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**AGENDA**  
**CLOSED SESSION AND REGULAR MEETING**  
**FREDERICK COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY, JULY 27, 2016**  
**5:00 P.M., 7:00 P.M.**  
**BOARD ROOM, COUNTY ADMINISTRATION BUILDING**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**5:00 P.M. – Closed Session:**

There will be a Closed Session Pursuant to Section 2.2-3711 A (3) of the Code Of Virginia, 1950, as Amended, for Discussion or Consideration of the Acquisition of Real Property for a Public Purpose, and of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Board and

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 Members Pertaining to a Litigation Matter, Stonewall Industrial Investors, LLC V. Frederick County, Virginia, 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 Public Body, and for Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel.

**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: E, F, G, H, I, J and S)

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

**Board of Supervisors Comments**

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

1. Regular Meeting of June 22, 2016.

**County Officials:**

1. Presentation of Resolution in Memoriam of Richard G. Dick.
2. Employee of the Month Award. **(See Attached)**----- B
3. Committee Appointments. **(See Attached)**----- C
4. Request from Commissioner of the Revenue for Refunds.  
**(See Attached)** ----- D
5. Resolution to Authorize the Executive Director of the Winchester-Frederick County Tourism Office to Apply for Appropriate Virginia Department of Alcoholic Beverage Control Licensing for the Purpose of Selling Locally Produced Beer and Wine in the Winchester-Frederick County Visitor Center Gift Shop. **(See Attached)** ----- E
6. Resolutions Authorizing Frederick County's Withdrawal from Membership in the Rappahannock Regional Criminal Justice Academy and to Establish Membership in the Skyline Regional Criminal Justice Academy.  
**(See Attached)** ----- F
7. Request to Schedule Work Session. **(See Attached)** ----- G

**Committee Reports:**

1. Parks and Recreation Commission – Meeting of June 14, 2016.  
**(See Attached)** ----- H
2. Parks and Recreation Commission – Meeting of July 12, 2016.  
**(See Attached)** ----- I
3. Transportation Committee. **(See Attached)**----- J

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- 4. Human Resources Committee. **(See Attached)** ----- **K**
- 5. Code and Ordinance Committee. **(See Attached)** ----- **L**
- 6. Finance Committee. **(See Attached)**----- **M**

**Planning Commission Business:**

**Public Hearing:**

- 1. Conditional Use Permit #03-16 for Verizon Wireless Commercial Telecommunications Facility, Submitted to Construct a Wireless Telecommunications Facility Consisting of a 150 Foot Monopole with Capacity for a Least 3 Carriers (Applicant Included) and 50 x 50 Foot Equipment Compound Base. The Property is Located at Grace Brethren Church at 143 Greenwood Road and is Identified with Property Identification Number 55-A-79 in the Redbud Magisterial District.  
**(See Attached)** ----- **N**
- 2. Conditional Use Permit #05-16 for Edwin Elvira, which Submitted for a Retail Nursery/Landscaping Store. The Property is Located at 1590 Fairfax Pike, White Post, Virginia and is Identified with Property Identification Number 87-1-B in the Opequon Magisterial District.  
**(See Attached)** ----- **O**
- 3. Rezoning #04-16 for Snowden Bridge Station Submitted by GreyWolfe, Inc., to Rezone 11.340 Acres from the M1 (Light Industrial) District to the B2 (General Business) District, and 2.629 Acres from the M1 (Light Industrial) District to the B3 (Industrial Transition) District with Proffers. The Properties are Located on the Southeastern Side of Martinsburg Pike (Route 11) and Southern Side of Snowden Bridge Boulevard and are Identified by Property Identification Numbers 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43-A-150, 43-A-151A and 43-A-151B in the Stonewall Magisterial District.  
**(See Attached)** ----- **P**
- 4. Rezoning #05-16 for CB Ventures LLC. Submitted by Greenway Engineering, to Rezone 3.75+/- Acres from the B3 (Industrial Transition) District to the B2 (General Business) District, and 1.23+/- Acres from the B2 (General Business) District to the B2 (General Business) District with Proffers. The Property is Located on the South Side of Martinsburg Pike (US Route 11) and the Northeast Side of Amoco Lane (Route 839) at the

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Southwest Quadrant of Interstate 81 Exit 317 and is Identified by Property Identification Number 43-A-48A in the Stonewall Magisterial District.

**(See Attached)** ----- Q

- 5. Draft Update of the 2016-2017 Frederick County Primary and Interstate Road Improvement Plans** - The Primary and Interstate Road Improvement Plans Establish Priorities for Improvements to the Primary and Interstate Road Networks within Frederick County. Comments from the Transportation Committee will be Forwarded to the Planning Commission and Board of Supervisors. Ultimately, the Priorities Adopted by the Board of Supervisors will be Forwarded to the Commonwealth Transportation Board for Consideration.

**The Virginia Department of Transportation and the Board of Supervisors for the County of Frederick, Virginia, in Accordance with Section 33.2-331 of the Code of Virginia, will Conduct a Joint Public Hearing. The Purpose of this Public Hearing is to Receive Public Comment on the Proposed Six Year Plan For Secondary Roads for Fiscal Years 2017 Through 2022 in Frederick County and on the Secondary System Construction Budget for Fiscal Year 2017.** Copies of the Proposed Plan and Budget May be Reviewed at the Edinburg Office of the Virginia Department of Transportation, Located at 14031 Old Valley Pike, Edinburg, Virginia or at the Frederick County Offices Located at 107 North Kent Street, Winchester, Virginia. All Projects in the Secondary Road Improvement Plan that are Eligible for Federal Funds will be Included in the Statewide Transportation Improvement Program (STIP), which Documents How Virginia will Obligate Federal Transportation Funds. Persons Requiring Special Assistance to Attend and Participate in this Hearing Should Contact the Virginia Department of Transportation at 1-800-367-7623.

**(See Attached)** ----- R

**Other Planning Items:**

1. Resolution Re: Revenue Sharing Programmatic Agreement.  
**(See Attached)** ----- S

2. Request to Schedule Work Session with Planning Commission.  
**(See Attached)** ----- T

**Board Liaison Reports (If Any)**

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**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**REGULAR MEETING**

**June 22, 2016**

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, June 22, 2016 at 7:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

Chairman Charles S. DeHaven, Jr.; Blaine P. Dunn; Robert A. Hess; Judith McCann-Slaughter; and Robert W. Wells.

**ABSENT**

Gene E. Fisher and Gary A. Lofton

**CALL TO ORDER**

Chairman DeHaven called the meeting to order.

**INVOCATION**

Supervisor Hess delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Supervisor Dunn led the Pledge of Allegiance.

**ADOPTION OF AGENDA – APPROVED**

Administrator Garton advised she had one addition to the agenda. She added the certification of the annual evaluation of the county administrator and county attorney under County Officials.

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

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye



Robert W. Wells                      Aye

**CONSENT AGENDA - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board approved the following items under the consent agenda:

- Minutes;
- Memorandum of Understanding – Northern Shenandoah Valley Substance Abuse Coalition FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program;
- Public Safety Committee Report; and
- Resolution Re: Programmatic Project Administration Extension Addendum for Revenue Sharing Projects.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**CITIZEN COMMENTS**

**Sheriff Lenny Millholland** appeared before the Board to thank the hundreds of people who came out to help his department locate a missing 85 year old in Frederick County.

**Ruth Perrine**, Back Creek District, stated she was a member of the latest Clowser House committee and they had met twice so far. She stated the committee was making history right now as they would discover the potential of this structure. She stated it was important to preserve this part of history. She concluded by saying she hoped the Board would grant the 90 day extension.

**BOARD OF SUPERVISORS COMMENTS**

There were no Board of Supervisors' comments.

**MINUTES – APPROVED UNDER CONSENT AGENDA**

The minutes from the May 25, 2016 closed session and regular meeting were approved under the consent agenda.

**COUNTY OFFICIALS**

**COMMITTEE APPOINTMENTS**

**APPOINTMENT OF DEVELOPMENT IMPACT MODEL OVERSIGHT COMMITTEE - APPROVED**

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board appointed the following individuals to the Development Impact Model Oversight Committee for a one year term. Appointments will expire June 28, 2017.

Kris C. Tierney, County Administration  
Gary A. Lofton, Board of Supervisors and EDA Representative  
Robert A. Hess, Board of Supervisors Representative  
H. Paige Manuel, Planning Commission Representative  
Roger L. Thomas, Planning Commission Representative  
Seth Thatcher, School Board Representative  
Stephen Pettler, Top of Virginia Building Association  
J. P. Carr, Top of Virginia Building Association

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUND - APPROVED**

Administrator Garton advised this was a request from the Commissioner of the Revenue

to authorize the Treasurer to credit D L Peterson Trust the amount of \$6,268.75 for personal property taxes for 2014 and 2015. This refund is for the proration of trucks and vehicles financed by D L Peterson Trust but either sold or moved from our locality.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board approved the above refund request and supplemental appropriation by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

Administrator Garton advised this was a request to authorize the Treasurer to refund Valley Proteins, Inc. the amount of \$6,052.64, for business equipment taxes in 2013 and 2014. This refund resulted from an audit of the company for 2013-2016 on reported business equipment.

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the above refund request and supplemental appropriation by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**PERFORMANCE AGREEMENT: KINGSPAN INSULATION, LLC - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the performance agreement with Kingspan Insulation, LLC.

**WHEREAS, KINGSPAN INSULATION LLC.** has made known its intent to expand its operation by making new taxable machinery and equipment and real property improvements and retain and create jobs; and

**BE IT RESOLVED,** that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$300,000 as stated in the executed Performance Agreement to the Economic Development Authority of Frederick County, Virginia from Frederick County’s Fund Balance to assist in expanding the operation for KINGSPAN INSULATION LLC. in Frederick County, Virginia.

**BE IT RESOLVED,** that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

**BE IT FURTHER RESOLVED,** that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

**ADOPTED,** this 22nd day of June 2016.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**MEMORANDUM OF UNDERSTANDING – NORTHERN SHENANDOAH VALLEY SUBSTANCE ABUSE COALITION FY 2016 BUREAU OF JUSTICE ASSISTANCE ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM – APPROVED UNDER CONSENT AGENDA**

**CERTIFICATION OF THE ANNUAL EVALUATION OF THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Slaughter, the Board certified the annual evaluation of the county administrator.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent

Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board certified the annual evaluation of the County Attorney.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**COMMITTEE REPORTS**

**PUBLIC SAFETY COMMITTEE – APPROVED UNDER CONSENT AGENDA**

A meeting of the Public Safety Committee was held on Thursday June 2, 2016 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gene Fisher, Gary Lofton, Walter Cunningham, Blaine Dunn, and Helen Lake. Member Chuck Torpy was absent. Also in attendance were Fire & Rescue Association President Dan Cunningham, County Attorney Rod Williams, Fire & Rescue Chief Denny Linaburg, Major Steve Hawkins, Communications Director LeeAnna Pyles, Sheriff Lenny Millholland, Deputy County Administrator for Human Services Jay Tibbs and Assistant Superintendent for Administration Dr. Al Orndorff from Frederick County Public Schools. The following items were discussed:

**\*\*\*Item Not Requiring Action\*\*\***

1. **Discussion of draft ordinance to authorize the use of a video-monitoring system to record and enforce violations of Code of Virginia §46.2-859, Passing a stopped school bus. (See Attached):**

County Attorney Rod Williams, with input from the Frederick County Public Schools, presented a draft ordinance to address the issue of drivers passing stopped school buses when the flashing red stop sign is extended. The ordinance would enable the installation of a video monitoring system that would capture, via video, images of vehicles- coming and going- who do not stop thus warranting a summons and fine. Dr. Orndorff said the schools have run a trial using the vendor Red Flex on 2 buses and in a one month period they had over 200 violations. All video would be sent to Red Flex who would review them to spot possible violators. Red Flex would

then forward those videos to the Sheriff's office for further review to determine appropriate action. Dr. Orndorff noted that safety is the number one priority and that once the cameras were installed there should be a noticeable decrease in violations. Mr. Lofton made a request for Red Flex to provide a more in depth demonstration of the system.

*The Public Safety Committee unanimously recommends the concept of the school bus camera ordinance to the Code & Ordinance Committee. The County Attorney and Frederick County Public Schools will work on a detailed list to address concerns and questions from the Public Safety Committee for implementation of an ordinance.*

**\*\*\*Discussion Items\*\*\***

**2. Fire & Rescue Service Plan:**

Chief Linaburg provided an update on the Fire & Rescue Department's Service Plan. The plan, which is an all-encompassing comprehensive document which outlines all levels of service, apparatus, staffing, volunteer system, etc. showing how it all works as a cohesive department, was distributed to the Committee last year. Chief Linaburg advised that County Administrator Brenda Garton is assembling a Steering Committee to review the service plan more in depth and provide feedback and comments. Chairman Fisher requested Chief Linaburg keep the Committee apprised of the progress.

Mr. Walt Cunningham expressed his concern with the long downtimes at the hospital which affects the availability of companies in their respective first due area. Chief Linaburg is aware of this issue and has been working on it in conjunction with additional staffing needs.

**3. Other Business:**

Chairman Fisher asked the 3 Public Safety department heads to update the Committee on current staffing levels and vacancies within their departments. Chief Linaburg stated the Fire & Rescue Department is short 3 EMTs, but there are 3 offers currently on the table for consideration. In addition, 10 new positions were allocated in the FY17 budget. Communications Director Pyles advised she has 2 openings in the center with interviews pending in July. She also has a shift supervisor position available. Sheriff Millholland noted he has 6 new deputies going to the academy in July. .

**4. Meeting Date**

Chairman Fisher has requested that the Public Safety Committee start meeting on a bi-monthly basis. He requested Deputy County Administrator Jay Tibbs check available dates to hold regular future meetings.

**Next Meeting: Date to be set for August**

**Adjourn:**

The meeting was adjourned at 9:40 a.m.

**PUBLIC WORKS COMMITTEE - APPROVED**

The Public Works Committee met on Tuesday, May 31, 2016 at 8:00 a.m. All members were present. The following items were discussed:

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

**1. Disposition of Shawneeland Council House (Clouser House): - APPROVED**

In their regularly scheduled meeting on May 11, 2016 the Board of Supervisors requested that the status of the Council House be referred to the Public Works Committee for their review and recommendations. In anticipation of this review, the committee members were offered opportunities to inspect the existing condition of the building as well as review any associated historical information. After a lengthy discussion of the status of the subject building, the committee unanimously endorsed a motion presented by Mr. Bob Wells to grant the individuals wanting to preserve the Council House a 90 day study period with the following stipulations:

- a. The study shall identify who will assume ownership and/or liability for the house. The ownership option may or may not be available depending on the requirements specified by the Department of Conservation and Recreation (DCR) related to the classification of the Cherokee Dam.
- b. The study shall identify and secure a funding source and/or sources for the construction/renovation and continuing maintenance of the house.
- c. The study shall identify potential uses for the house and determine in writing from DCR that these uses will not jeopardize the current Cherokee Dam classification. These potential uses shall also be reviewed and approved by the Shawneeland Advisory Committee to verify compliance with the Sanitary District requirements.

The 90 day study period shall commence on the date of approval by the Board of Supervisors.

Upon a motion by Supervisor Wells. Seconded by Supervisor Hess, the Board granted the individuals wanting to preserve the Council House a 90 day study period with the stipulations approved by the Public Works Committee.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

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

**1. Purchase of Replacement Vehicles for Inspections and Engineering (Attachment #1):**

The committee reviewed and unanimously endorsed requests for supplemental appropriations to purchase two (2) vehicles for Inspections (\$54,000) and one (1) vehicle for Engineering (\$28,000) to replace older, high mileage trucks that are incurring higher maintenance costs. It should be noted that these vehicles are subject to a great deal of off road travel on roughly graded construction sites which greatly increases maintenance costs. In addition to the age, high mileage and increased maintenance costs, the requests highlight the significant increase in revenue as justification for the purchases. The request will be referred to the Finance Committee for their review and action.

**2. Carry Forward Request for Roundhill Fire Station Funds:**

The committee reviewed and unanimously endorsed a request from the Deputy Director Mr. Joe Wilder, to carry forward any remaining unencumbered funds associated with the Roundhill Fire Station project. As of May 23, 2016, the unencumbered amount was \$82,916.27.

**3. Miscellaneous Reports:**

- a) Tonnage Report
- b) Recycling Report
- c) Animal Shelter Dog Report
- d) Animal Shelter Cat Report

**HR COMMITTEE - APPROVED**

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, May 13, 2016. HR Committee members present were: Supervisors Robert Hess, Chairman, Robert Wells, Blaine Dunn and citizen members Beth Lewin and Dorrie Greene; citizen member Don Butler was absent. Others present were: Brenda Garton, County Administrator; Kris Tierney, Asst. County Administrator; Lynsey Orndorff, HR Generalist; Delsie Jobe, Administrative Services Manager, DSS; Billy Orndoff, Treasurer; Cheryl Shiffler, Finance Director; Lenny Millholland, Sheriff; Rod Williams, County Attorney; and Denny Linaburg, Fire Chief.

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

**1. Employee Compensation & Performance Philosophy. - APPROVED**

The Committee reviewed the attached employee compensation and performance philosophy to set a standard to attract, motivate, and retain quality employees who support Frederick County's mission.



Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval of this request. The motion was approved unanimously.

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the employee compensation and performance philosophy.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

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

1. Reorganization of the County Administrator's Office.
2. Bonus Ordinance.

The Committee reviewed a request from the County Attorney for an Employee Recognition Program pursuant to Virginia Code §15.2-1508.

Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval of this request from the Board with referral to Code & Ordinance. The motion was approved unanimously.

There being no further business, the meeting was adjourned. The next HR Committee meeting is scheduled for Friday, June 17, 2016 at 8:00 a.m.

**TRANSPORTATION COMMITTEE - APPROVED**

The Transportation Committee met on May 23, 2016 at 8:30 a.m.

**Members Present**

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

**Members Absent**

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

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

## **2. Korean War Veterans Memorial Highway - APPROVED**

The Committee reviewed the attached request from the Korean War Veterans Association. As noted, a request from the Board of Supervisors to the Commonwealth Transportation Board is required to help move this along if the Board sees fit. The County would be responsible for the cost of installation and upkeep for the signs, however the association has noted they are willing to reimburse this cost.

After some brief discussion Mr. Fisher motioned and Mrs. McCann-Slaughter seconded to recommend the Board approve the request.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board approved the request from the Korean War Veterans Association.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

## **3. Bicycle and Pedestrian Restriction on Route 37 - APPROVED**

VDOT contacted staff upon receiving a request from the State Police that Route 37 be closed to pedestrians and cyclists as well as other forms of transportation not suitable for high speed conditions. In order to take this request to the Commonwealth Transportation Board, VDOT is in need of a letter of support from the locality. Staff has attached the relevant state code section.

On a motion by Mrs. McCann-Slaughter seconded by Mr. Fisher the Committee recommended that the Board support the request.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Dunn, the Board approved the above request by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye

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

**1. Interstate, Primary, and Secondary Road Plan updates**

Staff updated the Committee on the status of these updates and advised that they should have actionable drafts at their next meeting.

**4. County Projects Update**

**Snowden Bridge Blvd:**

Construction is underway and on schedule at this time.

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

The Applicant has the draft revenue sharing agreement but has not yet executed it. The Applicant has been working through issues with VDOT regarding entrances on the masterplan. These masterplan discussions appear to be complete and Staff is awaiting the new masterplan submission. In addition, Staff submitted revised language to the revenue sharing agreement approximately two weeks prior to this mailing and has not yet received feedback.

**Renaissance Drive:**

Staff is coordinating with EDA staff to complete a grant application which could change the project from a grade to a bridge crossing. In addition, efforts continue to forward conversations with CSX regarding the potential crossing. Staff is meeting with CSX and VDOT staff on May 18, 2016 regarding the potential crossing.

**Valley Mill Road Realignment:**

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete the design through 100%. Upon approval by the private party partner, the next phase of design will begin.

**Coverstone Drive:**

No activity at this time.

**5. Other**

Due to a scheduling conflict the Committee has rescheduled their June meeting to June 20, 2016 in the Board of Supervisors Closed session room.

**PUBLIC HEARING**

**TWELVE MONTH OUTDOOR FESTIVAL PERMIT REQUEST OF CEDAR CREEK BATTLEFIELD FOUNDATION. 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 CEDAR CREEK BATTLEFIELD, 8347 VALLEY PIKE, MIDDLETOWN, VA. PROPERTY OWNED BY THE CEDAR CREEK BATTLEFIELD FOUNDATION. - APPROVED**

Dr. Stanley Hirschberg, Cedar Creek Battlefield Foundation, appeared before the Board regarding this item. He gave a brief overview of the Foundation's upcoming events and asked that the Board approve this permit request.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the twelve month outdoor festival permit request for Cedar Creek Battlefield Foundation by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**PLANNING COMMISSION BUSINESS**

**PUBLIC HEARING**

**CONDITIONAL USE PERMIT #04-16 FOR VICKI NASH, WHICH SUBMITTED FOR A COTTAGE OCCUPATION NAIL SALON. THE PROPERTY IS LOCATED AT 215 FRUIT ORCHARD DRIVE, GORE, VIRGINIA AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 17-22A-19 IN THE GAINESBORO MAGISTERIAL DISTRICT. - APPROVED**

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request for a conditional use permit for a nail salon. The property is zoned R-

5 and is located in the Gainesboro Magisterial District. He noted the proposed nail salon was a permitted use in the R-5 zoning district with an approved conditional use permit. The Planning Commission recommended approval with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m., Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Dunn, the Board approved conditional use permit #04-16.

**WHEREAS, Conditional Use Permit #04-16 Of Vicki Nash**, submitted by Vicki Nash for a Cottage Occupation – Nail Salon was considered. The Property is located 215 Fruit Orchard Drive and is further identified with Property Identification Number 17-22A-19 in the Gainesboro Magisterial District; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on June 1, 2016, and recommended approval of the Conditional Use Permit with conditions: and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on June 22, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #04-16 for a Cottage Occupation – Nail Salon on the parcel identified by Property Identification Number (PIN) 17-22A-19 with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. No signage allowed with this Conditional Use Permit.
3. Hours of operation shall be 10:00 a.m. to 6:00 p.m., Monday through Saturday.
4. No more than five (5) customers per day.
5. No employees permitted, beyond those residing on the premises.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Passed this 22nd day of June, 2016.

The above motion was approved by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE –  
CHAPTER 165 ZONING, ARTICLE IV AGRICULTURAL AND RESIDENTIAL  
DISTRICTS; PART 401 – RA RURAL AREAS DISTRICT §165-401.06  
PERMITTED LOT SIZES. REVISION TO THE FREDERICK COUNTY  
ZONING ORDINANCE TO PROVIDE FOR AN ALLOWANCE TO PERMIT  
DIVISIONS FROM RURAL PRESERVATION LOTS FOR PUBLIC ROAD  
DEDICATIONS OR UTILITY DEDICATIONS. - APPROVED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised staff received a request to revise the Zoning Ordinance to permit divisions from rural preservation lots for public road or utility dedications.

Chairman DeHaven convened the public hearing.

There were no public comments.

Chairman DeHaven closed the public hearing.

Upon a motion by Supervisor Wells, seconded by Supervisor Hess, the Board approved the ordinance amending the Frederick County Code, Chapter 165 Zoning, Article IV – Agricultural and Residential Districts, Part 401 – RA Rural Areas District, §165-401.06 –

PERMITTED LOT SIZES.

**WHEREAS**, Staff has been directed to prepare an amendment to Chapter 165, Zoning to provide an allowance to permit divisions from rural preservation lots for the widening of an existing VDOT owned road or for a public utility dedication;

**WHEREAS**, the Planning Commission held a public hearing on this ordinance amendment on June 1, 2016; and

**WHEREAS**, the Board of Supervisors held a public hearing on this ordinance amendment on June 22, 2016; 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 Article IV – Agricultural and Residential Districts, Part 401 – RA Rural Areas District; §165-401.06 – Permitted Lot Sizes**, to allow divisions from rural preservation lots for the widening of an existing VDOT owned road or for a public utility dedication.

**Chapter 165 – Zoning, ARTICLE IV AGRICULTURAL AND RESIDENTIAL DISTRICTS**

**Part 401 – RA Rural Areas District, § 165-401.06 Permitted lot sizes.**

C. Rural preservation lots.

(1) Within the RA Rural Areas District, lots as small as two acres shall be permitted on tracts over 20 acres in size, subject to the following:

- (a) Sixty percent or more of the parent tract shall remain intact as a contiguous parcel (Rural Preservation Tract).
- (b) This acreage must be designated prior to the division of the fourth lot.
- (c) No future division of this designated Rural Preservation Tract shall be permitted, *other than for the widening of existing VDOT road right-of-ways or public utility dedications*, unless all the following are met:

- i. The division results in an overall acreage increase to the Rural Preservation Tract; and
- ii. Acreage added to the preservation tract may come from areas internal or external to the rural preservation subdivision; and
- iii. Acreage from the preservation tract may not be adjusted into parcels outside of the rural preservation subdivision; and
- iv. The Rural Preservation Tract continues to meet all requirements of Chapter 165 and 144.

Passed this 22nd day of June, 2016 by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**OTHER PLANNING ITEMS**

**REZONING 06-16 SEMPELES PROPERTY SUBMITTED BY PENNONI, TO REVISE PROFFERS ASSOCIATED WITH REZONING #02-04. THIS REVISION RELATES TO THE “ON SITE DEVELOPMENT” SECTIONS OF THE PROFFERS FOR THE M1 (LIGHT INDUSTRIAL) DISTRICT ZONED PORTION OF THE SITE. THE APPLICANT IS REQUESTING TO REVISE THE PROFFERS TO ALLOW THE USE OF TILT-UP CONCRETE WALLS AND TO REMOVE PROFFERS THAT HAVE BEEN COMPLETED. THE PROPERTY IS LOCATED ADJACENT TO MARTINSBURG PIKE (ROUTE 11), APPROXIMATELY 250 FEET NORTH OF THE INTERSECTION OF WOODBINE ROAD (ROUTE 669) AND MARTINSBURG PIKE IN THE STONEWALL MAGISTERIAL DISTRICT, AND IS IDENTIFIED BY PROPERTY IDENTIFICATION NUMBER 34-A-4. - APPROVED**

Assistant Director of Planning and Development Candice Perkins appeared before the Board regarding this item. She advised this was a minor rezoning to amend the proffers to allow the use of tilt-up concrete walls and to remove those proffers that have already been completed. The proffered generalized development plan is the same as 2004. She concluded by saying the Planning Commission recommended approval.

**Patrick Sowers**, Penoni, appeared before the Board to answer any questions they might have. He concluded by asking the Board to approve this application.

Upon a motion by Supervisor Slaughter, seconded by Supervisor Hess, the Board approved Rezoning #06-16.

**WHEREAS, Rezoning #06-16 Semples Property**, submitted by Pennoni Associates, to revise the proffers associated with Rezoning #02-04 relating to the “On-Site Development” section of the proffers was considered. The proffer revision, originally proffer statement dated



April 27, 2004, with a final revision dated June 2, 2016, applies only to PIN 34-A-4. The request is to amend the proffer statement for the Sempeles Property (Whitehall Commerce Center) to allow the use of concrete tilt-up walls within the M1 (Light Industrial) zoned portion of the property. The Applicant has also updated the proffer to remove improvements that have been previously completed.

**WHEREAS**, the Planning Commission held a public meeting on this rezoning on June 15, 2015, and forwarded a recommendation of approval; and

**WHEREAS**, the Board of Supervisors held a public meeting on this rezoning on June 22, 2016, 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 RESOLVED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the proffers associated with Rezoning #02-04 relating to the "On-Site Development" section of the proffers. This minor proffer revision, original proffer statement dated April 27, 2004, with a final revision dated June 22, 2016, allows the use of concrete tilt-up walls within the M1 (Light Industrial) zoned portion of the property and removes the proffers that have been previously completed.

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

Passed this 22nd day of June, 2016 by the following recorded vote:

Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye
Gene E. Fisher	Absent
Robert A. Hess	Aye
Gary A. Lofton	Absent
Judith McCann-Slaughter	Aye
Robert W. Wells	Aye

**RESOLUTION RE: PROGRAMMATIC PROJECT ADMINISTRATION  
EXTENSION ADDENDUM FOR REVENUE SHARING PROJECTS –  
APPROVED UNDER CONSENT AGENDA**

Programmatic Project Administration Extension Addendum Revenue Sharing Projects

**THIS ADDENDUM** is made and executed in triplicate this **22nd** day of **June, 2016**, by and between the County of Frederick, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation hereinafter referred as the DEPARTMENT.

**WHEREAS**, the LOCALITY and the DEPARTMENT, entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on April 18, 2014; and

**WHEREAS**, said agreement has an initial term of three fiscal years (each year beginning July 1st – June 30th), and will expire on June 30, 2016 and may be extended for one additional term of three fiscal years; and

**WHEREAS**, the parties to the agreement hereby declare their intent to extend said agreement as provided in Paragraph 1 of said agreement and further declare that such terms and provisions provided therein shall remain unchanged.

**NOW THEREFORE**, in consideration of the mutual premises contained therein and in this Addendum, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

**IN WITNESS WHEREOF**, each party hereto has caused this Addendum to be executed as of the day, month, and year first herein written.

#### **BOARD LIAISON REPORTS**

There were no Board liaison reports.

#### **CITIZEN COMMENTS**

**Patsy Gochenour**, Red Bud District, addressed the Board regarding the recently held Comprehensive Plan meeting in the Red Bud District. She stated there was very little advertisement of the meeting. She called in to the County Administrator's office and was referred to the Planning Department to get the information. She went on to say there were no signs, etc. She felt the main topic of the meeting should have been water because the current sources do not meet the projected needs of the community. She went on to say the Board should do an all-out effort to obtain water. She concluded by saying "how important is water? Without water there is no life."

#### **BOARD OF SUPERVISORS COMMENTS**

Supervisor Dunn reported on his attendance at an anti-bullying event. He discussed how two young people recently committed suicide as a result of being victims of bullying. He also

reported on his attendance at the Revolutionary War re-enactment in Middletown. He hoped Mayor Harbaugh would continue these re-enactments because there is a lot of history in Frederick County.

**ADJOURN**

**UPON A MOTION BY SUPERVISOR WELLS, SECONDED BY SUPERVISOR SLAUGHTER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:45 P.M.)**

B

# Employee of the Month Resolution

*Awarded to:*

## David Michael Ellinger

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

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

WHEREAS, the Board of Supervisors upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

WHEREAS, David Michael Ellinger who serves as a Sergeant for the Sheriff's Office was nominated for Employee of the Month; and,

WHEREAS, David Michael Ellinger was selected as employee of the month based on the merits of his outstanding performance and productivity, positive job attitude and other noteworthy contributions to their office and to the County; and

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 27<sup>th</sup> day of July, 2016, that David Michael Ellinger is hereby recognized as the Frederick County Employee of the Month for July 2016; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to David Michael Ellinger for his outstanding performance and dedicated service and wishes his continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that David Michael Ellinger is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA  
Board of Supervisors

-----  
Charles S. DeHaven, Jr., Chairman

Dedication

***County of Frederick***

Employee of the Month

July 2016

***David Michael Ellinger***

Hardworking

Excellence

Professional

---

Charles S. DeHaven, Jr.  
Chairman, Board of Supervisors



July

# County of Frederick Employee of the Month Nomination Form

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : David "Mike" Ellinger Department: Sheriff's Office

Nomination Submitted By: Aleck Beeman Department: Sheriff's Office

Nominator's Signature: *Aleck Beeman* Date: 5-23-16

Reason for Nomination (please be specific, precise, and definite):

The Frederick County Sheriff's Office has several specialized teams that perform tasks which require specialized training the average deputy doesn't receive until he/she becomes a member of that team. The Dive Team, SWAT Team, and Search and Rescue Team are several of these teams. These teams also require specialized equipment for them to function effectively. The Frederick County Sheriff's Office has been a member of the Defense Reutilization and Marketing Office (DRMO) program for numerous years. This program is run by the Defense Logistics Agency and they allow law enforcement agencies to acquire excess military equipment. The equipment received could be gently used or new; and the competition to obtain this equipment is fierce. Over 10,000 state and local law enforcement agencies and other federal agencies also try to get the same equipment.

The equipment is placed on a national website for a limited time period where it can be viewed by everyone and requested. The awarded agency then has a limited time period to go pick up the equipment. If the equipment is not picked up in the time frame it is given to the second agency that requested the equipment. Since this is a federal agency the paperwork involved acquiring the equipment can be overwhelming. I have been in charge of the program for numerous years and it is hard to find an individual that would help me by going to the website daily and searching through the thousands of entries to locate and obtain useful equipment. This is an extra task for anyone who would agree to assist me.

Approximately 3 years ago I asked Sergeant Mike Ellinger to assist me with this task. Sergeant Ellinger is a member of the Dive Team and he is a member of the newly formed Search and Rescue Team. Since the Search and Rescue Team was newly formed, it needed lots of equipment for the members. Sergeant Ellinger took to this task with enthusiasm. He checked the website constantly and kept me apprised of any equipment available that the Sheriff's Office specialized teams could use. He would then request the equipment, completed the appropriate paper work to acquire the equipment and then we would go to the location and pick up the equipment for the Sheriff's Office.

Sergeant Ellinger has diligently searched the DRMO site and in the last year has acquired approximately \$500,000 worth of equipment for the Sheriff's Office. The Sheriff's Office has received clothing, computer equipment, vehicles, rifle sites, radios, and numerous other needed items. Sergeant Ellinger and I now go approximately 2-3 times a month to different DRMO sites to pick up equipment for the Sheriff's Office.

I would like to nominate Sergeant Mike Ellinger for employee of the month for his exceptional performance of this additional task that he willingly accepted. He has provided hundreds of thousands of dollars in equipment to the Sheriff's Office without using any county tax dollars.

HR Section: Received: \_\_\_\_\_ Emailed to HR Committee: \_\_\_\_\_

C





**Brenda G. Garton**  
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Brenda G. Garton, County Administrator  
**DATE:** July 21, 2016  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through August, 2016. 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**

Extension Leadership Council

William H. Cline – Stonewall District Representative  
781 Hopewell Road  
Clearbrook, VA 22624  
Term Expires: 06/23/18  
Four year term

*(Staff has been advised that Mr. Cline has resigned.)*

Northwestern Community Services Board

Tom Brubaker – County Representative  
3407 Cedar Creek Grade  
Winchester, VA 22602  
Home: (540)539-0002  
Term: 12/31/18  
Four year term

*(Staff has been advised that Mr. Brubaker has resigned.)*

**APRIL 2016**

Historic Resources Advisory Board

Lauren Krempa Murphy – Member-At-Large  
106 Dollie Mae Lane  
Stephens City, VA 22655  
Phone: (540)338-2304  
Term Expires: 04/09/16  
Four year term

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

**MAY 2016**

Parks and Recreation Commission

Kevin L. Anderson – Member-At-Large  
180 Thurston Court  
Clearbrook, VA 22624  
Home: (540)665-1212  
Term Expires: 05/09/16  
Four year term

**JUNE 2016**

Social Services Board

Joanne Leonardis – Red Bud District Representative  
117 Sesar Court  
Winchester, VA 22602  
Home: (540)665-3110  
Term Expires: 06/30/16  
Four year term

*(Members may only serve two terms. Ms. Leonardis is not eligible for reappointment.)*

**AUGUST 2016**

Conservation Easement Authority (CEA)

Todd B. Lodge – County Representative  
3390 Apple Pie Ridge Road  
Winchester, VA 22603  
Home: (540)662-5488  
Term Expires: 08/24/16  
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Shawneeland Sanitary District Advisory Committee

Jeff Stevens  
114 Rappahannock Trail  
Winchester, VA 22602  
Home: (540)327-3112  
Term Expires: 08/13/16  
Two year term

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

Frederick-Winchester Service Authority (FWSA)

Dr. Ned M. Cleland – Frederick County Representative  
117 Crestleigh Drive  
Winchester, VA 22602  
Home: (540)869-5970  
Term Expires: 08/31/16  
Three year term

*(The county has three representatives on the Service Authority as is in accordance with the Joint Agreement and Memorandum of Understanding with the City of Winchester.)*

BGG/tjp

D



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383

Fax 540/667-0370

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

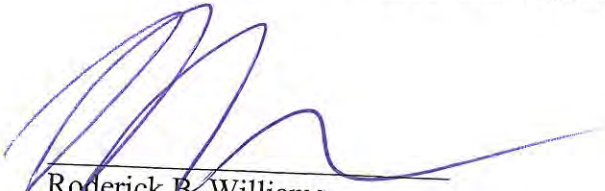
**MEMORANDUM**

TO: Frederick County Board of Supervisors  
CC: Brenda G. Garton, County Administrator  
FROM: Roderick B. Williams, County Attorney  
DATE: July 5, 2016  
RE: Commissioner of Revenue Refund Requests



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

1. General Motors LLC – \$6,308.37
2. Wal-Mart Stores East LP/Wal-Mart Supercenter #3344 – \$3,811.97
3. Andres Godinez, Jr. – \$2,978.09

  
Roderick B. Williams  
County Attorney

Attachments



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

CC: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

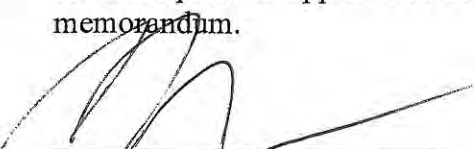
DATE: June 22, 2016

RE: Refund – General Motors LLC



I am in receipt of the Commissioner's request, dated June 10, 2016, to authorize the Treasurer to refund General Motors LLC the amount of \$6,308.37, for personal property taxes and vehicle license fees in 2013, 2014, 2015 and 2016. This refund resulted from proration of vehicle taxes and fees where vehicles financed by this company were either sold or moved from this locality. Different divisions of this company are involved with registration and taxation of the vehicles resulting in a time lapse for refund requests.

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)



June 10, 2016

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – General Motors LLC

A handwritten signature in cursive script, reading "E. Murphy".

Please approve a refund of \$6,308.37 for personal property taxes and vehicle license fees for 2013, 2014, 2015 and 2016 in the name of General Motors LLC. This refund is for proration of vehicle personal property taxes and license fees financed by General Motors LLC but either sold or moved from our locality.

Considerable time frequently lapses between billings and the resulting appeal by leasing or financing companies with relocation or sale information on vehicles. Different divisions of leasing companies are involved with registration versus taxation of the vehicles resulting in this time lapse for refund requests. To comply with requirements for the Treasurer to apply this refund board action is required.

Additional vehicles may also have been provided that result in supplemental billings due which do not require board action.

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

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

Exoneration is \$6,308.37.

Customer Name: GENERAL MOTORS LLC

Total Transactions: 720  
Customer Transactions: 11

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2013	1	00191350003	\$348.50-	\$ .00	\$348.50-
-	PP2013	2	00191350004	\$1,045.51-	\$ .00	\$1,045.51-
-	PP2014	3	00196810003	\$925.23-	\$ .00	\$925.23-
-	PP2014	4	00196810004	\$925.22-	\$ .00	\$925.22-
-	PP2015	5	00199480003	\$768.49-	\$ .00	\$768.49-
-	PP2015	6	00199480004	\$768.49-	\$ .00	\$768.49-
-	PP2016	7	00204370003	\$725.97-	\$ .00	\$725.97-
-	PP2016	8	00204370004	\$725.96-	\$ .00	\$725.96-
-	VL2014	9	00271840001	\$25.00-	\$ .00	\$25.00-
-	VL2015	10	00278040001	\$25.00-	\$ .00	\$25.00-
-	VL2016	11	00285720001	\$25.00-	\$ .00	\$25.00-

Total Paid : \$6,308.37

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

*Needs Board Approval*





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: Brenda G. Garton, County Administrator

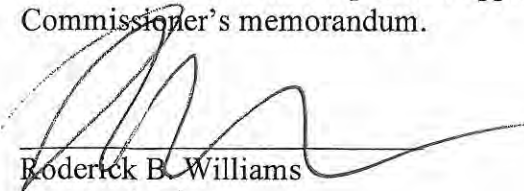
FROM: Roderick B. Williams, County Attorney

DATE: July 1, 2016

RE: Refund – Wal-Mart Stores East LP/Wal-Mart Supercenter #3344

I am in receipt of the Commissioner's request, dated June 27, 2016, to authorize the Treasurer to refund Wal-Mart Stores East LP/Wal-Mart Supercenter #3344 the amount of \$3,811.97, for business equipment taxes for the first half of 2016. This refund resulted from an adjustment of this company filing for 2016 on business equipment.

The Commissioner's auditor 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)



June 27, 2016

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Wal-Mart Stores East LP/Wal-Mart Supercenter #3344

Please approve a refund of \$3,811.97 for business equipment taxes for 2016 in the name of Wal-Mart Stores East LP/Wal-Mart Supercenter #3344 as paid for the first half billing. This is the result of an adjustment of the company filing for 2016 on business equipment.

The Commissioner's auditor and his supervisor have 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 \$3,811.97.

Date: 6/13/16  
Time: 15:11:20

Cash Register: 001 COUNTY OF FREDERICK

LKH

Acct: 0149790 Transactions:  
Trans. Type: PAY Dept#/Bill#: PP2016 00598870001 Half: 1 P/I Date: 6/13/2016  
Name: WAL MART STORES EAST LP Bill Date: 4/01/2016  
Name2: WAL MART SUPERCENTER #3344 Due Date: 6/06/2016  
Addr: PROPERTY TAX Status Codes: \_\_\_\_\_  
PO BOX 8050  
BENTONVILLE AR Zip Cd: 72712 - 8055  
Year: Make: BUSINESS SSN1: SSN2: \_\_\_\_\_  
Model: 501 WAL-MART DR Title#: Cus#1 Cus#2: \_\_\_\_\_  
Type: Value: 1253789 Class: 01 Months Taxed: 06  
VID#: 0149790 PPTRA: InDt: OutDt: \_\_\_\_\_  
Original Bill: \$33,513.79 Payments: \$37,325.76 Setoff Claim #: 00000000  
Penalty Paid: \$.00 Int Paid: \$.00 Last Date: 6/08/2016  
Amount Owed: \$3,811.97- Other: \$.00  
Total Owed: \$3,811.97- Penalty: \$.00 Interest: \$.00  
Principal Due: 3811.97- Pen Rate % Int Fact  
Penalty Due: Interest Due: \_\_\_\_\_  
Total Amount Due: 3811.97- Aging:

Promise to Pay Date: \_\_\_\_\_  
OvrDpt: \_\_\_\_\_ ActCod: \_\_\_\_\_

F1=Amt Tender F2=Next Ticket F3=Exit

F10=Funcnt Menu F20=Attach

Needs Board Approval



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: Brenda G. Garton, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: July 1, 2016

RE: Refund – Andres Godinez, Jr.

I am in receipt of the Commissioner's request, dated June 30, 2016, to authorize the Treasurer to refund Andres Godinez, Jr. the amount of \$2,978.09, for proration of personal property taxes for the second half of 2015 and first half of 2016. This refund resulted from the taxpayer moving out of this locality.

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

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

Roderick B. Williams  
County Attorney

Attachment



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



June 30, 2016

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Andres Godinez, Jr.

A handwritten signature in cursive script, appearing to read "E. Murphy".

Please approve a refund of \$2,978.09 for personal property taxes for second half of 2015 and first half of 2016 in the name of Andres Godinez, Jr. for proration of personal property taxes due to a move out.

The Commissioner's staff have reviewed all documents and addresses and found the request proper and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director.

Exoneration is \$2,978.09.

Date: 6/29/16

Cash Register: COUNTY OF FREDERICK

Time: 13:22:02

Customer Name: GODINEZ ANDRES JR Total Transactions: 731  
Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2015	1	00204680002	\$515.16-	\$56.24-	\$571.40-
-	PP2015	2	00204680004	\$486.61-	\$53.12-	\$539.73-
-	PP2015	3	00660620001	\$413.10-	\$52.67-	\$465.77-
-	PP2016	4	00209670001	\$495.12-	\$54.05-	\$549.17-
-	PP2016	5	00209670003	\$482.36-	\$52.66-	\$535.02-
-	PP2016	6	00209670005	\$285.80-	\$31.20-	\$317.00-

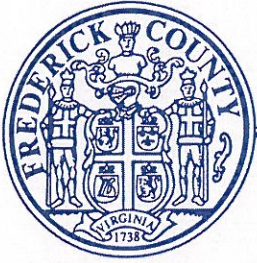
Total Paid : \$2,978.09

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

*Needs Board Approval*

**CONSENT AGENDA**

**E**



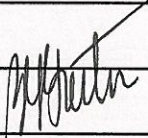
**Brenda G. Garton**  
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

**MEMORANDUM**

<b>TO:</b>	Board of Supervisors
<b>FROM:</b>	Brenda G. Garton, County Administrator 
<b>SUBJECT:</b>	Resolution Authorizing Executive Director of Winchester-Frederick County Convention and Visitors Bureau to apply for licensing with the Virginia Department of Alcoholic Beverage Control for the purpose of selling locally produced beer and wine in the Winchester-Frederick County Visitor Center Gift Shop
<b>DATE:</b>	July 19, 2016

The Executive Director of the Winchester-Frederick County Convention and Visitors Bureau has expressed an interest in selling locally produced beer and wine at the Winchester-Frederick County Visitor Gift Shop. These sales were seen as a way to better market our area's growing craft beer, wine, and spirits industry and attract visitors to Frederick County. Currently the Convention and Visitors Bureau lacks the ability to sell any alcoholic beverages at their facility; therefore, they would need to secure the necessary licensing from the Virginia Department of Alcoholic Beverage Control.

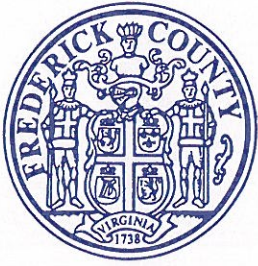
The City of Winchester serves as the fiscal agent for the Convention and Visitors Bureau and the council will vote on a similar resolution at its July 26, 2016 meeting. However, because tourism is a joint operation funded equally by both the city and the county, it was the city's recommendation that Frederick County adopt the attached resolution in order to show that the county was in agreement with the request.

Staff is seeking Board action on the attached resolution.

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

BGG/jet





## **BOARD OF SUPERVISORS**

**RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF  
THE WINCHESTER-FREDERICK COUNTY TOURISM OFFICE TO  
APPLY FOR APPROPRIATE VIRGINIA DEPARTMENT OF  
ALCOHOLIC BEVERAGE CONTROL LICENSING FOR THE PURPOSE  
OF SELLING LOCALLY PRODUCED BEER AND WINE IN THE  
WINCHESTER-FREDERICK COUNTY VISITOR CENTER GIFT SHOP**

**WHEREAS**, the Winchester-Frederick County Convention & Visitors Bureau currently sells locally produced products in their gift shop; and,

**WHEREAS**, selling these locally produced products in the Winchester-Frederick County Convention & Visitors Bureau has attracted visitors to Winchester and boosted tourism in the community; and,

**WHEREAS**, the Winchester-Frederick County region has a growing craft beer, wine and spirits industry that has progressively expanded and continues to attract a rapidly increasing number of visitors to the region; and,

**WHEREAS**, the Winchester-Frederick County Convention & Visitors Bureau would like to promote this growing industry by selling these locally produced beer and wine products inside the Winchester-Frederick County Convention & Visitors Center; and,

**WHEREAS**, the Winchester-Frederick County Convention & Visitors Bureau has contacted officials at Shenandoah University, local beer and wine retailers, and local beer and wine producers and received positive response; and,

**WHEREAS**, the Winchester-Frederick County Convention & Visitors Bureau lacks the necessary licensing from the Virginia Department of Alcoholic Beverage Control to sell these products onsite.

**NOW THEREFORE BE IT RESOLVED**, that the Frederick County Board of Supervisors hereby authorizes the Executive Director of the Winchester-Frederick County Convention and Visitors Bureau to apply for the necessary licensing from the Virginia Department of Alcoholic Beverage Control to sell locally produced beer and wine in their gift shop; and,

**BE IT FURTHER RESOLVED**, that the beverages sold by the Winchester-Frederick County Convention & Visitors Bureau will be prohibited from onsite consumption.

**ADOPTED**, this 27th day of July, 2016.

Charles S. Dehaven, Jr. \_\_\_\_\_

Robert A. Hess \_\_\_\_\_

Judith McCann-Slaughter \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

Gene E. Fisher \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

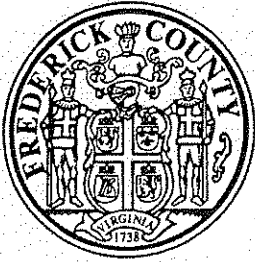
Blaine P. Dunn \_\_\_\_\_

**A COPY TESTE:**

\_\_\_\_\_  
Brenda G. Garton  
Clerk, Board of Supervisors

# CONSENT AGENDA

F



COUNTY of FREDERICK

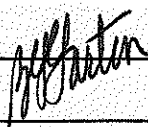
Brenda G. Garton  
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

**MEMORANDUM**

<b>TO:</b>	Board of Supervisors
<b>FROM:</b>	Brenda G. Garton, County Administrator 
<b>SUBJECT:</b>	Resolutions Authorizing Staff to Take Necessary Steps to Withdraw from Membership in the Rappahannock Regional Criminal Justice Academy and Establish Membership in the Skyline Regional Criminal Justice Academy
<b>DATE:</b>	July 21, 2016

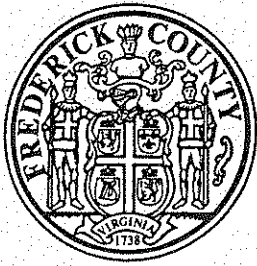
Attached please find two resolutions. One resolution authorizes the Frederick County Sheriff to take all necessary steps to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy. The second resolution authorizes the Director of Public Safety Communications to take similar actions to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy. The reason for the two resolutions is that each department currently sends its respective trainees to the Rappahannock Academy; however, once the Skyline Academy is constructed those departments will send trainees to the new academy. In the interim period, trainees will continue to attend the Rappahannock Academy's Middletown Campus.

By way of background, this new academy will be located in Warren County and will consist of 14 law enforcement agencies including Clarke, Frederick, and Warren Counties and the City of Winchester. The proposed new academy is under construction at the Happy Creek Technology Park in Front Royal. On May 12, 2016 the State Criminal Justice Service Board unanimously agreed to allow Frederick County's withdrawal from Rappahannock Regional Criminal Justice Academy and allow membership in Skyline Regional Criminal Justice Academy, effective June 30, 2017. In order to facilitate this withdrawal, the Board of Supervisors needs to approve these two resolutions signifying its desire to withdraw from the Academy. The resolutions must be adopted and provided to the Rappahannock Criminal Justice Academy Board by October 2016.

Staff is seeking Board action on the attached resolutions.

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

BGG/jet



## **BOARD OF SUPERVISORS**

### **Resolution Authorizing the Director of Frederick County Public Safety Communications to take all necessary steps to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy**

**WHEREAS**, the County of Frederick has been a training member of the Rappahannock Regional Criminal Justice Academy since 1998 or thereafter; and

**WHEREAS**, the County of Frederick has enjoyed an excellent relationship with the other localities participating in the Academy, and has received thorough and effective training for its Communications Officers at the Academy; and

**WHEREAS**, an analysis of the current training needs by the Frederick County Public Safety Communications has revealed that participation in the Skyline Regional Criminal Justice Academy would provide a Department of Criminal Justice Services curriculum and result in cost savings; and

**WHEREAS**, the Director of the Frederick County Public Safety Communications has determined that it is in the best interest of the Frederick County Public Safety Communications and the County of Frederick to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and establish membership in the Skyline Regional Criminal Justice Academy; and

**WHEREAS**, Section 15.2-1747(D) of the Code of Virginia, 1950, as amended, provided that a governmental unit may withdraw from an academy created under this section of §15.2-1300 only by two-thirds vote of the board of directors of the academy. The governing body of the governmental unit seeking to withdraw from the academy shall signify its desire by resolution of ordinance. The board of directors shall consider requests to withdraw in October 2016, and in October of every fifth year thereafter. No requests to withdraw shall be considered at any other time, unless agreed to unanimously. Any withdrawal approved by the board of directors shall be effective on June 30 of the following year; and

**WHEREAS**, at the regular May 12, 2016 meeting of the Criminal Justice Services Board unanimous agreement was given to allow the withdrawal of the Frederick County Public Safety Communications from Rappahannock Regional Criminal Justice Academy membership and allow membership in Skyline Regional Criminal Justice Academy, effective June 30, 2017.

**NOW, THEREFORE, BE IT RESOLVED** by the County of Frederick that it hereby expresses its desire for the County to withdraw from the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

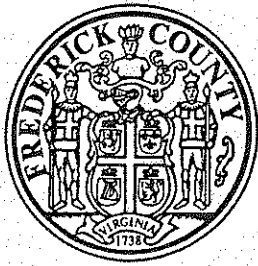
**BE IT FURTHER RESOLVED** the Director of Public Safety Communications be, and is hereby, directed to take all actions necessary to effect the withdrawal from the membership of the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Rappahannock Regional Criminal Justice Academy and to the Director of the Virginia Department of Criminal Justice Services.

Adopted at a regular meeting of the Frederick County Board of Supervisors in Frederick County, Virginia held on July 27, 2016.

---

Charles S. DeHaven, Jr., Chairman  
Frederick County Board of Supervisors



## **BOARD OF SUPERVISORS**

**Resolution authorizing the Sheriff of the Frederick County Sheriff's Office to take all necessary steps to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy.**

**WHEREAS**, the County of Frederick has been a training member of the Rappahannock Regional Criminal Justice Academy since 1998 or thereafter; and

**WHEREAS**, the County of Frederick has enjoyed an excellent relationship with the other localities participating in the Academy, and has received thorough and effective training for its law enforcement officers at the Academy; and

**WHEREAS**, an analysis of the current training needs by the Frederick County Sheriff's Office has revealed that participation in the Skyline Regional Criminal Justice Academy would provide a Department of Criminal Justice Services curriculum and result in cost savings; and

**WHEREAS**, the Sheriff of the Frederick County Sheriff's Office has determined that it is in the best interest of the Frederick County Sheriff's Office and the County of Frederick to withdraw from membership in the Rappahannock Regional Criminal Justice Academy and establish membership in the Skyline Regional Criminal Justice Academy; and

**WHEREAS**, Section 15.2-1747(D) of the Code of Virginia, 1950, as amended, provides that a governmental unit may withdraw from an academy created under this section or § 15.2-1300 only by two-thirds vote of the board of directors of the academy. The governing body of the governmental unit seeking to withdraw from the academy shall signify its desire by resolution or ordinance. The board of directors shall consider requests to withdraw in October 2016, and in October of every fifth year thereafter. No requests to withdraw shall be considered at any other time, unless agreed to unanimously. Any withdrawal approved by the board of directors shall be effective on June 30 of the following year; and

**WHEREAS**, at the regular May 12, 2016 meeting of the Criminal Justice Service Board unanimous agreement was given to allow the withdrawal of the Frederick County Sheriff's Office from Rappahannock Regional Criminal Justice Academy membership and allow membership in Skyline Regional Criminal Justice Academy, effective June 30, 2017.

**NOW, THEREFORE BE IT RESOLVED** by the County of Frederick that it hereby expresses its desire for the County to withdraw from the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

**BE IT FURTHER RESOLVED** the Sheriff of the Frederick County Sheriff's Office be, and is hereby, directed to take all actions necessary to effect the withdrawal from the membership of the Rappahannock Regional Criminal Justice Academy and to establish membership in the Skyline Regional Criminal Justice Academy for criminal justice purposes; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Rappahannock Regional Criminal Justice Academy and to the Director of the Virginia Department of Criminal Justice Services.

Adopted at a regular meeting of the Frederick County Board of Supervisors in Frederick County, Virginia held on July 27, 2016.

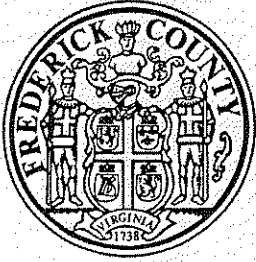
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Charles S. DeHaven, Jr., Chairman  
Frederick County Board of Supervisors



# CONSENT AGENDA

# G



COUNTY of FREDERICK

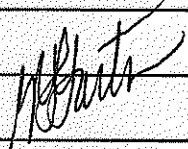
**Brenda G. Garton**  
County Administrator

540/665-6382

Fax 540/667-0370

E-mail: bgarton@fcva.us

**MEMORANDUM**

<b>TO:</b>	Board of Supervisors
<b>FROM:</b>	Brenda G. Garton, County Administrator 
<b>SUBJECT:</b>	Request for Work Session With Financial Consultant
<b>DATE:</b>	July 15, 2016

Per the Board's direction, staff has secured the services of a financial consultant, Davenport & Company. The next step in our process is to hold a work session with the Board and consultant where you will see and hear a presentation and then engage in a question and answer session so the consultant can answer questions you may have with regard to the county's finances, policies, debt load, and related issues.

Staff recommends the work session be held on **Wednesday, September 14, 2016** beginning at **4:00 p.m.**, prior to your regular meeting. We are seeking Board approval to hold this work session.

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

BGG/jet

# CONSENT AGENDA

H



# MEMO

**To:** Jay Tibbs, Deputy County Administrator for Human Services  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** June 15, 2016

The Parks and Recreation Commission met on June 14, 2016. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, and Blaine Dunn (BOS Liaison). Members absent were: Patrick Anderson and Charles Sandy, Jr.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Sherando Park Master Plan Update – Mr. Madagan moved to have Land Planning and Design Associates create the final Sherando Park Master Plan without the lake, second by Mr. Fordney, carried unanimously (5-0).
2. Policy/Procedure Revisions – Donations – Ms. Gerometta moved to allow any individual or organization donating a shelter be granted three free usages of the shelter on an annual basis, second by Mr. Madagan, carried unanimously (5-0). Please see attached policy.
3. Policy/Procedure Revisions – Donation Requests from Outside Entities – Mr. Carter moved to accept the Donation Request from Outside Entities procedure as submitted, second by Mr. Madagan, carried unanimously (5-0). Please see attached procedure.
4. Public Relations Committee – Winter Wonderland – The Public Relations Committee recommended Winter Wonderland fees include value pricing of Adults \$5.00 and Children \$3.00 on Monday-Thursday and premium pricing of Adults \$10.00 and Children \$5.00 on Friday-Sunday to redistribute attendance, the motion was not passed due to lack of a second.

Mr. Madagan moved to table the Winter Wonderland fee adjustment until the July meeting, second by Ms. Gerometta, carried unanimously (5-0).

Attachments (2)

cc: Gary Longerbeam, Chairman  
Blaine Dunn, Board of Supervisors' Non-Voting Liaison

## **DONATIONS**

### **500.06**

#### **PURPOSE:**

To define and establish a method for obtaining sponsorships and donations and to recognize those individuals or organizations who make contributions to a current facility or project.

#### **GOAL:**

To ensure that those who demonstrate their enthusiasm and commitment to an existing facility or project by monetary or material donations are properly recognized.

#### **POLICY:**

##### *Gifts and Donations*

Any member of the general public may make a gift or donation to the County in the name of the Department for the purpose of land acquisition, planning, development, maintenance, operations, and administration of parks and recreation facilities and programs. Recognition of such donations promotes goodwill and cohesiveness in the community.

The Board of Supervisors may accept or reject any gift, bequest, or device made to or in favor of the County.

#### **PROCEDURE:**

Individuals wishing to initiate contact with a potential sponsor will consult with their immediate supervisor and the Marketing Coordinator. Appropriateness of the sponsor will be determined and the potential for duplication of effort will be eliminated.

Once a sponsor has been secured, the amount of the donation should be entered into the Donation Log in RecTrac with all pertinent information regarding the event and donor as indicated in the file. This information should also be recorded by the programmer on the program brief at the conclusion of the event.

#### **DONATION RECOGNITION:**

Any individual or organization making a monetary or material contribution to an existing facility or a major project will receive a letter of appreciation. For gifts less than \$ 5,000, this letter will be sent by the appropriate Program Supervisor or Superintendent. A copy of this letter will be kept on file by the Marketing Coordinator.

Those individuals or organizations donating \$5,000 or more toward the completion of a facility will be recognized by including their name on a commemorative plaque to be permanently displayed at the benefiting facility.

The individual or organization making the largest contribution to a major project which represents a substantial part of the total cost of the project may have that facility dedicated to their name or in honor of someone they designate, contingent on endorsement by the Frederick County Parks and Recreation Commission and approval by the Board of Supervisors.

Any individual or organization donating a shelter will be granted three free usage of the shelter on an annual basis.

Sponsors will receive a thank you letter upon completion of the program. Certificates of appreciation will be sent when appropriate.

*Approved: June 2016*

## Parks & Recreation Procedure

### Procedure: Donation Requests from Outside Entities

Date Prepared: 5/11/16

1. During the annual budget cycle, \$1000 will be included in the Advertising Line (7101-3007-00) of the Administrative budget to offset funds for outside agencies seeking a donation for gifts in kind from the department.
  - a. This will be an expenditure that is not tied to revenue.
2. Donations will be distributed via a gift certificate redeemable for:
  - a. A reduction off of a program registration fee or  
A reduction off of a facility reservation fee or
  - b. A no-charge entry into one of the pools, fitness centers, Winter Wonderland, or other activity as specified by the Marketing Coordinator
3. Donations will be tracked via an entry into MainTrac.
4. When the donation is utilized during the registration process, payment will be reflected by a paycode established for donations.
5. Consideration for donations will only be given to organizations that fall within the following criteria:
  - a. Other Frederick County Government Agencies
  - b. Non-profit organizations hosting fundraising events
  - c. Frederick County Public Schools for functions, fundraisers, or incentives
  - d. Other agencies that are not in direct competition with FCPRD
6. Any organization seeking a donation must complete the Donation Request Form as outlined in Attachment A.
7. All request forms must be submitted to the Marketing Coordinator at least three (3) weeks prior to event deadline.
8. Priority will be given to organizations benefitting the residents of Frederick County.
9. Once the amount of \$1000 has been allocated, donation requests will be denied via a letter as outlined in Attachment B.

**Attachment A**

**Donation Request Form**

Frederick County Parks and Recreation Department distributes and tracks all donations for complimentary passes/gift certificates for department facilities and programs. These include admission passes to pools, shelters, paddleboats, community centers, and gift certificates redeemable for program registrations.

Please complete this form in its entirety. Only one request per event/program will be considered.

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

Organization/Group Seeking Donation: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fundraising event or program name: \_\_\_\_\_

Event date: \_\_\_\_\_ *(please allow 3 weeks for processing)*

Location of event: \_\_\_\_\_

How donation will be used: (ex. Door prize, raffle, auction, etc.) \_\_\_\_\_

How will FCPRD be recognized for providing a donation: \_\_\_\_\_

Frederick County Parks and Recreation Department does not provide monetary donations. The Department reserves the right to reject any and all requests.

Department Use Only:

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Approved

\_\_\_\_\_  
Marketing Coordinator

\_\_\_\_\_  
Date

Item provided: \_\_\_\_\_




# CONSENT AGENDA

I



# MEMO

**To:** Jay Tibbs, Deputy County Administrator for Human Services  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.   
**Subject:** Parks and Recreation Commission Action  
**Date:** July 13, 2016

The Parks and Recreation Commission met on July 12, 2016. Members present were: Patrick Anderson, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Charles Sandy, Jr. and Blaine Dunn (BOS Liaison). Members absent was: Randy Carter

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Winter Wonderland – Mr. Madagan moved to charge Winter Wonderland fees which include value pricing of Adults \$5.00 and Children \$3.00 on twenty six nights and premium pricing of Adults \$10.00 and Children \$5.00 on nine nights to redistribute attendance, second by Mr. Anderson, carried unanimously (6-0).
2. Play Fund – Mr. Anderson moved to request a supplemental appropriation in the amount of \$717.25 from the Finance Committee to be included in FY16 and be disbursed to revenue codes where financial assistance was used, second by Mr. Madagan, carried unanimously (6-0). This recommendation will be forwarded to the Finance Committee prior to requiring Board of Supervisor action.
3. Youth Sports Partners/Appeals/Public Relations Committee – The Youth Sports Partners/Appeals/Public Relations Committee recommended adopting the Youth Sports Partner Agreements for Frederick County American Little League, Frederick County National Little League and Blue Ridge Youth Soccer Association as submitted, second by Ms. Gerometta, carried unanimously (6-0).
4. Buildings and Grounds Committee - Closed Session: Mr. Madagan moved to convene into closed session Under Virginia Code 2.2-3711A(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, second by Mr. Anderson, motion carried unanimously (6-0).

Page 2  
Parks & Recreation Commission  
July 12, 2016

Mr. Madagan moved to exist closed session, second by Mr. Anderson, carried unanimously (6-0). All Commission members were polled re: any discussion besides matter for closed session, all said no.

Attachments (2)

cc: Gary Longerbeam, Chairman  
Blaine Dunn, Board of Supervisors' Non-Voting Liaison

# CONSENT AGENDA

J



**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John A. Bishop, AICP, Assistant Director - Transportation <sup>JB</sup>  
**RE:** Transportation Committee Report for Meeting of June 20, 2016  
**DATE:** July 15, 2016

---

The Transportation Committee met on June 20, 2016 at 9:00 a.m.

Members Present

Gary Lofton (voting)  
Judith McCann-Slaughter (voting)  
Gene Fisher (voting)  
James Racey (voting)  
Barry Schnoor (voting)  
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)  
Gary Oates (liaison PC)

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

**None**

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

**1. Interstate, Primary, and Secondary Road Plan updates**

Staff presented the draft plans to the committee for their consideration and noted the updates from last year. On a Motion by Mrs. McCann-Slaughter that was seconded by Mr. Fisher the Committee unanimously recommended approval to the Board of Supervisors. This item will be before the Board under its own agenda item.

## **2. VDOT Project Updates**

VDOT staff was on hand to update the Committee on a couple of items as follows:

Exit 313 Bridge – Noted that the study has proceeded and the deficient status of the bridge continues to be of concern. This project is expected to be an application for funding under SmartScale (formerly HB2) through the Metropolitan Planning Organization.

Exit 310 – VDOT staff addressed the backups that have been occurring along Tasker Road since the realigned Tasker was opened up and noted that once work at the top of the I-81 exit ramps was completed and the remaining 37 lanes were able to reopen that this condition should be resolved.

## **3. County Project Updates**

### **Snowden Bridge Blvd:**

Construction is underway and on schedule at this time.

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

The Applicant has the draft revenue sharing agreement but has not yet executed it. The Applicant has been working through issues with VDOT regarding entrances on the masterplan. These masterplan discussions appear to be complete and staff is awaiting the new masterplan submission. In addition, Staff is actively engaged in negotiations on the agreement with frequent communication taking place.

### **Renaissance Drive:**

Staff Coordinated with the EDA to complete an application for additional state funds.

In addition, since the Committee meeting, staff has been notified that CSX has approved the County's initial proposal for an at grade crossing should one be needed.

### **Valley Mill Road Realignment:**

Thirty percent design has been completed and the County's on call consultant is providing an updated cost estimate to complete design through 100%. Upon approval by the private party partner, the next phase of design will begin.

### **Coverstone Drive:**

No activity at this time.

## **4. Other**

JAB/pd

К



## County of Frederick

**Becky A. Merriner**  
Director of Human Resources

(540) 665-5668  
Fax: (540) 665-5669  
bmerriner@fcva.us

To: Board of Supervisors  
From: Becky A. Merriner, HR Director  
Date: July 7, 2016  
Subject: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, May 13, 2016. All HR Committee members were present. Others present were: Brenda Garton, County Administrator; Kris Tierney, Deputy County Administrator; Lynsey Orndorff, HR Generalist; Delsie Jobe, Administrative Services Manager, DSS; Sharon Kibler, Asst. Finance Director; Steve Hawkins, Major for the Sheriff's Office; and Denny Linaburg, Fire Chief.

### \*\*\*Items Requiring Board Action\*\*\*

1. Employee of the Month; see attachment.

The Committee reviewed the attached employee of the month for July. Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval; the motion was approved unanimously.

2. HR Policy Revision, Section 8.3, Paid Time Off Policy, see attachment.

The Committee reviewed the attached policy revision regarding a paid time off change for the Fire & Rescue Department. The accruals will be based on the recent schedule change from 2600 hours to 2756 hours per year worked. Upon a motion by Beth Lewin, seconded by Don Butler, the Committee recommended approval of the policy revision; the motion was approved unanimously.

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

1. None.

There being no further business, the meeting was adjourned. The next HR Committee meeting is scheduled for Friday, July 15, 2016 at 8:00 a.m.

Respectfully submitted,

### Human Resources Committee

Robert A. Hess, Chairman  
Robert W. Wells  
Blaine P. Dunn  
Don Butler  
Beth Lewin  
Dorrie Greene

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

*Becky Merriner*  
Becky A. Merriner  
HR Director



# Employee of the Month Resolution

*Awarded to:*

## David Michael Ellinger

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

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

WHEREAS, the Board of Supervisors upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

WHEREAS, David Michael Ellinger who serves as a Sergeant for the Sheriff's Office was nominated for Employee of the Month; and,

WHEREAS, David Michael Ellinger was selected as employee of the month based on the merits of his outstanding performance and productivity, positive job attitude and other noteworthy contributions to their office and to the County; and

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 27<sup>th</sup> day of July, 2016, that David Michael Ellinger is hereby recognized as the Frederick County Employee of the Month for July 2016; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to David Michael Ellinger for his outstanding performance and dedicated service and wishes his continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that David Michael Ellinger is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA  
Board of Supervisors

---

Charles S. DeHaven, Jr., Chairman

Dedication

***County of Frederick***

Employee of the Month

July 2016

***David Michael Ellinger***

Hardworking

Excellence

Professional

---

Charles S. DeHaven, Jr.  
Chairman, Board of Supervisors



## County of Frederick Employee of the Month Nomination Form

July

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : David "Mike" Ellinger Department: Sheriff's Office

Nomination Submitted By: Aleck Beeman Department: Sheriff's Office

Nominator's Signature:  Date: 5-23-16

Reason for Nomination (please be specific, precise, and definite):

The Frederick County Sheriff's Office has several specialized teams that perform tasks which require specialized training the average deputy doesn't receive until he/she becomes a member of that team. The Dive Team, SWAT Team, and Search and Rescue Team are several of these teams. These teams also require specialized equipment for them to function effectively. The Frederick County Sheriff's Office has been a member of the Defense Reutilization and Marketing Office (DRMO) program for numerous years. This program is run by the Defense Logistics Agency and they allow law enforcement agencies to acquire excess military equipment. The equipment received could be gently used or new; and the competition to obtain this equipment is fierce. Over 10,000 state and local law enforcement agencies and other federal agencies also try to get the same equipment.

The equipment is placed on a national website for a limited time period where it can be viewed by everyone and requested. The awarded agency then has a limited time period to go pick up the equipment. If the equipment is not picked up in the time frame it is given to the second agency that requested the equipment. Since this is a federal agency the paperwork involved acquiring the equipment can be overwhelming. I have been in charge of the program for numerous years and it is hard to find an individual that would help me by going to the website daily and searching through the thousands of entries to locate and obtain useful equipment. This is an extra task for anyone who would agree to assist me.

Approximately 3 years ago I asked Sergeant Mike Ellinger to assist me with this task. Sergeant Ellinger is a member of the Dive Team and he is a member of the newly formed Search and Rescue Team. Since the Search and Rescue Team was newly formed, it needed lots of equipment for the members. Sergeant Ellinger took to this task with enthusiasm. He checked the website constantly and kept me apprised of any equipment available that the Sheriff's Office specialized teams could use. He would then request the equipment, completed the appropriate paper work to acquire the equipment and then we would go to the location and pick up the equipment for the Sheriff's Office.

Sergeant Ellinger has diligently searched the DRMO site and in the last year has acquired approximately \$500,000 worth of equipment for the Sheriff's Office. The Sheriff's Office has received clothing, computer equipment, vehicles, rifle sites, radios, and numerous other needed items. Sergeant Ellinger and I now go approximately 2-3 times a month to different DRMO sites to pick up equipment for the Sheriff's Office.

I would like to nominate Sergeant Mike Ellinger for employee of the month for his exceptional performance of this additional task that he willingly accepted. He has provided hundreds of thousands of dollars in equipment to the Sheriff's Office without using any county tax dollars.

HR Section: Received: \_\_\_\_\_ Emailed to HR Committee: \_\_\_\_\_

## **VIII. WORK HOURS, HOLIDAYS, LEAVE**

### 8.1 Hours of Work

Generally, office hours are from 8:00am to 5:00pm. Individual work schedules are set at the Department Head's discretion based upon business requirements.

### 8.2 Holidays

The County shall observe all federal and state holidays and other such holidays as may be prescribed by the Board of Supervisors. When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. All full-time employees of the County shall be entitled to holiday benefits.

Current holidays observed by the County are:

Lee Jackson Day	Labor Day
Martin Luther King's Day	Columbus Day
Presidents Day (Wash/Linc)	Veterans Day
Apple Blossom Festival	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Fourth of July	Christmas Day
New Year's Day	

### 8.3 Paid Time Off Policy

Frederick County recognizes that employees have diverse needs requiring time off from work and believes that employees should have opportunities to enjoy time away from work to help balance their lives. The County has established this Paid Time Off policy to meet those needs. Employees shall be accountable and responsible for managing their own paid time off hours to allow for adequate reserves to cover illness, disability, appointments, emergencies, or other needs that require time off from work.

#### Eligibility

Active, regular full-time employees in benefit eligible positions.

Paid time off begins accruing upon hire or transfer into a benefit eligible position.

#### Accrual of Paid Time Off

Accruals are based upon paid hours up to 2080 hours per year, excluding overtime. For Firefighters/EMTs, accruals are based upon paid hours up to 2756 hours per year, excluding overtime, provided that is the employee's regular work schedule.

Length of service determines the rate at which the employee will accrue Paid Time Off. Employee becomes eligible for the new higher accrual rate on the first day of the next pay period in which the employee's anniversary date occurs.

Paid Time Off shall not accrue during unpaid leave of absences that last longer than one pay period.

Paid Time Off shall accrue as follows:

Years of Service	Accrual Rate per Month	Annual Accrual	Maximum Accrual
0-5	14 Hours	168 Hours	280 Hours
5-10	16 Hours	192 Hours	320 Hours
10-15	18 Hours	216 Hours	360 Hours
15-20	20 Hours	240 Hours	360 Hours
20-25	22 Hours	264 Hours	360 Hours
25+	24 Hours	288 Hours	360 Hours

Firefighters/EMTs on 2756 hours per year schedule, Paid Time Off shall accrue as follows:

Years of Service	Accrual Rate per Month	Annual Accrual	Maximum Accrual
0-5	19 Hours	223 Hours	330 Hours
5-10	21 Hours	254 Hours	380 Hours
10-15	24 Hours	286 Hours	430 Hours
15-20	26.5 Hours	318 Hours	430 Hours
20-25	29 Hours	350 Hours	430 Hours
25+	32 Hours	382 Hours	430 Hours

Scheduling and Usage of Paid Time Off

Paid Time Off may be taken in increments as low as one half hour.

Whenever possible, Paid Time Off must be scheduled in advance. It is subject to supervisory approval, department staffing needs, and established departmental procedures.

Notwithstanding the accrual basis, employees may only take Paid Time Off hours that have actually been accrued.

Unused Paid Time Off balances shall carry over from year to year until the maximum amount of hours is reached.

If the employee has used at least forty (40) hours of paid leave within the previous twelve (12) months, then once the maximum amount has been reached, Paid Time Off will continue to accrue with the excess hours transferring into the employee's Individual Disability Account. If the employee has not used forty (40) hours of paid leave within the previous twelve (12) months, then once the maximum amount has been reached, Paid Time Off will not accrue over the maximum amount allowed.

Payment upon Termination

Upon separation or retirement, an employee's accrued but unused paid time off shall be paid out up to their maximum accrual levels according to their corresponding years of service. The pay out shall be at the employee's rate equivalent to 1/2080 (or 1/2756 for Firefighters/EMTs) of annualized base compensation, subject to taxes and any other legally required withholdings.

Terminating employees may not use Paid Time Off to extend the last day of employment.

L



## COUNTY of FREDERICK

**Jay E. Tibbs**

Deputy County Administrator  
for Human Services

540/665-5666  
Fax 540/667-0370

E-mail:  
jtibbs@fcva.us

**TO:** Board of Supervisors  
**FROM:** Jay E. Tibbs., Deputy County Administrator for Human Services  
**DATE:** July 6, 2016  
**RE:** Code and Ordinance and Public Safety Committees Report

The Code & Ordinance Committee met on Friday, July 1, 2016 at 9:00 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Code and Ordinance Committee members present were Blaine P. Dunn, Chairman; Robert A. Hess, Robert W. Wells, and James Drown. Committee members Derek Aston and Stephen Butler were absent. Also present were County Administrator Brenda G. Garton, Deputy County Administrator Jay E. Tibbs, County Attorney Rod Williams, Becky Merriner, HR Director, Sheriff Lenny Millholland, Major Steve Hawkins, Ann B. Lloyd, Clerk of the Frederick-Winchester JDR Court, Debra Bull, General District Court Clerk, Dr. Al Orndorff, Assistant Superintendent for Instruction for Frederick County Public Schools, John Grubbs, Transportation Director for Frederick County Public Schools, Beth Brown, Supervisor of Driver Operations for Frederick County Public Schools, and Elizabeth Keplinger, Director of Driver Training for Frederick County Public Schools.

The committee submits the following:

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

- 1. Proposed Amendment to the Frederick County Code, Chapter 158, Vehicles and Traffic, Article V, School Buses; Section 158-19, Passing Stopped School Buses; Penalty; Prima Facie Evidence; to Add this Section to Authorize the Use of a Video-Monitoring System to Record and Enforce Violations of Code of Virginia §46.2-859, Passing a Stopped School Bus. (See Attached.)**

County Attorney Rod Williams provided a brief overview of this proposed amendment. He noted this enabling ordinance would allow Frederick County Public Schools to acquire and install video monitoring systems on the outside of their school buses to record and enforce violations of Code of Virginia §46.2-859, Passing a Stopped School Bus.

Dr. Orndorff advised the school system's interest in this program is safety of the students getting on and off of the school buses. Following Dr. Orndorff, Mr. John Grubbs, Transportation Director, gave a short presentation to the committee showing:

- National statistics regarding student injuries and deaths from vehicles passing stopped buses;
- Overview of the camera system to include mounting and sight coverage;
- How the summons process would work once a violation has been confirmed.

Mr. Grubbs reviewed results of the pilot program involving cameras on two buses. The cameras captured a total of 279 violations with 214 occurring on one bus route.

It was noted that any revenue generated from the fines assessed through this program would be split 75%-25% between the vendor and the locality with the vendor receiving 75%. Dr. Orndorff advised this system could not cost Frederick County schools anything because they did not have any available funds to implement this program.

Ms. Ann Lloyd, Clerk of the Frederick County-Winchester JDR Court, was supportive of the concept, but raised concerns about the possible strain the amount of additional summonses would put on the courts and staff.

Mr. Hess suggested possibly using the share of the funds received by the County to offset some of the impact on the clerks' offices.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval and with the funds collected to be used to offset a portion of the costs to the district courts. The motion was unanimously approved.

**2. Proposed Amendment to the Frederick County Code, Chapter 19, Personnel Policies, Section 19-1 Employee Recognition Program; to Add this Section to Authorize the Payment of Monetary Bonuses to Officers and Employees. (See Attached.)**

County Attorney Rod Williams provided a brief overview of this proposed amendment. He noted this authorizing ordinance would allow for bonus payments to county employees and officers.

Upon a motion by Mr. Hess, seconded by Mr. Wells, the Committee forwarded this proposed ordinance to the Board of Supervisors for public hearing with a recommendation of approval. The motion was unanimously approved.

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

**1. Review of the Committee Charter. (See Attached.)**

The committee charter was reviewed. No changes were made to the current charter.



There being no further business, the meeting adjourned at 10:20 a.m.

Respectfully Submitted,

**Code and Ordinance Committee**

Blaine P. Dunn, Chairman

Robert W. Wells

Derek Aston

Robert A. Hess

James Drown

Stephen Butler

By:



Jay E. Tibbs

Deputy County Administrator  
for Human Services

Attachments



**ORDINANCE**  
\_\_\_\_\_, 2016

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article V (School Buses) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, as follows:

**CHAPTER 158 VEHICLES AND TRAFFIC**

**Article V School Buses**

**§ 158-19 Passing stopped school buses; penalty; prima facie evidence.**

- A. Pursuant to the authority and provisions of § 46.2-844 of the Code of Virginia, 1950, as amended, the Frederick County school division is hereby authorized to install and operate a video-monitoring system in or on school buses operated by the school division or may contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A of § 46.2-844 of the Code of Virginia, which provision of the Code of Virginia has been duly incorporated by reference in § 158-1 of this Code.
- B. The driver of any motor vehicle who violates subsection A of § 46.2-844 of the Code of Virginia is subject to a civil penalty of \$250.00, which penalty, when collected, shall be paid to the Treasurer of Frederick County.
- C. A summons, to appear in the General District Court, for a violation of subsection A of § 46.2-844 of the Code of Virginia may be executed by the Sheriff as provided in § 19.2-76.2 of the Code of Virginia, based on information provided to the Sheriff regarding the violation, and, notwithstanding the provisions of § 19.2-76 of the Code of Virginia, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department of Motor Vehicles, as determined by the Sheriff. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as

provided in subsection A of § 46.2-844 of the Code of Virginia and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed by the Sheriff in the manner set out in § 19.2-76.3 of the Code of Virginia. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

D. The term “video-monitoring system” shall have the meaning given it in subsection B of § 46.2-844 of the Code of Virginia.

Enacted this \_\_\_\_ day of \_\_\_\_, 2016.

Charles S. DeHaven, Jr.,  
Chairman

\_\_\_\_\_

Gary A. Lofton

\_\_\_\_\_

Robert A. Hess

\_\_\_\_\_

Robert W. Wells

\_\_\_\_\_

Blaine P. Dunn

\_\_\_\_\_

Gene E. Fisher

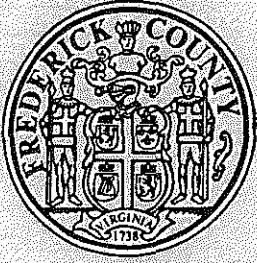
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Judith McCann-Slaughter

\_\_\_\_\_

A COPY ATTEST

\_\_\_\_\_  
Brenda G. Garton  
Frederick County Administrator



## COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Drive, Winchester, VA 22602

### MEMORANDUM

LeeAnna Pyles  
Director,  
Public Safety  
Communications

**TO:** Board of Supervisors

**FROM:** LeeAnna Pyles,  
Director Public Safety Communications

**SUBJECT:** Public Safety Committee Meeting.  
Report for June 2, 2016

**DATE:** June 7, 2016

A meeting of the Public Safety Committee was held on Thursday June 2, 2016 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gene Fisher, Gary Lofton, Walter Cunningham, Blaine Dunn, and Helen Lake. Member Chuck Torpy was absent. Also in attendance were Fire & Rescue Association President Dan Cunningham, County Attorney Rod Williams, Fire & Rescue Chief Denny Linaburg, Major Steve Hawkins, Communications Director LeeAnna Pyles, Sheriff Lenny Millholland, Deputy County Administrator for Human Services Jay Tibbs and Assistant Superintendent for Administration Dr. Al Orndorff from Frederick County Public Schools. The following items were discussed:

**\*\*\*Item Not Requiring Action\*\*\***

1. **Discussion of draft ordinance to authorize the use of a video-monitoring system to record and enforce violations of Code of Virginia §46.2-859, Passing a stopped school bus. (See Attached):**

County Attorney Rod Williams, with input from the Frederick County Public Schools, presented a draft ordinance to address the issue of drivers passing stopped school buses when the flashing red stop sign is extended. The ordinance would enable the installation of a video monitoring system that would capture, via video, images of vehicles- coming and going- who do not stop thus warranting a summons and fine. Dr. Orndorff said the schools have run a trial using the vendor Red Flex on 2 buses and in a one month period they had over 200 violations. All video would be sent to Red Flex who would review them to spot possible violators. Red Flex would then forward those videos to the Sheriff's office for further review to determine appropriate action. Dr. Orndorff noted that safety is the number one priority and that once the cameras were

installed there should be a noticeable decrease in violations. Mr. Lofton made a request for Red Flex to provide a more in depth demonstration of the system.

*The Public Safety Committee unanimously recommends the concept of the school bus camera ordinance to the Code & Ordinance Committee. The County Attorney and Frederick County Public Schools will work on a detailed list to address concerns and questions from the Public Safety Committee for implementation of an ordinance.*

### **\*\*\*Discussion Items\*\*\***

#### **2. Fire & Rescue Service Plan:**

Chief Linaburg provided an update on the Fire & Rescue Department's Service Plan. The plan, which is an all-encompassing comprehensive document which outlines all levels of service, apparatus, staffing, volunteer system, etc. showing how it all works as a cohesive department, was distributed to the Committee last year. Chief Linaburg advised that County Administrator Brenda Garton is assembling a Steering Committee to review the service plan more in depth and provide feedback and comments. Chairman Fisher requested Chief Linaburg keep the Committee apprised of the progress.

Mr. Walt Cunningham expressed his concern with the long downtimes at the hospital which affects the availability of companies in their respective first due area. Chief Linaburg is aware of this issue and has been working on it in conjunction with additional staffing needs.

#### **3. Other Business:**

Chairman Fisher asked the 3 Public Safety department heads to update the Committee on current staffing levels and vacancies within their departments. Chief Linaburg stated the Fire & Rescue Department is short 3 EMTs, but there are 3 offers currently on the table for consideration. In addition, 10 new positions were allocated in the FY17 budget. Communications Director Pyles advised she has 2 openings in the center with interviews pending in July. She also has a shift supervisor position available. Sheriff Millholland noted he has 6 new deputies going to the academy in July.

#### **4. Meeting Date**

Chairman Fisher has requested that the Public Safety Committee start meeting on a bi-monthly basis. He requested Mr. Tibbs check available dates to hold regular future meetings.

**Next Meeting: Date to be set for August**

**Adjourn:**

The meeting was adjourned at 9:40 a.m.

Respectfully submitted,

**Public Safety Committee**

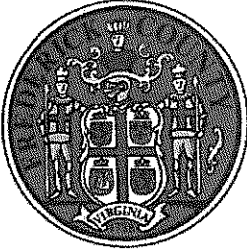
Gene Fisher  
Brenda Garton  
Sheriff Lenny Millholland  
Denny Linaburg

Gary Lofton  
Ann B. Lloyd  
Rod Williams  
Dan Cunningham

Chuck Torpy  
Walt Cunningham  
Blaine Dunn  
Helen Lake

By   
LeeAnna Pyles, Director Public Safety Communications

LP/sds



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

### MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams  
County Attorney

DATE: May 20, 2016

RE: Draft Ordinance to authorize the use of a video-monitoring system to record and enforce violations of Code of Virginia § 46.2-859, Passing a stopped school bus

---

Frederick County Public Schools has identified an issue pertaining to vehicles passing stopped school buses. FCPS has asked for an ordinance that would authorize the implementation of a video-monitoring system to record and enforce violations of Code of Virginia § 46.2-859. The system would operate in a manner similar to those used for photo enforcement of red traffic signals: the system would generate a violation notice to be mailed to the owner of the vehicle. For your consideration please find attached a draft ordinance.

By way of background, FCPS previously identified safety concerns in favor of the enactment of this ordinance, but the Attorney General of Virginia, in an official Opinion to Albemarle County, found that the state enabling legislation for school bus cameras did not contain the same language as that for red light cameras and, as a result, violation notices could not be mailed, but would have to be personally served. This effectively rendered the school bus cameras of limited utility. In the 2016 General Assembly session, legislation passed to correct the problem (one of the patrons of the legislation was Delegate LaRock, who patroned the legislation at the County's request). Copies of the legislation are attached (the two items – Chapter 637 (S 120) and Chapter 700 (H 168) – are identical).

Key points of the draft ordinance include:

- The school division may install and operate a video-monitoring system on any school bus operated by the division for the purpose of recording violations of Code of Virginia § 46.2-859. The school division may contract with a private vendor to install and operate such video-monitoring systems on behalf of the school division.

- Any violation of Code of Virginia, § 46.2-859 identified through a video-monitoring system, shall subject the operator of the vehicle to a \$250.00 civil penalty, pursuant to the authority granted in the Code of Virginia § 46.2-844(A).
- Upon occurrence of a violation, a summons may be mailed to the registered owner of the vehicle. The summons must inform the owner of his right to rebut the presumption that he was the operator at the time of the violation by submitting an affidavit to such effect. The owner may elect to accept the violation by paying the penalty.
- In the event that the owner does not respond to the mailed summons, the ordinance, pursuant to the enabling legislation, requires that the owner then receive personal service of the summons.

#### Attachments



# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 637

*An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.*

[S 120]

Approved April 1, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ *that* is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway; is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ *10* days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.*

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 700

*An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.*

[H 168]

Approved April 6, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.**

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ *that* is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway; is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ *10* days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.*

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.



**ORDINANCE**  
\_\_\_\_\_, 2016

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 19-1 (Employee recognition program) of Chapter 19 (Personnel Policies) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, as follows:

**CHAPTER 19 PERSONNEL POLICIES**

**§ 19-1 Employee recognition program.**

The Board of Supervisors may authorize payment of monetary bonuses to county officers and the County Administrator may authorize payment of monetary bonuses to county employees, as part of an employee recruitment, retention, and/or recognition program, pursuant to the County's Human Resources Policies and provided that appropriated funds are available.

Enacted this \_\_\_ day of \_\_\_, 2016.

Charles S. DeHaven, Jr.,  
Chairman

\_\_\_\_\_

Gary A. Lofton

\_\_\_\_\_

Robert A. Hess

\_\_\_\_\_

Robert W. Wells

\_\_\_\_\_

Blaine P. Dunn

\_\_\_\_\_

Gene E. Fisher

\_\_\_\_\_

Judith McCann-Slaughter

\_\_\_\_\_

A COPY ATTEST

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Brenda G. Garton  
Frederick County Administrator



## County of Frederick

**Becky A. Merriner**  
Director of Human Resources

(540) 665-5668  
Fax: (540) 665-5669  
bmerriner@fcva.us

To: Board of Supervisors  
From: Becky A. Merriner, HR Director  
Date: June 6, 2016  
Subject: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street at 8:00 a.m. on Friday, May 13, 2016. HR Committee members present were: Supervisors Robert Hess, Chairman, Robert Wells, Blaine Dunn and citizen members Beth Lewin, and Dorrie Greene; Citizen Member Don Butler was absent. Others present were: Brenda Garton, County Administrator; Kris Tierney, Asst County Administrator; Lynsey Orndorff, HR Generalist; Delsie Jobe, Administrative Services Manager, DSS; Billy Orndoff, Treasurer; Cheryl Shiffler, Finance Director; Lenny Millholland, Sheriff; Rod Williams, County Attorney; and Denny Linaburg, Fire Chief.

### **\*\*\*Items Requiring Board Action\*\*\***

1. Employee Compensation & Performance Philosophy; see attachment.

The Committee reviewed the attached employee compensation and performance philosophy to set a standard to attract, motivate, and retain quality employees' who support Frederick County's mission.

Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval of this request. The motion was approved unanimously.

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

1. Reorganization of the County Administrator's Office; see attachment.

2. Bonus Ordinance; see attachment.

The Committee reviewed request from the County Attorney for an Employee Recognition program pursuant to Virginia Code, § 15.2-1508.

Upon a motion by Beth Lewin, seconded by Blaine Dunn, the Committee recommended approval of this request from the Board with referral to Code & Ordinance. The motion was approved unanimously.

There being no further business, the meeting was adjourned. The next HR Committee meeting is scheduled for Friday, June 17, 2016 at 8:00 a.m.

Respectfully submitted,

### **Human Resources Committee**

Robert A. Hess, Chairman  
Robert W. Wells  
Blaine P. Dunn  
Don Butler  
Beth Lewin  
Dorrie Greene

By:   
Becky A. Merriner  
HR Director



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Human Resources Committee

FROM: Roderick B. Williams  
County Attorney

DATE: May 9, 2015

RE: Frederick County Code, Chapter 19 (Personnel Policies), Section 19-1 Employee recognition program

From time to time, the County may find it appropriate, in advancing its interests as an employer, to make certain bonus payments to its employees, for recruitment, retention, and/or recognition purposes. Virginia Code, §15.2-1508 (copy attached) requires an ordinance that authorizes the payment of monetary bonuses to officers and employees. The County Code currently does not contain an authorization provision for monetary bonuses. Attached please find a draft proposed ordinance that would provide such authorization.

Attachments

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 15. Local Government Personnel, Qualification for Office, Bonds, Dual Office Holding and Certain Local Government Officers

## § 15.2-1508. Bonuses for employees of local governments

Notwithstanding any contrary provision of law, general or special, the governing body of any locality may provide for payment of monetary bonuses to its officers and employees. The payment of a bonus shall be authorized by ordinance.

1985, c. 142, § 15.1-7.4; 1997, c. 587; 2003, c. 204.

# **Frederick County Board of Supervisor's Code and Ordinance Committee Charter**

## **I. Organization**

There shall be a committee of the Board of Supervisors ("Board") of Frederick County, Virginia ("County") known as the Code and Ordinance Committee ("Committee"). The Committee shall be comprised of three (3) members of the Board of Supervisors who will be appointed by the Chairman of the Board, with one appointed as Chair, and three (3) citizen members as appointed by the Chairman of the Board. This Charter shall govern the Committee with regard to its duties and responsibilities.

## **II. Purpose**

The primary function of the Committee is to assist the Board in the review and recommendation of proposed text changes to the Frederick County Code, excluding amendments to the Zoning Ordinance and Subdivision Ordinance. The Committee's primary duties and responsibilities are as follows:

- To review all proposed changes to the Frederick County Code.
- To work with department heads and staff to initiate amendments to the Frederick County Code.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this Charter.

## **III. Meetings**

The Committee shall meet as circumstances dictate. The Chairman of the Board, the Chairman of the Committee, or a majority of the Committee members may call or cancel meetings of the Committee. The Chairman of the Committee shall prepare or approve an agenda in advance of each meeting. Department heads or department representatives offering proposed amendments shall be invited to the meetings. Other management officials and counsel to the Board may be invited as necessary.

## **IV. Responsibilities**

The Committee shall have the following duties and responsibilities:

1. Review and advise the Board of Supervisors with respect to Frederick County Code initiatives and amendments.
2. Prepare minutes of all meetings of the Committee, and report to the Board on the matters discussed at each Committee meeting, as appropriate.
3. Forward all recommendation to the Board of Supervisors for final approval.
4. Review and reassess annually the adequacy of this Charter, and conduct an annual self-assessment of this Committee's performance.
5. Perform any other activities consistent with this Charter, the County's goals, objectives and governing law, as the Committee or the Board deems necessary or appropriate.

M





Finance Department  
**Cheryl B. Shiffler**  
Director

540/665-5610  
Fax: 540/667-0370  
E-mail: [cshiffle@fcva.us](mailto:cshiffle@fcva.us)

**TO:** Board of Supervisors  
**FROM:** Finance Committee  
**DATE:** July 20, 2016  
**SUBJECT:** Finance Committee Report and Recommendations

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A Finance Committee meeting was held in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 20, 2016 at 8:00 a.m. All members were present. (b) Items 1, 2, and 4 were approved under consent agenda.

1. (b) The Sheriff requests an FY 2016 General Fund supplemental appropriation in the amount of \$100. This amount represents a DARE donation. No additional local funds required. See attached memo, p. 5.
2. (b) The Sheriff requests an FY 2016 General Fund supplemental appropriation in the amount of \$887.70. This amount represents an investigation reimbursement. No local funds required. See attached memo, p. 6.
3. The EDA Executive Director requests an FY 2017 EDA Fund supplemental appropriation in the amount of \$16,800. This amount represents compensation for the EDA Board of Directors. No local funds required. See attached memo, p. 7. The committee recommends approval.
4. (b) The Public Safety Communications Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$2,000. This amount represents a PSAP Education Program Grant. No local funds required. See attached memo, p. 8 – 9.

5. The Public Works Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$82,000. This amount represents funds needed for the purchase of three mid-size pickup trucks (2 for Inspections, 1 for Engineering). See attached information, p. 10 – 18. The committee recommends approval.
6. The Director of Public Works requests an FY 2017 General Fund supplemental appropriation in the amount of \$35,000. This amount represents unspent FY 2016 funds to be used for site testing to relocate the Clearbrook citizens' convenience site. See attached information, p. 19. The committee recommends approval.
7. The Victim Witness Director requests an FY 2017 General Fund supplemental appropriation in the amount of \$100,173. This amount represents an increase in grant funds for FY 2017. No local funds required. See attached information, p. 20 – 24. The committee recommends approval.
8. The Fire & Rescue Chief requests an FY 2016 EMS Recovery Fund (Fund 30) supplemental appropriation in the amount of \$324,465. This amount represents funds needed for 4<sup>th</sup> quarter mileage and 3<sup>rd</sup> quarter revenue recovery payments. No local funds required. See attached memo, p. 25. The committee recommends approval.
9. The Transportation Director requests an FY 2017 Development Projects Fund (Fund 27) supplemental appropriation in the amount of \$12,751,872. This amount represents an executed revenue sharing agreement for the I-81 Bridge/Tevis/Roundabout/Airport Road project. The project will be shared by VDOT and R 150 SPE LLC. No local funds required. This item will require a public hearing. See attached information, p. 26 – 37. The committee recommends advertising for a public hearing.
10. The Parks and Recreation Commission requests the donations received in FY16 for the PLAY Fund in the amount of \$2877.76 be reserved, subject to future appropriations. This amount represents the collection of \$3,595 reduced by the financial assistance provided during FY16 in the amount of \$717.24. No local funds required. See attached memo, p. 38 – 41. The committee recommends approval.

11. Greenwood Volunteer Fire & Rescue Company requests an FY 2017 General Fund supplemental appropriation in the amount of \$37,771. This amount represents proffer funds to assist with the purchase of a ladder truck. No local funds required. See attached Proffer Policy and letter, p. 42 – 43. The committee recommends approval.
12. The County Administrator requests an FY 2017 General Fund supplemental appropriation in the amount of \$2,366,365. This amount represents unspent FY 2016 capital contingency funds. See attached information, p. 44. The committee recommends approval.

#### INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for June 2016. See attached, p. 45 – 46.
2. The Finance Director provides a **preliminary** FY 2016 Fund Balance Report ending June 30, 2016. See attached, p. 47.
3. The Voter Registrar provides information on the reimbursement received for the March 1, 2016 presidential primaries. See attached memo, p. 48.
4. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Outstanding Achievement in Popular Annual Financial Reporting for the June 30, 2015 Popular Annual Financial Report (PAFR). This is the 9th consecutive year that Frederick County has received this achievement. See attached, p. 49 – 50.
5. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Excellence in Financial Reporting for the June 30, 2015 Comprehensive Annual Financial Report (CAFR). This is the 30th consecutive year that Frederick County has received this achievement. See attached, p. 51 – 52.

Respectfully submitted,

FINANCE COMMITTEE

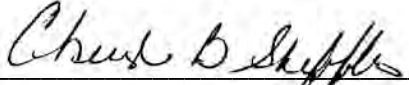
Judith McCann-Slaughter, Chairman

Charles DeHaven

Gary Lofton

Bill Ewing

Angela Rudolph

By   
Cheryl B. Shiffler, Finance Director

# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

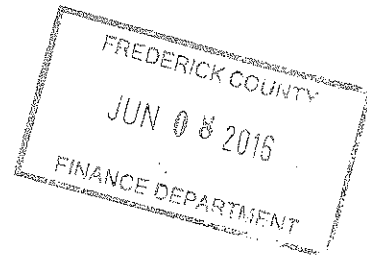
Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540/662-6168  
FAX 540/504-6400

TO : Angela Whitacre, – Treasurer's Office  
FROM : Sheriff Lenny Millholland  
SUBJECT : Donation to DARE  
DATE : June 7, 2016

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Attached please find a check in the amount of \$100.00 from Evendale Elementary School. This check represents a donation to our DARE program from the Just Say No Club.

This amount can be posted to: 3-010-018990-0015 (100J).

A copy of the memo will be sent to Finance for appropriation in our operating budget line of 3102-5413-000-001.

Thank you.

LWM/adl

Cc: Finance Department

C.S. 6/8/16

# FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540/662-6168  
FAX 540/504-6400

TO : Cheryl Shiffler, Director of Finance  
FROM : Sheriff L. Millholland  
SUBJECT : Reimbursement  
DATE : June 21, 2016

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We are requesting the reimbursement received from the Treasury Department in the amount of \$887.70 that was posted to 3010-19110-0058 on 6/9/16, be appropriated into our budget line of 3102-5506-000-000. This amount represents reimbursement for the use of rental vehicles during an investigation.

Thank you.

LWM/asw

DATE July 6, 2016

TO: Cheryl Shiffler  
Finance Director

FROM: Patrick Barker, CEcD  
Executive Director

CC: Brenda Garton  
County Administrator

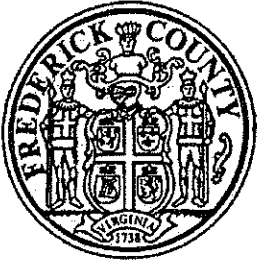
RE: EDA Board Compensation

The Economic Development Authority (EDA) would like the Frederick County Board of Supervisors (BOS) to consider compensation for EDA Board of Directors pursuant to §15.2-4904 (D) of the Code of Virginia, which provides the mechanism for this action to occur. Such compensation recognizes Board of Directors' time and efforts. Compensation also reminds the Directors of their obligation and commitment.

The EDA prefers to compensate each Board of Director \$200 per meeting and any reasonable necessary travel and other expenses incurred in the performance of their duties. To accomplish this, the EDA request supplemental appropriation of \$16,800 for compensation of committee members/EDA Board of Directors which the EDA will then reimburse Frederick County from its investment account.

We hope this request can be added to the next appropriate County meeting agenda. Please advise our office if you anticipate a delay. Thank you for your consideration.

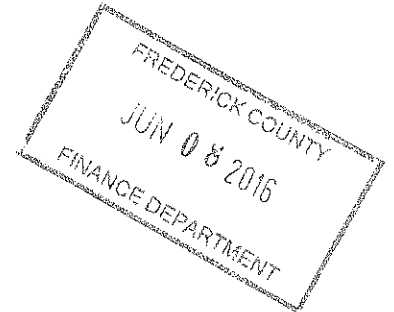
4-031-081010-1006-000-000 (new)  
3-031-019110-0007



COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS  
5 North Kent Street, Winchester, VA 22601

LeeAnna Pyles  
Director



TO: Finance Committee

FROM: LeeAnna Pyles, Director  
Public Safety Communications

DATE: June 8, 2016

REF: July Committee Agenda

I would like be placed on the Finance Committee's July agenda for grant appropriations for the Department of Public Safety Communications. The grant, from the Virginia E-911 Wireless Education Program, is in the amount of \$2,000 for training and education. We are asking that the funds be accepted into FY 16-17 line item: 3506-5506-000-000 from Revenue line item: 3-010-024040-0042 (10DB).

If you have any questions please call me at your convenience.

- did not follow grant policy because applied in Sept 2015 and awarded in Jan 2016. Grants policy adopted March 2016.
- In the future will include during budget process.
- No local funds required.





**COMMONWEALTH of VIRGINIA**  
*Virginia E-911 Services Board*

Jeffrey D. Stern  
Chairman  
VDEM

Jim Junkins  
Vice Chairman  
Harrisonburg-  
Rockingham ECC

David A. Von Moll  
Treasurer  
Comptroller

Danny Garrison  
Richmond Ambulance  
Authority

Dennis E. Hale  
Chief of Fire & EMS  
Dinwiddie County

Honorable Kevin W. Hall  
Sheriff of the City of  
Covington

Diane Harding  
Verizon Wireless

Steve Hudson  
Chief of Police  
Prince William County

Robert Layman  
AT & T

Anthony McDowell  
Fire Chief  
Henrico County

Nelson P. Moe  
CIO - VITA

Kathleen Seay  
Hanover County

Jolena Young  
Twin County

Dep Secretary Adam Thiel  
Office of the Governor  
Advisor

Dorothy Spears-Dean  
PSC Coordinator  
(804) 416-6201

Terry D. Mayo  
Board Administrative  
Assistant  
(804) 416-6197

January 21, 2016

Dear Frederick PSAP:

Thank you for submitting a FY17 PSAP Education Program Grant application. Your application meets the current Grant Guidelines and was recommended for funding by the PSAP Grant Committee. I am pleased to advise you that the Virginia E-911 Services Board has approved your request. You have been awarded \$2,000 for your individual training opportunities, grant ID 046.

Funding for this grant award will be available on a reimbursement basis beginning July 1, 2016. Reimbursements will only be made for items allowable under the current Grant Guidelines. All funding requests must be submitted on the Public Safety Grant Payment Request Form, which is available on the ISP website. The receipt(s) that substantiates the amount requested must be attached to the request at the time of submission.

Finally, in order for a funding request to be processed, the PSAP must have already submitted any required financial and grant progress reports for any previous fiscal years by the identified deadline. This includes required submission of any true-ups and supporting documentation.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me. Congratulations on your grant award!

Sincerely,

Lisa Nicholson  
PSAP Grant Program Manager



MEMORANDUM

**TO:** Cheryl Shiffler, Director of Finance

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

**SUBJECT:** Request for Supplemental Appropriation to Purchase Mid-Size Pickup Trucks

**DATE:** July 11, 2016

---

In a regularly scheduled meeting held on May 31, 2016, the Public Works Committee reviewed and unanimously endorsed requests for supplemental appropriations to purchase two (2) mid-size pickup trucks for Inspections (\$54,000.00) and one (1) mid-size pickup truck for Engineering (\$28,000.00). These vehicles are needed to replace older, high mileage trucks that are incurring higher maintenance costs. It should be noted that these vehicles incur a great deal of off road travel to access construction sites which greatly increases the maintenance costs.

The above requests were included in the Fiscal Year 2017 budget submittals in keeping with Frederick County's long term capital purchase requirements. However, these requests were eliminated during the budget process.

Because there is still a need to replace aging vehicles with high mileage and increasing maintenance costs, we are requesting permission to purchase the vehicles, using funds derived from the additional revenue generated by the Inspections and Engineering departments in FY 2016. To highlight this additional revenue, we offer the following comparisons:

<u>Department</u>	<u>Fiscal Year 2016 Projections</u>	<u>Actual Fiscal Year 2016 Revenue</u>
Inspections	\$850,000	\$1,552,416
Engineering	\$92,700	\$152,449

July 11, 2016

The attached memoranda from Mr. John Trenary (Inspections) and Mr. Joe Wilder (Engineering) provide additional details to justify the purchases.

HES/kco

Attachments: as stated

cc: file



MEMORANDUM

**TO:** Public Works Committee

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

**SUBJECT:** Request to Purchase Replacement Vehicle

**DATE:** May 24, 2016 (Revised June 2, 2016 )

---

We requested a replacement vehicle in the Fiscal Year 2017 Engineering budget (see attached). This vehicle was intended to replace a 2007 GMC Canyon four wheel drive truck which has approximately 150,000 miles. We requested an amount of \$28,000 to purchase a new four wheel drive pickup truck. . The request was subsequently cut during the budget review process.

During preparation of the current 2016 Engineering budget, a revenue amount of \$92,700 was projected for the issuance of land disturbance and stormwater permits. To date, we have collected a total amount of \$129,350 and anticipate total revenue of at least \$140,000 by the end of the current fiscal year. That amounts to more than \$47,300 over our projected revenue.

Therefore, I am requesting a supplemental appropriation for the purchase of a replacement four wheel drive vehicle. I am requesting a transfer in the amount of \$28,000 from line item 10-1303-44 Land Disturbance Permit Revenue to line item 10-4201-8005-00 Motor Vehicle and Equipment. Also, I am requesting a carry forward of these funds into Fiscal Year 2016/2017 budget. Obtaining a new vehicle through the state contract is very difficult at this time of the year with changing of model years.

This request was approved by the Public Works Committee on May 31, 2016. They requested we provide some additional information at the Finance Committee meeting. We do require a four wheel drive vehicle since we have to access new construction sites on a daily basis. There are usually no roads and we must get onto the sites to comply with state and County mandates regarding environmental inspections. In light of the recent budgetary constraints, we continue to push higher mileage on the vehicles which will eventually yield higher maintenance costs. Since the additional revenue is available at this time, we are making the request. This vehicle is averaging over 25,000 miles per year, therefore, this vehicle would have over 175,000 miles next year at this time.

If you should have any questions, I will be in attendance at the Finance Committee meeting.

JCW/kco

cc: File

## 2016-2017 CAPITAL REQUESTS

DEPARTMENT	Engineering	DEPARTMENT CODE	10-4201
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
10-4201-8005-00	One (1) crew cab 4x4 pickup truck * (Replace 2007 truck - with approximately 150,000 miles)	28,000	28,000
<p>*Due to higher mileage, plan to replace 2007 GMC Canyon in budget request.</p> <p>Original request made in Fiscal Year 2014-2015 budget.</p> <p>See attached request. Based on recent purchase a higher amount has been budgeted.</p>			

## 2014-2015 CAPITAL REQUESTS

DEPARTMENT	Engineering	DEPARTMENT CODE	10-4201
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
<b>Fiscal Year 2015-2016</b> 10-4201-8005-00	One (1) crew cab pickup truck 4x4 (Replace 2006 truck - nine (9) years old with 150,000 miles)	25,000	25,000
<b>Fiscal Year 2016-2017</b>	One (1) crew cab pickup truck 4x4 (Replace 2004 truck - 12 years old with 120,000 miles)	26,000	26,000
<b>Fiscal Year 2017-2018</b>	One (1) crew cab pickup truck 4x4 (Replace 2007 truck - ten (10) years old with 140,000 miles)	27,000	27,000
<i>*It should be noted that all mileage is estimated based on current usage.</i>			




Inspections Department

John S. Trenary, Building Official  
540-665-5650  
Fax 540-678-0682

MEMORANDUM

**TO:** Public Work Committee

**THROUGH:** Harvey E. Strawsnyder Jr., PE, Director of Public Works

**FROM:** John S. Trenary, Building Code Official 

**SUBJECT:** Funding Request for Replacement Vehicles

**DATE:** May 25, 2016

The Building Inspection Department is requesting a supplemental appropriation in the amount of \$54,000 be placed into Capital line item, Motor Vehicles and Equipment #34010-8005-000, to fund the replacement of two compact four / all-wheel drive vehicles. The purchases will replace two of the Departments vehicles that currently have extensive mileage and are at least nine years old. The replacement vehicles were requested within the Fiscal Year 2017 Inspections budget (see attached). Without replacement, the projected mileage range of the vehicles will be between 124,000 miles and 143,000 miles with an average of ten plus service years by the end of FY 2017.

The Inspection Department has collected \$1,431,632 thru May 25, 2016 with projected revenue exceeding \$1,500,000 by the end of the current fiscal year. This amount has already far exceeded the FY2016 projected budget revenue of \$850,000. We are anticipating an approximate expenditure of \$1,195,500 for the Department's operations. The appropriated amount funded within the FY2016 budget for the Inspections Department is \$1,250,288.

Thank you for consideration on the matter and if you have any questions or need additional information please contact me.

**Addendum to Building Inspection Department May 25, 2016 Vehicle Replacement Memorandum**

**Cost information related to vehicle use and maintenance.**

**Fuel Consumption Comparison,**

The new replacement four wheel drive vehicle will average approximately two (2) additional miles per gallon over the current two wheel drive vehicle. The rate of savings would be as follows :

*Current two wheel drive vehicle,*

$$15,000 \text{ miles} / 18.5 \text{ mpg} = 811 \text{ gallons fuel} \times \$2.25 \text{ per gallon} = \$1,824.00 \text{ per year.}$$

*New 4x4 vehicle,*

$$15,000 \text{ miles} / 20.5 \text{ mpg} = 731 \text{ gallons fuel} \times \$2.25 \text{ per gallon} = \$1,646.00 \text{ per year.}$$

The annual savings would be **\$356.00** per year in fuel expenditures for the two vehicles.

**Annual estimated maintenance required for ten year old vehicles with extended mileage,**

Oil change at 5000 miles @ \$35.00 x 3 = \$110.00

Tires, Alignment, Brakes, Tune-up, Electrical repairs, Labor = \$1,100.00

Engine or Transmission repair = \$2,200.00

**Annual maintenance expenditure on new vehicle,**

Oil change at 7000 miles @ \$35.00 x 2 = \$70.00

The potential annual savings could be between **\$2,000.00** and **\$6,000.00** on the two vehicles.



## 2014/2015 - 2019/2020 CAPITAL REQUESTS

DEPARTMENT		DEPARTMENT CODE	
Inspections		3401	
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
FY 14/15			25,000
3401-8005-000	1 Extended Cab Pickup Truck 4x4 (Replace 2006 truck - 7 years old with 123,200 miles)	25,000	
FY15/16			53,650
3401-8005-000	2 Extended Cab Pickup Trucks 4x4 (Replace 2004 truck - 12 years old with 125,000 miles and 2006 truck - 10 years old with 125,000 miles)	52,000	
3401-8002-000	Replace six secretarial chairs at \$275 each	1,650	
FY16/17			57,300
3401-8005-000	2 Extended Cab Pickup Trucks 4x4 (Replace 2006 truck - 11 years old with 121,500 miles and 2007 truck - 10 years old with 133,000 miles)	54,000	
3401-8002-000	Replace 12 chairs in lobby at \$275 each	3,300	
	*All mileage is estimated based on current use.		

# 2016-2017 CAPITAL REQUESTS

DEPARTMENT	Inspections	DEPARTMENT CODE	3401
EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
401-8005-00	<p><b>Motor Vehicles and Equipment</b></p> <p><b>2 Extended Cab Pickup Trucks 4x4 or Sport Utility Vehicle</b>                      (Replace 2005 truck - 12 years old with 125,000 miles and 2007 truck - 10 years old with 125,000 miles)                      (Note: 2014/2015 - 2019/2020 Capital Requests submitted)                      (Department will be operating 6 vehicles in excess of 110,000 miles in FY17)</p>	54,000	54,000
401-9001-00	<p><b>Lease Equipment</b></p> <p>This money is requested for lease of our copier under state contract.                      This copier replaced our old copier with high maintenance.</p>	3,534	3,534



## MEMORANDUM

**TO:** Cheryl Shiffler  
Director of Finance

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

**RE:** Carryforward Request; FY 15/16

**DATE:** July 5, 2016

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The purpose of this memo is to request that a total of \$35,000 be carried forward from Refuse Collection line item 10-4203-3002-00 (*Professional Services*) in the FY 15/16 budget to line item 10-4203-3002-00 in the FY 16/17 budget. Funds will be used for site testing and exploration and possibly design services necessary to relocate the Clear Brook citizens' convenience site.

If you have any questions, please do not hesitate to contact me at Extension 8219.

/gmp

cc: file

# Victim Witness Program

COUNTY OF FREDERICK

**ROSS P. SPICER**

Commonwealth's Attorney

**ANDREW M. ROBBINS**

Deputy Commonwealth's Attorney

**ERIC W. HEFLIN**

Investigator

107 North Kent Street, 4<sup>th</sup> Floor, Winchester, VA 22601  
Winchester, VA 22601  
(540) 665-6369 / Fax (540) 667-3454

**NICHOLAS L. MANTHOS**

**DANIEL H. COHAN**

**HEATHER D. ENLOE**

**MARIE E. ACOSTA**

**CINDY LEIGH DECKER**

Assistant Commonwealth's Attorney

**MELISSA D. RICE**

Victim/Witness Director

mrice@fcva.us

Date: July 7, 2016

To: Finance Committee

From: Melissa Rice

RE: Additional Funds

The Department of Criminal Justice has allocated additional funds AT NO COST to Frederick County. The Frederick County Victim Witness Program has been given \$100,173.00 in additional Grant Funds, which will be allocated for the FY 2016-2017 year. These monies will be appropriated in the following manner and will continue to be funded for each thereafter"

1. Full-time Program Assistant  
(Cover Salary and Benefits)
2. Training for new employees and the current employees
3. New Computer
4. New Desk
5. New Copy Machine
6. Office Supplies

These funds were distributed differently across the state, to all the jurisdictions, you will notice I have attached the sheet. These amounts represent services, direct and indirect to Victims and Witnesses in Frederick County.

3-010-24040-0047

Grant No	Location Name	Proj Title	Total Funds Awarded
17-T9568VG16	Accomack County	Victim Witness Program	\$104,494
17-T9593VW15	Albemarle County	Victim Witness Program	\$131,692
17-W8558VW15	Alexandria, City	Victim Witness Program	\$290,825
17-S3033VW15	Alleghany County	Victim Witness Program	\$182,589
17-T9577VW15	Amelia County	Victim Witness Program	\$69,778
17-W8569VG16	Amherst County	Victim Witness Program	\$99,493
17-T9585VW15	Appomattox County	Victim Witness Program	\$58,266
17-S3031VW15	Arlington County	Victim Witness Program	\$270,353
17-W8564VW15	Augusta County	Victim Witness Program	\$108,523
17-U9276VW15	Bedford County	Victim Witness Program	\$149,150
17-S3028VW15	Bland County	Victim Witness Program	\$60,064
17-W8570VW15	Bristol, City	Victim Witness Program	\$108,770
17-U9272VW15	Brunswick County	Victim Witness Program	\$112,263
17-T9562VW15	Buchanan County	Victim Witness Program	\$97,416
17-A4000VW15	Buckingham County	Victim Witness Program	\$69,283
17-T9581VW15	Buena Vista, City	Victim Witness Program	\$69,317
17-W8565VW15	Campbell County	Victim Witness Program	\$217,131
17-Q3589VW15	Caroline County	Victim Witness Program	\$83,303
17-U9277VW15	Carroll County	Victim Witness Program	\$78,279
17-T9579VW15	Charlotte County	Victim Witness Program	\$67,148
17-W8566VW15	Charlottesville, City	Victim Witness Program	\$218,902
17-W8571VG16	Chesapeake City	Victim Witness Program	\$697,961
17-W8587VW15	Chesterfield County	Victim Witness Program	\$677,268
17-Q3591VW15	Clarke County	Victim Witness Program	\$70,775
17-U9280VW15	Colonial Heights, City	Victim Witness Program	\$107,898
17-W8572VW15	Culpeper County	Victim Witness Program	\$90,578
17-A4001VW15	Cumberland County	Victim Witness Program	\$69,832
17-U9271VW15	Danville, City	Victim Witness Program	\$173,611

17-T9596VG16	Dept. of Corrections	Victim Witness Program	\$92,047
17-H6120VW15	Dickenson County	Victim Witness Program	\$62,605
17-S3034VW15	Dinwiddie County	Victim Witness Program	\$107,100
17-W8567VG16	Emporia, City	Victim Witness Program	\$110,876
17-T9587VW15	Essex County	Victim Witness Program	\$22,357
17-U9279VG16	Fairfax County	Victim Witness Program	\$474,055
17-K5261VW15	Fluvanna County	Victim Witness Program	\$37,586
17-A4002VW15	Franklin County	Victim Witness Program	\$70,000
17-U9261VW15	Frederick County	Victim Witness Program	\$203,403
17-W8573VW15	Fredericksburg, City	Victim Witness Program	\$133,726
17-U9270VW15	Gloucester County	Victim Witness Program	\$102,658
17-T9582VW15	Goochland County	Victim Witness Program	\$70,225
17-T9592VW15	Grayson County	Victim Witness Program	\$69,099
17-S3029VW15	Greene County	Victim Witness Program	\$61,432
17-W8563VG16	Halifax County	Victim Witness Program	\$86,271
17-W8574VW15	Hampton, City	Victim Witness Program	\$395,033
17-T9600VW15	Hanover County	Victim Witness Program	\$164,438
17-W8568VW15	Henrico County	Victim Witness Program	\$660,936
17-W8556VW15	Henry County	Victim Witness Program	\$165,893
17-W8575VG16	Hopewell, City	Victim Witness Program	\$177,472
17-W8555VW15	Isle of Wight County	Victim Witness Program	\$100,513
17-W8579VW15	James City County	Victim Witness Program	\$179,667
17-Q3595VW15	King George County	Victim Witness Program	\$59,739
17-Q3596VW15	King William County	Victim Witness Program	\$103,242
17-T9595VW15	Lancaster County	Victim Witness Program	\$64,243
17-S3032VW15	Lee County	Victim Witness Program	\$100,047
17-T9586VW15	Louisa County	Victim Witness Program	\$52,413
17-T9580VW15	Lunenburg County	Victim Witness Program	\$69,721
17-U9267VW15	Lynchburg, City	Victim Witness Program	\$365,745

17-Q3592VW15	Madison County	Victim Witness Program	\$53,188
17-U9266VW15	Martinsville, City	Victim Witness Program	\$110,744
17-H6156VW15	Mathews County	Victim Witness Program	\$32,033
17-U9263VG16	Mecklenburg County	Victim Witness Program	\$65,043
17-H6157VW15	Middlesex County	Victim Witness Program	\$65,388
17-W8581VW15	Montgomery County	Victim Witness Program	\$206,543
17-T9563VW15	Nelson County	Victim Witness Program	\$59,594
17-T9597VW15	New Kent County	Victim Witness Program	\$95,719
17-W8583VW15	Newport News, City	Victim Witness Program	\$362,938
17-W8576VG16	Norfolk, City	Victim Witness Program	\$715,553
17-T9589VW15	Northampton County	Victim Witness Program	\$56,689
17-T9598VW15	Northumberland County	Victim Witness Program	\$44,712
17-D3162VW15	Nottoway County	Victim Witness Program	\$76,950
17-T9588VG16	Office of the Attorney General	Victim Witness Program	\$204,433
17-T9571VW15	Orange County	Victim Witness Program	\$92,153
17-S3035VW15	Page County	Victim Witness Program	\$59,084
17-W8562VW15	Patrick County	Victim Witness Program	\$41,808
17-W8586VW15	Petersburg, City	Victim Witness Program	\$283,505
17-W8612VW15	Pittsylvania County	Victim Witness Program	\$109,844
17-W8577VG16	Portsmouth, City	Victim Witness Program	\$382,595
17-T9572VW15	Powhatan County	Victim Witness Program	\$58,683
17-T9591VW15	Prince Edward County	Victim Witness Program	\$70,000
17-Q3594VW15	Prince George County	Victim Witness Program	\$100,010
17-T9590VW15	Prince William County	Victim Witness Program	\$462,538
17-U9274VW15	Pulaski County	Victim Witness Program	\$185,318
17-U9275VW15	Radford, City	Victim Witness Program	\$126,873

17-A4003VW15	Richmond County	Victim Witness Program	\$59,273
17-W8585VG16	Richmond, City	Victim Witness Program	\$743,047
17-W8561VG16	Roanoke County	Victim Witness Program	\$142,868
17-W8554VW15	Roanoke, City	Victim Witness Program	\$277,109
17-T9578VW15	Rockbridge County	Victim Witness Program	\$71,978
17-T9573VW15	Rockingham County	Victim Witness Program	\$178,787
17-Q3590VW15	Russell County	Victim Witness Program	\$62,619
17-T9575VW15	Salem, City	Victim Witness Program	\$105,512
17-U9265VG16	Scott County	Victim Witness Program	\$94,404
17-T9576VW15	Shenandoah	Victim Witness Program	\$103,625
17-T9569VW15	Smyth County	Victim Witness Program	\$101,375
17-U9281VW15	Southampton County	Victim Witness Program	\$103,252
17-U9259VW15	Spotsylvania County	Victim Witness Program	\$255,150
17-T9564VW15	Stafford County	Victim Witness Program	\$190,934
17-U9264VW15	Staunton, City	Victim Witness Program	\$110,341
17-W8580VW15	Suffolk, City	Victim Witness Program	\$396,494
17-T9599VW15	Surry County	Victim Witness Program	\$55,978
17-T9574VG16	Sussex County	Victim Witness Program	\$78,025
17-W8559VW15	Tazewell County	Victim Witness Program	\$149,299
17-W8560VG16	Va Beach, City	Victim Witness Program	\$561,588
17-M4512VG16	VA Parole Board	Victim Witness Program	\$73,277
17-W8578VW15	Warren County	Victim Witness Program	\$107,432
17-U9278VW15	Washington County	Victim Witness Program	\$103,601
17-U9273VW15	Waynesboro, City	Victim Witness Program	\$102,387
17-U9282VW15	Westmoreland County	Victim Witness Program	\$97,657
17-W8584VW15	Winchester, City	Victim Witness Program	\$155,593
17-T9583VW15	Wise County	Victim Witness Program	\$88,671
17-T9570VW15	Wythe County	Victim Witness Program	\$95,402
17-W8557VW15	York County	Victim Witness Program	\$130,226





Dennis D. Linaburg  
Fire Chief

## MEMORANDUM

**TO:** Cheryl Shiffler, Director  
Finance Department

**FROM:** Dennis D. Linaburg, Chief  
Fire and Rescue Department

**SUBJECT:** Request for Supplemental Appropriation

**DATE:** July 13, 2016

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Our Department is respectfully requesting the following amount to be transferred into Fund 30 for covering of end of Fiscal Year 2016 expenses. A shortage occurred due to a revenue lapse while transferring between billing companies. The revenue is now being caught up but will be showing as Fiscal Year 2017 revenue. We are requesting a total appropriation of **\$324,465**

This money is needed for the 4th quarter mileage and the 3rd quarter revenue recovery payments.

DDL:cmb  
Cc: File

## MEMORANDUM

**TO:** Finance Committee

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

**RE:** Project Increase Request – I-81 Bridge/Tevis/Roundabout/Airport Road

**DATE:** July 14, 2016

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Staff has recently received the executed revenue sharing agreement (attached) from MMA which allows the County to proceed with the full construction project of the I-81 Bridge, Roundabout, and Airport Road. In keeping with this development staff is requesting that the board increase the line item for this project by \$12,751,872 to allow for the construction portion of the current project. Please note, these construction funds do not include the Tevis Street Extension across the Glaize Property which will need to be negotiated under an agreement with that property owner.

Attachments: Revenue Sharing Agreement, Map of project area, construction cost breakdown

JAB/bhd

## REVENUE SHARING AGREEMENT

THIS AGREEMENT, made and dated this 17th day of June , 2016, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “County”), a political subdivision of Virginia, and **R 150 SPE, LLC** (“R 150 SPE”), a Virginia limited liability company.

### **RECITALS:**

R 150 SPE is the owner of the following lots or parcels of land encompassed by Frederick County Rezoning #10-15 (the “Rezoning”): tax parcel numbers 63-A-150, 64-A-10, and 64-A-12 (collectively, the “Property”).

1. The parties desire to arrange for the design and construction of multiple street sections as follows (the “Project”):
  - a. Airport Road, as a segment from Route 522 to a roundabout intersection with the Tevis Street extension, the segment being more fully identified as Section A on the Generalized Development Plan (the “GDP”), the GDP having been included as Exhibit A to the Proffer Statement approved as part of the Rezoning. This segment shall be designed and constructed as an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed Virginia Department of Transportation (“VDOT”) entrance spacing requirements that are in force at the time of final road design plan approval.
  - b. Tevis Street, as a segment including a bridge over Interstate 81 from the City of Winchester to a roundabout intersection with the Tevis Street extension and including the roundabout intersection, the segment being more fully identified as Section B on the GDP. This segment shall be designed and constructed as a bridge with four travel lanes, a raised concrete median, and sidewalks; an Urban Four-Lane Divided Section (U4D) with curb and gutter, a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk for East Tevis Street between the Interstate 81 bridge and the roundabout; and a dual-lane roundabout with a 10' asphalt pedestrian and bicycle trail and 5' concrete sidewalk; and intersections providing full access and/or partial access commercial entrances into Land Bay 1 and Land Bay 2 (as the Land Bays are identified on the GDP) that meet or exceed VDOT entrance spacing requirements that are in force at the time of final road design plan approval.
2. The parties desire to finance the Project using funds that R 150 SPE will provide (the “R 150 SPE Funds”), along with funds to be provided by VDOT (the “VDOT Funds”). In

- d. The County shall enter into agreements, if necessary, with: utility companies, VDOT, railroad companies, or unforeseen others as relate to the Project.
- e. As project manager, the County shall supervise all aspects of the Project, which shall be done in a good and workmanlike fashion in accordance with applicable VDOT standards.
- f. The County shall give written notice to R 150 SPE of any unforeseen design, engineering, construction, or environmental issues that are encountered within forty-eight hours of discovery of such issues. Thereafter, the County shall promptly provide written notice to R 150 SPE of the intended remediation measures and costs thereof prior to commencement of such work. Such notice shall specify the recommended remediation work which shall be verified and approved by the County and shall further set forth the date upon which the remediation work shall commence, which date shall be not less than five days after the date that notice of the intended commencement of the remediation work is given to R 150 SPE. Following approval of the remediation work by R 150 SPE, or in the event that R 150 SPE fails to object to the remediation work within the five-day period referenced above, R 150 SPE shall provide payment of the Additional Funds through the usual and customary invoicing procedures under this Agreement. In the event that R 150 SPE objects to the Remediation Work during the five-day period referenced above, then such dispute shall be submitted to a neutral engineering firm to be agreed upon by R 150 SPE and the County, whose decision shall be final and binding upon the County and R 150 SPE.
- g. In the event that a mechanic's lien or other claim is filed against the Property arising from or in connection with the Project, the County shall promptly bond off any such mechanic's lien or claim with a portion of the Project Funds, to the extent permissible under applicable law.
- h. The County will make a good faith effort to procure the VDOT Funds from VDOT. In the event the County is unable to procure the VDOT Funds from VDOT, which results in a decision not to continue the Project, any funds provided by the parties hereto shall be returned to the respective parties, to the extent not used for the Project, and the parties hereto shall have no further obligations under this Agreement
- i. The County shall return all unspent R 150 SPE Funds to R 150 SPE at the conclusion of the Project.

h. In the event that unforeseen costs are encountered, R 150 SPE agrees to expend Additional Funds as are necessary in order to address such unforeseen issues and the County agrees to match these Additional Funds with the VDOT Funds, if available.

5. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows:

**County:** Department of Planning and Development  
107 North Kent Street, Suite 202  
Winchester, VA 22601  
Attn: John A. Bishop, AICP

With a copy to: Roderick Williams, Esquire  
County Attorney  
107 North Kent Street  
Winchester, VA 22601

**R 150 SPE:**

R 150 SPE, LLC  
c/o MMA Capital Management, LLC  
3600 O'Donnell Street, Suite 600  
Baltimore, MD 21224  
Attention: Brooks Martin

With a copy to: Gallagher Evelius & Jones, LLP  
218 N. Charles Street, Suite 400  
Baltimore, MD 21201  
Attention: Philip F. Diamond, Esquire

6. **ENTIRE AGREEMENT; AMENDMENTS; TIME:**

- a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of the Agreement and no amendment to this Agreement shall be effective unless made in writing and signed by both parties.
- b. Time is of the essence with respect to all matters set forth in this Agreement.

June 16, 2016

**BY FEDERAL EXPRESS**

Kris C. Tierney  
Deputy County Administrator for Community Development  
Frederick County, Virginia  
107 North Kent Street  
Winchester, VA 22601  
(540) 665-6382

*Re: R 150 SPE, LLC—Performance Bond, Revenue Sharing  
Agreement*

Dear Kris:

With respect to the Russell 150 development, please find enclosed the following **original** documents:

1. Performance Bond (SUR60000785) executed by Ironshore Indemnity Inc., as surety, and by R 150 SPE, LLC, as principal, effective June 17, 2016; and
2. Revenue Sharing Agreement, dated June 17, 2016, executed by R 150 SPE, LLC.

Please deliver one **original** signature page to the Revenue Sharing Agreement executed by the County to my attention, so that R 150 SPE, LLC can keep an original agreement for its records.

MMA and I look forward to working with you and the County on the development of the property.

#562162  
011322-0046

**Performance Bond  
Frederick County, Virginia**

**Bond Number:** SUR60000785

**Owners of Property:** R 150 SPE, LLC

**Property Description and Name of Project:** Frederick County, Virginia Residential Planned

Community (R4) District, Tax Map Parcels 63-A-150, 64-A-10, and 64-A-12, approximately 150.59 acres.

KNOW ALL MEN BY THESE PRESENTS, That we, R 150 SPE, LLC,  
PRINCIPAL; and Ironshore Indemnity Inc., SURETY, are obligated by this bond dated  
June 17, 2016, to pay Frederick County, Virginia ("County"), a political subdivision of the  
Commonwealth of Virginia, the sum of Six Million Three Hundred Seventy-Five Thousand Nine  
Hundred Thirty-Six and 00/100  
Dollars (\$ 6,375,936.00). Heirs, executors, administrators, successors and assigns of the Principal,  
and the Surety are also obligated to pay the designated sum. The Principal and the Surety waive any  
homestead exemption related to payment of this obligation.

This bond shall be in effect for a period of one (1) year from the date hereof and shall  
automatically renew for additional terms of six (6) months from the present or future expiration date,  
unless and until (Ironshore Indemnity Inc.) shall give sixty (60) days prior written notice to the  
County to: "*Zoning and Subdivision Administrator, Frederick County Planning Department, Suite  
202, 107 North Kent Street, Winchester, Virginia 22601*", by certified mail, return receipt requested, of  
its intent to terminate same at the expiration of the sixty (60) day period. This bond shall also be  
terminated upon the Subdivision Administrator (or Designee) giving written release stating that  
(R 150 SPE, LLC) has well and truly performed and fulfilled the obligations of the agreement.

The condition of the above Obligation is such, that if the Principal complies with the provisions of  
Chapter 144, subdivision Ordinance, Chapter 165, Zoning Ordinance and/or Chapter 79, Erosion and  
Sediment Control Ordinance, of the Frederick County, Virginia Code related to all physical  
improvements that include, but are not limited to, streets, curbing, gutter, sidewalks, above ground  
utilities and facilities, recreational facilities, drainage systems, erosion and sediment control measures,  
designated open space and other required improvements located in or on  
Residential Planned Community (R4) District,  
Tax Map Parcels 63-A-150, 64-A-10 and 64-A-12 the approved subdivision or site plan.

If Principal fails to complete its obligations, the County shall notify the Principal and Surety. If  
such obligations are not completed by the Principal or Surety or their agents within fifteen (15) days after  
date of notification by the County, the Surety shall pay the full amount or the bond, or such lesser amount  
as may be demanded by the County, to the County, within thirty (30) days of the date of initial  
notification referenced above. The amount payable may include administrative or other costs. Payment by  
the Surety shall not be conditional on suit by the County.

The drawing will be held by the County for the sole purpose of providing for the completion  
and/or maintenance of the site plan and/or subdivision requirements to the satisfaction of the Subdivision  
Administrator or their authorized Representative. This bond shall be terminated upon the Subdivision  
Administrator or their authorized representative giving written release to (Permittee or Developer)  
R 150 SPE, LLC stating that they have satisfactorily performed and  
fulfilled the obligations and requirements of the approved site or subdivision plan.

**COUNTY OF FREDERICK  
PERFORMANCE BOND**

BOND NO.

SUR60000785

DATE BOND EXECUTED:

June 17, 2016

PRINCIPAL(S)/CO-PRINCIPAL(S)

(Legal Name(s), Status, and Business Address(es) and Telephone Number(s))

R 150 SPE, LLC  
3600 O'Donnell Street  
Suite 600  
Baltimore, MD 21224  
(443) 263-2900

TYPE OF ORGANIZATION: (Check One)

Individual

Partnership

Limited Liability Company

Corporation

Other (Specify) \_\_\_\_\_

(Hereinafter "Principal" whether one or more than one)

STATE OF INCORPORATION OR ORGANIZATION:

Virginia

SURETY(IES):

(Name(s) and Business Address(es) and Telephone Number(s))

Ironshore Indemnity Inc.  
28 Liberty Street  
4th Floor  
New York, NY 10004  
(615) 553-9500

SUM OF BOND

Million(s)    Thousand(s)    Hundred(s)

6            |    375            |    936

DATE OF AGREEMENT: June 17, 2016

PLAN NAME:

PLAN NO.: CPAP- \_\_\_\_\_ - \_\_\_\_\_

[STPL- \_\_\_\_\_ - \_\_\_\_\_]

and any and all revisions of such plans however numbered or designated.

(Hereinafter "Surety" whether one or more than one)





COMMONWEALTH OF VIRGINIA  
BUREAU OF INSURANCE

JACQUELINE K. CUNNINGHAM  
COMMISSIONER OF INSURANCE  
STATE CORPORATION  
COMMISSION  
BUREAU OF INSURANCE  
P.O. BOX 1157  
RICHMOND, VIRGINIA 23218  
TELEPHONE: (804) 371-9631  
TDD/VOICE: (804) 371-9206  
[www.scc.virginia.gov/boi](http://www.scc.virginia.gov/boi)

Licensees shall report to the Bureau within 30 days any change in residence at [www.scc.virginia.gov/boi/online.aspx](http://www.scc.virginia.gov/boi/online.aspx)

A producer licensee is entitled to be appointed as an agent to transact the business of insurance on behalf of Virginia licensed insurers pursuant to Title 38.2 of the Code of Virginia.

This license is perpetual and is in effect from its issue date unless surrendered, terminated, suspended, revoked or an expiration date is noted.

Nonresidents only: This license is limited to the authority granted by the licensee's home state.

### Producer

Property & Casualty

**BROOK THOMAS SMITH**

19 POPLAR HILL RD

LOUISVILLE, KY 40207

**is authorized to transact business as described above**

License No: 640506

Issue Date: 08-06-1997

Expiration Date:

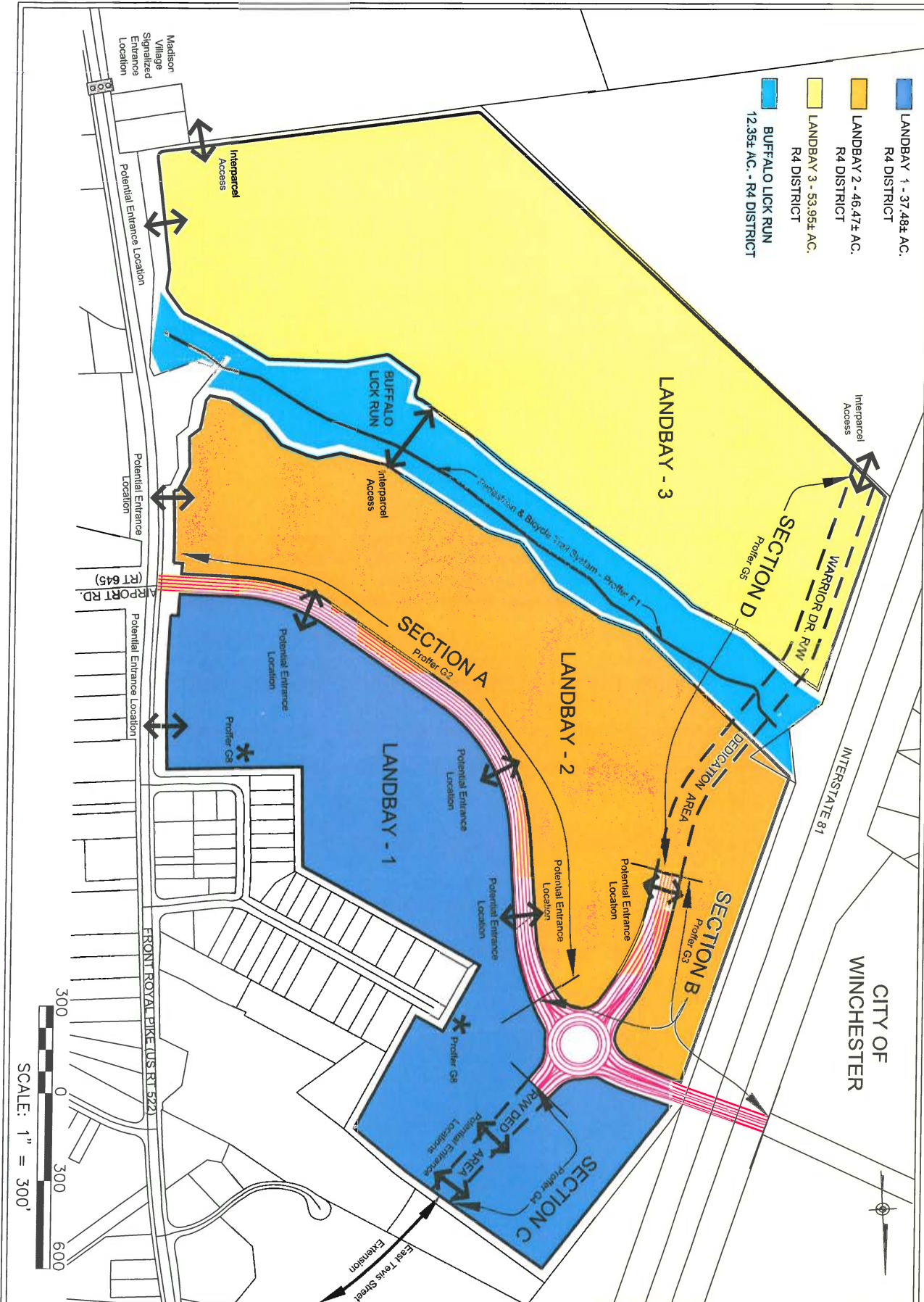
Generated by Sircon 96073635

<p>COMMONWEALTH OF VIRGINIA BUREAU OF INSURANCE THIS IS TO CERTIFY THAT</p>		<p>IS HEREBY AUTHORIZED TO TRANSACT BUSINESS IN ACCORDANCE TO THE LICENSE DESCRIPTION SHOWN BELOW:</p>
<p><b>BROOK THOMAS SMITH</b> 19 POPLAR HILL RD, LOUISVILLE, KY 40207</p>	<p><b>Producer</b> Property &amp; Casualty</p>	<p>Issue Date: 08-06-1997      Generated by Sircon 96073635      Expiration Date:</p>
<p>LICENSE NUMBER: 640506</p>		

state or when failing to pay the statutorily required continuance fee by November 30 of every even-numbered year. Visit [www.VirginiaInsuranceCE.com](http://www.VirginiaInsuranceCE.com) to pay the continuance fee and to review additional continuing education information.

#### Active Appointment Information

	Appointment Type	Effective Date	Company Affiliation	Company Number
<a href="#">View Company</a>	Property & Casualty	2/27/2016	ACE AMERICAN INSURANCE COMPANY	22667
<a href="#">View Company</a>	Property & Casualty	2/27/2016	ACE PROPERTY AND CASUALTY INSURANCE COMPANY	20699
<a href="#">View Company</a>	Property & Casualty	12/26/2013	ALLIED WORLD INSURANCE COMPANY	22730
<a href="#">View Company</a>	Property & Casualty	12/26/2013	ALLIED WORLD SPECIALTY INSURANCE COMPANY	16624
<a href="#">View Company</a>	Property & Casualty	4/25/2016	ARGONAUT INSURANCE COMPANY	19801
<a href="#">View Company</a>	Property & Casualty	5/1/2013	ATLANTIC SPECIALTY INSURANCE COMPANY	27154
<a href="#">View Company</a>	Property & Casualty	6/23/2005	BOND SAFEGUARD INSURANCE COMPANY	27081
<a href="#">View Company</a>	Property & Casualty	3/24/2010	COLONIAL AMERICAN CASUALTY AND SURETY COMPANY	34347
<a href="#">View Company</a>	Property & Casualty	8/1/2006	CONTINENTAL HERITAGE INSURANCE COMPANY	39551
<a href="#">View Company</a>	Property & Casualty	6/16/2005	DEVELOPERS SURETY AND INDEMNITY COMPANY	12718
<a href="#">View Company</a>	Property & Casualty	8/1/2006	EVERGREEN NATIONAL INDEMNITY COMPANY	12750
<a href="#">View Company</a>	Property & Casualty	10/25/2013	FEDERAL INSURANCE COMPANY	20281
<a href="#">View Company</a>	Property & Casualty	3/24/2010	FIDELITY AND DEPOSIT COMPANY OF MARYLAND	39306
<a href="#">View Company</a>	Property & Casualty	2/27/2016	INDEMNITY INSURANCE COMPANY OF NORTH AMERICA	43575
		4/23/2013		23647



- LANDBAY 1 - 37.48± AC.  
R4 DISTRICT
- LANDBAY 2 - 46.47± AC.  
R4 DISTRICT
- LANDBAY 3 - 53.95± AC.  
R4 DISTRICT
- BUFFALO LICK RUN  
12.35± AC. - R4 DISTRICT

DATE: 10/29/2015  
 SCALE: 1"=300'  
 DESIGNED BY: EAW  
 JOB NO. 3701HC  
 SHEET 1 OF 1

**EXHIBIT A - HERITAGE COMMONS  
 GENERALIZED DEVELOPMENT PLAN**

SHAWNEE MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VA



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

# I-81 Bridge/Roundabout/Airport Road Construction Estimate Breakdown

Bridge and abutments Estimate (Pennoni 4/15/16)	\$6,331,165.00
Roundabout Estimate (Pennoni 4/15/16)	\$820,707.00
Airport to 522/Signalization at 522 and associated improvements for new intersection (based on revenue sharing application amounts)	<u>\$5,600,000.00</u>
<b>TOTAL:</b>	<b>\$12,751,872.00</b>





# MEMO

To: Finance Committee  
From: Stacy Herbaugh, Operations Manager <sup>(SR)</sup>  
Through: Jason Robertson, Director  
Subject: Recreation Assistance Fund  
Date: July 13, 2016

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The Recreation Reserve Fund was created in FY 15 to provide financial assistance to Frederick County residents so that children could participate in recreation programs and to assist Frederick County in raising funds for future capital projects. There are three types of funds within the Recreation Reserve Fund, the Recreation Assistance Fund (PLAY Fund), specific capital project funds, and a general park improvement fund.

During FY 16 \$3520.00 was donated to the PLAY Fund and \$75 was donated to the general park improvement fund (3-010-018990-0027). The Parks and Recreation Commission is requesting that \$717.25 from the PLAY Fund be moved to the FY 16 revenue codes as outlined in attachment A.

The Parks and Recreation Department is requesting that the remaining balance of \$2877.75 be moved to the Fund Balance Reserve-Parks and Recreation (0-010-000240-2444) for future requests.



## COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

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

[www.fcprd.net](http://www.fcprd.net)

### Attachment A

3-010-016130-0013	\$421.74
3-010-016130-0010	\$186.75
3-010-016130-0008	\$ 25.00
3-010-018990-0027	\$ 83.75

These totals represent participation in the following activities:

- Cheer Camp
- Pee Wee Basketball
- Youth Basketball
- Teen Basketball
- Summer Basketball
- Swim Lessons
- Volleyball Camp
- Tennis Camp
- Lego Camp
- Art Camp
- Pre-school Karate

## **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: May 2015*



## Greenwood Vol. Fire & Rescue Company, Inc.

PO Box 3023  
Winchester, VA 22604  
(540) 667-9417

8 July 2016

Proffer Fund Request

Kris C. Tierney  
Deputy County Administrator for Community Development  
Frederick County, Virginia  
107 North Kent Street  
Winchester, VA 22601

Dear Mr. Tierney,

The Greenwood Volunteer Fire & Rescue Company, Inc. has signed an order for a replacement Ladder Truck, which we expect to take delivery of in October 2016. We are requesting your assistance to process our request for "proffered funds" from the County. Our request is for \$35,771.00, which should be the amount allocated to Greenwood.

The new Ladder Truck is manufactured by Smeal will have a 105' ladder. The cost of the new truck will be \$912,836.00. This truck will replace our current 1995 Smeal 75' Quint. With the increased development of Townhome "Sub-Divisions" in our 1<sup>st</sup> due response area we felt the citizens would be best served with a ladder truck that could better reach the top of their houses. We also felt the additional; 30' of ladder would better support the warehousing and multi-story manufacturing facilities in the surrounding jurisdictions that we provide mutual aid. Our call volume as well as the request for the Aerial support has increased over the past several years. Last year we ran approximately 2,100 calls, of those calls the Quint was 1<sup>st</sup> due on approximately 400 of them.

We have submitted to the County our intent purchase for inclusion on the County Capital Improvement Plan for the past four years.

Thank you in advance for your attention to this matter.

Sincerely,

Daniel C. Cunningham  
President

Frederick County  
Cash Proffer Policy

As approved by the Board of Supervisors on January 28, 2009.

Proffered funds received by Frederick County will be held for the use specified by the proffer language. In the case of funds proffered to offset impacts to fire and rescue services, in the absence of other proffered specifications, the funds will be earmarked for the first due company in the area of the subject rezoning at the time the proffered funds are received. All proffered funds will be collected, held, and will accumulate until such time as a capital project funding request is received from a qualifying County department, agency, or volunteer fire and rescue company.

Qualifying agency or departmental **requests to access proffered funds shall be submitted to the County=s Finance Department** for processing. In order to qualify as a capital project the following criteria must be met:

- 1) the item or project must have a minimum value of five thousand dollars (\$5,000), and;*
- 2) the item/project must have an anticipated useful life of at least five (5) years.*

The Finance Department will forward requests to the Finance Committee for a recommendation to the Board of Supervisors on the appropriateness of the use of proffered funds for the requested purpose. To assist the Finance Committee and Board in their deliberations requests to utilize proffered funds should include the following: 1) the amount of funds requested, 2) the total project cost, 3) a detailed description of the desired capital project or purchase including a discussion of how recent or anticipated development contributes to the need for the expenditure, and, 4) indicate whether or not the item or project is listed on the County=s Capital Improvements Plan (CIP).

In order to comply with State Code ' 15.2-2-2298 (A) the Planning staff, working in conjunction with the County Attorney, will attempt to insure that cash proffers associated with future rezonings are appropriately addressed through inclusion of relevant capital projects in the County=s CIP prior to acceptance of the proffered funds.

*For the purpose of determining whether a project or item is appropriate for individual listing on the CIP only, a threshold value of \$100,000 and useful life of at least five year shall be utilized. (This would not preclude the purchase of capital items valued at less than \$100,000 utilizing proffered funds, where other relevant criteria are met and procedures followed.)*

**Capital Contingency Fund**  
**4-010-093010-5899-000-000**  
**FY 15-16**

<b>Date</b>	<b>Item</b>	<b>Department</b>	<b>Amount</b>	<b>Balance</b>
2/24/2016	Opening Balance			\$3,000,000.00
2/29/2016	Equipment: Portacount, gas meters, PPE extractors, SCBA cylinders	F&R	-\$181,703.00	\$2,818,297.00
3/9/2016	Tasers/Police supplies	SHERIFF	-\$166,954.32	\$2,651,342.68
3/23/2016	Gun locks	SHERIFF	-\$21,065.00	\$2,630,277.68
4/7/2016	Mail stuffer machine	TREASURER	-\$40,357.00	\$2,589,920.68
6/14/2016	Parking lot resurface - CAB	CO OFFICE BUILDINGS	-\$12,260.00	\$2,577,660.68
6/14/2016	Parking lot resurface - Bowman Library	CO OFFICE BUILDINGS	-\$27,022.93	\$2,550,637.75
6/14/2016	Security system cameras - CAB	CO OFFICE BUILDINGS	-\$25,655.07	\$2,524,982.68
6/14/2016	Roof top unit & heat pump replace - CAB	CO OFFICE BUILDINGS	-\$124,849.00	\$2,400,133.68
6/14/2016	HVAC controls - Courthouse	CO OFFICE BUILDINGS	-\$33,768.00	\$2,366,365.68
				\$2,366,365.68
	LifePak 15	F&R	-\$1,200,000.00	\$1,166,365.68 PENDING
	Radio system	E-911	-\$839,000.00	\$327,365.68 PENDING
Note:	Clearbrook Compactor Site		-\$540,000.00	PENDING

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
6/8/2016	PARKS & RECREATION ADMINISTRATION	PSYCHOLOGICAL TESTING FOR BASIC REC PARTICIPANT	7101	5204	000	002	(160.00)
	PARKS & RECREATION ADMINISTRATION		7101	3002	000	000	160.00
6/8/2016	PARKS & RECREATION ADMINISTRATION	TO COVER CREDIT CARD FEES	7101	5204	000	002	(157.87)
	PARKS & RECREATION ADMINISTRATION		7101	5413	000	000	157.87
6/13/2016	MANAGEMENT INFORMATION SYSTEMS	CELL PHONE HARDWARE UPGRADE	1222	5401	000	000	(2,000.00)
	MANAGEMENT INFORMATION SYSTEMS		1222	5204	000	000	2,000.00
6/13/2016	COUNTY OFFICE BUILDINGS/COURTHOUSE	REPAIR TRACER SYSTEM FOR AC COUNTY ADM. BUILDING	4304	3004	000	003	(183.84)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3004	000	001	183.84
6/14/2016	PUBLIC SAFETY COMMUNICATIONS	BALANCE PERSONNEL LINE ITEM	3506	1001	000	003	(233.34)
	PUBLIC SAFETY COMMUNICATIONS		3506	1001	000	011	233.34
6/14/2016	COMMONWEALTH'S ATTORNEY	FOR OFFICE SUPPLIES	2201	5411	000	000	(500.00)
	COMMONWEALTH'S ATTORNEY		2201	5401	000	000	500.00
6/14/2016	COMMONWEALTH'S ATTORNEY	FOR TRAVEL EXPENSES	2201	5411	000	000	(1,470.00)
	COMMONWEALTH'S ATTORNEY		2201	5506	000	000	1,470.00
6/14/2016	FIRE AND RESCUE	PURCHASE RADIO BATTERIES	3505	4003	000	002	(4,000.00)
	FIRE AND RESCUE		3505	5407	000	000	4,000.00
6/14/2016	PARKS MAINTENANCE	PURCHASE TRACTOR/LOADER/BACKHOE	7103	5403	000	000	(500.00)
	SHERANDO PARK		7110	8001	000	000	500.00
6/14/2016	COUNTY OFFICE BUILDINGS/COURTHOUSE	PARKING LOT REPAIRS	4304	8900	000	000	12,260.00
	COUNTY OFFICE BUILDINGS/COURTHOUSE	PARKING LOT REPAIRS	4304	8900	000	006	27,022.93
	COUNTY OFFICE BUILDINGS/COURTHOUSE	ROOF TOP UNIT & HEAT PUMPS	4304	8001	000	000	158,617.00
	COUNTY OFFICE BUILDINGS/COURTHOUSE	SECURITY CAMERA SYSTEM	4304	8007	000	000	25,655.07
	TRANSFERS/CONTINGENCY	COUNTY ADMINISTRATION BUILDINGS	9301	5899	000	000	(223,555.00)
6/15/2016	GENERAL DISTRICT COURT	CONTRACTUAL SERVICES	2102	9001	000	000	(10.50)
	GENERAL DISTRICT COURT		2102	3010	000	000	10.50
6/15/2016	COUNTY OFFICE BUILDINGS/COURTHOUSE	PARKING LOT REPAIRS AT BOWMAN LIBRARY	4304	3004	000	007	(1,800.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	8900	000	006	1,800.00
6/15/2016	RECREATION CENTERS AND PLAYGROUNDS	PURCHASE DUMP TRAILER	7104	5410	000	000	(6,655.00)
	SHERANDO PARK		7110	8001	000	000	6,655.00
6/15/2016	PARKS AND RECREATION ADMINISTRATION	PURCHASE UTILITY CART	7101	5401	000	000	(9,599.20)
	CLEARBROOK PARK		7109	8001	000	000	9,599.20
6/15/2016	GENERAL DISTRICT COURT	TRANSFER TO DUES AND ASSOCIATION MEMBERSHIPS	2102	9001	000	000	(71.00)
	GENERAL DISTRICT COURT		2102	5801	000	000	71.00
6/15/2016	INFORMATION TECHNOLOGY	VISUAL SOUND INTERACTIVE DISPLAY FOR IT PROJECTS	1220	5413	000	003	(1,000.00)
	INFORMATION TECHNOLOGY		1220	5413	000	000	1,000.00
6/16/2016	COUNTY ADMINISTRATOR	FOIA TRACKING	1201	3010	000	000	6,100.00
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(6,100.00)
6/17/2016	GENERAL DISTRICT COURT	MONITORS	2102	5401	000	000	5,139.00
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(5,139.00)
6/21/2016	COUNTY ATTORNEY	ADDITIONAL PAYROLL EXPENSE	1202	3004	000	001	(250.00)
	COUNTY ATTORNEY		1202	1003	000	000	250.00
	COUNTY ATTORNEY		1202	5204	000	000	(327.50)
	COUNTY ATTORNEY		1202	1003	000	000	327.50
6/21/2016	COMMISSIONER OF THE REVENUE	BPOL PROGRAM CAVS SUBSCRIPTION	1209	5204	000	000	(1,500.00)
	COMMISSIONER OF THE REVENUE		1209	5401	000	000	1,500.00
	COMMISSIONER OF THE REVENUE		1209	5506	000	000	(1,400.00)
	COMMISSIONER OF THE REVENUE		1209	5411	000	000	1,400.00
6/21/2016	COMMISSIONER OF THE REVENUE	COMPUTER MONITORS	1209	3010	000	000	(600.00)
	COMMISSIONER OF THE REVENUE		1209	5401	000	000	600.00
6/21/2016	REFUSE COLLECTION	FUND SUPPLIES	4203	5408	000	002	(2,000.00)
	REFUSE COLLECTION		4203	5407	000	000	2,000.00
6/21/2016	PUBLIC SAFETY COMMUNICATIONS	RADIO REPAIR	3506	5204	000	000	(1,400.00)
	PUBLIC SAFETY COMMUNICATIONS		3506	3004	000	001	1,400.00
6/21/2016	INSPECTIONS	TO COVER DEFICIT FOR PAYROLL	3401	4003	000	002	(101.42)
	INSPECTIONS		3401	2008	000	000	101.42
6/22/2016	PARKS AND RECREATION ADMINISTRATION	CREDIT CARD FEES FOR MAY	7101	5204	000	002	(4,323.01)
	PARKS AND RECREATION ADMINISTRATION		7101	5413	000	000	4,323.01
6/22/2016	COUNTY ADMINISTRATOR	TO COVER DEFICIT IN TRAVEL	1201	5506	000	000	3,000.00
	OTHER		1224	3002	000	000	(3,000.00)
6/23/2016	DSS ADMINISTRATION	TELEPHONE EXPENSES	5316	5202	000	000	550.00
	DSS ADMINISTRATION		5316	5401	000	000	(550.00)
6/23/2016	HUMAN RESOURCES	ACA REPORTING	1203	3010	000	000	6,849.50
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(6,849.50)
6/27/2016	VOLUNTEER FIRE DEPARTMENTS	NORTH MTN F&R CONSTRUCTION	3202	5604	000	090	94,553.00
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(94,553.00)
6/27/2016	SHERIFF	PURCHASE MOBILE LAPTOPS FOR NEW CRUISERS	3102	5401	000	000	22,000.00
	SHERIFF		3102	5408	000	000	(22,000.00)
6/27/2016	FIRE AND RESCUE	COVER TRAINING CENTER REPAIR	3505	4003	000	002	(2,000.00)
	FIRE AND RESCUE		3505	5407	000	000	2,000.00
6/27/2016	CLEARBROOK PARK	PURCHASE TORO CART	7109	5408	000	000	(1,300.80)
	CLEARBROOK PARK		7109	8001	000	000	1,300.80
6/28/2016	AGRICULTURE	SUPPLIES TO ENHANCE PROGRAM/OFFICE OPERATION	8301	5204	000	000	(93.00)
	AGRICULTURE		8301	5401	000	000	26.66
	AGRICULTURE		8301	5401	000	000	93.00
	AGRICULTURE		8301	5506	000	000	(26.66)
6/28/2016	GENERAL ENGINEERING/ADMINISTRATION	ADDITIONAL COST OF OVERTIME	4201	1005	000	000	2,500.00
	GENERAL ENGINEERING/ADMINISTRATION		4201	4003	000	002	(2,500.00)

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
6/29/2016	FIRE AND RESCUE	HYDRO TESTING OF CYLINDER	3505	3004	000	001	500.00
	FIRE AND RESCUE		3505	5408	000	000	(500.00)
6/29/2016	FIRE AND RESCUE	VEHICLE REPAIRS	3505	3004	000	002	1,000.00
	FIRE AND RESCUE		3505	3006	000	000	(1,000.00)
6/30/2016	COUNTY ATTORNEY	REPLACEMENT OF BROKEN DELIPIDATED OFFICE FURNITURE	1202	3002	000	000	(287.62)
	COUNTY ATTORNEY		1202	5401	000	000	287.62
7/1/2016	HUMAN RESOURCES	COVER POSTAGE/TELEPHONE FOR REMAINDER OF YEAR	1203	3002	000	000	(300.00)
	HUMAN RESOURCES		1203	5204	000	000	300.00
7/1/2016	TREASURER	LEXIS NEXIS SUBSCRIPTION HIGHER	1213	3002	000	000	(400.00)
	TREASURER		1213	5411	000	000	400.00
7/1/2016	HUMAN RESOURCES	MILEAGE REIMBURSEMENT	1203	3002	000	000	(98.00)
	HUMAN RESOURCES		1203	5506	000	000	98.00
7/1/2016	ANIMAL SHELTER	SUPPLEMENT LINE ITEM FOR YEAR END	4305	3002	000	000	(100.00)
	ANIMAL SHELTER		4305	3010	000	000	100.00
7/1/2016	MAINTENANCE ADMINISTRATION	VEHICLE REPAIR COST 2006 FORD TRUCK	4301	3004	000	002	1,271.96
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	5302	000	006	(1,271.96)
7/6/2016	CLEARBROOK PARK	CLEARBROOK ELECTRICAL COST	7109	5101	000	000	364.46
	CLEARBROOK PARK		7109	5102	000	000	(364.46)
7/6/2016	CLEARBROOK PARK	CLEARBROOK ELECTRICAL COST	7109	5101	000	000	1,444.33
	CLEARBROOK PARK		7109	5101	000	000	2,591.81
	CLEARBROOK PARK		7109	5103	000	000	(1,444.33)
	CLEARBROOK PARK		7109	5408	000	000	(2,591.81)
7/6/2016	PARKS AND RECREATION ADMINISTRATION	COVER BACKGROUND CHECKS FOR JUNE	7101	5204	000	002	(219.50)
	PARKS AND RECREATION ADMINISTRATION		7101	5415	000	000	219.50
7/6/2016	COUNTY ATTORNEY	FILING FEES FOR ADDITIONAL COURT DOCUMENTS	1202	3002	000	000	(42.00)
	COUNTY ATTORNEY		1202	5413	000	000	42.00
7/6/2016	ELECTORAL BOARD AND OFFICIALS	GENERAL REGISTRAR'S TRAVEL	1301	5204	000	000	(500.00)
	REGISTRAR		1302	5506	000	000	500.00
7/7/2016	HUMAN RESOURCES	BOOK PURCHASE	1203	5411	000	000	20.00
	HUMAN RESOURCES		1203	5415	000	000	(20.00)
7/7/2016	COMMISSIONER OF THE REVENUE	PHONE BILLS	1209	3004	000	002	(900.00)
	COMMISSIONER OF THE REVENUE		1209	5204	000	000	900.00
7/7/2016	HUMAN RESOURCES	COVER OFFICE SUPPLIES	1203	3002	000	000	(1,500.00)
	HUMAN RESOURCES		1203	5401	000	000	1,500.00
	HUMAN RESOURCES		1203	5401	000	000	933.00
	HUMAN RESOURCES		1203	5415	000	000	(933.00)
7/8/2016	RECREATION CENTERS AND PLAYGROUNDS	TO COVER AWARD FOR JUNE	7104	5412	000	000	(1,833.48)
	RECREATION CENTERS AND PLAYGROUNDS		7104	5415	000	000	1,833.48
7/8/2016	PARKS AND RECREATION ADMINISTRATION	TO COVER BACKGROUND CHECK	7101	5204	000	002	(177.14)
	PARKS AND RECREATION ADMINISTRATION		7101	5413	000	000	177.14
7/8/2016	SHERANDO PARK	TO COVER BALLFIELD SUPPLIES	7110	3004	000	003	(2,335.58)
	SHERANDO PARK		7110	5413	000	000	2335.58
7/8/2016	RECREATION CENTERS AND PLAYGROUNDS	TO COVER BASICREC SUMMER FIELD TRIPS CAMP	7104	3010	000	000	(2,116.91)
	RECREATION CENTERS AND PLAYGROUNDS		7104	3011	000	000	2,116.91
7/8/2016	CLEARBROOK PARK	TO COVER EQUIPMENT RENTAL	7109	5408	000	000	(320.10)
	CLEARBROOK PARK		7109	9001	000	000	320.10
7/8/2016	SHERANDO PARK	TO COVER JANITORIAL SUPPLIES	7110	3004	000	003	(1,789.94)
	SHERANDO PARK		7110	5405	000	000	1,789.94
7/8/2016	SHERANDO PARK	TO COVER MAINTENANCE SUPPLIES	7110	3004	000	003	(864.67)
	SHERANDO PARK		7110	5407	000	000	864.67
7/8/2016	SHERANDO PARK	TO COVER RENTAL EQUIPMENT	7110	3004	000	003	(1,496.78)
	SHERANDO PARK		7110	9001	000	000	1,496.78
7/8/2016	CLEARBROOK PARK	VEHICLE REPAIR	7109	3004	000	001	(4,047.03)
	CLEARBROOK PARK		7109	3004	000	002	4,047.03
7/8/2016	PUBLIC ASSISTANCE	VIEW-SMARTBOARD	5317	5861	000	000	(2,579.00)
	PUBLIC ASSISTANCE		5317	5872	000	000	2,579.00
7/11/2016	INFORMATION TECHNOLOGY	BALANCE LINE ITEM	1220	5299	000	000	(1,100.00)
	INFORMATION TECHNOLOGY		1220	5401	000	000	3,200.00
	INFORMATION TECHNOLOGY		1220	5401	000	000	1,100.00
	INFORMATION TECHNOLOGY		1220	5413	000	002	(3,200.00)
7/11/2016	REFUSE COLLECTION	COLLECTION UNIT SHOES/TEXTILES RECYCLING	4203	5407	000	000	(1,830.00)
	REFUSE COLLECTION		4203	8006	000	000	1,830.00
7/11/2016	BOARD OF SUPERVISORS	TO COVER DEFICIT IN BOOKS	1101	3002	000	000	(491.00)
	BOARD OF SUPERVISORS		1101	5411	000	000	491.00
7/11/2016	COUNTY ADMINISTRATOR	TO COVER DEFICIT IN TRAVEL	1201	5506	000	000	201.00
	COUNTY ADMINISTRATOR		1201	5801	000	000	(201.00)

**County of Frederick, VA**  
**Report on Unreserved Fund Balance**  
**June 30, 2016 \*PRELIMINARY\***

**Unreserved Fund Balance, Beginning of Year, July 1, 2015** **42,344,282**

**Prior Year Funding & Carryforward Amounts**

C/F Rose Hill Park	(168,000)
C/F Sherando Park master plan	(22,780)
C/F DARE	(400)
C/F Abbott Grant	(33,854)
C/F Fire Company Capital	(274,086)
Reserve E-summons funds	(38,816)
C/F Fire Program funds	(29,521)
Reserve P&R Play Fund funds	(6,932)
School encumbrances	(581,267)
C/F Forefeited assets	(58,035)
C/F School Capital to School Operating	(314,747)
C/F School Operating	(123,737)
C/F F&R vehicle equipment	(40,000)
C/F F&R uniforms	(64,000)
	(1,756,175)

**Other Funding / Adjustments**

Parks returned unused proffer	(710)
COR refund - Brookfield Stephenson Village	(20,539)
COR refund - Ally Financial	(5,405)
COR refund - Ford Motor Credit	(2,930)
COR refund - Opal Oil	(4,070)
Treasurer drive through repair	(30,000)
Circuit Clerk - deputy clerk position	(10,913)
Airport capital	(63,818)
Gainesboro site retainage	5,960
COR refund - disabled veteran	(3,689)
COR refund - Greenway Engineering	(12,753)
COR refund - Navitus Engineering	(42,560)
COR refund - Citizens Asset Finance	(5,736)
COR refund - Carrier Enterprises	(144,392)
Armel Elementary renovation design	(200,000)
NSVRC contribution	(1,216)
PPEA refund - administration building	(47,897)
COR refund - Daimler Trust	(8,679)
COR refund - Aqua Lake Holiday Utilities	(2,759)
COR refund - Probuild CO LLC	(13,282)
COR refund - Lawrence Fabrications	(6,533)
COR refund - Washington Gas	(89,697)
COR refund - Carrier Enterprises	(106,516)
COR refund - Britt Louis Nemeth	(3,019)
COR refund - Admiral Security Services	(2,815)
COR refund - Shenandoah Gas	(17,706)
COR refund - Glass America	(2,834)
COR refund - Crown Cork & Seal	(352,334)
3/2016 Presidential Primary Election	(38,614)
FY15 VJCCA refund	(1,142)
COR refund - disabled veteran	(7,065)
FY16 School & County capital	(7,000,000)
COR refund - Atlantic Construction	(13,574)
Security Drive	(4,390)
COR refund - Unimin Corp	(11,662)
COR refund - Shen-Valley Lime Corp	(6,282)
Reduce DSS local share	10,325
COR refund - Regional Ceilings	(2,600)
COR refund - DL Peterson Trust	(6,269)
COR refund - Valley Proteins	(6,053)
	(8,284,168)

**Year End Adjustments**

Remove FY16 budget	20,089,843
	20,089,843

**Fund Balance, June 30, 2016 \*PRELIMINARY\*** **52,393,781**



OFFICE OF VOTER REGISTRATION & ELECTION ADMINISTRATION

General Registrar of Voters

E-mail: fcvotes@co.frederick.va.us

Rick Miller  
540/665-5660  
Fax 540/665-8976

MEMORANDUM

To: Sharon Kilber, Assistant Finance Director  
"For Information Only" to Frederick County Finance Committee

From: Rick Miller, Voter Registrar *RM*

Subject: Reimbursement received from Department of Elections for Democratic Party  
and Republican Party Presidential Primaries held on March 1, 2016

Date: Friday, July 8, 2016

The Voter Registrar wishes to report the total and final expenses occurred by Frederick County for the Democratic Party and Republican Party Presidential Primaries held on Tuesday, March 1, 2016 and on the Department of Elections reimbursement to Frederick County for these Primaries.

Our supplemental budget request approved by the Frederick County Finance Committee and the Frederick County Board of Supervisors was \$ 38,613.59. **I am happy to convey that the actual amount spent for this Primary was \$ 37,846.99. Included in these total costs was the additional emergency polling place relocation expense of \$ 1,194.33 to relocate the Russells Precinct polling place from the Round Hill Fire Event Center (again, as the building was still not completed – this also had to be done for the November 2015 Elections) to the old Round Hill Fire Hall Social Room. For the Primaries the County still saved a total of \$ 766.60.**

These expenses were communicated to the State Board of Elections in April by email survey as requested by the Department of Elections, with the hope that our locality would receive a 100 % reimbursement for our expenses. The Department of Elections emailed all localities in June 2016, that due the much larger than expected costs submitted by all 133 localities in the Commonwealth (76% above the 2012 expenses submitted), that the amount of each locality's reimbursement would be approximately 61 % of the total submitted. On June 30, 2016, Frederick County received \$ 23,454.00 – 62 % of our actual expenses for these Primaries from the Commonwealth.

If any member of the Finance Committee has any questions, please have them contact me.





**Government Finance Officers Association**  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

June 8, 2016

Cheryl B. Shiffler  
Finance Director  
County of Frederick  
107 N. Kent Street  
Winchester, VA 22601

Dear Ms. Shiffler:

A panel of independent reviewers has completed its examination of your Popular Annual Financial Report (PAFR). We are pleased to notify you that your PAFR for the fiscal year ended June 30, 2015, has substantially met the requirements of the PAFR Program. In the absence of authoritative standards governing the presentation, these requirements are based on an evaluation of information presented, reader appeal, understandability, distribution, and other elements (such as whether the PAFR is a notable achievement for the government given the government's type and size, and the PAFR's creativity and usefulness). The report received a weighted average score of 75.00 percent or above from three of the four highest individual reviews.

Each entity submitting a report to the PAFR Program is provided with confidential comments and suggestions for possible improvements in the subsequent year's presentation. Your comments and suggestions, as well as the summary of grading sheet, are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next PAFR.

Continuing participants will find a certificate and brass medallion enclosed with these results. The brass medallion may be mounted on your ten-year plaque. First-time recipients will find a certificate enclosed with these results to be followed by a plaque in approximately six weeks. The award certificate commemorates your achievement and may be used for formal presentations.

A current holder of a PAFR award may include a reproduction of the award in its immediately subsequent PAFR. A camera ready copy of your award is enclosed for that purpose. If you reproduce your award in your next report, please refer to the enclosed instructions.

Cheryl B. Shiffler

June 8, 2016

Page 2

The PAFR award is valid for one year. To continue your participation in the program, it will be necessary for you to submit your next PAFR to the Government Finance Officers Association within 6 months of the end of your entity's fiscal year. Enclosed is an application form to facilitate a timely submission. If submitting electronically, the completed application can be scanned and emailed along with a link to the electronic version of the PAFR. If hard copies are submitted, four copies of the completed application should be enclosed with four copies of the PAFR. The appropriate fee may be paid by credit card or check.

We appreciate your participation in this program, and we sincerely hope that your example will encourage others in their efforts to achieve and maintain a well presented PAFR. If we can be of further assistance, please contact Jim Phillips in the Technical Services Center.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Gauthier". The signature is written in black ink and is positioned to the left of the typed name.

Stephen J. Gauthier, Director  
Technical Services Center



Government Finance Officers Association  
 203 N. LaSalle Street - Suite 2700  
 Chicago, IL 60601  
 Phone (312) 977-9700 Fax (312) 977-4806

May 17, 2016

Brenda Garton  
 County Administrator  
 County of Frederick  
 107 North Kent Street  
 Winchester VA 22601

*File*  
*cc. Cheryl Brenda Kayen*  
**RECEIVED**  
 Frederick County  
 Administration Office  
 BY *31*  
 123456789010111213141516171819202122232425262728293031  
*Congrats Cheryl!*  
*How do we normally handle this?*  
*Kayen, can you do a press release please?*  
*B*

Dear Ms. Garton:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2015** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management

An award for the Certificate of Achievement has been mailed to:

**Cheryl B. Shiffler**  
**Finance Director**

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, [www.gfoa.org](http://www.gfoa.org).

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,  
 Government Finance Officers Association

*Stephen J. Gauthier*

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



Government Finance Officers Association  
203 N. LaSalle Street - Suite 2700  
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

05/17/2016

NEWS RELEASE

For Information contact:  
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **County of Frederick** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

**Finance Department, County of Frederick**

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

**N**



**CONDITIONAL USE PERMIT #03-16  
Cellco Partnership d/b/a Verizon Wireless  
Staff Report for the Board of Supervisors**

**Prepared: July 14, 2016**

Staff Contact: Mark Cheran, Zoning Administrator

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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 request. It may also be useful to others interested in this zoning matter.*

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	06/15/16	Public Hearing Held: Recommended Approval
Board of Supervisors:	07/27/16	Pending

**EXECUTIVE SUMMARY AND PLANNING COMMISSION RECOMMENDATION  
FOR THE 07/27/16 MEETING:**

This is a request for a Conditional Use Permit to enable the construction of a 150-foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound and setback waiver. Should the Board of Supervisors find the use to be appropriate, Staff would suggest the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

The Planning Commission recommended approval of the Conditional Use Permit #03-16. In addition a motion was made, seconded, and passed by majority to recommend approval of the setback waiver for Verizon Wireless.

Should the Board of Supervisors find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 65' to allow the tower to be 100' from the identified property would be appropriate.

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

**LOCATION:** This property is located at 143 Greenwood Road

**MAGISTERIAL DISTRICT:** Redbud

**PROPERTY ID NUMBER:** 55-A-79

**PROPERTY ZONING & PRESENT USE:** Zoned: RA (Rural Areas)  
Land Use: Church

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North: B2 (General Business)	Use: Motorcycle Dealer
South: RP (Residential Performance)	Use: Residential
East: RP (Residential Performance)	Use: Residential
West: RP (Residential Performance)	Use: Residential

**PROPOSED USE:** This is a request for a Conditional Use Permit to enable the construction of a 150-foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound.

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** The application for a site plan for this property appears to have little measurable impact on Route 656, the VDOT facility which would provide access to the property. Present entrance is adequate for the proposed improvements. Should business ever expand in the future, entrance may need to be upgraded.

**Frederick County Inspections:** Structure shall comply with The Virginia Uniform Statewide Building Code and Section 312, use group U (Utility and Miscellaneous) of The International Building Code 2012.

Per the Section 102.3 of the Virginia Uniform Statewide Building Code, 2012 edition.

Section 102.3 VUSBC exempts equipment, related wiring, and poles and tower supporting the related wiring installed by a provider of publicly regulated utility service. The exemption shall apply only if under applicable federal and state law the ownership and control of the equipment and wiring is by the service provider or its affiliates. Such exempt equipment and wiring shall be located on either public right-of-way or private property for which the service provider has rights of occupancy and entry; however, the structures, including their service equipment, housing or supporting such exempt equipment and wiring shall be subject to the USBC. The installation of equipment and wiring exempted by this section shall not create an unsafe condition prohibited by the USBC.

Prefabricated shelters/canopy exceeding 150 sq. ft. requires a building permit. Plans submitted shall be sealed by a Virginia Registered Design Professional.

Please note the requirements in Chapter 17 of the IBC for special inspections for this type of structure (soil, concrete, bolts, etc.).

Soil investigations/testing is required due to the potential sink holes located on site prior to placement of concrete slab.

**Winchester-Frederick County Health Department:** The Frederick County Health Department has no objection to this project since no existing well or onsite sewage disposal system sites will be affected by the construction.

**Frederick County Sanitation Authority:** The request would not require service from FCSA. FCSA offers no additional comments.

**Frederick County Fire Marshall:** Plans approved.

**City of Winchester:** No comments.

**Winchester Regional Airport:** *Please see attached letter from Serena Manuel, Executive Director dated March 2, 2016.*

**Frederick County HRAB Comments:** *Please see attached letter from Candice Perkins, Assistant Director dated May 24, 2016.*

**Planning and Zoning:** The 2030 Comprehensive Policy Plan of Frederick County (“Comprehensive Plan”) provides guidance when considering any land use action. This proposed 150-foot monopole-type commercial telecommunication facility is located on a 22.6 +/- acre property that is zoned RA (Rural Areas). The property is located within the UDA and SWSA as identified within the Comprehensive Plan, and is located within the Senseny Road/ Eastern Frederick Area Plan. These plans identify this area to remain residential in character. This



proposed site is located within the vicinity of the Third Battle Field of Winchester area.

The Frederick County Zoning Ordinance allows for commercial telecommunication facilities in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP). The properties immediately adjacent to this proposed Conditional Use Permit (CUP) are currently zoned RP (Residential Performance) Zoning District. The zoning ordinance requires that all proposed telecommunication facilities be subject to additional performance standards in order to promote orderly economic development and mitigate the negative impacts to adjoining properties, residential properties, land use patterns, scenic areas and properties of significant historic value. The Frederick County Historic Resources Advisory Board (HRAB) has reviewed this proposed use in relationship to its location within the Third Battle Field of Winchester area. (See HRAB comments.)

Furthermore, the Frederick County Zoning Ordinance requires an Applicant to provide confirmation that an attempt was made to collocate on an existing telecommunication facility, and possible collocation structures. The Applicant has provided an inventory of existing telecommunication facilities, and no other telecommunication facility or possible collocation opportunity structures exist in this area. Should this facility be approved this commercial telecommunication facility will be positioned to provide the existing and future land uses in this area of the County with telecommunication needs.

**Waiver:**

This proposed telecommunication tower is required to be setback from the property line 165 ft. (tower is 150 ft. in height the RA Zoning District height maximum is 35',  $150' - 35' = 115'$ ) The normal setback (50') per RA Zoning District plus one foot for every foot over the maximum height of the district (35') this telecommunication 115' higher than is allowed in the district ( $50' + 115' = 165'$ ). The site plan notes this tower at 100' from the property line and the setbacks cannot be met.

The Applicant is requesting a waiver to reduce the required setback as set forth in Section 165-204.19 of the zoning ordinance. The Applicant has provided documentation from a certified Virginia engineer with verification that the tower is designed and will be constructed in a manner that, should the tower collapse for any reason, the collapsed tower will be contained in an area around the tower, with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. Should this waiver be granted, the result will be a 65 foot setback reduction. ( $165' - 100' = 65'$ ).

**STAFF CONCLUSIONS FOR THE 06/15/16 PLANNING COMMISSION MEETING:**

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

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

In addition, should the Planning Commission find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 65' to allow the tower to be 100' from the identified property would be appropriate.

**PLANNING COMMISSION SUMMARY AND ACTION OF THE 06/15/16 MEETING:**

Staff reported this is a request to enable construction of a 150' monopole telecommunications facility with a 50' x 50' equipment compound and setback waiver. Staff continued the property is currently zoned RA (Rural Areas) District and the surrounding properties are RP (Residential Performance) District with the exception of the property to the north which is B2 (General Business) District. Staff noted the property that is zoned B2 is the former location of Shenandoah Honda.

Staff reported the Frederick County Zoning Ordinance allows for commercial telecommunications facilities in the RA (Rural Areas) Zoning District with an approved CUP (Conditional Use Permit) and this proposed 150' monopole type commercial telecommunication facility is located on a 22.6 +/- acre parcel that is zoned RA. Staff continued the property is located within the UDA and SWSA as identified within the Comprehensive Plan and is located within the Senseny Road/Eastern Frederick Area Plan. Staff noted these plans identify this area is to remain residential in character and this proposed site is located within the vicinity of the Third Battlefield of Winchester area.

Staff concluded the Applicant is requesting a waiver to reduce the required setback as set forth in Section 165-204.19 of the Frederick County Zoning Ordinance. Staff noted should this waiver be granted, the result would be a 65' setback reduction. Staff presented the conditions of this CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

Mr. Ed Donahue representing the Applicant, reported this application is a critical need for Verizon Wireless and it is a co-location site in which Shentel has expressed interest to locate on the property.

A Commission Member inquired if the tower signals would interfere with typical household electronics. Mr. Donahue explained the tower cannot interfere due to FCC licensing and strict regulations.

A Commission Member asked if Frederick County Public Schools have been contacted about locating the tower on their property. Mr. Donahue explained the school system was contacted in 2013 and showed little interest; in 2014 the Applicant was notified that Frederick County Public Schools was not interested in placing the tower on any of their properties.

Anneke Tavenner of 103 Battlefield Drive came forward and explained she will be able to view the tower from her home and is concerned it will decrease the value of her property. She noted she would like clarification on the setback waiver. James Tavenner of 103 Battlefield Drive also requested clarification on the setback waiver and would like to have the location pinpointed.

Mr. Kabat Gowdy on behalf of the Applicant explained the setback requirement. He reported the normal height restriction is 35' and anything above that requires a one to one setback; this pole being 150' would require an additional 115' beyond the 35'. He continued this tower is intended to be setback 100' therefore that is where the 65' comes from. He concluded the Applicant is requesting a reduction of 65' from what is normally required by the ordinance.

Staff noted a picture of the site plan is in the agenda package and can be shared with the adjoining property owners to clarify the location of the tower.

A Commission Member inquired what the diameter of the monopole is. Mr. Gowdy explained a monopole of this height is generally 7' to 8' in diameter at the base for a tapered pole. He noted the top of the pole could be 30-36 inches.

A Commission Member noted the design of the pole must fall within the setback and is the Applicant confident of this. Mr. Gowdy explained these types of poles are pre-engineered to collapse within itself and he feels confident the setback will be met.

A Commission Member asked if during the placement process the Applicant is using the topography to determine the location. Mr. Gowdy stated no; the section of this property where it is being placed is high and they would need a taller tower if it were put at a lower point. The Commission Member inquired what is the general area intended to be accommodated by the tower. Mr. Gowdy noted it is the area between Route 7 and I-81 that is experiencing problems.

A Commission Member expressed his frustration with the school system not accepting the tower on one of their sites. Another Commission Member feels it is a missed opportunity for the schools and understands the application needs to move forward.

The Planning Commission recommended approval of the Conditional Use Permit #03-16. In addition, a motion was made, seconded, and passed by majority to recommend approval of the setback waiver for Verizon Wireless.

Absent: Dunlap, Triplett, Kenney

**CONCLUSION FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

Should the Board of Supervisors find the use to be appropriate, Staff would suggest the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.

6. Any expansion or modification of this use will require a new Conditional Use Permit.

The Planning Commission recommended approval of the Conditional Use Permit #03-16. In addition, a motion was made, seconded, and passed by majority to recommend approval of the setback waiver for Verizon Wireless.

Should the Board of Supervisors find the waiver to the required setback is acceptable; a motion to recommend approval of setback reduction of 65' to allow the tower to be 100' from the identified property would be appropriate.

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



6600 Rockledge Drive, Suite 550 • Bethesda, MD 20817 • Tel: 202.408.0960 • Fax: 202.408.0961

June 15, 2016

Mr. Mark Cheran  
County of Frederick  
Department of Planning and Development  
107 N. Kent Street  
Winchester, VA 22601

**Re: CUP Application  
Verizon Wireless – Shenandoah Hills  
143 Greenwood Road  
Winchester, VA  
Entrex Job 1102.272**

Dear Mr. Cheran:

The setback required for the above referenced Verizon Wireless tower is 50' plus one foot for every foot of height over the maximum for the district (35') - which equates to 165'. The tower is proposed to be setback only 100' from the property line, so we are requesting a waiver of 65'.

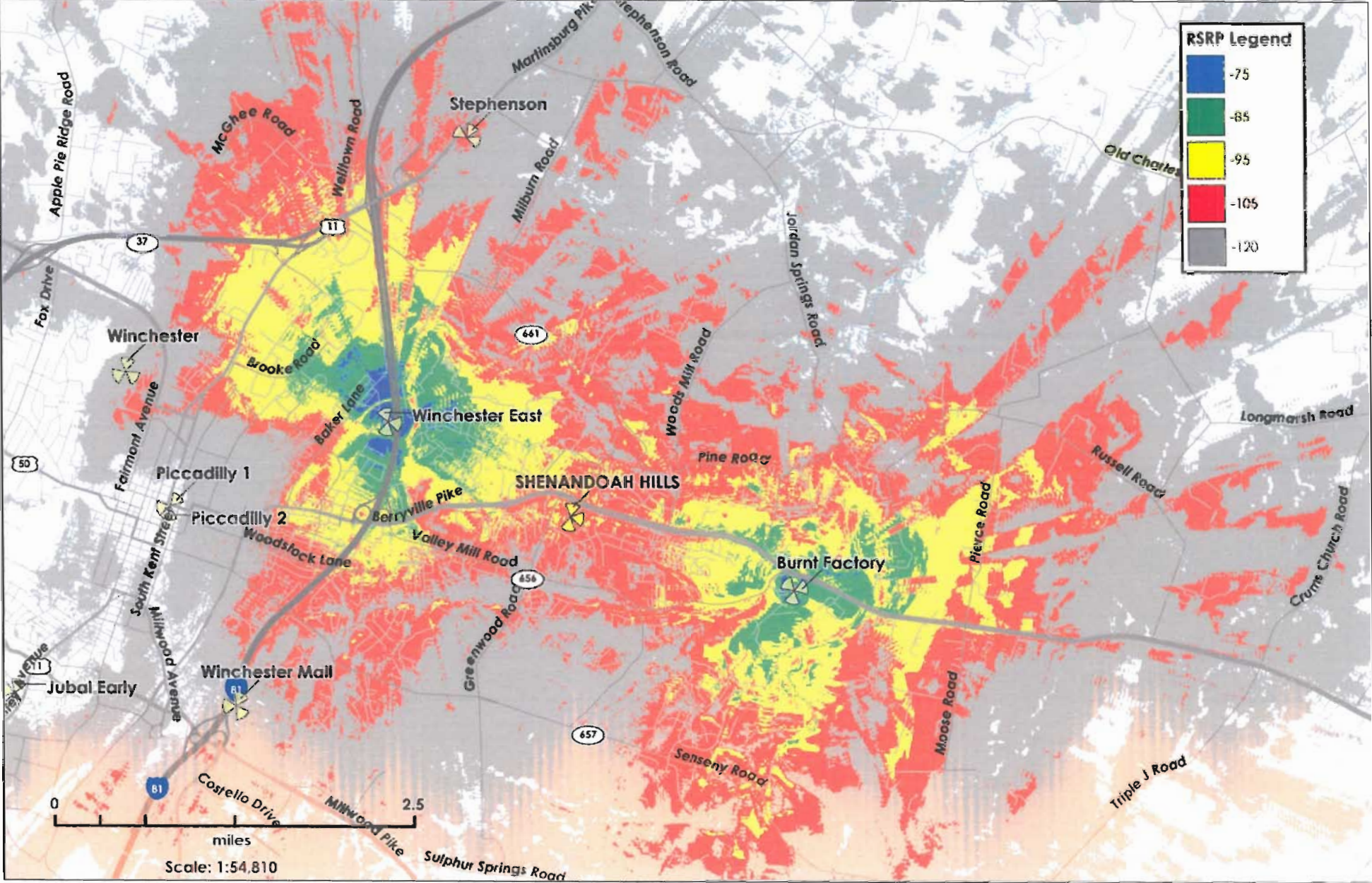
The tower will be designed such that, should the tower collapse, it would fall on itself and the resulting fall zone would still be within the setback (i.e. 50' fall radius).

Please contact me if you have any questions.

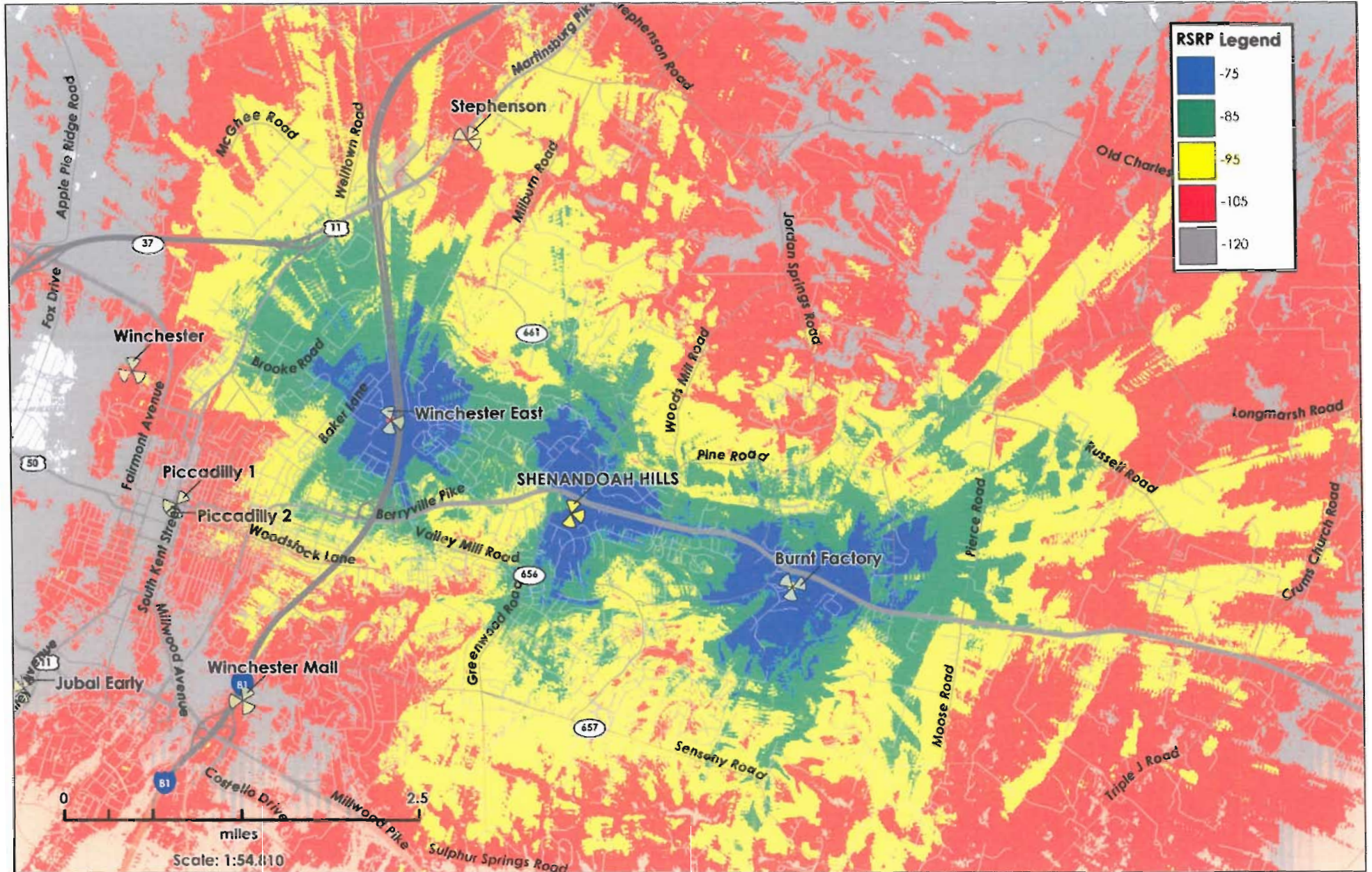
Sincerely,  
J. Cabot Goudy, PE



# SHENANDOAH HILLS - AWS - RSRP (NBRS ONLY)



# SHENANDOAH HILLS - 700MHZ - RSRP (ALL SITES)







## WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD  
WINCHESTER, VIRGINIA 22602  
(540) 662-5786

March 2, 2016

Heather Rubinstein of SCE  
For Celco Partnership d/b/a Verizon Wireless  
9305 Gerwig Lane, Suite M  
Columbia, Maryland 21048

Re: Conditional Use Permit and Site Plan Comment  
150' AGL Monopole – 154' AGL with Equipment  
Grace Brethren Church  
143 Greenwood Road, Winchester, VA  
Red Bud Magisterial District

Dear Ms. Rubinstein:

On behalf of the Winchester Regional Airport Authority I offer the following comments on the above referenced application for a conditional use permit for construction of a 150' monopole. Based on the specifications included with the application the structure will have a max height of 154' to accommodate wireless equipment.

1. In accordance with the Code of Virginia, Section 15.2-2294 and Federal Title 14 of the Code of Federal Regulations CFR Part 77, we are requesting applicant to file Form 7460-1 with the Federal Aviation Administration for an airspace study analysis. Upon completion of the aeronautical study by the FAA, a copy must be forwarded to this office for record. The form and directions can be found online at the FAA's website: <https://oasaa.faa.gov/oasaa/external/portal.jsp>. Crane/construction equipment exceeding the maximum height provided by the applicant will require separate filing with the FAA for review and comment prior to start of construction.
2. Any requirements specified by the FAA, in the final determination would be required to for Federal Regulations compliance.
3. For continued safe and efficient operations of all aircraft and helicopters transitioning through the airspace of the Winchester Regional Airport, the Authority requests all towers be lighted and/or marked in accordance with FAA Advisory Circular 70/7460-1K, Change 2 as a condition of approval by Frederick County even if not required by the FAA.

Provided these conditions are met, the Winchester Regional Airport Authority has no objections to the Conditional Use Permit Application.

Should you have any questions or need additional information, please contact this office (540) 662-5786.

Sincerely,

S. R. Mariuel  
Executive Director

En: Chad Carper, FAAWADCO  
Scott Denny, VDOA  
John Longnaker, Delta Airport Consultants



May 24, 2016

Ms. Heather Rubinstein  
SCE, LLC  
9305 Gerwig Lane, Suite M  
Columbia, MD 21046

**RE: Request for Historic Resources Advisory Board (HRAB) Comments  
Verizon Wireless – Conditional Use Permit Application  
Property Identification Number (PIN): 55-A-79  
Current Zoning District: RA (Rural Area)**

Dear Ms. Rubinstein:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced Conditional Use Permit Application during their meeting on May 17, 2016. The HRAB reviewed information associated with Study of Civil War Sites in the Shenandoah Valley and information provided by Verizon (HRAB & CUP Application, Photographs of the site/ Photo simulations of the facility, coverage plots). The proposal seeks to construct a 155-foot monopole commercial telecommunications tower with accessory equipment building on a property located at 143 Greenwood Road in the Red Bud Magisterial District.

**Historic Resources Advisory Board Comments:**

The Study of Civil War Sites in the Shenandoah Valley published by the National Park Service identifies this property as core battlefield area for the Battle of Third Winchester (Opequon) with lost integrity.

The Rural Landmarks Survey Report for Frederick County Virginia identifies one mapped property and two mapped battlefield boundaries within the immediate area of the subject site:

- Wood-Sibell House (#34-1065) – potentially significant
- Second/Third Battle of Winchester Site (#34-0456 and #34-5023) – eligible for the National Register

After reviewing this information and the applicant's materials, the Historic Resources Advisory Board (HRAB) recommended the conditional use permit be sent forward to the Planning Commission and Board of Supervisors for review with no comments. The HRAB felt that this area had already been heavily impacted by development and therefore had no recommendations.

Ms. Heather Rubinstein, SCE, LLC  
Re: Verizon Wireless – Conditional Use Permit Application  
May 24, 2016  
Page 2

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

Sincerely,



Candice Perkins, AICP, CZA  
Assistant Director

CEP/pd

cc: Lauren Murphy, HRAB Chair  
✓ Mark Cheran, Zoning Administrator

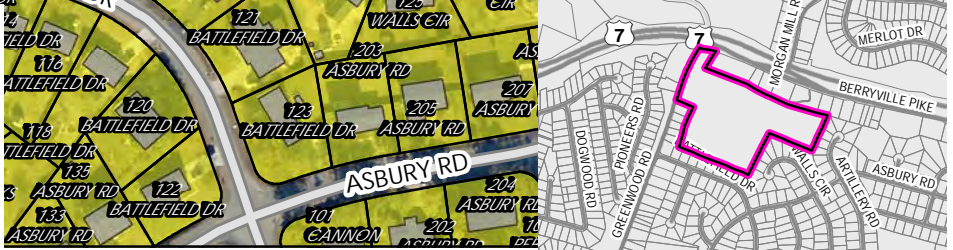
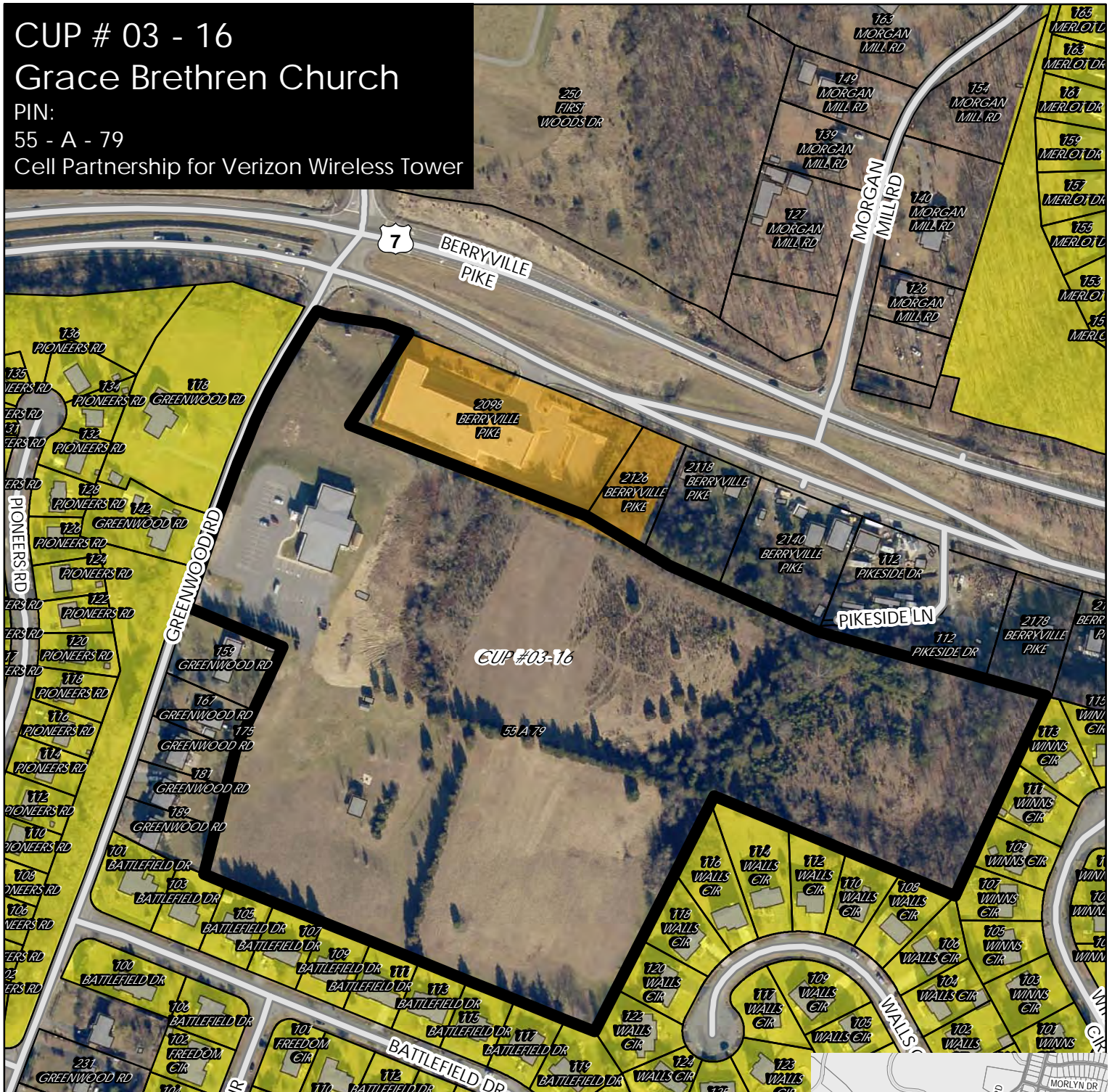
# CUP # 03 - 16

## Grace Brethren Church

PIN:

55 - A - 79

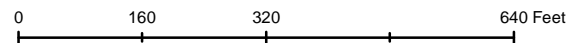
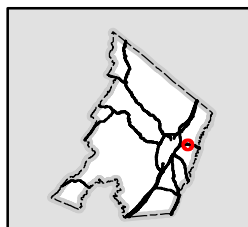
Cell Partnership for Verizon Wireless Tower



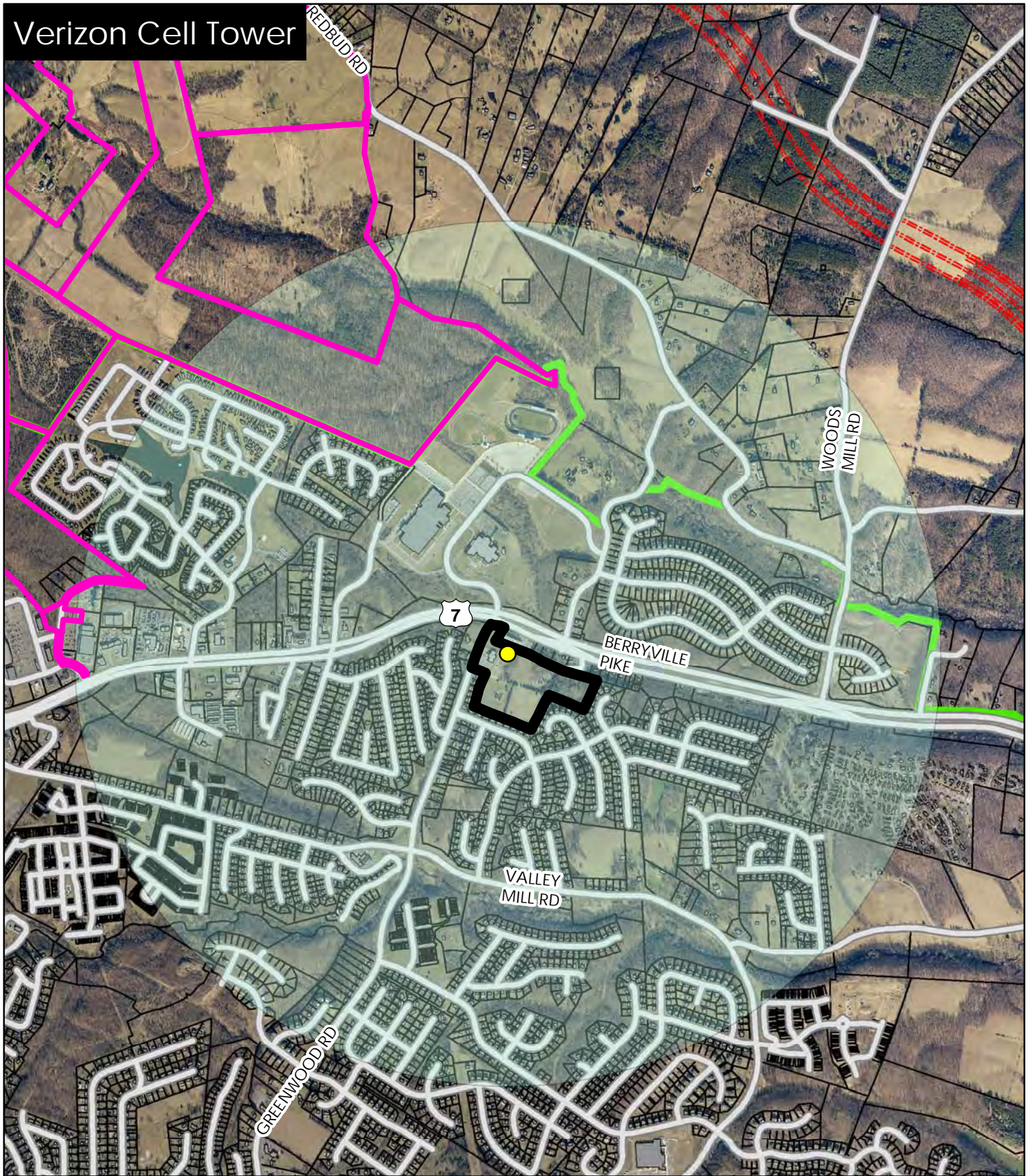
### CUP # 03 - 16 Grace Brethren Church







PIN:  
55 - A - 79  
Cell Partnership for Verizon Wireless Tower

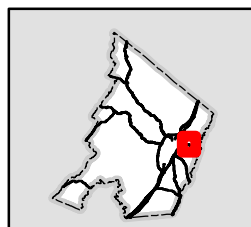
Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: March 14, 2016  
Staff: mcheran



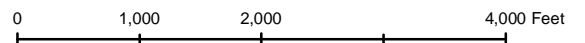
# Verizon Cell Tower



-  Cell Tower
-  Applications
-  Battlefield Foundation Parcels
-  1 Mile Radius
-  Parcels
-  Building Footprints



Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: May 5, 2016





Submittal Deadline	5/2/16
P/C Meeting	6/15/16
BOS Meeting	7/29/16

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

1. Applicant (check one): Property Owner  Other

NAME: Heather Rubinstein of SCE for Cellco Partnership d/b/a Verizon Wireless

ADDRESS: c/o SCE, 905 Gerwig Lane, Suite M, Columbia MD 21046

TELEPHONE: (443) 546 - 0014

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

Cellco Partnership d/b/a Verizon Wireless, Lessee

Grace Brethren Church, Property Owner and Lessor

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

143 Greenwood Road, Winchester VA 22062

4. The property has a road frontage of 900' feet and a depth of 200' feet and consists of 22.60 acres. (Please be exact)

5. The property is owned by Grace Brethren Church as evidenced by deed from Lonzora L. Barham and Helen Barham (previous owner) recorded in deed book no. 749 on page 801, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 55 A 79  
Magisterial District Red Bud  
Current Zoning RA

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	Residential	RA, RP
East	Residential, Commercial	B2, RA
South	Residential	RA
West	Residential	RA

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

A 150' unmanned wireless telecommunications facility. Verizon to occupy an array at the 140' Rad Cent of the proposed monopole. Said monopole has been designed to accommodate at least 2 additional carriers and ground accommodations. Applicant's related equipment to be installed on proposed concrete pad at grade. The proposed described equipment will be enclosed by a chain link fence and landscaping.

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

Not applicable.

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)  
These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name See Attachment	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

Pin55A81  
TABB REALTY LLC  
21625 ASHGROVE CT  
WINCHESTER VA 20166

PIN55A82  
RONALD EDWARD DEHAVEN  
2142BERRYVILLE PIKE  
WINCHESTER, VA 222603

PIN55A83  
RONALD EDWARD DEHAVEN  
2142 BERRYVILLE PIKE  
WINCHESTER VA 22602

PIN 55 A91  
RONALD EDWARD DEHAVEN  
2140 BERRYVILLE PIKE  
WINCHESTER VA 22603

PIN 55A92  
RONALD EDWARD DEHAVEN  
2142 BERRYVILLE PIKE  
WINCHESTER VA 22603

PIN 55 A93  
RONALD EDWARD DEHAVEN  
2142 BERRYVILLE PIKE  
WINCHESTER VA 22603

~~PIN552143~~ 55F-21-43  
CHRISTOPHER K & CAROL f MABEN  
113 WINNNS CIR  
WINCHESTER VA 22602

PIN55F 2 1 42  
RICHARD & DONNA SHROUT  
111 WINNS CIR  
WINCHESTER VA 22602

PIN55F 21 41  
MICHELLE SNEYDER CAREY  
WINCHESTER, VA 22602

PIN55F 2 1 40  
FRANCISCO & COLLEEN GUERRERO  
107 WINNS CIR  
WINCHESTER VA 22602

PIN55F 2 1 33  
JORGE & ELIZABETH GOMEZ  
106 WALLS CIR  
WINCHESTER VA 22602

PIN 55F 2 1 32  
CRAIG & MANDI SMITH  
108 WALLS CIR  
WINCHESTER VA 22602

55F-21-31  
RANDY S GROOSE  
110 WALLS CIR  
WINCHESTER VA 22602

PIN 55F 2 1 30  
KAREN T WEINSTEIN  
112 WALLS CIR  
WINCHESTER, VA 22602

PPIN 55F 2 19  
MICHAEL A HOFFMAN  
114 WALLS CIR  
WINCHESTER VA 22602

PIN 55F 2 1 28  
LAURIE BOYCE & CLARENCESMITH III  
116 WALLS CIR  
WINCHSTER VA 22602

PIN 55F 2 1 27  
CARLTON & JAN RICKETTS  
118 WALLS CIR  
WINCHESTER VA 22602

PIN 55 F 2 1 26  
JOHN A & CHARYN L KOWALSKI  
120 WALLS CIR  
WINCHESTER VA 22602

PIN 55F 2 1 25  
SCOTT & HEATHER MARIE MONTGOMERY  
122 WALLS CIR  
WINCHESTER VA 22062

PIN 55F 2 1 10  
STEPHEN & MEREDITH BAKER  
119 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 2 19  
VINCENT S NACIN  
117 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 21 B  
ERIC & DAWN STROHSNYDER  
115 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 2 17  
DORIS E JOHNSON TRUSTEE  
113 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 216  
ESTHER W RAUCH  
111 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 2 1 5  
JOHN & EITHNE NEVIN  
109 BATTLEFIELD DR  
WINCHESTER VA 22062

PIN55F 2 1 4  
ALISON T DOW  
107 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55F 2 1 3  
ROBERT D & EMORA J GOLIGHTLY  
105 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN55F 2 1 2  
ANNEKE & JAMES TAVENNER  
103 BATTLEFIELD DR  
WINCHESTER VA 22602

PIN 55B 4 5  
ROBERT T HARRIS  
189 GREENWOOD RD  
WINCHESTER VA 22602

PIN55B4 4  
LUIS & COVARRUBIAS ARELLANOE, GRICELDA  
181 GREENWOOD RD  
WINCHESTER VA 22602



PIN55B43  
ILUK U LONG & PHYLLIS WASHINGTON  
175 GREENWOOD RD  
WINCHESTER VA 22606

PIN 55B 4 2A  
JAMES C & JEAN E SNEDEKER  
291 FORTREE DR  
WINCHESTER VA 22603

PIN 55B 4 1A  
HELEN A BARHAM  
159 GREENWOOD RD  
WINCHESTER VA 22601

PIN55F 1 3 203B  
SHENENDOAH HILLS HOA  
107 N KENT ST  
WINCHESTER VA 22601

| PIN55 A 78A  
| THOMAS C HILLYARD  
142 GREENWOOD RD  
WINCHESTER VA 22602

PIN55A78  
MARK & MELINDA HILLYARD  
118 GREENWOOD RD  
WINCHESTER VA 22602


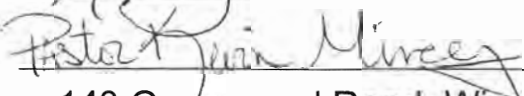
PIN 55 A 79 SUBJECT PARCEL  
GRACE BREHTRN CHURCH  
143 GREENWOOD RD  
WINCHESTER VA 22062

12. Additional comments, if any: \_\_\_\_\_

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

---

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant   
Signature of Owner   
Owners' Mailing Address 143 Greenwood Road, Winchester, VA 22062  
Owners' Telephone No. 540- 662-6360

<p><b><u>TO BE COMPLETED BY THE ZONING ADMINISTRATOR:</u></b></p> <p><b>USE CODE:</b> _____</p> <p><b>RENEWAL DATE:</b> _____</p>
---

AFFIDAVIT

Verizon Wireless Commercial Telecommunications Facility

CUP Application for 143 Greenwood Road

The undersigned, the Owner of the Property at 143 Greenwood Road and Verizon Wireless, the Owner of the Commercial Telecommunications Facility proposed to be built at 143 Greenwood Road, are aware of the requirement of Frederick County Virginia, per Section 165-204.19(B)7 of the Frederick County Virginia Ordinance, that any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower shall remove same within 90 days of receipt of notice from the Frederick County Department of Planning and Development. Removal includes removal of the tower, all tower and fence footers, underground cables and support building. The provision shall not become effective until all users cease using the tower. If the tower is not removed within the 90-day period, the County will remove the facility and a lien may be placed to recover expenses.

The undersigned have reviewed these requirements and acknowledge that they will be held responsible for removal of the commercial telecommunications facility.

Grace Brethren Church, Owner of the Property & Lessor  
143 Greenwood Road, Winchester, VA 22062

Verizon Wireless, Lessee of the Property and Owner of the  
Commercial Telecommunications Facility  
7600 Montpelier Road, Laurel, MD 20723

Printed Name & Date Pastor Kevin Hincey 1/19/16  
Signature Pastor Kevin Hincey

Printed Name & Date \_\_\_\_\_  
Signature \_\_\_\_\_

As Witnessed Before Me This Day  
Notary Seal and Signature

As Witnessed Before Me This Day  
Notary Seal and Signature

Susana Michael 1-19-16  
SUSANA MICHAEL  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES AUG. 31, 2016  
COMMISSION # 7517401

**Frederick County, Virginia**  
**Conditional Use Permit Application for Verizon Wireless**  
**Statement of Justification**

**Applicant:** Cellco Partnership d/b/a Verizon Wireless  
**Name of Project:** Shenandoah Hills  
**Property Address:** 143 Greenwood Road, Winchester, Virginia 22602  
**Magisterial District:** Red Bud  
**Parcel ID No:** 55 A 79  
**Zoning Classification:** RA  
**Property Owner:** Grace Brethren Church

### **Background**

The Applicant, Cellco Partnership d/b/a Verizon Wireless, seeks a Conditional Use Permit under §§165-103.01 through 165-103.08 of the Frederick County Zoning Ordinance (the "Zoning Ordinance"), for a non-manned wireless telecommunications facility (the "Facility"). The Facility will consist of a new 150' tall monopole and 50' X 50' equipment compound at its base. The facility will be located on the above referenced premises (the "Property"). Applicant plans to utilize the 140' RAD center for placement of (12) panel antennas. Pursuant to the Zoning Ordinance the Applicant has designed the Facility to accommodate at least two (2) additional carriers. The design is such that there is a RAD center for colocation above and one below the Applicants location each with its own 12' x 20' ground space . The associated equipment canopy will cover Verizon Wireless' equipment cabinets and generator on concrete slabs. The entire compound will be surrounded by an 8' high chain link fences and landscaping. Access to the facility will be from a 12' wide gravel access drivee from the Church parking lot.

The Facility will have no impact on air quality, water quality, radiation exposure, light pollution, noise pollution, or traffic congestion or circulation. The antennas emit no noise, light or odors. The Facility will routinely be maintained with four or fewer visits from personnel a year. There will be limited access to the Facility with parking for no more than one standard sized vehicle.

The Property consists of approximately 22.60 acres and is zoned RA, Rural Area District. Adjoining properties are zoning RA, RP and B2.

The Property is owned by Grace Brethren Church and is currently improved with a Church building, parking lot, sheds and gazebo. The monopole and associated compound will be sited on the northern edge of the Property and will be screened by existing vegetation on all sides.

### **Requirement and Site Evolution**

The Facility will be part of Verizon Wireless' telecommunications network as illustrated on the engineering plans and propagation maps included in this application. The Applicant's objective is to provide capacity for Verizon Wireless services east of Interstate 81, along Berryville Pike in the vicinity of Morgan mill Road and SR 656. The proposed will not only fill service gaps but will enhance 4G-LTE

data service to all residences in the surrounding area. Currently due to the high demand of high-speed data the existing surrounding cell sites do not support the capacity needs for the area. This site will offload these existing sites and enhance data speeds. There are no existing structures within the search area to support Verizon Wireless' antennas.

### Zoning Ordinance Analysis

In accordance with the requirements of Section 165-204.19 (1)-(5), the Applicant submits the following:

1. Propagation maps depicting the need for improved service in the target area.
2. The search area map.
3. Verizon Wireless confirms that it looked throughout the search ring to find existing infrastructure on which to co-locate. Only when it was determined that no structures of sufficient height were available did Verizon Wireless develop this proposal.
4. Radio Frequency (RF) Engineer's letter documenting compliance with Federal Communications Commission ("FCC") ANSI/ EEE Standards.
5. Affidavit from Grace Brethren Church and Verizon Wireless regarding removal of the Facility.

Section 165-204.19 of the Zoning Ordinance provides the performance standards for telecommunication uses. The Facility complies with the applicable performance standards as follows:

***(1) The Board of Supervisors may reduce the required setback distance for commercial telecommunications facilities as required by § 165-201.03B(8) of this chapter if it can be demonstrated that the location is of equal or lesser impact. When a reduced setback is requested for a distance less than the height of the tower, a certified Virginia engineer shall provide verification to the Planning Commission that the tower is designed, and will be constructed, in a manner that if the tower collapses for any reason the collapsed tower will be contained in an area around the tower with a radius equal to or lesser than the setback, measured from the center line of the base of the tower. In no case shall the setback distance be reduced to less than 1/2 the distance of the tower height. Commercial telecommunications facilities affixed to existing structures shall be exempt from setback requirements, provided that they are located no closer to the adjoining property line than the existing structure.***

**Applicant's Response:** The Applicant is seeking a waiver of the setback requirement from the northern property line. The monopole will be setback a minimum of 100' from the northern boundary line of the parcel. The Facility's location here maximizes the effectiveness of the existing vegetation on the site to minimize the visual impact of the monopole and compound. As the setback is less than the height of the proposed structure, verification from a certified engineer is provided with the application concerning the monopole's design and construction, as required by the Zoning Ordinance.

***(2) Monopole-type construction shall be required for new commercial telecommunications towers. The Board of Supervisors may allow lattice-type construction for new telecommunications towers when existing or planned residential areas will not be impacted and when the site is not adjacent to identified historical resources.***

**Applicant's Response:** The Facility will be a monopole-type construction.

- (3) Advertising shall be prohibited on commercial telecommunications facilities except for signage providing ownership identification and emergency information. No more than two signs shall be permitted. Such signs shall be limited to 1.5 square feet in area and shall be posted no higher than 10 feet above grade.*

**Applicant's Response:** There shall be no signs or advertising on the Facility.

- (4) When lighting is required on commercial telecommunications facility towers, dual lighting shall be utilized which provides daytime white strobe lighting and nighttime red pulsating lighting unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission. Strobe lighting shall be shielded from ground view to mitigate illumination to neighboring properties. Equipment buildings and other accessory structures operated in conjunction with commercial telecommunications facility towers shall utilize infrared lighting and motion-detector lighting to prevent continuous illumination.*

**Applicant's Response:** The Facility will not be lighted unless required by the FAA or FCC for aircraft warning or other safety reasons.

- (5) Commercial telecommunications facilities shall be constructed with materials of a galvanized finish or painted a noncontrasting blue or gray unless otherwise mandated by the Federal Aviation Administration or the Federal Communications Commission.*

**Applicant's Response:** The Facility will be of a galvanized, gray finish.

- (6) Commercial telecommunications facilities shall be adequately enclosed to prevent access by persons other than employees of the service provider. Appropriate landscaping and opaque screening shall be provided to ensure that equipment buildings and other accessory structures are not visible from adjoining properties, roads or other rights-of-way.*

**Applicant's Response:** All associated equipment at the base of the monopole structure will be within a 50' x 50' compound area surrounded by an 8' tall chain link fence and landscaping so as not to be visible from adjoining properties and road.

- (7) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the Frederick County Department of Planning and Development. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed within the ninety-day period, the County will remove the facility and a lien may be placed to recover expenses.*

**Applicant's response:** If the Facility is not used for a continuous period of 12 months it will be

removed along with all associated equipment and fencing.

### **Compliance with the Frederick County Comprehensive Plan**

While the Frederick County Comprehensive Plan (the “Plan”) does not specifically address telecommunications, the Applicant believes that the Facility is in accord with the design principles of the Urban Area, specifically the mix and integration of variety of uses and connectivity. Many people are replacing their landline phones with wireless phones and they expect their devices to work at home and at their businesses. The Urban Area is designated for more intense, compact development to make efficient use of County resources. It is the area designated for future growth and for possible new urban centers. Verizon Wireless seeks to improve service in this area where there is existing demand and where future growth is anticipated. The Facility has been sited to improve service for the residents and visitors of this portion of Frederick County and to ensure reliable coverage for emergency response personnel and those who depend upon them.

Verizon Wireless is also sensitive to the importance of preserving the natural and historic resources of the County. The Facility has therefore been oriented on a large parcel with ample, existing vegetation to minimize the visual impact of the structure and compound on neighboring parcels. Verizon Wireless is required, as part of the Conditional Use Permit Application process, to provide documentation of review pursuant to the National Environmental Policy Act (“NEPA”), Section 106 of the National Historic Preservation Act and the State Historic Preservation Office (“SHPO”). This documentation will demonstrate that there are no adverse effects on surrounding historic resources.

The Applicant submits that the Facility is in keeping with the core values and principles outlined for this area of Frederick County in the Plan.

### **Conclusion**

We respectfully submit that the conditional use permit should be approved as it is in conformance with the Frederick County Comprehensive Plan and meets the standards in the Frederick County Zoning Ordinance, with the exception of the setback requirement from the northern property line from which we are requesting a waiver, as outlined above.

MONOPOLE SETBACK TABLE	
FRONT YARD WEST	580.2'
REAR YARD EAST	900.1'
SIDE YARD NORTH	100.0'
SIDE YARD SOUTH	758.8'
CLOSEST RESIDENCE	232.3'

LINE TYPES	
BOUNDARY LINE - PARENT PARCEL	---
UNSURVEYED LINE - BOUNDARY OF ADJACERS	---
THE LINE FOR DIMENSIONS	---
EASEMENT BOUNDARY	---
RIGHT OF WAY BOUNDARY	---
EDGE OF ASPHALT	---
EDGE OF GRAVEL	---
RETAINING WALL	---
CURB	---
FENCE LINE - CHAIN	---
OVERHEAD UTILITY LINE	---
TREE OR VEGETATION LINE	---
CENTER LINE OF ACCESS AND UTILITY EASEMENTS	---

VICINITY MAP  
SCALE: 1"=150'-0"



4800 Rockledge Drive, Suite 548  
Richmond, VA 23112  
Phone: (804) 781-1111  
Fax: (804) 781-1111



**verizon**  
SHENANDOAH HILLS  
143 GREENWOOD RD, WINCHESTER, VA 22602

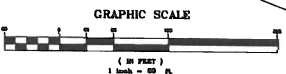
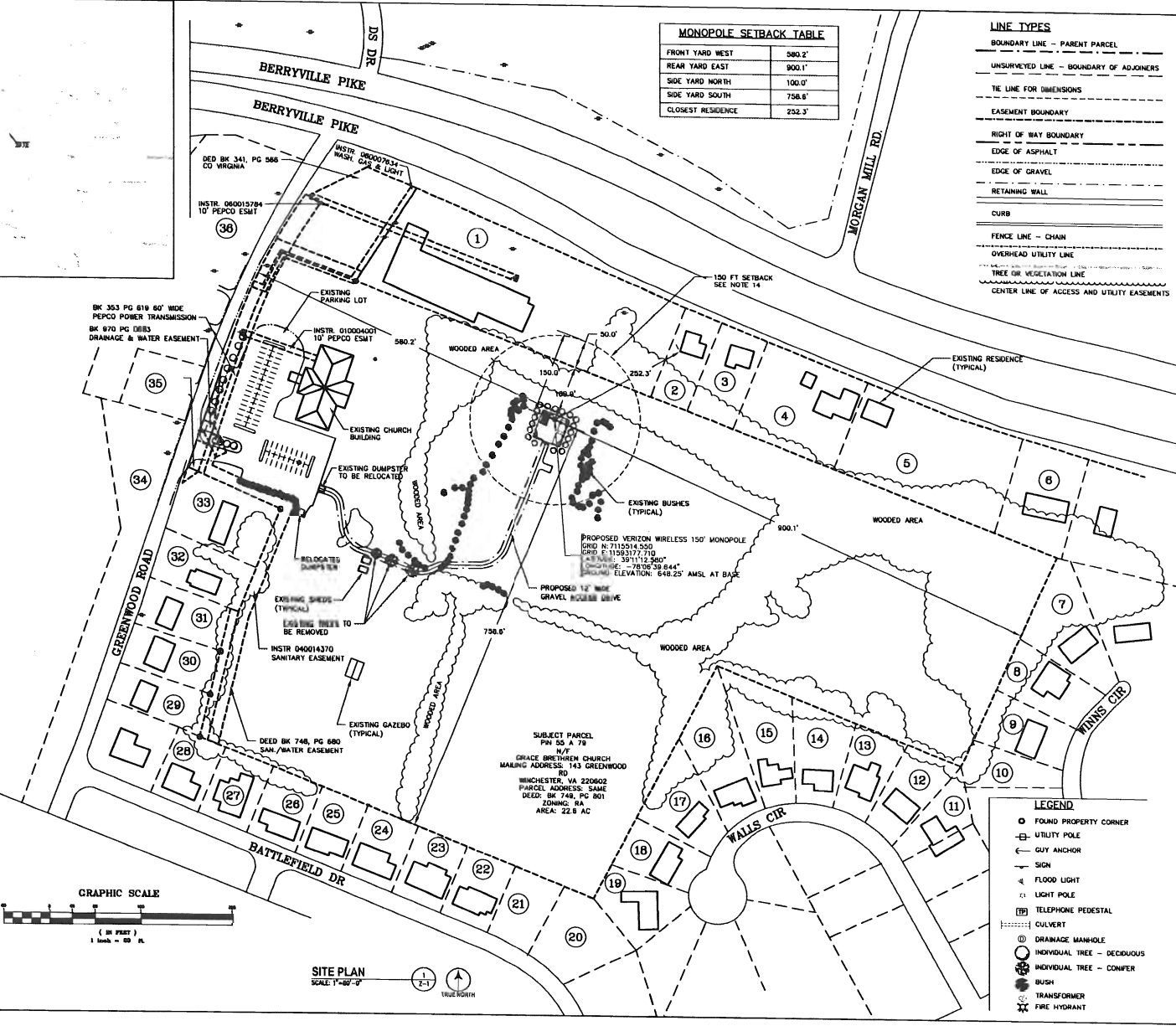
REVISIONS	DESCRIPTION	DATE

LAST REV:  
PROJECT NO: 1102.272  
DATE: 09-17-15  
SCALE: AS NOTED  
TITLE:

SITE PLAN  
SHEET:  
Z-1

**SITE NOTES**

- SEARCH RING & SITE NAME: SHENANDOAH HILLS GRACE BRETHREN CHURCH
- THIS IS NOT A BOUNDARY SURVEY AND IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.
- THE SUBJECT PARCEL INFORMATION:  
OWNER: GRACE BRETHREN CHURCH  
PREMISES ADDRESS: 143 GREENWOOD RD WINCHESTER, VA 22602  
MAILING ADDRESS: 143 GREENWOOD RD WINCHESTER, VA 22602  
COUNTY: FREDERICK COUNTY  
PIN: 55 A 78  
RECORD NUMBER: 13775  
ZONING: RA - USE CHURCH
- THE RECORDED REFERENCES FOR THE SUBJECT PARCEL ARE AS FOLLOWS:  
DEED: LIBER 749, FOLIO 801  
AREA: 22.80 ACRES
- THE DATUM'S ARE NAD 83 AND NAVD 88, AND THE BEARING BASE IS STATE GRID.
- NO UNDERGROUND UTILITIES HAVE BEEN LOCATED, THE PRESENCE OF ANY SUCH UTILITIES MUST BE CONFIRMED BY THE CONTRACTOR BEFORE CONSTRUCTION.
- NO WETLANDS HAVE BEEN DEFINED AND ANY AREAS SHOWN AS MARSH, POND, OR DITCHES ARE 50 FEET FROM VISIBLE SURFACE FEATURES AND IN NO WAY CONSTITUTE A DEFINED WETLAND.
- THE FLOOD ZONE OF THE PROPOSED MONOPOLE IS AS FOLLOWS: FLOOD ZONE A, AREA OF MINOR FLOODING, SOURCE: FEMA FLOOD MAP FOR FREDERICK COUNTY, VA, COMMUNITY PANEL NUMBER 31083C 02400, REVISED, SEPTEMBER 2, 2008.
- A TITLE REPORT WAS FURNISHED FOR THIS SURVEY BY CAMDEN TITLE & SETTLEMENT COMPANY INC ON JUNE 12, 2015.
- THE DATA COLLECTED AND SHOWN ON THIS DRAWING ARE FOR THE PURPOSES OF CONSTRUCTION OF A CELLULAR MONOPOLE ANY NECESSARY AUXILIARY EQUIPMENT AND ALL APPROPRIATE EASEMENTS.
- NO UNRECORDED EASEMENTS ARE SHOWN ON THIS SURVEY AND IT IS POSSIBLE THAT SUCH EASEMENTS IMPACT THE SITE.
- THIS PROPERTY IS SUBJECT TO ALL MATTERS OF PUBLIC RECORD.
- THE LOCATION OF THE PROPOSED MONOPOLE IS AS FOLLOWS: THE VALUES LISTED BELOW ARE WITHIN ±30' HORIZONTAL AND ±20' VERTICAL.  
LATITUDE: N 38° 11' 12.580"  
LONGITUDE: W 78° 08' 38.844"  
ELEVATION: 648.25' AMSL AT BASE
- A VARIANCE OF 50 FT IS REQUESTED FROM THE 150 FT SETBACK LINE MEASURED FROM THE CENTER LINE OF THE MONOPOLE.



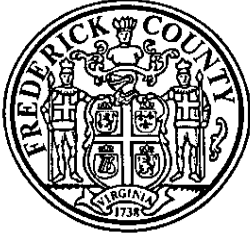
SITE PLAN  
SCALE: 1"=60'-0"



**LEGEND**

○	FOUND PROPERTY CORNER
⊕	UTILITY POLE
⊙	GUY ANCHOR
⚡	SIGN
⚡	FLOOD LIGHT
⚡	LIGHT POLE
⊕	TELEPHONE PEDESTAL
⊕	CULVERT
⊕	DRAINAGE MANHOLE
⊕	INDIVIDUAL TREE - DECIDUOUS
⊕	INDIVIDUAL TREE - CONIFER
⊕	BUSH
⊕	TRANSFORMER
⊕	FIRE HYDRANT





# RESOLUTION

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**Action:**

PLANNING COMMISSION: June 15, 2016 - Recommended Approval

BOARD OF SUPERVISORS: July 27, 2016     APPROVED     DENIED

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## RESOLUTION

### **CONDITIONAL USE PERMIT #03-16 CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**

**WHEREAS, Conditional Use Permit #03-16 of Cellco Partnership d/b/a Verizon Wireless,** submitted by Cellco Partnership d/b/a Verizon Wireless, to enable the construction of a 150 foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound and a setback waiver for a 65 foot setback reduction was considered. The Property is located at 143 Greenwood Road and is further identified with Property Identification Number 55-A-79 in the Redbud Magisterial District; and

**WHEREAS,** the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on June 15, 2016, and recommended approval of the Conditional Use Permit with conditions: and,

**WHEREAS,** the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on July 27, 2016; and,

**WHEREAS,** the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #03-16 to enable the construction of a 150 foot, Monopole Telecommunications Facility with a 50 x 50 foot equipment compound and a setback waiver of a 65 foot setback reduction with the following conditions:

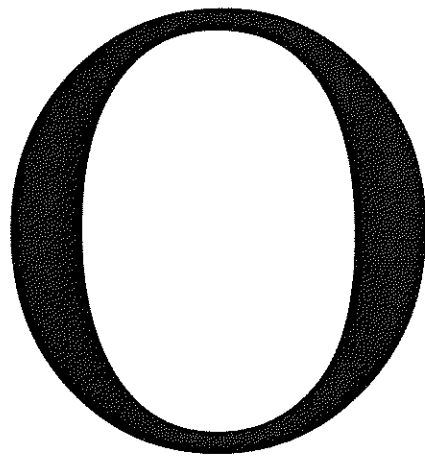
1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County
4. The tower shall be removed by the Applicant or Property Owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

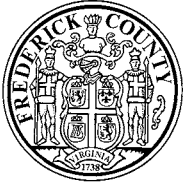
Passed this 27th day of July, 2016 by the following recorded vote:

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

**A COPY ATTEST**

\_\_\_\_\_  
 Brenda G. Garton  
 Frederick County Administrator





**CONDITIONAL USE PERMIT #05-16**

**EDWIN ELVIRA**

**Staff Report for the Board of Supervisors**

**Prepared: July 15, 2016**

Staff Contact: M. Tyler Klein, AICP, Planner

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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 request. It may also be useful to others interested in this zoning matter.*

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	07/06/16	Public Hearing Held; Recommended Approval
Board of Supervisors:	07/27/16	Pending

**EXECUTIVE SUMMARY & CONCLUSION FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

This is a request for a Conditional Use Permit (CUP) for a retail nursery/landscaping business in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a retail nursery and landscaping business to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.
4. Hours of operation shall be limited to 8 a.m. to 8 p.m. seven (7) days a week.
5. The site should have no more than four (4) employees.
6. Any expansion or change of use shall require a new Conditional Use Permit.

The Planning Commission unanimously recommended approval with conditions of CUP #05-16 for Edwin Elvira Landscaping for a retail nursery with landscaping display.

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

**LOCATION:** This property is located at 1590 Fairfax Pike, White Post, Virginia.

**MAGISTERIAL DISTRICT:** Opequon

**PROPERTY ID NUMBER:** 87-1-B

**PROPERTY ZONING & PRESENT USE:**

Zoned: Rural Areas (RA)  
Land Use: Mixed-Use Commercial/Office

**ADJOINING PROPERTY ZONING & PRESENT USE:**

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

**PROPOSED USE:**

The Applicant proposes a retailing/wholesaling of nursery stock and related products including greenhouses and hardscaping displays on an existing RA property. The Applicant will utilize existing structures on site, including a single-family detached farmhouse, outbuildings for use as business offices and storage, and the existing greenhouse structures for growing/displaying retail nursery stock. The Applicant intends to use the property for a residence, production of retail nursery stock (trees, shrubs and plants), to display hardscaping materials (stone, brick and concrete) and storage. A freestanding monument sign will also be located at the drive from Route 277.

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** The application for a Conditional Use Permit for this property appears to have little impact on Route 277, the VDOT facility which would provide access to the property. Prior to operation of the business, a commercial entrance must be constructed to our standards to allow for safe egress and ingress of the property. We would support the Applicant's request provided the entrance is upgraded to meet our current commercial entrance standards. Any work performed on the State's right-of-way will require a detailed "VDOT approved" design from a professional engineer, a Land Use Permit Application, fee, and surety. A commercial entrance is required to meet intersection sight distance, the existing entrance appears to be close to meeting intersection sight distance requirements, but this will need to be verified and shown as part of the new entrance design.

**Frederick County Sanitation Authority:** Applicant shall not place improvements on FCSA easement that are in violation of recorded deed of easement.

**Winchester-Frederick County Health Department:** The Frederick County Health Department has no objection as long as there is no increase in water usage. Therefore, no employees or bathroom facilities can be added. If these items are added to the property, an OSE will have to evaluate the existing system to decide if it is adequate for additions.

**Frederick County Fire Marshall:** Plans approved. Permit approved provided that at least 1 – 5 lb multi-purpose ABC (2A 10B/C) fire extinguisher be readily accessible within 75’ of areas being used by the public.

**Frederick Count Inspections Department:** *Please see attached letter from John Trenary dated June 16, 2016.*

**Planning and Zoning:** The 2030 Comprehensive Policy Plan of Frederick County (“Comprehensive Plan”) provides guidance when considering land use actions. The location of this proposed retail nurse and landscaping is in a part of the County that is planned for future mixed-use commercial/office as part of the *Route 277 Triangle* and described in the 2030 Comprehensive Plan and Southern Frederick Area Plan respectively. The Frederick County Zoning Ordinance allows retailing or wholesaling of nurse stock and related products in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP). The proposed use will take place within existing structures (farmhouse, outbuildings, and greenhouse) on the 10.2-acre site and is generally compatible with surrounding agricultural and residential uses. The site was previously occupied by Ben Lea Nursery (retail nurse), with use of the site vacant for more than a year, requiring a new CUP to re-establish the use.

Based on the description of the use provided by the Applicant, there will be no more than four (4) employees on-site, and hours of operation of Sunday through Saturday from 8:00 a.m. to 8:00 p.m. Staff recommends, the Board of Supervisors consider flexibility in the hours of operation as seasonal variations may be appropriate. There will be one (1) monument sign with this Conditional Use Permit, a five (5) foot tall 50 square foot sign at the site entrance facing Route 277. The Applicant has agreed to the signage, hours, and days of operation.

An engineered site plan will also need to be submitted, and approved by Frederick County prior to the establishment of the use. This will ensure all requirements of the Zoning Ordinance, agency comments, and final details on the layout of the site can be reviewed and approved by staff.

Based upon this proposed use, the previous use of the site as a commercial nurse and evaluation of the property, it appears this use would not have any significant impacts on the adjoining properties or the environment pending a site plan is approved before the use is established.

**STAFF CONCLUSIONS FOR THE 07/06/16 PLANNING COMMISSION MEETING:**

Should the Planning Commission find this use appropriate, Staff would recommend the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.
4. Hours of operation shall be limited to 8 a.m. to 8 p.m., seven (7) days a week.
5. The site should have no more than four (4) employees.
6. Any expansion or change of use shall require a new Conditional Use Permit.

**PLANNING COMMISSION SUMMARY AND ACTION OF THE 07/06/16 MEETING:**

Staff reported this property is currently zoned RA (Rural Areas) and the current land use is residential/vacant. Staff presented mapping identifying the location and an outline of the property. Staff continued, the property is surrounded by RA properties on all sides including residences and vacant agricultural land.

Staff explained Cottage Occupations are permitted in the RA Zoning District with an approved CUP. Staff continued this proposed Cottage Occupation is for a retail nursery and landscaping business that will take place in existing structures on the property, and would include renting the existing residence. Staff reviewed the conditions attached to this CUP, and noted that the Applicant had agreed to all conditions recommended:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.

4. Hours of operation shall be limited to 8 a.m. to 8 p.m., seven (7) days a week.
5. The site should have no more than four (4) employees.
6. Any expansion or change of use shall require a new Conditional Use Permit.

A Commission Member inquired regarding the concerns from the Health Department regarding the septic system. Staff noted that a site plan would be required as a condition of approval, and Health Department standards would be determined at time of site planning. The Applicant also came forward to address the question raised noting he understood the concerns and would proceed with the site plan to address the comments. Commission Members also noted the high reputation of the Applicant, Edwin Elvira Landscaping, and his long business presence in the community.

A motion was made, seconded, and unanimously passed to recommend approval with conditions of CUP #05-16 for Edwin Elvira Landscaping for a retail nursery with hardscaping display.

Absent: Manuel, Molden, and Rhodes

**CONCLUSION FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

Should the Board of Supervisors find this application for a retail nursery and landscaping business to be appropriate, staff recommends that the following conditions be attached to the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.
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The Planning Commission unanimously recommended approval with conditions of CUP #05-16 for Edwin Elvira Landscaping for a retail nursery with hardscaping display.



Page 6  
CUP #05-16, Edwin Elvira  
July 15, 2016

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

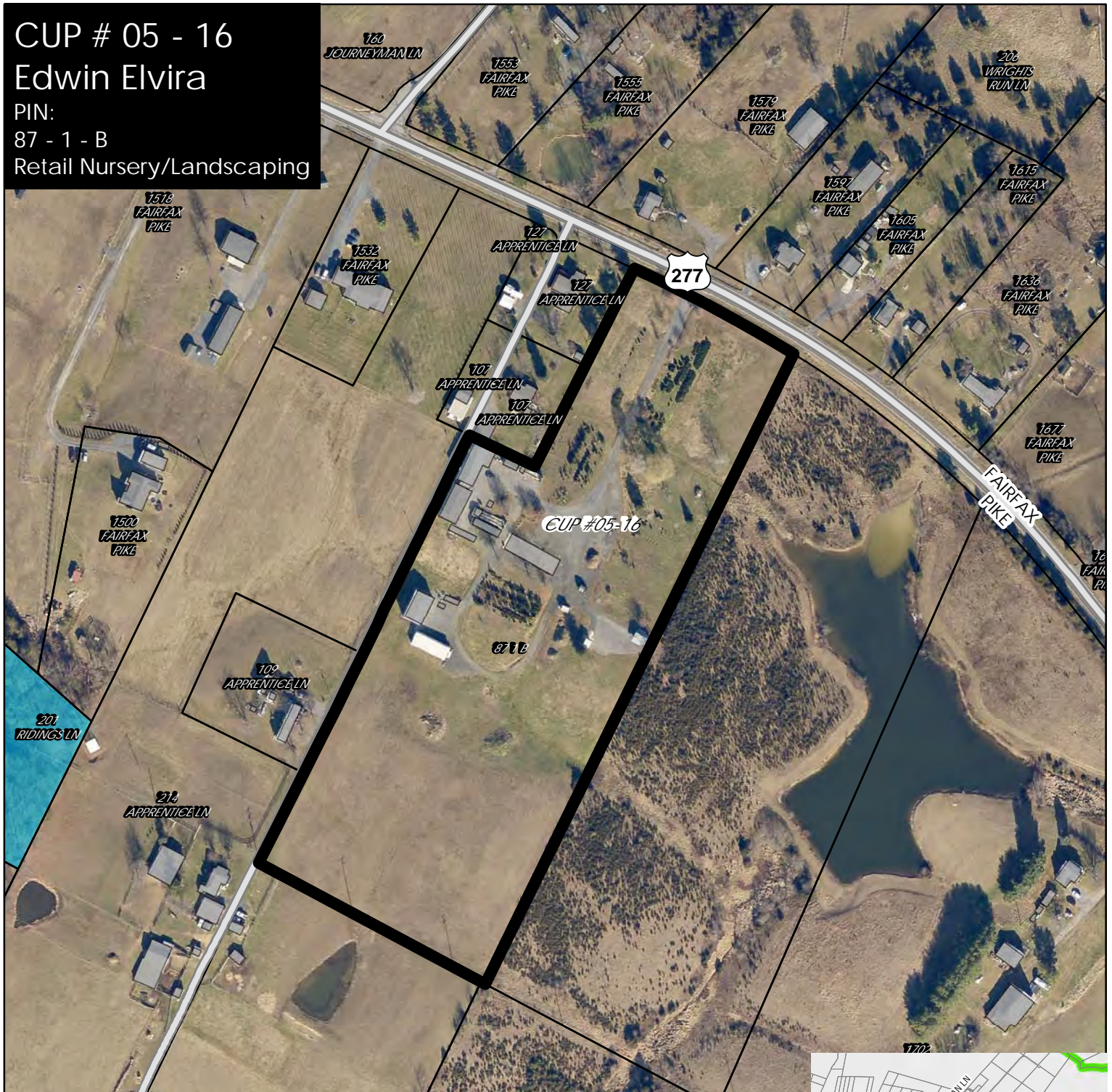
# CUP # 05 - 16










## Edwin Elvira

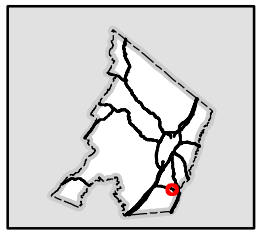
PIN:

87 - 1 - B

Retail Nursery/Landscaping



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



### CUP # 05 - 16

Edwin Elvira

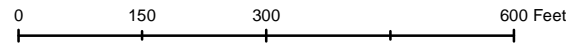
PIN:

87 - 1 - B

Retail Nursery/Landscaping

Note:

Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: June 13, 2016  
 Staff: mcheran/tklein



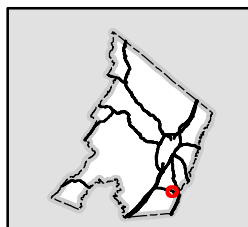
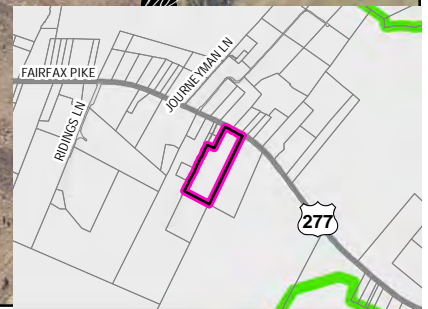
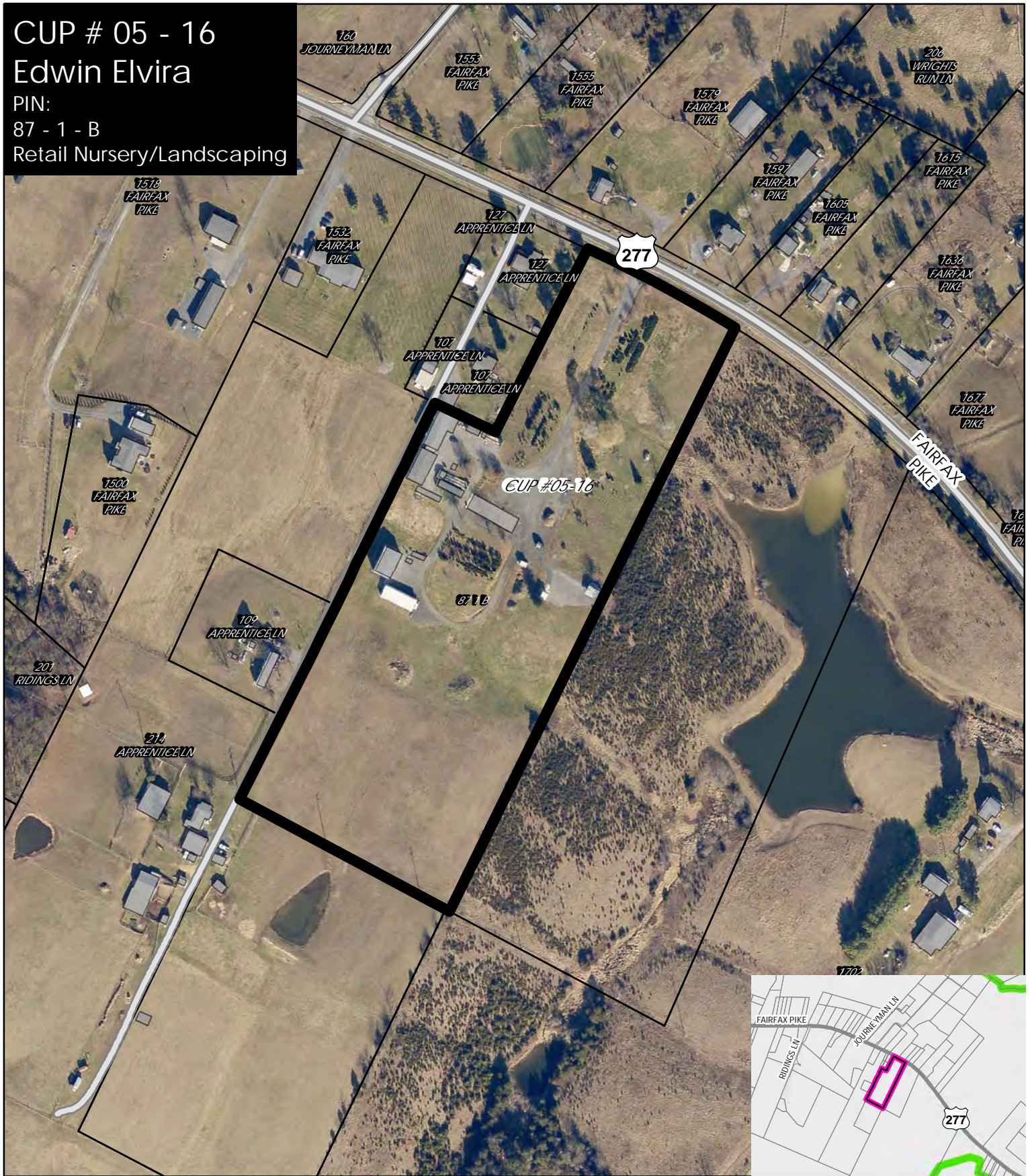
CUP # 05 - 16




Edwin Elvira

PIN:

87 - 1 - B

Retail Nursery/Landscaping



-  Applications
-  Parcels
-  Building Footprints

CUP # 05 - 16

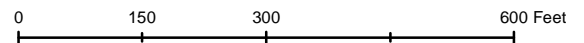
Edwin Elvira

PIN:

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Retail Nursery/Landscaping

Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: June 13, 2016  
 Staff: mcheran/tklein



REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Inspections Department

Mail to:

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

Hand deliver to:

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

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

Applicant's Name: Edwin Elvir Telephone: 540-974-1761

Mailing Address: 225 Caldwell Ln Winchester, VA 22602

RECEIVED
MAY 17 2016
Frederick County
Public Works & Inspections

Name of development and/or description of the request: Green House / Retail / nursery

Location of Property: 1540 Fairfax, White post, VA 22663

Building Official's Comments:

Comments are on the back of this form

Building Official's Signature & Date: John A 6/16/16

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

Conditional Use Permit for use of existing residential dwelling and associated property as greenhouse, nursery and retail of such items.

#### 2012 Virginia Construction Code exempts

Farm buildings and structures, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in Section 35.1.1 of the Code of Virginia and licensed as such by the Virginia Board of Health pursuant to Chap 2 (Section 35.1-11 et seq.) of Title 35.1 of the Code of Virginia. However, farm buildings and structures lying within a flood plain or in a mudslide prone area shall be subject to floodproofing regulations or mudslide regulations as applicable (USBC Sec 102.3)

**Farm Building or Structure.** A building or structure not used for residential purposes, located on property where farming operations take place and used primarily or any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products.
3. Business or office uses relating to the farm operations.
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm.
5. Storage or use of supplies and materials used on the farm.
6. Implementation of best management practices associated with farm operations.



Submittal Deadline	6/10/16
P/C Meeting	7/6/16
BOS Meeting	7/27/16

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

1. Applicant (check one): Property Owner  Other  Purchaser

NAME: Edwin Elvira

ADDRESS: 225 Caldwell Ln Winchester VA 22603

TELEPHONE: 540-974-1761

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

N/A

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

1590 Fairfax pike, white post, VA (1588)  
22603 - Rt 522 turn (R) onto Fairfax  
pike property is 5 miles on (L).

4. The property has a road frontage of 254 1/2 feet and a depth of 1171.5 feet and consists of 10 acres. (Please be exact)

5. The property is owned by Frank McDowell as evidenced by deed from Frank McDowell (previous owner) recorded in deed book no. \_\_\_\_\_ on page \_\_\_\_\_, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 87-1-B  
 Magisterial District Opequon  
 Current Zoning RA (Rural Areas)

7. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	<u>Residential</u>	<u>RA</u>
East	<u>Agricultural</u>	<u>RA</u>
South	<u>Residential</u>	<u>RA</u>
West	<u>Agriculture</u>	<u>RA</u>

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

nursery - Retail / landscaping

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

Green Houses

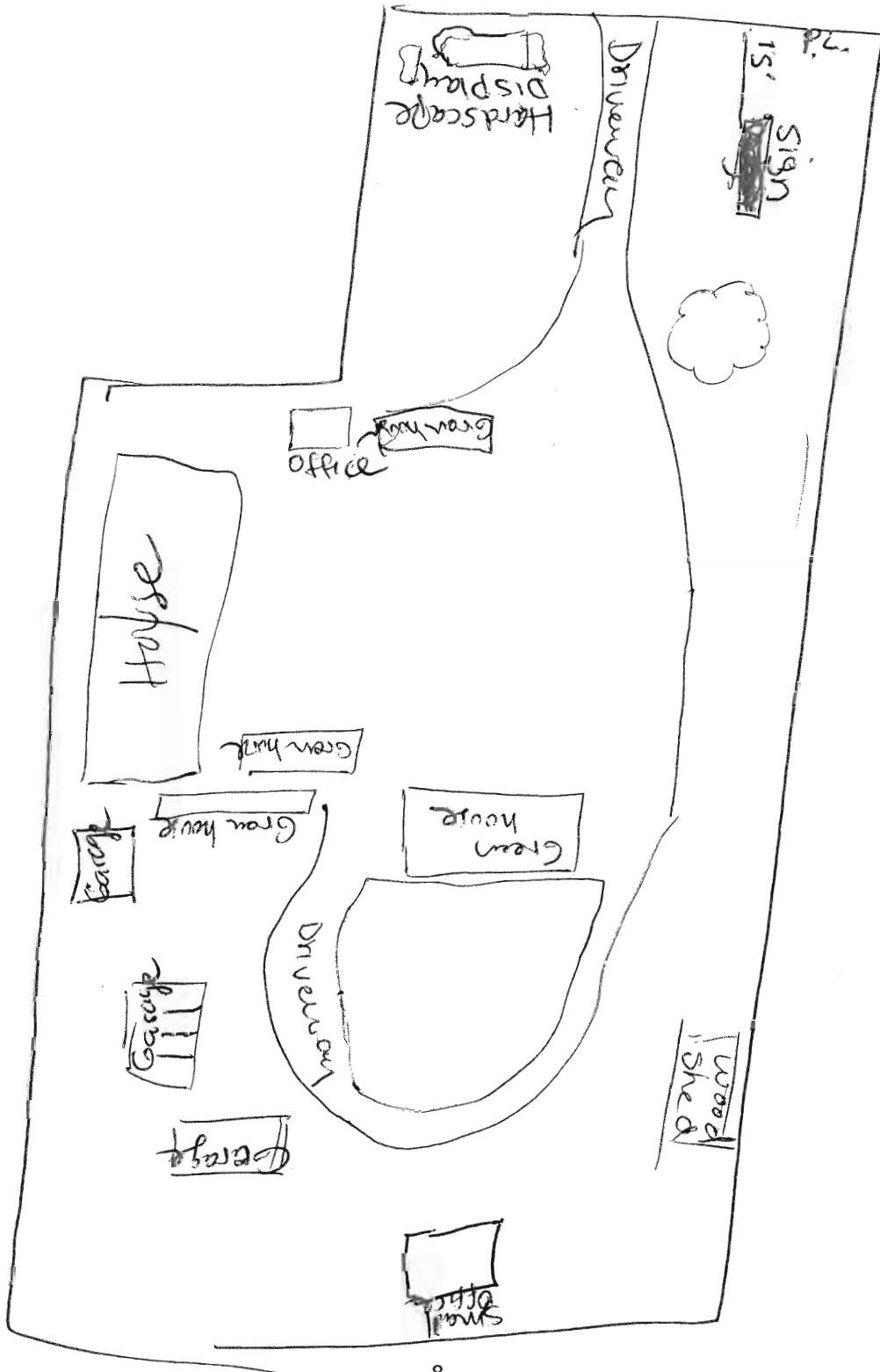
10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)  
These people will be notified by mail of this application:

Name and Property Identification Number		Address
Name	<u>James Fansler</u>	
Property #	<u>87-1-A1</u>	
Name	<u>Allan Pack</u>	
Property #	<u>87-1-4</u>	
Name	<u>Betty Shell</u>	
Property #	<u>87-A-13</u>	
Name	<u>Jake Baker</u>	
Property #	<u>87-A-13B</u>	
Name		
Property #	<u>87-A-14</u>	
Name		
Property #	<u>87-A-15</u>	
Name		
Property #	<u>87-A-15A</u>	

Name and Property Identification Number	Address
Name	
Property # 87-A-21	
Name	
Property # 87-A-22	
Name	
Property # 87-A-23	
Name	
Property #	
Name	
Property #	
Name	
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Property #	
Name	
Property #	




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



12. Additional comments, if any: \_\_\_\_\_

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

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

X Signature of Applicant  \_\_\_\_\_

Signature of Owner Benjamin F Mc Donogh \_\_\_\_\_

X Owners' Mailing Address 435 Hackleys Mill Rd Amisville, Va 20106

X Owners' Telephone No. 540-937-8954 \_\_\_\_\_

**TO BE COMPLETED BY THE ZONING ADMINISTRATOR:**  
**USE CODE:** \_\_\_\_\_  
**RENEWAL DATE:** \_\_\_\_\_



**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
 Frederick Planning Website: [www.co.frederick.va.us](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) B. Frank McDonald (Phone) \_\_\_\_\_

(Address) 1590 Fairfax Pike, White Post  
 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. \_\_\_\_\_ on Page \_\_\_\_\_, and is described as

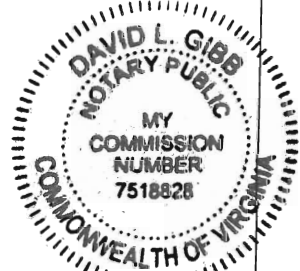
Parcel:  Lot: 87-1-B Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_

do hereby make, constitute and appoint:

(Name) Edwin Elvira (Phone) 540 974 1761

(Address) 225 Caldwell Ln, Winchester  
 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 June, 2016.

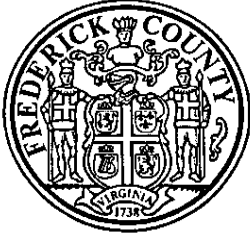
Signature(s) Benjamin McDonald, Edwin Elvira

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

I, David L. Gibb, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 16<sup>th</sup> day of June, 2016.

David L. Gibb  
 Notary Public

My Commission Expires: July 31<sup>st</sup> 2020



# RESOLUTION

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**Action:**

PLANNING COMMISSION: July 6, 2016 - Recommended Approval

BOARD OF SUPERVISORS: July 27, 2016  APPROVED  DENIED

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## RESOLUTION

### CONDITIONAL USE PERMIT #05-16 EDWIN ELVIRA

**WHEREAS, Conditional Use Permit #05-16 of Edwin Elvira**, submitted by Edwin Elvira for a retail nursery/landscaping business in the RA (Rural Areas) Zoning District was considered. The Property is located at 1590 Fairfax Pike, White Post, Virginia and is further identified with Property Identification Number 87-1-B in the Opequon Magisterial District; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on July 6, 2016, and recommended approval of the Conditional Use Permit with conditions: and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on July 27, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #05-16 for a retail nursery/landscaping business on the parcel identified by Property Identification Number (PIN) 87-1-B with the following conditions:

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

2. An engineered site plan shall be submitted to and approved by Frederick County and all improvements completed prior to establishment of the use.
3. One, non-illuminated, freestanding monument business sign is allowed with this Conditional Use Permit that is no more than five (5) feet tall and no more than fifty (50) square feet in area.
4. Hours of operation shall be limited to 8 a.m. to 8 p.m. seven (7) days a week.
5. The site should have no more than four (4) employees.
6. Any expansion or change of use shall require a new Conditional Use Permit.

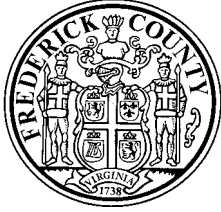
Passed this 27th day of July, 2016 by the following recorded vote:

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

**A COPY ATTEST**

\_\_\_\_\_  
 Brenda G. Garton  
 Frederick County Administrator

P



**REZONING APPLICATION #04-16  
SNOWDEN BRIDGE STATION**

**Staff Report for the Board of Supervisors**

**Prepared: July 15, 2016**

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

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	<u>Reviewed</u>	<u>Action</u>
<b>Planning Commission:</b>	06/15/16	Public Hearing Held; Recommended Approval
<b>Board of Supervisors:</b>	07/27/16	Pending

**PROPOSAL:** Rezoning #04-16 for Snowden Bridge Station submitted by GreyWolfe, Inc., to rezone 11.340 acres from the M1 (Light Industrial) District to the B2 (General Business) District, and 2.629 acres from the M1 (Light Industrial) District to the B3 (Industrial Transition) District with proffers.

**LOCATION:** The properties are located on the southeastern side of Martinsburg Pike (Route 11) and southern side of Snowden Bridge Boulevard.

**EXECUTIVE SUMMARY & CONCLUSIONS FOR THE 07/2716 BOARD OF SUPERVISORS MEETING:**

This is an application to rezone a total of 13.9 acres of land, from the M1 (Light Industrial) District to the B2 (General Business) and B3 (Industrial Transition) Districts with proffers. This property is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan.

The Comprehensive Plan identifies these properties with an industrial land use designation which is consistent with the current zoning of the properties. In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the visibility of this site, its location on Martinsburg Pike and the I-81 interchange and the amount of commercial land in close proximity to this site, the requested commercial may be acceptable.

With this rezoning, the Applicant has proffered to limit the number of restricted entrances on Martinsburg Pike to two and one on Snowden Bridge Boulevard and limit the maximum vehicle trips for the site to 6,303. The entrance locations shown on the proffered GDP are conceptual in nature – the proffer states that the final design and location of these entrances will need to be approved by VDOT and the County. The Applicant has also proffered a 10' right-of-way dedication for Martinsburg Pike as well as corridor enhancements such as a split rail fence, and increased parking setbacks. The Applicant has also provided a monetary contribution of \$0.10 per building square foot for Fire and Rescue. **The Planning Commission did not identify any issues or concerns with the request and recommended approval of the application at their June 15, 2016 meeting.**

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

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

	<u>Reviewed</u>	<u>Action</u>
<b>Planning Commission:</b>	06/15/16	Public Hearing Held; Recommended Approval
<b>Board of Supervisors:</b>	07/27/16	Pending

**PROPOSAL:** Rezoning #04-16 for Snowden Bridge Station submitted by GreyWolfe, Inc., to rezone 11.340 acres from the M1 (Light Industrial) District to the B2 (General Business) District, and 2.629 acres from the M1 (Light Industrial) District to the B3 (Industrial Transition) District with proffers.

**LOCATION:** The properties are located on the southeastern side of Martinsburg Pike (Route 11) and the southern side of Snowden Bridge Boulevard.

**MAGISTERIAL DISTRICT:** Stonewall

**PROPERTY ID NUMBERS:** 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43-A-150, 43-A-151A, and 43-A-151B

**PROPERTY ZONING:** M1 (Light Industrial)

**PRESENT USE:** Industrial, Residential and Vacant

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North:	B2 (General Business) District	Use:	Commercial
South:	M1 (Light Industrial) District	Use:	Industrial/Vacant
East:	M1 (Light Industrial) District	Use:	Vacant/Snowden Bridge Boulevard
West:	M1 (Light Industrial) District	Use:	Industrial/Vacant



**REVIEW EVALUATIONS:**

**Virginia Dept. of Transportation:** *Please see the attached email from Matthew Smith dated May 6, 2016. Please see Applicant's response dated May 15, 2016.*

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

**Frederick County Sanitation Authority:** *Please see the attached letter from Eric Lawrence dated April 9, 2016.*

**Public Works Department:** Public Works has no comments on the proposed rezoning.

**Frederick County Fire Marshall:** Plans approved.

**Winchester Regional Airport:** Rezoning is compatible with airport operations and should not impact continued operations of airport.

**Frederick County Attorney:** *Please see the attached letter from Roderick B. Williams dated April 26, 2016. See Applicant's response dated May 15, 2016.*

**Frederick County Planning Department:** *Please see attached letters from Candice Perkins dated April 5, 2016 and John Bishop dated May 10, 2016. Please see Applicant's response dated May 15, 2016.*

**Planning & Zoning:**

1) **Site History:**

The original Frederick County zoning map (U.S.G.S. Winchester, VA Quadrangle) identifies the majority of the subject property as being zoned A-2 (Agriculture General). The County's agricultural zoning districts were combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding zoning map resulted in the re-mapping of this portion of the subject property and all other A-1 and A-2 rezoned land to the RA District. The remainder of the property was identified as being zoned R-3. The R-3 (Residential General) District zoning classification was modified to RP (Residential Performance) District on February 14, 1990, during the comprehensive amendment to the County's Zoning Ordinance. The subject properties were rezoned to the M1 (Light Industrial) Zoning District with rezoning #03-05 for North Stephenson which was approved by the Board of Supervisors on April 27, 2005.

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.

#### Land Use

The 2030 Comprehensive Plan identifies these properties with an industrial land use designation. In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the visibility of this site, its location on Martinsburg Pike and the I-81 interchange and the amount of commercial land in close proximity to this site, the requested commercial may be acceptable.

#### Transportation and Site Access

According to the Applicant's Impact Analysis Statement, the site could generate up to 6,303 daily trips if developed with restaurants and the existing warehouse based on the existing M1 zoning of the site. The Applicant further stated that the site would generate a lower volume of 5,572 trips per day if developed with a mix of warehouse/hotel/restaurant/gasoline station. Therefore the Applicant has proffered that the site would not exceed 6,303 vehicle trips per day.

As depicted on the Applicant's GDP, the site would be accessed via one right-in /right-out and one right-in only on Martinsburg Pike, as well as one right-in only off of Snowden Bridge Boulevard. The entrance locations shown on the proffered GDP are conceptual in nature – the proffer states that the final design and location of these entrances will need to be approved by VDOT and the County. The site would also have access to Ezra Lane, which is proposed to be constructed as a private road (Rezoning #03-05 called for Ezra Lane to become a public street).

### 3) **Site Suitability/Environment:**

The subject property does not contain any areas of floodplain, wetlands or other environmental features. This area is, however, known for karst topography and special attention should be paid during development for potential sinkholes and related impacts.

### 4) **Potential Impacts:**

#### **A. Sewer and Water**

The property owner previously constructed a sanitary force main, gravity lines with manholes and a pump station which has been dedicated to the FCSA. The Applicant's Impact Analysis Statement projects that the site would require 14,000 gallons per day of water. The Sanitation Authority has indicated that there are currently adequate water and sewer services available for the site.

#### **B. Use**

According to the Applicant's Impact Analysis Statement, the preferred option for development consists of a gas station, restaurants, hotel, pharmacy and small market. It

should be noted that these uses are not proffered. The Applicant has only proffered a maximum number of vehicles per day for the site.

5) **Proffer Statement, Dated March 22, 2016, revised May 17, 2016:**

1. **Transportation- vehicle trips per day shall not exceed 6,303, to be determined at site plan stage.**
  - a. The owners have proffered to construct one right-in only entrance on Snowden Bridge Boulevard as shown on the GDP. Final design and location to be approved by VDOT and the County.
  - b. The owners have proffered to construct one right-in/right-out entrance and one right-out entrance onto Martinsburg Pike as shown on the GDP. Final design and location to be approved by VDOT and the County.
  - c. The owners have proffered a private road (Ezra Lane) within the property as shown on the GDP. This road shall serve as the internal road system for development. Neighboring parcels (43C-5-15, 16, 17, 43C-6-A) and the Electric Substation will also be granted access over Ezra Lane should Redbud Road be closed. This proffer takes the place of proffer 1g that was proffered with Rezoning #03-05.
  - d. The parcel to the south (43C-3-5) shall be granted an inter-parcel connection—the location shall be determined at site plan approval.
  - e. The owner proffers a dedication of 10' along Route 11 for right-of-way improvement.
2. **Corridor Enhancements along Route 11 – Martinsburg Pike:**
  - a. Construction of a split rail fence with a 36" hedge within the front building setback.
  - b. The parking setback along Route 11 shall be consistent with the front building setback per the Zoning Ordinance.
  - c. Only one freestanding monument style sign shall be allowed along the Martinsburg Pike frontage.
3. **Fire and Rescue – Monetary Contributions:**
  - a. The owners have proffered a cash contribution to Fire and Rescue of \$0.10 per building square foot.

**PLANNING COMMISSION SUMMARY AND ACTION FROM THE 06/15/16 MEETING:**

Commissioner Oates abstained from this item for a possible conflict of interest.

Staff reported this application is to rezone a total of 13.9 acres of land from the M1 (Light Industrial) District to the B2 (General Business) and B3 (Industrial Transition) Districts with proffers. Staff continued this property is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan. Staff explained the Comprehensive Plan identifies these properties with an industrial land use designation which is consistent with the current zoning of the properties. Staff continued the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. They noted considering

the visibility of this site, its location on Martinsburg Pike and the I-81 interchange, and the amount of commercial land in close proximity to this site, the requested commercial use may be acceptable.

Staff reported with this rezoning the Applicant has proffered to limit the number of restricted entrances on Martinsburg Pike to two and one on Snowden Bridge Boulevard and limit the maximum vehicle trips for the site to 6,303. Staff continued the entrance locations shown on the proffered GDP are conceptual in nature; the proffer states that the final design and location of these entrances will need to be approved by VDOT and the County. Staff concluded the Applicant has also proffered a 10' right-of-way dedication for Martinsburg Pike, as well as corridor enhancements such as a split rail fence, increased parking setbacks, and has provided a monetary contribution of \$0.10 per building square foot for Fire and Rescue.

The representative for the Applicant noted the traffic number Staff mentioned was based on existing zoning which includes restaurants.

A Commission Member commented it appears the Planning Commission is handling these types of rezonings more frequently. Another Member noted he feels this is market driven. A Commission Member stated it is disappointing to lose M1 and M2's, however he feels at this time and this location it is appropriate planning.

A motion was made, seconded, and unanimously recommended approval of REZ #04-16 Snowden Bridge Station.

Absent: Dunlap, Triplett, Kenney

**EXECUTIVE SUMMARY & CONCLUSION FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

This is an application to rezone a total of 13.9 acres of land from the M1 (Light Industrial) District to the B2 (General Business) and B3 (Industrial Transition) Districts with proffers. This property is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan.

The Comprehensive Plan identifies these properties with an industrial land use designation which is consistent with the current zoning of the properties. In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the visibility of this site, its location on Martinsburg Pike and the I-81 interchange and the amount of commercial land in close proximity to this site, the requested commercial may be acceptable.

With this rezoning, the Applicant has proffered to limit the number of restricted entrances on Martinsburg Pike to two and one on Snowden Bridge Boulevard and limit the maximum vehicle trips for the site to 6,303. The entrance locations shown on the proffered GDP are conceptual in nature – the proffer states that the final design and location of these entrances will need to be approved by VDOT and the County. The Applicant has also proffered a 10' right-of-way dedication for Martinsburg Pike as well as corridor enhancements such as a split rail fence, increased parking setbacks. The Applicant has also provided a monetary contribution of \$0.10 per building square foot for Fire and Rescue. **The**

Rezoning #04-16 Snowden Bridge Station  
July 15, 2016  
Page 7

**Planning Commission did not identify any issues or concerns with the request and recommended approval of the application at their June 15, 2016 meeting.**

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

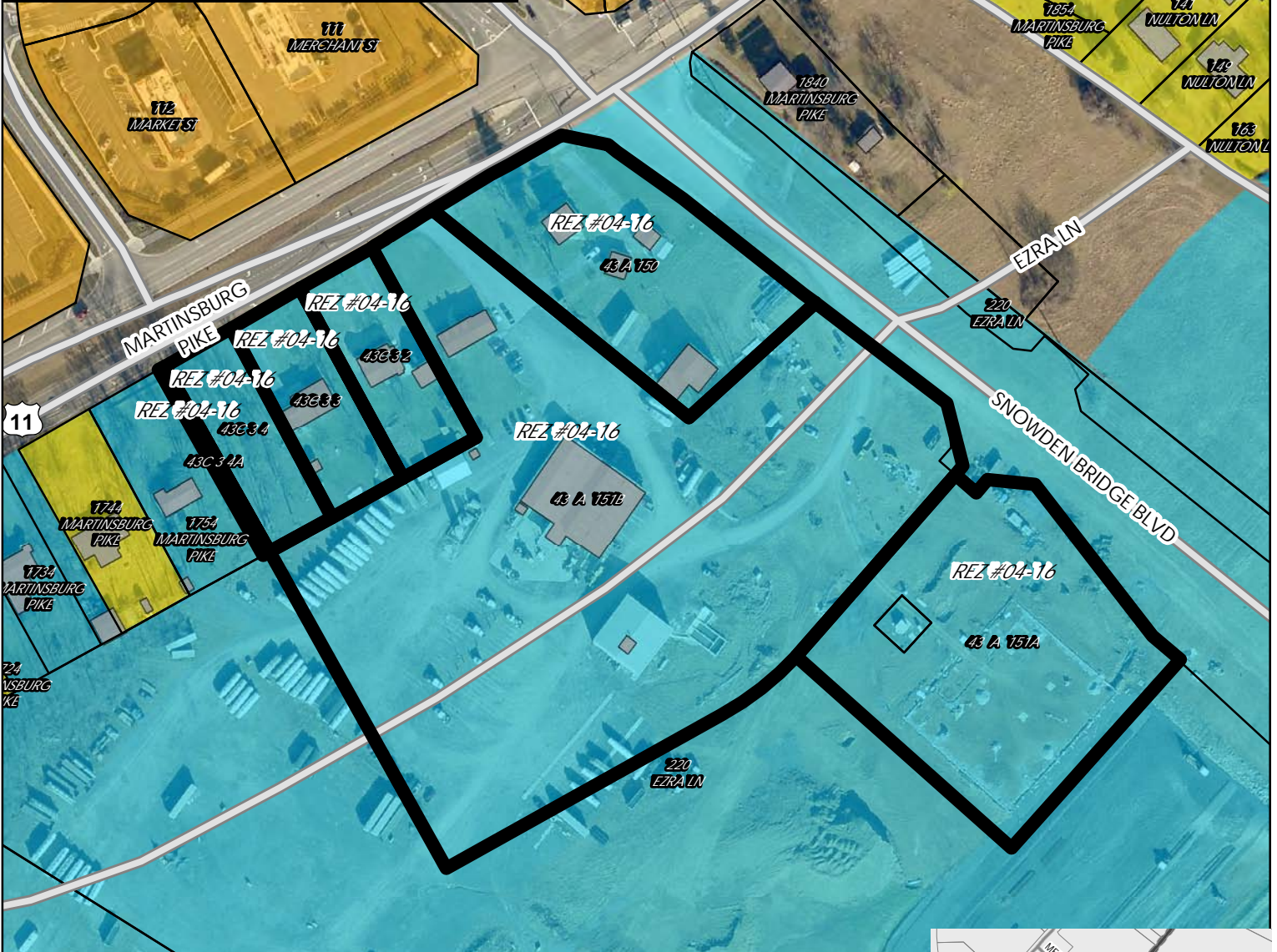
# REZ # 04 - 16

## Snowden Bridge Station

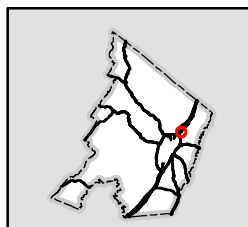
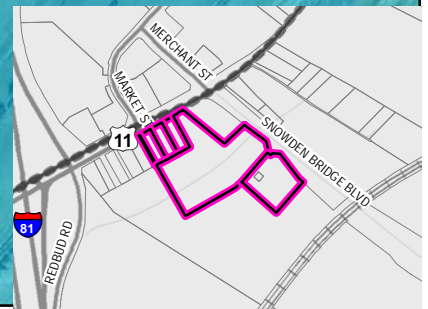
PINs:

43 - A - 150, 43 - A - 151A, 43 - A - 151B,  
43C - 3 - 2, 43C - 3 - 3, 43C - 3 - 4,  
43C - 3 - 4A

Rezoning from M1 to B2 and B3



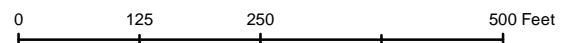
- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- 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 # 04 - 16 Snowden Bridge Station

PINs:  
43 - A - 150, 43 - A - 151A, 43 - A - 151B,  
43C - 3 - 2, 43C - 3 - 3, 43C - 3 - 4,  
43C - 3 - 4A  
Rezoning from M1 to B2 and B3

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: May 19, 2016  
Staff: cperkins



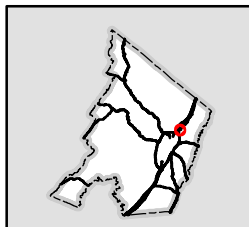
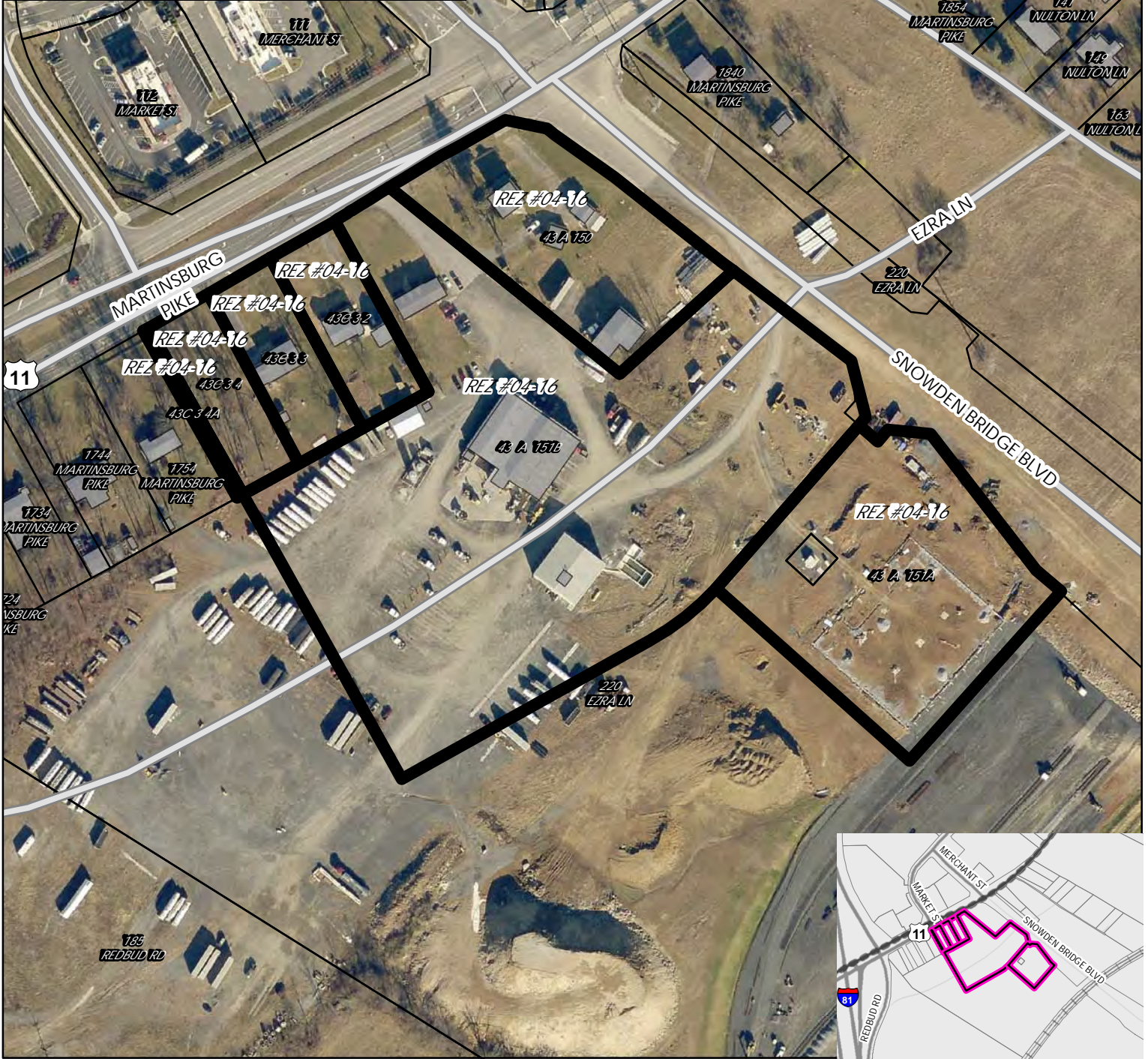
# REZ # 04 - 16

## Snowden Bridge Station

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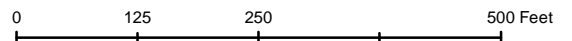
Rezoning from M1 to B2 and B3



### REZ # 04 - 16 Snowden Bridge Station

PINs:  
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43C - 3 - 2, 43C - 3 - 3, 43C - 3 - 4,  
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Rezoning from M1 to B2 and B3

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# REZ # 04 - 16

## Snowden Bridge Station

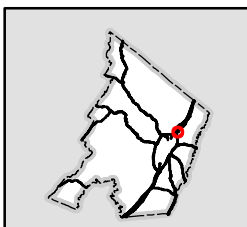
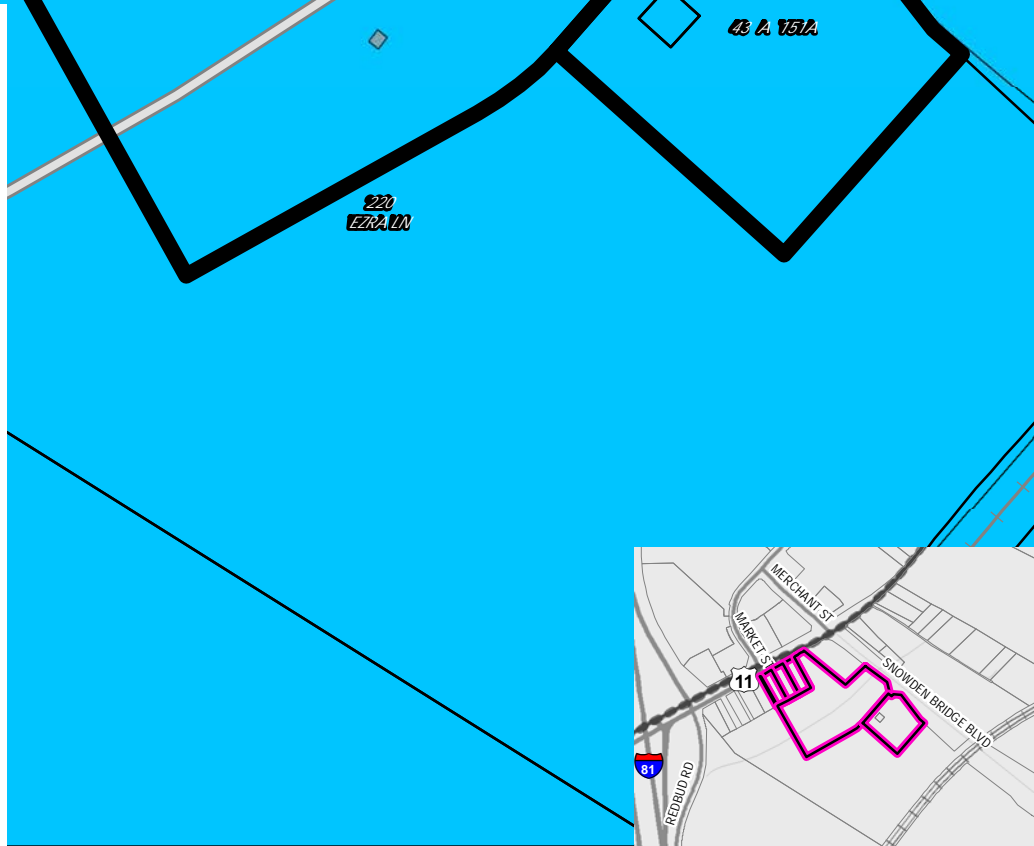
PINs:

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 43C - 3 - 2, 43C - 3 - 3, 43C - 3 - 4,  
 43C - 3 - 4A

Rezoning from M1 to B2 and B3



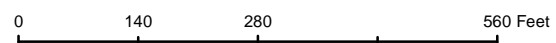
- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse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



### REZ # 04 - 16 Snowden Bridge Station

PINs:  
 43 - A - 150, 43 - A - 151A, 43 - A - 151B,  
 43C - 3 - 2, 43C - 3 - 3, 43C - 3 - 4,  
 43C - 3 - 4A  
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Note:  
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 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: May 19, 2016  
 Staff: cperkins





**Proffer Statement for Snowden Bridge Station**

**Rezoning:** RZ # \_\_-16

**Property:** Area: 13.969 acres  
Tax Parcels 43C-(3)-2, 3, 4, & 4A and 43-(A)-150, 151A, & 151B

**Record Owners:** K & J Investments, LC & North Stephenson, Inc.

**Project Name:** Snowden Bridge Station

**Original Date of Proffers:** March 22, 2016

**Revisions:** May 17, 2016

**Magisterial District:** Stonewall

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owners hereby offer the following proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # \_\_-16 for rezoning of 13.969-acres from the M-1 District to Business (B-2) (11.340 acres), and to Industrial Transition (B-3) (2.629 acres), development of the subject properties 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 owners and such are approved by the Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the owners and their legal successors, heirs, or assigns.

The "Properties" are more particularly described as the lands conveyed to North Stephenson, Inc. from Harold F. & Lola C. Johnson by Deed per instrument 890000744, and from Anna H. & Willie McLaurin, Jr., by Deed per instrument 880009530. Also, the lands conveyed to K & J Investments, LC from Douglas K. Ways by Deed per instrument 960006532, from North Stephenson, Inc., by Deed per instrument 050009792, and from the Estate of Nellie Atkerson Horner Omps by Deed per instrument 930010124, as recorded in the Frederick County Circuit Court Clerk's Office.

A Generalized Development Plan (GDP) dated May 17, 2016, by Grey Wolfe, Inc., is attached to and made part of this proffer document.

**Proffers:**

1. Transportation – Vehicle Trips per Day shall not exceed the current by-right trips of 6,303 WAADT. To be determined at Site Plan submission utilizing the current ITE Trip Generation Manual.
  - a. The owners hereby proffer to construct one “right in only” entrance on Snowden Bridge Blvd as shown on the GDP. Final design and location to be approved by VDOT and the County of Frederick.
  - b. The owners hereby proffer to construct one “right-in/right-out only” entrance and one “right-in only” entrance onto Martinsburg Pike as shown on the GDP. Final design and location to be approved by VDOT and the County of Frederick.
  - c. The owners hereby proffer a private road to be known as Ezra Lane within their property as shown on the GDP. This will serve as the internal road system for the development. Furthermore, neighboring parcels identified as the 43C-(5)-15, 43C-(5)-16, 43C-(5)-17, 43C-(6)-A, and the Electric Substation site currently owned by Rappahannock Electric Coop will be also be granted an access easement over Ezra Lane should Route 661, Redbud Road, be closed. Easements shall be granted when requested by the County of Frederick. This takes the place of the related proffer 1.g in rezoning #03-05 that calls for the road to be dedicated to the County as a public road.
  - d. The parcel to the south, Tax Parcel 43C-(3)-5 shall be granted an inter-parcel connection. Location to be determined at site plan approval.
  - e. The owners hereby proffer an additional 10' strip of land along Route 11 as shown on the GDP for right of way improvements.
2. Corridor Enhancement along Route 11 – Martinsburg Pike
  - a. The owners hereby proffer to construct split-rail fence with a 36” hedge within the front building setback.
  - b. The owners hereby proffer the parking setback along Route 11 shall be coincidence with the front building setback per the Frederick County Zoning Ordinance.
  - c. The owner hereby proffers only one freestanding monument style tenant sign along the frontage of Martinsburg Pike. No additional freestanding signage will be allowed along Martinsburg Pike.

3. Fire & Rescue – Monetary Contributions

- a. The owners hereby proffer a cash contribution to Frederick County for Fire and Rescue purposes, of \$0.10 per building square foot to be disbursed to the Frederick County Fire and Rescue Department, to be paid prior to occupancy permit. The term “building square foot” shall be the combined floor area for each story.

The conditions proffered above shall be binding upon heirs, executors, administrators, assigns, and successors in the interest of the owners and owners. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code and Ordinance.

Respectfully Submitted:

By: John E Omps  
North Stephenson, Inc.  
John E. Omps, President

May 17, 2016  
Date

State of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 17 day of May, 2016

Rewa Shawn Sherrard  
Owner

Rewa Sherrard  
Notary Public

7619185  
Registration Number

My Commission Expires March 31, 2018

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By: Keven V Omps  
K & J Investments, LC  
Keven V. Omps, Manager

May 17, 2016  
Date

State of Virginia,

City/County of Frederick To Wit:

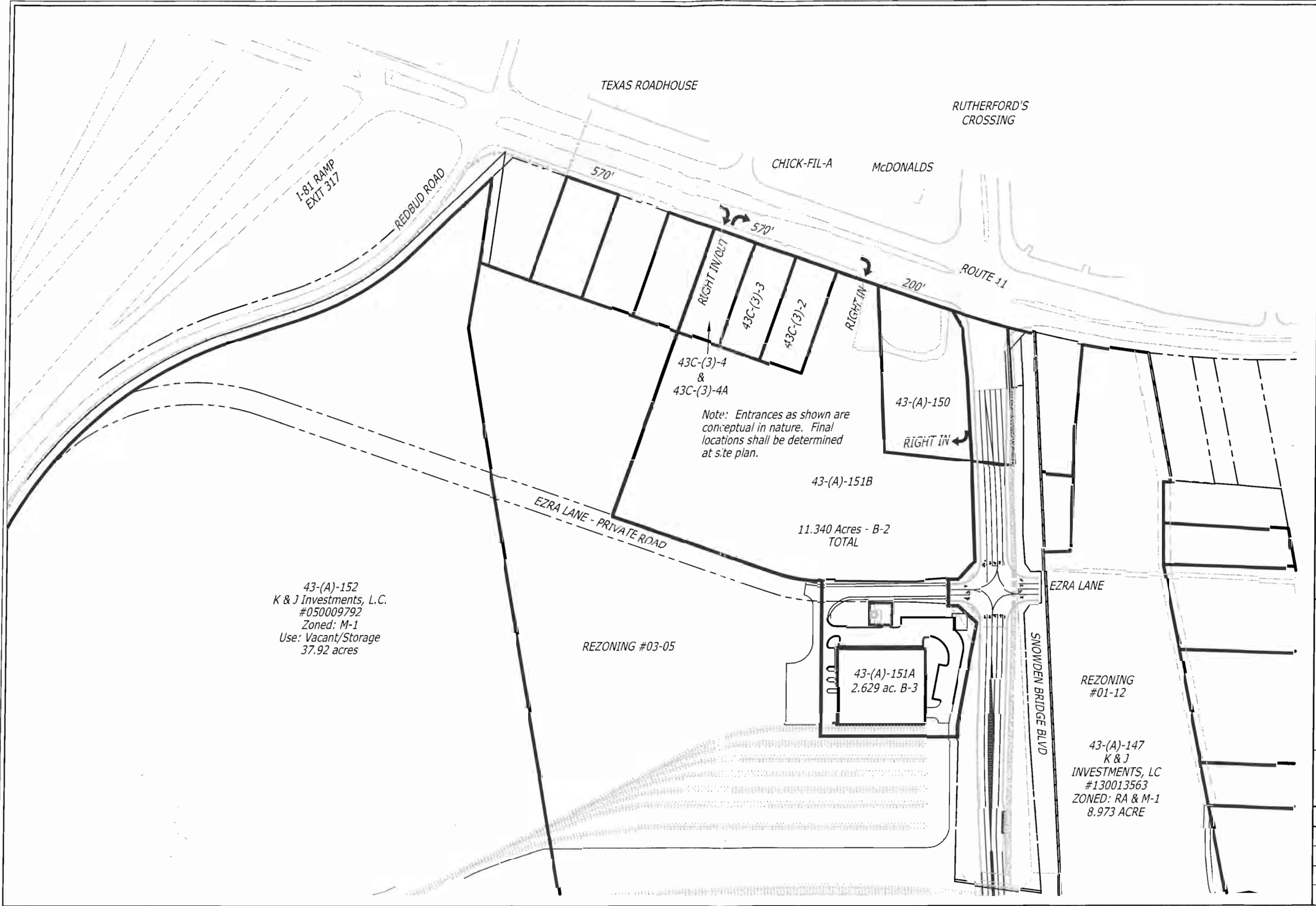
The foregoing instrument was acknowledged before me this 17 day of May, 2016

Rewa Shawn Sherrard  
Owner

Rewa Sherrard  
Notary Public

7619185  
Registration Number

My Commission Expires March 31, 2018



43-(A)-152  
 K & J Investments, L.C.  
 #050009792  
 Zoned: M-1  
 Use: Vacant/Storage  
 37.92 acres

REZONING #03-05

REZONING #01-12

43-(A)-147  
 K & J  
 INVESTMENTS, LC  
 #130013563  
 ZONED: RA & M-1  
 8.973 ACRE

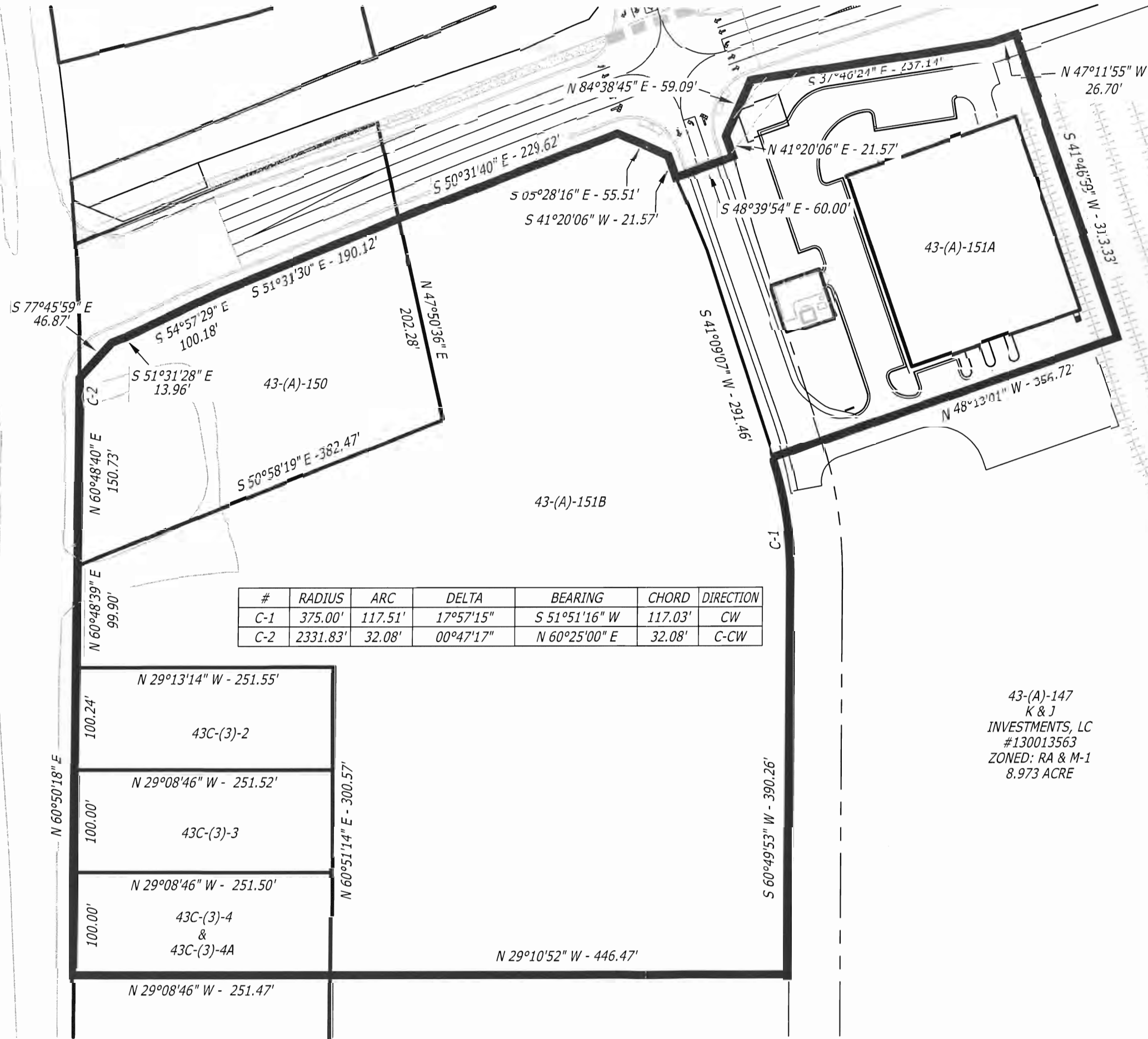
**GreyWolfe, Inc.**  
 Land Surveying and Consulting  
 1073 Redbud Road  
 Winchester, VA 22603  
 GreyWolfeInc@aol.com  
 (540) 667-2001 OFC  
 (540) 545-4001 FAX



GENERALIZED DEVELOPMENT PLAN  
 for  
**COMMERCIAL REZONING**  
 at  
**SNOWDEN BRIDGE STATION**  
 Stonewall Magisterial District, Frederick County, Virginia

DATE	REVISION

DATE: 5-17-2016  
 SCALE: 1"=200'  
 DRAWN BY: CBC  
 JOB NO. #0460  
 SHEET 1 OF 2

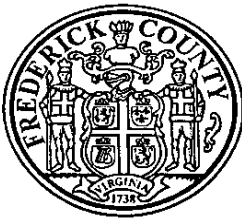


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C-1	375.00'	117.51'	17°57'15"	S 51°51'16" W	117.03'	CW
C-2	2331.83'	32.08'	00°47'17"	N 60°25'00" E	32.08'	C-CW

GENERALIZED DEVELOPMENT PLAN  
 for  
**COMMERCIAL REZONING**  
 at  
**SNOWDEN BRIDGE STATION**  
 Stonewall Magisterial District, Frederick County, Virginia

DATE	REVISION

DATE: 5-17-2016  
 SCALE: 1"=100'  
 DRAWN BY: CBC  
 JOB NO. #0460  
 SHEET 2 OF 2



## AMENDMENT

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**Action:**

PLANNING COMMISSION: June 15, 2016 - Recommended Approval

BOARD OF SUPERVISORS: July 27, 2016 -  APPROVED  DENIED

---

### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #04-16 SNOWDEN BRIDGE STATION

**WHEREAS, Rezoning #04-16 of Snowden Bridge Station**, submitted by GreyWolfe, Inc., to rezone 11.340 acres from the M1 (Light Industrial) Zoning District to the B2 (General Business) Zoning District, and 2.629 acres from the M1 (Light Industrial) Zoning District to the B3 (Industrial Transition) Zoning District with Proffers final revision date of May 17, 2016 was considered. The Properties are located on the southeastern side of Martinsburg Pike (Route 11) and the southern side of Snowden Bridge Boulevard. The Properties are further identified by PIN(s) 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43-A-150, 43-A-151A and 43-A-151B in the Stonewall Magisterial District; and

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on June 15, 2016 and recommended approval; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on July 27, 2016; 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 11.340 acres from the M1 (Light Industrial) Zoning District to the B2 (General Business) Zoning District, and 2.629 acres from the M1 (Light Industrial) Zoning District to the B3 (Industrial Transition) Zoning District with Proffers final revision date of May 17, 2016.

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 27th day of July, 2016 by the following recorded vote:

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

**A COPY ATTEST**

---

Brenda G. Garton  
Frederick County Administrator





## AMENDMENT

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**Action:**

PLANNING COMMISSION: April 6, 2005 - Recommended Approval

BOARD OF SUPERVISORS: April 26, 2005  APPROVED  DENIED

---

### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #03-05 FOR NORTH STEPHENSON, INC.

**WHEREAS, Rezoning #03-05 for North Stephenson, Inc.,** was submitted by Greenway Engineering to rezone 79.13 acres from RA (Rural Areas) District to M1 (Light Industrial) District. These properties front on the east side of Martinsburg Pike (Route 11 North), just north of the Interstate 81 Exit 317 northbound off-ramp, immediately northeast of Redbud Road (Route 661), in the Stonewall Magisterial District, and are identified by Property Identification Numbers (PINs) 43-A-150, 43-A-151, 43-A-151A, 43-A-152, 43C-3-2, 43C-3-3, 43C-3-4, 43C-3-4A, 43C-3-5 and 43C-3-7A.

**WHEREAS,** the Planning Commission held a public hearing on this rezoning on April 6, 2005; and

**WHEREAS,** the Board of Supervisors held a public hearing on this rezoning on April 26, 2005; 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;

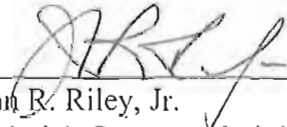
**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to change 79.13 acres from RA (Rural Areas) District to M1 (Light Industrial) District, as described by the application and 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 26th day of April, 2005 by the following recorded vote:

Richard C. Shickle, Chairman	<u>Aye</u>	Barbara E. Van Osten	<u>Aye</u>
Gina A. Forrester	<u>Aye</u>	Gary Dove	<u>Aye</u>
Lynda J. Tyler	<u>Aye</u>	Bill M. Ewing	<u>Aye</u>
Gene E. Fisher	<u>Aye</u>		

**A COPY ATTEST**

  
\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator

**PROPOSED PROFFER STATEMENT**

REZONING: RZ# 03-05  
Rural Areas District (RA) to Light Industrial District (M1) with Proffers

PROPERTY: 79.13 acres +/-;  
Tax Parcels #43-((A))-150, 43-((A))-151, 43-((A))-151A,  
43-((A))-152, 43C-((3))-2, 43C-((3))-3, 43C-((3))-4,  
43C-((3))-4A, 43C-((3))-5, 43C-((3))-7A

RECORD OWNER: North Stephenson, Inc.

APPLICANT: North Stephenson, Inc. (here-in after "the applicants")

PROJECT NAME: North Stephenson, Inc. - Light Industrial Rezoning

ORIGINAL DATE OF PROFFERS: October 13, 2004

REVISION DATE: May 13, 2005

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # 03 -05 for the rezoning of the 79.13-acres tract from the Rural Areas (RA) District, to Light Industrial (M1) 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 the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicants and their legal successors, heirs, or assigns.

The subject property is more particularly described as the land owned by North Stephenson, Inc. being all of Tax Map Parcels 43-((A))-150, 43-((A))-151, 43-((A))-151A, 43-((A))-152, 43C-((3))-2, 43C-((3))-3, 43C-((3))-4, 43C-((3))-4A, 43C-((3))-5, and 43C-((3))-7A, as evidence by recorded property deeds in the Frederick County Clerk of Court Office included with this rezoning proposal.

PROJECT PROFFER STATEMENT

## 1.) Transportation

- a) The applicants hereby proffer to construct, or cause for the construction of dual southbound left turn lanes on Martinsburg Pike (U.S. Route 11 North) at the major collector road intersection with Renzi Drive at the Rutherford's Farm Industrial Park. The southbound dual left turn lanes will be constructed at the same time that the Rutherford's Farm Industrial Park improvements to Martinsburg Pike are constructed.
- b) The applicants hereby proffer to construct, or cause for the construction of a right turn lane within the Martinsburg Pike (U.S. Route 11 North) right-of-way at a location and distance acceptable to VDOT between the intersection of Redbud Road (Route 661) and the major collector road intersection serving as the primary entrance to the 79.13-acre project site. A traffic study will be prepared and submitted to VDOT as a component of the site development plan for each proposed land use on the 79.13-acre site to allow VDOT to determine when the proffered improvement is warranted.
- c) The applicants hereby proffer to provide for the dedication of right-of-way and for the allowance of temporary construction easements needed for the ultimate design of the major collector road from the CSX railroad to Martinsburg Pike. The dedicated right-of-way shall provide for the improvements identified from station 10+00 to station 24+00 on the Stephenson Village Major Collector Road Plan and CSX Crossing prepared by Greenway Engineering and dated October 2004, which is included as an exhibit with this proffer statement. The applicants further proffer to provide for the dedication of right-of-way acceptable to VDOT for the purpose of providing a right turn lane from the major collector road onto the internal street connection located at station 17+00 on the subject exhibit.
- d) The applicants hereby proffer to enter into a signalization agreement with VDOT for the provision of a traffic signal at the major collector road intersection with Martinsburg Pike, which will align with Renzi Drive at the Rutherford's Farm Industrial Park. The signalization agreement shall provide for the pro-rata share of the traffic signal based on the projected traffic volumes identified in the Traffic Impact Analysis (TIA) compared to the projected traffic volumes identified in the TIA for the Rutherford's Farm Industrial Park and the TIA for the Stephenson Village Residential Planned Community.

- e) The applicants hereby proffer to prepare and submit a traffic study to VDOT as a component of the site development plan for each proposed land use on the 79.13-acre site to determine the portion of the major collector road that will be required to be constructed based on the impacts associated with each future land use.
- f) The applicants hereby proffer to dedicate right-of-way to VDOT along Redbud Road for future improvements to the Interstate 81 Exit 317 interchange area. This right-of-way shall be dedicated to VDOT within 180 days of final engineering plan approval. The preparation of right-of-way dedication plats and legal documents associated with this dedication shall be prepared by parties other than the applicants.
- g) The applicants hereby proffer to dedicate a 50-foot right-of-way and provide temporary construction easements to VDOT for the purpose of realigning Redbud Road (Route 661) from the current intersection at Martinsburg Pike (U.S. Route 11 North) to connect to the major collector road on the subject site. The purpose of the 50-foot right-of-way dedication and temporary construction easements is to provide VDOT and Frederick County with an appropriate alternative to relocate Redbud Road. The dedicated 50-foot right-of-way will connect to the intersection that is identified at station 17+00 on the Stephenson Village Major Collector Road Plan and CSX Crossing prepared by Greenway Engineering and dated October 2004, which is included as an exhibit with this proffer statement. The location of the 50-foot right-of-way to connect to this intersection will be agreed upon by VDOT and the property owners to allow for a minimum 25 mph geometric design criteria and will be made available at such a time that VDOT deems necessary. The preparation of right-of-way dedication plats and legal documents associated with this dedication shall be prepared by parties other than the applicants. The construction of the realigned portion of Redbud Road shall occur by parties other than the applicants.
- h) The applicants hereby proffer to prohibit commercial entrances along the western property line on tax parcel 43-((A))-152 adjoining the Redbud Road (Route 661) right-of-way. This proffer is intended to prohibit commercial entrance locations on the current alignment of Redbud Road and is not intended to prohibit commercial entrances internally to the subject site should Redbud Road be realigned through the subject site resulting from the widening of Interstate 81.

## 2.) Structural Development

The applicants hereby proffer to limit the structural development on the 79.13-acre to a maximum of 800,000 square-feet of total floor area.

## 3.) Environmental Protection

The applicants hereby proffer to provide for the delineation of karst features located on the 79.13-acre site as a condition of master development plan approval. The applicants further proffer to conduct geotechnical analysis for each site plan in which structural development or other site improvements are located within 50 feet of identified karst features. The geotechnical analysis reports and methods for treatment of impacts shall be provided to the Frederick County Engineer for review and approval as a condition of site development plan approval.

## 4.) Viewshed Mitigation

The applicants hereby proffer to prohibit the placement of freestanding and building mounted illuminated and non-illuminated business signs facing the eastern property line of tax map parcel 43-((A))-152 to mitigate viewshed impacts from the 3<sup>rd</sup> Winchester Core Battlefield Area.

## 5.) Fire and Rescue Monetary Contribution

The applicants hereby proffer to provide a monetary contribution of \$0.01 per square foot of structural development on the 79.13-acre site occurring subsequent to rezoning approval. This monetary contribution shall be provided to Frederick County at the time of building permit issuance for structural development, which may generate a maximum monetary contribution of \$8,000.00 based on the proffered maximum square footage of structural development. The applicants monetary contribution will be directed to the Clearbrook Volunteer Fire and Rescue Company, which will provide first due response to the subject site.

## 6.) Martinsburg Pike Corridor Enhancement

The applicants hereby proffer to provide corridor enhancements along Martinsburg Pike. The location and type of enhancements for this corridor will be identified on the Master Development Plan for the 79.13-acre project site.

7.) Signatures

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the applicant and owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

North Stephenson, Inc.

By: Keven Omgs 6/1/05  
Keven Omgs Date

By: John Omgs 6/1/05  
John Omgs Date

Commonwealth of Virginia,

City/County of FREDERICK To Wit:

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of JUNE  
2005 by Keven Omgs AND John Omgs

Steve Rudolph III  
Notary Public

My Commission Expires July 31, 2007

Subj: **Snowden Bridge Station - VDOT Rezoning Comments**  
Date: 5/6/2016 3:18:39 P.M. Eastern Daylight Time  
From: [Matthew.Smith@vdot.virginia.gov](mailto:Matthew.Smith@vdot.virginia.gov)  
To: [GreyWolfInc@aol.com](mailto:GreyWolfInc@aol.com), [jbishop@fcva.us](mailto:jbishop@fcva.us)  
CC: [Terry.ShortJR@VDOT.Virginia.gov](mailto:Terry.ShortJR@VDOT.Virginia.gov), [AdamF.Campbell@vdot.virginia.gov](mailto:AdamF.Campbell@vdot.virginia.gov),  
[Matthew.Smith@vdot.virginia.gov](mailto:Matthew.Smith@vdot.virginia.gov), [Lloyd.Ingram@VDOT.virginia.gov](mailto:Lloyd.Ingram@VDOT.virginia.gov)

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development  
14031 Old Valley Pike  
Edinburg, VA 22824

Below please find our review comments regarding the Snowden Bridge Station Rezoning package dated March 22, 2016 and received by our office on March 28, 2016.

- Proffer 1. a. & b.: These proffers should be removed as commercial entrance access will only be approved by VDOT at the time of final site plan development based on detailed entrance designs of conditions, standards, and regulations in place at the time of development.
- Proposed Layout - Snowden Bridge Station Generalized Development Plan: Remove entrances shown on the GDP for the 11.340 Acre B-2 parcel, as access to the property will be determined by VDOT at the time of final site plan development based on detailed entrance designs of conditions, standards, and regulations in place at the time of development.
- VDOT recommends the transportation proffers specify the inclusions of pedestrian accommodations (sidewalk) along Route 11 and Snowden Bridge Boulevard frontage.
- The Comprehensive Plan section of the Impact Statement submitted with the application does not include the current land use designation of industrial on the property (per the 2030 Comp. Plan amended 2/25/15). Does the Industrial Land Use designation accommodate the proposed B2/B3 zoning?
- The Lane Divides Map in the County Comprehensive Plan indicates Route 11 along the property frontage is planned as a 6-lane, divided facility. The application does not address this planned transportation improvement. Please advise.
- The Impact Statement submitted with the application indicates restaurants are the only allowed use in the current M-1 zoning of the property. Is this use restriction associated with an existing proffer on the property? To determine the existing by-right maximum trip generation scenario of 6,303 WAADT (utilized as a development cap in the proffers), the traffic study memo prepared by Stowe Engineering, submitted with the application assumes approximately 48,000 square feet of High Turnover Restaurants on the property. While this scenario as presented identifies a reduction in site trip generation with the proposed rezoning, from a purely zoning standpoint, going from a M-1 Light Industrial to a B-2 Business zoning district is generally considered an increase in potential development/zoning intensity.

Please let me know if you have any questions or need further clarification.

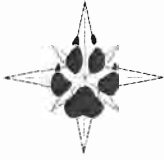
Friday, May 06, 2016 AOL: GreyWolfInc



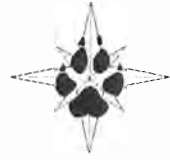
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## TRANSMITTAL LETTER

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**GREYWOLFE, INC.**  
1073 REDBUD ROAD • WINCHESTER, VA 22603  
(540) 667-2001 • (540) 545-4001 FAX  
GREYWOLFEINC@AOL.COM



Virginia Department of Transportation  
14031 Old Valley Pike  
Edinburg, VA 22824  
Staunton District

May 15, 2016

Mr. Adam Campbell:

Attached are revised proffers addressing your concerns and below are responses to each of your comments. Thank you for taking the time to review these and I hope this addresses all of your concerns. We are proceeding to a submission on May 20th to start the public hearing process in June. If you have additional concerns, please let me know by June 8.

1. Proffers 1a and 1b will stay at the request of the Frederick County Transportation Planner. They have been modified to include Frederick County as a reviewing agency.
2. The entrance locations on the GDP will stay at the request of the Frederick County Transportation Planner.
3. The request of a pedestrian accommodation, or sidewalk, is required by ordinance in Frederick County. The Transportation Planner that we not proffer a condition that is already required through ordinance.
4. The analysis does include uses allowed in the current M-1 zoning, namely restaurants. Which are the most logical use of the property in this location by the interstate ramps. However, they are such a high traffic generator, the thought is to change the zoning to B-2 so that other uses that would be desirable for the location and produce much less traffic, particularly during non-peak hours such as hotels would be better. That is way the traffic report supplied showed such a high amount of traffic with the existing zoning and a lower one with the proposed zoning. I believe this also address comment #6.
5. The proffers have been revised to include an additional 10' of land for right of way as requested by the Transportation Planner to address the future 6 lanes of Route 11. Additional right of way can be required in the future, if needed, through the site plan or subdivision process.

Please call if you have any questions.

Thank you,

Gary R. Oates, LS-B, PE  
GreyWolfe, Inc



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

Post Office Box 1877  
Winchester Virginia 22604-8377

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

Eric R. Lawrence  
Executive Director

April 9, 2016

Gary Oates  
Greywolfe, Inc.  
1073 Redbud Road  
Winchester, Virginia 22603

**RE: Snowden Bridge Station Rezoning Application**  
**Property Identification Numbers: 343C-3-2, 3, 4, &4A; 43A-150,151A & 151B**  
**13.969 acres**

Dear Mr. Oates,

Thank you for the opportunity to offer review comments on the Snowden Bridge Station rezoning application package, received at the Frederick County Sanitation Authority (FCSA) on March 28, 2016. The FCSA offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The project parcels are in the sewer and water service area (SWSA) and are served by FCSA. Based on the project's location, both water and sanitary sewer services are available within a reasonable distance from the site. Water service to the site is available, and capacities appear suitable. Sanitary sewer treatment capacity at the wastewater treatment plant is also presently available.

As noted in the Impact Analysis, the applicant has constructed a sanitary gravity sewer, pump station, and force main to serve the sanitary conveyance requirements for the site. Sanitary sewer in the vicinity, predominately the adjacent sewer force main, have limited available capacities. It should be noted that sanitary sewer system capacity is not reserved, and therefore, prior to connecting new users to the system, the applicant will need to demonstrate that adequate sewer conveyance capacity exists to accommodate the user's demands.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design. Please be aware that the FCSA is offering these review comments without benefit of knowledge of the use of the site.

Sincerely,

Eric R. Lawrence, AICP  
Executive Director



## COUNTY of FREDERICK

Roderick B. Williams  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

April 26, 2016

### VIA E-MAIL AND REGULAR MAIL

Mr. Gary Oates  
GreyWolfe, Inc.  
1073 Redbud Road  
Winchester, VA 22603

Re: Rezoning Application – Snowden Bridge Station Rezoning  
Proffer Statement dated March 22, 2016

Dear Gary:

You have submitted to Frederick County for review the above-referenced proffer statement (the "Proffer Statement") for the proposed rezoning of Tax Parcel Numbers 43-A-150, 43-A-151A, 43-A-151B, 43C-3-2, 43C-3-3, 43C-3-4, and 43C-3-4A (the "Property"), 13.969± acres in the Stonewall Magisterial District, from the M1 (Light Industrial) District to the B2 (General Business) and B3 (Industrial Transition) Districts, with 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:

- **Parcels/Proposed Subdivision Plat** – The County has already assigned Tax Parcel Number 43-A-151A to the 50X50 FCSA lot. Therefore, the three new lots being created by the proposed subdivision plat will need to be assigned numbers that do not include 43-A-151A. This will as well require a change to the parcel numbers that the Application and Proffer Statement identify. Also, on the plat, two different sizes show for proposed new lot 43-A-151A, 2.686 acres on sheet 3 and 2.629 acres on sheet 4. It appears that the latter number is correct, as that is 0.057 acres less than the former number and the difference corresponds with the size of the FCSA lot.
- **Title** – At some point, the Proffer Statement needs a title identifying it as such. This is helpful for when we present the Proffer Statement for recordation in the land records.
- **Generalized Development Plan** – The Proffer Statement indicates that a GDP is attached and includes a document titled "Proposed Layout for Commercial Rezoning at Snowden

Bridge Station". The attachment appears to have at least some information that would be typical for a GDP, so perhaps it needs to be designated as such.

- Coordination with Proffers from Rezoning 03-05 – Staff will want to ascertain the extent to which performance of proffers from Rezoning 03-05 has already occurred or, otherwise, whether any obligations from Rezoning 03-05 are conceptually inconsistent with the obligations now proposed in the Proffer Statement. One particular item to consider from Rezoning 03-05 is its Proffer 1g (Redbud Road realignment). Several items from Rezoning 03-05, including but not necessarily limited to the limit on overall structural square footage in its Proffer 2 and the delineation of karst features in its Proffer 3, would remain in force.
- Proffer 1 – Staff will want to ascertain whether the vehicle trips per day that would otherwise result from the proposed rezoning would be less than the proffered limit that is based on current by-right trips. If it is less, the proffer may have limited utility.
- Proffers 1a and 1b – For clarity, the proffers might best state that the owners proffer to limit entrances on the respective roads to one each.
- Proffer 1c – For clarity, the proffer might best add, with respect to the private road serving as the internal road system for the development, that the parcels subject to the rezoning will have access easements to the private road and that no development on the parcels will take place until such easements are granted.

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 review will be done by staff and the Planning Commission.

Sincerely,



Roderick B. Williams  
County Attorney

cc: Candice E. Perkins, Assistant Director of Planning & Development, Frederick County (via e-mail)

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## TRANSMITTAL LETTER

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**GREYWOLFE, INC.**  
1073 REDBUD ROAD • WINCHESTER, VA 22603  
(540) 667-2001 • (540) 545-4001 FAX  
GREYWOLFEINC@AOL.COM



Frederick County Attorney  
107 North Kent Street  
Winchester, Virginia 22601

May 15, 2016

RE: Rezoning Comments

Mr. Williams,

Attached are revised proffers addressing your concerns and below are responses to each of your comments. Thank you for taking the time to review these and I hope this addresses all of your concerns. We are proceeding to a submission on May 20th to start the public hearing process in June. If you have additional concerns, please let me know by June 8.

1. The tax map numbering has been looked into and corrected with the Commissioner of Revenue's office.
2. A title has been added to the proffers as requested.
3. The title of the Generalized Development Plan has been revised to call it as such.
4. Comment for staff.
5. Staff did review the traffic reports and analysis during the pre-application phase and has additionally reviewed them with submission. No concerns have been raised.
6. I tried to clarify these proffers based upon your comments and those from VDOT and the County Transportation Planner.
7. In regards to your comment, since the access would be tied to Redbud's closure, I felt adding language based upon development of the lot would "muddy the waters". I have added that they will be dedicated upon request of the County, that should address your concern and allow the Board to be comfortable with the commitment.

Please call if you have any questions.

Thank you,

Gary R. Oates, LS-B, PE  
GreyWolfe, Inc



COUNTY of FREDERICK

Department of Planning and Development  
540/ 665-5651  
Fax: 540/ 665-6395

April 5, 2016

Mr. Gary Oates, LS-B, PE  
GreyWolfe, Inc.  
1073 Redbud Road  
Winchester, Virginia 22603

**RE: Proposed Rezoning for Snowden Bridge Station**  
**Property Identification Number (PIN): 43C-3-2, 3, 4, 4A, 43-A-150, 151A, 151B**

Dear Gary:

I have had the opportunity to review the draft rezoning application for the Snowden Bridge Station properties. This application seeks to rezone seven properties totaling 13.696 acres from the M1 (Light Industrial) District to the B2 (General Business) and B3 (Industrial Transition) Districts with proffers. The review is generally based upon the proffer statement dated March 22, 2016.

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

1. **Northeast Land Use Plan – Land Use.** The 2030 Comprehensive Plan and the Northeast Frederick Land Use Plan provide guidance on the future development of the property. The property is located within the SWSA. The 2030 Comprehensive Plan identifies these properties with an industrial land use designation. In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the visibility of this site, its location on Martinsburg Pike and the I-81 interchange and the amount of commercial land in close proximity to this site, the requested commercial may be acceptable.
2. **Proffer Statement – Corridor Enhancement.** Proffer 2c should be expanded to state “no additional freestanding signage shall be permitted along Martinsburg Pike”.
3. **Proffer Statement – Corridor Enhancement.** Proffer 2b needs to be clarified – should this proffer state that parking shall not be permitted between Martinsburg Pike and any structure constructed on the property.

Page 2  
Mr. Gary Oates  
RE: Snowden Bridge Station  
April 5, 2016

4. **Proffer Statement – GPD.** Ensure all parcels shown on the GPD that are subject to this rezoning are labeled (2, 3, 4, 4A).
5. **Plat.** Provide a plat of rezoning that includes a metes and bounds description for all seven of the properties for which the rezoning is being requested. Also, please provide deeds and verification of taxes paid.
6. **Transportation Comments.** Please note that transportation comments on the rezoning application from John Bishop, Assistant Director - Transportation, are being provided to you in a separate letter. Staff may also provide additional comments related to the proposed changes if warranted subject to adjustments requested by VDOT.
7. **Agency Comments.** Please provide appropriate agency comments from the following agencies: Virginia Department of Transportation, Frederick County Department of Public Works, Frederick County Fire Marshall, Frederick County Sanitation Authority, Frederick-Winchester Health Department, the local Fire and Rescue Company, the County Attorney and the Frederick-Winchester Service Authority.
8. **Fees.** Based on the fees adopted by the Board of Supervisors on April 23, 2008, the rezoning fee for this application would be \$11,369.60 based upon acreage of 13.696 acres.

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

Sincerely,



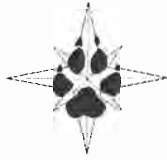
Candice E. Perkins, AICP, CZA  
Assistant Director

CEP/pd

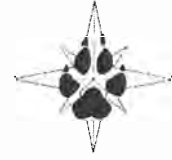
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## TRANSMITTAL LETTER

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**GREYWOLFE, INC.**  
1073 REDBUD ROAD • WINCHESTER, VA 22603  
(540) 667-2001 • (540) 545-4001 FAX  
GREYWOLFEINC@AOL.COM



Department of Planning and Development  
107 North Kent Street, Suite 202  
Winchester, Virginia 22601-5000

May 15, 2016

RE: Planning Comments

Ms. Perkins,

Attached are revised proffers addressing your concerns and below are responses to each of your comments. Thank you for taking the time to review these and I hope this addresses all of your concerns. We are proceeding to a submission on May 20th to start the public hearing process in June. If you have additional concerns, please let me know by June 8.

1. Thank you for agreeing that while the proposed zoning does not meet the exact land use shown in the 2030 Comprehensive Plan, it does fit in will with the location and surrounding properties of similar zoning.
2. Proffer 2c has been modified per your request.
3. Proffer 2b intends that the parking be further from Route 11 than permitted by ordinance for corridor appearance. If a building such as a hotel were to be constructed, generally there is parking and a drop-off point in front. My client does not want to prohibit parking between the buildings and Route 11, only increase the distance for appearances.
4. The GDP has been modified to show interior lot lines of the parcels and not just the area as a whole.

Please call if you have any questions.

Thank you,

Gary R. Oates, LS-B, PE  
GreyWolfe, Inc





COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

May 10, 2016

K&J Investments, LLC & North Stephenson, Inc.  
c/o GreyWolfe, Inc.  
1073 Redbud Road  
Winchester, VA 22603

**RE: Frederick County Transportation Comment on Rezoning Request for Snowden Bridge Station**

Dear Mr. Oates:

I am in receipt of your materials for the rezoning of parcels 43C-(3)-2, 3, 4& 4A; 43-(A)-150, 151A, & 151B to B2/B3 zoning. I would like to offer the following comments and concerns as you proceed with your rezoning request.

1. The Comprehensive Plan calls for Route 11 to be a facility with six through lanes in this area. Please consider providing right of way adequate to accommodate this and any needed turn lanes.
2. Please emphasize the conceptual nature of your proposed entrances, as well as clarify the fact that you are limiting yourself to these. In addition, please include the County to your note of VDOT approval.
3. I noted VDOT's comment regarding the sidewalk. We would prefer you not proffer this since it is already an ordinance requirement. Our belief is that this creates confusion.
4. I would recommend creating inter-parcel connections to the south in order to avoid additional future entrances on Route 11.

Thank you for this opportunity to comment and I look forward to being of assistance as you proceed with your application.

Please let me know if any additional feedback or information is needed.

Sincerely,

John A. Bishop  
Assistant Director – Transportation

JAB/pd  
cc: Rezoning file, Candice Perkins, Michael T. Ruddy

---

## TRANSMITTAL LETTER

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**GREYWOLFE, INC.**  
1073 REDBUD ROAD • WINCHESTER, VA 22603  
(540) 667-2001 • (540) 545-4001 FAX  
GREYWOLFEINC@AOL.COM



Department of Planning and Development  
107 North Kent Street, Suite 202  
Winchester, Virginia 22601-5000

May 15, 2016

RE: Transportation Planner Comments

Mr. Bishop,

Attached are revised proffers addressing your concerns and below are responses to each of your comments. Thank you for taking the time to review these and I hope this addresses all of your concerns. We are proceeding to a submission on May 20th to start the public hearing process in June. If you have additional concerns, please let me know by June 8.

1. This area of Route 11 has been upgraded greatly over the last 10 years. We are amenable to your request and proffered an additional 10 feet. Please advise if this is sufficient. Also, when site plans are submitted, the County can always require additional right of way, if needed.
2. The entrances have been labeled "conceptual" and the County has been added as an approving agency. Please note that VDOT requested they be removed from the drawing; however like you, I think it is important to call out their potential locations for consideration of the rezoning by the Board of Supervisors.
3. I will respond to VDOT's comment about the sidewalk, and follow your suggestion about not proffering items already required by the ordinance.
4. I have added language for an inter-parcel connection to the southern lot, Tax map 43C-(3)-5.

Please call if you have any questions.

Thank you,

Gary R. Oates, LS-B, PE  
GreyWolfe, Inc

# **Impact Statement**

For consideration of Rezoning the lands for the

## **Snowden Bridge Station**

Stonewall Magisterial District  
Frederick County, Virginia

March 22, 2016

### **Tax Map Numbers**

43-(A)-150, 43-(A)-151A, 43-(A)-151B,  
43C-(3)-2, 43C-(3)-3, 43C-(3)-4, 43-(3)-4A  
Total Area: 13.969 acres

### **Owners of Record:**

K & J Investments, LC and  
North Stephenson, Inc.  
1800 Martinsburg Pike  
Winchester, VA 22603  
(540) 667-4919 ofc

### **Contact:**

Gary R. Oates, LS-B, PE  
GreyWolfe, Inc.  
1073 Redbud Road  
Winchester, VA 22603  
(540) 667-2001 ofc  
(540) 545-4001 fax

## **Snowden Bridge Station Rezoning**

### Introduction

The site is located on the east side of Route 11 north (Martinsburg Pike) and on the south side of Snowden Bridge Boulevard and just north of Interstate 81 exit 317 in Frederick County, VA. The site has been used for residential and industrial purposes in the past. The applicants are seeking a change in zoning from M-1 to B-2 & B-3 to allow a more diverse array of business such as gas stations, drug stores, and hotels; which will create a tax base that takes advantage of the interstate traffic at exit 317. This portion of land was rezoned per application #03-05 in 2005. The remaining land will continue to be subject to those proffers while this 13.969 acre will become subject to the new proffers.

### Existing Conditions

The properties contain two rental houses and a trucking business. The stormwater drains generally to the northeast towards the railroad. In 2006 the applicant installed a full turn lane and stoplights from exit 317 to Snowden Bridge Blvd. Most of the proffered transportation improvements have already been constructed. Furthermore, another rezoning by the applicant in 2012, application #01-12, proffered an additional stoplight and improvements at the intersection of Ezra Lane and Snowden Bridge Blvd where all of the traffic will exit.

### Comprehensive Planning

The site is not intended to be residential, but rather a business tax base per the comprehensive plan. There is public water and sewer available and the applicant has already constructed a regional sewage pump station and dedicated it to the Frederick County Sanitation Authority. The benefit to Frederick County by approving this rezoning will be a positive economic impact and additional services for nearby residents and the traveling public on the interstate highway.

### Proposed Development

The site will be graded, landscaped, and commercial entrances, as delineated on the GDP, installed that will meet current VDOT specifications. There will not be any exits built onto Snowden Bridge Blvd other the Ezra Lane. There are two entrances along Route 11 and one on Snowden Bridge Blvd, as shown on the GDP, to divert traffic into the development quickly and not congest the traffic on the major collectors. The development is envisioned to contain a gas station, restaurants, hotel, and possibly a pharmacy and small market.

### Physical Impacts

The site is not located within or near any 100 year flood plains per FEMA Flood Map No. 51069C0209D and 51069C0210D. Furthermore, there are not any woodlands or noteworthy landscaping on site to preserve.

### Surrounding Properties

The site is bounded by the proposed Ezra Lane to the east, Snowden Bridge Blvd bounds the north, Route 11 to the west, and land owned by the applicant to the south. Also, further west across Route 11 there is Rutherford Crossing, a large commercial park containing retail shops, restaurants, and services. This proposed development will complement the uses in the area.

### Traffic Impact and Analysis

Report by Stowe Engineering is attached that shows the overall traffic will decrease. This is because restaurants are the only allowed use in the current M-1 zoning and they are highest traffic producers. By allowing other business such as hotels that generate far less traffic, the traffic will either be the same or most likely be less. The right-in entrances on Route 11 will allow interstate traffic access to the site without congesting the intersection with Snowden Bridge Blvd.

Finally, the internal road known as Ezra Lane was intended to be Redbud Road “redirected” when the original rezoning was approved. Now, with the Graystone Rezoning, Redbud Road will be diverted further to the east allowing the County to eventually close the at-grade rail crossing. This proposed rezoning will allow Ezra Lane to be a privately maintained internal road that taxpayers will not be responsible for. Also, the proffers clearly identify the remaining parcels left on Redbud Road and will grant them access over Ezra Lane to Snowden Bridge so they do not become “landlocked”.

### Sewer Conveyance and Treatment

The applicant has already constructed a sanitary sewer force main, gravity lines with manholes, and a pump station. These have been dedicated to the FCSA.

### Water Supply

The applicant has constructed water mains within their development to serve the businesses. This development is expected to generate 1000 gallons/day/acre for a total of 14,000 gpd.

### Drainage

The stormwater runoff drains to the railroad to the east. The applicant will be required to implement BMP's and other devices to meet the Commonwealth of Virginia's requirements as required by DCR.

### Solid Waste Disposal

The Civil Engineering Reference Manual, 4<sup>th</sup> edition, uses a rate of 5.4 cubic yards per 1,000 square feet of floor area. A 100,000 sf development will yield 540 cubic yards per year. The solid waste will be transferred to the Frederick County Landfill Facility by private licensed commercial carriers.

### Historical Impact

There are no historically significant structures or features present.

### Educational Impact

This development will not create additional students for the schools.

### Police, Fire, and Rescue Impact

The development will increase the burden on fire and rescue. The applicant is offering a proffer of \$0.10 per constructed building square foot to the County for fire and rescue services.

### Parks & Recreation Impact

This development is not expected to increase population; therefore, no measurable impacts are predicted.

### Soils

The soil types identified on the General Soil Map of the Soil Survey of Frederick County, Virginia are Carbo-Oaklet silt loam (6C) and an Oaklet silt loam (#32B). These soil types are considered prime farmland. The characteristics of this soil are manageable for development following the Virginia Erosion and Sediment Control practices.

### Geology

This area is also known for karst topography and special attention should be paid for potential sinkholes. Soil borings and review by a geotechnical engineer is advised.

# STOWE ENGINEERING, PLC

January 21, 2016

Mr. Gary Oates, PE, LS  
GreyWolfe, Inc.  
1073 Redbud Road  
Winchester, VA 22603

RE: Omps property rezoning, Martinsburg Pike, Frederick County, VA

Dear Mr. Oates:

This firm has been asked to prepare a traffic impact study to support the rezoning of lands owned by K&J Investments along Martinsburg Pike. The rezoning area consists of two parcels whose size, existing zoning and proposed zoning are shown in table 1.

*Table 1 Rezoning Area, Existing Zoning and Proposed Zoning*

Parcel Size	Existing Zoning	Proposed Zoning
11.356 acres	M-1	B-2
2.613 acres	M-1	B-3

The larger of these parcels is located at the corner of Martinsburg Pike and Snowden Bridge Boulevard. The smaller parcel encompasses the existing HH Omps warehouse and office building which was recently completed on the same property. Figure 1 shows the location of the parcels to be rezoned.

As an initial step in the traffic impact study process the proposed land uses for the site(s) were identified and quantified. For the 11.356-acre tract the planned land uses, land area planned for each and trip generation variable are shown in table 2 and the full Trip Generation Report is attached.

*Table 2 Proposed Land Uses with Proposed Zoning*

Use	Land Area (acres)	ITE Variable
Convenience store with carwash and 15 fueling positions	2.2	15 fueling positions
High Turnover Restaurants	6.0	18,000 sq. ft.
Hotel	3.15	140 rooms

In addition to these uses the 2.613-acre tract is being rezoned from M-1 to B-3 to add a small boat repair retail component to the existing 35,000 sq. ft. trucking company warehouse and office space. An increase in traffic for this tract is expected to be minimal due to the low volume of traffic resulting from the boat repair business, which is forecasted by the developer to be less than 10 trips per day.

The Trip Gen 2014 software based on the ITE Trip Generation Manual, 9<sup>th</sup> edition, was used to forecast the trips that will be generated by the planned land uses. A summary of those trips is shown in table 3 and the full Trip Generation Report is attached to this report.

*Table 3 Trips Generated by Proposed Land Uses*

Land Use	WAADT	AM Peak Hour of Adj St	PM Peak Hour of Adj St
Warehouse with office and boat repair shop	200	46	30
Hotel	790	69	78
High Turnover Restaurants	2289	195	177
Market with 15 fuel positions and carwash	2293	178	208
<b>Total</b>	<b>5572</b>	<b>488</b>	<b>493</b>

For comparison and to determine if the rezoning is exempt from the VDOT Traffic Impact Study requirements, trips that would be generated if the site were to develop under the existing zoning were also computed. The Trip Gen 2014 software based on the ITE Trip Generation Manual, 9<sup>th</sup> edition, was also used to forecast these trips. A summary of these by-right trips is shown in table 4 and the full Trip Generation Report is attached.

*Table 4 Trips Generated from By-Right Land Uses with Existing Zoning*

Land Use	WAADT	AM Peak Hour of Adj St	PM Peak Hour of Adj St
Warehouse with office and boat repair shop	200	46	30
High Turnover Restaurants	6103	519	473
<b>Total</b>	<b>6303</b>	<b>565</b>	<b>503</b>

The Administrative Guidelines for the VDOT Traffic Impact Analysis Regulations per 24VAC30-155 dated November 2014 and published by the VDOT Land Development Section includes exemptions to the traffic impact study submission requirements for rezonings which appear to be applicable to this rezoning. The particular exemption that is applicable to this project is:

*“Exemptions to the Rezoning Submittal Requirements - No submission will be required even if the proposal meets one of the above thresholds if the rezoning will generate less daily traffic, and no*



Mr. Oates  
January 21, 2016  
Page 3

*increase in the existing hourly traffic, when compared to the trip generation of land uses allowed by right under the current zoning of the property, except governmental uses.”*

Since the proposed development will generate less daily and hourly traffic when compared to the trip generated by the land uses allowed by right under the current zoning of the parcels, it is my opinion that a traffic impact study is not required under VDOT's Traffic Impact Analysis Regulations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy S. Stowe". The signature is written in a cursive style with a large, looped initial "T".

Timothy S. Stowe, PE, LS  
President

Attachments

### Trip Generation Summary

Alternative: Proposed Zoning B-2 & B-3

Phase:

Open Date: 1/20/2016

Project: Omps Rezoning

Analysis Date: 1/20/2016

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
150	Warehouse with Office	100	100	200	36	10	46	8	22	30
35	Gross Floor Area 1000 SF									
310	HOTEL 1	395	395	790	41	28	69	40	38	78
130	Rooms									
932	High Turnover Resturant	1145	1144	2289	107	88	195	106	71	177
18	Gross Floor Area 1000 SF									
946	Market with 15 fuel pumps and car wash	1147	1146	2293	91	87	178	106	102	208
15	Vehicle Fueling Positions									
Unadjusted Volume		2787	2785	5572	275	213	488	260	233	493
Internal Capture Trips		0	0	0	5	5	10	10	10	20
Pass-By Trips		0	0	0	0	0	0	0	0	0
Volume Added to Adjacent Streets		2787	2785	5572	270	208	478	250	223	473

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 2 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 4 Percent

\* - Custom rate used for selected time period.

### Trip Generation Summary

Alternative: Existing Zoning M-1

Phase:

Project: Omps Rezoning

Open Date: 1/20/2016

Analysis Date: 1/20/2016

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic		
		* Enter	Exit	Total	* Enter	Exit	Total	* Enter	Exit	Total
150	Warehouse with office	100	100	200	36	10	46	8	22	30
35	Gross Floor Area 1000 SF									
932	High Turnover Resturant	3052	3051	6103	285	234	519	284	189	473
48	Gross Floor Area 1000 SF									
Unadjusted Volume		3152	3151	6303	321	244	565	292	211	503
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		3152	3151	6303	321	244	565	292	211	503

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.

**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number	<u>04-16</u>	Fee Amount Paid	\$ <u>11,369.<sup>00</sup></u>
PC Hearing Date	<u>6/15/16</u>	Date Received	<u>5/18/16</u>
		BOS Hearing Date	<u>7/27/16</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: K & J Investments, LC & North Stephenson, Inc. Telephone: (540) 667-4919  
Address: 1800 Martinsburg Pike, Winchester, VA, 22603

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

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

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

Name: Gary R. Oates Telephone: (540) 667-2001

**4. Property Information:**

- a. Property Identification Number(s): 43C-(3)-2,3,4,& 4A; 43-(A)-150,151A,& 151B
- b. Total acreage to be rezoned: 13.969 acres
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): \_\_\_\_\_
- d. Current zoning designation(s) and acreage(s) in each designation: 13.969 - M-1
- e. Proposed zoning designation(s) and acreage(s) in each designation: 11.340 - B-2  
2.629 - B-3
- f. Magisterial District(s): Stonewall

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

Location map	<input type="checkbox"/>	Agency Comments	<input type="checkbox"/>
Plat	<input type="checkbox"/>	Fees	<input type="checkbox"/>
Deed to property	<input type="checkbox"/>	Impact Analysis Statement	<input type="checkbox"/>
Verification of taxes paid	<input type="checkbox"/>	Proffer Statement	<input type="checkbox"/>
Plat depicting exact meets and bounds for the proposed zoning district	<input type="checkbox"/>		<input 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:

K & J Investments, LC & North Stephenson, Inc. - Keven V. Omps

---

K & J Investments, LC & North Stephenson, Inc. - John E. Omps

---

**7. Adjoining Property:**

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
43C-(3)-5	Residential	M-1
43-(A)-151, 152, 151C	Industrial	M-1
43-(A)-148	Vacant	RP
43-(A)-149	Residential	RP
43-(A)-100K and 100L	Restarurants	B-2

**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):

Eastern side of Martinsburg Pike (Route 11) and southern side of Snowden Bridge Blvd

---

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

Number of Units Proposed

Single Family homes: 0                      Townhome: 0                      Multi-Family: 0  
Non-Residential Lots: 0                      Mobile Home: 0                      Hotel Rooms: 140

Square Footage of Proposed Uses

Office: \_\_\_\_\_                      Service Station: 1 \_\_\_\_\_  
Retail: \_\_\_\_\_                      Manufacturing: \_\_\_\_\_  
Restaurant: 18,000 sf                      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): Kevin R. Smith                      Date: 5/18/16  
John E. Dwyer                      Date: 5/18/16  
Owner(s): Kevin R. Smith                      Date: 5/18/16  
John E. Dwyer                      Date: 5/18/16

**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 K & J Investments, LC	1800 Martinsburg Pike
Property # 43C-(3)-5	Winchester, VA 22603
Name Cheryl DeHaven	1840 Martinsburg Pike
Property # 43-(A)-149	Winchester, VA 22603
Name Levine Investments Limited	500 Pegasus Court
Property # 43-(A)-100L	Winchester, VA 22602
Name Schulz Winchester, LLC	PO Box 2786
Property # 43-(A)-100K	Arlington, VA 22202
Name K & J Investments, LC	1800 Martinsburg Pike
Property # 43-(A)-151, 152, 151C	Winchester, VA 22603
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	



**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) Keven V. Omps - North Stephenson, Inc & K&J Investments, LC (Phone) 540-667-4919

(Address) 1800 Martinsburg Pike, Winchester, VA 22603

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

Instrument No. 050009792, 807/151 on Page 704/806,863/1319, and is described as

Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_

do hereby make, constitute and appoint:

(Name) Gary R. Oates, LS-B, PE and Timothy Stowe, PE, LS (Phone) 540-667-2001

(Address) 1073 Redbud Road, Winchester, VA 22603

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

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

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

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 18<sup>th</sup> day of May, 2016,

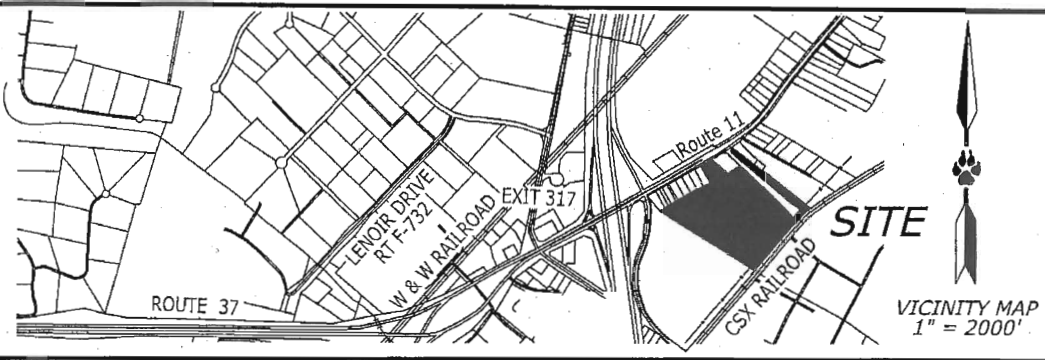
Signature(s) Keven Omps

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

I, Rewa Sherrard, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 18 day of May, 2016.

Rewa Sherrard # 7619185 My Commission Expires: March 31, 2018  
Notary Public





FINAL SUBDIVISION PLAT  
OF  
**SNOWDEN BRIDGE STATION**

TAX PARCEL 43-(A)-151  
STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA  
MARCH 1, 2016

OWNER'S CERTIFICATE

THE ABOVE AND FOREGOING SUBDIVISION SURVEY OF THE LAND OF K & J INVESTMENTS, LC, AS APPEARS ON THE ACCOMPANYING PLAT, IS WITH THE CONSENT OF AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

*Keven V. Omps*  
SIGNATURE - KEVEN VOYNE OMPs, MANAGER

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Frederick, TO WIT: THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED

BEFORE ME THIS 8<sup>th</sup> DAY OF March, 2016, BY:

*Reeva Shawn Shorrad*  
SIGNATURE NOTARY PUBLIC

Reeva Shawn Shorrad  
PRINTED NOTARY PUBLIC

MY COMMISSION EXPIRES Mar. 31, 2018



REGISTRATION NUMBER 7619185

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PARCEL CONTAINED IN THIS SUBDIVISION SURVEY IS THE LAND CONVEYED TO K & J INVESTMENTS, LC, FROM NORTH STEPHENSON, INC., BY DEED DATED MAY 9, 2005, AS INSTRUMENT 050009792 AND DEED DATED MARCH 29, 2006, AS INSTRUMENT 060005964 IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE.

*Gary R. Oates*  
GARY R. OATES, LAND SURVEYOR

PARENT TRACT

43-(A)-151  
32.229 acres  
Zoned: M-1

APPROVAL

*Mark A. ...*  
FREDERICK COUNTY SUBDIVISION ADMINISTRATOR 7 APR 16  
DATE

*L. A. ...*  
VIRGINIA DEPARTMENT OF TRANSPORTATION 24 MAR 16  
DATE

*Michael ...*  
FREDERICK COUNTY SANITATION AUTHORITY 8 Mar 2016  
DATE



**GreyWolfe, Inc.**  
Land Surveying and Consulting

1073 Redbud Road  
Winchester, VA 22603  
GreyWolfeInc@aol.com  
540-667-2001 OFC  
540-545-4001 FAX

### NOTES

1. A FIELD SURVEY WAS PERFORMED BY GREYWOLFE, INC. IN MARCH OF 2016.
2. BASIS OF MERIDIAN IS GRID NORTH FROM THE VIRGINIA STATE PLANE COORDINATE SYSTEM.
3. THERE WAS NO READILY APPARENT EVIDENCE OF A CEMETERY WITHIN CLOSE PROXIMITY TO THE BOUNDARY LINES.
4. THE FREDERICK COUNTY SANITATION AUTHORITY HAS SANITARY SEWER EASEMENTS - SEE PLAT OF RECORD #150007958.
5. SEE PLATS OF RECORD AT #150004537 FOR GRADING, DRAINAGE, SIGHT, STORM, AND WATERLINE EASEMENTS.
6. SEE PLAT OF RECORD AT #150003377 FOR ELECTRICAL EASEMENTS.

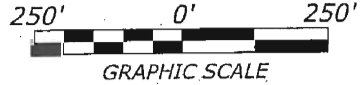
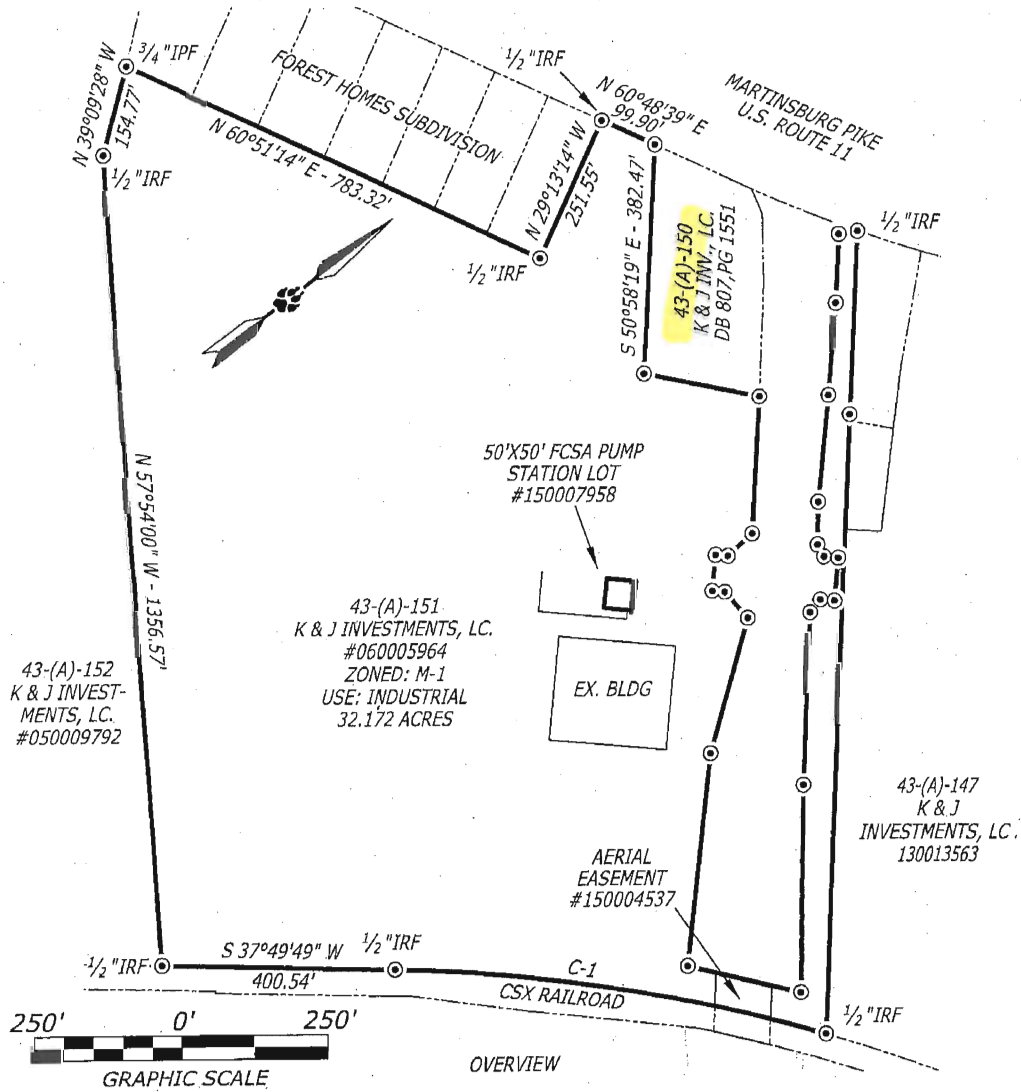
**ABBREVIATIONS**

BRL = BUILDING RESTRICTION LINE  
 IRF = IRON ROD FOUND  
 IPF = IRON PIPE FOUND

**LEGEND**

⊙ = PROPERTY CORNER FOUND  
 ⊙ = PROPERTY CORNER SET  
 5/8" X 24" REBAR WITH  
 YELLOW PLASTIC CAP

#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C-1	2886.93'	749.38'	14°52'22"	S 45°16'00" W	747.28'	C-CW



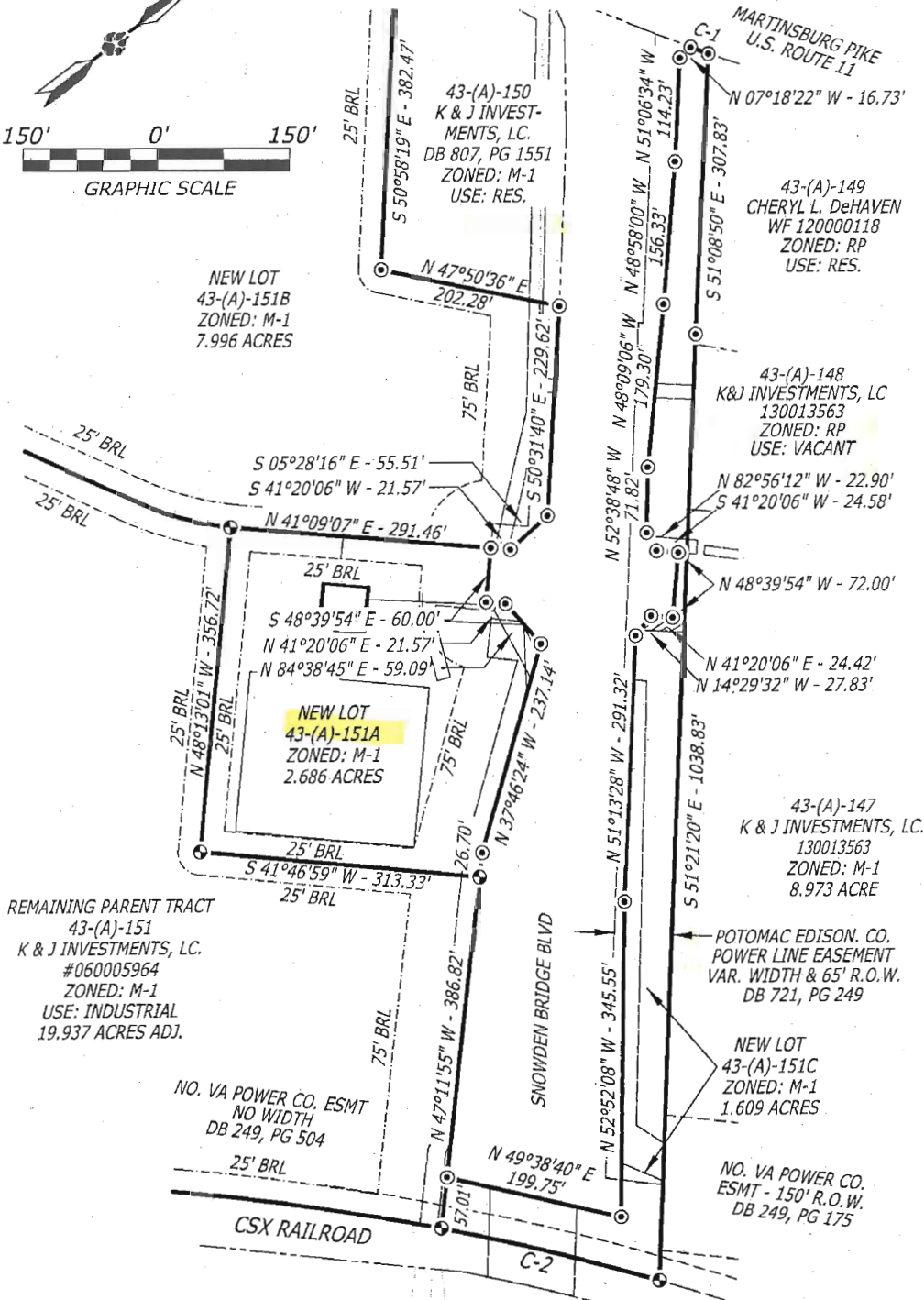
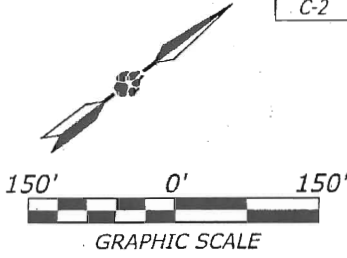
FINAL SUBDIVISION PLAT OF  
**SNOWDEN BRIDGE STATION**  
**TAX PARCEL 43-(A)-151**  
 STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

**GreyWolfe, Inc.**  
 Land Surveying and Consulting

1073 Redbud Road  
 Winchester, VA 22603  
 GreyWolfeInc@aol.com  
 540-667-2001 OFC  
 540-545-4001 FAX

PG 0151

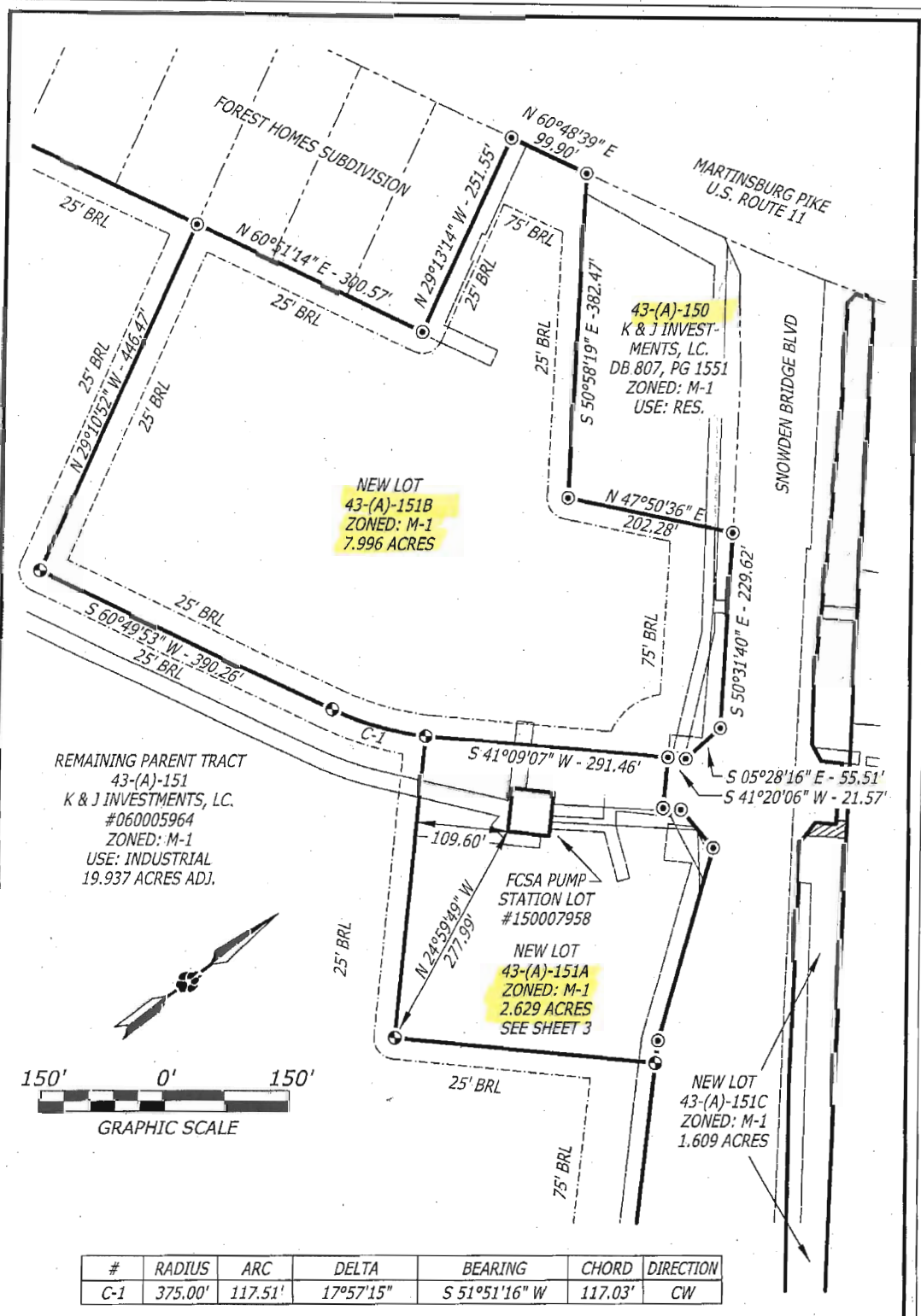
#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C-1	2331.83'	21.00'	00°30'57"	N 55°29'58" E	21.00'	C-CW
C-2	2886.93'	250.87'	04°58'44"	S 50°12'49" W	250.79'	C-CW



FINAL SUBDIVISION PLAT OF  
**SNOWDEN BRIDGE STATION**  
**TAX PARCEL 43-(A)-151**  
STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

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540-545-4001 FAX



#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C-1	375.00'	117.51'	17°57'15"	S 51°51'16" W	117.03'	CW



FINAL SUBDIVISION PLAT OF  
**SNOWDEN BRIDGE STATION**  
**TAX PARCEL 43-(A)-151**  
 STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA



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PG 154

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

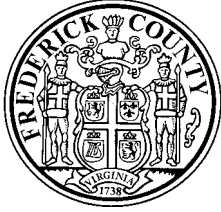
4-11-2016 at 2:56 pm

and with certificate acknowledgement thereto annexed  
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ N/A, and 58.1-801 have been paid, if assessable.

*Rebecca P. Hagan*, Clerk

Q



## REZONING APPLICATION #05-16

### CB VENTURES

#### Staff Report for the Board of Supervisors

Prepared: July 14, 2016

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

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	<u>Reviewed</u>	<u>Action</u>
<b>Planning Commission:</b>	06/15/16	Public Hearing Held; Recommended Approval
<b>Board of Supervisors:</b>	07/27/16	Pending

**PROPOSAL:** Rezoning #05-16 for CB Ventures LLC., submitted by Greenway Engineering, to rezone 3.75+/- acres from the B3 (Industrial Transition) District to the B2 (General Business) District, and 1.23+/- acres from the B2 (General Business) District to the B2 (General Business) District with proffers. This property also has an existing IA (Interstate Area Overlay) District designation which permits one interstate overlay sign, this is a high rise sign that allows certain uses such as gasoline stations, restaurants and hotels to be seen from the interstate.

**LOCATION:** The property is located on the south side of Martinsburg Pike (US Route 11) and the northeast side of Amoco Lane (Route 839) at the southwest quadrant of Interstate 81, Exit 317.

#### **EXECUTIVE SUMMARY & CONCLUSIONS FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

This is an application to rezone a total of 4.98 acres of land from the B2 (General Business) and B3 (Industrial Transition) Districts to the B2 District with proffers to accommodate commercial uses. This property is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan. The Northeast Land Use Plan identifies this property with a commercial land use designation. In general, the proposed commercial zoning is consistent with the current land use supported by the Comprehensive Plan.

With this rezoning, the Applicant has proffered to construct upgrades to Amoco Lane (Route 839) within the limits of the existing right-of-way to the limits of their southeastern most commercial entrance and to also provide inter-parcel connection into the adjacent Sheetz property that is currently under construction. The Applicant has also proffered to design and construct a sewer pump station, provide for landscaping on the properties fronting Amoco Lane and provide a monetary contribution of \$0.05 per building square foot for Fire and Rescue.

Since the Planning Commission meeting on June 15, 2016 the Applicant has updated the proffers to address the concerns of the Frederick County Sanitation Authority as requested by the Planning Commission; specifically language has been added that incorporates the SCADA system as requested.

Rezoning #05-16 CB Ventures  
July 14, 2016  
Page 2

The CB Ventures rezoning application is generally consistent with future land use designations of the 2030 Comprehensive Plan and the Northeast Land Use Plan which provide guidance on the future development of the property. A few elements of the rezoning application have been identified that should be carefully evaluated to ensure that they fully address the impacts associated with 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.**



*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>	06/15/16	Public Hearing Held; Recommended Approval
<b>Board of Supervisors:</b>	07/27/16	Pending

**PROPOSAL:** Rezoning #05-16 for CB Ventures LLC., submitted by Greenway Engineering, to rezone 3.75+/- acres from the B3 (Industrial Transition) District to the B2 (General Business) District, and 1.23+/- acres from the B2 (General Business) District to the B2 (General Business) District with proffers. This property also has an existing IA (Interstate Area Overlay) District designation which permits one interstate overlay sign, this is a high rise sign that allows certain uses such as gasoline stations, restaurants and hotels to be seen from the interstate.

**LOCATION:** The property is located on the south side of Martinsburg Pike (US Route 11) and the northeast side of Amoco Lane (Route 839) at the southwest quadrant of Interstate 81, Exit 317.

**MAGISTERIAL DISTRICT:** Stonewall

**PROPERTY ID NUMBERS:** 43-A-48A

**PROPERTY ZONING:** B2 (General Business) and B3 (Industrial Transition) Districts

**PRESENT USE:** Vacant

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North:	B2 (General Business)	Use:	Commercial
South:	B2 (General Business)	Use:	Commercial & Residential
East:	M1 (Light Industrial)	Use:	Industrial & Interstate 81
West:	B2 (General Business)	Use:	Commercial

**REVIEW EVALUATIONS:**

**Frederick-Winchester Service Authority:** Will there be boundaries established for service area of pumping station and will pumping station be designed with capacity in place for that service area.

**Frederick County Sanitation Authority:** *Please see the attached letter from Eric Lawrence dated March 23, 2016.*

**Public Works Department:** We have completed our review of the proposed rezoning application for CB Ventures, LLC and offer the following comments:

Refer to the Impact Analysis, Suitability of the Site, Other Environmental Features:

The entire site is underlain by limestone with pronounced karst features. Indicate if a study has been performed or will be performed to locate any potential sinkhole areas.

Refer to the Impact Analysis, Sewage Conveyance and Treatment:

The narrative indicates that the Applicant will be responsible for the design and construction of a new sewer system that will include gravity lines, a pump station and a force main to the Red Bud Pump Station. The proffer statement, paragraph D. Sewer Pump Station, should be expanded to include the design and construction of the force main. In addition, the Applicant should be responsible for obtaining the easements required to construct the force main. A geotechnical study may be required along the proposed alignment because of the presence of existing sinkholes.

**Frederick County Fire Marshall:** Plans approved.

**Winchester Regional Airport:** The proposed rezoning is compatible with airport operations. Site plans will be reviewed individually.

**Virginia Dept. of Transportation:** VDOT has completed the review of the subject rezoning; our comments are found below:

The entrance location shown on the GDP for Amoco Lane has not been evaluated by VDOT. We recommend the entrance location shown on the GDP be removed or shown as “potential entrance – final design and location to be determined at the time of site plan submission and requires VDOT approval”.

We recommend Proffer C.1 be revised to include Amoco Lane improvements along the entire frontage rather than only to their entrance. We recommend the proffer include sidewalk and drainage in addition to the curb and gutter.

We recommend right-of-way width along property frontage with Amoco Lane match the existing width of right-of-way at the intersection along Sheetz frontage. (uniformity on Amoco Lane).

**Frederick County Attorney:** *Please see the attached letter from Roderick B. Williams dated March 4,*

2016.

**Frederick County Planning Department:** *Please see attached letters from Candice Perkins dated March 22, 2016 and John Bishop dated April 22, 2016.*

**Planning & Zoning:**

1) **Site History:**

The original Frederick County zoning map (U.S.G.S. Winchester, VA Quadrangle) depicts the zoning of the subject parcel as being split zoned B2 (General Business) District and B3 (Industrial Transition) District – this zoning is consistent with the present day zoning on the property.

This property also has an existing IA (Interstate Area Overlay) District designation which permits one interstate overlay sign. The IA (Interstate Area Overlay) District is intended to provide commercial businesses within an identified area the ability to utilize business signs that are in excess of the limits specified elsewhere in the Zoning Ordinance. This flexibility is provided to inform the traveling public of business service opportunities at specific interstate interchange areas. IA Overlay signs are permitted for hotels, restaurants and gasoline stations.

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.

**Land Use**

The 2030 Comprehensive Plan and the Northeast Frederick Land Use Plan provide guidance on the future development of this property. The property is located within the SWSA. The 2030 Comprehensive Plan identifies this property with a commercial land use designation. In general, the proposed commercial zoning is consistent with the current land use supported by the Comprehensive Plan, subject to the following comments.

**Transportation and Site Access**

According to the Applicant's Impact Analysis Statement, the preferred option for commercial development includes a hotel and two restaurants. These uses could generate a total traffic volume impact of 4,365 daily trips. It should be noted that the property currently has a commercial zoning designation that could result in a greater traffic volume impact with its by-

right use allowances (the site could currently develop with all restaurant uses) than what is currently proposed; therefore a Transportation Impact Analysis (TIA) was not required for this application.

Access to this site will be provided via Amoco Lane (Route 839) and through an inter-parcel connection into the Sheetz property that is currently under construction. There will be no direct access to Martinsburg Pike. The Applicant has proffered to design and construct improvements to Amoco Lane within the existing right-of-way to include pavement mill and overlay to the exiting centerline from the limits of the pavement mill and overlay improvements performed by Parcel 43-A-48 (Sheetz property); and for the installation of curb and gutter along the frontage for the property to the limits of the southeastern most commercial entrance serving the property that is developed along Amoco Lane. Staff would note that there is potential for the site's entrance to be at the northwestern edge of the property and therefore minimal Amoco Lane improvements would be constructed. The Applicant should consider upgrading Amoco Lane along the frontage of their property.

***Staff Note: Staff and VDOT recommend that the Amoco Lane improvements be extended along the entire Amoco Lane frontage and R-O-W expansion for Amoco Lane.***

3) **Site Suitability/Environment:**

The subject property does not contain any areas of floodplain, wetlands or other environmental features. This area is, however, known for karst topography and special attention should be paid during development for potential sinkholes and related impacts.

4) **Potential Impacts:**

**A. Sewer and Water**

The Applicant's Impact Analysis Statement projects that the development would require 22,000 gallons per day of water; the FCSA has adequate water supply and pressure to serve the property up to a maximum anticipated flow of 50,000 gallons per day.

The Applicant's Impact Analysis Statement projects that the development could produce up to 22,000 gallons per day of sewage flow. This area currently does not have sewer infrastructure constructed to serve the property. The Applicant has proffered to design an on-site gravity sewer system that will tie into a new sewer pump station located in the southeastern end of the subject property that will also be constructed by the Applicant. This pump station will direct effluent from this area to an existing 8-inch sewer force main located approximately 700 feet south of the subject property. The new pump station is anticipated to be designed for 40 gpm with a peak capacity of approximately 52,750 gpd.

**B. Use**

According to the Applicant's Impact Analysis Statement, the preferred option for commercial development includes a hotel and two restaurants. It should be noted that these uses are not proffered. The Applicant has restricted six uses as outlined in proffer A

(see below); however it is unlikely that the majority of these uses would be developed on this property.

**C. Landscaping and Buffering**

This property is located in a developing area that contains a number of established residential properties. Special attention should be provided to ensure that the impacts to the adjacent residential properties are considered. The site currently has a row of established trees along Amoco Lane. The Applicant has proffered to provide a landscape buffer on the residential lots across Amoco Lane if desired by the property owners; however there is no commitment to keep the existing vegetation.

*Staff Comment: Consideration should be given to maintaining the existing mature evergreen and deciduous trees located along Amoco Lane. Utilizing the existing vegetation, and supplementing if necessary, would be preferable to removal and replacement.*

**4) Proffer Statement, Dated February 1, 2016, revised May 9, 2016, July 1, 2016:**

A) Land Use Restrictions: - The Applicant has proffered to prohibit the following uses:

- Truck Stops
- Golf Driving Ranges and Miniature Golf Courses
- Social Services
- Commercial Batting Cages Operated Outdoors
- Fire and Rescue Services
- Fire and Rescue Stations
- Adult Retail

The Applicant has also proffered to prohibit metal building construction on the property.

B) Transportation Enhancements:

- 1) The Applicant has proffered to design and construct improvements to Amoco Lane within the existing right-of-way to include pavement mill and overlay to the exiting centerline from the limits of the pavement mill and overlay improvements performed by Parcel 43-A-48 (Sheetz property); and for the installation of curb and gutter along the frontage for the property to the limits of the southeastern most commercial entrance serving the property that is developed along Amoco Lane. Improvement shall be completed prior to the issuance of a certificate of occupancy.
- 2) The Applicant has proffered to provide inter-parcel connection to Parcel 43-A-48 (Sheetz property) that will continue into the property from the limits of the inter-parcel connection stub within the 3' easement on the adjoining property. Improvement shall be completed prior to the issuance of a certificate of occupancy.

- C) Sewer Pump Station: The Applicant has proffered to design and construct a sewer pump station and sewer collection system with capacity sufficient to provide public sewer service for the buildout of the property; as well as the existing residential land uses and the existing commercial land use on the southwest side of Amoco Lane. The sewer pump station will incorporate a SCADA system as a component of the design plans. Should the FCSA determine that a different control system be required subsequent to rezoning approval, it is agreed that the owner can incorporate the different control system without the requirement of modifying this proffer.
- D) Off-Site Residential Buffer: The Applicant has proffered to provide a landscape buffer consisting of a single row of evergreen trees on the properties fronting along Amoco Lane that are improved as residential land use if desired by the property owner. Plantings shall occur after site plan approval during the next appropriate planting season.

Monetary Contributions to Offset Impact of Development. A monetary contribution of \$0.05 per developed building square foot for County Fire and Rescue Services.

#### **PLANNING COMMISSION SUMMARY AND ACTION FROM THE 06/15/16 MEETING:**

Staff reported this application is to rezone a total of 4.98 acres of land from the B2 (General Business) and B3 (Industrial Transition) Districts to the B2 District with proffers to accommodate commercial uses. Staff stated that the site is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan. It was noted the Northeast Land Use Plan identifies this property with a commercial land use designation and the proposed commercial zoning is consistent with the current land use supported by the Comprehensive Plan.

Staff explained with this rezoning the Applicant has proffered to construct upgrades to Amoco Lane within the limits of the existing right-of-way to the limits of their southeastern most commercial entrance and to also provide inter-parcel connection into the adjacent Sheetz property that is currently under construction. Staff continued the Applicant has also proffered to design and construct a sewer pump station, provide for landscaping on the properties fronting Amoco Lane and provide a monetary contribution of \$0.05 per building square foot for Fire and Rescue.

Staff reported the potential impacts of this rezoning:

- Amoco Lane – there is potential for the site’s entrance to be at the northwestern edge of the property and therefore minimal Amoco Lane improvements would be constructed.
- The FCSA requested that this proffer be expanded to include a SCADA (Supervisory Control and Data Acquisition) system that would coordinate with other pump station on this force main.
- Consideration should be given to maintaining the existing mature evergreen and deciduous trees located along Amoco Lane. Utilizing the existing vegetation, and supplementing if necessary, would be preferable to removal and replacement.

Evan Wyatt with Greenway Engineering reported the intent of this rezoning is the desire for hotel and restaurant land use. He stated that regarding the VDOT comment, when the Applicant originally submitted the rezoning package there was a GDP which showed entrances and connectivity even though it was an older aerial; VDOT requested the Applicant eliminate entrance locations on Amoco Lane shown on the GDP. The rezoning package was updated to eliminate the GDP.

He continued in regards to comments from the Frederick County Sanitation Authority; the Applicant was asked to ensure the pump station and infrastructure that is being designed was not only appropriate for the build out of this property but also the land uses on Amoco Lane. The Applicant proceeded with the design elements for the pump station and the collection system that has been submitted to VDOT and the Sanitation Authority. He stated that the purpose of the oversizing of the pump station is the land uses in that area do not have access to sewer that is served by the Sanitation Authority.

Mr. Wyatt further reported in regards to the landscaping on and surrounding the property; a neighborhood meeting was held with a good turnout and positive response from the surrounding property owners. He explained the Applicant will landscape portions of the adjoining properties as a landscape easement. A Commission Member inquired will the Applicant continuously maintain the mentioned landscaping. The representative noted the Applicant has agreed to a one year vegetation replacement and one year maintenance.

A Commission Member requested a better explanation of the Fire & Rescue proffer of \$0.05 per building square foot. The Applicant's representation commented this is an economic development project and is cash positive for the County and would benefit Fire & Rescue.

A Commission Member noted he has been in contact with the Sanitation Authority regarding the proffers and he doesn't feel they are comfortable the way they are currently written regarding the pump station. The Applicant's representative noted the design submitted does address pump station to include a SCADA.

A Commission Member requested clarification on the VDOT comments regarding the entrances. Representation explained the limits of where the entrances can be are where the traffic impacts will be; if Amoco Lane continued on it may be a different scenario but it stubs out.

A Commission Member inquired how many houses are affected in regards to the landscaping on Amoco Lane. The representative explained the option has been offered to every property on Amoco Lane that has a residence on it.

A Commission Member asked if the SCADA design was included in the design sent to the Sanitation Authority. Mr. Wyatt confirmed this is correct.

A Commission Member inquired which entrance will be used for access to the property. Mr. Wyatt clarified it would be accessed off of Amoco Lane.

A Commission Member recommended tabling this rezoning for 60 days. A Commission Member

inquired what the goal is by tabling for 60 days and more reasoning needs to be heard. A Commission Member explained there are many unanswered questions in regards to the road, and the proffer to Fire & Rescue. A Commission Member commented he agrees with the road issues and wants to make sure the Sanitation Authority is completely satisfied. A Commission Member commented what could possibly change with the roads in 60 days.

A motion to table REZ #05-16 CB Ventures LLC for 60 days was made and failed by majority vote.

An alternative motion was made, seconded, and unanimously passed to recommend approval with the understanding the Frederick County Sanitation Authority be satisfied prior to the Board of Supervisors Public Hearing.

Absent: Dunlap, Triplett, Kenney

**EXECUTIVE SUMMARY & CONCLUSIONS FOR THE 07/27/16 BOARD OF SUPERVISORS MEETING:**

This is an application to rezone a total of 4.98 acres of land from the B2 (General Business) and B3 (Industrial Transition) Districts to the B2 District with proffers to accommodate commercial uses. This property is located within the Sewer and Water Service Area (SWSA) and is located within the limits of the Northeast Land Use Plan of the 2030 Comprehensive Plan. The Northeast Land Use Plan identifies this property with a commercial land use designation. In general, the proposed commercial zoning is consistent with the current land use supported by the Comprehensive Plan.

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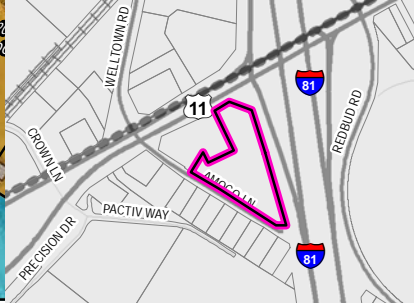
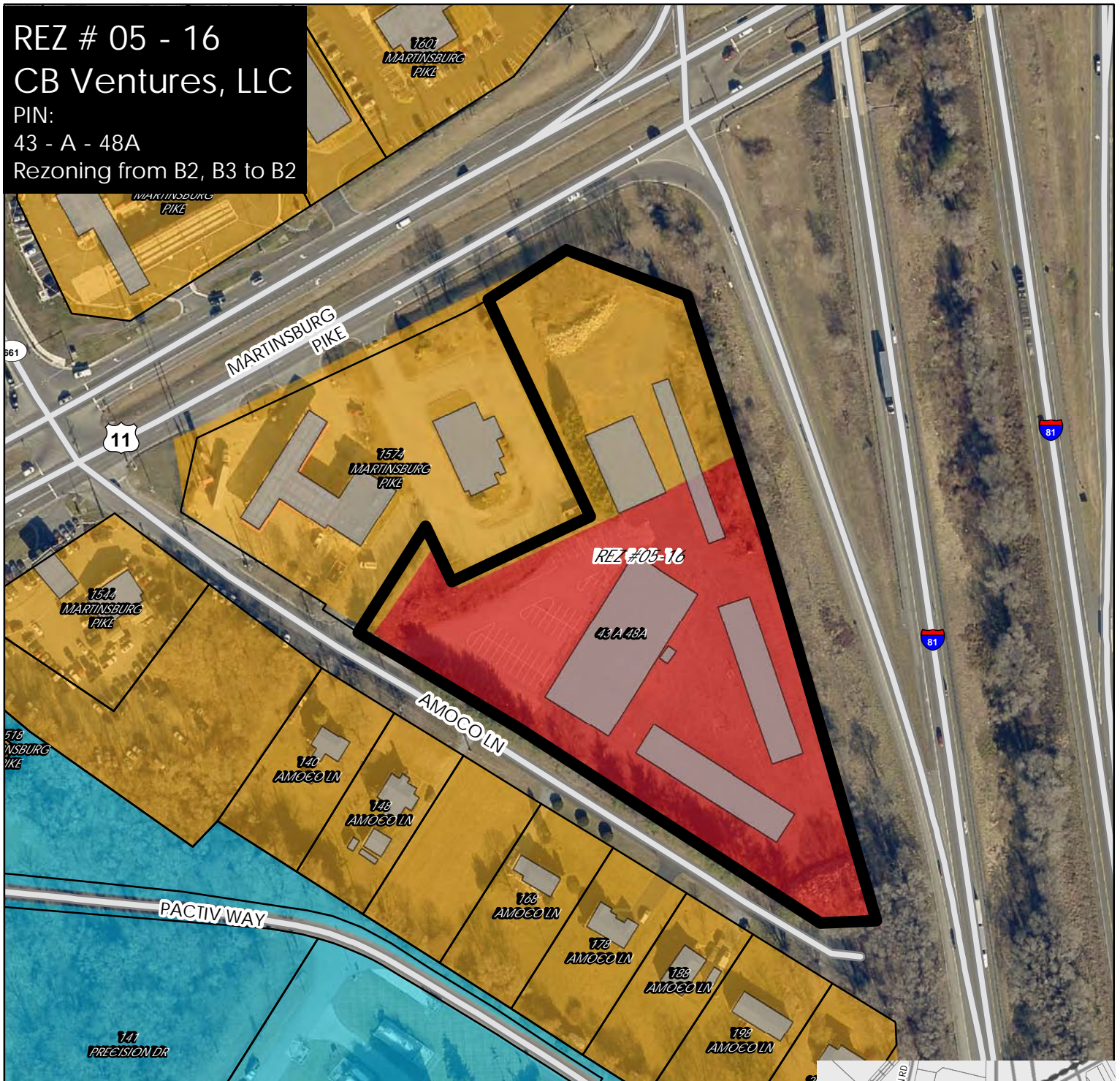
Since the Planning Commission meeting on June 15, 2016 the Applicant has updated the proffers to address the concerns of the Frederick County Sanitation Authority as requested by the Planning Commission; specifically language has been added that incorporates the SCADA system as requested.

The CB Ventures rezoning application is generally consistent with future land use designations of the 2030 Comprehensive Plan and the Northeast Land Use Plan which provide guidance on the future development of the property. A few elements of the rezoning application have been identified that should be carefully evaluated to ensure that they fully address the impacts associated with this rezoning request.

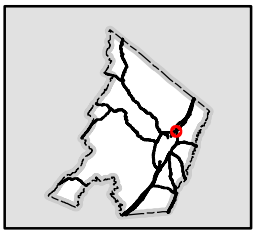
***Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.***



**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

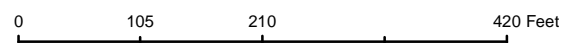


- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
- M1 (Industrial, Light District)
- 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)

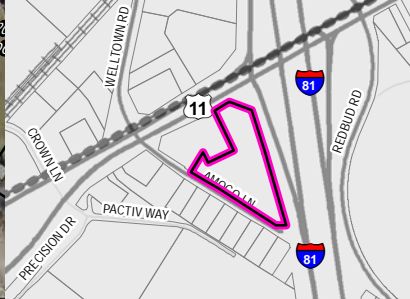
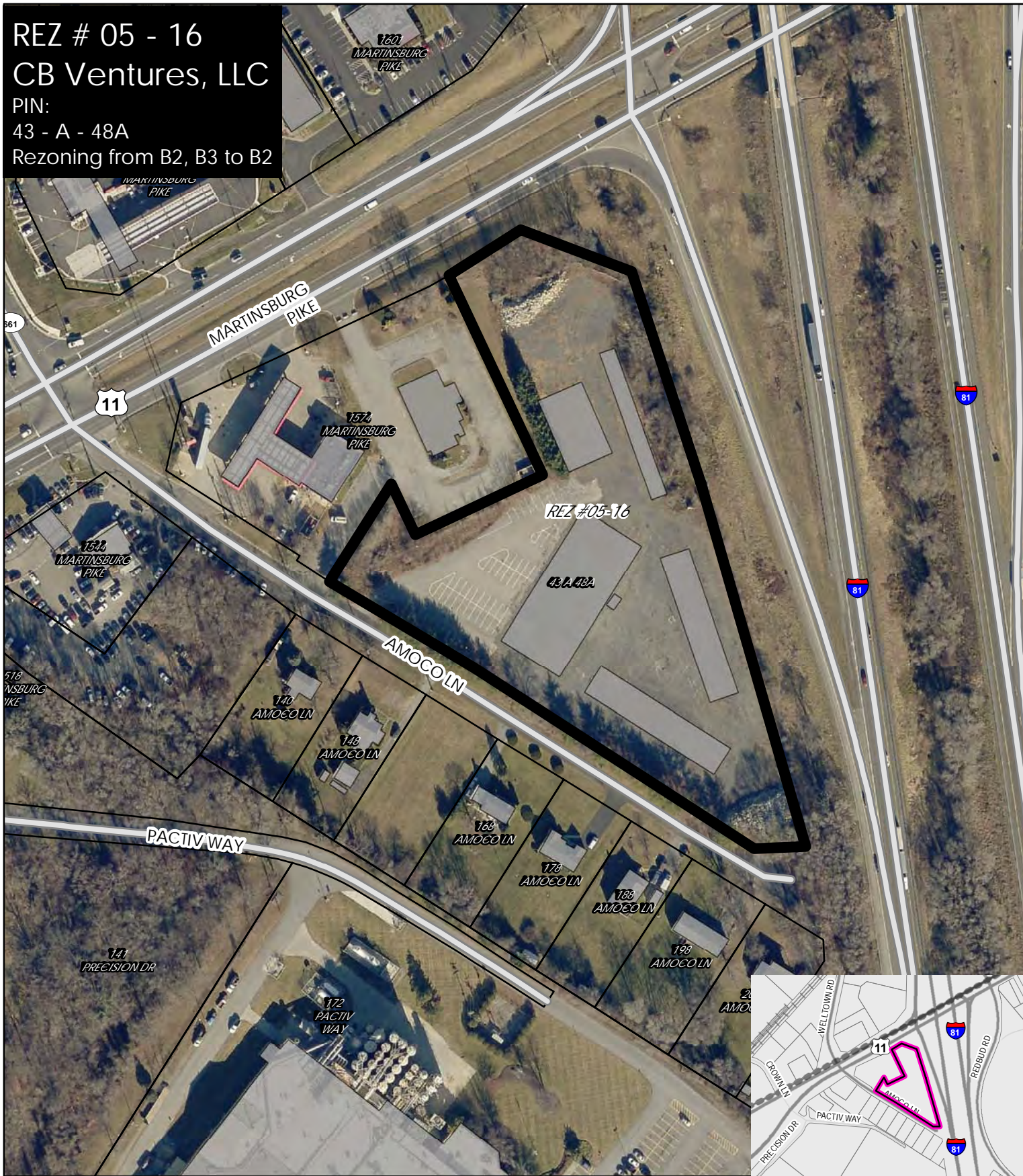






**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

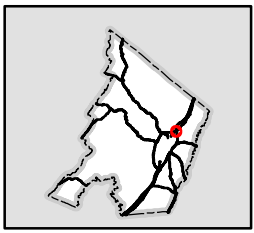
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 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: May 23, 2016  
 Staff: cperkins



**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

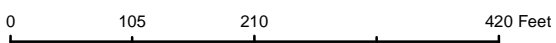


-  Applications
-  Parcels
-  Sewer and Water Service Area
-  Building Footprints

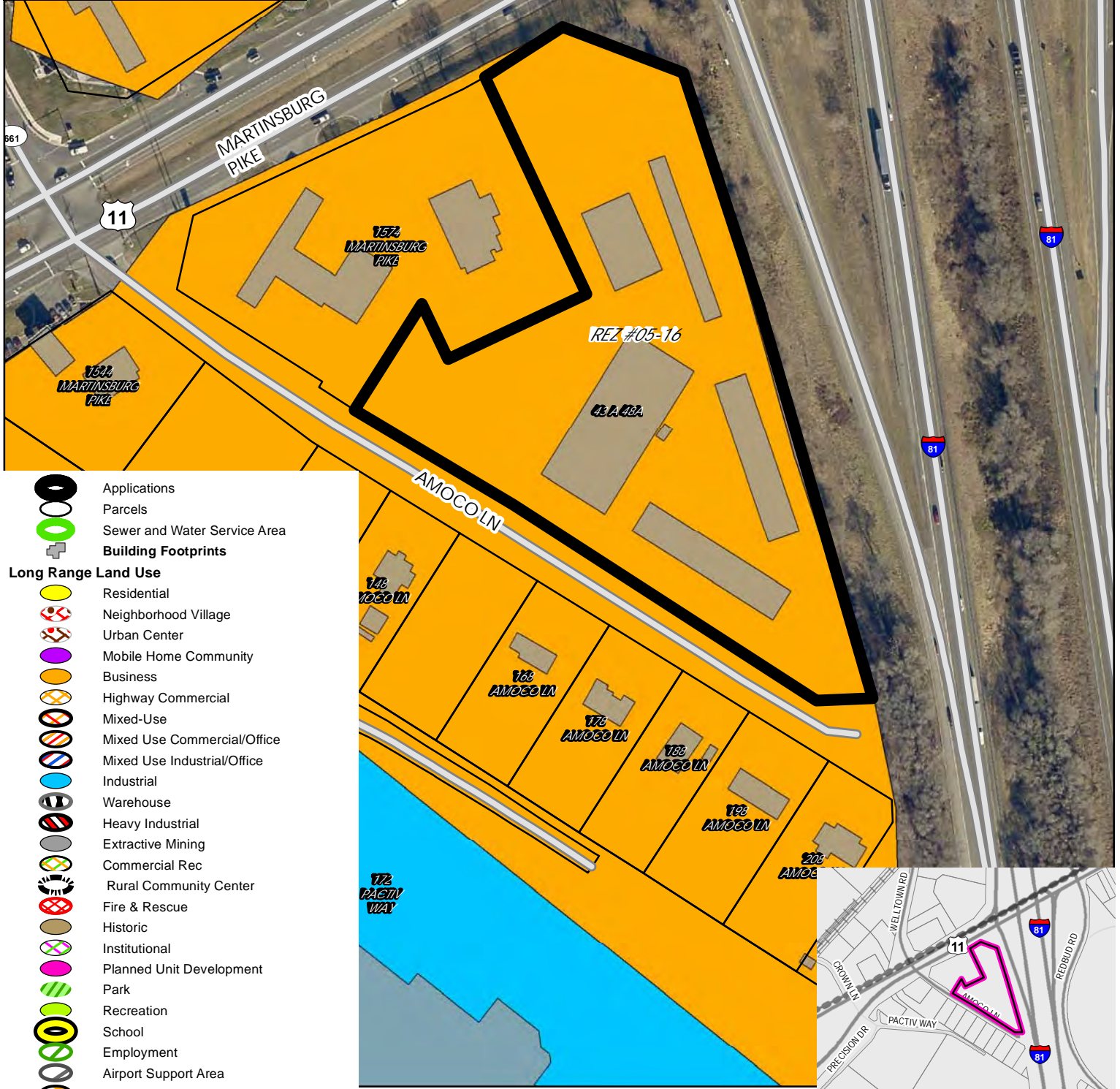


**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

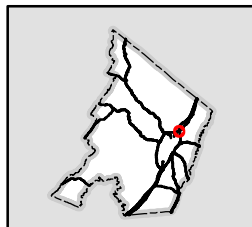
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 Staff: cperkins



**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

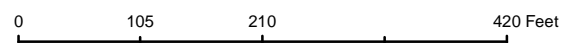


- Applications
- Parcels
- Sewer and Water Service Area
- Building Footprints
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse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



**REZ # 05 - 16**  
**CB Ventures, LLC**  
 PIN:  
 43 - A - 48A  
 Rezoning from B2, B3 to B2

Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: May 23, 2016  
 Staff: cperkins

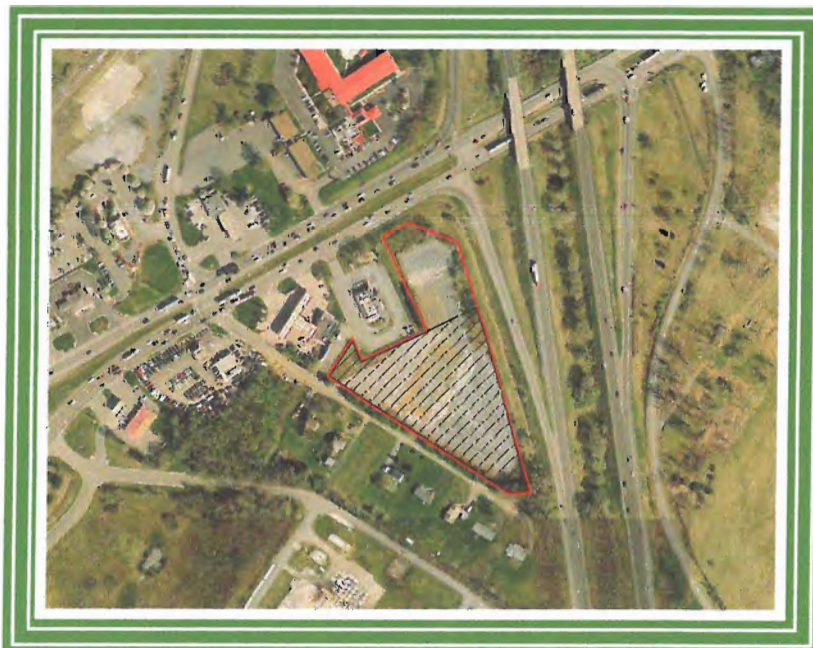


**PROFFER STATEMENT**

**CB VENTURES, LLC**

**COMMERCIAL DEVELOPMENT**

**Stonewall Magisterial District**  
**Frederick County, Virginia**  
**TM 43-((A))-48A**



**May 9, 2016**  
**Revised July 1, 2016**

**Current Owner:      CB Ventures, LLC**

**Contact Person:      Evan Wyatt, Director of Land Planning**  
**Greenway Engineering, Inc.**  
**151 Windy Hill Lane**  
**Winchester, VA 22602**

**CB VENTURES, LLC COMMERCIAL DEVELOPMENT  
PROFFER STATEMENT**

REZONING: RZ #05-16  
B-3, Industrial Transition District and B-2 Business General  
District to B-2 Business General District with proffers

PROPERTY: 4.98± acres  
Tax Map Parcel 43-A-48A (here-in after the “**Property**”)

RECORD OWNER: CB Ventures, LLC (here-in after the “**Owner**”)

APPLICANT: CB Ventures, LLC (here-in after the “**Applicant**”)

PROJECT NAME: CB Ventures, LLC Commercial Development

ORIGINAL DATE  
OF PROFFERS: February 1, 2016

REVISION DATE: July 1, 2016

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #05-16 for the rezoning of a 4.98±-acre parcel from the B-3, Industrial Transition District and B-2, Business General District to establish 4.98±-acres of B-2, Business General District with proffers, development of the 4.98±-acre 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 Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the lands owned by CB Ventures, LLC, being all of Tax Map Parcel 43-((A))-48A, as evident by Special Warranty Deed recorded as Instrument #150011639, and further described by ALTA/ACSM Land Title Survey Plat prepared by Greenway Engineering, dated January 26, 2007 (see attached Survey Plat).

**A.) Land Use Restrictions**

1. The Owner hereby proffers to prohibit the following land uses within the Property:

Truck Stops	SIC 5541
Golf Driving Ranges and Miniature Golf Courses	SIC 7999
Social Services	SIC 83
Commercial Batting Cages Operated Outdoors	No SIC Indicated
Fire and Rescue Stations	No SIC Indicated
Adult Retail	No SIC Indicated

2. The Owner hereby proffers to prohibit metal building construction on the Property.

**B.) Transportation Enhancements**

1. The Owner hereby proffers to design and construct improvements to Amoco Lane (Route 839) within the existing right-of-way to include pavement mill and overlay to the existing centerline from the limits of the pavement mill and overlay improvements performed by the developer of Tax Map Parcel 43-A-48; and for the installation of curb and gutter along the frontage of the Property to the limits of the southeastern most commercial entrance serving the Property that is developed along Amoco Lane. These improvements will be designed and constructed by the Owner concurrent with the development of the first approved Site Development Plan for the Property and will be completed prior to the issuance of the first Certificate of Occupancy Permit associated with the Property.
2. The Owner hereby proffers to provide inter-parcel connection to Tax Map Parcel 43-A-48 that will continue into the Property from the limits of the inter-parcel connection stub within the 30' ingress/egress easement on the adjoining property. This improvement will be designed and constructed by the Owner concurrent with the development of the Site Development Plan adjacent to the 30' ingress/egress easement on the adjoining property and will be completed prior to the issuance of the Certificate of Occupancy Permit associated with this Site Development Plan.

**C.) Sewer Pump Station**

The Owner hereby proffers to design and construct a sewer pump station and sewer collection system with capacity sufficient to provide public sewer service for the buildout

of the Property; as well as the existing residential land uses and the existing commercial land use on the southwest side of Amoco Lane (Route 839). The Owner proffers to design the sewer pump station and sewer collection system in conformance with FCSA standards specifications and construct the sewer line collection system within proximity of the frontage of the Property along Amoco Lane (Route 839) to allow for the off-site land uses to connect to the collection system for access to the sewer pump station at their cost. The sewer pump station will incorporate a SCADA system as a component of the design plans. Should FCSA determine that a different control system be required subsequent to rezoning approval; it is agreed that the Owner can incorporate the different control system without the requirement of modifying this proffer.

#### **D.) Off-Site Residential Buffer**

The Owner hereby proffers to provide a landscape buffer on the properties fronting along Amoco Lane (Route 839) that are improved as residential land use if desired by the individual off-site property owners. The Owner shall provide a letter to each property owner within 30 days of final approval for the first Site Plan proposed for the Property, which advises of the Owner's offer to pay the cost for the installation of a single row of evergreen trees that are a minimum of four feet in height and planted on 10-foot centers in a location acceptable to each property owner. The letter will require the off-site property owners to respond in writing within 90 days of receipt of the letter advising the Owner of the desire to have the landscape buffer installed within a landscape easement provided on the off-site property. The Owner shall install the proffered landscape buffer during the next appropriate planting season and shall be responsible for the replacement of any tree that does not survive for a period of one year from the date of installation.

The following off-site properties will receive a letter from the Owner identifying the various information identified above:

Tax Map # 43C-4-1, 43C-4-2, 43C-4-4, 43C-4-5, 43C-4-6, 43C-4-7, 43C-4-8, 43C-4-9

Copies of the off-site property letters will be provided to the Frederick County Planning Department for inclusion in the rezoning project file.

#### **E.) Monetary Contribution to Offset Impact of Development**

The Applicant hereby proffers to provide a monetary contribution of \$0.10 per developed building square foot for County Fire and Rescue services. The monetary contribution shall be made payable to Frederick County at the time of issuance of the Certificate of Occupancy Permit for each structure approved on the Property.

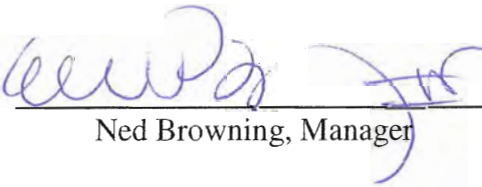
OWNER SIGNATURE ON FOLLOWING PAGE

F.) Signatures

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner and the Applicant. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

CB Ventures, LLC

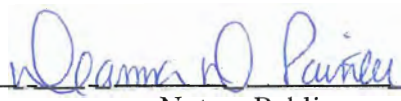
By:   
Ned Browning, Manager

7/6/2016  
Date

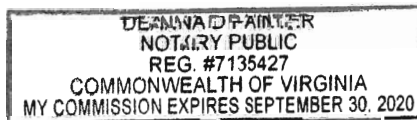
Commonwealth of Virginia,

City/County of Frederick To Wit:

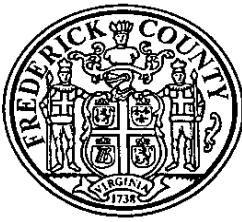
The foregoing instrument was acknowledged before me this 6 day of July  
2016 by Ned Browning

  
Notary Public

My Commission Expires Sept, 30, 2020







## AMENDMENT

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**Action:**

PLANNING COMMISSION: June 15, 2016 - Recommended Approval

BOARD OF SUPERVISORS: July 27, 2016 -  APPROVED  DENIED

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### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #05-16 CB VENTURES, LLC

**WHEREAS, Rezoning #05-16 of CB Ventures, LLC**, submitted by Greenway Engineering, Inc., to rezone 3.75± acres from the B3 (Industrial Transition) Zoning District to the B2 (General Business) Zoning District, and 1.23± acres from the B2 (General Business) Zoning District to the B2 (General Business) Zoning District with Proffers, final revision date of July 1, 2016 was considered. The Property is located on the south side of Martinsburg Pike (US Route 11) and the northeast side of Amoco Lane (Route 839) at the southwest quadrant of Interstate 81, Exit 317. The Property is further identified with PIN 43-A-48A in the Stonewall Magisterial District; and

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on June 15, 2016 and recommended approval; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on July 27, 2016; 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 3.75± acres from the B3 (Industrial Transition) Zoning District to the B2 (General Business) Zoning District, and 1.23± acres from the B2 (General Business) Zoning District to the B2 (General Business) Zoning District with Proffers, final revision date of July 1, 2016. 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 27th day of July, 2016 by the following recorded vote:

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

**A COPY ATTEST**

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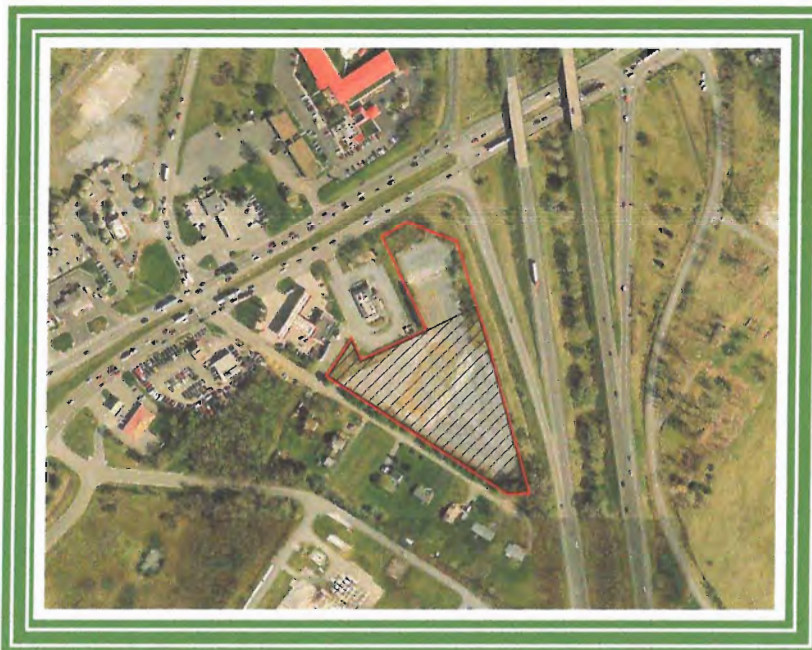
Brenda G. Garton  
Frederick County Administrator

# **PROFFER STATEMENT**

## **CB VENTURES, LLC**

### **COMMERCIAL DEVELOPMENT**

**Stonewall Magisterial District  
Frederick County, Virginia  
TM 43-((A))-48A**



**May 9, 2016**  
**Revised July 1, 2016**

**Current Owner: CB Ventures, LLC**

**Contact Person: Evan Wyatt, Director of Land Planning  
Greenway Engineering, Inc.  
151 Windy Hill Lane  
Winchester, VA 22602**

**CB VENTURES, LLC COMMERCIAL DEVELOPMENT  
PROFFER STATEMENT**

REZONING: RZ ~~#05-16~~  
B-3, Industrial Transition District and B-2 Business General  
District to B-2 Business General District with proffers

PROPERTY: 4.98± acres  
Tax Map Parcel 43-A-48A (here-in after the **“Property”**)

RECORD OWNER: CB Ventures, LLC (here-in after the **“Owner”**)

APPLICANT: CB Ventures, LLC (here-in after the **“Applicant”**)

PROJECT NAME: CB Ventures, LLC Commercial Development

ORIGINAL DATE  
OF PROFFERS: February 1, 2016

REVISION DATE: ~~May 9, 2016~~ **July 1, 2016**

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application ~~#05-16~~ for the rezoning of a 4.98±-acre parcel from the B-3, Industrial Transition District and B-2, Business General District to establish 4.98±-acres of B-2, Business General District with proffers, development of the 4.98±-acre 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 Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the lands owned by CB Ventures, LLC, being all of Tax Map Parcel 43-((A))-48A, as evident by Special Warranty Deed recorded as Instrument #150011639, and further described by ALTA/ACSM Land Title Survey Plat prepared by Greenway Engineering, dated January 26, 2007 (see attached Survey Plat).

**A.) Land Use Restrictions**

1. The Owner hereby proffers to prohibit the following land uses within the Property:

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Commercial Batting Cages Operated Outdoors	No SIC Indicated
Fire and Rescue Stations	No SIC Indicated
Adult Retail	No SIC Indicated

2. The Owner hereby proffers to prohibit metal building construction on the Property.

**B.) Transportation Enhancements**

1. The Owner hereby proffers to design and construct improvements to Amoco Lane (Route 839) within the existing right-of-way to include pavement mill and overlay to the existing centerline from the limits of the pavement mill and overlay improvements performed by the developer of Tax Map Parcel 43-A-48; and for the installation of curb and gutter along the frontage of the Property to the limits of the southeastern most commercial entrance serving the Property that is developed along Amoco Lane. These improvements will be designed and constructed by the Owner concurrent with the development of the first approved Site Development Plan for the Property and will be completed prior to the issuance of the first Certificate of Occupancy Permit associated with the Property.
2. The Owner hereby proffers to provide inter-parcel connection to Tax Map Parcel 43-A-48 that will continue into the Property from the limits of the inter-parcel connection stub within the 30' ingress/egress easement on the adjoining property. This improvement will be designed and constructed by the Owner concurrent with the development of the Site Development Plan adjacent to the 30' ingress/egress easement on the adjoining property and will be completed prior to the issuance of the Certificate of Occupancy Permit associated with this Site Development Plan.

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of the Property; as well as the existing residential land uses and the existing commercial land use on the southwest side of Amoco Lane (Route 839). The Owner proffers to design the sewer pump station and sewer collection system in conformance with FCSA standards specifications and construct the sewer line collection system within proximity of the frontage of the Property along Amoco Lane (Route 839) to allow for the off-site land uses to connect to the collection system for access to the sewer pump station at their cost. **The sewer pump station will incorporate a SCADA system as a component of the design plans. Should FCSA determine that a different control system be required subsequent to rezoning approval; it is agreed that the Owner can incorporate the different control system without the requirement of modifying this proffer.**

#### **D.) Off-Site Residential Buffer**

The Owner hereby proffers to provide a landscape buffer on the properties fronting along Amoco Lane (Route 839) that are improved as residential land use if desired by the individual off-site property owners. The Owner shall provide a letter to each property owner within 30 days of final approval for the first Site Plan proposed for the Property, which advises of the Owner's offer to pay the cost for the installation of a single row of evergreen trees that are a minimum of four feet in height and planted on 10-foot centers in a location acceptable to each property owner. The letter will require the off-site property owners to respond in writing within 90 days of receipt of the letter advising the Owner of the desire to have the landscape buffer installed within a landscape easement provided on the off-site property. The Owner shall install the proffered landscape buffer during the next appropriate planting season and shall be responsible for the replacement of any tree that does not survive for a period of one year from the date of installation.

The following off-site properties will receive a letter from the Owner identifying the various information identified above:

Tax Map # 43C-4-1, 43C-4-2, 43C-4-4, 43C-4-5, 43C-4-6, 43C-4-7, 43C-4-8, 43C-4-9

Copies of the off-site property letters will be provided to the Frederick County Planning Department for inclusion in the rezoning project file.

#### **E.) Monetary Contribution to Offset Impact of Development**

The Applicant hereby proffers to provide a monetary contribution of ~~\$0.05~~ **\$0.10** per developed building square foot for County Fire and Rescue services. The monetary contribution shall be made payable to Frederick County at the time of issuance of the Certificate of Occupancy Permit for each structure approved on the Property.

OWNER SIGNATURE ON FOLLOWING PAGE

**F.) Signatures**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner and the Applicant. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

CB Ventures, LLC

By: \_\_\_\_\_  
Ned Browning, Manager

\_\_\_\_\_ Date

Commonwealth of Virginia,

City/County of \_\_\_\_\_ To Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_

20\_\_ by \_\_\_\_\_

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

My Commission Expires \_\_\_\_\_



# 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)

Eric R. Lawrence  
Executive Director

---

March 23, 2016

Evan Wyatt  
Greenway Engineering  
151 Windy Hill Lane  
Winchester, VA 22602

**RE: Rezoning Application Comment  
CB Ventures LLC Commercial  
Tax Map Numbers: 43-A-48A  
3.75 acres**

Dear Mr. Wyatt:

Thank you for the opportunity to offer review comments on the CB Ventures LLC Commercial rezoning application package, dated February 1, 2016. The Frederick County Sanitation Authority (FCSA) offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The project parcels are in the sewer and water service area (SWSA) and are served by FCSA. Based on the project's location both water and sanitary sewer services are available within a reasonable distance from the site. Sanitary sewer treatment capacity at the wastewater treatment plant is also presently available for the application's impact statement anticipated 22,000 gpd.

Sanitary sewer conveyance from the site to the existing FCSA sewer system may be challenged due to limited available capacities in the nearby sewer force mains. The October 28, 2015 letter from FCSA to the property owner – Orr Partners, referenced in the project's Impact Analysis Statement, certainly offers a potential sewer conveyance solution; the solution was valid as of the writing of the letter. This solution involves the use of a SCADA system to coordinate introduction of wastewater flows into the sewer force main.

The applicant's proffer, dated February 1, 2016, to construct a sewer pump station that will serve the site, and be designed with excess capacity to serve adjacent properties, is appreciated. In order to fully implement the solution of the October letter, this pump station should also include



Page 2  
RE: CB Ventures LLC Commercial  
Mr. Evan Wyatt  
March 23, 2016

a SCADA system that is coordinated with other pump stations on this force main. The proffer was silent on the SCADA system component.

Please keep in mind that sewer conveyance capacities and water supplies change daily, and with new customer connections bring additional flows. This letter does not guarantee system capacities to accommodate your development proposal.

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.

Thank you for the opportunity to offer review comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric R. Lawrence".

Eric R. Lawrence, AICP  
Executive Director

Attached: October 28, 2015 letter

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



## COUNTY of FREDERICK

Roderick B. Williams  
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

March 4, 2016

### VIA E-MAIL AND REGULAR MAIL

Mr. Evan Wyatt  
Greenway Engineering  
151 Windy Hill Lane  
Winchester VA 22602

Re: Rezoning Application – CB Ventures LLC Rezoning  
Tax Parcel Number 43-A-48A (the “Property”)  
Proposed Proffer Statement dated February 1, 2016

Dear Evan:

You have submitted to Frederick County for review the above-referenced proffer statement (the “Proffer Statement”) for the proposed rezoning of the Property, 4.98± acres, more or less, in the Stonewall Magisterial District, 3.75± from the B3 Industrial Transition District to the B2 General Business District, with 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:

- Scope of Rezoning – Under “Preliminary Matters”, you indicate that development of the entire 4.98± acres would be subject to the proffers. As such, it would appear that the rezoning should really be of the entire 4.98± acres, from the B2 General Business District and the B3 Industrial Transition District to the B2 General Business District, with proffers.
- Survey Plat – At the end of the second “Preliminary Matters” paragraph, you indicate that a survey plat is attached, but I did not see an attachment.
- Proffer A/Generalized Development Plan (GDP) – On the GDP, there is a red line, in – •• – format around the outside of what appears to be the Property’s boundary. What is the significance of that line, as opposed to the solid black line enclosing the orange shaded area that appears to represent the Property?

- Proffer C1 – The proffer is unclear regarding the length of the pavement section to be milled. It refers to the centerline and the limits of the pavement mill and overlay improvements performed by the developer of parcel 43-A-48, but does not indicate whether the milling would take place along the entire frontage of the Property. Also, the proffer is unclear regarding the extent of the curb and gutter commitment. It indicates “to the limits of the first commercial entrance”. Is the area covered only the area from the boundary with parcel 43-A-48 to the entrance or does it also include the frontage to the southeast of the entrance?
- Proffer D – Staff should be aware that the proffer commits to the design and construction of sewer pump station, but then commits only to the design of the sewer line collection system within proximity of the frontage of the Property along Amoco Lane. Also, the proffer does not identify responsibility for connecting the sewer pump station to the existing 8-inch sewer force main, which the Impact Analysis Statement indicates is 700 feet to the south of the Property.
- Proffer E – The proffer does not state a time period or trigger event for provision of the indicated landscape buffer.

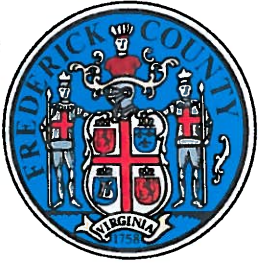
I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review will be done by staff and the Planning Commission.

Sincerely,



Roderick B. Williams  
County Attorney

cc: Candice E. Perkins, Assistant Director of Planning & Development, Frederick County (via e-mail)



## COUNTY of FREDERICK

Department of Planning and Development  
540/ 665-5651  
Fax: 540/ 665-6395

March 22, 2016

Mr. Evan Wyatt  
Greenway Engineering  
151 Windy Hill Lane  
Winchester, Virginia 22602

**RE: Proposed Rezoning for CB Ventures Commercial  
Property Identification Number (PIN): 43-A-487A**

Dear Evan:

I have had the opportunity to review the draft rezoning application for the CB Ventures Commercial Properties. This application seeks to rezone 3.75 acres from the B2 (Business General) and B3 (Industrial Transition) Districts to the B2 (Business General) District with proffers. The review is generally based upon the proffer statement dated February 1, 2016.

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

1. **Northeast Land Use Plan – Land Use.** The 2030 Comprehensive Plan and the Northeast Frederick Land Use Plan provide guidance on the future development of the property. The property is located within the SWSA. The 2030 Comprehensive Plan identifies this property with a commercial land use designation. In general, the proposed commercial zoning is consistent with the current land use supported by the Comprehensive Plan, subject to the following comments.
2. **Northeast Land Use Plan – Existing Uses.** This property is located in a developing area that contains a number of established residential properties. Special attention should be provided to ensure that the impacts to the adjacent residential properties are considered. Please consider enhanced site designs, corridor appearances, landscaping and building design with this application.
3. **Pedestrian Accommodations.** Please recognize that pedestrian accommodations should also be incorporated into the project. Particular consideration could be given to the signalized intersection of Amoco Lane and Route 11.

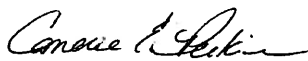
4. **Proffer Statement – GDP.** The Generalized Development Plan accompanying the Proffer Statement could be a little more detailed. It would be helpful to include elements such as pedestrian accommodations, building location, loading areas and buffering.
5. **Proffer Statement – Uses.** Please clarify why Fire and Rescue Stations are a prohibited land use. Consideration should be given to proffering particular uses (restaurant/hotel, etc) instead of proffering out uses.
6. **Proffer Statement – Remainder of the Parcel.** Proffer C2 obligates the portion of the property that is not subject to the rezoning. The entire 4.98 acres will need to be included with this rezoning application.
7. **Proffer Statement – Monetary Contribution.** It would be more preferable to specify a lump sum monetary contribution to offset the impact of development, rather than the proffered square footage calculation.
8. **Existing Vegetation.** Consideration should be given to maintaining the existing mature evergreen and deciduous trees located along the property boundary along Amoco Lane. Utilizing the existing vegetation, and supplementing if necessary, would be preferable to removal and replacement.
9. **Landscaping.** Additional landscaping and corridor appearance buffering should be provided along the property's frontage with the interstate. Other site design elements, such as building materials, should be included to recognize the visibility of this site to the interstate.
10. **Plat.** Provide a plat of rezoning that includes a metes and bounds description of the property for which the rezoning is being requested. Also, please provide a deed for the property and verification of taxes paid.
11. **Transportation Comments.** Please note that transportation comments on the rezoning application from John Bishop, Assistant Director - Transportation, are being provided to you in a separate letter. Staff may also provide additional comments related to the proposed changes if warranted subject to adjustments requested by VDOT.
12. **Agency Comments.** Please provide appropriate agency comments from the following agencies: Virginia Department of Transportation, Frederick County Department of Public Works, Frederick County Fire Marshall, Frederick County Sanitation Authority, Frederick-Winchester Health Department, the local Fire and Rescue Company, the Historic Resources Advisory Board, the County Attorney and the Frederick-Winchester Service Authority.

Page 3  
Mr. Evan Wyatt  
RE: CB Ventures Commercial  
March 22, 2016

13. **Fees.** Based on the fees adopted by the Board of Supervisors on April 23, 2008, the rezoning fee for this application would be \$10,375 based upon acreage of 3.75 acres.

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

Sincerely,



Candice E. Perkins, AICP, CZA  
Assistant Director

CEP/dw



April 22, 2016

Evan Wyatt  
151 Windy Hill Lane  
Winchester, VA 22602

**RE: Frederick County Transportation Comment on Rezoning Request for CB  
Ventures, LLC Commercial Rezoning**

Dear Mr. Wyatt:

I am in receipt of your materials for the rezoning of parcel 43-A-48A for a B2 Rezoning. I would like to offer the following comments and concerns as you proceed with your rezoning request.

1. As you correctly noted the gross differential in potential traffic does not rise to the level to require a Traffic Impact Analysis under Virginia Chapter 527 regulations. However, please consider the following impacts as you proceed with your rezoning application.
  - a. Analysis of turn lane capacities and potential signal retimings that may be necessary to keep the impacted intersection flowing properly.
  - b. Implementation of the Comprehensive Plan road section across your property frontage.
  - c. Avoid peak hour impacts of construction deliveries and materials movements as you implement the plan for the property.
  - d. Additional items that may be raised by VDOT that I have failed to address.

Thank you for this opportunity to comment and I look forward to being of assistance as you proceed with your application.

Please let me know if any additional feedback or information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Bishop", is written over a horizontal line.

John A. Bishop  
Assistant Director – Transportation

JB/pd

cc: rezoning file, Candice Perkins, Michael T. Ruddy



151 Windy Hill Lane  
Winchester, VA 22602

May 2, 2016

Frederick County Planning Department  
Attn: Candice Perkins, Deputy Director  
107 North Kent Street  
Winchester, VA 22601

RE: CB Ventures, LLC Commercial Rezoning – Review Agencies Comment Response Letter

Dear Candice:

The purpose of this letter is to provide you with a comprehensive comment response letter that addresses the CB Ventures, LLC Commercial Rezoning comments received from the various review agencies. The comprehensive comment response letter is structured to provide for the specific review agency, the date the comment was received, and information pertaining to each review comment. This information is intended to explain how specific comments have been addressed by the rezoning application or advise why the specific comment was not included in the proffered development program for the commercial redevelopment project.

**Frederick-Winchester Service Authority – Comment dated February 9, 2016**

- ❖ *Will there be boundaries established for the service area of the pumping station and will the pumping station be designed with capacity for that service area?*

**COMMENT RESPONSE:** The subject site is located within the Sewer and Water Service Area (SWSA), which is the established boundary for public water and sewer service that is provided by the Frederick County Sanitation Authority (FCSA). FCSA and the City of Winchester have water and sewer infrastructure in this geographic area of the community due to previous development activities; however, FCSA has the first right of refusal for providing water and sewer service for new development in the County.

FCSA provided a letter dated October 28, 2015 advising that they had adequate water supply and pressure to serve the property on Amoco Lane up to a maximum anticipated flow of 50,000 gpd. FCSA has also advised that sewage effluent in excess of 4,000 gpd will require the development of a pump station with capacity sufficient to accommodate the subject property and existing residential and commercial properties located along Amoco Lane. The Owner's Proffer Statement provides a commitment for this sewer infrastructure and Greenway Engineering has coordinated with FCSA to prepare design plans for this system.



**Frederick County Public Works – Comment dated February 12, 2016**

- ❖ *Indicate if a study has been performed or will be performed to locate potential sinkhole areas.*

COMMENT RESPONSE: The Owner has not performed a study to locate sinkholes to date; however, geotechnical analysis of the development areas on the project site will be performed in conjunction with the construction phase of the commercial redevelopment project. The Impact Analysis Statement has been revised to include a statement to this effect.

- ❖ *The Proffer Statement should be expanded to include the design and construction of the force main and the responsibility of the Owner to obtain easements required to construct the force main. A geotechnical study may be required along the proposed alignment because of the presence of sinkholes.*

COMMENT RESPONSE: Greenway Engineering and the Owner have been working with FCSA on the development of a sanitary sewer system that will be appropriately sized to allow for public sewer service for the full build-out of the commercial redevelopment project; as well as accommodating the existing commercial and residential land uses that front along Amoco Lane. Greenway Engineering has prepared a design at the Owner's expense that has been submitted to FCSA and VDOT for review and approval. The Owner will work directly with FCSA to implement the construction of this new sanitary sewer system; therefore, it is not necessary to modify the Proffer Statement as suggested by the County Engineer.

**Frederick County Fire Marshal – Comment dated February 22, 2016**

- ❖ *Rezoning Approved.*

**Frederick County Attorney – Comment dated March 4, 2016**

- ❖ *The Proffer Statement is inclusive of the entire 4.98± acres; therefore, this should be reflected in the Preliminary Matter section of the Proffer Statement.*

COMMENT RESPONSE: The April 25, 2016 Proffer Statement has been revised to reflect the County Attorney's comment.

- ❖ *The Preliminary Matter section references a survey plat that was not included in the review packet.*

COMMENT RESPONSE: The survey plat will be submitted as information with the formal filing of the rezoning application.

- ❖ *Explain the difference between the red line and the black line on the proffered Generalized Development Plan (GDP).*

COMMENT RESPONSE: The red line is the physical property boundary line and the black line was created to frame the commercial land use area. The proffers are specific to the entire 4.98± acre parcel; therefore, the black line is general and does not reduce the area of the proffered rezoning. Please note that the revised Proffer Statement dated April 25, 2016 has eliminated the GDP as a proffered element of the rezoning application as this document only demonstrated access points for the subject property and the locations of off-site properties that would be provided opportunities for off-site landscape buffering. These design elements are described in the April 25, 2016 Proffer Statement.

- ❖ *Proffer C1 is unclear regarding the length of the pavement section to be milled and to the extent of the curb and gutter commitment.*

COMMENT RESPONSE: Section C1 of the April 25, 2016 Proffer Statement has been revised to require the pavement mill and overlay and extension of curb and gutter along the property frontage to the limits of the southeastern most entrance serving the property.

- ❖ *Proffer D does not identify responsibility connecting the pump station to the sewer force main.*

COMMENT RESPONSE: Greenway Engineering and the Owner have been working with FCSA on the development of a sanitary sewer system that will be appropriately sized to allow for public sewer service for the full build-out of the commercial redevelopment project; as well as accommodating the existing commercial and residential land uses that front along Amoco Lane. Greenway Engineering has prepared a design at the Owner's expense that has been submitted to FCSA and VDOT for review and approval. The Owner will work directly with FCSA to implement the construction of this new sanitary sewer system; therefore, it is not necessary to modify Section D of the Proffer Statement.

- ❖ *Proffer E does not state a time period or trigger event for provision of the indicated landscape buffer.*

COMMENT RESPONSE: Section E of the April 25, 2016 Proffer Statement has been revised to require the Owner to provide written notice to the off-site property owners within 30 days of Site Plan approval for the first structure to be developed on the property, which requires the off-site property owner to respond within 90 days advising of their desire to have landscaping and their willingness to provide a landscape easement on their property. The Owner is required to install the landscaping during the next favorable planting season and for replacement of landscaping for a period of one-year from the date of installation.

## **Winchester Regional Airport – Comment dated March 22, 2016**

- ❖ *Rezoning Approved.*

## Virginia Department of Transportation – Comment dated March 22, 2016

- ❖ *The entrance on the GDP should be removed or identified as a potential entrance.*

COMMENT RESPONSE: Please note that the revised Proffer Statement dated April 25, 2016 has eliminated the GDP as a proffered element of the rezoning application as this document only demonstrated access points for the subject property and the locations of off-site properties that would be provided opportunities for off-site landscape buffering. These design elements are described in the April 25, 2016 Proffer Statement.

- ❖ *It is recommended that Proffer C1 be revised to include improvements to Amoco Lane along the entire frontage of the property.*

COMMENT RESPONSE: Section C1 of the April 25, 2016 Proffer Statement has been revised to require the pavement mill and overlay and extension of curb and gutter along the property frontage to the limits of the southeastern most entrance serving the property.

- ❖ *It is recommended that right-of-way width along the property frontage match the existing right-of-way width at the intersection of the Sheetz frontage.*

COMMENT RESPONSE: Right-of-way along the majority of the Sheetz frontage is consistent with the existing right-of-way along the frontage of the Property. Widening the right-of-way along the frontage of the Property to match the right-of-way width of the intersection would result in right-of-way that does not match along the Amoco Lane travel aisles.

## Frederick County Planning – Comment dated March 22, 2016

- ❖ *The proposed commercial rezoning is consistent with the current land use supported by the Comprehensive Plan.*

COMMENT RESPONSE: Agreed.

- ❖ *The property is located near established residential properties. Special attention should be provided to ensure that impacts to adjacent residential properties are considered.*

COMMENT RESPONSE: The established residential properties are all zoned B-2, Business General District without proffers; therefore, future development of these properties will not be subject to site and building design standards that are not specific to current Zoning Ordinance requirements. The Owner has proffered to provide a sanitary sewer system that will accommodate the existing residential properties and has proffered to provide landscaping on individual properties if desired by the property owner to provide for visual mitigation until these properties develop commercially in the future.

- ❖ *Pedestrian accommodations should be incorporated, particularly at the signalized intersection of Amoco Lane and Route 11.*

COMMENT RESPONSE: The Sheetz Site Plan provides for proposed crosswalk and striping at the signalized intersection of Amoco Land and Route 11.

- ❖ *The proffered GDP could be more detailed to include design elements and building locations.*

COMMENT RESPONSE: Please note that the revised Proffer Statement dated April 25, 2016 has eliminated the GDP as a proffered element of the rezoning application as this document only demonstrated access points for the subject property and the locations of off-site properties that would be provided opportunities for off-site landscape buffering. These design elements are described in the April 25, 2016 Proffer Statement.

- ❖ *Consideration should be given to proffering particular uses instead of proffering out uses.*

COMMENT RESPONSE: The land uses prohibited by the proffer statement are intended to mitigate impacts to the existing residential land uses. It should be noted that the existing residential properties are zoned B-2, Business General District and do not have land use restrictions when they are developed commercially in the future.

- ❖ *The entire 4.98 acres will need to be included with this rezoning application.*

COMMENT RESPONSE: The April 25, 2016 Proffer Statement has been revised to incorporate the entire 4.98 acres that are subject to the proposed proffers.

- ❖ *It would be preferable to specify a lump sum monetary contribution rather than a proffered square footage calculation.*

COMMENT RESPONSE: The proffered monetary contributions based on square footage calculations is consistent with other project proffers accepted by the County.

- ❖ *Consideration should be given to maintaining the existing mature vegetation along Amoco Lane.*

COMMENT RESPONSE: The redevelopment of the property includes sanitary sewer along the Amoco Lane frontage that will be accessible for the existing residential land uses; as well as curb and gutter improvements and mill overlay improvements that may impact the existing mature vegetation along Amoco Lane. Greenway Engineering will work with the Planning Department during the Site Plan review process to determine if mature vegetation can be preserved within the required 10' parking lot setback area between the Amoco Lane right-of-way and the parking curb.

- ❖ *Additional landscaping and corridor appearance buffering should be provided along the properties frontage with the interstate. Other site design elements such as building materials should be included to recognize the visibility of this site to the interstate.*

COMMENT RESPONSE: The property is the last undeveloped commercially zoned property adjacent to Interstate 81. Other developed properties have not provided landscape buffering due to the desire to have interstate visibility and this site desires to develop in the same manner. Other developed properties have used traditional corporate construction materials and traditional corporate signage and this site desires to develop in the same manner.

#### **Frederick County Sanitation Authority – Comment dated March 23, 2016**

- ❖ *Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications.*

COMMENT RESPONSE: Greenway Engineering and the Owner have been working with FCSA on the development of a sanitary sewer system that will be appropriately sized to allow for public sewer service for the full build-out of the commercial redevelopment project; as well as accommodating the existing commercial and residential land uses that front along Amoco Lane. Greenway Engineering has prepared a design at the Owner's expense that conforms to FCSA standards specifications that has been submitted to FCSA and VDOT for review and approval.

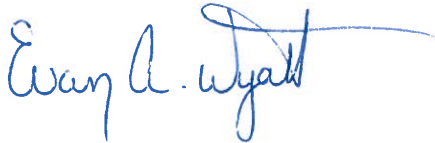
#### **Frederick County Transportation – Comment dated April 22, 2016**

- ❖ *Consider analysis of turn lane capacities, potential signal retiming, implementation of the Comprehensive Plan road section across the frontage of the property, and peak hour impacts of construction materials deliveries during the development of the property.*

COMMENT RESPONSE: The Site Plan for proposed commercial land uses will be analyzed by VDOT to consider turn lane capacities and signal timing. The property frontage is more than 40 feet from the existing northbound Route 11 travel lanes; therefore, the future widening of Route 11 to accommodate a six-lane road section can be accommodated without the need for additional right-of-way. It is not anticipated that construction materials deliveries will occur during the PM Peak Hour; however, there may be some construction materials deliveries that occur during the latter portion of the AM Peak Hour between 7:00 AM and 8:00 AM.

Please advise me if you have any questions regarding this information or if there is any additional information that is necessary pertaining to these comments. Greenway Engineering will provide a copy of this letter and the April 25, 2016 Proffer Statement to all review agencies identified in this letter and will provide the Planning Department with copies of the review agency transmittal letters as information associated with the formal filing packet for the Planning Commission and Board of Supervisors public hearing process for this rezoning application.

Sincerely,



Evan Wyatt, Director of Land Planning  
Greenway Engineering, Inc.

Cc: CB Ventures, LLC  
Review Agencies Identified in this Letter

# **IMPACT ANALYSIS STATEMENT**

## **CB VENTURES, LLC COMMERCIAL DEVELOPMENT**

**Stonewall Magisterial District  
Frederick County, Virginia  
TM 43-((A))-48A**



**May 9, 2016**

**Current Owner: CB Ventures, LLC**

**Contact Person: Evan Wyatt, Director of Land Planning  
Greenway Engineering, Inc.  
151 Windy Hill Lane  
Winchester, VA 22602  
540-662-4185**

## **CB VENTURES, LLC COMMERCIAL DEVELOPMENT**

### **INTRODUCTION**

This report has been prepared for the purpose of assessing the impact on Fredrick County by the proffered rezoning of a 4.98±-acre subject property owned by CB Ventures LLC, and identified as Tax Map Parcel 43-A-48A. The subject property is located in the southwest quadrant of Interstate 81 Exit 317, on the south side of Martinsburg Pike (U.S. Route 11) and the northwest side of Amoco Lane (Rt. 839). Tax Map Parcel 43-A-48A is split-zoned, with of 1.23± acres of B-2, Business General District and 3.75± acres of B-3, Industrial Transition District land area. The Applicant proposes to rezone the 4.98±-acre subject property to B-2, Business General District with proffers to allow for the redevelopment of the 4.98±-acre subject property for highway commercial land use.

#### Basic information

Location:	Fronting on the south side of Martinsburg Pike (U.S. Route 11) and the northwest side of Amoco Lane (Rt. 839), at the southwest quadrant of Interstate 81 Exit 317.
Magisterial District:	Stonewall District
Property ID Numbers:	43-A-48A
Current Zoning:	B-2, Business General District (1.23± acres) B-3, Industrial Transition District (3.75± acres)
Current Use:	Undeveloped
Proposed Zoning:	4.98±-acres with proffers for the subject property
Proposed Use:	Commercial (Hotel and Restaurant Preferred Option)
Total Rezoning Area:	4.98±-acres with proffers for the subject property



## **COMPREHENSIVE POLICY PLAN**

### Urban Development Area

The Urban Development Area (UDA) defines the general area in which residential, commercial, industrial and institutional land use development is encouraged in the County. The 4.98±-acre subject property is currently located within the UDA; therefore, expansion of the UDA boundary to accommodate the proposed development of commercial land use is not required for this rezoning application.

### Sewer and Water Service Area

The Sewer and Water Service Area (SWSA) is generally consistent with the UDA, but also extends outside of the UDA to accommodate areas of the County in which commercial and industrial land use development is only desired. The 4.98±-acre subject property is currently located within the SWSA; therefore, expansion of the SWSA boundary to accommodate the proposed development of commercial land use is not required for this rezoning application.

### Comprehensive Plan Conformity

The 4.98±-acre subject property is located in the UDA and the SWSA and is within the study area boundary of the Northeast Frederick Land Use Plan. The Northeast Frederick Land Use Plan is a large-area plan that identifies land uses, transportation networks, and other matters that are recommended for consideration for future land use and development within this geographic area of the County. The 4.98±-acre subject property is identified for business land use; therefore, the proposed B-2, Business General District rezoning is in conformance with the Comprehensive Policy Plan. The Applicant's preferred commercial development plan for hotel and restaurant land use for the proposed B-2, Business General District rezoning is appropriate based on the proximity of the subject property to the Interstate 81 Exit 317 interchange and Martinsburg Pike (US Route 11 North).

## **SUITABILITY OF THE SITE**

### Access

The 4.98±-acre subject property is located on the south side of Martinsburg Pike (U.S. Route 11), approximately 400 feet west of the Interstate 81 Exit 317 interchange. Access to the subject property will be provided with full access entrances along Amoco Lane (Route 839) and through an inter-parcel connection with the Sheetz Convenience Store that will allow for access to this site and access to a right-out only entrance along Martinsburg Pike.

### Flood Plains

The 4.98±-acre subject property does not contain areas of floodplain as demonstrated on FEMA NFIP Map #51069C0209D, Effective Date September 2, 2009; as well as information from the Frederick County GIS Database.

### Wetlands

The 4.98±-acre subject property does not contain wetland areas as demonstrated on the National Wetlands Inventory (NWI) Map information from the Frederick County GIS Database.

### Soil Types

The 4.98±-acre subject property contains one soil type as demonstrated by the Soil Survey of Frederick County, Virginia and the Frederick County GIS Database. The following soil type is present on site:

32B Oaklet Silt Loams 2-7% slope

The Oaklet Silt Loam is identified as a prime agricultural soil and has high shrink/swell properties. The portion of the subject site proposed to be rezoned was previously developed as an 84 Lumber Retail Center and Lumber Yard and developed properties within close proximity of the site have the same soil type. The site soil type is conducive for commercial redevelopment of the subject property.

### Other Environmental Features

The 4.98±-acre subject property does not contain areas of steep slope, lakes or ponds or natural stormwater retention areas as defined by the Frederick County Zoning Ordinance. The subject property is located in the geographic portion of the County that is underlain by karst geology. The Owner has not performed a study to locate sinkholes to date; however, geotechnical analysis of the development areas on the project site will be performed in conjunction with the construction phase of the commercial redevelopment project. There are no known environmental features present that create development constraints for the proposed commercial development project.

## **SURROUNDING PROPERTIES**

### Adjoining property zoning and present use:

North: B-2, Business General District

Use: Hotel, Restaurant and  
Convenience Store

South:	B-2, Business General District	Use:	Residential and Unimproved
East:	M-1, Light Industrial District	Use:	Unimproved
West:	B-2, Business General District	Use:	Residential, Unimproved and Convenience Store

**TRANSPORTATION**

The Applicant’s preferred option for commercial development includes a hotel and two restaurants. The County’s Zoning Ordinance allows restaurants in the B-2 District and the B-3 District; however, hotels are only allowed in the B-2 District. Greenway Engineering coordinated with the County Transportation Planning Director to identify potential traffic impacts associated with the Applicant’s preferred commercial development option to obtain a determination regarding the need for a traffic impact analysis (TIA) for the rezoning application process.

Greenway Engineering utilized traffic projection data from the ITE Manual - 9<sup>th</sup> Edition for a 100 room hotel and two fast food restaurants with drive-thru window service, resulting in a total traffic volume impact of 4,365 daily trips. The fast food restaurants with drive-thru window service account for 3,472 daily trips of the total traffic volume; therefore, the 892 daily trips for the hotel that are projected by the ITE Manual represent the traffic impacts associated with the rezoning application. The development of an additional by-right restaurant within the subject property would result in a greater traffic volume impact than would otherwise occur if a hotel was developed. The County Transportation Planning Director reviewed the land use and traffic analysis and advised that a TIA would not be necessary for the rezoning application process.

Greenway Engineering previously worked with VDOT and the County Transportation Planning Director on behalf of Sheetz to process an access management exception request for the redevelopment of their convenience store and gasoline canopy. The access management exception request, which received formal approval by VDOT on August 14, 2014, calls for the elimination of several existing entrances, the creation of a right-in/right-out entrance and a separate right-out entrance, and the provision for inter-parcel access for the benefit of the subject property. Frederick County recently approved a Site Development Plan for this project and Sheetz has commenced construction, which will incorporate these access management improvements. The Applicant’s Proffer Statement provides for the design and construction of inter-parcel access that will be accomplished during the Site Development Plan that adjoins this ingress/egress easement for the Sheetz project that will provide this connection. Additionally, VDOT has approved a public improvement plan for Sheetz that implements curb and gutter improvements along the Amoco Lane frontage; as well as the milling and overlay of Amoco Lane from the Sheetz property line to the centerline of Amoco Lane. The Applicant’s Proffer Statement provides for the design and construction of identical improvements along the Amoco Lane frontage of the subject property through the

limits of the first commercial entrance that will be accomplished during the first Site Development Plan that is submitted to Frederick County.

The rezoning of the subject property will allow for the development of a hotel facility, which is not a permitted land use in the current zoning district. The hotel facility traffic generation will result in a reduction of vehicle trips that would otherwise be permitted as by-right development for this portion of the property. The Applicant's Proffer Statement commits to improvements to Amoco Lane that will complete pavement and drainage enhancements from the Sheetz property to the limits of the southeastern most commercial entrance; as well as incorporating inter-parcel connectivity to allow for vehicular access to the new convenience store and gasoline pumps, and for right-turn access to Martinsburg Pike for Interstate 81 and U.S. Route 11 traffic movement. The proposed application and proffer statement sufficiently mitigates transportation impacts associated with this conditional rezoning request.

## **SEWAGE CONVEYANCE AND TREATMENT**

The 4.98±-acre subject property is located within the Sewer and Water Service Area (SWSA); therefore, the property is entitled to be served by public sewer based on County Policy. The Frederick County Sanitation Authority (FCSA) is the provider of public sewer service within this area of the County, but does not currently have sewer infrastructure within or adjacent to the property. FCSA has issued a letter dated October 28, 2015 in reference to this property that states the FCSA and the Frederick Winchester Service Authority have adequate capacity at the wastewater treatment plant to accommodate the maximum proposed sanitary flows and that the Red Bud Pump Station can also accommodate the added flows from the development of this property.

Greenway Engineer has worked with FCSA to determine the appropriate approach for the development of sewer infrastructure to provide sewer service to the subject property with available capacity for adjoining properties along Amoco Lane (Route 839). Greenway Engineering has utilized 2015 FCSA water meter data with an applied 1.5 calculation factor of safety for the Applicant's preferred development option of hotel and restaurant land use, and has included calculated flows for the Goldstar Motors and existing residential uses along Amoco Lane. These calculations project a conservative sewer demand flow of 22,000 gpd for the existing land uses and for the commercial buildout of the subject property.

Greenway Engineering will design an on-site gravity sewer system that collects effluent from the commercial land uses proposed to be developed on the subject site, which will also allow for off-site land uses to connect to this system. The on-site gravity sewer system will tie into a new sewer pump station that will be located in the southern end of the subject property that will direct effluent from this area to an existing 8-inch sewer force main located approximately 700 feet south of the subject property. The sewer new pump station is anticipated to be designed for 40 gpm with a peak capacity of approximately 52,750 gpd. The proposed sewer design will accommodate existing and proposed land uses located on the subject property and along Amoco Lane and has been submitted to FCSA for review and approval.

The proposed buildout of commercial land use on the subject property is projected to increase sewer flows at the Opequon Wastewater Treatment Facility by approximately 22,000 gpd, which accounts for the future connection of existing commercial and residential land uses along Amoco Lane. The Applicant will be responsible for the design and construction of a new sewer system that will include gravity lines, a pump station and a force main to connect to the Red Bud Pump Station. The FCSA has determined that this approach is appropriate for addressing sewer impacts associated with this rezoning proposal; therefore, the Applicant has adequately addressed sewer impacts associated with this proposal.

## **WATER SUPPLY**

The 4.98±-acre subject property is located within the Sewer and Water Service Area (SWSA); therefore, the property is entitled to be served by public water based on County Policy. The Frederick County Sanitation Authority (FCSA) is the provider of public water service within this area of the County and has an existing 10" water line located along Martinsburg Pike (US Route 11 North) and Amoco Lane (Route 839) that provides public water to the property. FCSA has issued a letter dated October 28, 2015 in reference to this property that states the FCSA has adequate water supply and pressure to serve the property up to a maximum anticipated flow of 50,000 gpd.

Greenway Engineer has worked with FCSA to determine water and sewer demands required for the Applicant's preferred development option of hotel and restaurant land use. Greenway Engineering has utilized 2015 FCSA water meter for these land uses and has applied a 1.5 calculation factor of safety to develop a conservative water demand projection of 22,000 gpd for the buildout of the subject property. The projected water demand of 22,000 gpd falls well below the available water supply identified by FCSA for this site; therefore, there is adequate supply and pressure that will be available for the buildout of commercial land use for the proposed development project.

## **SITE DRAINAGE**

The topographic relief on the 4.98±-acre subject property generally follows a north to south pattern, which directs drainage from Martinsburg Pike (US Route 11 North) and Amoco Lane (Route 839) towards the rear of the property adjacent to Interstate 81. The subject site was previously developed as an 84 Lumber Retail Center and Lumber Yard, which did not create adverse stormwater impacts to adjoining properties. The commercial development of the subject property will incorporate stormwater management design that is anticipated to include a small stormwater detention pond on the eastern portion of the site near the Interstate 81 southbound on-ramp, and a small stormwater detention pond on the rear portion of the site near the Interstate 81 southbound on-ramp. Stormwater quality measures will be evaluated during the Site Development Plan process and will be achieved through on-site quality measures, nutrient credits, or a combination of both. The stormwater quantity and

quality measures will be designed in conformance with all applicable state and local regulations; therefore, site drainage and stormwater management impacts to adjoining properties and the community will be mitigated.

## **SOLID WASTE DISPOSAL**

The impact on solid waste disposal facilities associated with the redevelopment of the 4.98± subject site can be projected from an average annual commercial consumption of 5.4 cubic yards per 1,000 square feet of structural area (Civil Engineering Reference Manual, 4<sup>th</sup> edition). The Applicant's preferred option for commercial development includes a hotel and two restaurants; therefore, solid waste disposal impacts are based on the following figures that provide the increase in average annual solid waste volume based on the development of 70,000 square-feet of commercial land use:

$$\text{AAV} = 5.4 \text{ cu. yd. per } 1,000 \text{ sq. ft. commercial}$$

$$\text{AAV} = 5.4 \text{ cu. yd.} \times 70 (1,000 \text{ sq. ft.})$$

$$\text{AAV} = 378 \text{ cu. yd. at build-out, or } 264.6 \text{ tons/yr. at build-out}$$

The Municipal Solid Waste area of the Regional Landfill has a current remaining capacity of 13,100,000 cubic yards of air space. The projected commercial development will generate approximately 265 tons of solid waste annually on average. This represents a 0.13% increase in the annual solid waste received by the Municipal Solid Waste area of the Regional Landfill, which currently averages 200,000 tons per year. Solid waste produced by the commercial development will be disposed at the Regional Landfill by a commercial waste hauler; therefore, the County will receive tipping fees associated with this land use to mitigate this impact. The Regional Landfill has adequate capacity to accommodate the solid waste impacts associated with this proposal.

## **HISTORICAL SITES AND STRUCTURES**

The Frederick County Rural Landmarks Survey does not identify structures deemed to be historically significant on the 4.98±-acre subject property, nor does the survey identify properties within proximity of this site that are deemed potentially significant. The National Park Service Study of Civil War Sites in the Shenandoah Valley identifies the 4.98±-acre subject property as being located within the Second Winchester – Stephensons Depot study area boundary; however, the subject property is located well outside of the defined core battlefield area and is also defined as having lost integrity due to existing development patterns. Therefore, the commercial development plan for the property will not create negative impacts associated with historic resources.

**OTHER POTENTIAL IMPACTS**

The commercial development of the 4.98±-acre subject property will provide new economic development opportunities for Frederick County, which has been determined by the County's Development Impact Model to be positive in the consideration of fiscal impacts to County Capital Facilities. It is recognized that the development of commercial land use has the potential to increase service demands on fire and rescue services; therefore, the Applicant's Proffer Statement provides a monetary contribution of \$0.05 per developed building square foot to the County to provide additional revenues that are specifically directed to fire and rescue services. Additionally, the Applicant's Proffer Statement offers to provide off-site evergreen landscaping enhancements for existing residential lots along Amoco Lane if desired by the individual property owners even though their properties are currently zoned B2, Business General District.

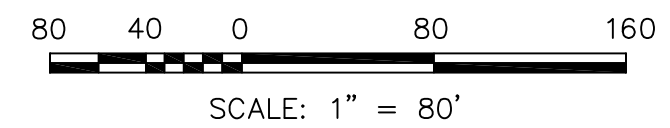
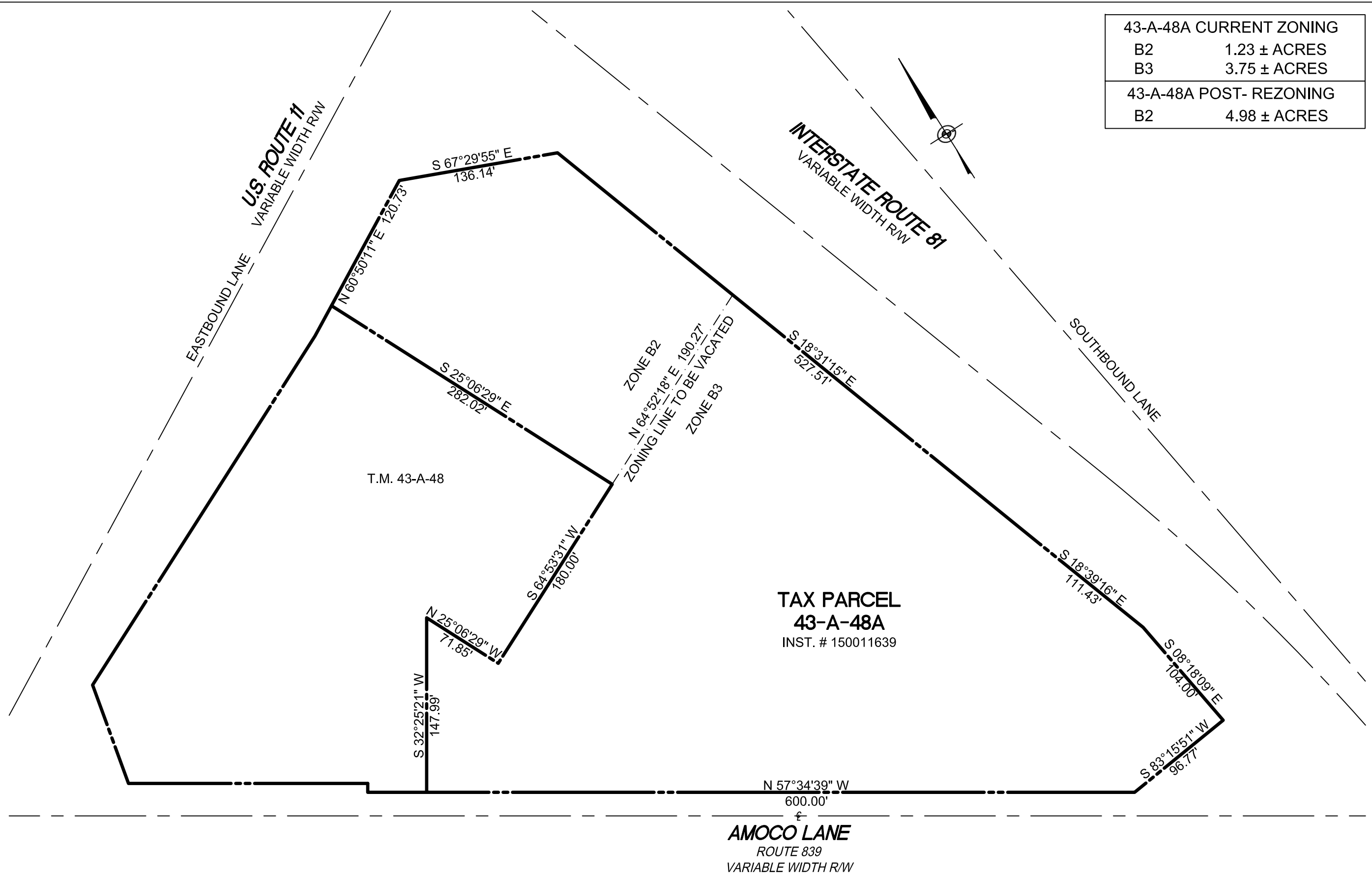
43-A-48A CURRENT ZONING	
B2	1.23 ± ACRES
B3	3.75 ± ACRES
43-A-48A POST- REZONING	
B2	4.98 ± ACRES

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



**CB VENTURES, LLC**  
**REZONING PLAT EXHIBIT**  
 STONEWALL MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VA

DATE:	01/22/2016
SCALE:	1"=80'
DESIGNED BY:	EAW
JOB NO.	2022C
SHEET	1 OF 1





**METES AND BOUNDS DESCRIPTION**

BEGINNING AT A 3/4" IRON REBAR FOUND IN THE SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF U.S. ROUTE 11, ALSO BEING THE MOST NORTHERLY CORNER OF THE LAND OF FRANCHISE REALTY INTERSTATE CORPORATION AS RECORDED IN DEED BOOK 490 AT PAGE 632. THENCE, WITH SAID SOUTHEASTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF U.S. ROUTE 11

N 60°48'58" E - 120.73' TO A CONCRETE MONUMENT FOUND, ALSO BEING A POINT IN THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 81; THENCE WITH SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 81 THE FOLLOWING FOUR (4) COURSES:

S 67°31'08" E - 136.14' TO A CONCRETE MONUMENT FOUND; THENCE

S 18°32'28" E - 527.51' TO A CONCRETE MONUMENT FOUND; THENCE

S 18°40'29" E - 111.43' TO A CONCRETE MONUMENT FOUND; THENCE

S 08°19'22" E - 104.00' TO A CONCRETE MONUMENT FOUND; THENCE DEPARTING SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 81 AND RUNNING WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AMOCO LANE, ROUTE 839 THE FOLLOWING TWO (2) COURSES:

S 83°14'38" W - 96.77' TO A CONCRETE MONUMENT FOUND; THENCE

N 57°35'52" W - 600.00' TO A 1/2" IRON REBAR FOUND; THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF AMOCO LANE, ROUTE 839 AND RUNNING WITH THE SOUTHERLY AND EASTERLY LINES OF SAID FRANCHISE REALTY INTERSTATE CORPORATION THE FOLLOWING FOUR (4) COURSES:

N 32°24'08" E - 147.99' TO A 1/2" IRON REBAR FOUND; THENCE

S 25°07'42" E - 71.85' TO A 1/2" IRON REBAR FOUND; THENCE

N 64°52'18" E - 180.00' TO A 5/8" IRON REBAR FOUND; THENCE

N 25°07'42" W - 282.02' TO THE POINT OF BEGINNING;

CONTAINING 4.9864 ACRES, MORE OR LESS.

**TITLE COMMITMENT**

A TITLE COMMITMENT WAS FURNISHED BY CHICAGO TITLE INSURANCE COMPANY AS COMMITMENT NUMBER 07-0645, EFFECTIVE DATE JANUARY 3, 2007 AT 8:00 A.M. ALL RECORDING INFORMATION IS REFERENCED TO THE LAND RECORDS OF FREDERICK COUNTY, VIRGINIA. THE FOLLOWING EXCEPTIONS FROM SCHEDULE B - SECTION II OF SAID TITLE COMMITMENT ARE ADDRESSED AS FOLLOWS:

8) EASEMENTS GRANTED TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA RECORDED IN DEED BOOK 136 AT PAGE 534, DEED BOOK 137 AT PAGE 546, DEED BOOK 246 AT PAGE 236 AND DEED BOOK 285 AT PAGE 382.

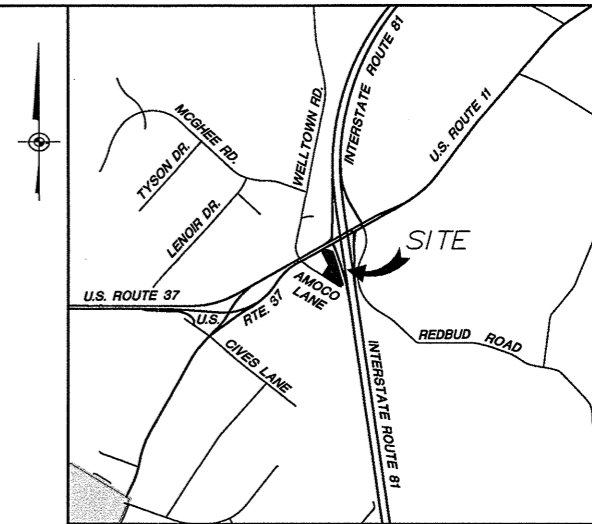
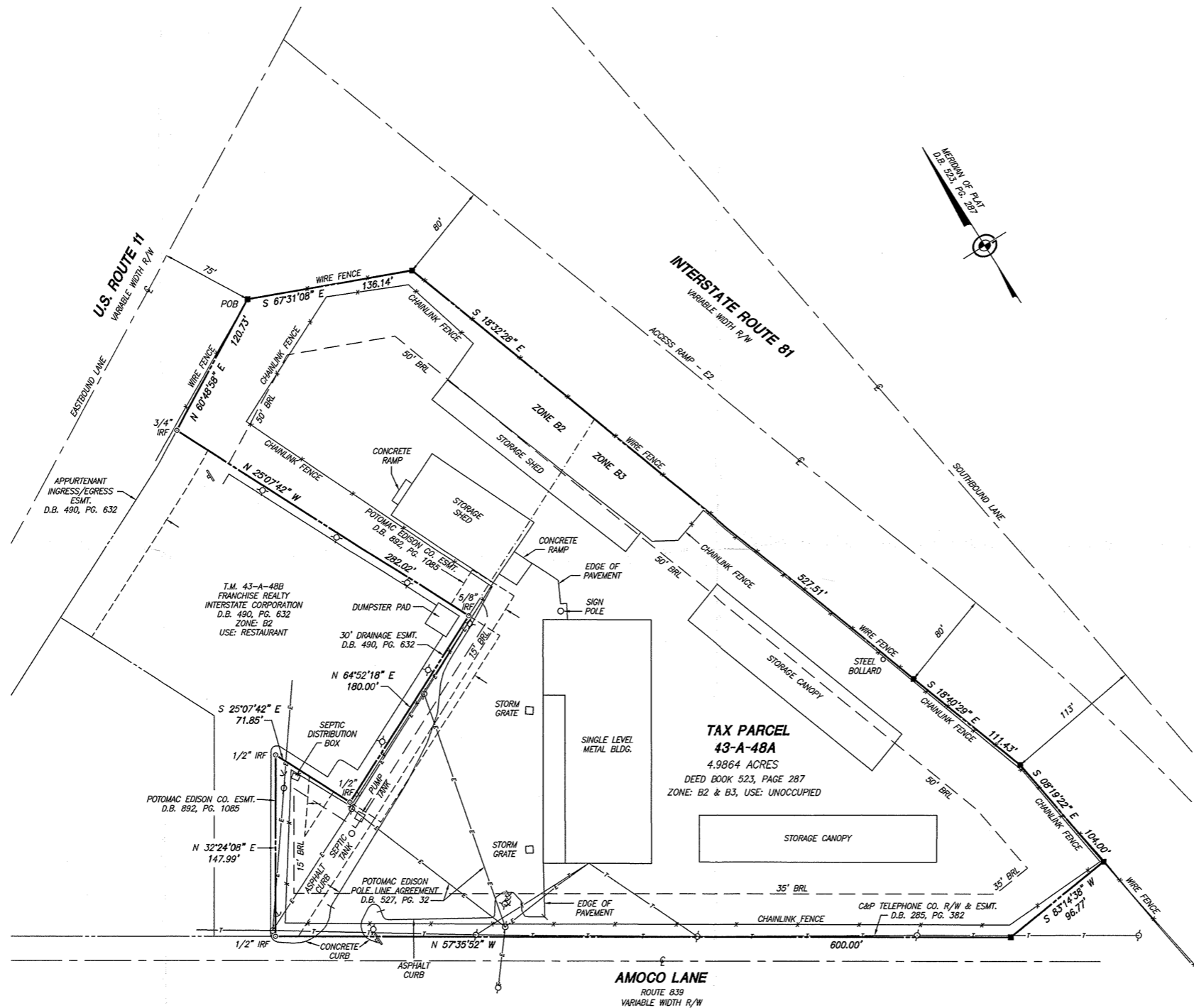
THE EASEMENTS GRANTED IN DEED BOOK 136 AT PAGE 534, DEED BOOK 137 AT PAGE 546 AND DEED BOOK 246 AT PAGE 236 ARE NON-LOCATABLE AND AFFECT THE SUBJECT PROPERTY. THE EASEMENT GRANTED IN DEED BOOK 285 AT PAGE 382 IS SHOWN ON THE PLAT.

9) EASEMENT FOR SURFACE DRAINAGE AND STORM WATER RUNOFF, GRANTED IN AND TERMS AND CONDITIONS OF USE OF INGRESS/EGRESS EASEMENT RESERVED IN DEED BOOK 490 AT PAGE 632.

THE DRAINAGE EASEMENT AFFECTS THE SUBJECT PROPERTY AND THE INGRESS/EGRESS EASEMENT IS APPURTENANT TO THE SUBJECT PROPERTY. THE LOCATIONS OF BOTH ARE SHOWN ON THE PLAT.

10) EASEMENTS GRANTED TO THE POTOMAC EDISON COMPANY RECORDED IN DEED BOOK 527 AT PAGE 32 AND DEED BOOK 892 AT PAGE 1085.

BOTH EASEMENTS ARE SHOWN ON THE PLAT.



- NOTES**
- TITLE TO THE PROPERTY SHOWN HEREON IS VESTED IN EIGHTY FOUR LUMBER COMPANY AS RECORDED IN DEED BOOK 523, PAGE 287 OF THE FREDERICK COUNTY, VIRGINIA LAND RECORDS.
  - THE PROPERTY IS IDENTIFIED AS FREDERICK COUNTY TAX PARCEL 43-A-48A AND IS ZONED B2 AND B3.
  - THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY BY THIS FIRM.
  - THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN ZONE C, AREAS OF MINIMAL FLOODING, PER N.F.I.P. FLOOD INSURANCE RATE MAP No. 510063 0105 B, DATED JULY 17, 1978.
  - THE FENCE LINES SHOWN HEREON MEANDER ON OR NEAR THE BOUNDARY LINES; HOWEVER, THE LOCATION OF SUCH FENCES SHOULD NOT BE CONSIDERED AS RELIABLE BOUNDARY DEMARCATION.
  - THIS SURVEY RELIES ON THE TITLE COMMITMENT FOR THE DISCLOSURE OF ANY EASEMENTS AFFECTING THIS PROPERTY.

- LEGEND**
- = FENCE LINE
  - BRL = BUILDING RESTRICTION LINE
  - POB = POINT OF BEGINNING OF METES AND BOUNDS DESCRIPTION
  - IRF = IRON REBAR FOUND
  - IRS = 1/2" IRON REBAR & CAP SET
  - ◇ = LIGHT POST
  - = UTILITY POLE
  - ∨ = GUY WIRE ANCHOR
  - R/W = RIGHT OF WAY
  - ℄ = CENTERLINE OF ROADWAY
  - = CONCRETE MONUMENT FOUND
  - = OVERHEAD ELECTRIC LINE
  - = OVERHEAD TELEPHONE LINE
  - ⊞ = SIGN
  - - - = ZONING LINE

**SURVEYOR'S CERTIFICATE**

TO ORR-WINCHESTER, LLC AND CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 10, 11(A) AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF VIRGINIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

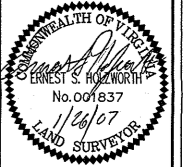
DATE: 1/26/2007

SIGNED: Ernest S. Holzworth, LS No. 1837

**GREENWAY ENGINEERING, INC.**  
 151 Winky Hill Lane  
 Winchester, Virginia 22602  
 Telephone 540-662-4185  
 FAX 540-722-9528  
 www.greenwayeng.com

Engineers  
 Surveyors

DATE	REVISION
5/08/07	UPDATED TITLE COMMITMENT



ALTA/ACSM LAND TITLE SURVEY  
 OF THE LAND OF  
**EIGHTY FOUR LUMBER COMPANY**  
 STONEWALL MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA

DATE: JANUARY 26, 2007

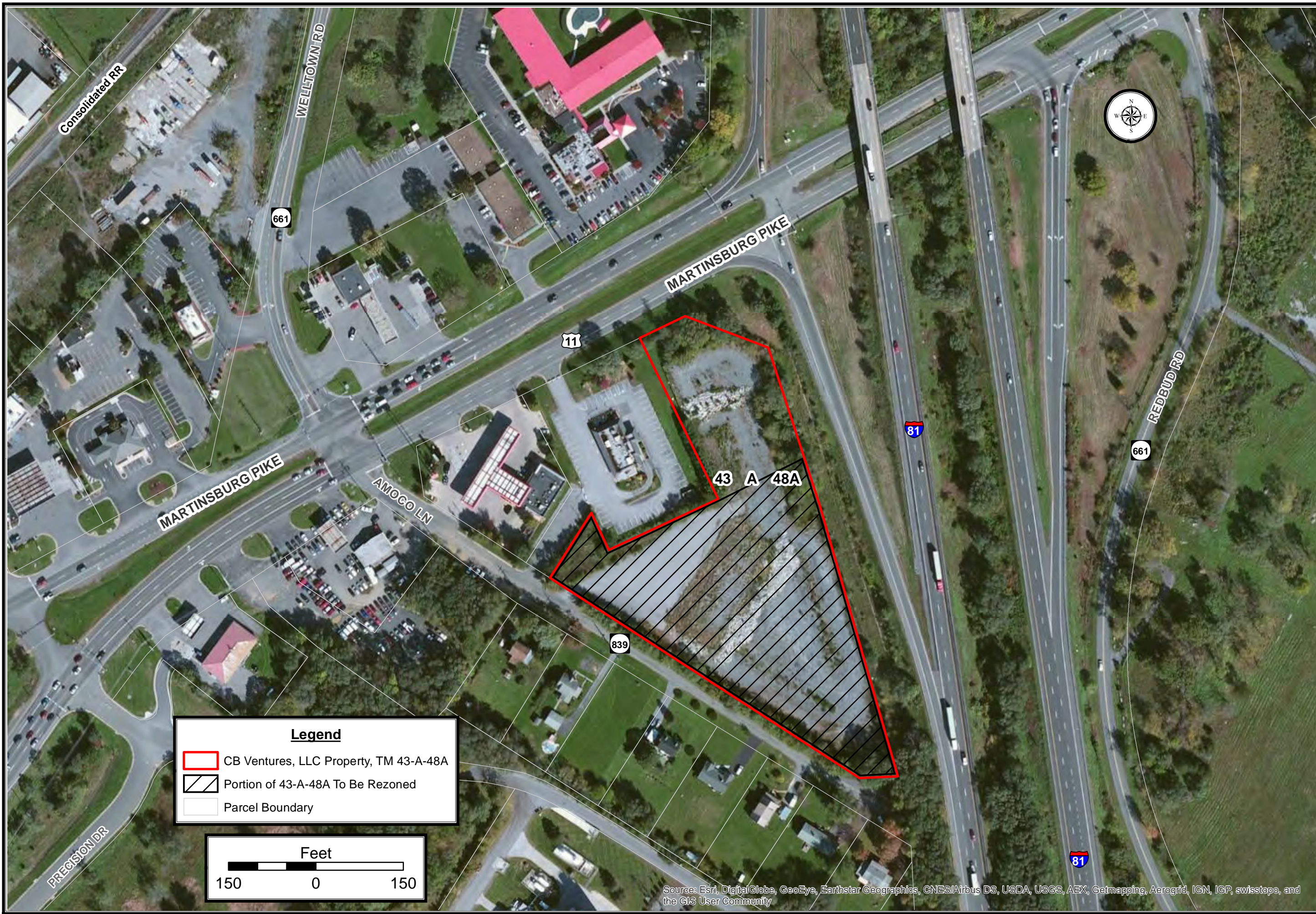
SCALE: 1" = 50'

DRAFTED BY: RLL

FILE NO. 20220

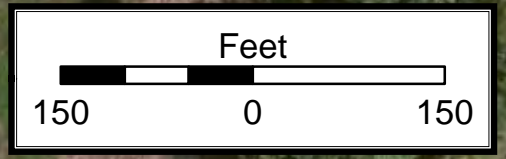
SHEET 1 OF 1

07-012



**Legend**

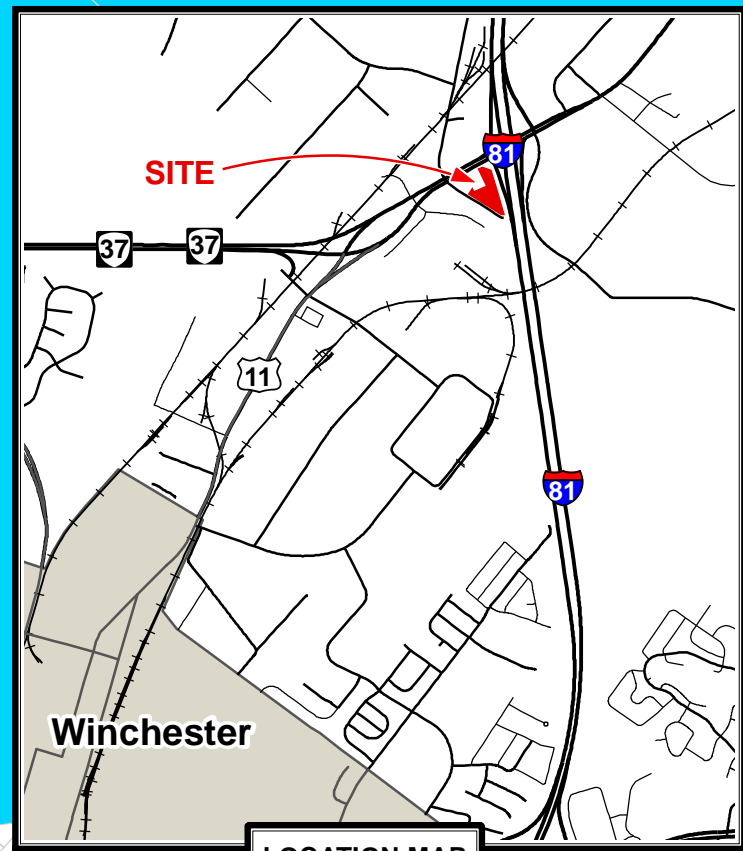
- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary



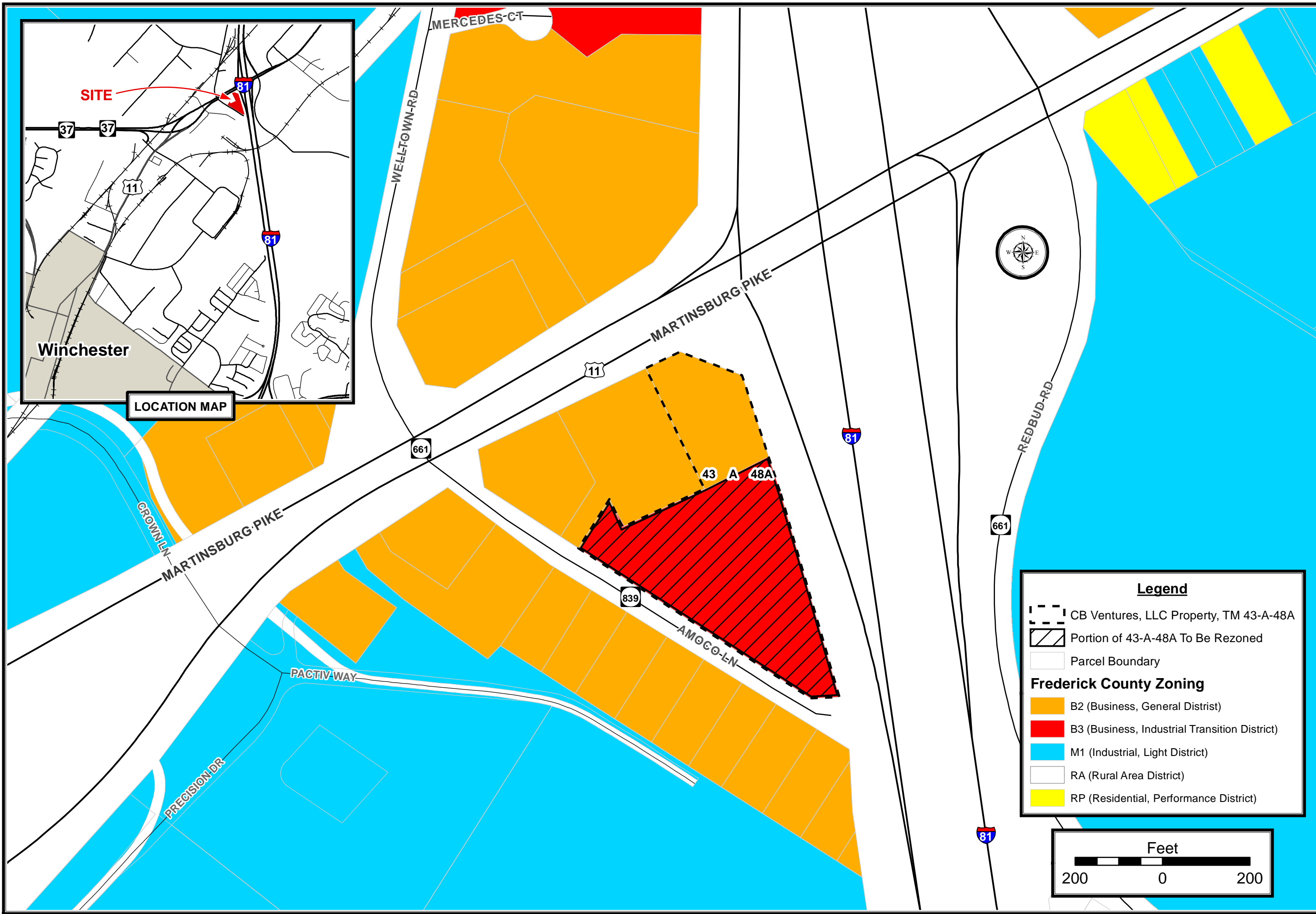
**CB VENTURES, LLC PROPERTY**  
**COMMERCIAL REZONING**  
**AERIAL OVERVIEW**

CB VENTURES, LLC PROPERTY	PROJECT ID: 2022C
COMMERCIAL REZONING	DESIGNED BY: DWE
AERIAL OVERVIEW	SCALE: 1 Inch = 150 Feet
STONEWALL MAGISTERIAL DISTRICT	
FREDERICK COUNTY, VIRGINIA	

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



LOCATION MAP

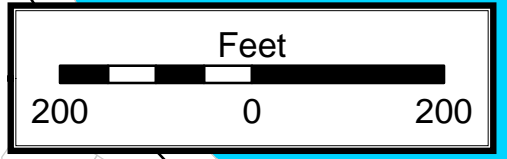


**Legend**

- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary

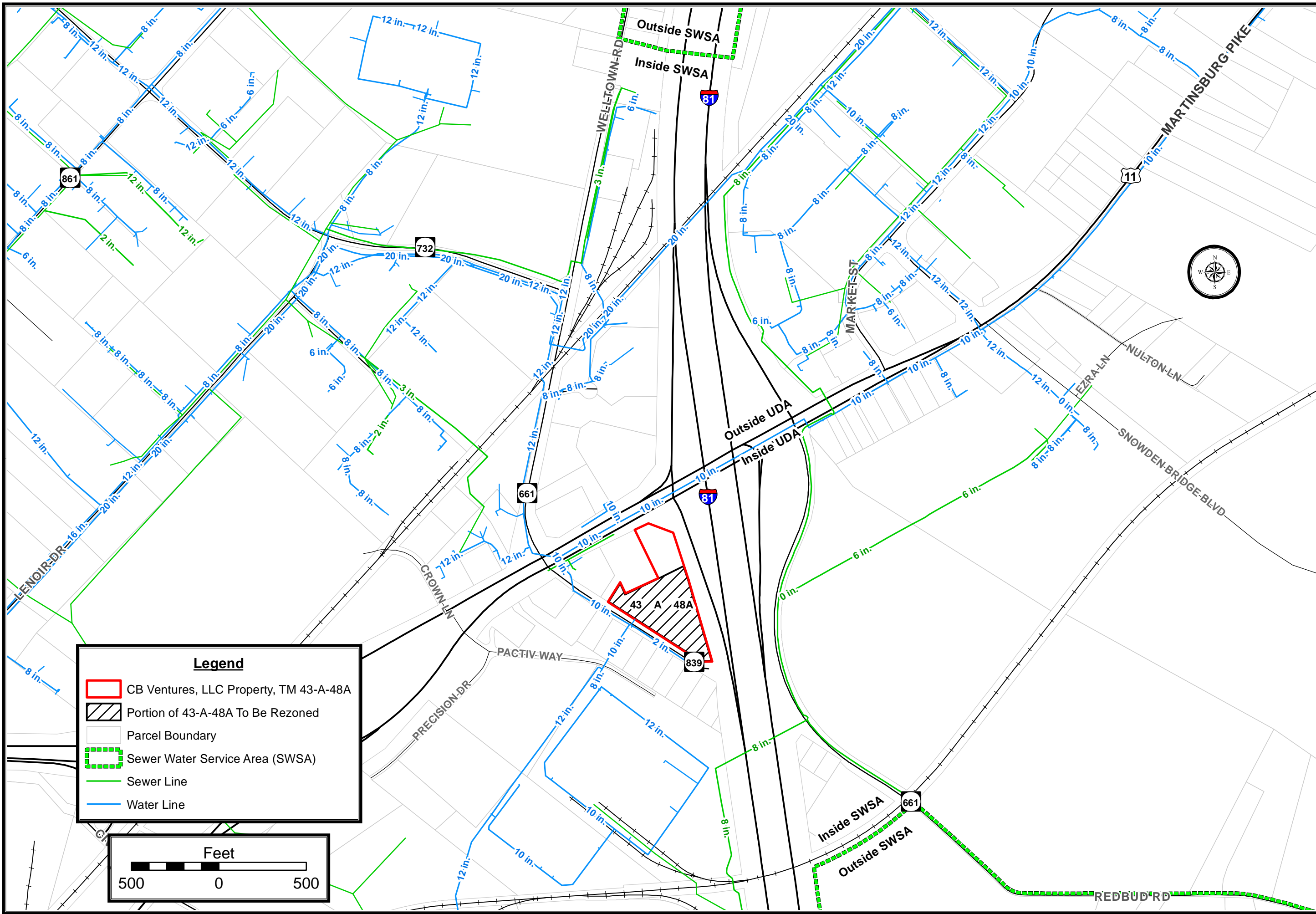
**Frederick County Zoning**

- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- M1 (Industrial, Light District)
- RA (Rural Area District)
- RP (Residential, Performance District)



CB VENTURES, LLC PROPERTY  
 COMMERCIAL REZONING  
 LOCATION AND ZONING

CB VENTURES, LLC PROPERTY  
 COMMERCIAL REZONING  
 LOCATION AND ZONING  
 STONEWALL MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA  
 DATE: 2016-01-07 PROJECT ID: 2022C DESIGNED BY: DWE  
 SCALE: 1 Inch = 200 Feet

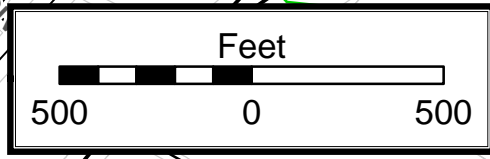


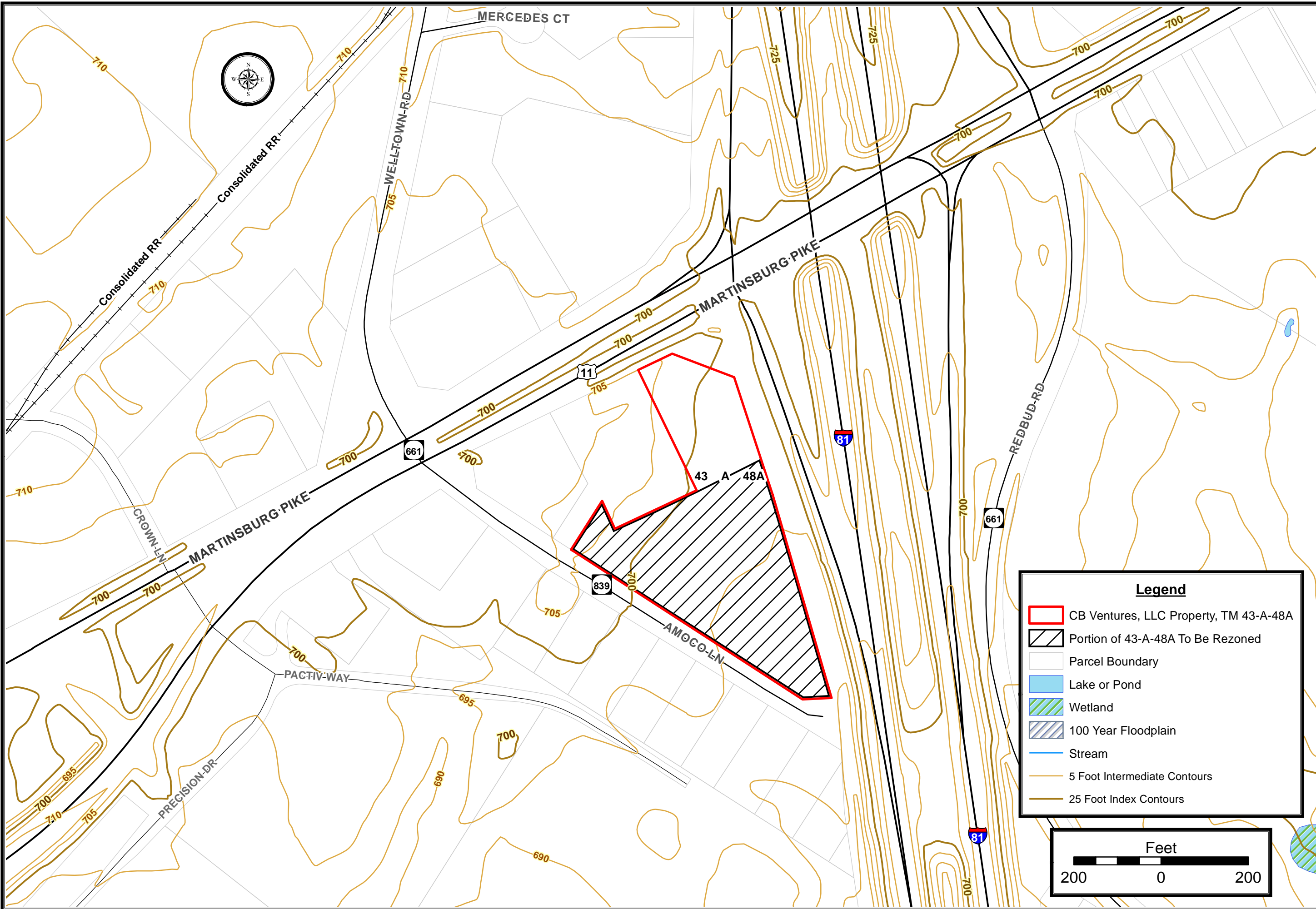
**CB VENTURES, LLC PROPERTY**  
**COMMERCIAL REZONING**  
**SWSA MAP**

CB VENTURES, LLC PROPERTY
COMMERCIAL REZONING
SWSA MAP
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: 2016-01-07   PROJECT ID: 2022C   DESIGNED BY: DWE
SCALE: 1 Inch = 500 Feet

**Legend**

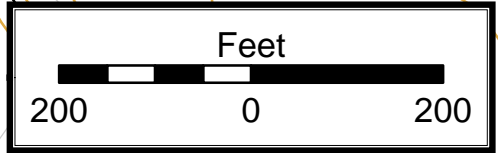
- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary
- Sewer Water Service Area (SWSA)
- Sewer Line
- Water Line





**Legend**

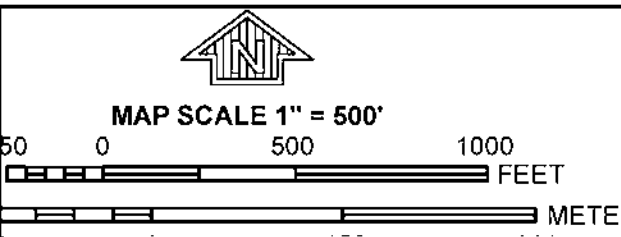
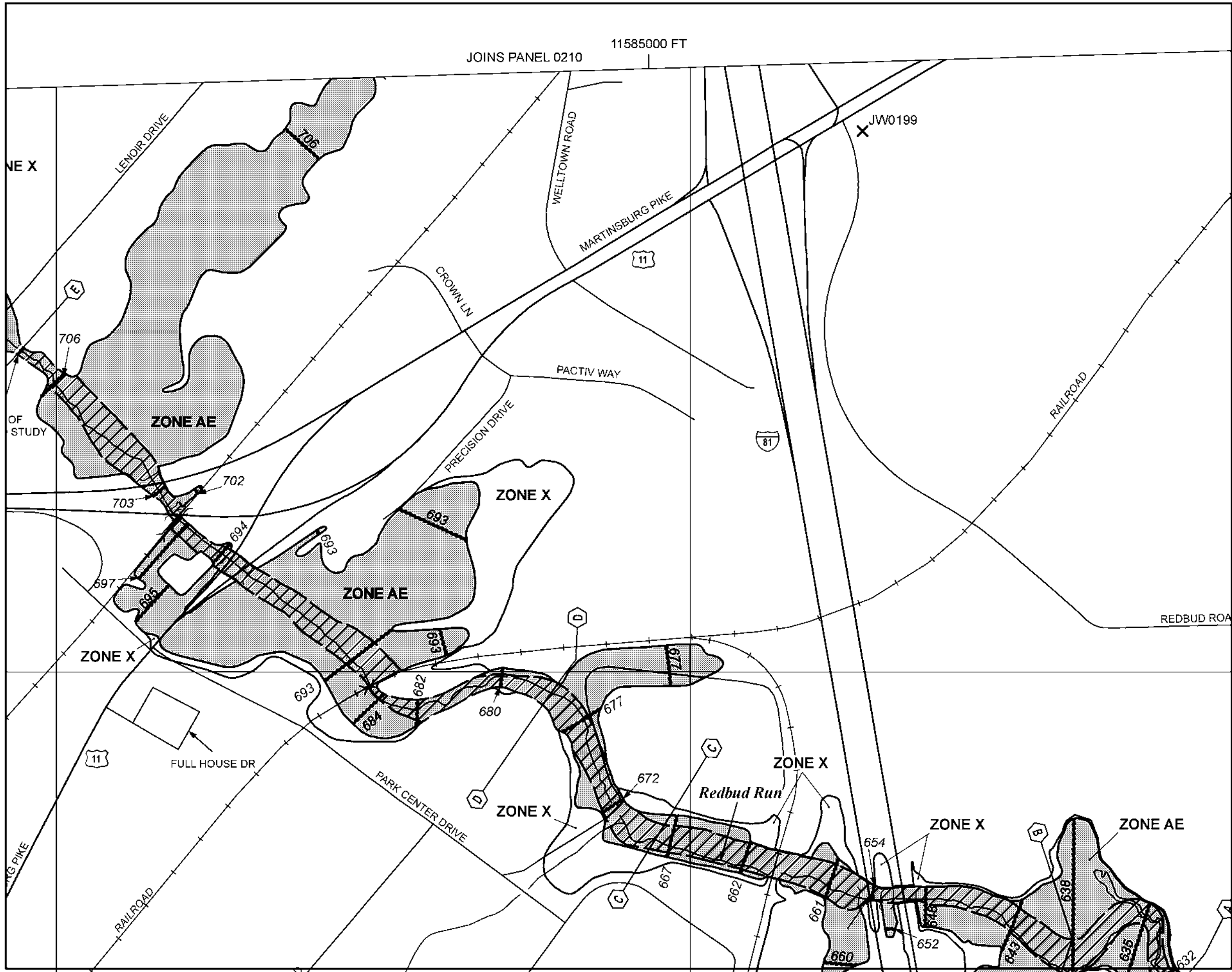
- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary
- Lake or Pond
- Wetland
- 100 Year Floodplain
- Stream
- 5 Foot Intermediate Contours
- 25 Foot Index Contours



**GREENWAY**  
ENGINEERING

**CB VENTURES, LLC PROPERTY**  
**COMMERCIAL REZONING**  
**ENVIRONMENTAL FEATURES**

CB VENTURES, LLC PROPERTY COMMERCIAL REZONING ENVIRONMENTAL FEATURES	STONEWALL MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA	DATE: 2016-01-07   PROJECT ID: 2022C   DESIGNED BY: DWE SCALE: 1 Inch = 200 Feet
--	--	---



PANEL 0209D

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 FREDERICK COUNTY,  
 VIRGINIA  
 AND INCORPORATED AREAS

PANEL 209 OF 375  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FREDERICK COUNTY	510063	C209	D
WINCHESTER, CITY OF	510173	C209	D

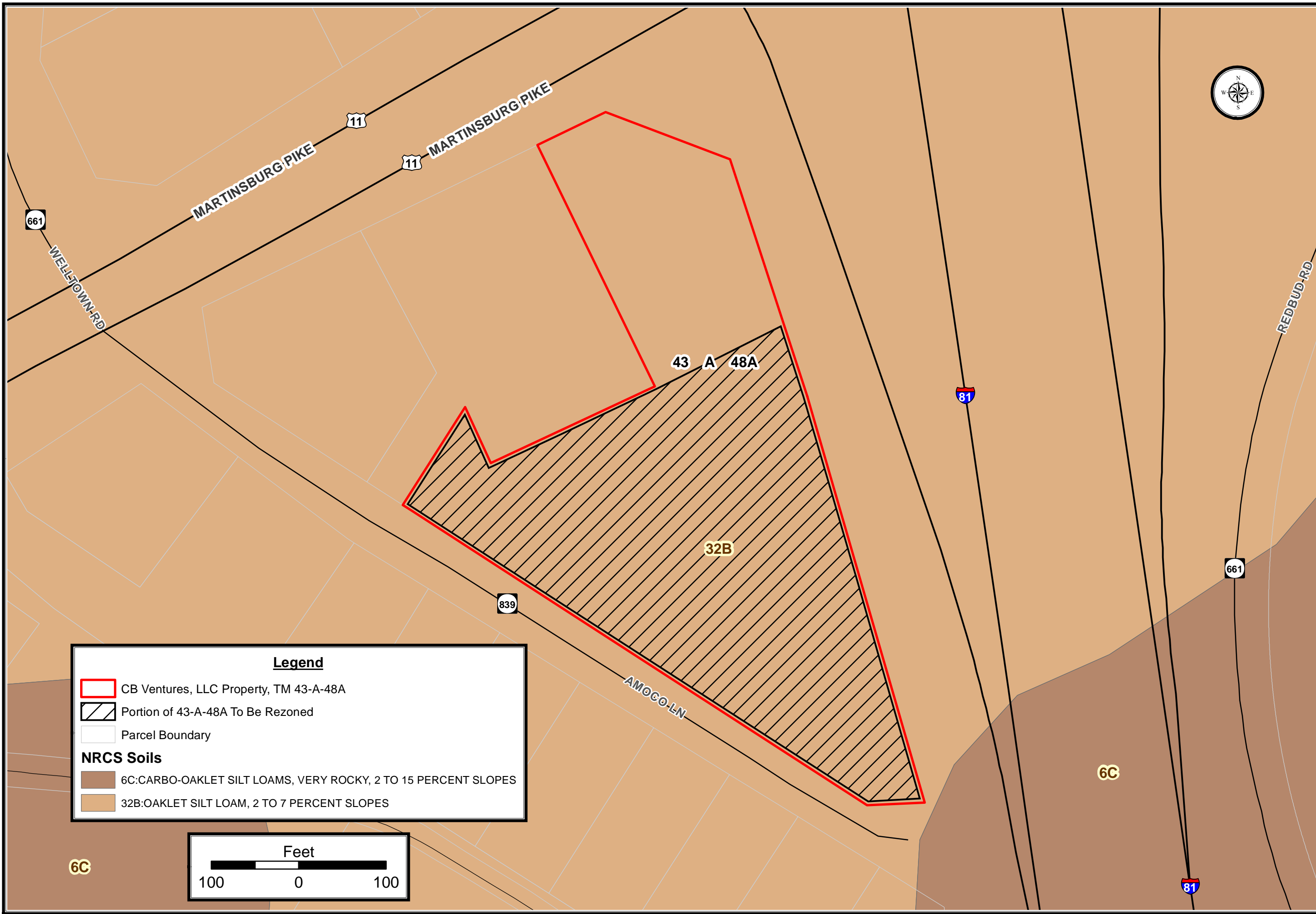
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
 51069C0209D

**EFFECTIVE DATE**  
 SEPTEMBER 2, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



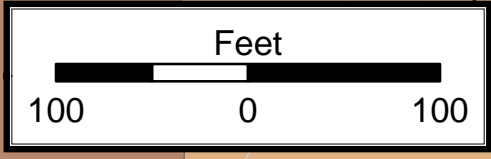
CB VENTURES, LLC PROPERTY  
 COMMERCIAL REZONING  
 SOILS MAP

**Legend**

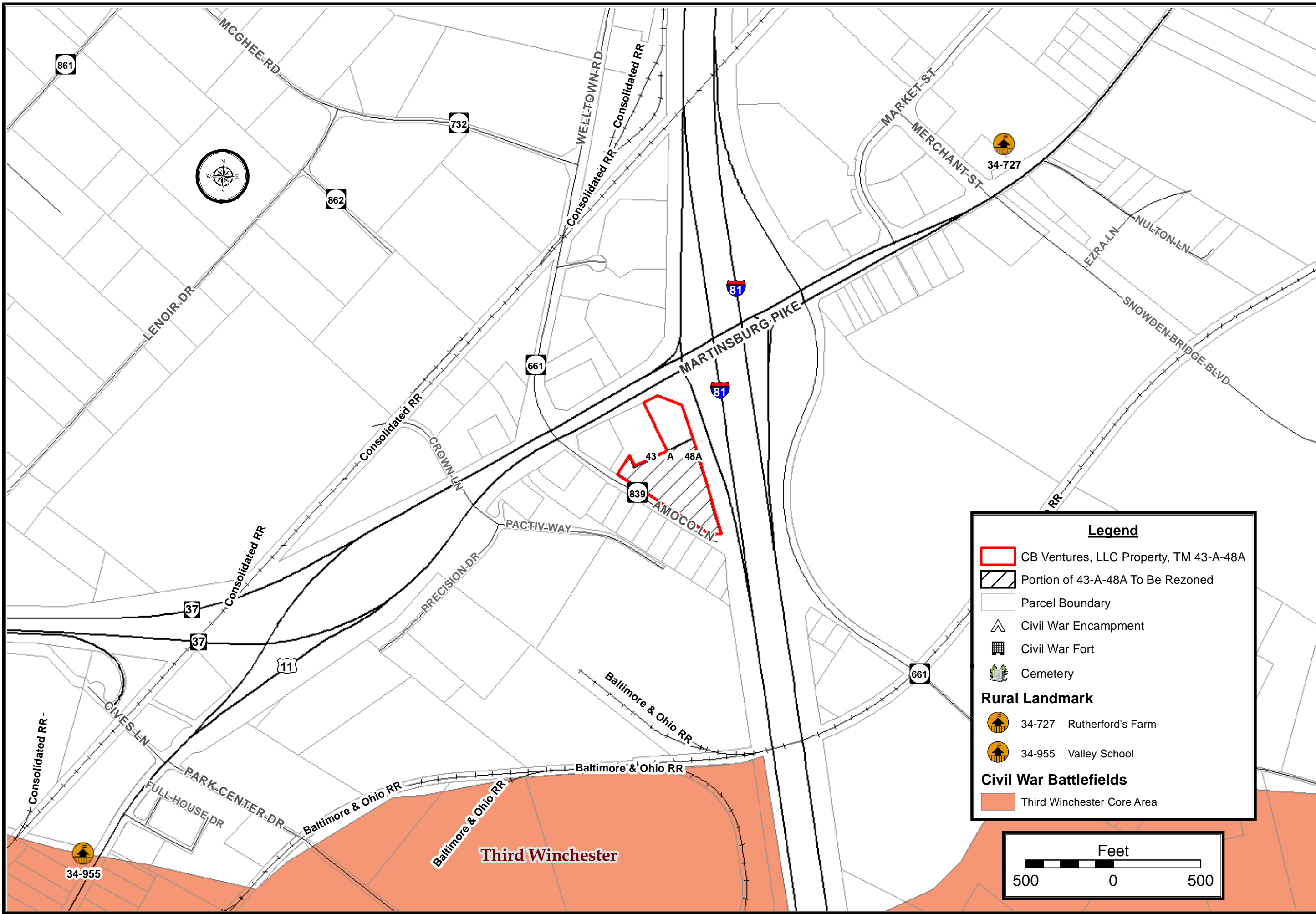
- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary

**NRCS Soils**

- 6C: CARBO-OAKLET SILT LOAMS, VERY ROCKY, 2 TO 15 PERCENT SLOPES
- 32B: OAKLET SILT LOAM, 2 TO 7 PERCENT SLOPES



CB VENTURES, LLC PROPERTY	COMMERCIAL REZONING	SOILS MAP
STONEWALL MAGISTERIAL DISTRICT		
FREDERICK COUNTY, VIRGINIA		
DATE: 2016-01-07	PROJECT ID: 2022C	DESIGNED BY: DWE
SCALE: 1 Inch = 100 Feet		



CB VENTURES, LLC PROPERTY  
 COMMERCIAL REZONING  
 HISTORIC FEATURES

**Legend**

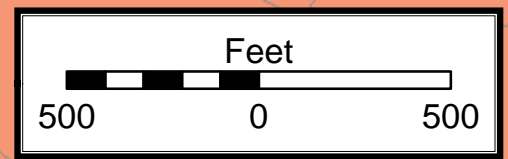
- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Parcel Boundary
- Civil War Encampment
- Civil War Fort
- Cemetery

**Rural Landmark**

- 34-727 Rutherford's Farm
- 34-955 Valley School

**Civil War Battlefields**

- Third Winchester Core Area



CB VENTURES, LLC PROPERTY	DATE: 2016-01-07
COMMERCIAL REZONING	PROJECT ID: 2022C
HISTORIC FEATURES	DESIGNED BY: DWE
STONEWALL MAGISTERIAL DISTRICT	SCALE: 1 Inch = 500 Feet
FREDERICK COUNTY, VIRGINIA	



**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number	<u>05-16</u>	Fee Amount Paid \$	<u>10,498.00</u>
PC Hearing Date	<u>6/15/16</u>	Date Received	<u>5/20/16</u>
		BOS Hearing Date	<u>7/27/16</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: Greenway Engineering, Inc Telephone: (540) 662-4185  
Address: 151 Windy Hill Lane  
Winchester, VA 22602

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

Name: CB Ventures, LLC Telephone: (540) 313-5132  
Address: 415 Cecil Street  
Winchester, VA 22601

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

Name: Evan Wyatt Telephone: (540) 662-4185

**4. Property Information:**

- a. Property Identification Number(s): 43-A-48A
- b. Total acreage to be rezoned: 3.75 +/- acres of a 4.98 +/- acre parcel
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): 3.75 +/- acres of a 4.98 +/- acre parcel
- d. Current zoning designation(s) and acreage(s) in each designation: B2 District (1.23 +/- acres)  
B3 District (3.75 +/- acres)
- e. Proposed zoning designation(s) and acreage(s) in each designation: \_\_\_\_\_  
B2 District 4.98 +/- acres
- f. Magisterial District(s): Stonewall District

**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:

CB Ventures, Inc. - Ned Browning and Randy Craun

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**7. Adjoining Property:**

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
See Attached Adjoining Property		
Map Exhibit & Table		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**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):

Located on the south side of Martinsburg Pike (US Route 11) and the northeast side of Amoco Lane (Route 839)

---

at the southwest quadrant of Interstate 81 Exit 317

---



---

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

Number of Units Proposed

Single Family homes: N/A      Townhome: N/A      Multi-Family: N/A  
 Non-Residential Lots: TBD      Mobile Home: N/A      Hotel Rooms: TBD

Square Footage of Proposed Uses

Office: N/A      Service Station: N/A  
 Retail: TBD      Manufacturing: N/A  
 Restaurant: TBD      Warehouse: N/A  
 Commercial: TBD      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.

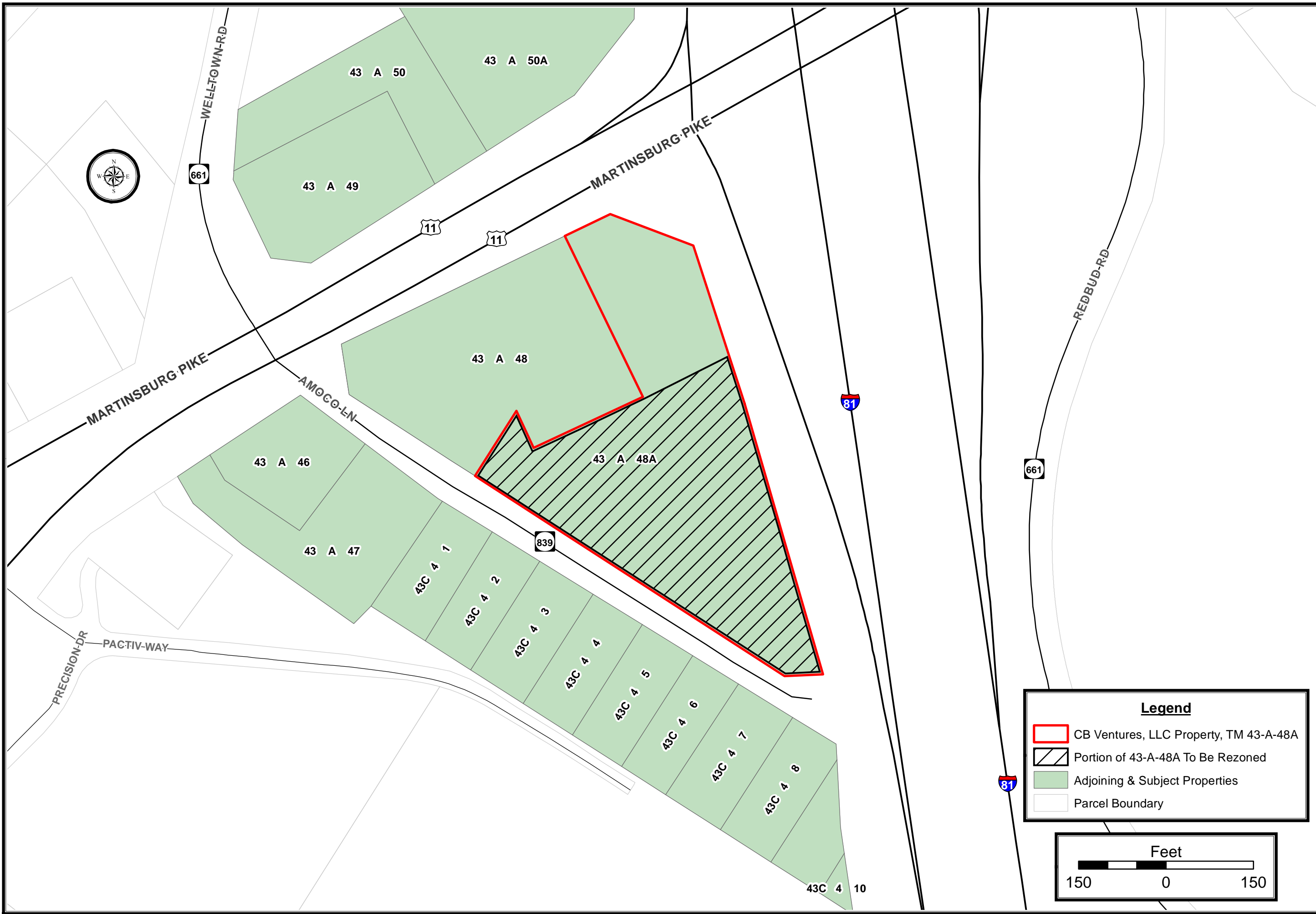
I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Evan A. Wyatt      Date: 5/9/16

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

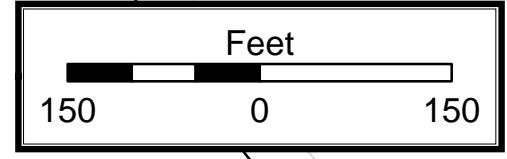
Owner(s): CCW P... [Signature]      Date: 5/16/16

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



**Legend**

- CB Ventures, LLC Property, TM 43-A-48A
- Portion of 43-A-48A To Be Rezoned
- Adjoining & Subject Properties
- Parcel Boundary



**CB VENTURES, LLC PROPERTY**  
**COMMERCIAL REZONING**  
**ADJOINING PROPERTIES MAP**

CB VENTURES, LLC PROPERTY COMMERCIAL REZONING ADJOINING PROPERTIES MAP STONEWALL MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA	DESIGNED BY: DWE PROJECT ID: 2022C DATE: 2016-01-07 SCALE: 1 Inch = 150 Feet
--	---

Tax Map Number	Owner	Mailing Address	City & State	ZIP	Acres
				0	0
43 A 46	PINE MOTOR COMPANY INC	2224 WILSON BLVD	WINCHESTER, VA	22601	0.71
43 A 47	PINE MOTOR CO INC	2224 WILSON BLVD	WINCHESTER, VA	22601	1.83
43 A 48	KREMER PROPERTIES INC, C/O SHEETZ #309 ATTN JODY BARTKO	5700 6TH AVE	ALTOONA, PA	16602	2.34
43 A 48A	CB VENTURES LLC	415 CECIL ST	WINCHESTER, VA	22601	4.98
43 A 49	WELLTOWN PIKE LLC	2150 S LOUDOUN ST	WINCHESTER, VA	22601	1.46
43 A 50	AADESH LLC	1593 MARTINSBURG PIKE	WINCHESTER, VA	22603	1.4
43 A 50A	RDM HOSPITALITY LLC	1601 MARTINSBURG PIKE	WINCHESTER, VA	22603	3.38
43C 4 1	DUNIVAN DAVID E	140 AMOCO LN	WINCHESTER, VA	22603	0.5
43C 4 2	SALES JERRY A, SALES THERESA L	117 WESTWOOD CIR	WINCHESTER, VA	22602	0.57
43C 4 3	ISLAMIC SOCIETY OF WINCHESTER	PO BOX 4440	WINCHESTER, VA	22604	0.57
43C 4 4	GREENE JOHN B SR, GREENE REBECCA R	168 AMOCO LN	WINCHESTER, VA	22603	0
43C 4 5	BROY ROBERT EUGENE TRUSTEE, BROY SUE ANN TRUSTEE	758 BOOM RD	BERRYVILLE, VA	22611	0.5
43C 4 6	SHANHOLTZ DAVID L, SHANHOLTZ LA RHONDA T	188 AMOCO LN	WINCHESTER, VA	22603	0.57
43C 4 7	JOBE MARY A	8960 N FREDERICK PIKE	CROSS JUNCTION, VA	22625	0.75
43C 4 8	JOBE MARY A	8960 N FREDERICK PIKE	CROSS JUNCTION, VA	22625	0.75
43C 4 10	JOBE MARY A	8960 N FREDERICK PIKE	CROSS JUNCTION, VA	22625	0.11



**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) CB Ventures, LLC (Phone) (540) 313-5132

(Address) 415 Cecil Street Winchester, VA 22601

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

Instrument No. 150011639 on Page 168, and is described as

Parcel: 43 Lot: A Block: 48A Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_

do hereby make, constitute and appoint:

(Name) Greenway Engineering, Inc. (Phone) (540) 662-4185

(Address) 151 Windy Hill Lane Winchester, VA 22602

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

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

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

\_\_\_\_\_ This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 16 day of May, 2016,

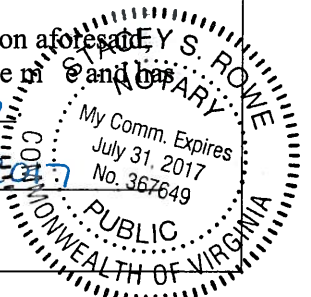
Signature(s) [Handwritten Signature] Manager

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

I, Stacey Rowe, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 16 day of May, 2016.

[Handwritten Signature]  
 Notary Public

My Commission Expires: July 31, 2017



150011639

PG0168

Grantee's Address:

Tax Map No. 43 A 48A

CB Ventures, LLC  
415 W. Cecil Street  
Winchester, Virginia 22601  
Attn: Edward Browing

Return Original To:

Consideration: \$558,250.00

*Assessed 857,500.00*

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

**SPECIAL WARRANTY DEED**

This SPECIAL WARRANTY DEED (this "Deed") is made as of November *24* 2015 by and between ORR-WINCHESTER, LLC, a Virginia limited partnership ("Grantor") and CB VENTURES, LLC, a Virginia corporation ("Grantee").

**WITNESSETH**

For TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby GRANT, BARGAIN, SELL and CONVEY, with special warranty, unto Grantee, its successors and assigns, in fee simple, all of Grantor's right, title and interest in and to all that certain real property situated, lying being in Frederick County, Virginia, and being more particularly described in Exhibit A attached hereto and made a part hereof, together with all buildings, fixtures and other improvements located thereon (the "Property").

TO HAVE AND TO HOLD the Property, together with all rights, privileges and advantages thereunto belonging or appertaining, to Grantee, its successors and assigns, in fee simple forever.

This conveyance is made subject to all recorded covenants, restrictions, conditions, easements, reservations, agreements and rights-of-way to the extent that the same are valid and subsisting and apply to the Property or any part thereof.

[Signature on Next Page]

Deed Prepared By:  
Mathew D. Ravencraft, Esq.  
Rees Broome, PC  
1900 Gallows Road, Suite 700  
Tysons Corner, Virginia 22182

WITNESS the following signatures and seals:

ORR-WINCHESTER, LLC,  
a Virginia limited liability company



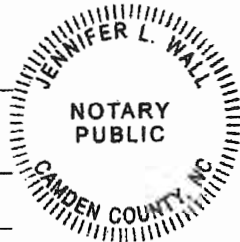
By: \_\_\_\_\_  
Name: David L. Orr  
Title: Manager

State of North Carolina  
COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF <sup>Dare</sup>FAIRFAX:

The foregoing instrument was acknowledged before me this 23 day of November, 2015, by David L. Orr as Manager of Orr-Winchester, LLC, on behalf of the limited liability company.

Jennifer L. Wall  
Notary Public  
Notary Registration Number: N/A  
My Commission Expires: 11/25/2017





**EXHIBIT A****Legal Description of Property**

All of that certain lot or parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, lying and being situate in Stonewall Magisterial District, Frederick County, Virginia, fronting on the northeasterly right of way of Amoco Lane, Virginia Route 839, approximately 345 feet southeast of its intersection with U. S. Route 11, bounded on the East by Interstate Route 81, and more particularly described on that certain plat titled "Boundary Survey Of The Land Of Eighty Four Lumber Company" dated January 26, 2007, drawn by Ernest S. Holzworth, L.S., which plat is attached to that certain Special Warranty Deed dated May 4, 2007, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 070007414; and being the same property which was conveyed to Orr-Winchester, LLC, a Virginia limited liability company, by Special Warranty Deed dated May 4, 2007, from 84 Lumber Company, of record in the aforesaid Clerk's Office as Instrument No. 070007414. Reference is hereby made to the aforesaid instruments and the references therein contained for a more particular description of the property conveyed hereby.

TAX MAP NO. 43-A-48A

\\RBFILE\Clients\15115282\00005\AGT\151120 Special Warranty Deed CB Ventures.docx

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

11-24-2015 at 11:50 A.M.  
and with certificate acknowledgement thereto annexed  
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ 857.<sup>50</sup>, and 58.1-801 have been paid, if assessable.

*Rebecca P. Hogan*, Clerk

070007414

10001

Drawn By: Cheri B. Bomar  
Pierce Hardy Limited Partnership

Mail To: David Orr  
c/o The Orr Company  
3110 Fairview Park Dr., 11<sup>th</sup> Floor  
Falls Church, VA 22042

Grantee's Address

**SPECIAL WARRANTY DEED**

ADDRESS OF NEW OWNER	SEND TAX BILLS TO	MAP/PARCEL NO.
Orr-Winchester, LLC	Orr-Winchester, LLC	43 A 48A

**FOR AND IN CONSIDERATION** of the sum of TWO MILLION DOLLARS

(\$2,000,000.00) cash in hand paid by the hereinafter named Grantee, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, **84 LUMBER COMPANY**, a Pennsylvania Corporation, dba Pierce Hardy Real Estate, Inc. and Pierce Hardy Real Estate, Inc. having merged into Pierce Hardy Real Estate Co., a Pennsylvania Business Trust on June 29, 1992 and Pierce Hardy Real Estate Co. having merged into Pierce Hardy Real Estate Co., a Pennsylvania Corporation on February 9, 1995 and Pierce Hardy Real Estate Co. changed its name to the Magerko Corporation, a Pennsylvania Corporation on March 8, 1995 and the Magerko Corporation, a Pennsylvania Corporation having merged into Hardy Management Company, Inc. a Pennsylvania Corporation on December 31, 2002 and having merged into Hardy Management Company, Inc., a Nevada Corporation the said Hardy Management Company, Inc. now conveying title individually and as nominee for Pierce Hardy Limited Partnership, a Pennsylvania limited partnership, said Pierce Hardy Limited Partnership having a beneficial interest in the subject property pursuant to Nominee Agreement dated January 1, 1995, (hereinafter, collectively called Party of the Grantor) has bargained and sold, and by these presents does transfer and convey unto **ORR-WINCHESTER, LLC**, a Virginia limited liability

RETURN TO  
COMMERCIAL TITLE, LLC  
106 SOUTH STREET SE.  
SUITE G.  
ROESBORG, VA 20175-3732  
BOX 74

07-0645

company (The "Grantee"), Grantee's heirs and assigns, a certain tract or parcel of land in Frederick County, State of Virginia, being more particularly described as follows, to wit:

**See Attached Exhibit A**

This conveyance is subject to taxes for the year 2007 and subsequent years, all matters shown on documents of record.

TO HAVE AND TO HOLD the said tract or parcel of land with the appurtenances, estate, title, and interest thereto belonging to the said Grantee, Grantee's heirs and assigns, forever.

And Grantor does covenant with the said Grantee that Grantor is lawfully seized and possessed of said land in fee simple; has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor.

And Grantor does further covenant and bind himself, his heirs and assigns, to specially warrant and forever defend the title to the Property to the said Grantee, his heirs and assigns against the lawful claims of all persons claiming by, through or under the Grantor, but not further or otherwise. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed this 4<sup>th</sup> day of May 2007.

Hardy Management Company, Inc., successor by mergers to 84 Lumber Company

  
By: Cheri B. Bomar, Assistant Vice President/Secretary

Pierce Hardy Limited Partnership, beneficial owner pursuant to nominee agreement dated January 1, 1995

By: Peter Jon Co., LLC, General Partner

*[Handwritten Signature]*

By: Cheri B. Bomar, Assistant Vice President/Secretary

STATE OF Pennsylvania

COUNTY OF Washington

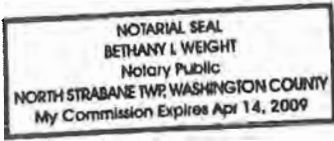
I, Bethany L. Weight, a Notary Public of the aforesaid County and State, do hereby certify that the following person, being personally known to me or by producing satisfactory evidence of his or her identity, to wit Cheri B. Bomar personally appeared before me this day, and acknowledged to me that he or she is the duly authorized Assistant Vice President/Secretary of Peter Jon Co., LLC, the sole general partner of Pierce Hardy Limited Partnership, a Pennsylvania limited partnership, and, being duly authorized, he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated for and on behalf of said limited partnership.

Date: May 4, 2007

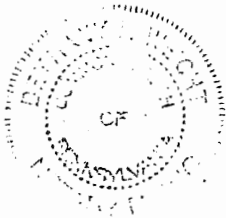
Bethany L. Weight  
Official Signature of Notary

Bethany L. Weight, Notary Public  
Notary's Printed or Typed Name

My Commission Expires: April 14, 2009



OFFICIAL SEAL



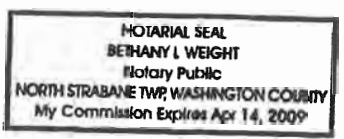
4000

STATE OF Pennsylvania  
COUNTY OF Washington

I, Bethany L. Weight, a Notary Public of the aforesaid County and State, do hereby certify that the following person, being personally known to me or by producing satisfactory evidence of his or her identity, to wit Cristi B. Bavar, personally appeared before me this day, and acknowledged to me that he or she is the duly authorized Assistant Vice President/Secretary of Hardy Management Company Inc., and, being duly authorized, he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated for and on behalf of said corporation.

Date: May 4, 2007

Bethany L. Weight  
Official Signature of Notary



Bethany L. Weight, Notary Public  
Notary's Printed or Typed Name

My Commission Expires: April 14, 2009

OFFICIAL SEAL



**METES AND BOUNDS DESCRIPTION**

The accompanying plat represents a boundary survey of the land conveyed to Eighty Four Lumber Company by deed dated July 2, 1980 of record in the office of the Clerk of the Circuit Court of Frederick County, Virginia in Deed Book 523 at Page 287. The said land fronts the northeasterly right-of-way of Amoco Lane, Virginia Route 839 approximately 345 feet southeast of its intersection with U.S. Route 11 in Stonewall Magisterial District, Frederick County, Virginia and is more particularly described by metes and bounds as follows:

**Tax Parcel 43-A-48A**

Beginning at a 3/4" iron rebar found in the southeasterly limited access right-of-way line of U.S. Route 11, also being the most northerly corner of the land of Franchise Realty Interstate Corporation as recorded in Deed Book 490 at Page 632. Thence, with said southeasterly limited access right-of-way line of U.S. Route 11,

N 60°48'58" E - 120.73' to a concrete monument found, also being a point in the westerly limited access right-of-way line of Interstate Route 81; thence with said westerly limited access right-of-way line of Interstate Route 81 the following four (4) courses:

S 67°31'08" E - 136.14' to a concrete monument found; thence

S 18°32'28" E - 527.51' to a concrete monument found; thence

S 18°40'29" E - 111.43' to a concrete monument found; thence

S 08°19'22" E - 104.00' to a concrete monument found; thence departing said westerly limited access right-of-way line of Interstate Route 81 and running with the northeasterly right-of-way line of Amoco Lane, Route 839 the following two (2) courses:

S 83°14'38" W - 96.77' to a concrete monument found; thence

N 57°35'52" W - 600.00' to a 1/2" iron rebar found; thence departing said northeasterly right-of-way line of Amoco Lane, Route 839 and running with the southerly and easterly lines of said Franchise Realty Interstate Corporation the following four (4) courses:

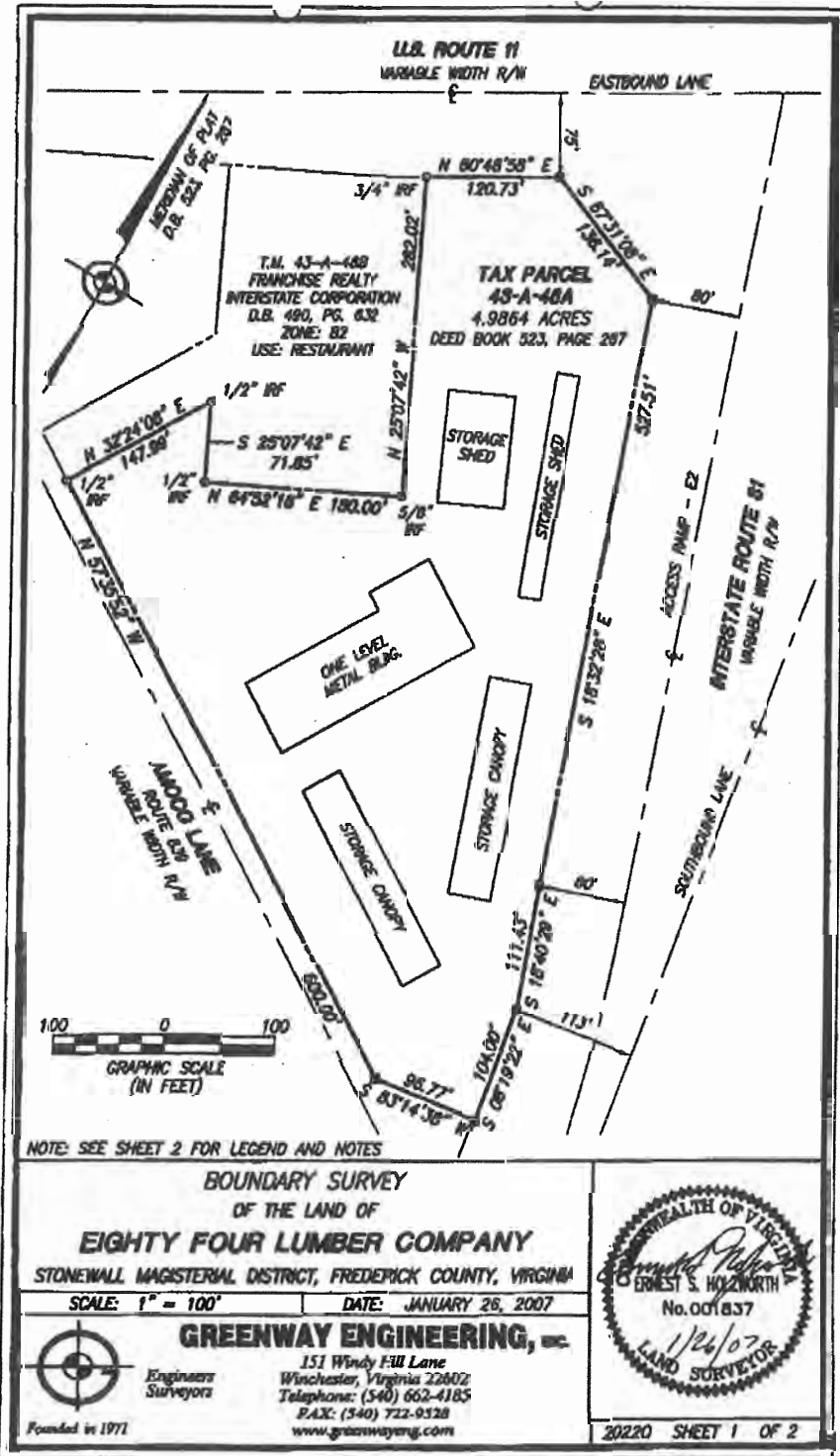
N 32°24'08" E - 147.99' to a 1/2" iron rebar found; thence

S 25°07'42" E - 71.85' to a 1/2" iron rebar found; thence

N 64°52'18" E - 180.00' to a 5/8" iron rebar found; thence

N 25°07'42" W - 282.02' to the point of beginning;

Containing 4.9864 Acres, more or less.  
Surveyed on January 24-26, 2007.



**BOUNDARY SURVEY**  
OF THE LAND OF  
**EIGHTY FOUR LUMBER COMPANY**  
STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 100'      DATE: JANUARY 26, 2007

**GREENWAY ENGINEERING, INC.**  
Engineers  
Surveyors

151 Windy Hill Lane  
Winchester, Virginia 22602  
Telephone: (540) 662-4185  
FAX: (540) 722-9328  
www.greenwayeng.com

Founded in 1971

COMMONWEALTH OF VIRGINIA  
Ernest S. Holzworth  
No. 001837  
1/26/07  
LAND SURVEYOR

20220 SHEET 1 OF 2

VIRGINIA: FREDERICK COUNTY, SCT.  
This instrument of writing was produced to me on  
5-7-2007 at 9:55 A.M.  
and with certificate of acknowledgement thereto annexed  
was admitted to record. Tax imposed by Sec. 58.1-802 of  
§ 2000.00, and 581-801 have been paid, if assessable

*Rebecca P. Hagan*, Clerk

R





MEMORANDUM

**TO:** Board of Supervisors  
**FROM:** John A. Bishop, AICP, Assistant Director – Transportation <sup>JB</sup>  
**RE:** Update of the Interstate, Primary, and Secondary Road Plans  
**DATE:** July 14, 2016

---

This is a public hearing item to consider the update of the 2016 – 2017 Interstate, Primary, and Secondary Road Improvement Plans.

Summary of Changes:

1. Interstate Road Improvement Plan – No Changes
2. Primary Road Improvement Plan
  - a. Addition of Route 7 and Route 50 East and West widening areas per MPO modeling.
3. Secondary Road Improvement Plan
  - a. Update of rankings and promotion of Hollow Road to scheduled list for non-hard surface roads.
  - b. Addition of notation that clarifies allocations are based upon VDOT revenue projections.

The Transportation Committee reviewed this item on June 20, 2016 and has recommended approval to the Board of Supervisors. In addition, the Planning Commission reviewed this item on July 6, 2016 and recommended approval to the Board of Supervisors. Staff is seeking Board action on the draft plans.

Attachments

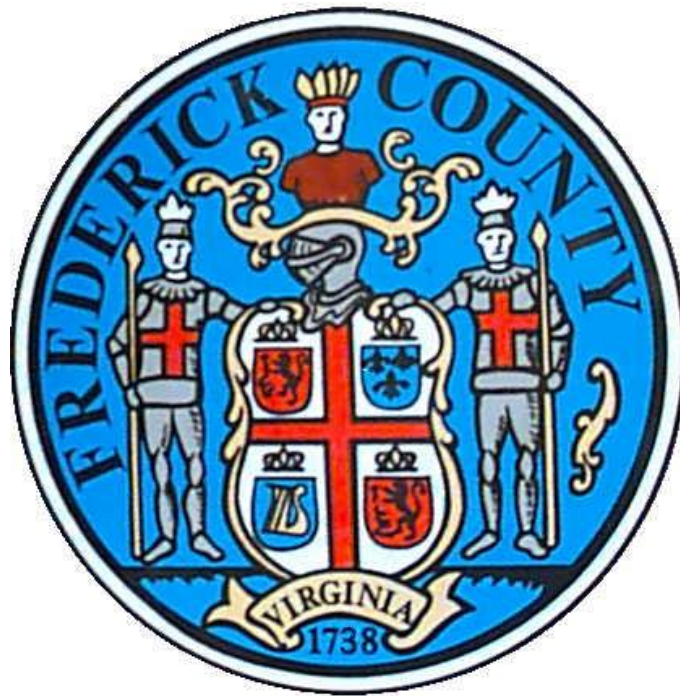
JAB/pd

**2016-2017**

**INTERSTATE ROAD IMPROVEMENT PLAN**

**for**

**FREDERICK COUNTY, VIRGINIA**



*Frederick County Transportation Committee: 6/20/2016*

*Frederick County Planning Commission: 07/06/2016*

*Frederick County Board of Supervisors:*

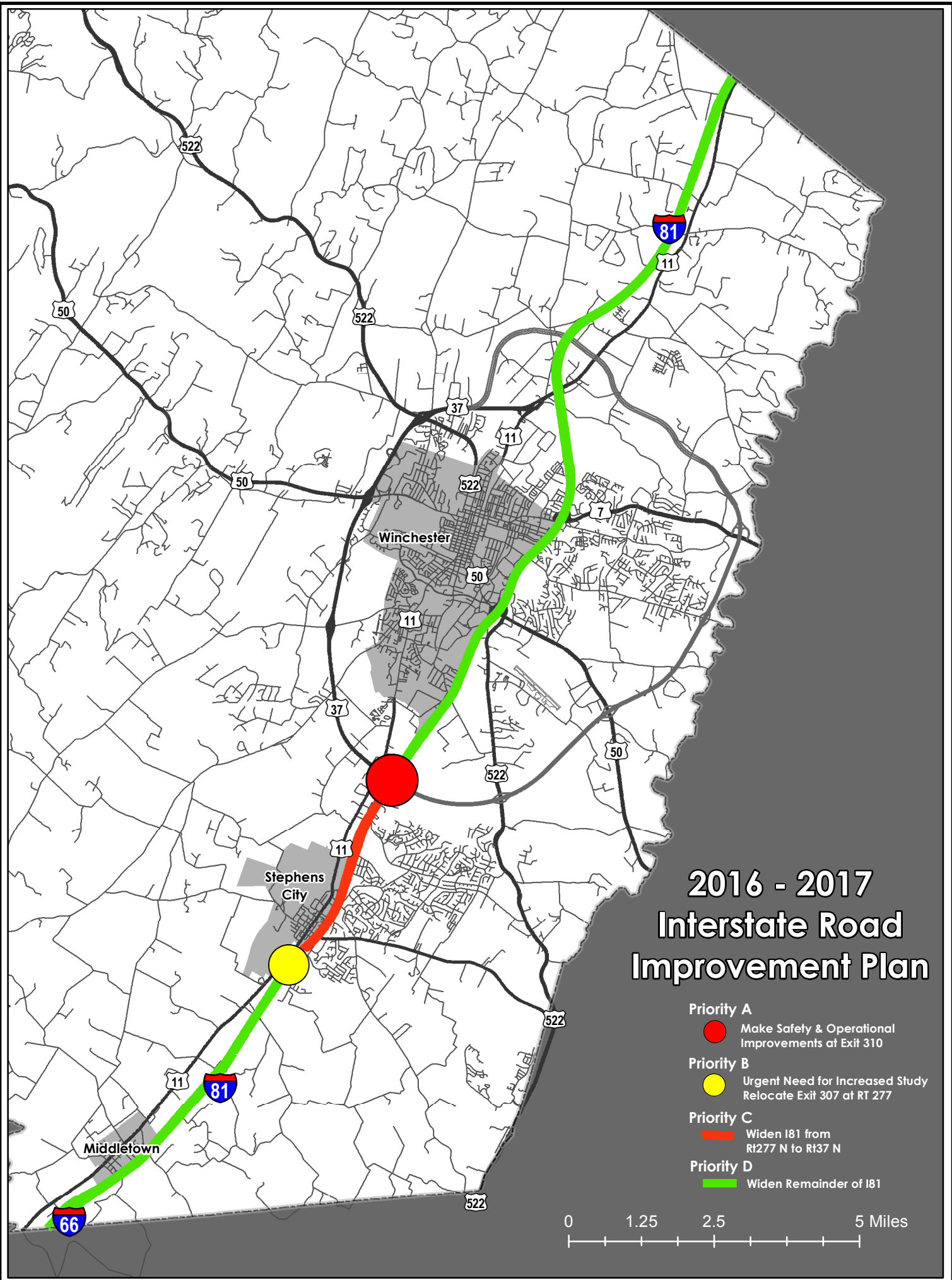
## **I-81 Improvements:**

Provide additional travel lanes on the main line, evaluate collector-distributor lanes adjacent to the main line, modifications to existing interchange areas, and develop new interchange areas and bridge crossings of the main line as recommended by the WinFred MPO Long Range Plan.

In addition, as the State continues to work toward an ultimate plan for the I-81 widening, the County of Frederick continues to support the study of Eastern Route 37 as a potential corridor on new location as an alternative for that effort.

Moreover, the County of Frederick supports exploration of the potential for rail transportation as a component of the Interstate 81 Corridor improvements.

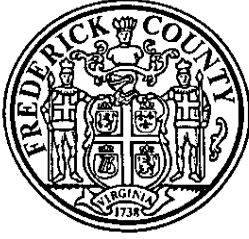
- A) Phase 1 of the FHWA approved interchange modification to Exit 310  
*(as illustrated on map as priority A)*
  
- B) Relocate Exit 307 further south to alleviate existing and future congestion on Route 277. Note: Relocation study is underway.  
*(as illustrated on map as priority B)*
  
- C) Widen I-81 from Fairfax Pike to Route 37 North. This should include the relocation of the 277 Interchange.  
  
From: Route 277, Exit 307  
To: Route 37 North, Exit 310  
*(as illustrated on map as priority C)*
  
- D) Widen Remainder of I-81 in Frederick County  
From: West Virginia line  
To: Warren County line  
*(as illustrated on map as priority D)*
  
- E) Spot Improvements on I-81 in Frederick County. Provide spot improvements at various interchanges to increase capacity and/or enhance safety for the motoring public.



# 2016 - 2017 Interstate Road Improvement Plan

- Priority A**  
● Make Safety & Operational Improvements at Exit 310
- Priority B**  
● Urgent Need for Increased Study Relocate Exit 307 at Rt 277
- Priority C**  
— Widen I81 from Rt277 N to Rt37 N
- Priority D**  
— Widen Remainder of I81

0 1.25 2.5 5 Miles



## **RESOLUTION 2016-2017 INTERSTATE ROAD IMPROVEMENT PLAN**

---

**WHEREAS**, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

**WHEREAS**, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Interstate Road Improvement Plan and the Construction Priority List; and,

**WHEREAS**, the Frederick County Board of Supervisors support the priorities of the interstate road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

The 2016-2017 Interstate Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Interstate Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Interstate Road

Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

\_\_\_\_\_  
Brenda G. Garton  
Frederick County Administrator

**2016-2017**

**PRIMARY ROAD IMPROVEMENT PLAN**

**for**

**FREDERICK COUNTY, VIRGINIA**



*Frederick County Transportation Committee: 6/20/2016*

*Frederick County Planning Commission: 07/06/2016*

*Frederick County Board of Supervisors:*

**1) Route 37 Bypass**

**A. Route 37 - Phase 1**

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the southern segment of the Route 37 Eastern Bypass from Interstate 1-81 to Front Royal Pike (Route 522 South).

*(As illustrated on map as priority 1A)*

**B. Route 37 - Phase 2**

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between existing Route 37 around Stonewall Industrial Park and Route 7.

*(As illustrated on map as priority 1B)*

**C. Route 37 - Phase 3**

Initiate final engineering and design, acquire right-of-way, and establish a construction phase schedule for the preferred alternative between Route 7 and Route 522.

*(As illustrated on map as priority 1C)*

**2) Route 277 (East of Stephens City)**

From: I-81/Route 277/Route 647 Intersection (East of Stephens City)

To: Route 340/Route 522 South Intersection (East of Double Toll Gate)

Improve to a four lane divided roadway with County Staff to work with site developers to acquire dedicated right-of-way and achieve grading, drainage, and construction improvements in conjunction with development projects which occur along the corridor until such time that funding is available for construction.

Establish a construction schedule for the phased improvement of Fairfax Pike (Route 277).

Program funding for the completion of right-of-way acquisition and construction of each phase as described above.



**3) Route 11 (North and South of Winchester)**

**A) Establish an Urban Divided Four Lane System**

From: Southern limits of the City of Winchester  
To: 0.4 miles south of intersection of Route 37 South, Exit 310  
*(As illustrated on map as priority 3A)*

**B) Establish an Urban Divided Six Lane System**

From: Northern limits of the City of Winchester  
To: Intersection of Cedar Hill Road  
*(As illustrated on map as priority 3B)*

**C) Establish an Urban Divided Four Lane System**

From: Intersection of Cedar Hill Road  
To: West Virginia line  
*(As illustrated on map as priority 3C)*

**4) Route 7 – Establish a 6 Lane Cross Section**

From: Exit 315 Interchange  
To: Future Route 37 Interchange  
*(As illustrated on map as priority 4)*

**5) Route 50 East and West**

**A) Establish a 6 Lane Cross Section**

From: The Interchange at Exit 313  
To: The Future Route 37 Interchange  
*(As illustrated on map as priority 5A)*

**B) Establish a 6 Lane Cross Section**

From: The Interchange with Route 37  
To: Poorhouse Road  
*(As illustrated on map as priority 5B)*

**6) South Frederick County Parkway**

From: Relocated Exit 307  
To: Intersection with Route 277 approximately 1 mile west of the intersection of Route 277 and Route 522

This is a planned new roadway with limited access points serving a mixture of predominantly commercial and industrial development.

There is a need to study this project in conjunction with the Exit 307 relocation and planning for Route 277 improvements noted in item 3.

Phasing of this project is not yet clearly defined, however general phasing would be from West to East with the clear first phase being from relocated Exit 307 to Warrior Drive.  
*(As illustrated on map as priority 6)*

**7) Commuter Park and Ride Lots**

Establish a new park and ride facility along the Berryville Pike (Route 7) corridor. Work with the Northern Shenandoah Valley Regional Commission to determine appropriate locations for park and ride facilities at other strategic locations within the County's Urban Development Area. For Park and Ride locations in Frederick County the primary goal should be that they are situated in such a manner that they reduce traffic in Frederick County in addition to adjacent localities.

*(As illustrated on map as priority 7)*

# 2016 - 2017 Primary Road Improvement Plan

## Rt37 Bypass Phases

-  Priority 1A
-  Priority 1B
-  Priority 1C

## Rt277 East of Stephens City

-  Priority 2

## Rt11 North & South

-  Priority 3A
-  Priority 3B
-  Priority 3C

## Rt7

-  Priority 4

## Rt50

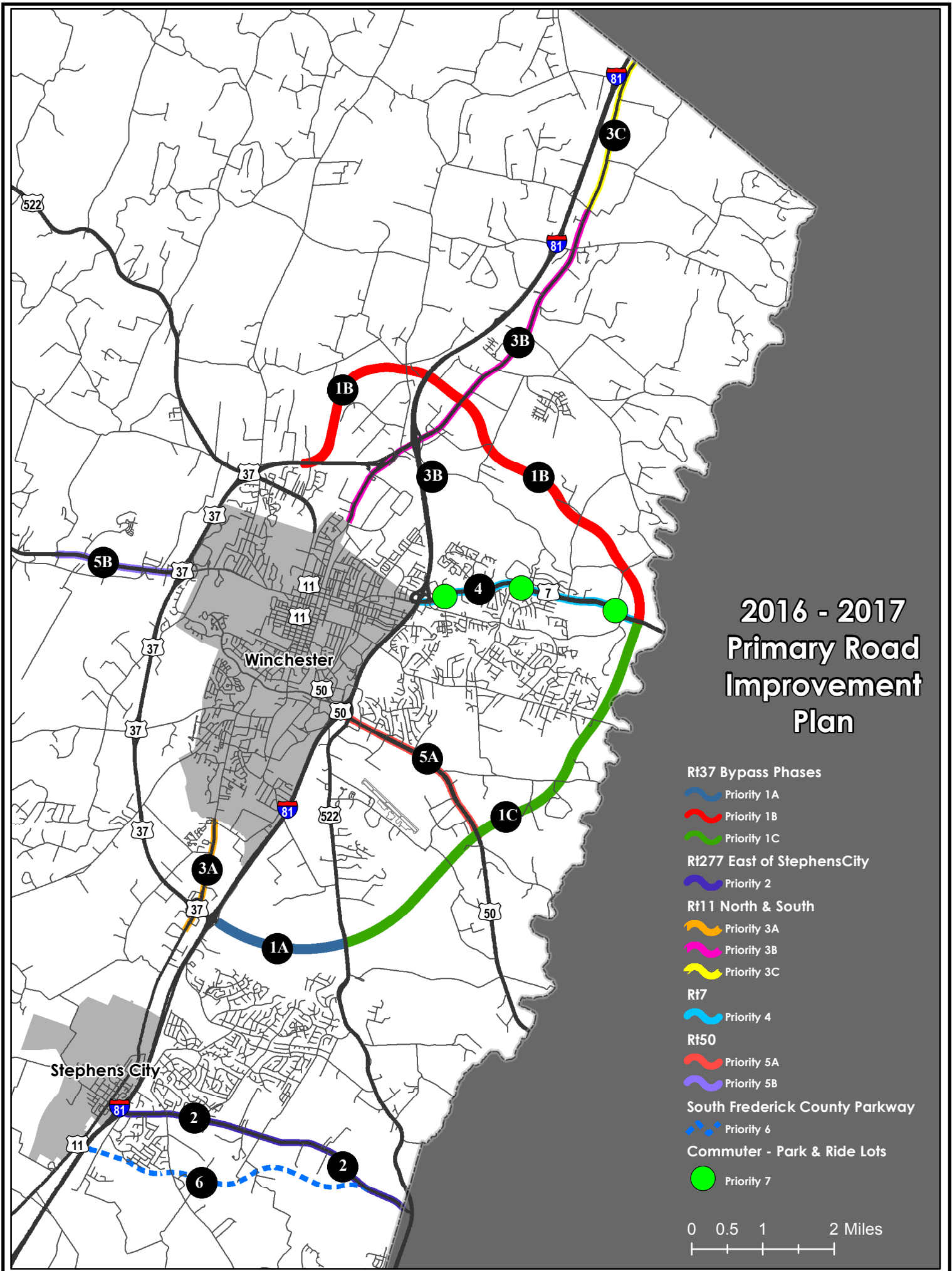
-  Priority 5A
-  Priority 5B

## South Frederick County Parkway

-  Priority 6

## Commuter - Park & Ride Lots

-  Priority 7





## **RESOLUTION 2016-2017 PRIMARY ROAD IMPROVEMENT PLAN**

---

**WHEREAS**, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

**WHEREAS**, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Primary Road Improvement Plan and the Construction Priority List; and,

**WHEREAS**, the Frederick County Board of Supervisors support the priorities of the primary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

The 2016-2017 Primary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Primary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017

Primary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

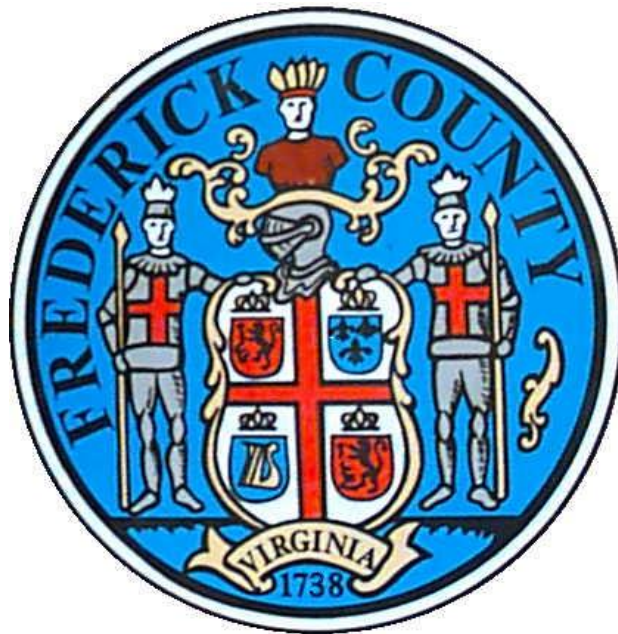
\_\_\_\_\_  
Brenda G. Garton  
Frederick County Administrator

**2016/17-2021/22**

**SECONDARY ROAD IMPROVEMENT PLAN**

**for**

**FREDERICK COUNTY, VIRGINIA**



*Frederick County Transportation Committee: 06/20/2016*

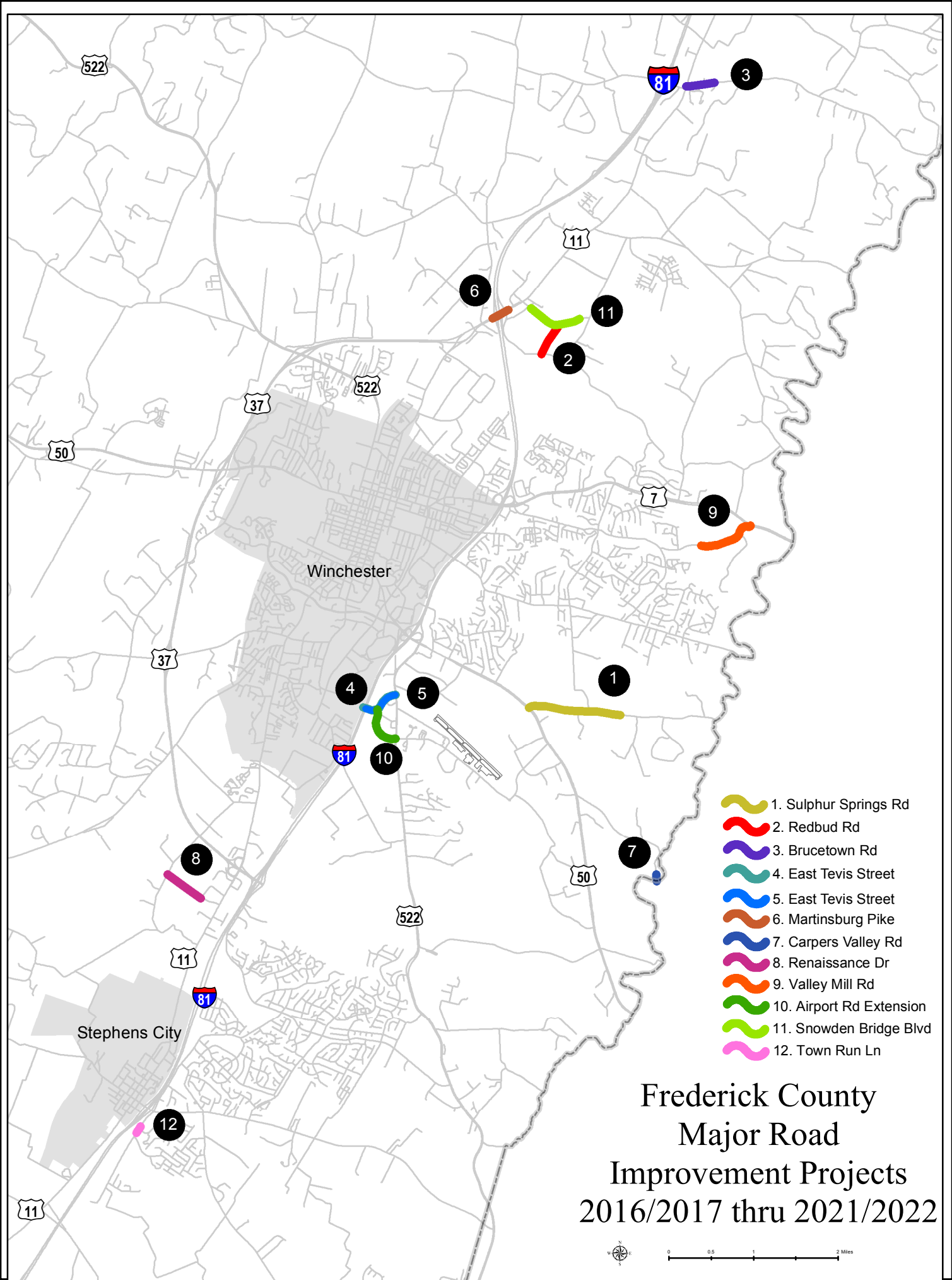
*Frederick County Planning Commission: 07/06/2016*

*Frederick County Board of Supervisors:*

## MAJOR ROAD IMPROVEMENT PROJECTS 2016/2017 through 2021/2022

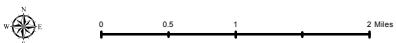
*Major road improvement projects command the reconstruction of hardsurfaced roads to enhance public safety. Improvements required for road width, road alignment, road strength, and road gradient are considered major road improvements projects.*

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS
1)	655	Sulphur Springs Road	Route 50	.30 Mi East Rt. 656	6000	1.1 miles	SH	\$7,505,445	After 2022	\$5,798,052 Allocated
2)	661	Red Bud Road	.47 Mi South Route 11	Int. Snowden Bridge Blvd.	1300	0.5 miles	ST	\$2,000,000	After 2022	Partial Funded Relocation
3)	672	Bruce town Road	Route 11	.35 Mi East	3200	0.35 miles	ST	\$1,500,000 Significantly Variable	UN/SH	Partial Funded \$100,000 Thru Plan
4)	788	East Tevis Street	Route 522	Winchester City Limit	N/A	0.44 miles	SH	\$10,414,000 Revenue Sharing	UN/SH	Appited for R/S Funds
5)	788	East Tevis Street	Route 522	I-81	N/A	0.40 miles	SH	\$1,400,000 Revenue Sharing	UN/SH	Cover Overall Project Needs
6)	11	Martinsburg Pike	Under 81 Overpass Exit 317		16000	0.20 miles	ST	\$3,346,924 Revenue Sharing	UN/SH	LF Turn Lns SBound @ I-81 Overpass \$1.9 Mil Short on Funding HB-2
7)	723	Carpers Valley Road	At Clarke County line		1100	N/A	SH	\$1,262,327	2017	Federal Bridge Replacement Funding
8)	788	Renaissance	.24 Mi West Route 11	Int. Shady Elm Road	N/A	.18 miles	BC	\$1,635,658	UN/SH	R/S Funds
9)	659	Valley Mill Road	.5 Mi East Of Channing Dr.	Rt. 7	N/A	.65 miles	RB	\$7,200,000	UN/SH	R/S Funds Under Funded \$5.2M
10)	645	Airport Road Extension	Int Route 522	Int East Tevis Road	N/A	.4 Miles	SH	\$5,600,000	UN/SH	R/S Funds
11)	883	Snowden Bridge Blvd.	Int. Route 11	Directly before Int. Milburn	N/A	.8 Miles	ST	\$8,136,700	Under Const.	R/S Funds
12)	1012	Town Run Lane	280 Ft. S. Stickley Drive Int.	210 Ft. N. Stickley Drive Int.	N/A	.1 Miles	OP	\$150,000		



# Frederick County Major Road Improvement Projects 2016/2017 thru 2021/2022

- ~ 1. Sulphur Springs Rd
- ~ 2. Redbud Rd
- ~ 3. Brucetown Rd
- ~ 4. East Tevis Street
- ~ 5. East Tevis Street
- ~ 6. Martinsburg Pike
- ~ 7. Carpers Valley Rd
- ~ 8. Renaissance Dr
- ~ 9. Valley Mill Rd
- ~ 10. Airport Rd Extension
- ~ 11. Snowden Bridge Blvd
- ~ 12. Town Run Ln





## NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS 2016/2017 through 2021/2022

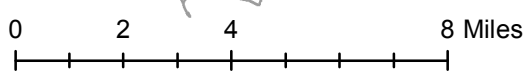
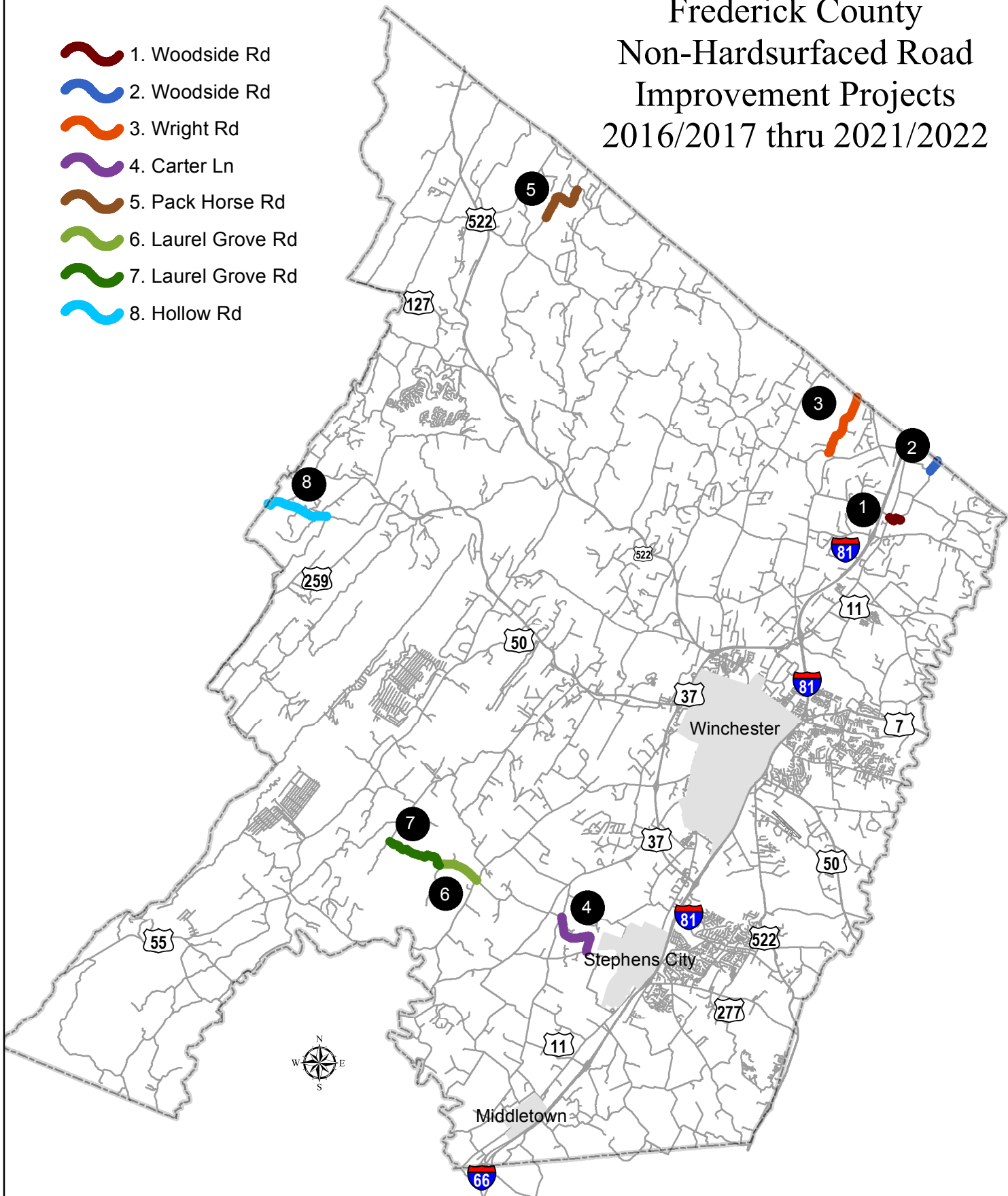
*Non-Hardsurface road improvement projects provide impervious resurfacing and reconstruction of non-hardsurfaced secondary roads. Non-Hardsurface improvement projects are prioritized by an objective rating system, which considers average daily traffic volumes; occupied structures; physical road conditions including geometrics, drainage, and accident reports; school bus routing; and the time that project requests have been on the Secondary Road Improvement Plan.*

RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	ESTIMATED COST	ADVERTISEMENT DATE	COMMENTS
	671	Woodside Road	Route 11	0.4 East of Route 11	50	0.4 miles	ST	\$144,000	UN/SH	\$20,000 Allocated Potential Rural Rustic/Funding by Others
	671	Woodside Road	Route 669	WV Line	270	0.30 miles	ST	\$91,500	2017	CTB Unpaved Roads Funding
	661	Wright Road	Route 669	WV Line	240	1.84 miles	ST	\$561,200	2018	CTB Unpaved Roads Funding
	629	Carter Lane	Route 631	Route 625	220	1.8 miles	BC	\$549,000	2019	CTB Unpaved Roads Funding
	692	Pack Horse Road	1.2 Mi NE of Rt. 600	Route 671	210	1.4 miles	GA	\$427,000	2020	CTB Unpaved Roads Funding
	629	Laurel Grove Road	Route 622	1.25 Mi W of Rt. 622	200	1.25 miles	BC	\$376,000	2021	CTB Unpaved Roads Funding
	629	Laurel Grove Road	1.25 Mi W of Rt. 622	2.5 Mi W of Rt. 622	200	1.25 miles	BC	\$376,000	2022	CTB Unpaved Roads Funding
	707	Hollow Road	WV state line	Rt. 610 Muse Road	190	1.8 miles	GA	\$495,000		CTB Unpaved Roads Funding

*\*NOTE: Projects are placed on the scheduled list based upon VDOT revenue projections. Changes to those projections can lead to projects being delayed or removed from the scheduled list.*

# Frederick County Non-Hardsurfaced Road Improvement Projects 2016/2017 thru 2021/2022

- 1. Woodside Rd
- 2. Woodside Rd
- 3. Wright Rd
- 4. Carter Ln
- 5. Pack Horse Rd
- 6. Laurel Grove Rd
- 7. Laurel Grove Rd
- 8. Hollow Rd





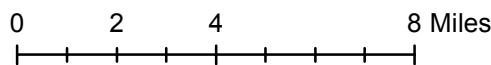
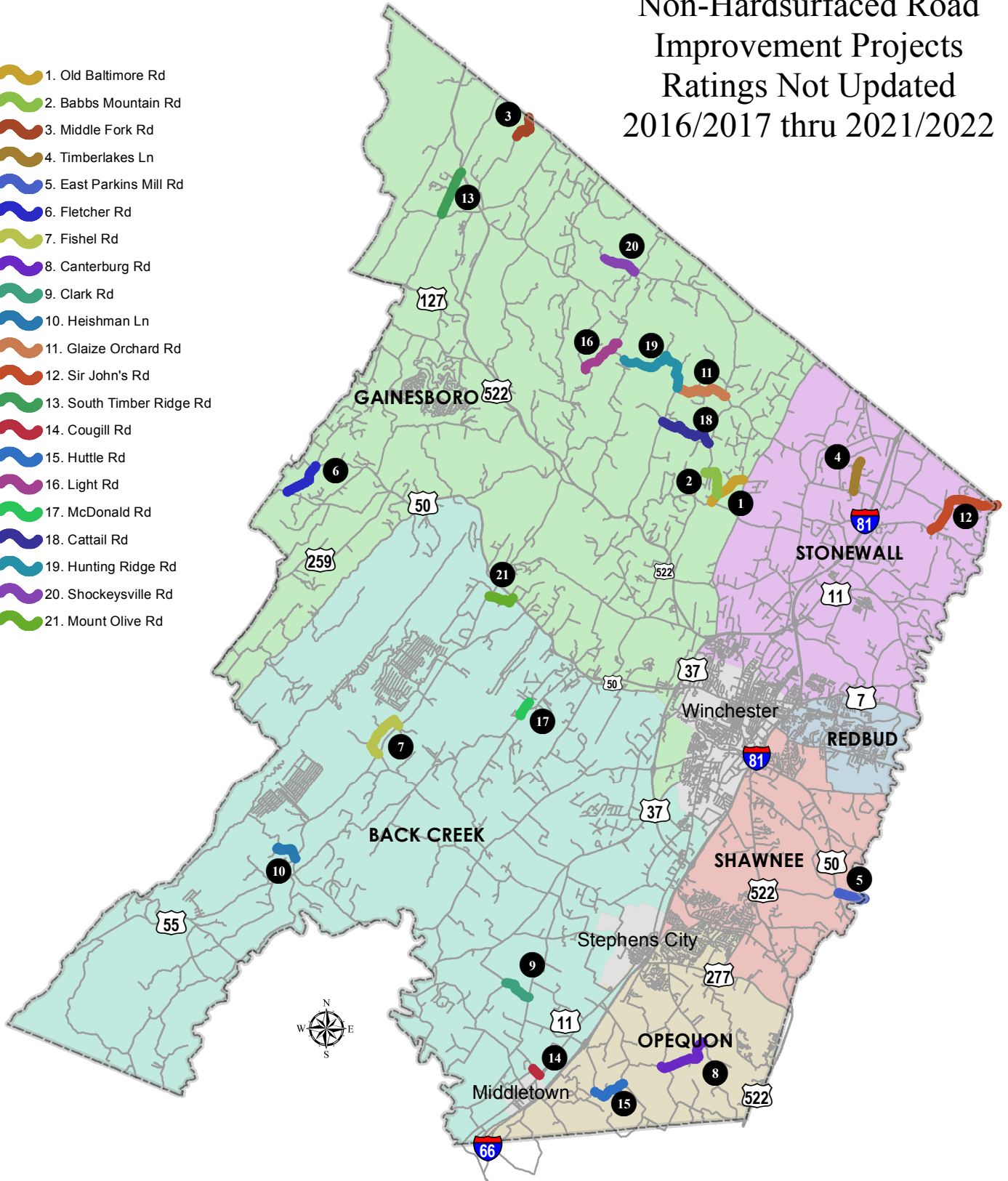
**UNSCHEDULED  
NON-HARDSURFACE ROAD IMPROVEMENT PROJECTS  
RATINGS NOT UPDATED  
2016/2017 through 2021/2022**

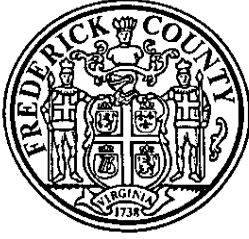
RANK	ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DISTANCE	MAGISTERIAL DISTRICT	RATING	COMMENTS
1)	677	Old Baltimore Road	Route 676	Route 672	220	1.2 Miles	GA	77	
2)	730	Babbs Mountain Road	Route 654	Route 677	90	.90 Miles	GA	73	
3)	695	Middle Fork Road	2.3 Mi N of Route 522	WV Line	50	.90 Miles	GA	68	
4)	811	Timberlakes Ln	671	671	280	0.25 Miles	ST	68	
5)	644	East Parkins Mill Road	Route 50	Clark Co. Ln	200	.81 Miles	SH	67	
6)	733	Fletcher Road	Route 50	Route 707	170	1.3 Miles	GA	66	
7)	612	Fishel Road	Route 600	Route 600	60	1.6 Miles	BC	66	
8)	636	Canterburg Road	Route 640	Route 641	140	1.5 Miles	OP	63	
9)	638	Clark Road	Route 625	Route 759	90	0.8 Miles	BC	63	
10)	607	Heishman Lane	Route 600	End of State Maintenance	70	0.78 Miles	BC	62	
11)	682	Glaize Orchard Road	Route 608	Route 671	240	1.54 Miles	GA	61	
12)	667	Sir John's Road	Route 672	Last Residence	290	2.37 Miles	ST	60	
13)	696	South Timber Ridge Road	Route 522	Route 694	220	1.3 Miles	GA	59	
14)	634	Cougill Road	Route 635	Route 11	120	0.25 Miles	BC	58	
15)	636	Huttle Road	Route 709	Route 735	110	1.1 Miles	OP	53	
16)	685	Light Road	Route 600	Route 681	80	1.3 Miles	GA	51	
17)	616	McDonald Road	Route 608	.44 Mi N of Route 608	60	.45 Miles	BC	51	
18)	731	Cattail Road	Route 608	Route 654	60	1.7 Miles	GA	51	
19)	608	Hunting Ridge Road	Route 682	2.41 Miles West of Route 682	90	2.41 Miles	GA	51	
20)	671	Shockeysville Road	Route 690	.90 Miles West of 690	120	.90 Miles	GA	47	
21)	671	Mount Olive Road	Route 50	Route 600	110	.77 Miles	BC	40	

**Note:** Project ratings are updated only when funding is available to promote projects to the scheduled list.

# Frederick County Unscheduled Non-Hardsurfaced Road Improvement Projects Ratings Not Updated 2016/2017 thru 2021/2022

-  1. Old Baltimore Rd
-  2. Babbs Mountain Rd
-  3. Middle Fork Rd
-  4. Timberlakes Ln
-  5. East Parkins Mill Rd
-  6. Fletcher Rd
-  7. Fishel Rd
-  8. Canterburg Rd
-  9. Clark Rd
-  10. Heishman Ln
-  11. Glaize Orchard Rd
-  12. Sir John's Rd
-  13. South Timber Ridge Rd
-  14. Cougill Rd
-  15. Huttel Rd
-  16. Light Rd
-  17. McDonald Rd
-  18. Cattail Rd
-  19. Hunting Ridge Rd
-  20. Shockeyville Rd
-  21. Mount Olive Rd





## **RESOLUTION 2016-2017 SECONDARY ROAD IMPROVEMENT PLAN**

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**WHEREAS**, Section 33.2-364 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and,

**WHEREAS**, the Frederick County Transportation Committee recommended approval of this plan on June 20, 2016; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on July 6, 2016; and,

**WHEREAS**, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation's policies and procedures and participated in a public hearing on the proposed Plan, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

**WHEREAS**, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2016 – 2017 Secondary Road Improvement Plan and the Construction Priority List; and,

**WHEREAS**, the Frederick County Board of Supervisors support the priorities of the secondary road improvement projects for programming by the Commonwealth Transportation Board and the Virginia Department of Transportation;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

The 2016-2017 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County; and therefore, the Frederick County Board of Supervisors hereby approves the 2016-2017 Secondary

Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on July 27, 2016.

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

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Brenda G. Garton  
Frederick County Administrator

# CONSENT AGENDA

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**MEMORANDUM**

**TO:** Board of Supervisors

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

**RE:** Revenue Sharing Programmatic Agreement

**DATE:** July 14, 2016

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Attached, please find a VDOT resolution for extension of our existing Programmatic Agreement for management of revenue sharing projects. The Board has previously adopted the majority of this resolution on June 22, 2016. However, they have asked that additional language be added over and above what was originally provided to the County. Specifically, the two "BE IT FURTHER RESOLVED" items have been added at their request. As before, this does not change the nature or obligations of the agreements in place.

JAB/pd



**RESOLUTION TO EXTEND PROGRAMMATIC PROJECT  
ADMINISTRATION AGREEMENT AND PROVIDE SIGNATURE  
AUTHORITY FOR REVENUE SHARING PROJECTS**

**WHEREAS**, the LOCALITY and the DEPARTMENT, entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on April 18, 2014; and

**WHEREAS**, said agreement had an initial term of three fiscal years (each year beginning July 1<sup>st</sup> – June 30<sup>th</sup>), and expired on June 30, 2016 and may be extended for one additional term of three fiscal years; and

**WHEREAS**, the parties to the agreement hereby declare their intent to extend said agreement as provided in Paragraph 1 of said agreement and further declare that such terms and provisions provided therein shall remain unchanged.

**NOW THEREFORE BE IT RESOLVED**, in consideration of the mutual premises contained therein, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of Frederick County hereby commit to fund their local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

**BE IT FURTHER RESOLVED**, that the County Administrator/or other named position designee is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

**Adopted this 27<sup>th</sup> day of July, 2016 by the Board of Supervisors for Frederick County, Virginia.**

**APPROVED:**

**ATTEST:**

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**MEMORANDUM**

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**TO:** Board of Supervisors

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

**RE:** **Scheduling a work session with the Planning Commission**

**DATE:** July 20, 2016

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Staff is looking to schedule a Board of Supervisors work session with the Planning Commission during the month of August, 2016. The purpose of the work session is to discuss several planning items including the 2035 Update of the Comprehensive Plan and the four CPPA's (Comprehensive Policy Plan Amendments) submitted during this application cycle.

It is anticipated that this would be a noon work session. The following dates are offered to the Board for your review.

**Tuesday, August 16, 2016**  
**Wednesday, August 17, 2016**  
**Thursday, August 18, 2016**  
**Tuesday, August 23, 2016**  
**Wednesday, August 24, 2016**  
**Thursday, August 25, 2016**

It is hoped that a date can be agreed upon that works for all of the Board Members. Alternative dates suggested by the Board would also work.

MTR/dlw