (the  
“Property”)  
Proposed Proffer Statement

Dear Tim:

You have submitted to Frederick County for review the above-referenced proposed proffer statement (the “Proffer Statement”) for the proposed rezoning of the Property, in the Back Creek Magisterial District, from the RA (Rural Areas) Zoning District to the M1 (Light Industrial) Zoning District, subject to proffers. I have now reviewed the Proffer Statement and it is my opinion that the Proffer Statement would be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would be legally sufficient as a proffer statement, subject to the following comments:

- As a preliminary matter, somewhere in the heading of the document, clear identification of the owner’s name, as owner, needs to be made. The reason for this is that we record the final version of the proffer statement in the land records upon approval of the rezoning and the Clerk’s Office needs this information there, the same as it would in the instance of a deed.
- Likewise, for convenience of reference, it would be helpful if the heading contained a date. As the document may be subsequently revised, this date should then be updated or, in the alternative, a date revision history should be shown.
- The Proffer Statement creates some confusion about the extent to which it may apply to the portion of parcel 63-A-80I that would remain zoned RA. The



introductory paragraph appears to define the "subject property" as the entire parcel, but then says that only the portion to be zoned M1 would be subject to the proffer terms and conditions. Later on in the Proffer Statement, however, there are provisions that are written with reference to the "subject property" (which, again, appears to be the entirety of parcel 63-A-80I). This needs clarification. If the intent is that no portion of the Proffer Statement is to apply to the portion that would remain zoned RA, then perhaps, in the introductory paragraph, the words "subject property" should be replaced with "Tax Map Parcel 63-A-80I".

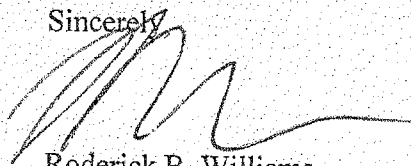
- Introductory paragraph – It may be best simply to leave a blank in which the application number can be written once a number is assigned.
- Introductory paragraph, last sentence – Please change "applicant" to "owner". This prevents any confusion, particularly when third parties act as the "applicant", as to the fact that the owner (and successors and assigns) is bound by the proffers.
- Site Improvements, paragraph 1 – The proffer refers to transportation improvements in the "surrounding" area. One interpretation of the word "surrounding" is "encircling", which could potentially limit the proffer to immediately adjacent improvements. If the owner intends to cover a broader area, it may be appropriate to use a different word, such as, perhaps, "nearby".
- Site Improvements, paragraph 2 – While this does not necessarily affect the County's ability to approve the rezoning, the owner should be aware that it will need an appropriate legal arrangement (easement or other arrangement) in place with the owner of parcel 63-A-58C in order to have access through that parcel.
- Site Improvements, paragraph 3 – In light of the preceding paragraph in the Proffer Statement, I assume that this paragraph refers to inter-parcel connections within the Property, such as between future subdivided parcels within the Property, but the provision might need to speak more clearly in this regard.
- Site Improvements, paragraph 4 – The Subdivision Ordinance currently requires that all lots shall abut and have direct access to a public street or right-of-way dedicated for maintenance by the Virginia Department of Transportation. County Code § 144-24(C). A proffer cannot render a local ordinance provision less restrictive than as the ordinance is written. See Clark v. Town of Middleburg, 26 Va. Cir. 472 (Loudoun County 1990) (proffers cannot be construed to provide a variance from or to exceed the allowances of a zoning ordinance). If the owner seeks a deviation from the requirement, the proper course would be to determine whether a waiver under County Code § 144-5 would be appropriate. That section provides: "Variations in or exceptions to the provisions of this chapter may be granted by the Board of Supervisors in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship."



- Building Restrictions, introductory language – The words “provided in these proffers” are redundant; the fact that the restrictions are then set out already means that they are “provided in these proffers”. The introductory language can simply end with a colon following “restrictions”.
- Building Restrictions, paragraph 1 – The provision does not state any obligation beyond those already imposed in the Zoning Ordinance. Therefore, it serves no purpose and should be deleted.
- Building Restrictions, paragraph 2 – As the rezoning is currently proposed, and if the Proffer Statement is limiting its application to the 92.066 acre portion of parcel 63-A-80I, there would be no adjacent RP zoned parcels (and the only RA zoned parcel would be the remaining portion of parcel 63-A-80I). Therefore, this raises a question as to whether the provision actually states any obligation.
- Landscape Design Features, introductory language – The same comment applies here, regarding “provided in these proffers”, as with the Building Restrictions introductory language.
- Landscape Design Features, paragraph 1 – As written, the provision appears to impose an obligation, beyond those already in the Zoning Ordinance, only in the event of a request from the Kernstown Battlefield Association (“KBA”). The provision is unclear, however, as to the precise mechanism for KBA to make a request and what then would constitute an “accommodation” of such a request.
- Signature Block – Below “Respectfully Submitted,” the name “BLACKBURN LIMITED PARTNERSHIP” should appear. Also, I note that, on the easement deeds you provided in the review package (Instrument Numbers 010005892 and 080001714), three general partners of Blackburn Limited Partnership signed, in each instance indicating their capacity as a general partner. It would appear then that the Proffer Statement should be similarly signed by all three persons.

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

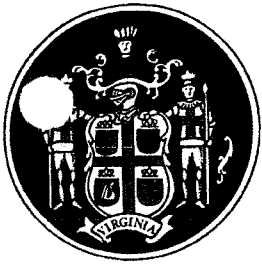
Sincerely,



Roderick B. Williams  
County Attorney

cc: Michael Ruddy, Department of Planning and Development (via e-mail)





RECEIVED

MAR 21 2015

THE SHERIFF'S OFFICE

COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

March 18, 2015

Mr. Tim Stowe, PE  
Stowe Engineering, PLC  
220 Serviceberry Court  
Stephens City, VA 22655

**RE: Request for Historic Resources Advisory Board (HRAB) Comments  
Blackburn Rezoning  
Property Identification Number (PIN): 63-A-80I  
Current Zoning District: RA (Rural Area)**

Dear Mr. Oates:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced rezoning proposal during their meeting on March 17, 2015. The HRAB reviewed information associated with the Study of Civil War Sites in the Shenandoah Valley published by the National Park Service and information provided by the applicant's representative. This application seeks to rezone 92 acres of a 128.8 acre tract of land from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers; the site fronts Apple Valley Road and Route 37 in the Back Creek Magisterial District.

**Historic Resources Advisory Board Concerns**

The Study of Civil War Sites in the Shenandoah Valley published by the National Park Service identifies these properties as core battlefield area for the First and Second Battle Kernstown with retained integrity. During both battles, there was troop movement that occurred across the subject property (fighting occurred north of Middle Road and east of Apple Valley Road). After reviewing this information and the applicant's materials and proposals, the Historic Resources Advisory Board (HRAB) recommended approval of the Blackburn Rezoning Application with the following conditions:

- The applicant should consider a maximum height proffer to protect the viewshed of the Kernstown Battlefield Property, this is especially important because of accessory features permitted to exceed the height maximums.
- Freestanding signage should be limited or prohibited along Apple Valley Road.
- The buffer area along the pond should be expanded as much as possible.



Mr. Tim Stowe, PE  
Re: Rezoning of the Blackburn Property  
March 18, 2015  
Page 2

Please contact me with any questions concerning these comments from the HRAB.

Sincerely,

Candice Perkins, AICP  
Senior Planner

CEP/pd

cc: Lauren Murphy, HRAB Chairman, 106 Dollie Mae Lane, Stephens City, VA 22655  
✓ Graystone Corporation of Virginia, 1057 Martinsburg Pike, Winchester VA 22603



# Kernstown



Gary Crawford, President  
195 Minebank Road, Middletown, VA 22645  
540.869.2896 - Email: [kba@kernstownbattle.org](mailto:kba@kernstownbattle.org)

Mr. John Good  
Graystone Corporation of Virginia  
1057 Martinsburg Pike  
Winchester, VA 22604

14 March 2015

Dear Mr. Good:

Thank you for meeting with me a few weeks ago regarding the upcoming plans for the property just south of the Kernstown Battlefield. Those plans, of course, are very much of interest to the KBA since our mission is preserve, protect and interpret that very significant portion of U.S. history, the Kernstown Battlefield. The proposed development site south of Apple Valley Road is important not only because it was a formation area for the Confederate forces during the First Battle of Kernstown, but today it could serve to acquaint visitors and historians with the battlefield as viewed from the Confederate positions. Following are a few points that I recall from our conversations.

1. Approximately 92 acres of the Blackburn Limited Partnership (Owner) site south of Apple Valley Road and south of the KBA property is to be developed by constructing warehouse and light manufacturing facilities. (I understand that Graystone Corporation of Virginia also owns an adjoining 11.35 acre parcel already zoned for such purposes.)
2. The clearing and construction on the first project could be as early as mid-May which would include the 11.35 acre parcel as well as an adjoining 18.5 acres of the Blackburn property.
3. The buildings to be constructed by Graystone are anticipated to be constructed primarily of concrete walls with very little reflective material and that glass would be mostly within the building entrance areas.
4. New tree plantings by Graystone on the rezoned area will be primarily deciduous trees with some conifers which would be historically correct for the Civil War era. (Barton's Woods stretched north from Bartonsville [Springdale] and provided some cover for Gen. Jackson's Confederate troops as they assembled along Apple Valley Road.)
5. To permit the public to view the Kernstown Battlefield from the Confederate perspective, Graystone will build a pull-off or parking space from the private road leading into the business park from Apple Valley Road. It would be able to accommodate at least one motor coach (bus) with an adequate turn around area. Graystone will also erect an historical marker similar in size and style to those used at the battlefield. The KBA will provide the text for the sign.
6. To preserve historical items, Graystone will permit a small KBA-organized team of relic hunters to search any portion of the area to be rezoned that it acquires and its adjoining 11.35 acre parcel prior to excavation. This search will be timely so as not to delay the construction schedule and should be concluded for the entire site within six months from the rezoning effective date. Areas may be searched a second time after ground clearing and excavation work provided that such searches take place during "down times" so as not to impair any construction work and to provide safer conditions for the work of the search team. All found artifacts are to be property of the Kernstown Battlefield Association for display in its museum / visitor center. The KBA will carefully select the small relic-hunting crew and await approval of the property owner before beginning any search. (The search of the adjoining Graystone property has already been authorized.) The KBA will provide Graystone and, when appropriate, their successors in title with evidence of liability insurance coverage to be in force during any search activity.

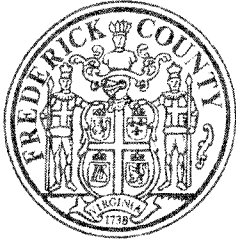
Sincerely,

Gary Crawford  
President, Kernstown Battlefield Association

Agreed by Graystone Corporation

  
Date MARCH 17, 2015





COUNTY of FREDERICK


Department of Planning and Development

540/665-5651

FAX: 540/665-6395

## MEMORANDUM

**TO:** Tim Stowe  
Stowe Engineering, PLC.

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** Rezoning Comments: Blackburn Rezoning Application.  
Dawson Drive/Apple Valley Road; PIN 63-A-80I

**DATE:** March 20, 2015

The following comments are offered regarding the Blackburn Rezoning Application. This is a request to rezone 92.066 acres from RA (Rural Area) to M1 (Light Industrial) with Proffers. The review is generally based upon the Impact Analysis Statement dated March 7, 2015 and the accompanying proffer statement.

Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

### General

- 1) The submission fee for this application would total \$19,206.60, based upon acreage of 92.066 acres.

### Land Use

- 1) The 2030 Comprehensive Plan and the Southern Frederick Plan provide guidance on the future development of the property. The 2030 Comprehensive Plan identifies the general area surrounding and including this property with an industrial land use designation. The property is located within the Sewer and Water Service Area (SWSA). In general, the proposed industrial land use designation for this property is consistent with the current land use supported by the Comprehensive Plan.



Impact Analysis and Proffer Statement.

Please address the following items from the Impact Analysis and Proffer Statement prepared for this Application.

- 1) The Zoning Boundary Exhibit prepared for this request identifies the proposed zoning line within the property separating the proposed M1 (Light Industrial) zoning from the existing RA (Rural Areas) zoning. At no point does the proposed M1 zoning abut adjacent property that would require a zoning district buffer. It would be desirable to recognize the existing residential land uses that are zoned RP (Residential Performance) and are located immediately adjacent to the Blackburn Property. Some form of buffering and screening consistent with that of a zoning district buffer, or that proffered on the adjacent developed industrial property, would be effective.
- 2) The Building Restrictions and Landscape Design Feature Proffers should be further enhanced. Presently, they provide no commitment beyond what is currently required by the Ordinance.

For your information, the original rezoning in this area, RZ#04-98 immediately adjacent to the subject property included several proffers aimed at mitigating any impact on the adjacent residential land and historical properties. These included; a maximum height of 60 feet for all primary and ancillary structures, screening of all rooftop mechanical equipment, and screening of all loading docks from all adjacent Rural Areas (RA) and Residential Performance (RP) Zoning Districts. Further, landscape design features were proffered between all developed parts of the property and all RA and RP Zoning Districts. This included a berm that was a minimum of 6 feet higher than the adjacent Route 652 and landscape plantings consistent with those of the landscape screen. Said landscaping was defined.

The maximum height limit for primary structures in the M1 district is 60 feet. However, certain height limitation exceptions exist that would enable a greater height for certain structures. Of note, automated storage facilities in the M1 district would be permitted up to 100 feet in height.

- 3) The Proffer Statement includes a reference to accommodating a viewshed request of the KBA. The Proffer Statement could be used to further define this request. In addition, the GDP could be used to a greater extent to illustrate the location and design of any proposed landscape design features as described in the above two comments. It is noted that the Generalized Development Plan provided is not a proffered condition of this application.



- 4) The Transportation network in this area is identified in the County's Eastern Road Plan and is supported by an improved Major Collector Road (Shady Elm Road), an improved Minor Collector (Apple Valley Road, and an improved Arterial Road, Route 11 (Valley Pike). Access to the site via the existing entrance on to Apple Valley Road and existing Dawson Drive is desirable. Any additional entrances on to, and improvements to, Apple Valley Road should be avoided at this time.
- 5) Consideration should be given, however, to pedestrian or trail improvements along Apple Valley Road to complete this section of planned pedestrian accommodations adjacent to the identified minor collector road. This could be achieved internal to the property, adjacent to the area containing the numerous existing easements.
- 6) The Generalized Development Plan for the Blackburn Property identifies the location of two private roads accessing the property. It is stated in the proffers that access to the property to be developed will be via these two entrances. Access to the existing RA land (the land not subject to this rezoning) should be allowed through these same two entrances to avoid additional entrances onto Route 652. As previously noted, the Generalized Development Plan provided is not a proffered condition of this application.
- 7) With regards to the private streets discussion in the proffer statement, this should be removed from the rezoning discussion. A Board of Supervisors waiver of the subdivision requirement that all lots have access to a State maintained road would be necessary. This should be requested as part of the Master Development Plan approval for this project.

The following transportation comments have been provided by John Bishop, County Transportation Planner, and should be considered as the County Staff's position on this component of the rezoning.

Upon review of the application for the rezoning of the Blackburn property it is clear that numerous transportation issues exist in the nearby vicinity. Key needs for improvement include the intersection of Apple Valley Road and Route 11, widening of Route 11, and the completion of Renaissance Drive from Route 11 to Shady Elm Road. In order to try and address their share of this traffic situation, the applicant has offered a cash proffer that is based upon the BPG rezoning proffer that was previously accepted.



Blackburn Rezoning Application.  
Dawson Drive/Apple Valley Road; PIN 63-A-80I  
March 20, 2015  
Page 4

Staff believes this is a good strategy in this situation as it acknowledges the most key needs are on property the applicant does not control right of way for and allows the County to potentially leverage the cash proffer against state revenue sharing dollars to accomplish more. It should be noted that the cash proffer should be in addition to bicycle and pedestrian improvements on site and along the site frontage as well as any entrance requirements that might be made by the Virginia Department of Transportation.

In conclusion, please ensure that the above comments, and those offered by the reviewing agency are addressed.

cc: Rod Williams, County Attorney  
John Bishop, Deputy Director Transportation

MTR/pd



**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number 01-15 Fee Amount Paid \$ 19,206.60  
PC Hearing Date 5/6/15 Date Received \_\_\_\_\_  
BOS Hearing Date 5/13/15

*The following information shall be provided by the applicant:*

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

**1. Applicant:**

Name: Timothy Stowe Telephone: 540-336-0656  
Address: Stowe Engineering, PLC  
103 Heath Court, Winchester, VA 22602

**2. Property Owner (if different than above):**

Name: Blackburn Limited Partnership Telephone: \_\_\_\_\_  
Address: C/O Barbara Lewis  
458 Devon Dr., Warrenton, VA 20186

**3. Contact person if other than above:**

Name: Timothy Stowe Telephone: 540-336-0656

**4. Property Information:**

- a. Property Identification Number(s): 63- ( ( A ) ) - 801
- b. Total acreage to be rezoned: 92.066 acres
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): The parcel is 128.82 acres
- d. Current zoning designation(s) and acreage(s) in each designation: 128.56 Acres Zoned RA
- e. Proposed zoning designation(s) and acreage(s) in each designation: \_\_\_\_\_  
36.754 acres are to remain RA, 92.066 acres are to be rezoned M1
- f. Magisterial District(s): Back Creek Magisterial District



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

Location map	<input checked="" type="checkbox"/>	Agency Comments	<input type="checkbox"/>
Plat	<input checked="" type="checkbox"/>	Fees	<input type="checkbox"/>
Deed to property	<input checked="" type="checkbox"/>	Impact Analysis Statement	<input checked="" type="checkbox"/>
Verification of taxes paid	<input checked="" type="checkbox"/>	Proffer Statement	<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Digital copies (pdf's) of all submitted documents, maps and exhibits	<input type="checkbox"/>		<input type="checkbox"/>

**6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.**

Please list below all owners or parties in interest of the land to be rezoned:

Blackburn Limited Partnership

**7. Adjoining Property:**

**PARCEL ID NUMBER**

**USE**

**ZONING**

See attached list.

**8. Location:** The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The property is located adjacent to Apple Valley Road and Route 37. The northern boundary of the property has frontage on Middle Road,

as well as the intersection of Apple Valley and Middle Road. (This northern end of the property is not included in the rezoning).

The southern end of the property borders the north end of the unfinished portion of Dawson Drive. See Location Map for more detail.



**9. The following information should be provided according to the type of rezoning proposed:**

Number of Units Proposed

Single Family homes: \_\_\_\_\_ Townhome: \_\_\_\_\_ Multi-Family: \_\_\_\_\_  
Non-Residential Lots: \_\_\_\_\_ Mobile Home: \_\_\_\_\_ Hotel Rooms: \_\_\_\_\_

Square Footage of Proposed Uses

Office: _____	Service Station: _____
Retail: _____	Manufacturing: <u>250,000</u>
Restaurant: _____	Warehouse: <u>600,000</u>
Commercial: _____	Other: _____

**10. Signature:**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):  Date: 3/9/15

Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_





**Special Limited Power of Attorney  
County of Frederick, Virginia  
Frederick Planning Website: [www.co.frederick.va.us](http://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) Blackburn Limited Partnership c/o Barbara Lewis (Phone) \_\_\_\_\_

(Address) 458 Devon Drive, Warrenton, VA 20186

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

Instrument No. DB 812 on Page 70, and is described as

Parcel: 63 Lot: \_\_\_\_\_ Block: A Section: 801 Subdivision: \_\_\_\_\_  
do hereby make, constitute and appoint:

(Name) Timothy S. Stowe (Phone) 540.686.7373

(Address) 103 Heath Court, Winchester, VA 22602

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

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

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

none

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 31<sup>st</sup> day of March, 2015,

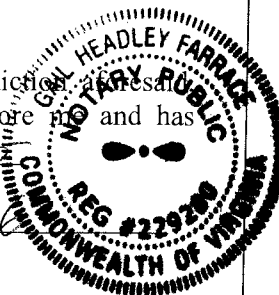
Signature(s) Barbara B. Lewis

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

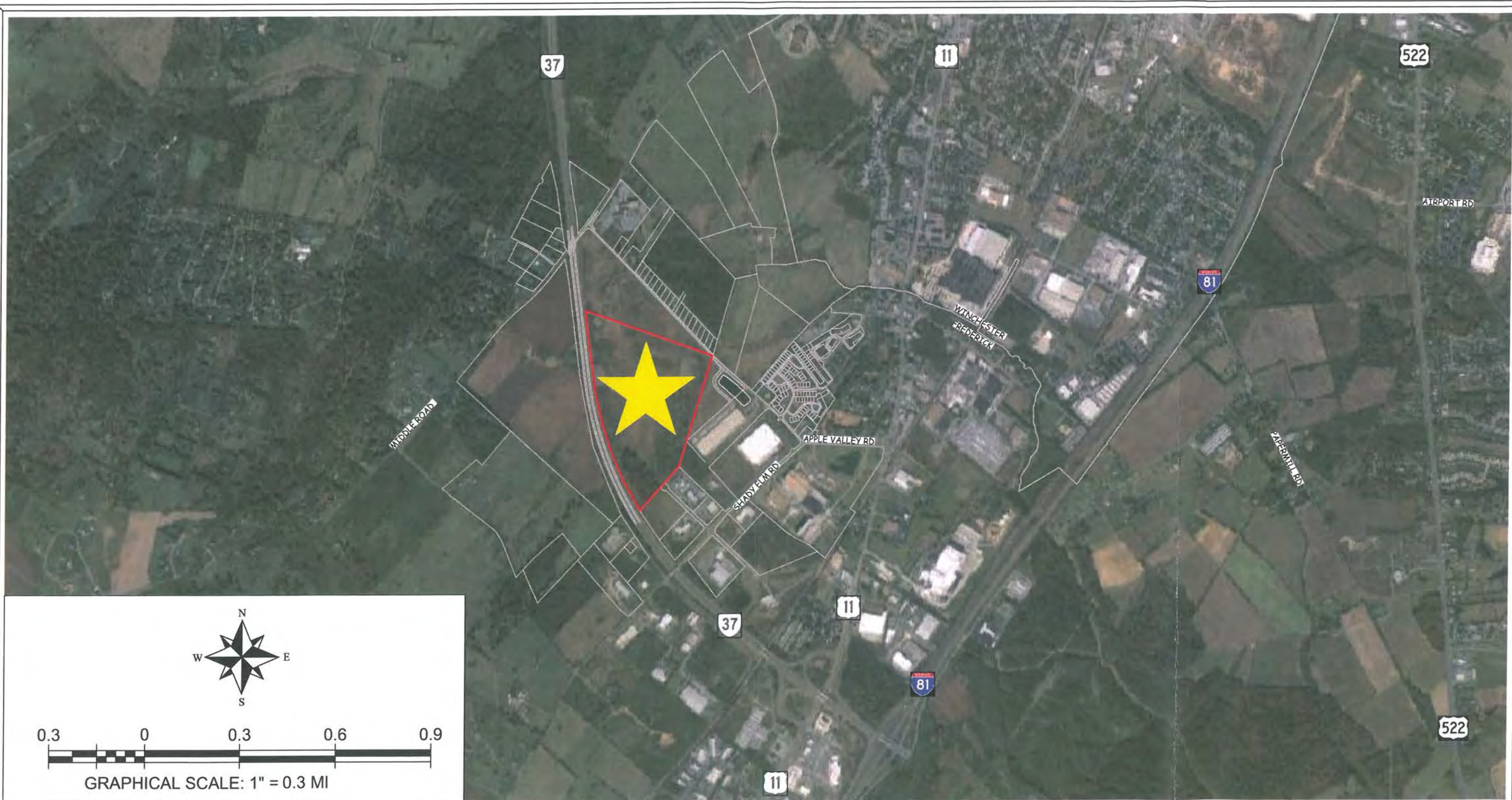
I, Gail Headley Farrace, a Notary Public in and for the jurisdiction of Frederick County, Virginia, do hereby certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 31<sup>st</sup> day of March, 2015.

Gail H. Farrace  
Notary Public #229280

My Commission Expires: 3-31-16







LOCATION MAP

BLACKBURN COMMERCE CENTER





ABBREVIATION	DEFINITION
ARV	AIR RELEASE VALVE
CMF	CONCRETE MONUMENT FOUND
DM	DRAINAGE MANHOLE
FH	FIRE HYDRANT
GLM	GAS LINE MARKER
INV.	INVERT
IRF	IRON ROD FOUND
IRS	IRON ROD SET
MLP	METAL LIGHT POLE
MP	METAL POST
MPP	METAL POWER POLE
RCP	REINFORCED CONCRETE PIPE
SM	SANITARY MANHOLE
TCS	TELEPHONE CONTROL BOX
WMH	WATER MANHOLE
WPP	WOOD POWER POLE
WV	WATER VALVE
U/G	U/G UTILITY LINE
U/G	U/G WATER LINE
U/G	U/G ELECTRIC LINE
U/G	U/G SANITARY FORCE MAIN
U/G	U/G GAS MAIN
X	FENCE
EX. 10" PRIVATE SEWER ESMT	
EX. 20" GAS ESMT	
EX. 20" SANITARY SEWER ESMT	
EX. 20" WATER ESMT	

**NOTES:**

- BOUNDARY INFORMATION SHOWN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY MARSH AND LEGGE LAND SURVEYORS, PLC COMPLETED FEBRUARY 23, 2015.
- ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.
- THE TOPOGRAPHY SHOWN WAS COMPILED USING AERIAL PHOTOGRAMMETRIC METHODS BY QUANTUM SPATIAL DATED FEBRUARY 24, 2015.
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- THE AERIAL TOPOGRAPHIC CONTROL WAS COMPLETED BY MARSH AND LEGGE LAND SURVEYORS, P.L.C., WINCHESTER, VIRGINIA.
- HORIZONTAL ORIENTATION IS BASED ON VA, NAD 83 NORTH ZONE U.S. SURVEY FEET, VERTICAL DATUM IS BASED ON NAVD 88 ELEVATIONS ESTABLISHED BY GPS METHODS.

LINE	BEARING	DISTANCE
L1	N 06°52'35" W	17.37'
L2	N 36°50'48" E	63.52'
L3	N 41°25'14" E	125.40'
L4	N 88°43'19" E	76.34'
L5	S 50°08'50" E	50.25'
L6	N 45°33'48" E	20.00'
L7	S 43°47'26" E	4.88'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2999.76'	251.04'	250.94'	S 46°33'23" E	5°31'57"

150 0 150 300  
SCALE: 1" = 150'  
CONTOUR INTERVAL = 2'

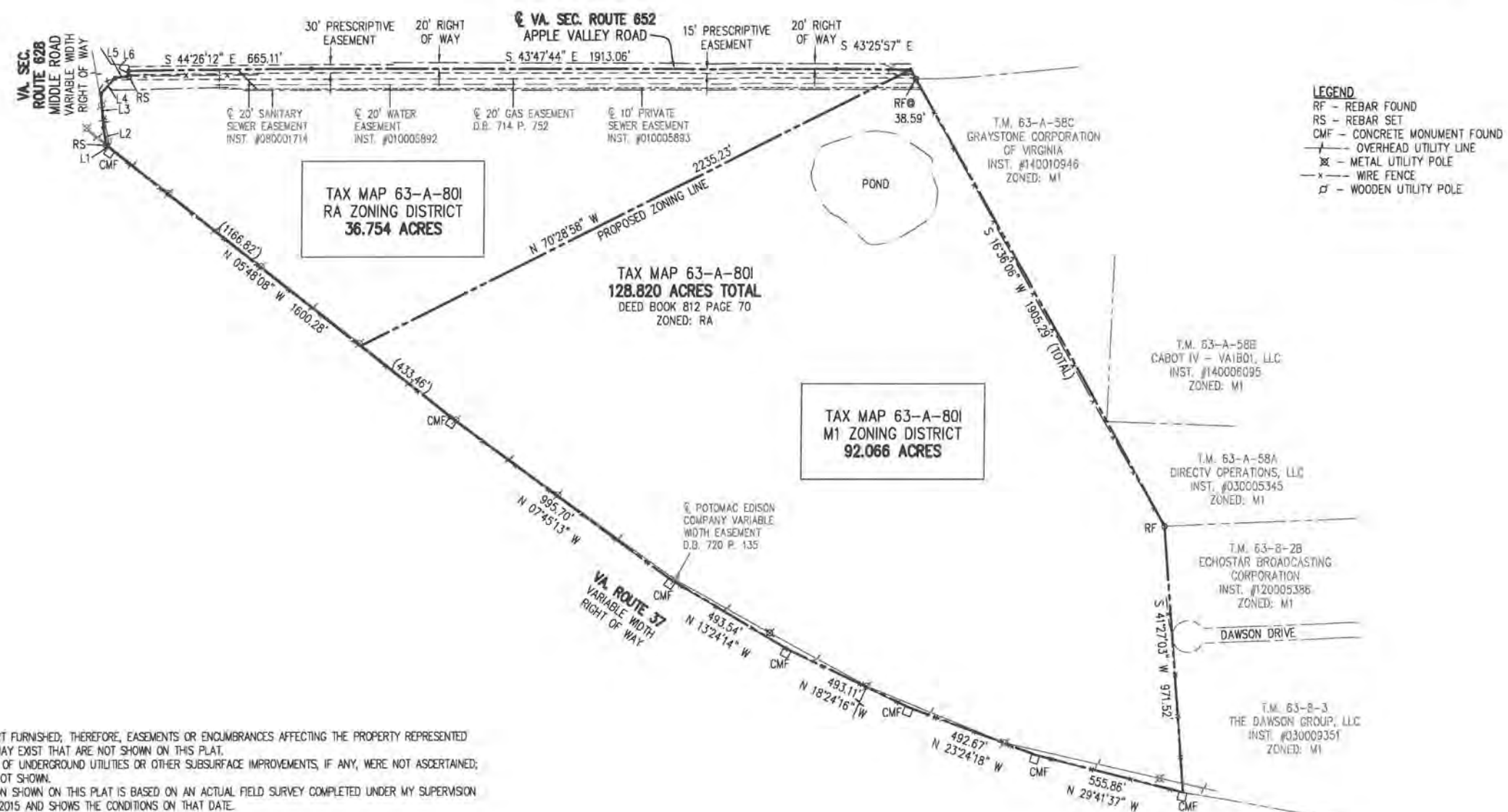
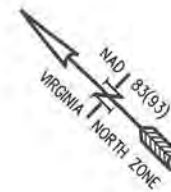


**Marsh & Legge Land Surveyors, P.L.C.**  
560 NORTH LOUDOUN STREET - WINCHESTER, VIRGINIA 22601  
PHONE (540) 667-0468 ~ FAX (540) 667-0469 ~ EMAIL office@marshandlegge.com  
www.marshandlegge.com

TOPOGRAPHIC SURVEY  
OF THE LANDS OF  
**BLACKBURN LIMITED PARTNERSHIP (PIN 63-A-801)**  
DEED BOOK 812 PAGE 70  
AND  
**GRAYSTONE CORPORATION OF VIRGINIA (PIN 63-A-58C)**  
LOT 4 - COCA-COLA BUSINESS PARK  
INSTRUMENT NUMBER 140010946  
BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

DRAWING NO.  
**ID9844**  
DATE:  
FEBRUARY 25, 2015  
SHEET  
**1**  
OF  
**1**





ZONING BOUNDARY EXHIBIT  
OF THE LAND OF  
BLACKBURN LIMITED PARTNERSHIP  
BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

DATE:  
03/06/2015  
DWG NAME:  
9844-ZONING-EXHIBIT  
DRAWN BY: JTG  
SHEET 1 OF 1



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

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



# Impact Analysis Statement Blackburn Rezoning

Back Creek Magisterial District

Parcel ID 63-(A)-801

Total Area: 128.82 acres

March 7, 2015

Owner:

Blackburn Limited Partnership

Winchester, VA 22603

Prepared by

Stowe Engineering, PLC

220 Serviceberry Court

Stephens City, VA 22655



# IMPACT ANALYSIS STATEMENT

## Blackburn Limited Partnership Rezoning

---

### *Introduction*

---

Blackburn Limited Partnership is requesting a rezoning of 92.066 acres of a 128.82 acre parcel in Frederick County. The property is owned by the partnership. The property is located between Route 37 south of Winchester and Apple Valley Road. The site is bordered on the north by Middle Road and on the south by the Coca-Cola Business Park. The site has previously been used for agricultural purposes but has remained vacant in recent years. The applicants are seeking a change in zoning for the 92.066 acres from RA to M-1.

The property is currently an open field. Multiple underground and overhead utilities run along the perimeter of the property. Stormwater drains generally towards the east to multiple culverts that pass under Apple Valley Road.

The Frederick County Comprehensive Plan's 2030 Long Range Land Use map shows this property is planned for industrial use. The requested M-1 zoning is consistent with this planned use. Light manufacturing and warehousing businesses are planned for the site. The site will be graded, landscaped, and roads installed that will meet current County specifications. The existing entrance onto Apple Valley Road will be used to access the site from the east, and a new entrance will be constructed on the south by extending Dawson Drive on county owned right of way. Inter-parcel connectors will be utilized where practical and possible.

---

### *Site Suitability*

---

100 Year Flood Plains – The site is not located within or near any 100 year flood plains per FEMA Flood Map No. 51069C0214D.

Wetlands – Based on a review of the National Wetland Inventory mapping and field studies performed by Greenway Engineering, wetlands are known to exist on the site. These wetlands will be quantified and mapped to obtain the US Army Corps of Engineers concurrence as to their locations and extents. Development in wetlands areas will be avoided or mitigated in accordance with Corps of Engineers and Virginia DEQ requirements.



Steep Slopes – This site is fairly flat. The only steep slopes are on the back side of the dam at the pond.

Mature Woodlands – There is a six acre +/- area of mature woodlands at the south end of the property that will be disturbed.

Prime Agricultural Soils – Based on data from the USDA Web Soil Survey there are 90.3 acres of Prime Farmland on the site and 21.7 acres of farmland of statewide importance. Efforts will be made to preserve these lands in the wetlands and inactive zoning buffer areas.

Soil or Bedrock Conditions which would create Construction Difficulties or Hazards – A review of the USDA Web Soil Survey indicates that the depth to bedrock for 107+ acres of the site is over 3 feet. Where rock is encountered in excavation areas it will be removed by mechanical means or blasting.

---

### *Surrounding Properties*

---

The subject property is surrounded by:

- Route 37 to the west. On the opposite side of Route 37 is agricultural land.
- A Christmas tree farm to the north.
- The Coca-Cola Business Park to the south with warehouses adjacent to this property.
- To the east is Apple Valley Road, and on the opposite side of the road is Fellowship Bible Church, 18 single family residences, and the Kernstown Battlefield.

The distance from the property line to the homes on the east side of Apple Valley Road is 80 feet or more. Due to the wetlands, existing underground utilities, and the Frederick County zoning buffer requirements, noise or glare impacts on the neighbors is expected to be minimal, if any. The planned uses are not generators of loud noises, fumes or pollution.

---

### *Traffic*

---

A Traffic Impact Study has been prepared by Stowe Engineering. The study shows that Route 11 will serve as the primary artery between I-81/Route 37 and the site. Route 11 currently operates at a poor level of service and additional growth will exasperate this condition. The developer is proffering to participate financially to improve mobility to the area.



---

### *Sewage Conveyance and Treatment*

---

The site is located inside of the Frederick County Sewer and Water Service Area. An existing 12" sewer force main is located along the full length of the eastern property line, parallel to Apple Valley Road. To the south of the site there is a 15" gravity sewer main. Both lines flow to the Parkins Mill Wastewater Treatment Plant which is sized to treat 5 million gallons a day. The FCSA has advised that there is adequate capacity in the wastewater system for the proposed uses.

---

### *Water Supply*

---

The site is located inside of the Frederick County Sewer and Water Service Area. An existing 20" water main is located along the full length of the eastern property line, parallel to Apple Valley Road. The FCSA has advised that there is adequate capacity and pressure in the water system for the proposed uses.

---

### *Drainage*

---

Drainage from the site flows to the east and ultimately through multiple culverts under Apple Valley Road. Much of the site drainage is currently collected in a large on-site pond. Preliminary plans call for the pond to be preserved.

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

---

### *Solid Waste*

---

Collection of solid waste will occur through the use of on-site dumpsters and private haulers. The Civil Engineering Reference Manual, 4<sup>th</sup> edition, uses a solid waste generation rate of 5.4 cubic yards per 1,000 square feet of floor area. Applying this rate, 850,000 sf development will generate 4,590 cubic yards of solid waste per year. The solid waste will be transferred to the Frederick County Landfill Facility by private licensed commercial carriers.



---

### *Historical Site and Structures*

---

The site is located on grounds where the 1<sup>st</sup> and 2<sup>nd</sup> Battles of Kernstown occurred. A review of the battlefield maps for each battle shows the following:

- *1st Kernstown* – While there was troop movement across the subject property, the battle map shows the fighting occurred north of Middle Road and east of Apple Valley Road.
- *2nd Kernstown* – Again, the battlefield map shows troop movements across the subject site with the fighting occurring east of Apple Valley Road and north of Middle Road.

Consultation with Gary Crawford, President of the Kernstown Battlefield Association, corroborated this interpretation of the battlefield maps.

---

### *Impact on Community Facilities*

---

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

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

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

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

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

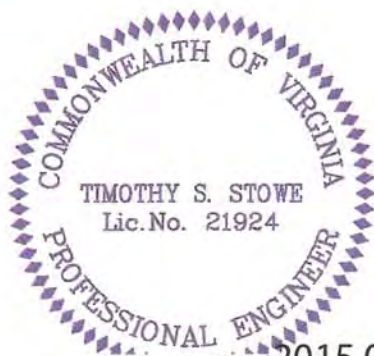


# Traffic Impact Study Blackburn Rezoning

March 7, 2015

Prepared for

Blackburn Limited Partnership  
Winchester, VA 22601



A handwritten signature in black ink, appearing to read "Timothy S. Stowe", is written over the bottom left portion of the professional seal.

2015.03.09  
09:39:44  
-04'00'

Prepared by

Stowe Engineering, PLC  
220 Serviceberry Court  
Stephens City, VA 22655



## Executive Summary

The Blackburn rezoning will provide a 92.066 acre site for expansion of light manufacturing and warehousing on the south side of Frederick County. The project will connect to Apple Valley Road using an existing entrance and an additional entrance will be constructed with the extension of Dawson Drive. Aside from a small number of employees, all traffic is expected to travel east on Apple Valley Road to Route 11 and north or south to their ultimate destination.

The traffic volumes on Route 11 exceed the capacity of the roadway causing delays during the PM peak hour in existing conditions. Much of the existing traffic is heading for or coming from the Route 37/I-81 connection located about 1 mile to the south. Significant capacity improvements are required to eliminate the problem on Route 11 and the associated traffic congestion on connecting streets. Alternatives discussed by County planning staff include the widening of Route 11 from the SCL of Winchester to 0.4 miles south of Route 37, and the completion of Renaissance Drive which will provide an additional connection to Route 37 south of this congested area.

For the purposes of the 2031 Design Year analysis the following improvements were assumed to be in place:

- Route 11 as a 4 lane divided roadway with NB dual left turn lanes at Apple Valley Road.
- Apple Valley Road as a 4 lane divided roadway from Route 11 to Shady Elm Road.
- Shady Elm Road as a 4 lane divided roadway from Apple Valley Road to Route 37

Even with these major capacity improvements Route 11 is still congested to the point where the right turns from Apple Valley Rd to Route 11 operate at a Level of Service of F in the PM peak hour.

The solution to this problem is vast and will require resources from multiple sources. For this project the developer will provide a cash proffer to help Frederick County identify and complete the capacity improvement that provides the most benefit towards relieving the congestion in this area.



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Appendix A	Traffic Count Data
Appendix B	Synchro LOS and Queue Reports
Appendix C	Traffic Volume Computations
Appendix D	Pre-Scope of Work Meeting Form



## **Introduction**

### **Purpose**

This Traffic Impact Study has been prepared to support the request for rezoning of the property known as the Blackburn Property located west of Winchester adjacent to Apple Valley Road and Route 37. 700,000 sq. ft. of warehousing and 250,000 sq. ft. of light manufacturing are planned for this 128.82 acre site. An adjacent 11.135 acre tract which is already zoned M-1 will be developed in conjunction with this property.

### **Study Objectives**

The objectives of this study are to determine:

1. The impacts on traffic operations that may occur within the study area as a result of this project.
2. Future connectivity to pedestrian and bicycle facilities that may result from the construction of the project.

## **Background Information**

### **Transportation Improvements Assumed**

For the Design Year 2013 the planned improvements on Route 11, Apple Valley Road and Shady Elm Road are assumed to be in place.

### **Transportation Improvements Planned**

A review of the VDOT Six year Improvement Plan showed no planned construction projects in the vicinity of this proposed rezoning.

A review of the 2013/14 - Primary Road Improvement Plan for Frederick County, VA showed a project to improve Route 11 to a 4-lane urban section from the SCL of Winchester to 0.4 miles south of Route 37. A review of the 2013/14 – 2018/19 Secondary Road Improvement Plan for Frederick County showed no planned projects in the area of the subject property.

A review of the 2011 Eastern Frederick County Road Plan identifies Apple Valley Road as an improved minor collector. The accompanying Eastern Frederick County Road Plan Cross Sections map shows Apple Valley Road and Route 11 as urban 4 lane divided highways.

## **Development Description**

### **Site Location**

The subject property is located west of Winchester adjacent to Apple Valley Road and Route 37. Figure 1 shows the location of the project on a vicinity map.



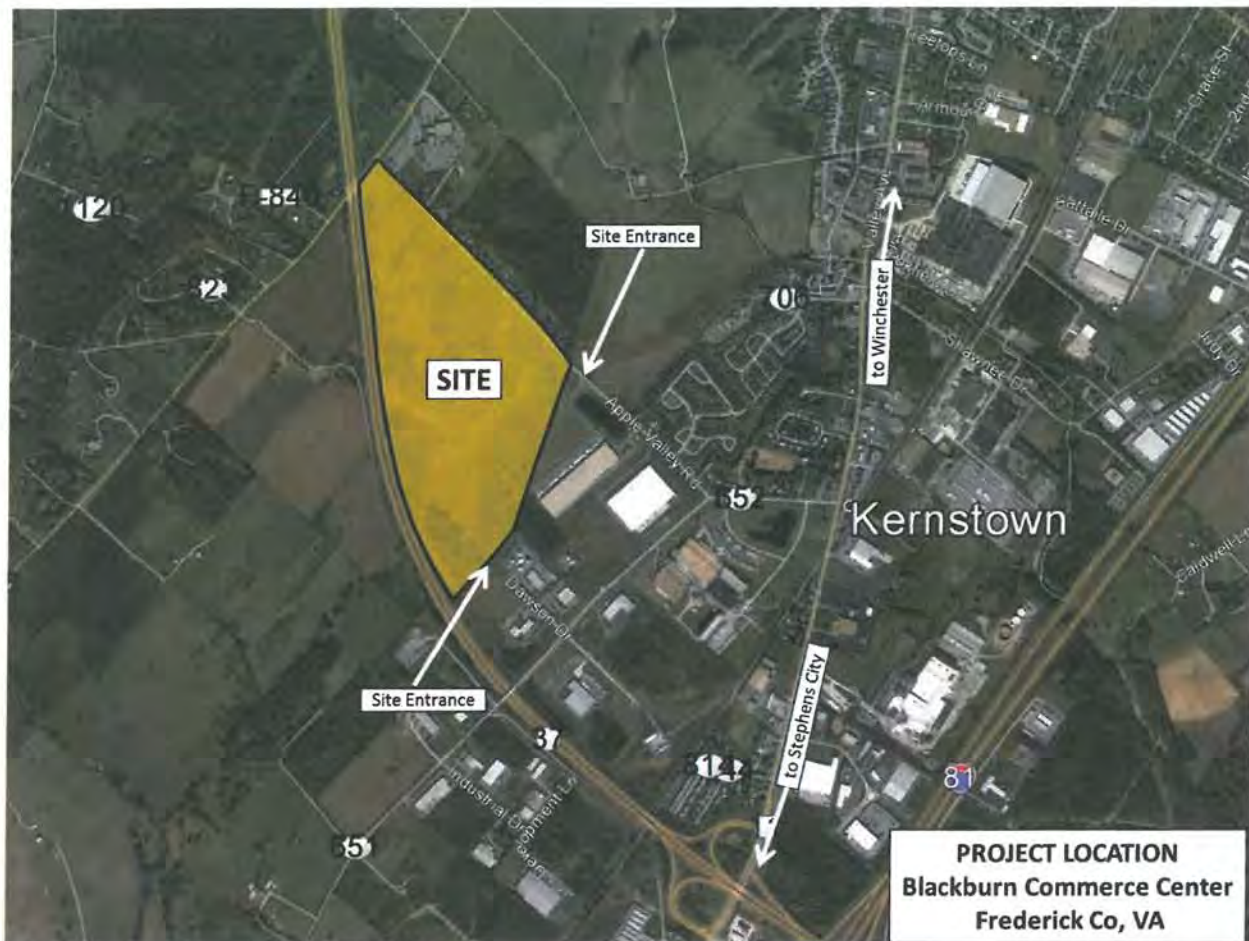


Figure 1 Project Location Map (n.t.s.)

### Description of the Parcel

The property on which the project is planned consists of a single tract with 128.82 acres. Rezoning is being sought for 92.066 acres.

### General Terrain Features

The site and surrounding areas are gently sloping with natural drainage to the east. Route 37 runs north-south adjacent to the western property line and Apple Valley Road runs northwest-southeast adjacent to the eastern property line. A large pond exists in the south eastern portion of the site. Current plans call for this pond to remain in place.

### Location within Jurisdiction and Region

The subject property is located in the Back Creek magisterial district, Frederick County, VA.

### Comprehensive Plan Recommendations

The 2030 Southern Frederick Land Use Plan calls for the subject property to be developed with an industrial use. Figure 2 identifies the subject property on the Southern Fredrick Land Use Plan.



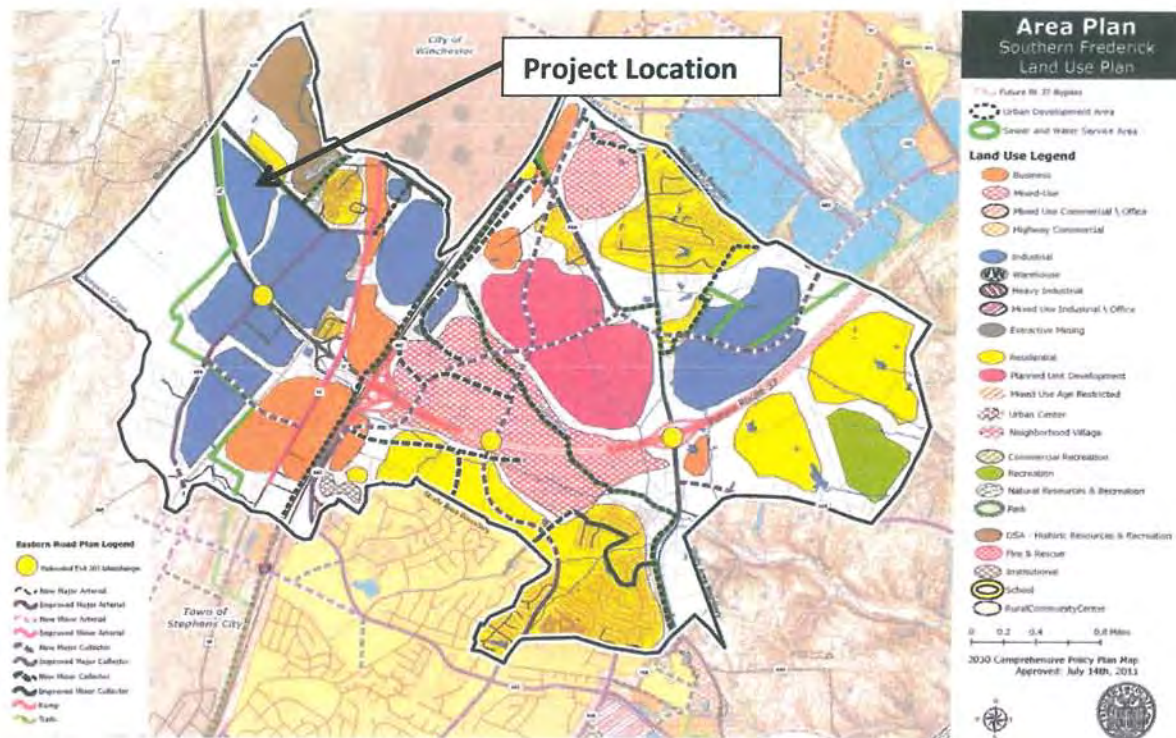


Figure 2 Frederick County Long Range Land Use Plan (n.t.s.)

## Current Zoning

The current zoning on the subject site is RA (Rural Agriculture) for the entire tract. The requested zoning is light manufacturing M-1 for 92.066 acres.

The zoning of the surrounding lands are:

- to the west across Route 37 is RA;
- to the north across Middle Road is RA;
- to the east across Apple Valley Rd is RA and RP;
- to the south is M-1.

See figure 3.





Figure 3 Current Zoning Map with Project Location Shown (n.t.s.)

## Study Area Description

### Study Area

For the purposes of this Traffic Impact Study the study area extends along Apple Valley Road to the intersection of Valley Pike. There are no additional major intersections within 2000 feet of the site.

## Proposed and Existing Uses

### Existing Use

The parcel has previously been used for agricultural purposes but most recently has been idle.

### Proposed Uses & Access

Warehousing and light manufacturing uses are proposed.

### Nearby Uses

The existing land uses near the proposed site are:

- North – Route 37 and a Christmas tree farm.
- West – Route 37 with agricultural uses across Route 37.
- South – Industrial and warehousing uses.
- East - a church, a row of single family homes, and the Kerntown Battlefield.

### Existing Roadways

Figure 4 shows the existing roadways near the subject property. The typical section for Apple Valley Road at the site entrance is a two-lane roadway with a continuous NB left turn lane and a SB right turn lane for traffic entering the site. Apple Valley Road is a two lane roadway away from the site. Route 11 is two lane roadway with left and right turn lanes. Shady Elm Road is a 2-lane roadway with a mixture of





not to scale

Blackburn Rezoning  
Frederick County, VA

Existing Roadway Layout Near Site

Figure  
4



curb and gutter, and shoulders. Turn lanes are provided at some entrances and intersections on Shady Elm Road.

### **Future Transportation Improvements**

A review of the VDOT Six year Improvement Plan showed no planned construction projects in the vicinity of this proposed rezoning.

A review of the 2013/14 - Primary Road Improvement Plan for Frederick County, VA showed a project to improve Route 11 to a 4-lane urban section from the SCL of Winchester to 0.4 miles south of Route 37. A review of the 2013/14 – 2018/19 Secondary Road Improvement Plan for Frederick County showed no planned projects in the area of the subject property.

A review of the 2011 Eastern Frederick County Road Plan identifies Apple Valley Road as an improved minor collector. The accompanying Eastern Frederick County Road Plan Cross Sections map shows Apple Valley Road and Route 11 as an urban 4 lane divided highway.



## Existing Traffic Conditions 2015

### Data Collection

To analyze the existing traffic conditions, peak hour turning movement counts were performed at the intersection of Route 11 and Apple Valley Road, and Apple Valley Road and Shady Elm Road. Count data are included in Appendix A of this report.

A 'K factor' was applied to the PM peak hour volumes to obtain the average annual daily traffic (AADT). The 'k' factor of 0.113 was used for Apple Valley Road and .093 for Valley Pike. The VDOT Daily Traffic Volume Estimates for 2015 for Route 11 and Apple Valley Road report that trucks comprised 3% of the traffic volume. Since a truck percentage was not reported for Shady Elm Rd, 3% trucks was used on all roadways.

### Analysis

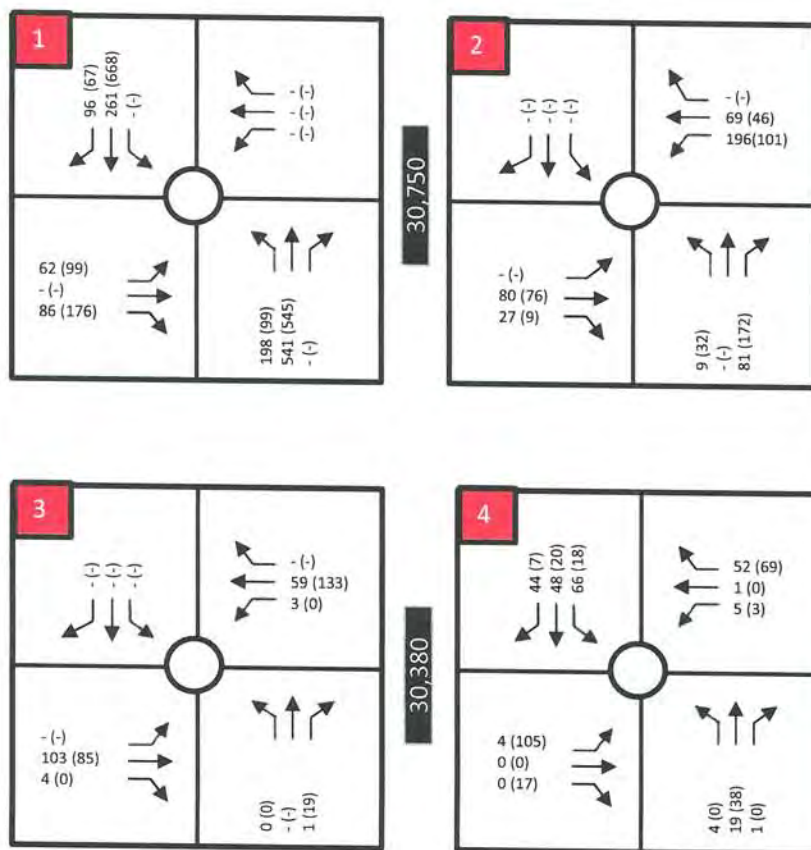
The existing AM and PM peak hour intersection turning movements were analyzed using the Synchro 8.0 traffic modeling software. The existing AM and PM peak hour traffic volumes are shown in figure 5, the existing lane geometry and levels of service are shown in figure 6, and the modeling results (levels of service and delays) are shown in tabular form in Tables 1 through 4.

The analysis shows what was been observed in the field, that during the PM peak hour there are multiple periods when traffic backs up on Route 11 through the intersection with Apple Valley Road. This essentially stops all traffic on SB Route 11 which is reflected in the levels of service being reported.

**Table 1 Level of Service and Delays  
Route 11 and Apple Valley Road**

Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northbound			Southbound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2015 Existing	B (12.5)	B (19.4)		C (22.7)				B (16.6)	A (5.3)			B (17.2)	B (13.7)
		C (21.4)						A (8.5)			B (16.4)		
2025 No Build	B (12.5)	C (20.5)		C (23.6)				B (16.2)	A (505)			B (17.8)	B (14.4)
		C (22.3)						A (8.4)			B (16.9)		
2025 Build-out	F (690.6)	E (66.6)		F (167.9)				F (471.7)	A (4.4)			F (967.3)	B (15.1)
		F 132.1						F (225.7)			F (906.5)		
2031 Design Yr	B (13.8)	C (23.1)		C (23.1)				B (19.0)	A (4.1)			B (14.9)	B (16.6)
		C (31.8)						B (11.0)			B (15.6)C (25.8)		
PM Peak Hour													
2015 Existing	F (84.5)	B (15.1)		C (34.1)				F (122.6)	B (12.4)			F (182.9)	B (13.6)
		C (29.2)						C (32.9)			F (166.6)		
2025 No Build	E (66.4)	D (37.1)		F (259.6)				E (56.7)	E (56.7)			D (42.5)	D (38.9)
		F (202.4)						E (56.7)			D (40.2)		
2025 Build-out	F (192.9)	C (32.7)		F (375.0)				F (264.2)	C (29.8)			F (148.6)	C (31.2)
		C (30.0)						F (92.6)			F (134.8)		
2031 Design Yr	E (56.9)	B (18.2)		F (132.6)				C (34.2)	B (10.2)			C (24.6)	B (17.1)
		F (110.1)						B (16.6)			C (23.7)		





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AM Peak Hour (PM Peak Hour)

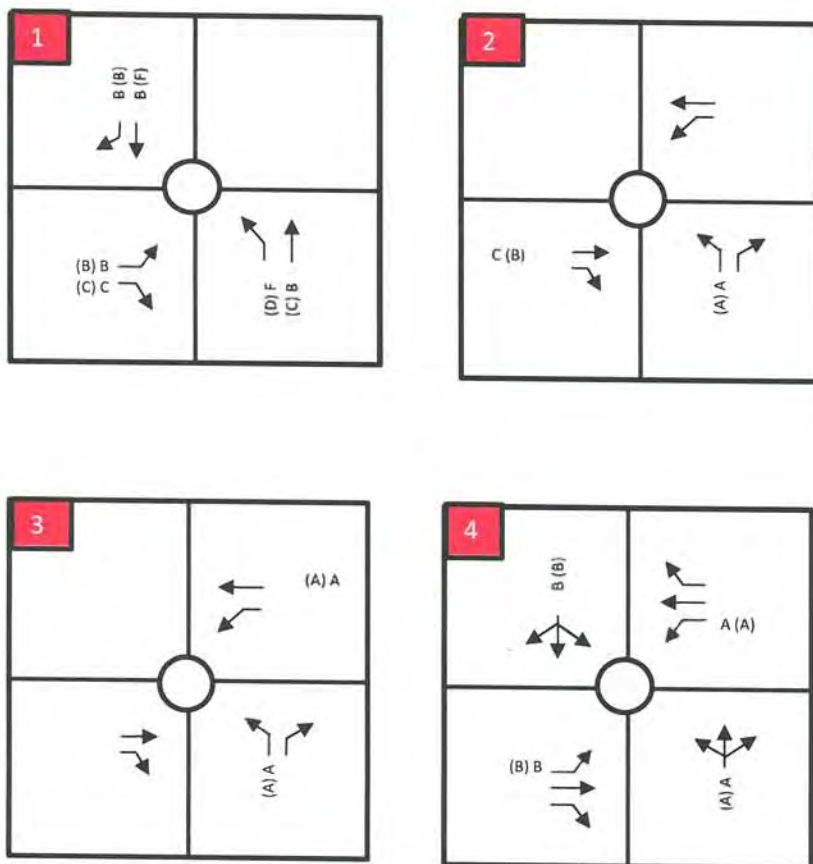
Average Daily Traffic

Blackburn Rezoning  
Frederick County, VA

2015 Existing Conditions  
Peak Hour Volumes

Figure  
5





not to scale

AM Peak Hour (PM Peak Hour)

Blackburn Rezoning  
Frederick County, VA

2015 Existing Conditions  
Level of Service and Lane Configuration

Figure  
6



**Table 2 Level of Service and Delays**  
**Apple Valley Road and Shady Elm Road**

Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)												
		Eastbound			Westbound			Northbound			Southbound			
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	
AM Peak Hour														
2015 Existing		-	-	-	-	-	-	A (8.0)	-	-	-	B (11.3)	-	-
											B (11.3)			
2025 No Build		-	-	-	-	-	-	A(8.0)	-	-	-	B (11.3)	-	-
											B (11.3)			
2025 Build-out		-	-	-	-	-	-	A (9.5)	-	-	-	C (16.7)	-	-
											C (16.7)			
2031 Design Yr		-	-	-	-	-	-	A (8.6)	-	-	-	C (19.4)	-	-
											C (19.4)-			
PM Peak Hour														
2015 Existing		-	-	-	-	-	-	A (7.8)	-	-	-	B (10.2)	-	-
											B (10.2)			
2025 No Build		-	-	-	-	-	-	A (7.9)	-	-	-	B (10.4)	-	-
											B (10.4)			
2025 Build-out		-	-	-	-	-	-	A (98.3)	-	-	-	B (14.4)	-	-
											B (14.4)			
2031 Design Yr		-	-	-	-	-	-	A (7.7)	-	-	-	F (72.0)	-	-
											F (72.0)			

**Table 3 Level of Service and Delays**  
**Apple Valley Road and Site Entrance**

Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Eastbound			Westbound			Northeast			Northwest		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2015 Existing		-	-	-	-	-	-	A (7.5)	-	-	A (8.9)	-	-
					-	-	-		A (8.9)				
2025 No Build		-	-	-	-	-	-	A (8.9)	-	-	A (7.5)	-	-
					-	-	-		A (8.9)				
2025 Build-out		-	-	-	-	-	-	A (7.9)	-	-	B (10.4)	-	-
					-	-	-		B (10.4)				
2031 Design Yr		-	-	-	-	-	-	A (7.9)	-	-	B (10.4)	-	-
					-	-	-		B (10.4)				
PM Peak Hour													
2015 Existing		-	-	-	-	-	-	A (0)	-	-	A (0)	-	-
					-	-	-		A (0)				
2025 No Build		-	-	-	-	-	-	A (0)	-	-	A (0)	-	-
					-	-	-		A (0)				
2025 Build-out		-	-	-	-	-	-	B (10.7)	-	-	A (7.5)	-	-
					-	-	-		B (10.7)				
2031 Design Yr		-	-	-	-	-	-	A (7.5)	-	-	B (10.8)	-	-
					-	-	-		B (10.8)				



**Table 4 Level of Service and Delays**  
**Shady Elm Road and Dawson Dr/Frogale Ct**

Scenario	Overall LOS	Level of Service per Movement by Approach (delay in sec/veh)											
		Southeast-bound			Northwest-bound			Northeast-bound			Southwest-bound		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
AM Peak Hour													
2015 Existing		B (10.8)			A (8.9)			A (7.3)			A (7.4)		
		B (10.8)			A (8.9)								
2025 No Build		B 11.2)			A (9.0)			A (7.4)			A (7.4)		
		B (11.2)			A (9.0)								
2025 Build-out		B (11.9)			A (9.0)			A (7.4)			A (7.4)		
		B (11.9)			A (9.0)								
2031 Design Yr		B (11.8)			A (8.9)			A (7.4)			A (7.4)		
		B (11.8)			A (8.9)								
PM Peak Hour													
2015 Existing		B (10.6)			A (8.9)			A (0)			A (7.3)		
		B (15.9)			C (26.6)								
2025 No Build		B (11.0)			A (8.9)			A (0)			A (7.4)		
		B (11.0)			A (8.9)								
2025 Build-out		C 15.8)			A (8.9)			A (0)			A (7.4)		
		B (15.4)			C (26.7)								
2031 Design Yr		B (14.4)			A (8.9)			A (0)			A (7.4)		
		B (14.4)			A (8.9)								



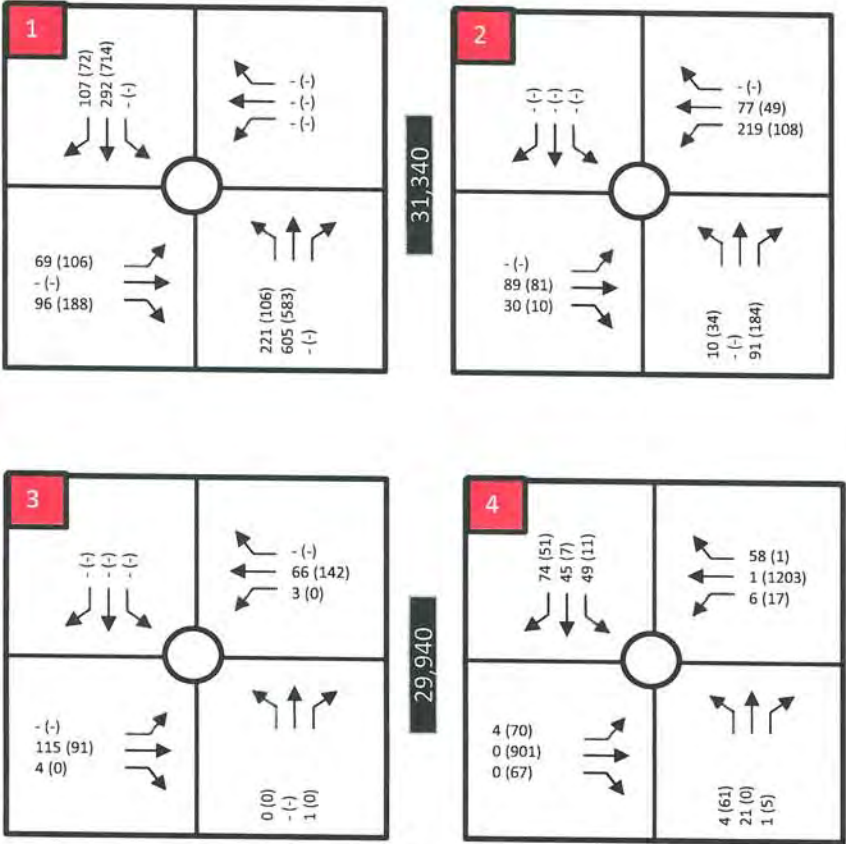
### **No-Build Traffic Conditions (2025)**

Background or No Build traffic conditions are those that are expected to exist without the proposed rezoning and resulting development. These traffic conditions were established by increasing the existing 2015 traffic volume by 1.25% per year to 2020, and 1% from 2021 to the build-out year of 2025. These growth factor were determined by VDOT Staunton District Planning staff and is based on the historical and anticipated growth in traffic volumes in the project area.

### **Analysis**

The 2025 Background AM and PM peak hour intersection turning movements were analyzed using the Synchro 8.0 traffic modeling software. The AM and PM peak hour traffic volumes are shown in Figure 7, and the lane geometry and level of service are shown in Figure 8. The modeling results (levels of service and delay) are tabulated in Tables 1 through 4.





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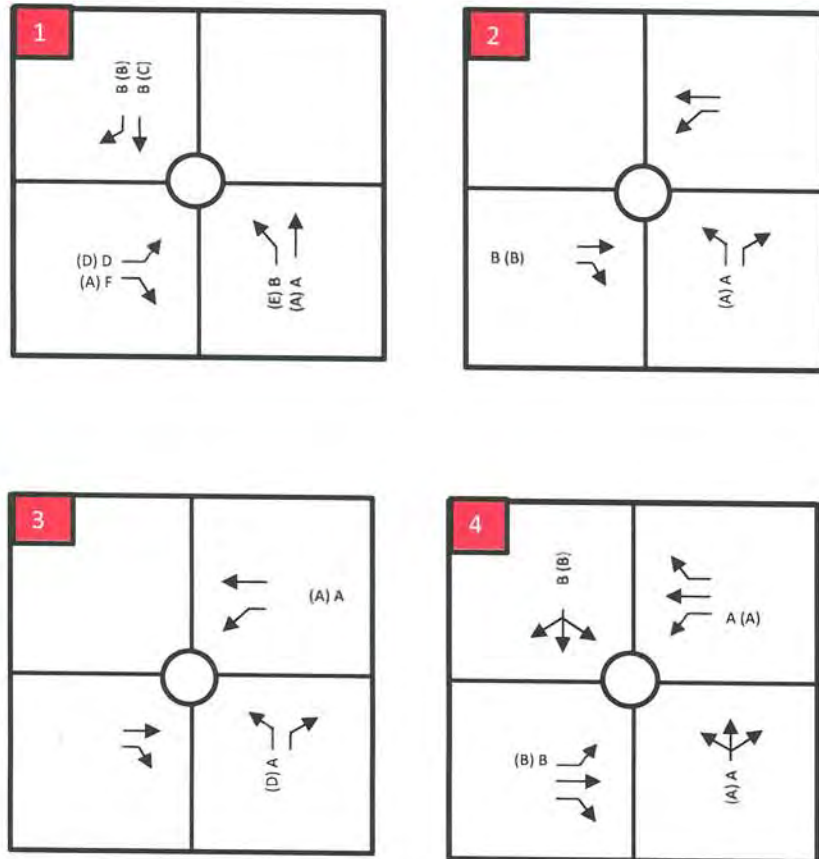
AM Peak Hour (PM Peak Hour)  
Average Daily Traffic

Blackburn Rezoning  
Frederick County, VA

2025 Background (no build)  
Peak Hour Volumes

Figure  
7





not to scale

AM Peak Hour (PM Peak Hour)

Backburn Rezoning  
Frederick County, VA

2025 Background (no build)  
Level of Service and Lane Configuration

Figure  
8



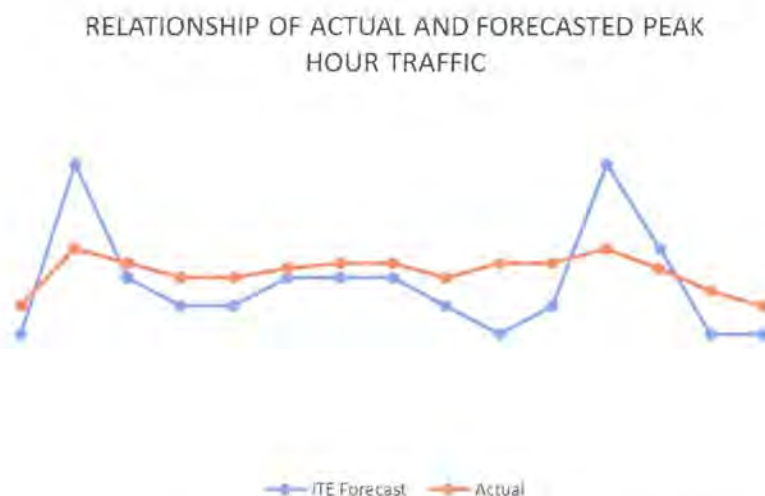
## Trip Generation & Distribution

### Trip Generation

Trip generation for the project uses was developed using Trip Gen 2014 software based on the 9<sup>th</sup> edition of the ITE Trip Generation Manual. The peak traffic volumes on the adjacent streets for the AM and PM periods were used for the various proposed uses. Land uses and trips generated are summarized in table on the following page. The percentage of heavy vehicles was estimated at 3% on all roadways based on the 2013 VDOT Daily Traffic Volume Estimates for Frederick County.

While the prescribed process for forecasting new trips was followed, the process does not appear to be representative of the local conditions. The existing warehouse on Apple Valley Road being used by Mercury Paper is approximately 208,000 sq. ft. in size and traffic counts for this project reported 4 vehicles in the AM peak hour and none in the PM peak hour. Based on the ITE Trip Generation Manual this warehouse should generate 123 trips in the AM peak hour and 67 in the PM peak hour.

Past studies conducted at the Stonewall Industrial Park showed that the actual Average Daily Traffic for warehousing and light manufacturing correlates fairly close to those forecasted by the ITE Trip Generation Manual. However, the actual peak hour traffic in the AM and PM were much less than the ITE forecast, indicating modern operations produce a more consistent volume of traffic throughout the day. The following chart demonstrates this relationship between these traffic data.



Therefore, the forecasted traffic presented in this report is believed to be in excess of that which will be experienced upon completion of this project.

### Trip Distribution

Trips generated by the development were assigned to the roadway network based on a distribution agreed to by representatives from VDOT and Frederick County. All new trips will enter and exit the through two access points; the existing entrance of Apple Valley Road, and a new entrance resulting from the extension of Dawson Drive to the site. The trip distribution percentages are shown in figure 9. The assignment of the new AM and PM peak hour trips is shown in figure 10.



# Trip Generation Summary

Traffic Impact Report  
Blackburn Rezoning

Alternative: Blackburn Commerce Center

Phase:

Project: Blackburn Commerce Center

Open Date: 3/1/2015

Analysis Date: 3/1/2015

ITE	Land Use	Weekday Average Daily Trips				Weekday AM Peak Hour of Adjacent Street Traffic				Weekday PM Peak Hour of Adjacent Street Traffic			
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
110	Light Industrial		872	871	1743		202	28	230		29	214	243
	250 Gross Floor Area 1000 SF												
150	Trex Warehouse		724	724	1448		130	34	164		33	100	133
	350 Gross Floor Area 1000 SF												
150	Warehouse #2		724	724	1448		130	34	164		33	100	133
	350 Gross Floor Area 1000 SF												
Unadjusted Volume			2320	2319	4639		462	96	558		95	414	509
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			2320	2319	4639		462	96	558		95	414	509

Total Weekday Average Daily Trips Internal Capture = 0 Percent

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

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

\* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 9th Edition, 2012

TRIP GENERATION 2014, TRAFFICWARE, LLC





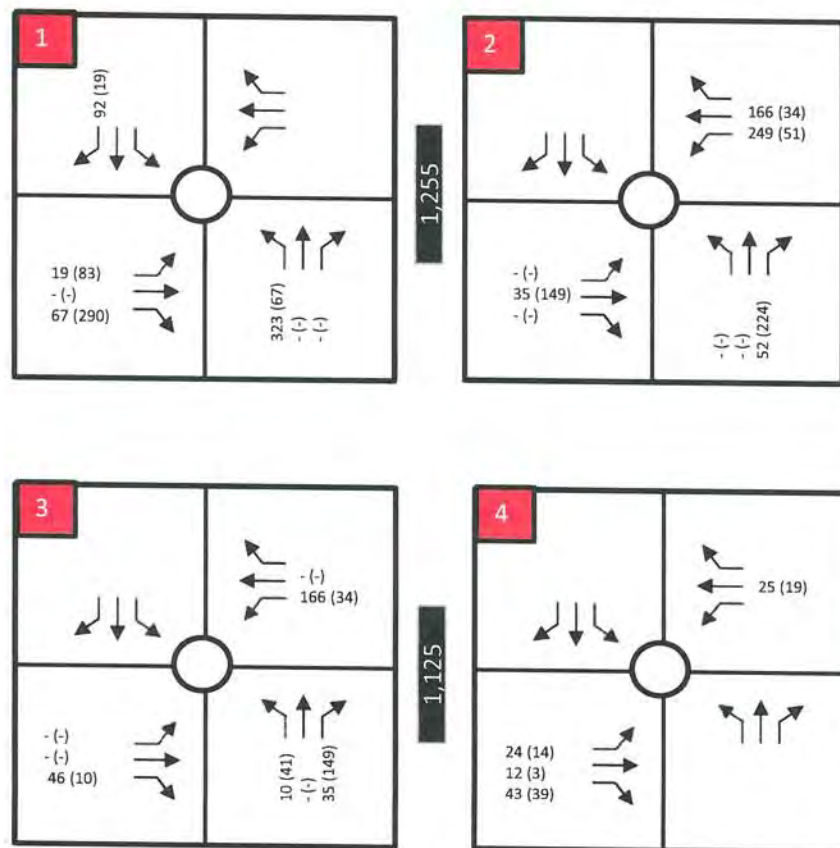
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Blackburn Rezoning  
Frederick County, VA

Estimated Trip Distribution

Figure  
9





AM Peak Hour (PM Peak Hour)

Average Daily Traffic

Blackburn Rezoning  
Frederick County, VA

Development Generated Trips

Figure  
10



## 2025 Build-out Conditions without Improvements

The 2025 build-out conditions combine the background traffic for the year 2025 and the full build-out traffic that is forecasted to result from this project. The total of this traffic is called the build-out condition and is forecasted to occur in the year 2025.

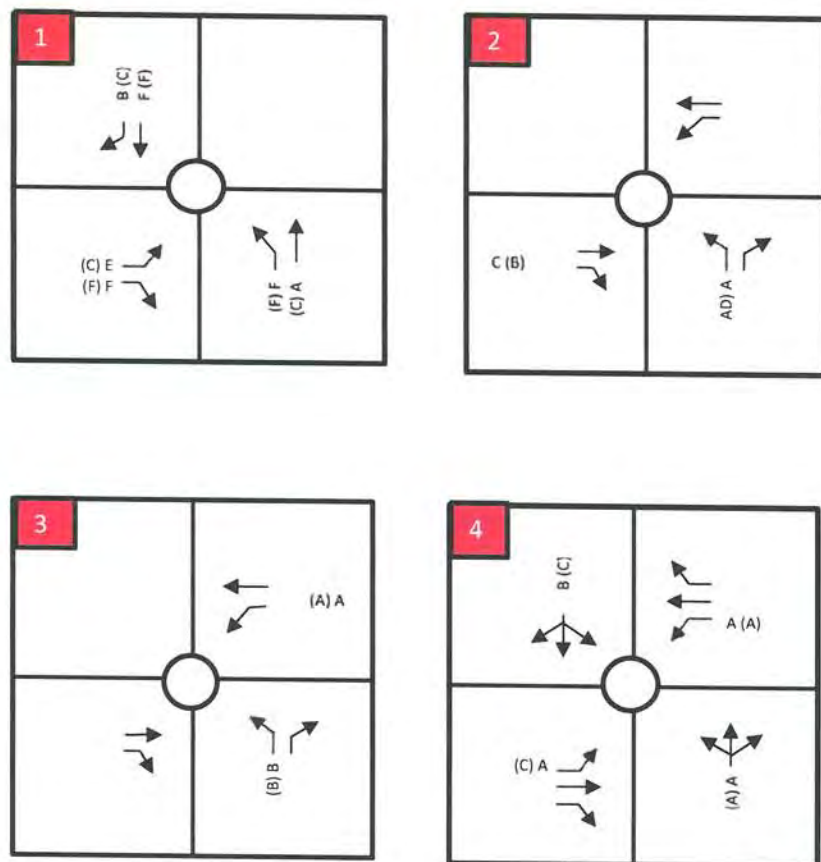
### Analysis

The 2025 Build-out AM and PM peak hour intersection turning movements were analyzed using the Synchro 8.0 traffic modeling software. The AM and PM peak hour traffic volumes are shown in Figure 11, and the lane geometry and level of service are shown in Figure 12. The modeling results (levels of service and delay) are tabulated in Tables 1 through 4.









not to scale

AM Peak Hour (PM Peak Hour)

Blackburn Rezoning  
Frederick County, VA

2025 Build  
Level of Service and Lane Configuration

Figure  
12



## Recommended Roadway Improvements

The traffic volumes on Route 11 exceed the capacity of the roadway causing delays during the PM peak hour in existing conditions. Much of the existing traffic is heading for or coming from the Route 37/I-81 connection located about 1 mile to the south. Significant capacity improvements are required to eliminate the problem on Route 11 and the associated traffic congestion on connecting streets. Alternatives discussed by County planning staff include the widening of Route 11 from the SCL of Winchester to 0.4 miles south of Route 37, and the completion of Renaissance Drive which will provide an additional connection to Route 37 south of this congested area.

For the purposes of the 2031 Design Year analysis the following improvements were assumed to be in place:

- Route 11 as a 4 lane divided roadway with NB dual left turn lanes at Apple Valley Road.
- Apple Valley Road as a 4 lane divided roadway from Route 11 to Shady Elm Road.
- Shady Elm Road as a 4 lane divided roadway from Apple Valley Road to Route 37

Even with these major capacity improvements Route 11 is still congested to the point where the right turns from Apple Valley Rd to Route 11 operate at a Level of Service of F in the PM peak hour.

The solution to this problem is vast and will require resources from multiple sources. For this project the developer will provide a cash proffer to help Frederick County identify and complete the capacity improvement that provides the most benefit towards relieving the congestion in this area.



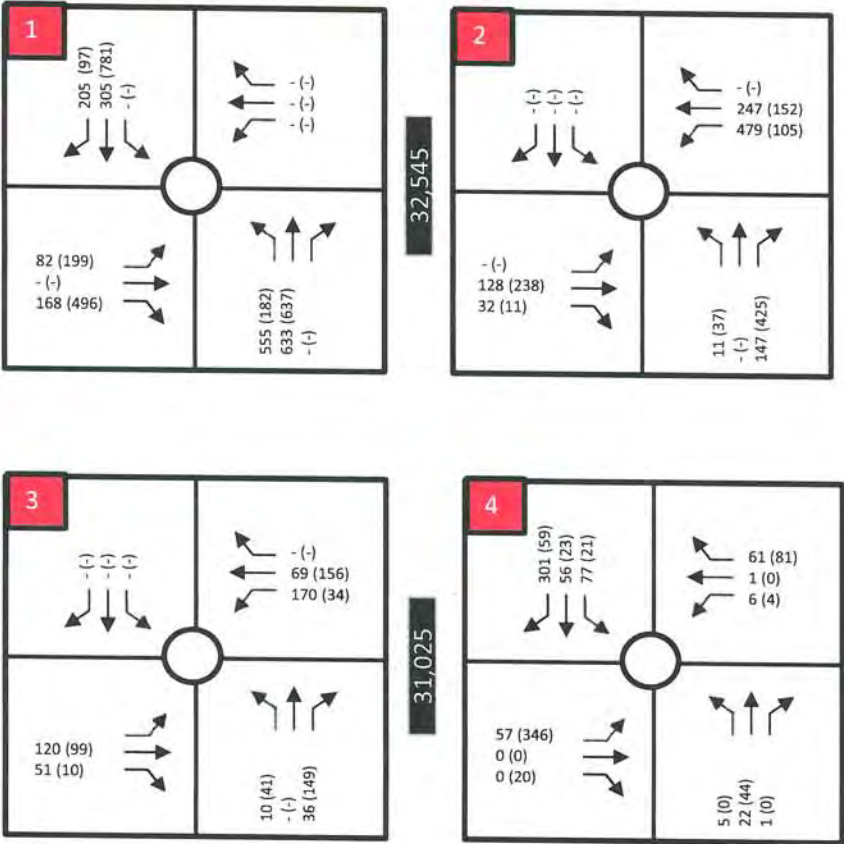
## Design Year (2031)

The design year for the project is six years beyond the completion of the project, which in this case is the year 2031. The aforementioned improvements are assumed to be in place in 2031.

## Analysis

The 2031 Design Year AM and PM peak hour intersection turning movements were analyzed using the Synchro 8.0 traffic modeling software. AM and PM peak hour traffic volumes are shown in Figure 14, and the lane geometry and level of service are shown in Figure 15. The modeling results (levels of service and delay) are tabulated in Tables 1 through 4.





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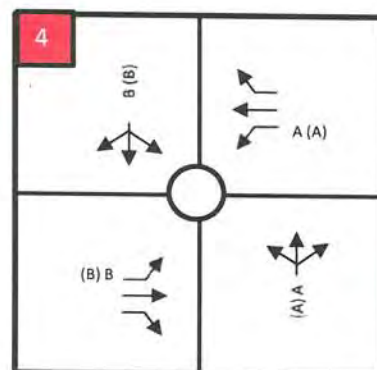
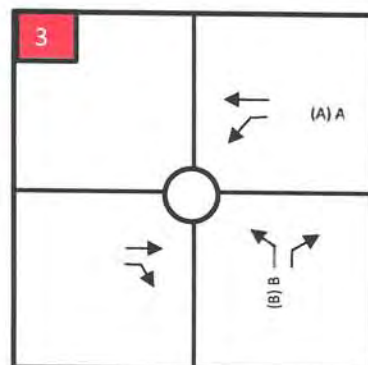
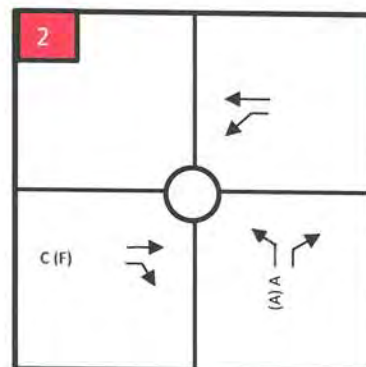
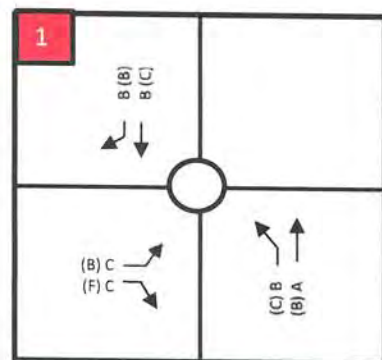
AM Peak Hour (PM Peak Hour)  
Average Daily Traffic

Blackburn Rezoning  
Frederick County, VA

2031 Design Year  
Peak Hour Volumes

Figure  
13





AM Peak Hour (PM Peak Hour)

Blackburn Rezoning  
Frederick County, VA

2031 Design Year  
Level of Service and Lane Configuration

Figure  
14



## Queue Analysis

At a signalized intersection a queue forms while vehicles wait to advance. An analysis was performed to evaluate the back of the queue for the 50<sup>th</sup> and 95<sup>th</sup> percentile of the queue. The 50<sup>th</sup> percentile maximum queue is the maximum back of queue on a typical traffic signal cycle. The 95<sup>th</sup> percentile maximum queue is the maximum back of queue with 95<sup>th</sup> percentile traffic volumes when traffic does not move for two signal cycles. The queues associated with the 50<sup>th</sup> and 95<sup>th</sup> percentile maximum queue are shown in Table 5.

## Pedestrian and Bicycle Traffic

To identify any previously planned pedestrian and/or bicycle facilities in the project area, the Frederick County Comprehensive Plan Future Land Use map was reviewed. There are no pedestrian or bicycle facilities planned in this area.

## Conclusions

The Blackburn rezoning will provide a 92.066 acre site for expansion of light manufacturing and warehousing on the south side of Frederick County. The project will connect to Apple Valley Road using an existing entrance and an additional entrance will be constructed with the extension of Dawson Drive. Aside from a small number of employees, all traffic is expected to travel east on Apple Valley Road to Route 11 and north or south to their ultimate destination.

The traffic volumes on Route 11 exceed the capacity of the roadway causing delays during the PM peak hour in existing conditions. Much of the existing traffic is heading for or coming from the Route 37/I-81 connection located about 1 mile to the south. Significant capacity improvements are required to eliminate the problem on Route 11 and the associated traffic congestion on connecting streets. Alternatives discussed by County planning staff include the widening of Route 11 from the SCL of Winchester to 0.4 miles south of Route 37, and the completion of Renaissance Drive which will provide an additional connection to Route 37 south of this congested area.

For the purposes of the 2031 Design Year analysis the following improvements were assumed to be in place:

- Route 11 as a 4 lane divided roadway with NB dual left turn lanes at Apple Valley Road.
- Apple Valley Road as a 4 lane divided roadway from Route 11 to Shady Elm Road.
- Shady Elm Road as a 4 lane divided roadway from Apple Valley Road to Route 37

Even with these major capacity improvements Route 11 is still congested to the point where the right turns from Apple Valley Rd to Route 11 operate at a Level of Service of F in the PM peak hour.

The solution to this problem is vast and will require resources from multiple sources. For this project the developer will provide a cash proffer to help Frederick County identify and complete the capacity improvement that provides the most benefit towards relieving the congestion in this area.



**Table 5 Queue Lengths**

Table 5 Queue Lengths											
Route 11 and Apple Valley Road											
Movement	Storage Length Available (ft)	Existing Conditions	50th Percentile Queue Length (ft)				95th Percentile Queue Length (ft)				
			No Build (2025)		Build (2025)	Design Year (2031)	Existing Conditions	No Build (2025)		Build (2025)	Design Year (2031)
EB LT	480	22 (32)	23 (85)	95 (179)	30 (82)	55 (55)	65 (31)	157 (207)	84 (115)		
EB RT		0 (33)	0 (67)	0 (1177)	0 (111)	26 ( )	37 (353)	71 (294)	26 (22)		
NB LT	165	70 (41)	71 (97)	905 (332)	90 (51)	132 (101)	156 (137)	1133 (350)	166 (63)		
NB TH		89 (106)	106 (170)	151 (511)	48 (83)	170 (235)	203 (260)	212 (631)	86 (113)		
SB RT	100	0 (6)	0 (15)	552 (55)	0 ( )	28 (28)	32 (37)	567 (93)	47 (26)		
SB TH		91 (272)	93 (434)	90 (991)	51 (157)	155 (502)	192 (653)	137 (1224)	104 (217)		
Apple Valley Road and Shady Elm Road											
SE LT							12 (10)	14 (12)	34 (52)	42 (208)	
NE LT							0 (2)	0 (4)	0 (4)	0 (2)	
Apple Valley Road and Site Entrance											
NB LT						0 ( )	0 ( )	10 (2)	4 (2)		
EB LT						0 ( )	0 ( )	4 (20)	10 (20)		
Shady Elm Road and Dawson Dr/Frogale Ct											
NE LT/TH/RT							0 ( )	0 ( )	0 ( )	0 ( )	
SW LT/TH/RT							2 ( )	0 ( )	4 ( )	4 ( )	
NW LT							4 (6)	4 (6)	4 (6)	6 (6)	
SE LT							0 (12)	0 (16)	8 (70)	8 (62)	
AM (PM)											



J





## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Candice E. Perkins, AICP, Senior Planner *CEP*

**SUBJECT:** Public Hearing- Addition of the OM District to the R4 District Permitted Uses

**DATE:** May 6, 2015

---

Staff has prepared a revision to the Zoning Ordinance to include the OM (OM Office-Manufacturing Park) Zoning District in the permitted uses list of the R4 (Residential Planned Community) Zoning District. Currently the R4 allows RP, B1, B2, B3 and M1 Zoning Districts as permitted uses. All uses proposed within an R4 community must be specified at the rezoning stage and approved on a Master Development Plan.

Staff has included a minor ordinance amendment that includes the OM District in the permitted use list within the R4 District.

The DRRC discussed this item at their January 2015 meeting; the committee agreed with the addition and sent the item forward for review by the Planning Commission. The Planning Commission discussed this item at their February 18, 2015 meeting; and agreed with the changes and sent the item forward for review by the Board of Supervisors. The Board of Supervisors discussed the request at their March 11, 2015 meeting; the Board sent the item forward for public hearing. The Planning Commission held a public hearing for this item on April 15, 2015; there were no public comments and the Commission recommended approval.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (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. Revised ordinance with additions shown in bold underlined italics.  
2. Resolution

CEP/pd



**Chapter 165**

**ARTICLE V - PLANNED DEVELOPMENT DISTRICTS**

**Part 501 – R4 Residential Planned Community District**

**§ 165-501.01 Intent.**

The intention of the Residential Planned Community District is to provide for a mixture of housing types and uses within a carefully planned setting. All land to be contained within the Residential Planned Community District shall be included within an approved master development plan. The layout, phasing, density and intensity of development is determined through the final approval of the master development plan by the County. Special care is taken in the approval of the master development plan to ensure that the uses on the land are arranged to provide for compatibility of uses, to provide environmental protection and to avoid adverse impacts on surrounding properties and facilities. The district is intended to create new neighborhoods with an appropriate balance between residential, employment and service uses. Innovative design is encouraged. Special care is taken in the approval of R4 developments to ensure that necessary facilities, roads and improvements are available or provided to support the R4 development. Planned community developments shall only be approved in conformance with the policies in the Comprehensive Plan.

**§ 165-501.02 Rezoning procedure.**

In order to have land rezoned to the R4 District, a master development plan, meeting all requirements of Article VIII of this chapter, shall be submitted with the rezoning application. The rezoning shall be reviewed and approved following the rezoning procedures described by this chapter, including procedures for impact analysis and conditional zoning. In adopting the rezoning, the master development plan submitted will be accepted as a condition proffered for the rezoning. The master development plan review procedures described by Article VIII must also be completed concurrently with or following the consideration of the rezoning.

- A. Impact analysis. Impact analysis, as required by this chapter, shall be used to evaluate all potential impacts, including impacts on surrounding lands, the environment and on public facilities and services.
- B. Land dedication. Land shall be dedicated in planned community developments for roads and facilities necessary to serve the development as described by the Comprehensive Plan, the Capital Improvements Program and adopted road improvement programs.
- C. Addition of land. The Board of Supervisors may approve the addition of land to an approved planned community through the procedures set forth in this chapter for the original approval of a planned community development.

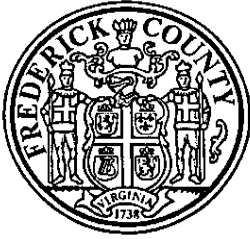


**§ 165-501.03 Permitted uses.**

All uses are allowed in the R4 Residential Planned Community District that are allowed in the following zoning districts:

RP	Residential Performance District
B1	Neighborhood Business District
B2	General Business District
B3	Industrial Transition District
<b><u>OM</u></b>	<b><u>OM Office-Manufacturing Park District</u></b>
M1	Light Industrial District





# RESOLUTION

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**Action:**

PLANNING COMMISSION: April 15, 2015

Recommended Approval

BOARD OF SUPERVISORS: May 13, 2015

☐ APPROVED ☐ DENIED

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**AN ORDINANCE AMENDING  
THE FREDERICK COUNTY CODE  
CHAPTER 165 ZONING**

**PART 501 – R4 RESIDENTIAL PLANNED COMMUNITY DISTRICT  
ARTICLE V – PLANNED DEVELOPMENT DISTRICTS  
§165-501.03 PERMITTED USES**

**WHEREAS**, an ordinance to amend Chapter 165, Zoning to include the OM (Office-Manufacturing Park) Zoning District to the permitted uses list within the R4 (Residential Planned Community) Zoning District was considered; and

**WHEREAS**, The Planning Commission held a public hearing on this ordinance on April 15, 2015; and

**WHEREAS**, The Board of Supervisors held a public hearing on this ordinance on May 13, 2015; 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 modify Part 501 – R4 Residential Planned Community District; Article V – Planned Development Districts; §165-501.03 Permitted Uses; to include the OM (Office-Manufacturing Park) Zoning District to the permitted uses list within R4 (Residential Planned Community) Zoning District.



This amendment shall be in effect on the day of adoption.

Passed this 13th day of May 13, 2015 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.	_____
Jason E. Ransom	_____		

**A COPY ATTEST**

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Roderick B. Williams, Interim  
Frederick County Administrator



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## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Candice E. Perkins, AICP, Senior Planner *CEP*

**SUBJECT:** Public Hearing - Permeable Paving Systems for Parking Lots

**DATE:** May 6, 2015

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Staff has received a request to revise the Frederick County Zoning Ordinance to allow the use of permeable paving systems for the construction of parking areas within all zoning districts. This request is due to the new stormwater regulations and the need for additional options for dealing with stormwater onsite. Currently the ordinance only allows for their use within overflow parking areas.

Staff has prepared a revision that would move the option for permeable paving systems out of the section for overflow parking areas and into the area for allowed surface materials.

The DRRC discussed this item at their January 2015 meeting; the committee agreed with the revision and sent the item forward for review by the Planning Commission. The Planning Commission discussed this item at their February 18, 2015 meeting; and agreed with the changes and sent the item forward for review by the Board of Supervisors. The Board of Supervisors discussed the request at their March 11, 2015 meeting; the Board sent the item forward for public hearing with minor changes. The Planning Commission held a public hearing for this item on April 15, 2015; there were no public comments and the Commission recommended approval.

The attached document shows the existing ordinance with the proposed changes supported by the DRRC (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.

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**Attachments:**      **1. Revised ordinance with additions shown in bold underlined italics.**  
                             **2. Resolution**

CEP/pd



## Chapter 165- Zoning

### Article II

#### SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

##### Part 202 – Off-Street Parking, Loading and Access

##### § 165-202.01 Off-street parking; parking lots.

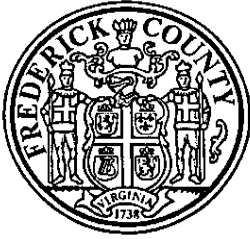
Off-street parking shall be provided on every lot or parcel on which any use is established according to the requirements of this section. This section is intended to ensure that parking is provided on the lots to be developed and to ensure that excess parking in public street rights-of-way does not interfere with traffic.

D. Parking lots. Parking spaces shared by more than one dwelling or use, required for any use in the business or industrial zoning district or required for any institutional, commercial or industrial use in any zoning district shall meet the following requirements:

(1) Surface materials. In the RP Residential Performance District, the R4 Residential Planned Community District, the R5 Residential Recreational Community District, the MH1 Mobile Home Community District, the B1 Neighborhood Business District, the B2 General Business District, the B3 Industrial Transition District, the OM Office-Manufacturing Park District, the M1 Light Industrial District, the M2 Industrial General District, MS Medical Support District, RA (Rural Areas) District and the HE (Higher Education) District, parking lots shall be paved with concrete, bituminous concrete, or similar materials. Such surface materials shall provide a durable, dust and gravel-free, hard surface.

- a. The Zoning Administrator may allow for the use of other hard-surface materials for parcels located outside of the Sewer and Water Service Area if the site plan provides for effective stormwater management and efficient maintenance. In such cases, parking lots shall be paved with a minimum of double prime-and-seal treatment or an equivalent surface.
- b. In the RA (Rural Areas) District parking lots with (10) or fewer spaces shall be permitted to utilize gravel surfaces.
- c. Reinforced grass systems, ~~permeable paving systems~~, or other suitable materials may be used for overflow parking areas, low volume access ways in all Zoning Districts and for agricultural uses in the RA (Rural Areas) District. Parking areas utilizing these materials shall have defined travel aisles and designated parking bays. These materials shall only be utilized with approval of the Frederick County Zoning Administrator and the Director of Public Works.
- d. **The Zoning Administrator may approve alternative surface materials for parking lots for parcels located inside of the Sewer and Service Area when necessary to implement low impact development design and where approved by the Director of Public Works; such materials may include but are not limited to permeable paving systems.**





# RESOLUTION

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**Action:**

PLANNING COMMISSION: April 15, 2015

Recommended Approval

BOARD OF SUPERVISORS: May 13, 2015

☐ APPROVED ☐ DENIED

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**AN ORDINANCE AMENDING  
THE FREDERICK COUNTY CODE  
CHAPTER 165 ZONING**

**PART 202 – OFF-STREET PARKING, LOADING AND ACCESS  
ARTICLE II – SUPPLEMENTARY USE REGULATIONS, PARKING,  
BUFFERS, AND REGULATIONS FOR SPECIFIC USES  
§165-202.01 OFF-STREET PARKING; PARKING LOTS**

**WHEREAS**, an ordinance to amend Chapter 165, Zoning to allow the use of permeable paving systems for the construction of parking areas within all zoning districts was considered; and

**WHEREAS**, The Planning Commission held a public hearing on this ordinance on April 15, 2015; and

**WHEREAS**, The Board of Supervisors held a public hearing on this ordinance on May 13, 2015; 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 modify Part 202 – off-street parking, loading, and access, Article II – Supplementary Use Regulations, Parking, Buffers, and Regulations for Specific Uses, §165-202.01 off street parking, parking lots to allow the use of permeable paving systems for the construction of parking areas within all zoning districts.**



This amendment shall be in effect on the day of adoption.

Passed this 13th day of May 13, 2015 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.	_____
Jason E. Ransom	_____		

**A COPY ATTEST**

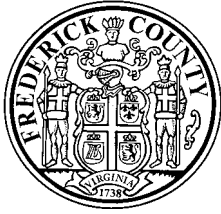
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Roderick B. Williams, Interim  
Frederick County Administrator



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## **REZONING APPLICATION #05-14**

**CB VENTURES, LLC**

**Staff Report for the Board of Supervisors**

**Prepared: May 7, 2015.**

Staff Contact: Michael T. Ruddy, AICP, Deputy Director

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	<u><b>Reviewed</b></u>	<u><b>Action</b></u>
<b>Planning Commission:</b>	01/07/15	Public Hearing Held; Action Tabled for 45 days
<b>Planning Commission:</b>	02/18/15	Denied
<b>Board of Supervisors:</b>	03/11/15	Public Hearing Held; Action Tabled for 60 days
	05/13/15	Pending

**PROPOSAL:** To rezone 2.42 acres from the B1 (Neighborhood Business) District to B2 (General Business) District with proffers.

**LOCATION:** The property is located at 1033 Aylor Road in Stephens City.

### **BOARD OF SUPERVISORS UPDATE FOR THE 05/13/15 MEETING:**

The Board of Supervisors at their 03/11/15 meeting tabled this request for 60 days to allow the Applicant the opportunity to meet with the neighboring property owners and the opportunity to adjust their rezoning request further. A copy of the Board's minutes has been attached for your information.

**On May 6, 2015 the Applicant provided Staff with an updated Proffer Statement (revision date May 1, 2015). This Proffer Statement had one modification; Proffer 5. Allowed Building Height. The Applicant has eliminated the maximum building height allowance for office buildings and hotels/motels of 50 feet. The proffer now states that the maximum building height allowed for all B2 uses shall be 35 feet.**

### **PLANNING COMMISSION RECOMMENDATION AND EXECUTIVE SUMMARY FOR THE 03/11/15 BOARD OF SUPERVISORS MEETING:**

**The Planning Commission recommended denial of this rezoning request, an application to rezone a total of 2.42 acres of land from the B1 (Neighborhood Business) District to the B2 (General Business) District with proffers, to accommodate commercial uses.** Planning Commission members stated their belief that the B2 (General Business) District uses were too intensive for this location and would have a detrimental impact to the adjacent residential neighborhood, in particular the existing residences immediately adjacent to the property. The Planning Commission expressed that the B2 District designation is more appropriate for larger commercial parcels such as in those areas planned for larger scale commercial development adjacent to Route 277, Fairfax Pike.

Previously, the Planning Commission had tabled this request to give the Applicant the ability to address the concerns that were expressed by the Planning Commission and members of the public during the public hearing. In response to the Planning Commission's initial discussion of this rezoning request, the Applicant modified their proffer statement (Revision Date; February 5, 2015) to prohibit two uses;



Veterinary Offices and Gasoline Service Stations. In addition, a proffer addressing the allowed building height has been added. The maximum building height for office buildings and hotels/motels shall be fifty (50) feet. This is a reduction of ten (10) feet from that which is currently permitted by the Frederick County Zoning Ordinance. The Applicant also provided an exhibit depicting the potential cross section and scale of the adjacent commercial and residential land uses.

The B2 (General Business) District land use proposed in this rezoning is generally consistent with the commercial designation of the Southern Frederick Area Plan and the 2030 Comprehensive Plan. However, the existing neighborhood character of the adjacent land uses should be a consideration when evaluating this proposed rezoning. B1 (Neighborhood Business) District scale commercial uses exist in this general location.

The transportation impacts associated with this request appear to have generally been addressed by the Applicant, subject to the approval of the County Attorney regarding right-of-way dedication proffer, Proffer 2 (provided). The community facility impacts associated with this request should be addressed to a greater extent.

The adjacent properties are a consideration with this rezoning application. With this rezoning, the applicant has proffered height restrictions on site lighting to mitigate potential impacts to the adjacent residential properties. Initially, no additional site development standards were proffered. The Applicant subsequently proffered a height limitation of fifty (50) feet for hotels, motels, and office buildings. The Planning Commission ultimately determined that the neighborhood character of the area will be adversely impacted by this rezoning request.

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



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

	<u>Reviewed</u>	<u>Action</u>
<b>Planning Commission:</b>	01/07/15	Public Hearing Held; Action Tabled for 45 days
<b>Planning Commission:</b>	02/18/15	Denied
<b>Board of Supervisors:</b>	03/11/15	Public Hearing Held; Action Tabled for 60 days
	05/13/15	Pending

**PROPOSAL:** To rezone 2.42 acres from the B1 (Neighborhood Business) District to B2 (General Business) District with proffers.

**LOCATION:** The property is located at 1033 Aylor Road in Stephens City.

**MAGISTERIAL DISTRICT:** Opequon

**PROPERTY ID NUMBERS:** 74-((A))-104 and 74-((A))-105

**PROPERTY ZONING:** B1 (Neighborhood Business) District

**PRESENT USE:** Car wash / vacant

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North: B1 (Neighborhood Business)	Use: Commercial
South: B1 (Neighborhood Business)	Use: Commercial
East: RP (Residential Performance)	Use: Residential
West: Aylor Road/Interstate 81	Use: State Highway
	Town of Stephens City

**REVIEW EVALUATIONS:**

**Virginia Dept. of Transportation:** Please see attached email dated August 8, 2014, from Lloyd Ingram, VDOT.

**Fire Marshall:** Plan approved

**Fire and Rescue:** Plan approved

**Public Works Department:** Recommend approval



**Frederick County Sanitation Authority:** *Please see attached letter dated June 6, 2014, from Uwe Weindel, Engineer-Director FCSEA.*

**Service Authority:** No comments

**Frederick County Attorney:** Proffer is in correct legal form (*Please see attached letter dated December 4, 2014, from Rod Williams, County Attorney, for initial comments.*).

**Town of Stephens City:** No issues

**Planning & Zoning:**

**1) Site History**

The original Frederick County zoning map (U.S.G.S. Stephens City Quadrangle) identifies the subject parcels as being zoned B-1 (Neighborhood Business) District. The intent of this district is to provide small business areas to serve the daily household needs of surrounding residential neighborhoods. Uses allowed primarily consist of limited retailing and personal service uses. Business uses in this district should be small in size and should not produce substantial vehicle traffic in excess of what is usual in the residential neighborhoods.

**2) Comprehensive Policy Plan**

**The 2030 Comprehensive Plan is the guide for the future growth of Frederick County.**

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.**

The 2030 Comprehensive Plan and the Southern Frederick Area Plan provide guidance on the future development of the property. The property is located within the UDA and SWSA. The 2030 Comprehensive Plan identifies the general area surrounding this property with a Business land use designation. In general, the proposed commercial land use designation for this property is consistent with this land use designation of the Comprehensive Plan. Commercial land uses would include both B1 Neighborhood Business and B2 General Business zoning designations. The existing land use in this area is neighborhood business in character. The existing character of the land use is a consideration when evaluating this proposed rezoning.

Immediately to the east of this property is an existing residential neighborhood. The Plan recognizes the existing residential land uses. Care should be afforded to the transition between the business and residential land uses, both of which are located in this general area.



Site Access and Transportation.

The subject properties have frontage on and access to Route 647, Aylor Road. Aylor Road is identified as a major collector road in the County's Eastern Road Plan.

Transportation improvements to Route 277, Fairfax Pike, are planned on the VDOT Six-Year Improvement Plan. This project includes improvements to Aylor Road. *A copy of this section of the VDOT plans has been attached to the package for your information.* Similar to other recent projects in the vicinity, it is not anticipated that this project constructs improvements to Route 277 or Aylor Road at this time, rather, dedicates appropriate right-of-way, designs access to this site that is consistent with those improvements anticipated with the VDOT Six-Year Plan Project, and provides some contribution to transportation improvements resulting from the impacts of this new development; further, that the value of any contribution has a nexus to the project and its impacts.

The rezoning application should fully address this road project as designed by VDOT in the most recent improvement plans for this project. In particular, the right-of-way needs of the project. Any improvements associated with the development of the site within the future road right-of-way should be consistent with those identified in the plans and to the satisfaction of VDOT.

The provision of two entrances is proposed. Given the anticipated design for Aylor Road, such an approach may work in this location. The southernmost entrance appears to align with the new and existing road configuration.

**3) Site Suitability/Environment**

The site does not contain any environmental features that would either constrain or preclude site development. There are no identified areas of steep slopes, floodplains or woodlands.

**4) Potential Impacts**

The subject properties are currently zoned B1 (Neighborhood Business) District. Therefore, the rezoning of these properties to the B2 (General Business) District will have the potential to generate additional impacts. However, it is recognized that the impacts associated may not be as significant as if this property was zoned RA (Rural Areas) District.

As noted previously, immediately to the east of this property is an existing residential neighborhood. Care should be afforded to the transition between the business and residential land uses that are both located in this general area. With the exception of addressing the potential lighting impacts by limiting the height of any lighting to twenty feet, the Applicant has not provided any additional means to minimize the potential impact associated with the more intensive commercial use of the property beyond the requirements of the Zoning Ordinance. It



should be noted that the height of certain commercial structures may increase to sixty feet from the currently enabled thirty-five feet.

With regards to the potential transportation impacts, at this time, the project has the intention of providing the right-of-way for the future improvements to Aylor Road. This should be unconditionally guaranteed. Otherwise, the transportation impacts associated with this request would not be fully addressed. The additional trips would simply add to the transportation issues in this area.

The Applicants Impact Analysis states that this site will negatively impact Police Protection, Fire and Rescue Protection, Water and Sewer Usage, and Solid Waste Disposal. The capital needs associated with these impacts have not been quantified and have not been addressed by way of mitigation other than to say that there may be a potential increase in tax revenue and fees from this development.

5) **Proffer Statement** – Dated May 13, 2014 and revised on November 19, 2014

A) **Generalized Development Plan**

The Applicant has proffered a Generalized Development Plan. The Plan identifies the properties to be developed and recognizes the transportation and access related commitments made with this rezoning application; including the Aylor Road right-of-way dedication area and the two potential entrances to the site.

B) **Land Use**

The Applicant's proffer statement does not place any limitation on the amount or type of commercial development that may occur on the property. ***It is recognized that this is a relatively small parcel, however, the potential increase in intensity of the use including the size of the structure should be considered.***

The Applicant has, in Proffer 3, addressed the potential impacts associated with site lighting by proffering that all lighting shall be no higher than 20'.

C) **Transportation**

The proffer statement supports the Route 277 Improvement Project as the Applicant has identified the correct area of right-of-way dedication consistent with the VDOT project along Aylor Road and described this in proffer 2, right-of-way dedication.

In general, the trigger for conveying said right-of-way is acceptable. The proffer states that the right-of-way shall be conveyed within 90 days of a written request from VDOT or the County. The final sentence of proffer 2 should be carefully evaluated as it contains a mechanism that removes the conveyance of the right-of-way. This would be problematic as the language is vague and the right-of-way is necessary. In addition, this would result in a rezoning application that in no way addresses the additional transportation impacts generated from the more intensive commercial use of the property.



Recent rezoning applications in the vicinity of this project have also proffered a monetary contribution to transportation improvements in the County in an amount they believed was consistent with the transportation impacts of their project.

D) Community Facilities

This application does not include a proffer aimed at mitigating the community facility impacts of this request. The Applicant has stated that the additional tax revenue generated would address this. Recent rezoning applications in the vicinity of this project have also proffered a monetary contribution to offset the fire and rescue impacts of their project.

**Revised Proffer Statement (Revision Date; February 5, 2015).**

***The Applicant has modified their proffer statement to prohibit two uses; Veterinary Offices and Gasoline Service Stations.***

***In addition, a proffer addressing the allowed building height has been added. The maximum building height for office buildings and hotels/motels shall be fifty (50) feet. This is a reduction of (10) feet from that which is currently permitted by the Zoning Ordinance.***

***The County Attorney has reviewed the revised proffer statement and it is in the proper legal form.***

**STAFF CONCLUSIONS FOR THE 01/07/15 PLANNING COMMISSION MEETING:**

This is an application to rezone a total of 2.42 acres of land from the B1 (Neighborhood Business) District to the B2 (General Business) District with proffers, to accommodate commercial uses.

The B2 (General Business) District land use proposed in this rezoning is generally consistent with the commercial designation of the Southern Frederick Area Plan and the 2030 Comprehensive Plan. However, the existing neighborhood character of the adjacent land uses should be a consideration when evaluating this proposed rezoning.

The transportation impacts associated with this request appear to have generally been addressed by the Applicant, subject to the unequivocal approval of the County Attorney regarding right-of-way dedication proffer, Proffer 2. The community facility impacts associated with this request should be addressed to a greater extent.

The adjacent properties should be a consideration with this rezoning application. With this rezoning, the applicant has proffered height restrictions on site lighting to mitigate potentials impacts to the adjacent residential properties. No additional site development standards have been proffered. The Planning Commission should determine if the neighborhood character of the area will be adversely impacted.



**PLANNING COMMISSION SUMMARY FROM THE 01/07/15 PLANNING COMMISSION MEETING:**

Two members of the public spoke during the public hearing; Mr. Chapman, and Mr. Carriker. Both expressed concerns regarding the application and the impact it would have on their residential properties.

Commission members asked several questions regarding the details of this application and expressed concerns about the potential impacts of the application and the appropriateness of the request from a land use perspective.

Commissioner Mohn noted the concern is there, in regards to lack of specificity on the intensity that could occur with this rezoning. He would like to see more in the application on building size and development. Mr. Mohn stated he would like to see something that projects a clearer view of what may be developed on this property.

Commissioner Thomas made a motion to table this rezoning application for 45 days. This motion was seconded by Commission Unger and unanimously passed.

(Note: Commissioner Oates abstained from voting; Commissioner Marston was absent from the meeting.)

**PLANNING COMMISSION SUMMARY FROM THE 02/18/15 PLANNING COMMISSION MEETING:**

Three members of the public spoke during the public comment portion of the Planning Commission meeting.

The Applicant provided two exhibits for the Planning Commission's review. The first is a cross section which shows the proposed buffer location, the existing single and two story residential homes, and a potential hotel/office building. The second exhibit is a photograph that shows the existing property for which the rezoning is being requested and the residential land uses at the rear of the property. The Planning Commission voiced concerns with the height of a building on this property due to the current elevation of the land compared to the residential neighborhood located directly behind it. Planning Commission Members also expressed concern with the height of a building on the property and does not feel the exhibits provided adequately address this issue.

**The Planning Commission unanimously recommended denial of this rezoning request, an application to rezone a total of 2.42 acres of land from the B1 (Neighborhood Business) District to the B2 (General Business) District with proffers, to accommodate commercial uses.**



Commission members stated their belief that the B2 (General Business) District uses were too intensive for this location and would have a detrimental impact to the adjacent residential neighborhood, in particular the existing residences immediately adjacent to the property. The Planning Commission expressed that the B2 District designation is more appropriate for larger commercial parcels such as in those areas planned for larger scale commercial development adjacent to Route 277, Fairfax Pike.

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



**REZONING #05-14 CB VENTURES, LLC, SUBMITTED BY CB VENTURES, LLC, TO REZONE 2.42 ACRES OF PROPERTY FROM B1 (NEIGHBORHOOD BUSINESS) DISTRICT TO B2 (GENERAL BUSINESS) DISTRICT WITH PROFFERS. THE PROPERTY IS LOCATED AT 1033 AYLOR ROAD IN STEPHENS CITY AND IS IDENTIFIED BY PROPERTY IDENTIFICATION NUMBERS 74-((A))-104 AND 74-((A))-105 IN THE OPEQUON MAGISTERIAL DISTRICT. – VOTE POSTPONED FOR 60 DAYS**

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposal to rezone 2.42 acres from B1 (Neighborhood Business) District to B2 (General Business) District with proffers. The property is located at 1033 Aylor Road in the Opequon Magisterial District. Deputy Director Ruddy advised the applicant has proffered a generalized development plan that includes the relocated Aylor Road. The proposed commercial uses are generally consistent with the Comprehensive Plan; however, the neighborhood characteristics of the adjacent land uses should be considered. He noted the proposal calls for increased vehicle trips per day, increased building height, and increased density. The Planning Commission recommended denial of this application due to its adverse impact on the adjacent neighborhood. He concluded by saying that staff was seeking Board action following the public hearing.

**Benjamin C. Montgomery** appeared before the Board on behalf of the applicant. He reviewed the proposal to include the conversion of current Aylor Road into a utility road for I-81. He stated the nature of the location begs to be more intense from a zoning perspective. He noted there was existing B2 zoning against some of the residential area. He went on to say three uses make sense for this particular parcel: office, hotel, and restaurant. He noted part of the property could not be used due to the relocation of Aylor Road. He stated the current B1 zoning guarantees a three-story office building. B2 would permit a hotel with no windows facing the residential neighborhood. He noted that buffering had been added to aid the neighbors beside the



project.

Chairman Shickle convened the public hearing.

**Dorothy Carriker**, Opequon District, advised she was an adjoining property owner. She did not believe the proposed rezoning met the current B2 requirements. She stated the B2 district provided for uses on large acreage; however, the proposed parcel was not large. She noted the parcel was not located near the Aylor Road intersection. She asked if this was the type of spot zoning Frederick County wants to see. The Planning Commission unanimously rejected this proposal and she hoped the Board would do the same.

**Ulysses Carriker**, Opequon District, stated the site overlooks a mostly residential neighborhood due to the topography. He believed site access should be controlled and nuisances mitigated. He was concerned about the building overlooking his property and the illuminated signage. He also expressed concern about stormwater runoff because it could flood his yard and crawlspace. He concluded by asking the Board to deny this proposed rezoning request.

**Kevin Chapman**, Opequon District, stated he believed the hill elevation to be greater than what was shown on the illustration. He noted the proposed landscaping was less than adequate and the building would dominate the view from his home. He went on to say if the Board wanted to approve this application, he asked that the action be postponed until more thorough environmental studies of the property could be done. He advised that the debris from the carwash drains had been dumped on the property and there had been no reports that this property had been remediated. He noted a phase I environmental study did not always detect contamination.

**Alan Moeck**, Opequon District, expressed concern about the height of the proposed building, how people would enter the site due to the relocated Aylor Road, and lighted signage.



He hoped the Board would deny this request.

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

Mr. Montgomery responded to the various comments. He stated he appreciated the residents' concerns. He proposed the Board postpone this application in order to allow the applicant to work with the neighbors to address their concerns.

Supervisor Wells advised that he had spoken with the project owner and two adjacent landowner and some board members. He would like to say that he could find a way for the neighbors to have their concerns addressed.

Supervisor Wells moved to deny rezoning #05-14. The motion was seconded by Supervisor Hess.

Supervisor Lofton stated that looking at the relocated Aylor Road this rezoning would appear to create an island of B2 zoned property. He stated that he could argue that this might not be the right zoning for this property.

Supervisor Fisher stated there was a part of him that would like to see the application postponed in order to allow the applicant to work out the concerns expressed by the neighbors.

Supervisor Wells withdrew his motion to deny.

Supervisor Hess withdrew his second.

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board postponed Rezoning #05-14 for 60 days.

The above motion was approved by the following recorded vote:

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



## PROPOSED PROFFER STATEMENT

REZONING: RZ#  
B1 to B2

PROPERTY: 2.42 acres  
Tax Map Parcel 74-((A))-104 & 105

RECORD OWNER: CB Ventures, LLC.

APPLICANT: Montgomery Engineering Group, Inc.

PROJECT NAME: CB Ventures, LLC – Aylor Road

ORIGINAL DATE  
OF PROFFERS: May 13, 2014

REVISION DATE(S): February 5, 2015

---

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced B2 rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term final rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Applicant CB Ventures, LLC. from conforming to State and/or Federal regulations shall be considered null and void. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.



When used in these proffers, the "Generalized Development Plan", shall refer to the plan entitled "CB Ventures, LLC – Aylor Road" dated February 23, 2014 revised November 1, 2014 (the "GDP") and is included in this proffer.

#### Site Development.

##### 1. Property Access.

Property access shall be via the two new entrances shown on GDP from Relocated Aylor Road, as approved by VDOT. Temporary access to the property may, in the interim, be via entrances on the existing portion of Aylor Road, as approved by VDOT, until such time the right of way for the future Aylor Road realignment improvement project is conveyed to the Commonwealth of Virginia. This temporary access may cross the area identified for right of way dedication. Improvements necessary to utilize the two new entrances shown on the GDP after the conveyance shall be the responsibility of the Applicant.

##### 2. Right of way dedication.

The Right of Way shown on the GDP for the future Aylor Road Realignment improvement project shall be conveyed to the Commonwealth of Virginia or Frederick County within 90 days of a written request from either VDOT or Frederick County. All site development shall occur on the area outside of the area identified for future right of way dedication. The only exception to this requirement being the temporary access identified in Proffer 1. The provision for conveyance of the Right of Way shall have no further force or effect, however, should neither the VDOT 6 Year Plan nor the Frederick County Road Plan continue to show the realignment or improvement of Aylor Road.

##### 3. Lighting.

All lighting shall be building mounted wall packs or on poles and shall be no higher than 20'. Lighting shall be downcast and shielded to prevent glare and intrusion of light onto adjoining properties.

##### 4. Land Use

The Property shall be allowed to develop with B2 land uses with exception of:

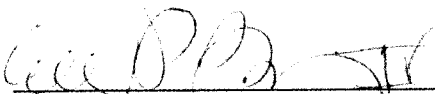
SIC Code	Use
074	Veterinary Offices
554	Gasoline Service Stations



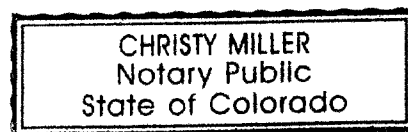
5. Allowed Building Height

The maximum building height allowed for office buildings and hotels/motels shall be 50 feet and the maximum building height allowed for all other B2 uses shall be 35 feet or as may be otherwise provided in the County Code for the B2 Zoning District.

Respectfully submitted,  
CB Ventures, LLC


  
Edward P. Browning, IV

member  
(Title)

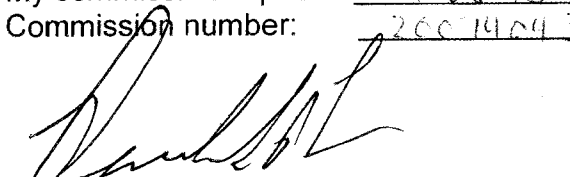


COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day  
of February, 2014, by Christy Miller.

  
NOTARY PUBLIC

My commission expires: 11-26-15  
Commission number: 20074093509 Cherry Creek, CO

  
Randy Craun

Mendez/Morgan  
(Title)

COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day  
of February, 2014, by Debbie Jenkins  
5

  
NOTARY PUBLIC

My commission expires: 9/30/18  
Commission number: 7593285

Debbie Jenkins  
Notary Public  
Commonwealth of Virginia  
Notary Registration #7593285





## AMENDMENT

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**Action:**

PLANNING COMMISSION: February 18, 2015 - Recommended Denial

BOARD OF SUPERVISORS: May 13, 2015 ☐ APPROVED ☐ DENIED

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### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #05-14 CB VENTURES LLC

**WHEREAS, Rezoning #05-14 Of CB Ventures, LLC**, submitted by Montgomery Engineering Group, Inc., to rezone 2.42 acres from B1 (Neighborhood Business) District to B2 (General Business) District with proffers dated May 13, 2014, last revised on May 1, 2015, was considered. The property is located at 1033 Aylor Road in Stephens City. The property is further identified with PIN(s) 74-A-104 and 74-A-105 in the Opequon Magisterial District.

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on January 7, 2015 and a public meeting was held on February 18, 2015, and recommended denial of this request; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on March 11, 2015, tabled the request for 60 days, and a public meeting was held on May 13, 2015; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 2.42 acres from B1(Neighborhood Business) District to B2 (General Business) District with proffers. The conditions voluntarily proffered in writing by the applicant and the property owner are attached.



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

Passed this 13th day of May, 2015 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.	_____
Jason E. Ransom	_____		

**A COPY ATTEST**

---

Roderick B. Williams, Interim  
Frederick County Administrator



## PROPOSED PROFFER STATEMENT

REZONING: RZ#  
B1 to B2

PROPERTY: 2.42 acres  
Tax Map Parcel 74-(A)-104 & 105

RECORD OWNER: CB Ventures, LLC

APPLICANT: Montgomery Engineering Group, Inc.

PROJECT NAME: CB Ventures, LLC – Aylor Road

ORIGINAL DATE  
OF PROFFERS: May 13, 2014

REVISION DATE(S): February 5, 2015

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced B2 rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term final rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Applicant CB Ventures, LLC, from conforming to State and/or Federal regulations shall be considered null and void. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.



When used in these proffers, the "Generalized Development Plan", shall refer to the plan entitled "CB Ventures, LLC – Aylor Road" dated February 23, 2014 revised November 1, 2014 (the "GDP") and is included in this proffer.

#### Site Development.

##### 1. Property Access.

Property access shall be via the two new entrances shown on GDP from Relocated Aylor Road, as approved by VDOT. Temporary access to the property may, in the interim, be via entrances on the existing portion of Aylor Road, as approved by VDOT, until such time the right of way for the future Aylor Road realignment improvement project is conveyed to the Commonwealth of Virginia. This temporary access may cross the area identified for right of way dedication. Improvements necessary to utilize the two new entrances shown on the GDP after the conveyance shall be the responsibility of the Applicant.

##### 2. Right of way dedication.

The Right of Way shown on the GDP for the future Aylor Road Realignment improvement project shall be conveyed to the Commonwealth of Virginia or Frederick County within 90 days of a written request from either VDOT or Frederick County. All site development shall occur on the area outside of the area identified for future right of way dedication. The only exception to this requirement being the temporary access identified in Proffer 1. The provision for conveyance of the Right of Way shall have no further force or effect, however, should neither the VDOT 6 Year Plan nor the Frederick County Road Plan continue to show the realignment or improvement of Aylor Road.

##### 3. Lighting.

All lighting shall be building mounted wall packs or on poles and shall be no higher than 20'. Lighting shall be downcast and shielded to prevent glare and intrusion of light onto adjoining properties.

##### 4. Land Use

The Property shall be allowed to develop with B2 land uses with exception of:

SIC Code	Use
074	Veterinary Offices
554	Gasoline Service Stations

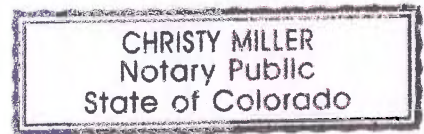


5. Allowed Building Height

The maximum building height allowed for office buildings and hotels/motels shall be 50 feet and the maximum building height allowed for all other B2 uses shall be 35 feet or as may be otherwise provided in the County Code for the B2 Zoning District.

Respectfully submitted,  
CB Ventures, LLC

Edward P. Browning, IV member  
Edward P. Browning, IV (Title)



COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day  
of February, 2014, by Christy Miller.

Christy Miller  
NOTARY PUBLIC

My commission expires: 11-26-15  
Commission number: 20074043589 Gunnison, CO

Randy Craun Mom doc / Morgan  
Randy Craun (Title)

COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day  
of February, 2014, by Debbie Jenkins.

Debbie Jenkins  
NOTARY PUBLIC

My commission expires: 9/30/18  
Commission number: 7593285

Debbie Jenkins  
Notary Public  
Commonwealth of Virginia  
Notary Registration #7593285







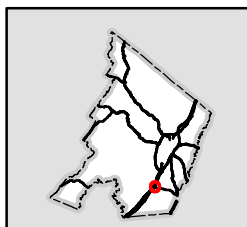




# REZ # 05 - 14 CB Ventures, LLC PINS: 74 - A - 104, 74 - A - 105 Rezoning from B1 to B2



- Applications
- Sewer and Water Service Area
- 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)



REZ # 05 - 14  
CB Ventures, LLC  
PINS:  
74 - A - 104, 74 - A - 105  
Rezoning from B1 to B2

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: November 25, 2014  
Staff: mrruddy



0 135 270 540 Feet



## PROPOSED PROFFER STATEMENT

REZONING: RZ#  
B1 to B2

PROPERTY: 2.42 acres  
Tax Map Parcel 74-((A))-104 & 105

RECORD OWNER: CB Ventures, LLC.

APPLICANT: Montgomery Engineering Group, Inc.

PROJECT NAME: CB Ventures, LLC – Aylor Road

ORIGINAL DATE  
OF PROFFERS: May 13, 2014

REVISION DATE(S): November 19, 2014

---

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced B2 rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term final rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. Any proffered conditions that would prevent the Applicant CB Ventures, LLC. from conforming to State and/or Federal regulations shall be considered null and void. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.



When used in these proffers, the "Generalized Development Plan", shall refer to the plan entitled "CB Ventures, LLC – Aylor Road" dated February 23, 2014 revised November 1, 2014 (the "GDP") and is included in this proffer.

#### Site Development.

##### 1. Property Access.

Property access shall be via the two new entrances shown on GDP from Relocated Aylor Road, as approved by VDOT. Temporary access to the property may, in the interim, be via entrances on the existing portion of Aylor Road, as approved by VDOT, until such time the right of way for the future Aylor Road realignment improvement project is conveyed to the Commonwealth of Virginia. This temporary access may cross the area identified for right of way dedication. Improvements necessary to utilize the two new entrances shown on the GDP after the conveyance shall be the responsibility of the Applicant.

##### 2. Right of way dedication.

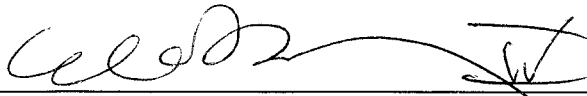
The Right of Way for the future Aylor Road Realignment improvement project shown on GDP shall be conveyed for the development of said road to the Commonwealth of Virginia 90 days of a written request from either VDOT or Frederick County. All site development shall occur on the area outside of the area identified for future right of way dedication. The only exception to this requirement being the temporary access identified in Proffer 1. This property shall not be conveyed should road development not occur or if on a future VDOT 6 Year Plan, Aylor Road is no longer being considered for realignment.

##### 3. Lighting.

All lighting shall be building mounted wall packs or on poles and shall be no higher than 20'. Lighting shall be downcast and shielded to prevent glare and intrusion of light onto adjoining properties.



Respectfully submitted,

  
\_\_\_\_\_  
Edward P. Browning, IV

COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 24th day  
of November, 2014, by Debbie Jenkins.

  
\_\_\_\_\_  
NOTARY PUBLIC


My commission expires: 9/30/18  
Commission number: 7593285

Debbie Jenkins  
Notary Public  
Commonwealth of Virginia  
Notary Registration #7593285

  
\_\_\_\_\_  
Randy Craun

COMMONWEALTH OF VIRGINIA, AT LARGE  
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 24th day  
of November, 2014, by Debbie Jenkins.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 9/30/18  
Commission number: 7593285

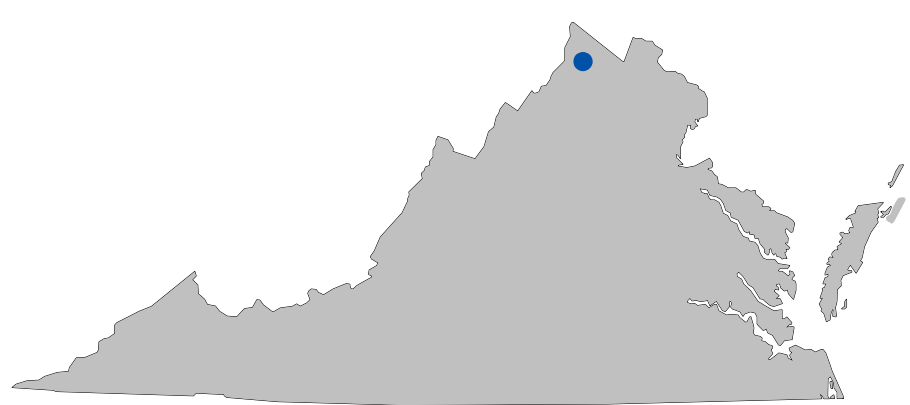
Debbie Jenkins  
Notary Public  
Commonwealth of Virginia  
Notary Registration #7593285





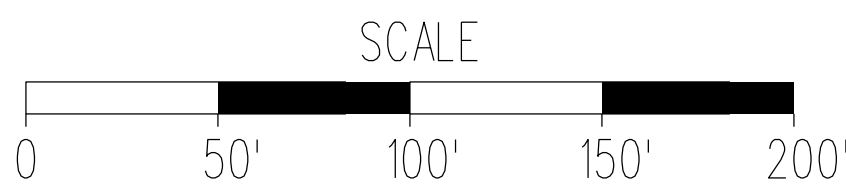
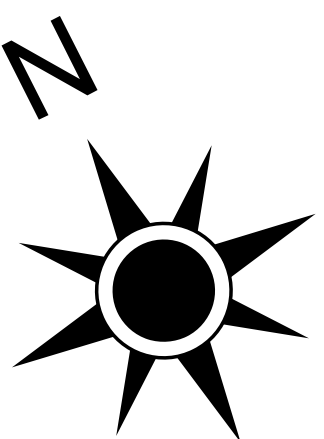


Project Location



Frederick County

North Arrow & Scale



Legend

	Proposed Road		Existing Right of Way
	Proposed Shared Use Path		Proposed Right of Way Line
	Proposed Sidewalk		Proposed Permanent Easement
	Stormwater Management Basin		Proposed Permanent Utility Easement
	Signal		Proposed Temp. Construction Easement
	Building Potentially to be Removed (See Plans for additional demolition items)		
	Proposed Limits of Construction - Cut		Proposed Limits of Construction - Fill

Contact Information

Chris Colson, PE  
Project Manager  
Virginia Department of Transportation  
811 Commerce Road  
Staunton, VA 24401

Comments may also be sent to:  
Chris.Colson@VDOT.Virginia.gov

Fairfax Pike (Route 277)  
Frederick County, Virginia  
  
0277-034-103,PE-101, RW-201, C-501  
UPC 18003  
STP-034-8(032)

These plans are unfinished and unapproved and are not to be used for any type of construction or the acquisition of right of way. Additional easements for utility relocations may be required beyond the proposed right-of-way shown on these plans.

Imagery Courtesy of the Commonwealth of Virginia copyright 2009/2010.







## COUNTY of FREDERICK

Roderick B. Williams  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

December 4, 2014

VIA E-MAIL – ben@MEGinc.biz – AND REGULAR MAIL

Mr. Benjamin C. Montgomery  
Montgomery Engineering Group, Inc.  
132 Saddleback Lane  
Winchester, Virginia 22602

Re: Rezoning Application – CB Ventures, LLC  
Parcel Numbers 74-A-104 and 74-A-105, consisting of 2.42± acres (the  
“Properties”)  
Revised Proffer Statement dated May 13, 2014

Dear Mr. Montgomery:

You have submitted to Frederick County for review the above-referenced proposed proffer statement (the “Proffer Statement”) for the proposed rezoning of the Properties, in the Opequon Magisterial District, from the B1 (Neighborhood Business) District to the B2 (General Business) District, subject to proffers. I have now reviewed the Proffer Statement and it is my opinion that the Proffer Statement would be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would be legally sufficient as a proffer statement, subject to the following comments:

1. Date of the Proffer Statement – The previous version of the Proffer Statement was dated May 21, 2014; the current version is dated May 13, 2014. It would appear that some date other than May 13, 2014 is correct.
2. Proffer 1 – Again, the proffer does not actually state an obligation, as the uses it purports to exclude are already prohibited in the County’s B2 District. For example, County Code § 165-603.02 permits SIC Code 72 uses, other than those in SIC Codes 7213, 7216, 7218, and those listed for 7299. The Code provides similarly for SIC Codes 73 and 76. You may simply delete Proffer 1, as the designation at the top of page 1 of the Proffer Statement, that the rezoning is from B1 to B2, is adequate to convey the effect of the rezoning.
3. Proffer 2:



- a. For clarity, it may better to divide Proffer 2 into a part a (re property access) and a part b (re right of way dedication).
  - b. The second sentence regarding property access might better read that the existing entrances shall be reduced to those shown on the GDP at the time of construction of the realigned Aylor Road. In this regard, I note that, as worded, the sentence would apparently only limit the entrances at development (of the Property?) after conveyance (of the right of way?). This would not necessarily be practical in the context of the road realignment project. Also, I would suggest adding on the GDP labels for the new entrances.
  - c. The first sentence regarding dedication might better read along the lines of: "The right of way shown on the GDP for the future Aylor Road realignment project shall be conveyed to the Commonwealth of Virginia within 90 days of a written request from either VDOT or Frederick County." I believe this is fairly standard language that has been used for road improvement dedications in other rezonings. The second sentence regarding dedication might better read by starting with "The right of way", instead of "This property". Also regarding dedication, staff should be aware that, as written, the obligation to dedicate right of way is ineffective if new development does not occur on the Property.
  - d. As well, regarding dedication, the GDP might specifically identify, with a text notation and arrows, the area of the right of way dedication. Presumably, this would be the area to the west of the --- -- line on the GDP, but this is not clear.
4. Staff should be aware that the impact analysis accompanying the application materials asserts that the county's tax base "will increase with only minimal service requirements". Staff may wish to undertake independent analysis.
  5. Signature – Thank you for adding a signature by Mr. Browning, but I note that the Proffer Statement still fails to state that it is on behalf of CB Ventures, LLC. This might best be solved by adding "CB VENTURES, LLC" under the "Respectfully submitted" line and also stating the titles of Messrs. Browning and Craun. Also, the notarizations are defective in that, where they indicate "by", the name should be that of the signatory and not that of the notary. Finally, the notary is required to affix a raised seal to the document. Va. Code §47.1-16(C).



Mr. Benjamin C. Montgomery  
December 4, 2014  
Page 3

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

Sincerely yours,

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

Roderick B. Williams  
County Attorney

cc: Michael Ruddy, AICP, Deputy Director of Planning and Development (via e-mail)



## Ben Montgomery

---

**From:** Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov> on behalf of Ingram, Lloyd (VDOT) <Lloyd.Ingram@VDOT.virginia.gov>  
**Sent:** Friday, August 08, 2014 9:23 AM  
**To:** ben@meginc.biz  
**Cc:** Ingram, Lloyd (VDOT); Smith, Matthew, P.E. (VDOT); John Bishop  
**Subject:** CB Ventures, LLC - Aylor Road - VDOT Comments to Rezoning  
**Attachments:** Scanned from EDNXerox.pdf

The documentation within the application to rezone this property appears to have a measurable impact on Route 647. This route is the VDOT roadway which has been considered as the access to the property referenced.

VDOT is satisfied that the transportation proffers offered in the CB Ventures, LLC Rezoning Application dated May 21, 2014 address transportation concerns associated with this request.

Before development, this office will require a complete set of construction plans detailing entrance designs, drainage features, 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. Any work performed on the State's right-of-way must be covered under a land use permit. This permit is issued by this office and requires an inspection fee and surety bond coverage.

Thank you for allowing us the opportunity to comment.

Lloyd A. Ingram | Land Development Engineer  
Virginia Department of Transportation  
Clarke, Frederick, Shenandoah & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824  
voice: 540/984-5611  
fax: 540/984-5607  
e-mail: [Lloyd.Ingram@vdot.virginia.gov](mailto:Lloyd.Ingram@vdot.virginia.gov)





## **FREDERICK COUNTY** **SANITATION AUTHORITY**

Post Office Box 1877  
Winchester Virginia 22604-8377

PH. – (540)868-1061  
Fax – (540)868-1429  
[www.fcsa-water.com](http://www.fcsa-water.com)

Uwe E. Weindel, P.E.  
*Engineer-Director*

June 6, 2014

Mr. Ben C. Montgomery  
Montgomery Engineering Group, Inc.  
132 Saddleback Lane  
Winchester, Virginia 22602

Ref.: Rezoning Plan Comments  
1033 Aylor Road  
Tax Map # 75-A-104 & 105

Dear Sir:

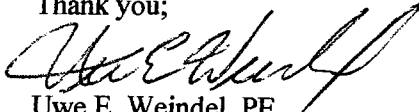
Per your request, a review of the proposed rezoning plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

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 within a reasonable distance from the site. 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.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design. All easements should be free from any encumbrance including permanent structures (fences, signs, etc.) and landscaping (trees, shrubs, etc.).

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicant 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.

Thank you;

  
Uwe E. Weindel, PE  
Engineer-Director





COUNTY of FREDERICK


Department of Planning and Development

540/665-5651

FAX: 540/665-6395

## MEMORANDUM

**TO:** Ben Montgomery  
Montgomery Engineering Group, Inc.

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** Rezoning Comments: CB Ventures, LLC Commercial - Aylor Road.

**DATE:** August 22, 2014

The following comments are offered regarding the CB Ventures, LLC Commercial Rezoning Application. This is a request to rezone 2.42 acres from B1 (Neighborhood Business) to B2 (Business General) with Proffers. The review is generally based upon the Proffer Statement dated May 21, 2014, and the Impact Analysis Statement dated June 20, 2014.

Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

### General

1. The submission fee for this application would total \$10,242.00, based upon acreage of 2.42 acres.

### Land Use

- 1) The 2030 Comprehensive Plan Long Range Land Use Plan provides guidance on the future development of the property. The property is located within the UDA and SWSA. The 2030 Comprehensive Plan identifies the general area surrounding this property with a commercial land use designation. In general, the proposed commercial land use designation for this property is consistent with this land use designation of the Comprehensive Plan. However, the existing land use in this area is **neighborhood commercial** in character. Immediately to the east of this property is an existing residential neighborhood. The existing character of the land use is a consideration when evaluating this proposed rezoning.



*The intent of this district (B1 Neighborhood Business District) is to provide small business areas to serve the daily household needs of surrounding residential neighborhoods. Uses allowed primarily consist of limited retailing and personal service uses. Business uses in this district should be small in size and should not produce substantial vehicle traffic in excess of what is usual in the residential neighborhoods.*

- 2) The subject properties have frontage on and access to Route 647, Aylor Road. Aylor Road is identified as a major collector road in the County's Eastern Road Plan. The rezoning application should fully address this road project as designed by VDOT in the most recent improvement plans for this project. In particular, the right-of-way needs of the project. Any improvements associated with the development of the site within the future road right-of-way should be consistent with those identified in the plans and to the satisfaction of VDOT.

#### Impact Analysis and Proffer Statement

Please address the following items from the Impact Analysis and Proffer Statements prepared for this Application. The following comments have been provided in conjunction with John Bishop, County Transportation Planner.

- 1) The application does not address the potential impacts associated with the change from B1 (Neighborhood Commercial) District to B2 (General Commercial) District on the adjacent residential land uses.
- 2) The Impact Analysis states that this site will negatively impact Police Protection, Fire and Rescue Protection, Water and Sewer Usage, and Solid Waste Disposal. The capital needs associated with these impacts have not been quantified and have not been addressed by way of mitigation other than to say that there may be a potential increase in tax revenue and fees from this development. Please quantify and address the impacts.
- 3) The Traffic portion of the Impact Analysis states that the potential development square footages established for each zoning district in the Zoning Code are grossly overstated (B1-13,068, B2-21,361). Please clarify if the numbers used to make your conclusions are those established by the County, or your own estimate.
- 4) Transportation improvements to Aylor Road and Route 277, Fairfax Pike, are planned on the VDOT Six-Year Improvement Plan. Therefore, at this time it is not anticipated that this project constructs improvements to Aylor Road, rather, dedicates appropriate right-of-way, designs access to this site that is consistent with those improvements anticipated with the VDOT Six-Year Plan Project, and provides some contribution to transportation improvements resulting from the impacts of this new development; further, that the value of any contribution has a nexus to the development project and its impacts.



- 5) Proffer 1 is redundant as B2 land uses are obviously those that the property will be developed with under a B2 rezoning. Should you desire to prohibit certain B2 uses this would be the appropriate location to do so.
- 6) Proffer 2 is vague and provides no concrete commitment to address the transportation impacts and future road construction and right-of-way needs. Transportation improvements proffered should support the Aylor Road/277 project and should include appropriate triggers for completion and/or dedication.
- 7) The GDP shows improvements to the site that may be construed to be the scope of development and may, in the future, be in conflict with ordinance requirements. To provide the applicant with as much flexibility in the future development of the site, it is suggested that some of the site design details are removed, such as building footprints and buffer details, from the GDP. Features important to the rezoning, and those that exceed current ordinance requirements should be depicted on the GDP. Such features should also reflect consistency with items described in the proffer statement.

In conclusion, please ensure that the above comments, and those offered by the reviewing agencies are addressed.

MTR/dlw





November 1, 2014

Re: Rezoning CB Ventures – Aylor Road

County of Frederick  
Department of Planning and Development  
107 N. Kent St.  
Winchester, VA 22601-5000

Dear Mr. Ruddy:

Per your attached comment letter dated August 22, 2014, we have made the following revisions.

General

1. Fee amount is acknowledged.

Land Use

1. Land use consideration understood.
2. The submitted plan and revised Impact Analysis Statement in conjunction with the Proffer Statement addresses the most recent road realignment for Aylor Road. This plan has been approved by VDOT.

Impact Analysis and Proffer Statements

1. We believe because this is on Aylor Road which is a major collector road and not on any roads leading into the neighborhood that the impacts to the adjoining neighborhood to be minimal and would be mitigated by the current screening requirements. Statement added to Impact Analysis Statement.
2. At this time we have no way to quantify Police, Fire & Rescue, and Solid Waste Disposal. The statement remains true that the change in zoning when comparing a fully developed B1 site to a fully developed B2 site is very small. The difference in tax revenue is proportional. The water usage is being addressed in FCSA reviews and statement has been modified to reflect. No additional proffers are being offered nor are they needed.
3. My statement that the Zoning Code grossly overstated the numbers was incorrect on my part. I was not calculating based on "Acre of Use". The Impact Analysis Statement has been modified to indicate the small difference between allowable square footage of use.



4. The proffer dedicates the ROW for the property and limits development in that area. We believe that proffering the ROW without payment from VDOT mitigates future VDOT development costs. This has been accepted by VDOT.
5. We have listed additional B2 land uses to be proffered.
6. The trigger for the proffer is exercise by VDOT when the road is being developed. No proffers for additional contributions are being made. Proffer Statement has been reviewed by the county attorney and accepted by VDOT. As stated in Impact Analysis, the transportation impacts are less than 10%.
7. The GDP has been revised to remove building footprints and buffer elements.

Thank you for your help in this process. If you have any questions, give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben C. Montgomery", with a large, stylized loop at the end.

Ben C. Montgomery, PE





**MONTGOMERY**

*Engineering Group, Inc.*

## Impact Analysis Statement

**CB Ventures, LLC – Aylor Road**

**Tax Map #75-((A))-104 & 105**

Revision 1 – 11/1/14



Owner: CB Ventures, LLC.  
130 Hawthorne Dr.  
Winchester, VA 22601

Applicant: Montgomery Engr. Group, Inc.  
132 Saddleback Lane  
Winchester, VA 22602  
(540) 974-7382 ben@MEGinc.biz

Property: Tax Map #75-((A))-104 & 105  
1033 Aylor Road, Stephens City, VA 22655

Zoning: Present B1  
Proposed B2

### **A. Suitability of the Site**

The site is located on Aylor Road approximately 0.25 miles north of Fairfax Pike in Frederick County, VA. The present use of lot 104 is a car wash and lot 105 is vacant but once had a self-serve gas station operating in the 70's. All tanks were removed in 1986 and an Environmental Site Assessment was performed in 2005 on lot 105. There are no known site hazards. The total acreage is 2.42 acres.

Access to the site is currently from two entrances off Aylor Road for each lot or a total number of 4 entrances. The total current frontage is 392.57 feet.

The site and location make it suitable for a wide variety of uses. By rezoning to B2, a much larger pool of uses is allowed therefore making the property more marketable.

### **B. Surrounding Properties**

The property to the north is zoned B1 and presently being used as a Dentist Office. The property to the south is zoned B1 and presently being used as duplex office housing an Orthodontist and a Stock Broker. The property to the east is zoned RP and is being used as single family residential. Aylor Road and I-81 border the property on the west. The nearest residence is approximately 75' from the property line. The property being on Aylor Road a major collector and not on any roads leading into the neighborhood greatly reduce the impact to the RP neighborhood. Per current zoning code the site will be fully screened per category B on the east side (side adjoining the RP District). The 25' inactive portion of the buffer shall be screened with landscaping and 6' fence per code. This buffer will mitigate any impact to the neighborhood.



## **C. Traffic – Traffic Impact Analysis**

Rezoning proposal does not substantially affect transportation on the state-controlled highway.

### **Background**

The site is located on Aylor Road approximately 0.25 miles north of Fairfax Pike in Frederick County, VA. The present use of lot 104 is a car wash and lot 105 is vacant. The total acreage is 2.42 acres.

Access to the site is currently from two entrances off Aylor Road for each lot or a total number of 4 entrances. The total current frontage is 392.57 feet.

The proposed rezoning less the proffered road right of way for the realignment of Aylor Road reduces the site area to 1.90 acres with two entrances proposed. This analysis assumes Aylor Road will be realigned per VDOT diagrams. The existing and proposed area is shown in the attached drawing. This drawing depicts the realignment of Aylor Road and the proffered right of way. The bicycle trail currently on Aylor Road is also shown and extended.

The site is located in a flat and reasonably straight area of Aylor Road. Site distances are greater than 500 feet. The current speed limit is 40 mph. Roads affected by this rezoning are Aylor Road and Fairfax Pike.

### **Analysis of Existing Conditions**

Aylor Road currently runs in front of the two lots and connects with Tasker Road to the north. This intersection is 2 miles away. Aylor Road connects with Fairfax Pike 0.25 miles away to the south. Aylor Road serves several major residential areas. In the area of the lots house two fast food restaurants, a gas station and several medical office buildings.

Current traffic counts are approximately 5,700 AADT and approximate peak hour of 500 vehicles per hour. Fairfax Pike has an approximate AADT of 10,000 and approximate peak hour of 900 vehicles per hour. 99% of the vehicles on Aylor Road are 4 tired and 91% on Fairfax Pike are 4 tired.

The existing car wash per ITE is approximately 75 vehicles per hour during daily peak hour.

### **Proposed Trip Generations**

Per Frederick County Zoning Code, usage density is to be calculated at set square footages per usable acre. B1 uses 13,068 square feet / acre and B2



uses 21,361 square feet / acre of retail space. Using these factors and the ITE Trip Generation manual the following has been calculated.

Current Zoning B1 of usable acreage

1.60 acres x 13,068 sq ft/ac = 20,909 sq ft of retail space

The average weekday rate is 44.32 vehicles per day per 1000 square foot or 925 vpd.

The maximum peak hour rate is 6.84 vehicles per hour per 1000 square foot or 145 vph.

Proposed Zoning B2 of usable acreage

1.05 acres x 21,361 sq ft/ac = 22,429 sq ft of retail space

Using the same rates as above – 995 vpd and max hour of 155 vph.

Using the actual usable area of the lots considering set backs, buffers and parking requirements, these square footages the B2 area is believed to be closer to 16,000 sq ft of retail or 700 vpd and peak hour of 110 vph.

Based on these calculations, a reasonable estimate of the traffic increase from B1 to B2 would be less than 10%.

## Conclusion

Developing the property fully using B1 zoning and density would be handled by the current Aylor Road configuration. Rezoning to B2 and fully developing using the reconfigured Aylor Road would more than account for the 10% increase in traffic potential created. This increase is mitigated by the proffered right of way for this new roadway.

## D. Sewage Conveyance and Treatment

The site is currently served by FCSA with an 8" sewer main. The lot 104 presently has a self service and automatic car wash. It is unknown at this time if the carwash shall remain. The sewer effluent difference for most land uses is minimal between B1 and B2 Zonings with the exception of a Hotel. Should that use be used the water consumption would average between 200,000 and 300,000 gallons per month. Sewer main runs at front of property and south. Present Car Wash connection is in the front.

Based on our preliminary studies there is adequate sewer services in place to handle all potential land uses. Any impacts due to increases in sewer effluent will be offset by the reciprocal increase in water / sewer fees generated.



## **E. Water Supply**

The site is currently served by FCSA with an 8" water main that runs across the front of the property. The lot 104 presently has a self service and automatic car wash. It is unknown at this time if the carwash shall remain. The water use difference for most land uses is minimal between B1 and B2 Zonings with the exception of a Hotel. Should that use be used the water consumption would average between 200,000 and 300,000 gallons per month.

Based on our preliminary studies there is adequate water service in place to handle all potential land uses and fire protection. Any impacts due to increases in water usage will be offset by the reciprocal increase in water / sewer fees generated.

## **F. Drainage**

The site presently drains to the south and North. Future development will require both retention facilities and BMS utilization in accordance with Frederick County Stormwater ordinance #143. No changes in drainage patterns should be required. Future Stormwater designs should minimize flows directed toward the existing residential development.

## **G. Solid Waste Disposal Facilities**

The prospect for additional solid waste is likely. Enclosed dumpster locations shall be required and planned as a part of the site planning process. All hauling and disposal shall be the responsibility of the owner. Increases in tax revenue will more than account for this burden.

## **H. Historic Sites and Structures**

The site has no historical significance.

## **I. Impact on Community Facilities**

By developing this site, the counties tax base will increase with only minimal service requirements. The potential increase in tax revenue from this project is between \$15,000 and \$20,000 per year. Additional revenues shall be produced for water / sewer usage.

This site will negatively impact Police Protection, Fire and Rescue Protection, Water & Sewer usage, and Solid Waste Disposal. The site will be approved by the Fire Marshal and Building and Inspections department to lower fire risk. On site fire hydrant(s) shall be installed. Proper lighting shall be required for safety.



## **J. Other Impacts**

. None.



**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number	<u>05-14</u>	Fee Amount Paid	<u>\$10,242.<sup>00</sup></u>
PC Hearing Date	<u>1/7/15</u>	Date Received	<u>11/24/14</u>
		BOS Hearing Date	<u>1/28/15</u>

*The following information shall be provided by the applicant:*

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

**1. Applicant:**

Name: Montgomery Engr Group, Inc Telephone: 540-974-7382  
Address: 132 Saddleback Lane  
Winchester, VA 22602

**2. Property Owner (if different than above):**

Name: CB Ventures, LLC Telephone: 540-535-1897  
Address: 130 Hawthorne Dr.  
Winchester, VA 22601

**3. Contact person if other than above:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

**4. Property Information:**

- a. Property Identification Number(s): 74-((A)) - 104 & 105
- b. Total acreage to be rezoned: 2.42
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): \_\_\_\_\_
- d. Current zoning designation(s) and acreage(s) in each designation: B1
- e. Proposed zoning designation(s) and acreage(s) in each designation: B2
- f. Magisterial District(s): Opequon



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

Location map	<input checked="" type="checkbox"/>	Agency Comments	<input checked="" type="checkbox"/>
Plat	<input checked="" type="checkbox"/>	Fees	<input checked="" type="checkbox"/>
Deed to property	<input checked="" type="checkbox"/>	Impact Analysis Statement	<input checked="" type="checkbox"/>
Verification of taxes paid	<input checked="" type="checkbox"/>	Proffer Statement	<input checked="" type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input checked="" type="checkbox"/>		
Digital copies (pdf's) of all submitted documents, maps and exhibits	<input checked="" type="checkbox"/>		

**6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.**

Please list below all owners or parties in interest of the land to be rezoned:

Edward P Browning, IV

Randy Craun

**7. Adjoining Property:**

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
74-B-7-2-27	Dentist Office	B1
85-4-1	Orthodontist/Broker	B1
85-4-2 & 3	Vacant	B1
74B-7-2-28	Residential	RP
74B-7-2-29	Residential	RP
74B-7-2-30	Residential	RP

**8. Location:** The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

1033 Aylor Road, 0.25 miles north of Fairfax Pike, Stephens City, VA 22655.



**9. The following information should be provided according to the type of rezoning proposed:**

Number of Units Proposed

Single Family homes: \_\_\_\_\_ Townhome: \_\_\_\_\_ Multi-Family: \_\_\_\_\_  
Non-Residential Lots: X \_\_\_\_\_ Mobile Home: \_\_\_\_\_ Hotel Rooms: \_\_\_\_\_

Square Footage of Proposed Uses


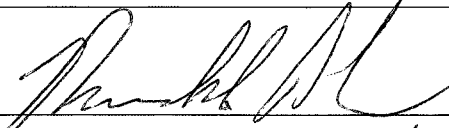
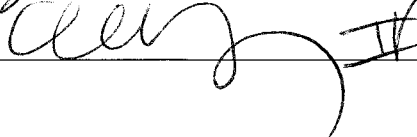
Office: unknown \_\_\_\_\_ Service Station: \_\_\_\_\_  
Retail: \_\_\_\_\_ Manufacturing: \_\_\_\_\_  
Restaurant: \_\_\_\_\_ Warehouse: \_\_\_\_\_  
Commercial: \_\_\_\_\_ Other: \_\_\_\_\_

**10. Signature:**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s):  Date: 11/7/14  
Date: \_\_\_\_\_  
Owner(s):  Date: 11/7/14  
 Date: 11/7/14



### ADJOINING PROPERTY OWNERS

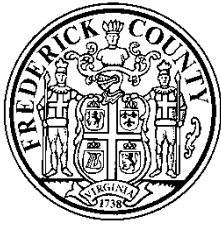
Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, 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 2nd floor of the Frederick County Administrative Building, 107 North Kent Street.*

Name and Property Identification Number		Address
Name	William L Stiebel	1110 Breckinridge Ln Winchester, VA 22601
Property #	74B-51-D	
Name	Garrett Ent. Ltd.	1841 W Plaza Dr. Winchester, VA 22601
Property #	85-4-1	
Name	Winchester Medical Center	1840 Amherst Winchester, VA 22601
Property #	85-4-2 & 3	
Name	Marshall Conner	100 Downing Dr Stephens City, VA 22655
Property #	74B-7-2-26	
Name	Karen M Pawlak	104 Downing Circle Stephens City, VA 22655
Property #	74B-7-2-27	
Name	Kevin and Stacey Chapman	106 Downing Circle Stephens City, VA 22655
Property #	74B-7-2-28	
Name	Roger & Cynthia Layman	1215 Marlboro Rd Stephens City, VA 22655
Property #	74B-7-2-29	
Name	Ulysses & Dorthy Carriker	110 Downing Circle Stephens City, VA 22655
Property #	74B-7-2-30	
Name	Ronald & Sandra Mitchell	112 Downing Circle Stephens City, VA 22655
Property #	74B-7-2-31	



M





## MASTER DEVELOPMENT PLAN #02-15

### Blackburn Commerce Center

### Staff Report for the Board of Supervisors

Prepared: May 7, 2015

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:	05/06/15	Reviewed *Recommended approval of the private street waiver
Board of Supervisors:	05/13/15	Pending

**PROPOSAL:** To develop 139.96 acres zoned RA (Rural Areas) District and M1 (Light Industrial) District with industrial land uses.

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBERS:** 63-A-80I and 63-A-58C

**LOCATION:** The properties are located adjacent to Apple Valley Road, Dawson Drive and Route 37.

### **PROPERTY ZONING & PRESENT USE:**

Zoned: M1 (Light Industrial) and RA (Rural Areas)      Use: Vacant

### **ZONING & PRESENT USE OF ADJOINING PROPERTIES:**

North:	RA (Rural Areas) RP (Residential Performance)	Use:	Kernstown Battlefield, Church Residential
South:	M1 (Light Industrial)	Use:	Industrial
East:	RP (Residential Performance) M1 (Light Industrial)	Use:	Residential Industrial
West:	N/A	Use:	Route 37

### **WAIVER:**

The applicant is requesting to utilize private roads within the Blackburn Commerce Center development, therefore a waiver of §144-24C of the Frederick County Subdivision Ordinance to allow the subdivision of lots on private roads has been requested. The Planning Commission recommended approval of the waiver request at their May 6, 2015 meeting. A decision from the Board of Supervisors on this waiver request is necessary.



**STAFF CONCLUSIONS FOR THE 05/13/15 BOARD OF SUPERVISORS MEETING:**

The Master Development Plan for the Blackburn Commerce Center depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance. ***This MDP is in a form that is administratively approvable once Rezoning #01-15 for the Blackburn Property is approved and if the requested wavier for private streets is approved.*** The MDP is also in conformance with the proffers for Rezoning #01-15 (pending) and Rezoning #04-98. 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:** A VDOT review has been conducted for the Blackburn Commerce Center Preliminary Master Development Plan dated April 8, 2015 which was received in our office on April 10, 2015. We have no objections to this plan as submitted.

**Frederick County Fire Marshal:** Plans approved.

**Frederick County Public Works:** Plans approved.

**Frederick County Inspections:** No comments required at this time, shall comment on site plan review.

**Frederick County Sanitation Authority:** *Please see attached letter dated April 13, 2015, from Uwe E. Weindel, PE.*

## **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 Quadrangle) identifies the subject parcels as being zoned A-2 (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 revision of the zoning map resulted in the re-mapping of the subject properties and all other A-1 and A-2 zoned land to the RA District. Parcel 63-A-58C was rezoned to the M1 District with proffers as part of the Coca-Cola Business Center application (Rezoning #04-98).

### **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, designates this property for planned industrial land uses. The parcels comprising this MDP application are also located within the County's Sewer and Water Service Area (SWSA).



***Site Access and Transportation:***

Parcel 63-A-58C currently has an existing entrance on Apple Valley Road which will serve this parcel as well as provide for an interparcel connection into 63-A-80I. A connection with Dawson Drive is also proposed and shown on the MDP. No additional access points on Apple Valley Road are permitted for the M1 zoned portion of the Blackburn property.

***Landscaping and Buffers:***

The MDP shows the continuation of the full screen along Apple Valley Road (berm and landscaping), that is present on the Coca-Cola Business Park properties as well as greenspace buffers around the existing pond and between the proposed M1 zoning boundary of the Blackburn property and the retained RA zoning of the remainder of the site.

***Interpretative Pull Off:***

There is an interpretative pull off shown on 63-A-58C for the Kernstown Battlefield foundation that overlooks the battlefield and the existing pond on the Blackburn property.

***Private Road Waiver:***

The applicant is requesting to utilize private roads within the Blackburn Commerce Center development, therefore a waiver of §144-24C of the Frederick County Subdivision Ordinance to allow the subdivision of lots on private roads has been requested. A recommendation from the Planning Commission to the Board of Supervisors on this waiver is necessary.

**PLANNING COMMISSION SUMMARY FOR THE 5/06/15 MEETING:**

Staff presented an overview of MDP #02-15 Blackburn Commerce Center to develop 139.96 acres zoned RA (Rural Areas) and M1 (Light Industrial) Districts with industrial land uses. Staff noted the MDP is in a form that is administratively approvable once Rezoning #01-15 for the Blackburn Property is approved and the requested waiver for private streets is approved. A motion was made, seconded, and unanimously passed to recommend approval of the waiver request.

(Note: Commissioner Oates and Marston abstained from discussion; Commissioners Triplett and Molden were absent.)

**STAFF CONCLUSIONS FOR THE 05/13/15 BOARD OF SUPERVISOR MEETING:**

The Master Development Plan for the Blackburn Commerce Center depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance. ***This MDP is in a form that is administratively approvable once Rezoning #01-15 for the Blackburn Property is approved and if the requested waiver for private streets is approved.*** The MDP is also in conformance with the proffers for Rezoning #01-15 (pending) and Rezoning #04-98. 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.***

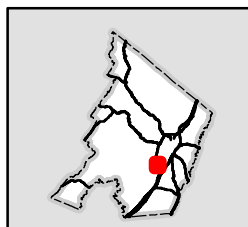
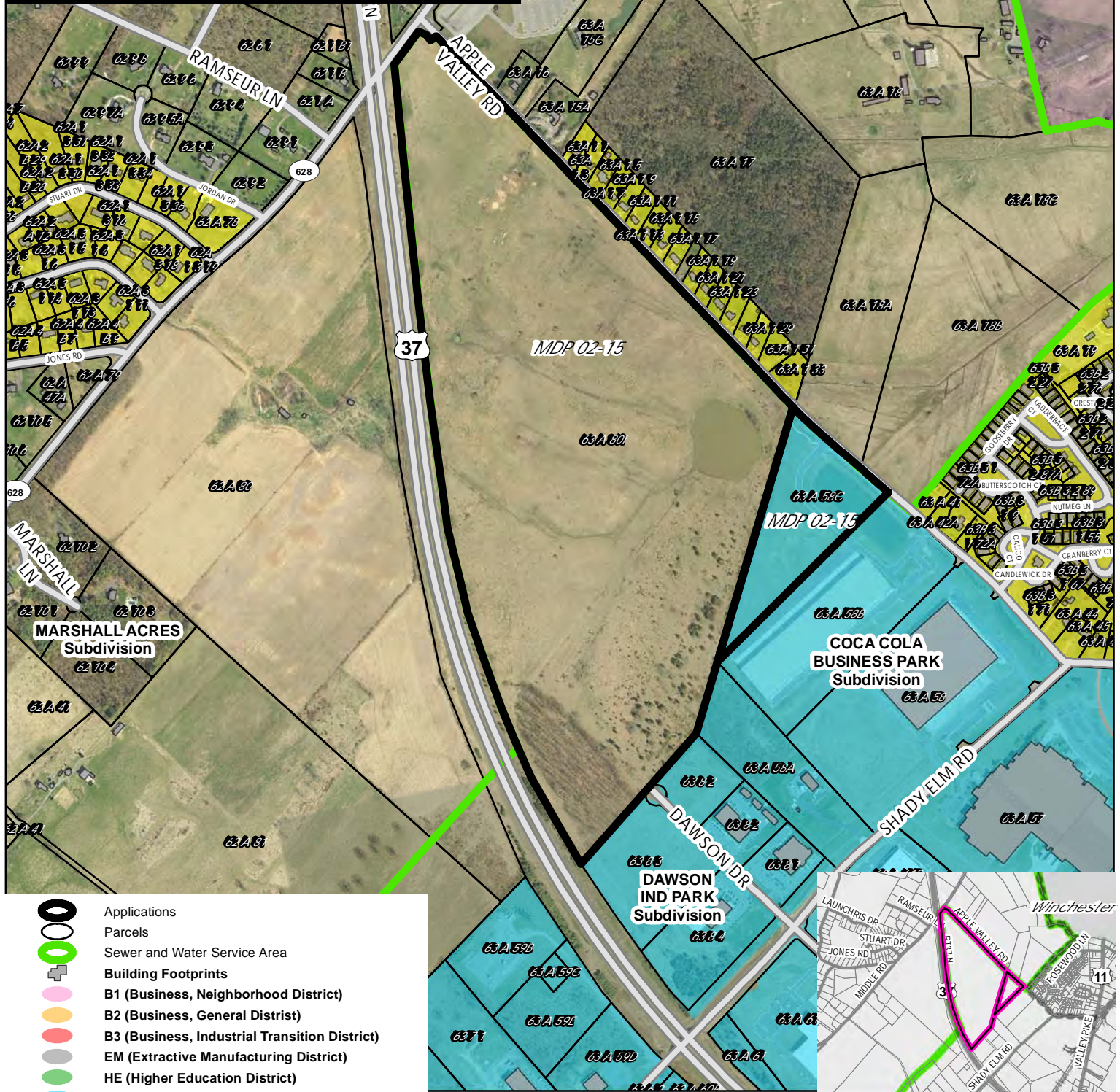


# MDP # 02 - 15 Blackburn Commerce Center

PINs:

63 - A - 58C, 63 - A - 80I

Warehousing/Light Manufacturing



## MDP # 02 - 15 Blackburn Commerce Center

PINs:

63 - A - 58C, 63 - A - 80I

Warehousing/Light Manufacturing

Note:

Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601

540 - 665 - 5651

Map Created: April 15, 2015

Staff: cperkins

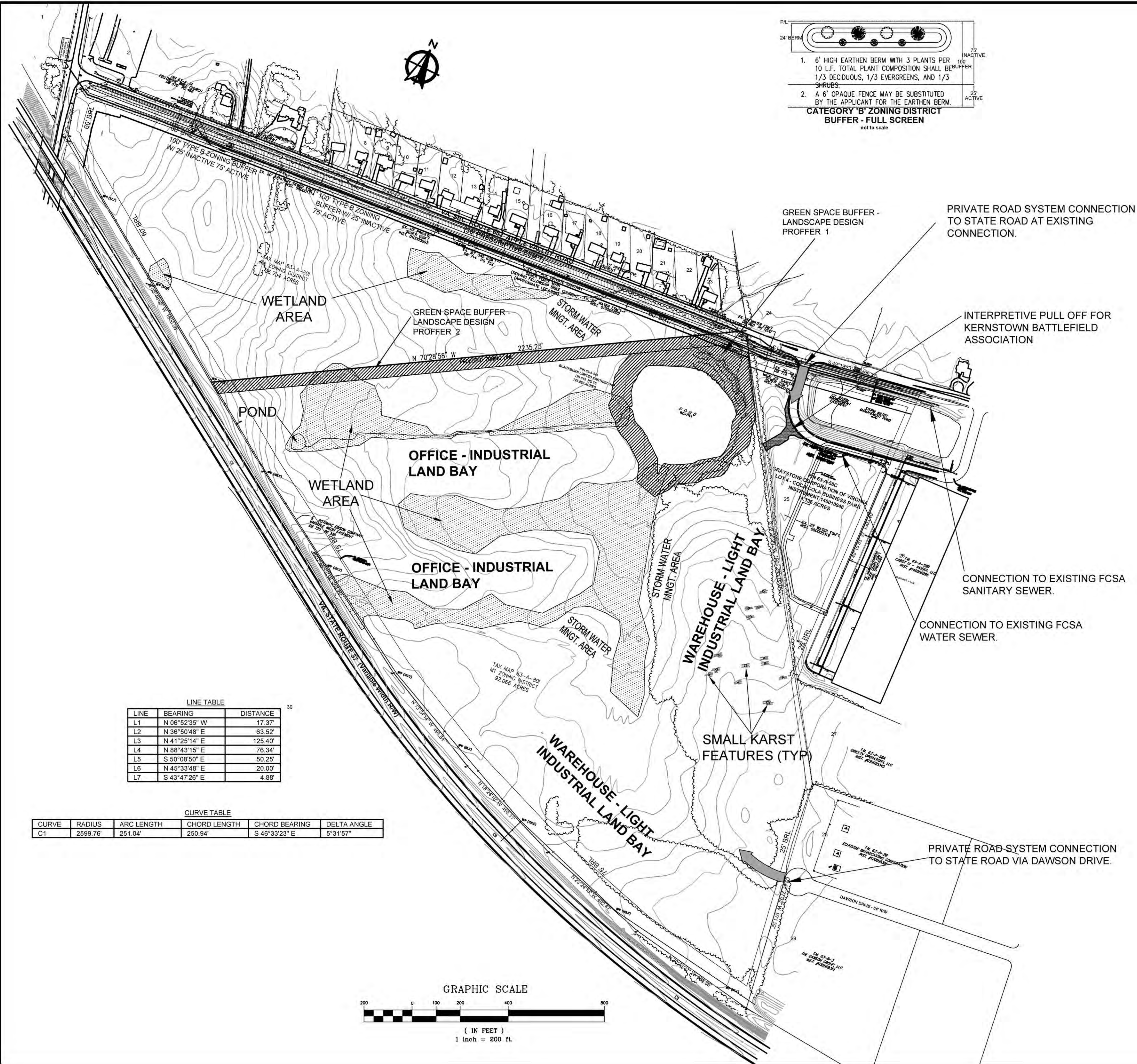


0 495 990 1,980 Feet









ADJOINING OWNER INFORMATION				
#	PIN	Owner	Zoning	Use
1	62 A 75	Roy L. Wilkins Jr.	RA	Comercial
2	63 A 14	Fellowship Bible Church	RA	Church
3	63 A 16	Douglas G. Metheney	RA	Residential
4	63 A 15C	Ronald V. and Patricia W. Fox	RA	Agricultural
5	63 A 15A	Ronald V. and Patricia W. Fox	RA	Residential
6	63A 1 1	Helen L. Fox	RP	Residential
7	63A 1 3	Samuel C. and Robin M. Jones	RP	Residential
8	63A 1 5	Alisa C. and Jonathan M. Kelley	RP	Residential
9	63A 1 7	Melvin W. and Kristi D. McDonald	RP	Residential
10	63A 1 9	Alice B. Banks	RP	Residential
11	63A 1 11	James C. and Deborah L. Turner	RP	Residential
12	63A 1 13	Sharon J. and Larry O. Phillips	RP	Residential
13	63A 1 15	Michael R. Young	RP	Residential
14	63A 1 17	Robin R. and Russel W. Creswell	RP	Residential
15	63 A 17	Donna Wilkins Downing, C/O Jon P. and Edward W. Downing	RA	Residential
16	63A 1 19	Apple Valley LLC.	RP	Residential
17	63A 1 21	Carol Ann Davis Martinez	RP	Residential
18	63A 1 23	George and Barbara Hostler	RP	Residential
19	63A 1 25	Christine E. and Richard L. Whitacre Sr.	RP	Residential
20	63A 1 3 27	Jenning Rhodes Marston	RA	Residential
21	63A 1 29	Betty A. Nicholson	RP	Residential
22	63A 1 31	Anton and Patricia D. Welzel	RP	Residential
23	63A 1 33	Anton and Patricia D. Welzel	RP	Residential
24	63 A 18A	Kernstown Battlefield Association	RA	Preservation
25	63 A 58C	Graystone Corporation of Virginia	M1	vacant
26	63 A 58B	Sr. VP of Investments	M1	Warehousing
27	63 A 58A	DirectTV Operations, LLC	M1	Industrial
28	63 8 2	Echostar Broadcasting Corporation	M1	Industrial
29	63 8 3	The Dawson Group, LLC	M1	vacant
30	62 A 80	Blackburn Limited Partnership; C/O Barbara Lewis	RA	Agricultural

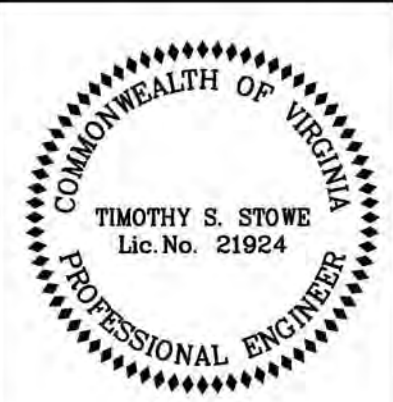
- DRY UTILITIES**
- ELECTRIC SERVICE TO BE PROVIDED BY SHENANDOAH VALLEY ELECTRIC COOP. UNDERGROUND SERVICE CONNECTION WILL EXTEND FROM THE DISTRIBUTION LINES TO THE STRUCTURE BEING SERVED.
  - NATURAL GAS WILL BE PROVIDED BY WASHINGTON GAS FROM THEIR EXISTING FACILITIES.

- ROAD LOCATIONS**
- THE LOCATIONS OF THE PRIVATE INTERNAL ROADWAYS WILL BE DETERMINED AT THE SITE PLAN STAGE.
  - CONNECTIONS TO THE STATE ROADWAY SYSTEM WILL BE THROUGH THE EXISTING ENTRANCE ON APPLE VALLEY ROAD AND DAWSON DRIVE.

**STOWE ENGINEERING, PLLC**  
220 Serviceberry Court  
Stephens City, VA 22655  
(540) 336-0656  
fax (540) 869-6984

REVISIONS				BY
NO.	DATE	DESCRIPTION		
1	5-1-15	agency review		
2	5-1-15	agency review		

**PRELIMINARY**  
**MASTER DEVELOPMENT PLAN**  
**BLACKBURN COMMERCE CENTER**  
BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA



DATE: Apr 8, 2015  
SCALE: AS SHOWN  
DESIGNED BY: TS  
DRAWN BY: TS  
CHECKED BY: TS  
PROJECT #: 1115.1  
SHEET 2 OF 2



**MASTER DEVELOPMENT PLAN  
APPLICATION FORM**

- Department of Planning & Development Use Only -

Application # 02-15 Date Application Received: 4/9/15  
PC Meeting Date 5/6/15 BOS Meeting Date 5/13/15  
Fee Amount Paid \$16,995.00 Initials: RD Receipt # 583230

1. Project Title: Blackburn Commerce Center

2. Applicant:

Name: Timothy Stowe Telephone: 540.686.7373  
Address: Stowe Engineering, PLC  
103 Heath Court, Winchester, VA 22602 timstowe@stowecompanies.com

3. Property Owner (if different than above):

Name: Blackburn Limited Partnership Telephone: \_\_\_\_\_  
Address: c/o Barbara Lewis  
458 Devon Drive, Warrenton, VA 20186

4. Design Company:

Name: Stowe Engineering, PLC Telephone: 540.686.7373  
Address: 103 Heath Court, Winchester, VA 22602  
timstowe@stowecompanies.com

5. Please list names of all owners, principals, and/or majority stockholders:

Blackburn Limited Partnership, Graystone Corporation of Virginia

6. Magisterial District: Back Creek



7. Property Location: \_\_\_\_\_

(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): 63-A-80\ & 53C  
b) Total Acreage: 139.96  
c) Current Zoning: RA and M1  
d) Present Use: agriculture  
e) Proposed Uses: Warehousing, Light Manufacturing

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>residential, church</u>	<u>RA/RP</u>
East	<u>Residential, warehouse/distribution</u>	<u>RP/RA/M1</u>
South	<u>Buisness, warehouse/distribution</u>	<u>M1</u>
West	<u>Route 37, agriculture</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: 4/9/15

Date: \_\_\_\_\_

Owner(s):

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Blackburn Commerce Center  
 PINS 63-A-80I 63-A-58C

# ADJOINING OWNER INFORMATION

#	PIN	Owner	Address	Zoning	Use
✓ 1	62 A 75	Roy L. Wilkins Jr.	3322 Middle Rd., Winchester, VA 22602	RA	Comercial
✓ 2	63 A 14	Fellowship Bible Church	3217 Middle Rd., Winchester, VA 22602	RA	Church
✓ 3	63 A 16	Douglas G. Metheney	652 Apple Valley Rd., Winchester, VA 22602	RA	Residential
✓ 4	63 A 15C	Ronald V. and Patricia W. Fox	632 Apple Valley Rd., Winchester, VA 22602	RA	Agricultural
✓ 5	63 A 15A	Ronald V. and Patricia W. Fox	632 Apple Valley Rd., Winchester, VA 22602	RA	Residential
✓ 6	63A 1 1	Helen L. Fox	610 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 7	63A 1 3	Samuel C. and Robin M. Jones	602 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 8	63A 1 5	Alisa C. and Jonathan M. Kelley	592 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 9	63A 1 7	Melvin W. and Kristi D. McDonald	582 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 10	63A 1 9	Alice B. Banks	7000 Valley Pike, Middletown, VA 22645	RP	Residential
✓ 11	63A 1 11	James C. and Deborah L. Turner	564 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 12	63A 1 13	Sharon J. and Larry O. Phillips	554 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 13	63A 1 15	Michael R. Young	544 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 14	63A 1 17	Robin R. and Russel W. Creswell	536 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 15	63 A 17	Donna Wilkins Downing, C/O Jon P. and Edward W. Downing	520 E. Stewart St., Winchester, VA 22601	RA	Residential
✓ 16	63A 1 19	Apple Valley LLC.	478 E. Washington St., Strasburg, VA 22657	RP	Residential
✓ 17	63A 1 21	Carol Ann Davis Martinez	512 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 18	63A 1 23	George and Barbara Hostler	502 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 19	63A 1 25	Christine E. and Richard L. Whitacre Sr.	492 Apple Valley Rd., Winchester, VA 22602	RP	Residential
✓ 20	63A 1 3 27	Jenning Rhodes Marston	108 Forest Ridge Road, Winchester, Va. 22602	RA	Residential
✓ 21	63A 1 29	Betty A. Nicholson	472 Apple Valley Road, Winchester, Va. 22602	RP	Residential
✓ 22	63A 1 31	Anton and Patricia D. Welzel	452 Apple Valley Road, Winchester, Va. 22602	RP	Residential
✓ 23	63A 1 33	Anton and Patricia D. Welzel	452 Apple Valley Road, Winchester, Va. 22602	RP	Residential
✓ 24	63 A 18A	Kernstown Battlefield Association	PO Box 2720, Winchester, Va. 22604	RA	Preservation
✓ 25	63 A 58C	Graystone Corporation of Virginia	PO Box 2530, Winchester, VA 22604	M1	vacant
✓ 26	63 A 58B	Cabot IV-VA1B01, LLC, C/O Patrick Ryan, Sr. VP of Investments	1 Beacon Street, Suite 1700, Boston, Ma. 02108	M1	Warehousing
✓ 27	63 A 58A	DirecTV Operations, LLC	2260 East Imperial Highway, El Segundo, Ca. 90245	M1	Industrial
✓ 28	63 8 2	Echostar Broadcasting Corporation	90 Inverness Circle E., Englewood, Co. 80112	M1	Industrial
✓ 29	63 8 3	The Dawson Group, LLC	1833 Handley Avenue, Winchester, Va. 22601	M1	vacant
✓ 30	62 A 80	Blackburn Limited Partnership; C/O Barbara Lewis	458 Devon Drive, Warrenton, Va. 20186	RA	Agricultural
31	63-A-18B				
32					
33					
34					





**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Website: [www.co.frederick.va.us](http://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) Blackburn Limited Partnership, C/O Barbara Lewis (Phone) \_\_\_\_\_

(Address) 458 Devon Drive, Warrenton, VA 20186

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

Instrument No. DB 812 on Page 70, and is described as

Parcel: 63 Lot: \_\_\_\_\_ Block: A Section: 801 Subdivision: \_\_\_\_\_  
do hereby make, constitute and appoint:

(Name) Timothy S. Stowe (Phone) \_\_\_\_\_

(Address) 103 Heath Court, Winchester, VA 22602

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

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

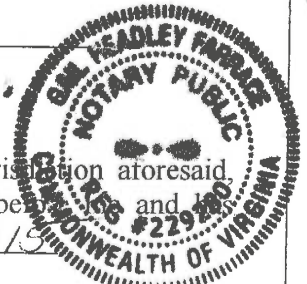
My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.  
In witness thereof, I (we) have hereto set my (our) hand and seal this 16<sup>th</sup> day of April, 2015.

Signature(s) Barbara B. Lewis

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

I, Gail Headley Farrace, 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 acknowledged the same before me in the jurisdiction aforesaid this 16 day of Apr, 2015.



Gail H Farrace  
Notary Public # 229280

My Commission Expires: 3-31-16



## AMENDMENT

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Action:

PLANNING COMMISSION: Recommended Approval on April 1, 1998

BOARD OF SUPERVISORS: Approved April 22, 1998

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### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

Rezoning #004-98 of Central Coca-Cola Bottling Company

**WHEREAS**, Rezoning Application #004-98 of Central Coca-Cola Bottling Company, was submitted by Triad Engineering, Inc., to rezone 63.5 acres from RA (Rural Areas) District to M1 (Industrial Light) District. This property is located west of the intersection of Shady Elm Road (Route 651) and Apple Valley Road (Route 652), and is identified with Property Identification Numbers 63-A-58 and 63-A-59 in the Back Creek Magisterial District.

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on April 1, 1998; and

**WHEREAS**, the Board of Supervisors held a public hearing on this ordinance adoption on April 22, 1998; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to change 63.5 acres currently zoned RA (Rural Areas) to M1 (Light Industrial) as described by the application and plat submitted, subject to the attached conditions voluntarily proffered in writing by the applicant and the property owner.



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

Passed this 22nd day of April, 1998 by the following recorded vote:

James L. Longerbeam, Chairman     Aye

Richard C. Shickle     Aye

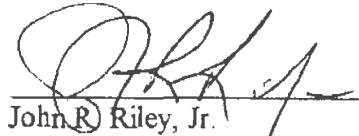
W. Harrington Smith, Jr.     Aye

Margaret B. Douglas     Aye

Charles W. Orndoff, Sr.     Aye

Robert M. Sager     Aye

**A COPY ATTEST**

  
\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator



**REZONING REQUEST PROFFER**  
**Property Identification Number**  
**63-((A))-58 and 63-((A))59**  
**Back Creek Magisterial District**

**COCA-COLA BOTTLING FACILITY**

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 #~~004-98~~ for the rezoning of 63.5052 acres from Rural Area (RA) Zoning District to the Light Industrial (M-1) Zoning 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 be approved by the Frederick County Board of Supervisors in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

Site Improvements

1. The Applicant proffers that it shall design and construct a realignment to Route 652 at the intersection of Route 651 and Route 652. The realignment shall consist of shifting Route 652 to the southwest to intersect Route 651 at a ninety (90) degree angle and adding turn lanes on Route 652 as required by VDOT. Right-of-way for the realignment of Route 652 will be dedicated to VDOT upon approval of a site plan for the first building, or at the time the property is subdivided.

2. The Applicant further agrees to dedicate a thirty-five (35) foot right-of-way along the south side of Route 652 for the entire parcel frontage that is not included in the realignment of Route 651. Right-of-way for Route 652 will be dedicated to VDOT upon approval of a site plan for the first building, or at the time the property is subdivided.

3. The Applicant agrees to dedicate a sixty (60) foot right-of-way along the west side of Route 651 for the entire parcel



frontage. Right-of-way for Route 651 will be dedicated to VDOT upon approval of a site plan for the first building, or at the time the property is subdivided.

4. The applicant agrees to participate in the signalization at the intersection of Route 11 and Route 652. When requested by VDOT, the applicant will pay twenty thousand (20,000) dollars or twenty-five (25) percent of the cost of the new traffic signal, whichever is less.

5. The applicant agrees to limit the number of entrances along the south side of Route 652 into this property to a maximum of four (4) entrances. Two (2) entrances will be used by the Coca-Cola Bottling facility. One (1) entrance will be used for each separate parcel created by the subdivision of this property with frontages along Route 652. All entrances along Route 652 will be the width required by VDOT for two-way traffic based on the proposed use of the parcel. The entrance for the western parcel of land will be located at least sixty (60) feet east and not more than 250 feet east of the western property line. The entrance for the central parcel of land will be located at least thirty (30) feet west and not more than 200 feet west of the western Coca-Cola Bottling facility property line.

#### Building Restrictions

The development of the subject property shall include the following building restrictions provided in these proffers.

1. The maximum height for all primary and ancillary structures will be sixty (60) feet. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction. However, all roof top mechanical equipment will be screened from all adjacent properties.

2. All loading docks shall be screened from view from all adjacent Rural Area (RA) or Residential Performance (RP) Zoning Districts.

#### Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan, shall include the following landscape design features provided in these proffers.

1. A full screen earth berm will be provided between all developed parts of the subject property and all Rural Area (RA) and Residential Performance (RP) Zoning Districts, except where entrances are required for the Coca-Cola Bottling facility. The top of the berm will be a minimum of six (6) feet higher than Route 652, with a minimum top width of four (4) feet and maximum side slopes of four horizontally to one vertically. During



the development of the future parcels of land adjacent to the earth berm, the berm shall only be removed to the extent required to accommodate the new entrance to the site from Route 652. If during construction the berm is removed in excess of that required to accommodate the entrance, the berm will be replaced to the maximum extent possible by the developer of the parcel of land.

2. Landscape screening shall be provided in accordance with the Frederick County Zoning Ordinance and in conjunction with the full screen earth berm. Landscaping in conjunction with the earth berm will consist of a mixture of evergreen and deciduous trees. At least two thirds (2/3) of the trees shall be evergreens. All trees shall be of the type that will thrive within the Shenandoah Valley. Evergreens shall be at least six (6) feet in height at planting. Deciduous trees shall have a calliper of at least two (2) inches at a height of one (1) foot above root ball.

#### Covenants and Restrictions

The Applicant shall record and include in each deed as well as provide Frederick County with a complete set of Covenants and Restrictions in substantial conformance with the Protective Covenants and Restrictions as submitted with the Impact Analysis Statement and these Proffers.

#### Monetary Contributions to Offset Impact of Development

The undersigned, who has a contract to purchase the subject parcel of land, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 63.5052 acre tract, lying on the west side of Route 651 and the south side of Route 652 in the Back Creek Magisterial District of Frederick County, Virginia from Rural Area (RA) Zoning District to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, at the time of the issuance of the first grading permit, the sum of nineteen thousand four hundred forty-four dollars and seventy-four cents (\$19,441.74) to be allocated to the Stephens City Volunteer Fire & Rescue Company.



Respectfully Submitted,

CONTRACT OWNERS:

By: Betty Sams Christian, Pres. ChB

Date: February 27, 1998

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

The foregoing instrument was acknowledged before me this 27<sup>th</sup>  
day of FEBRUARY, 1998, by Betty Sams Christian

My Commission expires November 30, 1999

Notary Public Virginia D. Getz



OWNER:

By:

Mary D. Whitacre

Date:

March 19, 1998

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

The foregoing instrument was acknowledged before me this 19th  
day of March, 1998, by Mary D. Whitacre.

My Commission expires July 31, 2000.

Notary Public

[Signature]



**PROTECTIVE COVENANTS AND RESTRICTIONS  
FOR  
COCA-COLA BOTTLING FACILITY**

RECITALS

Whereas, the contract owner desires to create on the property and any additions thereto an area of mixed business and light industrial uses, and the desire to provide for the preservation and enhancement of the property values, amenities and opportunities within the property and for the maintenance of the real estate and improvements thereon, and to this end desires to subject the property to the covenants, restrictions, easements, charges and liens hereinafter set forth.

**ARTICLE I  
PURPOSE**

It is the purpose of this Declaration to assure the orderly and attractive development of the property in an efficient and harmonious manner, to preserve and enhance property values, amenities and opportunities within the property, to promote the health and safety of the occupants and to maintain a harmonious relationship among the structures and the natural topography thereon. This declaration is designed to complement the Frederick County Zoning Ordinance and other local and state government regulations and ordinances, and where conflicts occur, the more rigid requirement shall prevail.

**ARTICLE II  
PERMITTED AND PROHIBITED USES**

PROHIBITED USES

Approval from any public agency notwithstanding, no operation will be permitted which creates objectionable noise, smoke, odor or which in any other way, in the opinion of the Board, will constitute a nuisance or degrade the values of the real estate within or adjacent to the property.

No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any site, except in approved waste containers.



ARTICLE III  
DEVELOPMENT STANDARDS

BUILDING MATERIAL AND DESIGN

Exterior Walls

Exterior wall material shall be either pre-cast concrete, cold storage panels or brick.

LANDSCAPING

Landscape Plan

All open areas on each lot not occupied by buildings and paved areas shall be suitably graded and drained and shall be landscaped with lawns, trees, shrubs or ground cover. The landscape plan shall be submitted with the site plan for each planned development within the subdivided parcel and shall show such things as the planting of trees, shrubs, ground cover and grass and the installation of earth berms and screens and optional underground sprinkler systems. Plant material shall be in conformance with American Association of Nurserymen Standards for Nursery Stock, latest edition (ANN). Landscaping, as approved, shall be installed within one planting season of occupancy or within six months of substantial completion of any building, whichever occurs first, provided that an extension may be granted in the event of inclement weather. The date of substantial completion shall mean the date on which the exterior walls and roof have been installed. The installation and maintenance of all landscaping on each site shall be done in a good and workmanlike manner.

Maintenance

All landscaping on each lot shall be properly maintained by the owner of the lot. Maintenance shall include all necessary cutting, watering, fertilizing, aerating, spraying, pruning and required replacement. Dead or damaged planting material shall be promptly replaced.

EXTERIOR LIGHTING

All exterior lighting shall be designed, erected, altered and maintained in accordance with the final drawings and specifications as approved by Frederick County. Lighting shall be compatible and harmonious throughout the entire property and shall be in keeping with the specific use of the building. On-site lighting shall be directed away from all uses within the Rural Area (RA) or Residential Performance (RP) Zoning Districts. Light sources shall be screened to reduce visible glare from all adjacent properties and public streets. All outside wiring for exterior lights shall be installed underground.



#### UTILITIES

All new utility lines, including electrical and telecommunication lines shall be installed and maintained underground.

#### CONSTRUCTION

Once commenced, construction shall be diligently pursued to completion. No construction or building materials, vehicles or mobile buildings shall be located or stored within street rights-of-way.

#### MAINTENANCE DURING CONSTRUCTION

During construction the owner shall be responsible for keeping the premises in reasonably neat condition, preventing the accumulation of trash, and shall prevent runoff of soil from the site onto adjacent property or public rights-of-way.

#### MAINTENANCE

No building or other improvement on the property shall be permitted by its owner or occupant to fall into disrepair, and each such building and other improvements shall at all times be kept in good condition and repair, properly maintained and adequately painted or otherwise finished, clean and safe. All asphalt or concrete paved surfaces shall be resurfaced or sealed as needed and all potholes shall be promptly repaired. Unimproved sites shall be maintained in a reasonably neat condition, free of debris.

#### STORM DRAINAGE SYSTEMS

Property owners will participate in any storm water management program established or to be established for the property by the declarant. Property owners shall contribute to the cost of maintaining a common retention area and other shared storm water management facilities on a contractual basis, as set forth in the written agreements between the owner and the declarant.

#### ENVIRONMENTAL PROTECTION

Owners and occupants shall comply with all federal, state and local government statutes, ordinances and regulations relating to environmental protection, in relation to the property.



## **REZONING REQUEST PROFFER**

**Property Identification Number**

**63- ( ( A ) ) – 80I**

**Back Creek Magisterial District**

**Blackburn Commerce Center**

**Record Owner: Blackburn Limited Partnership**

**Applicant: Timothy Stowe**

**Original Date of Proffers: March 09, 2015**

**Revision Date of Proffers: May 07, 2015**

### 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 #\_\_\_\_\_ for the rezoning of Tax Map Parcel 63-A-80I, a 128.82-acre parcel, to establish 92.066 +/- acres of Light Industrial (M-1) Zoning District and 36.754 +/- acres of Rural Area (RA) Zoning District. Development of the 92.066 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", portion of the Tax Map Parcel 63-A-80I shall be done in conformity with the term 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 be approved by the Frederick county Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

### Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the nearby area. The applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00), which will be subject to the escalation clause contained in these proffers. Such payment shall be made at the time of issuance of **each building permit** for all building structures



developed on the Property. Each payment shall be in proportion to the square footage of the proposed construction on the Property consistent with the development projection in the Traffic Impact Study, which amounts to \$0.735/ square foot of building structural development. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements, and can also be used as local match funding for County Revenue Sharing Program projects.

2. The owner agrees to limit the number of entrances for the Property to be rezoned to a maximum of two (2) entrances. One (1) entrance will feed directly into Dawson Drive. Entrance two (2) will use the existing entrance onto Apple Valley Road through parcel 63-A-58C. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.
3. The owner hereby proffers to provide for inter-parcel connections within the Property where possible to mitigate transportation impacts.

#### Building Restrictions

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

1. The maximum height for all primary and ancillary structures will be sixty (60) feet within a distance of one thousand (1000) feet of Apple Valley Road. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction.
2. All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) or Residential Performance (RP) Zoning Districts that are located on the east side of Route 37.
3. Utility service lines are to be constructed underground from the utility distribution lines to the building service connection.

#### Landscape Design Features

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

- 1) There will be a green space buffer between Apple Valley Road and the existing pond in the area to be rezoned M1. The buffer extends out two hundred (200) feet from the edge of Apple Valley Road. The green space buffer is to be left undisturbed and remain



in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.

2) There will be a green space buffer provided along the northern border of the area to be rezoned M1. The green space buffer will run along the northern boundary separating the M1 zoning from the RA zoning. The green space buffer will be fifty (50) feet wide. The starting point for the buffer is where the area to be rezoned M1 meets Apple Valley Road and runs the length of the boundary between the area to remain zoned RA and the subject Property. The green space buffer is to be left undisturbed and remain in its natural state. The green space buffer may only be disturbed for installation and maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan, latest revision date of 4/1/2015, attached to these and made part of these proffers.

#### Monetary Contributions to Offset Impact of Development

The undersigned, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 92.066+/- acre portion of Tax Map Parcel 63-A-80I to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the Light Industrial (M-1) Zoning District portion of the parcel, the sum of ten thousand dollars (\$10,000.00), for use by the Board in its discretion for fire and rescue purposes.

#### Escalator

In the event the monetary contributions set forth in the Proffer Statement are paid to Frederick County within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the County after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, non-compounded.



Respectfully Submitted,

**Blackburn Limited Partnership**

OWNER:

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 2015, by \_\_\_\_\_.

My Commission expires \_\_\_\_\_.

Notary Public \_\_\_\_\_



## **REZONING REQUEST PROFFER**

**Property Identification Number**

**63- ( ( A ) ) – 80I**

**Back Creek Magisterial District**

**Blackburn Commerce Center**

**Record Owner: Blackburn Limited Partnership**

**Applicant: Timothy Stowe**

**Original Date of Proffers: March 09, 2015**

**Revisions Date of Proffers: March 31, 2015**

### 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 # \_\_\_\_\_ for the rezoning of Tax Map Parcel 63-A-80I, a 128.82-acre parcel, to establish 92.066 +/- acres of Light Industrial (M-1) Zoning District and 36.754 +/- acres of Rural Area (RA) Zoning District. Development of the 92.066 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", portion of the Tax Map Parcel 63-A-80I shall be done in conformity with the term 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 be approved by the Frederick county Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

### Site Improvements

1. The owner agrees to participate in the cost of transportation improvements in the nearby area. The applicant will contribute to Frederick County a maximum of Six Hundred and Twenty Five Thousand and 00/100 Dollars (\$625,000.00), which will be subject to the escalation clause contained in these proffers. Such payment shall be made prior to the issuance of the certificate of occupancy permit for all building



structures developed on the Property. Each payment shall be in proportion to the square footage of the proposed construction on the Property consistent with the development projection in the Traffic Impact Study, which amounts to \$0.735/ square foot of building structural development. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements, and can also be used as local match funding for County Revenue Sharing Program projects.

2. The owner agrees to limit the number of entrances for the Property to be rezoned to a maximum of two (2) entrances. One (1) entrance will feed directly into Dawson Drive. Entrance two (2) will use the existing entrance onto Apple Valley Road through parcel 63-A-58C.
3. The owner hereby proffers to provide for inter-parcel connections within the Property where possible to mitigate transportation impacts.

#### Building Restrictions

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

1. The maximum height for all primary and ancillary structures will be sixty (60) feet within a distance of one thousand (1000) feet of Apple Valley Road. Roof top mechanical equipment is not subject to the sixty (60) foot height restriction.
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maintenance of utilities, installation and maintenance of inter-parcel connections, and maintenance of the vegetation. This is shown on the Generalized Development Plan attached to these and made part of these proffers.

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Respectfully Submitted,

**Blackburn Limited Partnership**

OWNER:

By: Barbara B. Lewis

Date: 4/22/15

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

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of  
April 2015, by Barbara B. Lewis.

My Commission expires 3-31-16.

Notary Public Gail N. Farrage







## **FREDERICK COUNTY** **SANITATION AUTHORITY**

Post Office Box 1877  
Winchester Virginia 22604-8377

PH. – (540)868-1061  
Fax – (540)868-1429  
[www.fcsa-water.com](http://www.fcsa-water.com)

Uwe E. Weindel, P.E.  
*Engineer-Director*

April 13, 2015

Mr. Timothy Stowe  
Stowe Engineering, PLC  
103 Heath Court  
Winchester, Virginia 22602

Ref.: Master Development Plan Comments  
Blackburn Commerce Center  
Tax Map # 63-A-801 & 63-A-53C

Dear Sir:

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 parcels are in the water and sanitary sewer area served by the Authority. Based on the location both water and sanitary sewer service is available within a reasonable distance from the site. 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 of both the potable water system and the ability to provide fire protection.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design. All easements should be free from any encumbrance including permanent structures (fences, signs, etc.) and landscaping (trees, shrubs, etc.). Please be made aware that the Authority does have existing easements along Apple Valley Road on the proposed property being considered.

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicant in support of or in conjunction with this 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.

Thank you;

Uwe E. Weindel, PE  
Engineer-Director