



**REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JANUARY 22, 2020 AT 7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

Planning Commission Business – Public Hearing

- 1. Rezoning #03-19 for Berlin Steel and Dennis Ridings**, submitted by Painter-Lewis, PLC, to rezone 15.3993+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with Proffers. The properties are on the eastern side of Ridings Lane, which intersects with Route 277 and are identified by Property Identification Numbers 86-A-179C and 87-A-12 in the Opequon Magisterial District. **(Ms. Perkins)**
- 2. Rezoning #05-19 for Martinsburg Pike, LLC.**, submitted by Painter-Lewis, PLC to rezone 1.724+/- acres from the RA (Rural Areas) District to the B2 (General Business) District with Proffers. The properties are located at 2674 and 2682 Martinsburg Pike, approximately 1,000 feet south of Stephenson Road and are identified by Property Identification Numbers 44-A-58, 44-A-59 and 44-A-60 in the Stonewall Magisterial District. **(Ms. Perkins)**
- 3. Rezoning #07-19 for Gentle Harvest LC**, submitted by Thomas Lawson, PC, to rezone 1.204 acres from the B2 (General Business) District to the B3 (Industrial Transition) District with Proffers. The property is located at 120 Front Royal Pike and is identified by Property Identification Number 64-A-1C in the Shawnee Magisterial District. **(Ms. Perkins)**

Planning Commission Business – Other Planning Business

- 1. Rezoning #06-19, Winchester Medical Center, Inc. – Postponed from the January 8, 2020 meeting**

To revise the proffered Generalized Development Plan approved with Rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District. Minor text revisions are also proposed to reflect the updated internal street network within the development. **(Ms. Perkins)**

- 2. Discussion: 2020-2025 Capital Improvements Plan (CIP)**

Staff is seeking a decision from the Board of Supervisors as to whether the 2020-2025 CIP is ready to be scheduled for public hearing. **(Ms. Perkins)**

“Only Planning related items are identified above. The full Board of Supervisors Agenda is located on the Board of Supervisors homepage under Meeting Agenda on the Frederick County Webpage”

Planning Commission Business
Public Hearings

Item No. 1



**REZONING APPLICATION #03-19
BERLIN STEEL REAL ESTATE INC.**

Staff Report for the Board of Supervisors

Prepared: January 13, 2020

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	10/16/19	Public Hearing Held; Tabled 60 Days
Planning Commission:	12/18/19	Public Meeting Held; Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers.

LOCATION: The subject property is located at 280 Ridings Lane which intersects with Route 277.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 01/22/20 BOARD OF SUPERVISORS MEETING:

This is an application to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers. The site is located within the limits of the Southern Frederick Land Use Plan of the 2035 Comprehensive Plan and depicts the subject properties with an industrial land use designation. The proposed M1 Zoning is generally consistent with the Southern Frederick Land Use Plan as it relates to this area. These properties are not located within the limits of the Sewer and Water Service Area (SWSA). The Comprehensive Plan states that it is expected that the land uses within the UDA and SWSA will be served by public water and sewer. However, as this site is contiguous to existing M1 Zoning and is intended to facilitate an expansion to an existing business (Berlin Steel), this request to rezone property outside of the SWSA may be appropriate.

The proffers associated with this rezoning request are as follows; Staff has provided comments regarding concerns associated with this request:

Proffer Statement – Dated November 18, 2019:

1. The land and any improvements thereto will be expressly used for a metal fabrication business as permitted under the M1 Zoning.
2. Prior to approval of the next site plan for any facility or structure on these subject lands, the owner will conduct a traffic count on Route 277 to determine the need for any turn lanes from Route 277 into the site via Ridings Lane. The method used to conduct the traffic count and design of any resultant improvement to Route 277 will be subject to VDOT approval.
3. As shown on the Generalized Development Plan, a 100' wide strip of land will be reserved on the subject lands for future road network improvements. No permanent buildings will be erected within this area.
4. Monetary Contribution – The owners will donate \$1,000 for impacts to fire and rescue services.

Staff Comments:

- ***Proffer 2 – the Applicant has not committed to constructing a turn lane if warranted by VDOT – only a traffic count and design. The Applicant should clarify the construction of a turn lane if necessary, in conjunction with site development.***
- ***Proffer 3 – This proposed reservation area does not follow the minor collector roadway planned through this site per the Southern Frederick Land Use Plan. However, the reservation location would still allow the future road to be constructed in general conformance with the Comprehensive Plan.***

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

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	10/16/19	Public Hearing Held; Tabled 60 Days
Planning Commission	12/18/19	Public Meeting Held; Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers.

LOCATION: The subject property is located at 280 Ridings Lane which intersects with Route 277.

MAGISTERIAL DISTRICT: Opequon

PROPERTY ID NUMBERS: 86-A-179C and 87-A-12

PROPERTY ZONING: RA (Rural Areas) District

PRESENT USE: Vacant

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	M1 (Light Industrial)	Use: Berlin Steel – Industrial
East:	RA (Rural Areas)	Use: Residential/Agricultural
East:	RA (Rural Areas)	Use: Residential/Agricultural
West:	RA (Rural Areas)	Use: Vacant/Agricultural

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: We have reviewed the rezoning application for Berlin Steel and Ridings to rezone a total of 15.3933 acres from RA to M1 for the use of metal fabrication business. We have also reviewed a turn lane warrant analysis associated with this rezoning. The turn lane analysis indicated needs for turn lane in the future, however, the proffer statement does not include mitigation to offset future turn lane and intersection needs.

Frederick County Transportation:

County Staff concurs with VDOT regarding the need for a turn lane at the entrance per the requested expanded use in the rezoning, however I would note that the proffer statement does not include accommodation for this expected impact on the transportation network.

Frederick-Winchester Health Department: The Frederick County Health Department has no objection to the proposed zoning changes from RA to M1 since this change does not affect any proposed or existing wells or septic systems on the properties.

Frederick Water: *Please see letter from Eric R. Lawrence, AICP, Executive Director dated May 15, 2019.*

Frederick County Department of Public Works: In the Impact Analysis Statement, Section F-Drainage also reference Chapter 143 of County Code – Stormwater/Erosion and Sediment Control Ordinance comprehensive review will occur at the time of site plan submission.

Frederick County Fire Marshall: Plan approved.

County of Frederick Attorney: *Please see email from Roderick B. Williams, County Attorney dated August 28, 2019.*

Planning & Zoning:

1) **Site History**

The original Frederick County Zoning Map (U.S.G.S. Stephens City Quadrangle) depicts the zoning for both parcels as A-2 (Agricultural General) District. The A-2 (Agricultural General) District zoning classification was modified to RA (Rural Areas) District on February 14, 1990 during the comprehensive amendment to the County's Zoning Ordinance.

*The adjacent Berlin Steel property was rezoned in 1983 and 2001.

2) **Comprehensive Plan**

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

The 2035 Comprehensive Plan is an official public document that serves as the Community's

guide for making decisions regarding development, preservation, public facilities and other key components of Community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

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

Land Use

The site is located within the limits of the Southern Frederick Land Use Plan of the 2035 Comprehensive Plan and depicts the subject properties with an industrial land use designation. The proposed M1 Zoning is generally consistent with the Southern Frederick Land Use Plan as it relates to this area. Staff would note that these properties are not located within the limits of the Sewer and Water Service Area (SWSA).

Transportation

The site is accessed via an existing commercial entrance (Ridings Lane) that intersects with Fairfax Pike (Route 277). No improvements are proposed by the Applicant. VDOT stated in their comment that the turn lane analysis indicated needs for a turn lane in the future, however, the proffer statement does include mitigation to offset future turn lane and intersection needs. County transportation Staff notes that they concur with the need for the turn lane, and further notes that the Applicant has not addressed this impact of the rezoning in their proffer statement.

Staff would note that the Southern Frederick Land Use Plan shows a new minor collector roadway planned through this site. It is noted that this is a planned roadway and not designed at this time and the location may be subject to future modifications. The Applicant has proffered a slightly adjusted location for this planned roadway.

Environmental

Parcel 86-A-179C contains an approximately three-acre pond, there are no floodplains or wetlands as stated in the Applicant's impact statement. The site does contain some steep slopes that are identified eastern portion of the site. Woodlands generally cover parcel 87-A-12 and the southern and eastern portion of 86-A-179C. The Applicant proposes to clear much of the woodlands with the development of the site.

This site is not within the limits of the Sewer and Water Service Area (SWSA) and therefore is served via a private onsite sewage disposal system. This system is monitored by the Virginia Department of Environmental Quality.

3) Proffer Statement – Dated November 18, 2019:

1. The land and any improvements thereto will be expressly used for a metal fabrication business as permitted under the M1 Zoning.

2. Prior to approval of the next site plan for any facility or structure on these subject lands, the owner will conduct a traffic count on Route 277 to determine the need for any turn lanes from Route 277 into the site via Ridings Lane. The method used to conduct the traffic count and design of any resultant improvement to Route 277 will be subject to VDOT approval.
3. As shown on the Generalized Development Plan, a 100' wide strip of land will be reserved on the subject lands for future road network improvements. No permanent buildings will be erected within this area.
4. Monetary Contribution – The owners will donate \$1,000 for impacts to fire and rescue services.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 10/16/19 MEETING:

Staff provided an overview of the application and the proposed proffers. The Commission questioned the left turn lane possibly needed along Route 277 and the location of the planned collector road shown in the Comprehensive Plan. The Commission expressed concerns that the Applicant was not addressing VDOT's comment regarding the need for a turn lane, as well as, the planned collector road. Mr. Lewis addressed the proposed collector road and stated that it could possibly be relocated since its not designed. The current location in the Comprehensive Plan greatly impacts their proposed new laydown yard. He further stated that the need for the turn lane would be determined at the site plan stage. The Commission questioned the turn lane need and requested the Applicant consider modifying the application to state that the turn lane would be constructed if warranted by VDOT. Mr. Lewis stated that the was amendable to that language.

There was one comment during the public hearing. The Planning Commission postponed the application for 60 days to allow the Applicant to allow the owner to work with the County to relocate the collector roadway off the property.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 12/18/19 MEETING:

Staff provided an overview of the application and the proposed proffers.

Commissioner Oates commented on the improvements on Route 277 by the Applicant and wanted to clarify that the Applicant can at no time block or take away from any neighboring property owner. Mr. Ruddy said that is correct, if VDOT warranted the improvements the Applicant would need to get an endorsement from the property owners.

Commissioner Morrison commented about the improvements to Route 277 with a traffic study, if it is not needed today but, in the future, when business traffic picks up who would be responsible to cover the cost. Mr. Ruddy said any expansion of the business the Applicant would need to complete a Site Plan application and be responsible for the cost of those improvements. Mr. John Lewis, Painter-Lewis, representing the Applicant, gave an overview since the October 16, 2019 meeting the item was tabled for 60 days to allow the Applicant additional time to address the transportation concerns. With the need for a turn lane, the Applicant has proffered that a traffic study to determine the needs for a turn lane would be completed with the site plan. At the site plan stage VDOT would determine if a turn lane would be necessary prior to approval of the plan.

Rezoning #03-19 Berlin Steel Real Estate Inc.
January 13, 2020
Page 7

Mr. Lewis commented on the planned minor collector roadway. He stated that the current location of the roadway as shown in the Comprehensive Plan would be detrimental to the Applicant's property. The modified location shown on the revised GDP provides a for a location that is in general conformance with the Southern Frederick Land Use Plan and still allows for the roadway to be constructed in the future.

The Planning Commission recommended approval of the rezoning application.

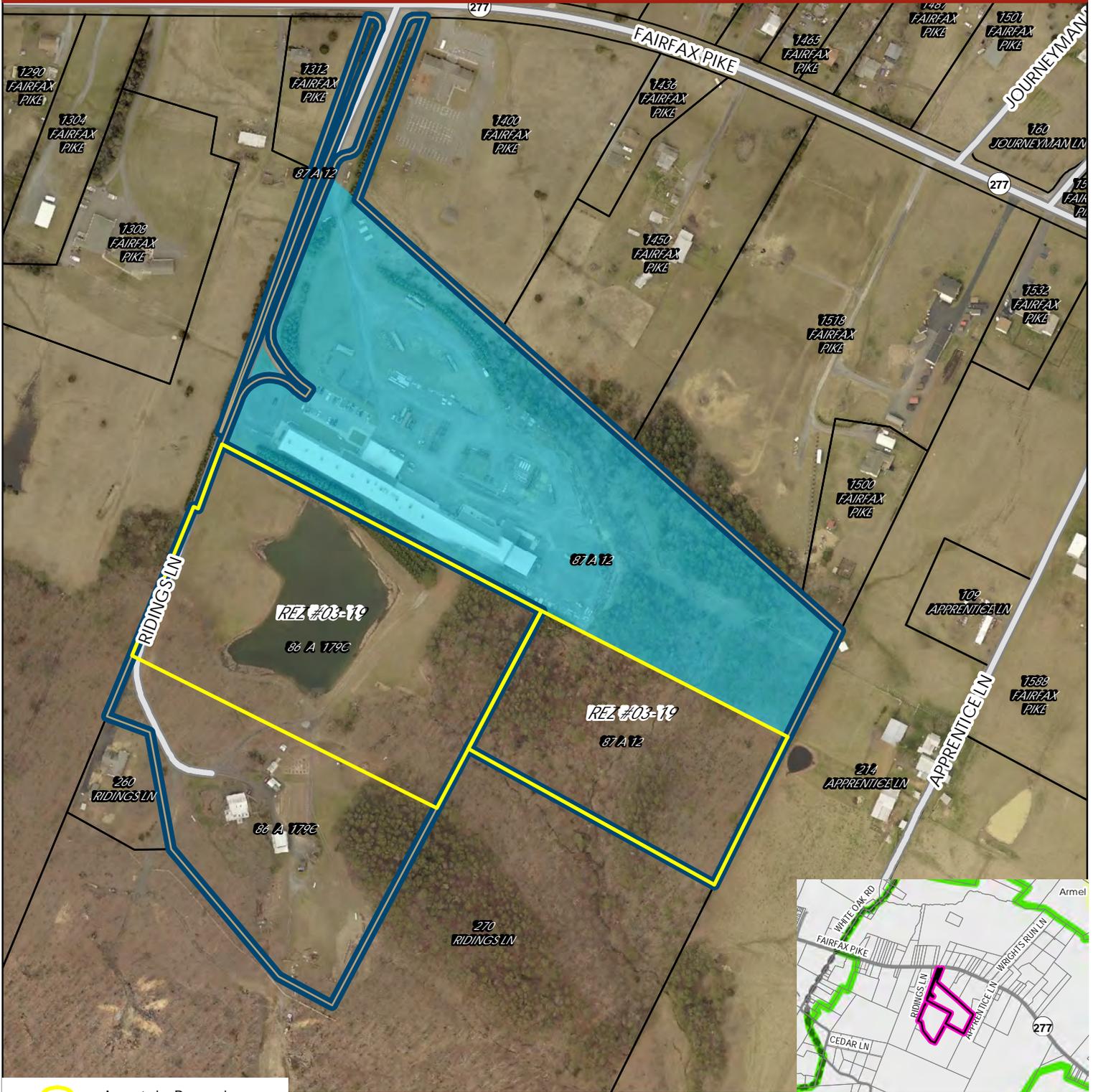
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 03 - 19: Berlin Steel Real Estate, Inc.

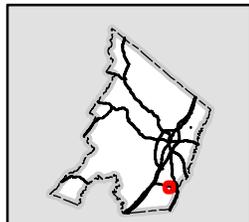
PINs: 86 - A - 179C, 87 - A - 12

Rezoning from RA to M1

Zoning Map



-  Areas to be Rezoned
-  Application
-  Parcels
-  M1 (Light Industrial District)



Frederick County Planning & Development
 107 N Kent St
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: September 16, 2019

0 205 410 820 Feet

REZ # 03 - 19: Berlin Steel Real Estate, Inc.

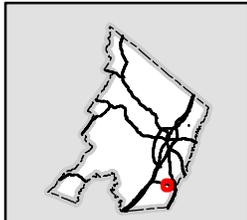
PINs: 86 - A - 179C, 87 - A - 12

Rezoning from RA to M1

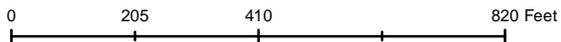
Location Map



-  Areas to be Rezoned
-  Application
-  Parcels



Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: September 16, 2019

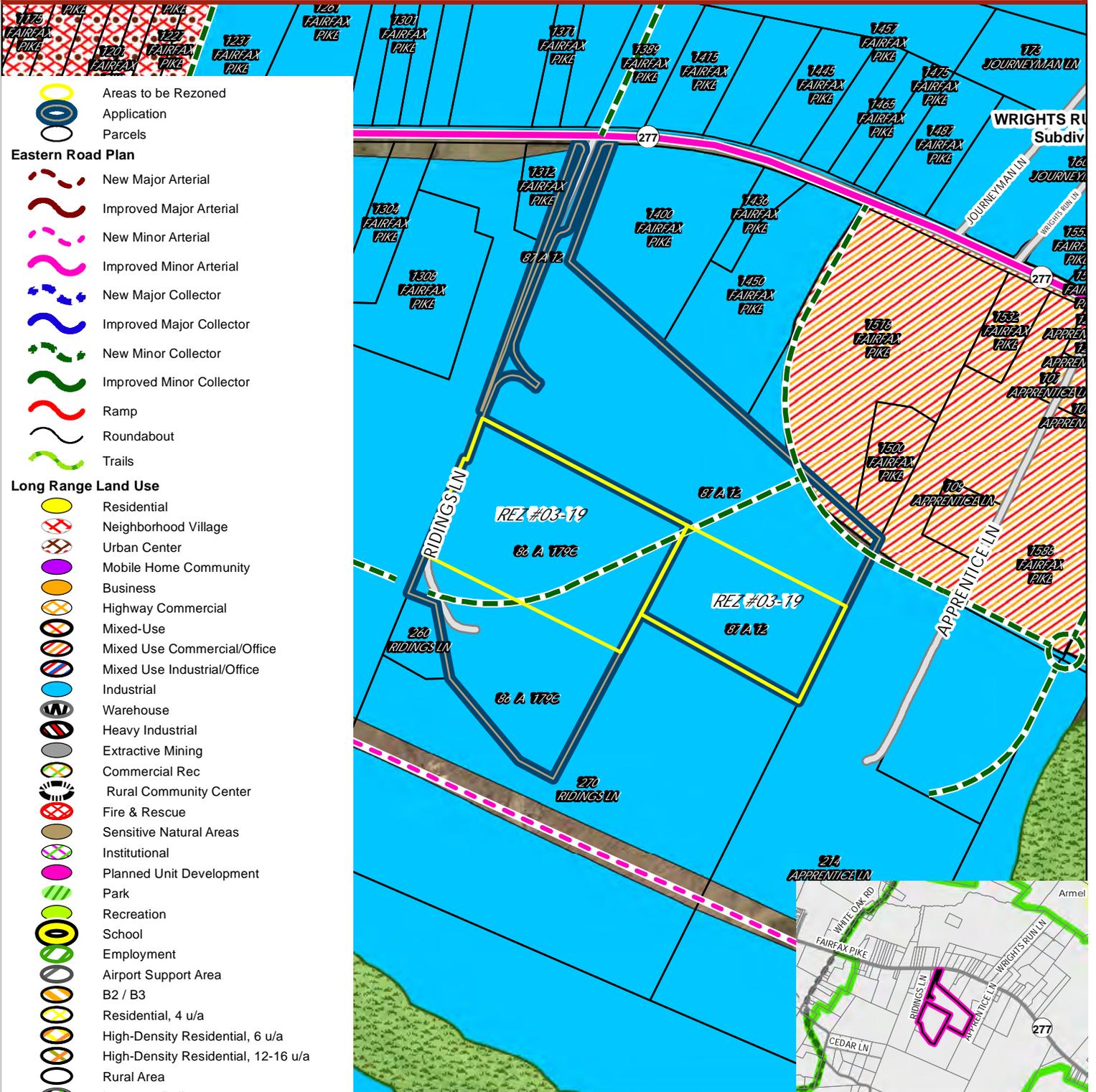


REZ # 03 - 19: Berlin Steel Real Estate, Inc.

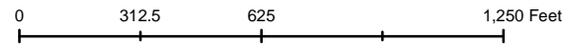
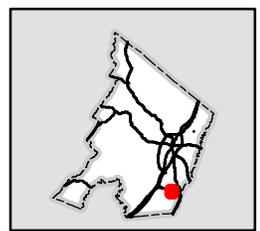
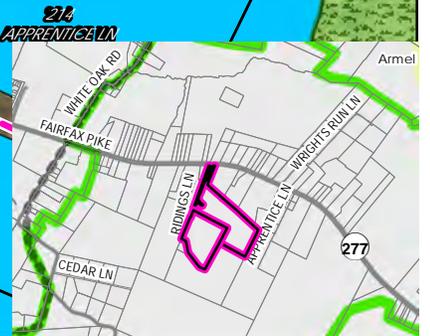
PINs: 86 - A - 179C, 87 - A - 12

Rezoning from RA to M1

Long Range Land Use Map



- Areas to be Rezoned
- Application
- Parcels
- Eastern Road Plan**
- New Major Arterial
- Improved Major Arterial
- New Minor Arterial
- Improved Minor Arterial
- New Major Collector
- Improved Major Collector
- New Minor Collector
- Improved Minor Collector
- Ramp
- Roundabout
- Trails
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Commercial Rec
- Rural Community Center
- Fire & Rescue
- Sensitive Natural Areas
- Institutional
- Planned Unit Development
- Park
- Recreation
- School
- Employment
- Airport Support Area
- B2 / B3
- Residential, 4 u/a
- High-Density Residential, 6 u/a
- High-Density Residential, 12-16 u/a
- Rural Area
- Interstate Buffer
- Landfill Support Area
- Natural Resources & Recreation
- Environmental & Recreational Resources



PROFFER STATEMENT

Dennis and Beverly Ridings
280 Ridings Lane
White Post, VA 22663
Property: 17.09 acres
PARCEL ID: 86-A-179C

Berlin Steel Real Estate, Inc.
201 Ridings Lane
White Post, VA 22663
Original Rezoning #: 02-01
Property: 23.34 acres
PARCEL ID: 87-A-12

Opequon Magisterial District
November 18, 2019



Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540)662-5792
email: office@painterlewis.com
Job Number: 1902002

PROFFER STATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

INTRODUCTION

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned owners proffer that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application # _____ for the rezoning of 5.3933 acres on Parcel #87-A-12 and 10 acres on Parcel #86-A-179C from RA to M1, development of this particular 15.3933 acres along with the existing 17.9467 acres currently zoned M1 will be in conformity with the terms and conditions set forth in this document and with the attached "GENERALIZED DEVELOPMENT PLAN". See the attached "AREAS TO BE REZONED METES & BOUNDS MAP" for an illustration of the areas to be rezoned. These terms and conditions may be subsequently amended or revised by the owners of the properties with permission from the Frederick County Board of Supervisors in accordance with Frederick County codes. These proffers shall be binding on the property owners and their legal successors or assigns.

PROFFERS

1. The land and any improvements thereto will be expressly used for a metal fabrication business as permitted under the M1 zoning.
2. Prior to approval of the next Site Plan for any facility or structure on these subject lands, the owner will conduct a traffic count on Route 277 to determine the need for any turn lanes from Route 277 into the site via Ridings Lane. The method used to conduct the traffic count and the design of any resultant improvements to Route 277 will be subject to VDOT approval.
3. As shown on the Generalized Development Plan, a 100' wide strip of land will be reserved on the subject lands for future road network improvements. No permanent buildings will be erected within this area.

Monetary Contribution to Frederick County Service Organizations

The owners of Parcel #87-A-12 and Parcel #86-A-179C will donate or will cause to be donated to the Frederick County the sum of \$1,000.00 for impacts to fire and rescue services. This sum will be paid upon the approval of the next site plan for any expansion of the operations of any facility or structure onto these subject lands.

The conditions proffered above shall be binding on the heirs, executors, administrators, assigns and successors in the interest of the owners. In the event that the Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

PROFFER STATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

Submitted By:

Mr. Dennis Ridings

Dennis A. Ridings
Dennis Ridings

Date: 12/3/19

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

The foregoing instrument was acknowledged before me this 3RD day of DECEMBER 2019 by Dennis Ridings.

My commission expires on 9/30/2020

John C. Lewis
Notary Public



Submitted By:

Mrs. Beverley Ridings

Beverley B. Ridings
Beverley Ridings

Date: 12/03/2019

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

The foregoing instrument was acknowledged before me this 3RD day of DECEMBER 2019 by Dennis Ridings.

My commission expires on 9/30/2020

John C. Lewis
Notary Public



PROFFER STATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

Submitted By:

Berlin Steel Real Estate, Inc.

Mark S. J...

Signature

V.P. operations

Title

Date: 10-29-19

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

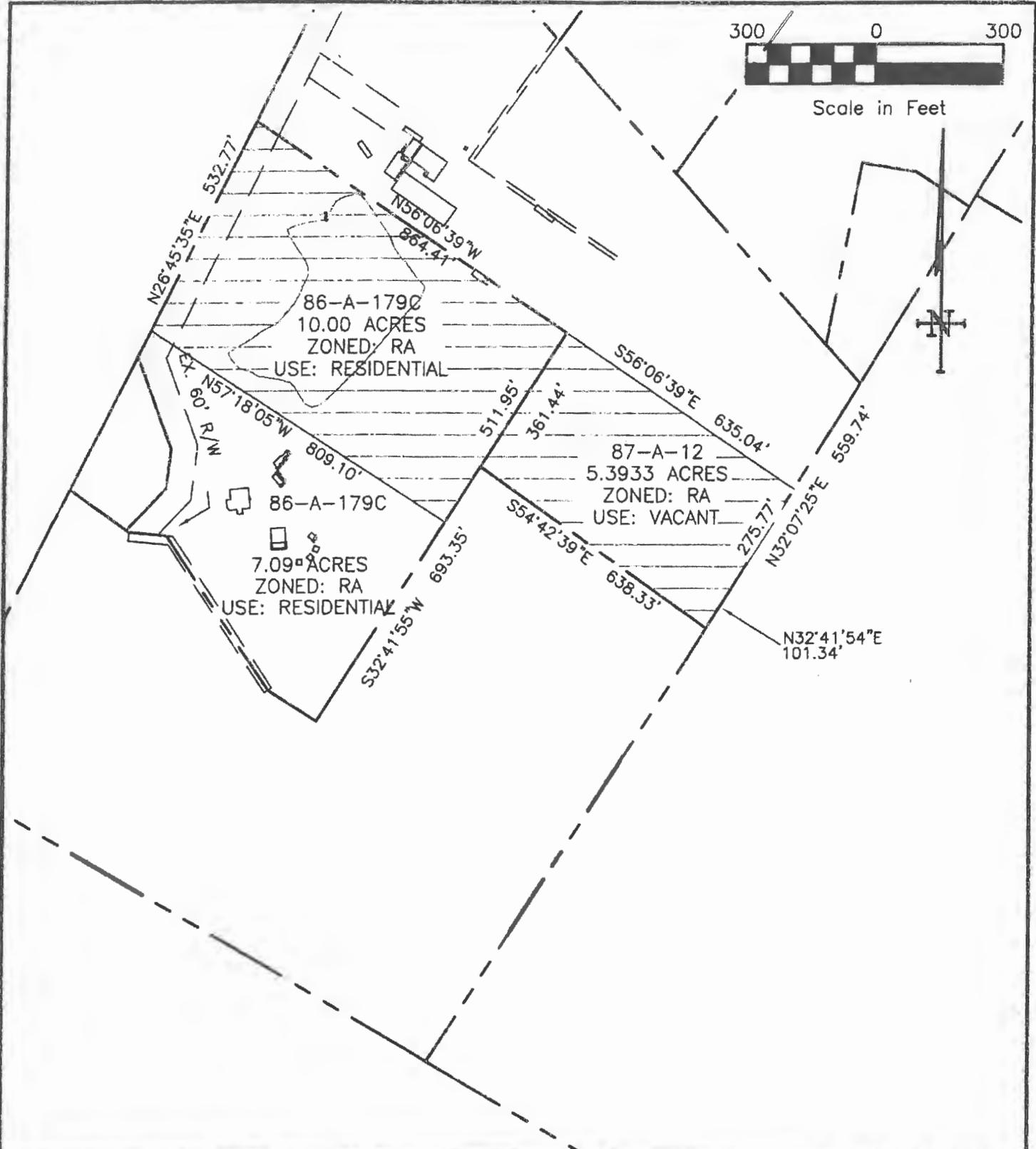
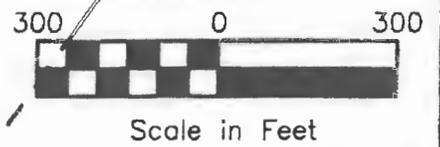
The foregoing instrument was acknowledged before me this 29th day of October by

My commission expires on

2/29/24

Karen Nemergut Simeone
Notary Public

Karen Nemergut Simeone
Notary Public-Connecticut
My Commission Expires
February 29, 2024



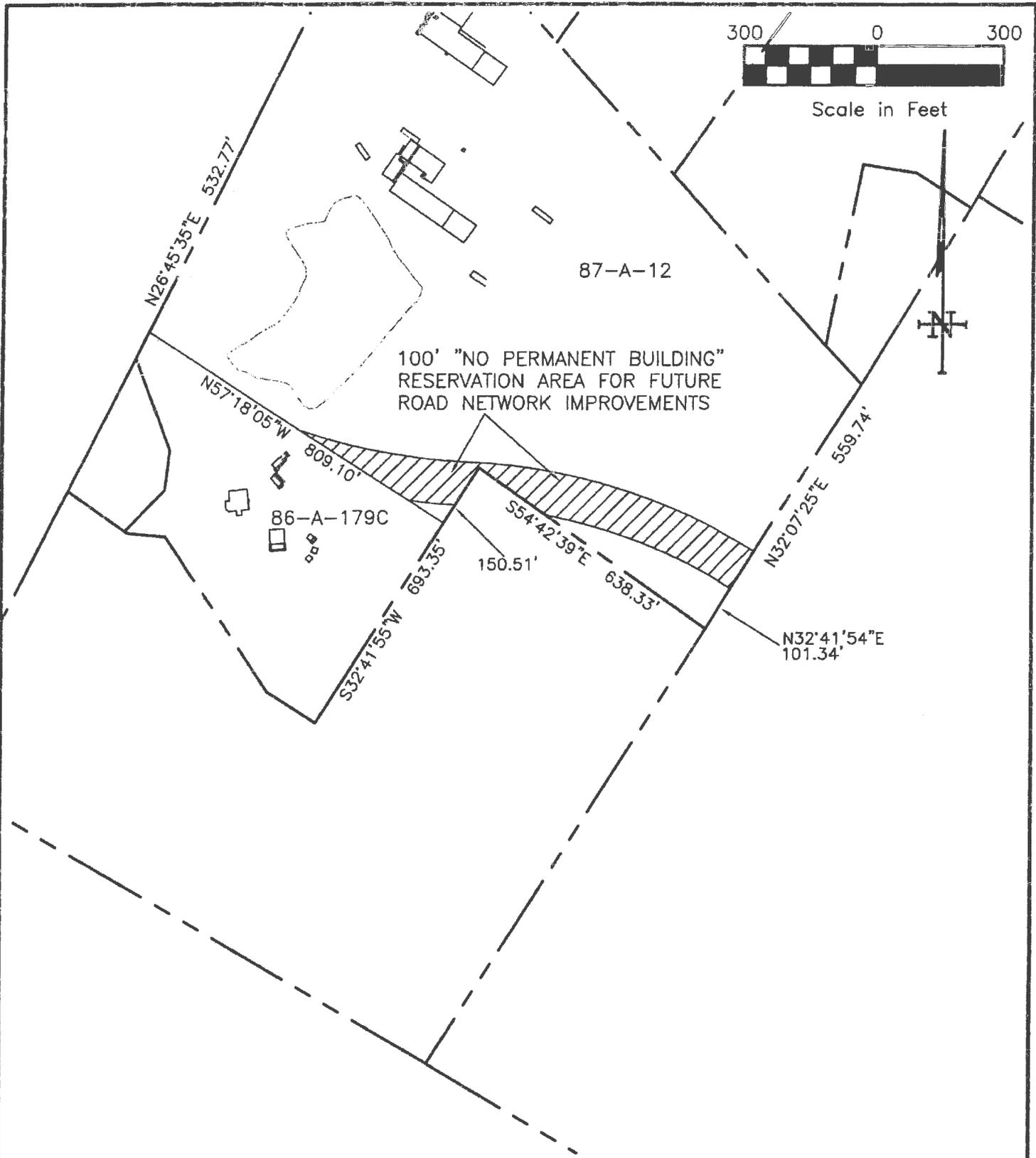
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA.
 AREAS TO BE REZONED
 METES & BOUNDS MAP**

SURVEY:	C.I.:
NA	20'
DRAWN BY:	JOB NO.:
P-L	1902002
SCALE:	DATE:
SHOWN	4/11/19
SHEET:	EXHIBIT 1B



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA.
 GENERALIZED DEVELOPMENT PLAN**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1902002
SCALE:	DATE:
SHOWN	10/27/19
SHEET:	GDP



ORDINANCE

Action:

PLANNING COMMISSION: October 16, 2019 Public Hearing Held; Tabled for 60 days
December 18, 2019 Public Meeting Held, Recommended Approval

BOARD OF SUPERVISORS: January 22, 2020

ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #03-19 BERLIN STEEL REAL ESTATE, INC.

WHEREAS, REZONING #03-19 Berlin Steel Real Estate, Inc., submitted by Painter-Lewis, P.L.C. to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. The subject property is located at 280 Ridings Lane which intersects with Route 277, in the Opequon Magisterial District, and are identified by Property Identification Numbers 86-A-179C and 87-A-12; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on October 16, 2019 and tabled the rezoning for sixty (60) days ; and

WHEREAS, the Planning Commission held a public meeting on this rezoning on December 18, 2019 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on January 22, 2020; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. 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 22nd day of January 2020 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Shawn L. Graber

J. Douglas McCarthy

Robert W. Wells

Gene E. Fisher

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

AMENDMENT

Action:

PLANNING COMMISSION: Recommended Approval on February 21, 2001

BOARD OF SUPERVISORS: Approved April 11, 2001

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #02-01 OF IRONGATE, INC.

WHEREAS, Rezoning #02-01 of Irongate, Inc., was submitted by Painter-Lewis, P.L.C., to rezone a 14.43-acre portion of a 48.26-acre tract from RA (Rural Areas) to M1 (Light Industrial). This property is located on the south side of Fairfax Pike (Route 277), approximately 1 ¼ miles west of the Clarke County line and is identified with Property Identification Number 87-A-12 in the Opequon Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on February 21, 2001; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on April 11, 2001; 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;

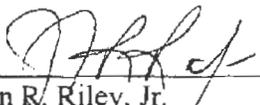
NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to change a 14.43-acre portion of a 48.26-acre tract from RA (Rural Areas) to M1 (Light Industrial) as described by the application and plat submitted, subject to the attached conditions voluntarily proffered in writing by the applicant and the property owner.

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

Passed this 11th day of April, 2001 by the following recorded vote:

Richard C. Shickle, Chairman	<u>Aye</u>	Sidney A. Reyes	<u>Aye</u>
W. Harrington Smith, Jr.	<u>Aye</u>	Margaret B. Douglas	<u>Aye</u>
Charles W. Orndoff, Sr.	<u>Aye</u>	Robert M. Sager	<u>Aye</u>

A COPY ATTEST



John R. Riley, Jr.
Frederick County Administrator

PROFFER STATEMENT

A PROPOSED REZONING
for
PARCEL ID - 87 ((A)) 12
Opequon Magisterial District
Frederick County, Virginia

February 6, 2001

Prepared for: Mr. Dennis Ridings
IRONGATE, INC.
201 Ridings Lane
White Post, Virginia 22663

Prepared by: **PAINTER-LEWIS, P.L.C.**
302 South Braddock Street- Suite 200
Winchester, VA 22601
Tel.: (540)662-5792
email: paintlew@mnsinc.com
Job Number: 9902014

PROFFER STATEMENT
PARCEL ID 87 ((A)) 12

INTRODUCTION

The subject parcel contains 49.69 acres, Currently 48.26 acres are zoned RA and 1.43 acres are zoned M-1. Adjacent property is zoned RA. The owner desires to rezone an additional 14.43 acres within the parcel to M-1.

The intended purpose for the rezoning would be to allow the expansion of the existing metal fabrication business of Irongate, Inc. The owner is willing to proffer a limit on the type of use permitted on the proposed M1 zone.

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned applicant proffers that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application # 02-01 for the rezoning of 14.43 acres on Parcel 87-((A))-12 from RA to M1, development of this particular 14.43 along with the existing 1.43 acres currently zoned M1 will be in conformity with the terms and conditions set forth in this document. These terms and conditions may be subsequently amended or revised by the owner of the property with permission from the Frederick County Board of Supervisors in accordance with Frederick County codes. These proffers shall be binding on the owner and their legal successors or assigns.

PROFFERS

1. The land and any improvements thereto will be expressly used for a metal fabrication business as permitted under the M1 zoning.
2. The owner shall enter into a common shared buffer and screening easement agreement between properties identified as Tax Map 87-A-12 and 86-A-179C to satisfy the requirements of Section 165-37D(4) of the Frederick County Zoning Ordinance. This buffer shall incorporate a minimum buffer between the two parcels of 400 feet. The common shared buffer and screening easement agreement shall be executed prior to the issuance of a building permit for improvements on parcel 87-A-12.

Monetary Contribution to Frederick County Service Organizations

The owner of Parcel 87-((A))-12 will donate or will cause to be donated to the Stephens City Fire and Rescue Company No. 11 the sum of \$1000.00 for impacts to fire and rescue services. This sum will be paid upon receipt of the first building permit issued subsequent to the approval of this rezoning for any proposed structure.

The conditions proffered above shall be binding on the heirs, executors, administrators, assigns, and successors in the interest of the owner. In the event that the Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

PROFFER STATEMENT
PARCEL ID 87 ((A)) 12

Submitted By:
Mr. Dennis Ridings

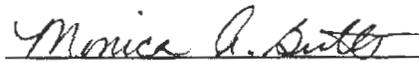

Dennis Ridings

Date: 2/6/01

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

The foregoing instrument was acknowledged before me this 6th day of February, 2001 by Mr. Dennis Ridings.

My commission expires on Expiration Date July 31, 2002.

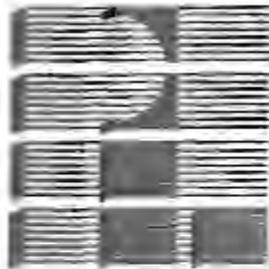

Notary Public

IMPACT ANALYSIS STATEMENT

Ridings Property
280 Ridings Lane
White Post, VA 22663
Property: 17.09 acres
PARCEL ID: 86-A-179C

Berlin Steel Real Estate Property
201 Ridings Lane
White Post, VA 22663
Original Rezoning #: 02-01
Property: 23.34 acres
PARCEL ID: 87-A-12

Opequon Magisterial District
August 13, 2019



Prepared by: **PAINTER-LEWIS, P.L.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540)662-5792
email: office@painterlewis.com
Job Number: 1902002

IMPACT ANALYSIS STATEMENT
TABLE OF CONTENTS

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A. SITE SUITABILITY	2
B. SURROUNDING PROPERTIES	3
C. TRAFFIC	3
D. SEWAGE CONVEYANCE AND TREATMENT	4
E. WATER SUPPLY	4
F. DRAINAGE	4
G. SOLID WASTE DISPOSAL FACILITIES	4
H. HISTORIC SITES AND STRUCTURES	5
I. COMMUNITY FACILITIES	5
J. LOT CONSOLIDATION	6

i. INTRODUCTION

Berlin Steel is a steel fabrication facility located on a 23.34 acre lot which contains 17.9467 acres zoned M1-Light Industrial District and 5.3933 acres zoned RA-Rural Agricultural District. Adjacent to the Berlin Steel lot is the Ridings lot which contains 17.0915 acres zoned RA. Under this rezoning application, Berlin Steel proposes to rezone the 5.3933 acres remainder of Parcel #87-A-12 from RA to M1 and Ridings proposes to rezone 10 acres of Parcel #86-A-179 from RA to M1. It is anticipated that with a successful rezoning, Berlin Steel will acquire the 10 acres from Ridings.

Please refer to Exhibit 1 for a property overview map and Exhibit 2 for a metes and bounds illustration of the areas to be rezoned.

Parcel #87-A-12 was the subject of a rezoning in 2001 when 14.43 acres of the parcel was rezoned from RA to M1 with proffers. These same proffers will be applied to the proposed areas of rezoning.

A. SITE SUITABILITY

The subject parcels are located on Ridings Lane which intersects Route 277 about 3,200 feet east of Hudson Hollow Road. This site is suited for rezoning to the Light Industrial District. The Eastern Frederick County Long Range Land Use Plan designates these parcels as "Industrial". The parcels are within the Sewer and Water Service Area. Public water serves the current site of Berlin Steel. There is no public sanitary sewer service. The current operation of Berlin Steel is adequately served by an on-site sewage disposal system. The proposed rezoning of 15 acres will not require an increase in sanitary sewer disposal capacity.

100 YEAR FLOOD PLAIN

FIRM Community Panel Number 510063 0200 B shows the subject area to be outside of any flood hazard zone.

WETLANDS

No jurisdictional wetlands have been identified on this site. Parcel #86-A-179C contains a 3+/- acre pond that was constructed in the 1970s. The pond is located in an uplands area with no perennial stream connection to other waters.

STEEP SLOPES

The properties generally slope toward an intermittent tributary to Crooked Run. Slopes increase in severity as they approach this intermittent tributary. Slopes which approach 25% can be found on the eastern portion of the site near the tributary.

MATURE WOODLANDS

Mature woodlands generally cover the land to be rezoned on Parcel #87-A-12. Mature woodlands are located generally along the southern and eastern portions of Parcel #86-

IMPACT ANALYSIS ATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

A-179A. Much of these woodlands would be cleared to allow the development of usable areas on the parcels. Typically, the woodlands located at the perimeters of the parcels, that is, along the boundaries would remain untouched to serve as visual screening to adjacent lands.

SOILS

According to the Soil Survey of Frederick County, the site contains the following soil types: Zoar silt loam (44B), Weikert-Berks channery silt loam (41C), and Berks channery silt loam (1B). These soils are generally shallow to moderately deep and formed from weathered shale or sandstone. The unified soils classifications are GM, ML, and SM. Weathered bedrock can be expected at relatively shallow depths around 30 inches below the ground surface.

B. SURROUNDING PROPERTIES

The property to be rezoned is surrounded by residential and vacant properties which are zoned RA. The following table lists all adjacent owners and parcel numbers.

Tax Map No.	Owner	Ex. Zoning	Ex. Use
86-A-179	Carlson, Shirley C	RA	Vacant
86-A-179E	Ridings, Mary F	RA	Residential
87-A-12E	Four Winds Land Holdings LLC	RA	Vacant
86-A-479D	Liberty Baptist Church	RA	Church
86-A-12C	Calhoun, Amanda D	RA	Residential
87-A-179A	Carlson, Shirley C	RA	Residential
87-A-12D	Arghyris, Gary & Pierce, Barbara	RA	Residential
87-A-12F	Hazelwood, Lori Brian	RA	Residential

Development of the proposed areas to be rezoned will create the requirement for buffers and landscaping along adjacent properties in accordance with Section 165-203.01 of the Frederick County Zoning Ordinance. Adjacent parcels are zoned RA. Those parcels used primarily for residential purposes would require a Category C buffer. Existing, mature woodlands would typically be reserved within the inactive portion of the buffers to provide at least a portion of the landscaping requirement.

C. TRAFFIC

Access to the parcels is via Ridings Lane from Route 277, a Minor Arterial Road. According to figures from the Virginia Department of Transportation, the traffic on route 277 at this location is 8500 vehicles per day. Ridings Lane provides access to Parcels #86-A-179E, #86-A-179C, and #87-A-12. The access has been designed to provide adequate space for existing and anticipated traffic including truck traffic associated with the current Berlin Steel facility. Berlin Steel currently has 34 on-site employees.

IMPACT ANALYSIS STATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

Traffic generation estimates for Berlin Steel can be made using the ITE Trip Generation Manual, 9th Edition, Volume 2. Trip estimates are based on a future projected, maximum employee count of 50. The estimates are shown below.

TRAFFIC IMPACT:

DATA SOURCE: ITE TRIP GENERATION MANUAL-9th EDITION-VOLUME 3

Land Use 110 General Light Industrial

Trips based on number of employees: 50 employees

Weekday:	3.02x50=151 trips (50% entering, 50% exiting)
AM Peak Hour:	0.48x50=24 trips (87% entering, 13% exiting)
PM Peak Hour:	0.51x50=26 trips (29% entering, 71% exiting)
Saturday:	0.48x50=24 trips (50% entering, 50% exiting)
Saturday Peak hour:	0.5x50=3 trips (47% entering, 53% exiting)
Sunday:	0.26x50=13 trips (50% entering, 50% exiting)
Sunday Peak hour:	0.04x50=2 trips (48% entering, 52% exiting)

D. SEWAGE CONVEYANCE AND TREATMENT

The site is not within the limits of the Frederick County Sewer and Water Service Area. There are no public sewerage facilities serving the immediate area. These parcels and the adjacent parcels are served by individual, private, on-site sewage disposal systems. The Berlin Steel facility is served by a pretreatment and discharging system. This system is monitored yearly by the Virginia Department of Environmental Quality under Permit No. VAG 408427. The maximum treatment volume attributed to the disposal system is 1000 gallons per day. It is not anticipated that the proposed rezoning will result in additional sewage treatment.

E. WATER SUPPLY

The site receives domestic and fire flow from Frederick Water. The water demand is essentially limited by the sewage treatment capacity. It is not anticipated that the proposed rezoning will result in additional water demand.

F. DRAINAGE

An increase in stormwater runoff can be expected with any development on the property. Stormwater management will be provided in accordance with the Frederick County Code, Chapter 165 and Chapter 143. With the development of this site a storm water management system would be implemented to control any added flow created by the new impervious areas.

G. SOLID WASTE DISPOSAL FACILITIES

The nearest citizens' trash facility is located approximately four miles south and east of the site on Route 522. In general, the collection of solid waste from the proposed commercial development will be accomplished by a private hauler. It is estimated that the development will generate approximately one pound of solid waste per employee per day that will be transported to the landfill. The anticipated maximum number of employees is 50, including field erectors. Tipping fees are currently \$50 per ton for commercial haulers. No additional solid waste disposal facilities will be required for the proposed development. It is estimated that the annual cost in tipping fees will be about \$325.

H. HISTORIC SITES AND STRUCTURES

This site does not contain any historic or "potentially significant" historic structures as listed in *The Rural Landmarks Survey Report of Frederick County*. According to the Frederick County Comprehensive Plan Battlefield inventory, the property lies outside the commonly accepted limits of the major civil war battles. The nearest known battlefield is the site of the Second Battle of Kernstown located approximately four miles to the northwest. The Rural Landmarks Survey Report lists several structures within approximately one mile of the site, which were inventoried due to the age of the structures, but these are not considered architecturally or historically significant sites. Please refer to Exhibit 3.

A copy of the *Civil War Battlefields and Sites* map has been included on the following pages. The subject parcels do not lie on any Civil War Battlefield sites. Please refer to Exhibit 4.

I. COMMUNITY FACILITIES

DEVELOPMENT IMPACT MODEL

The Frederick County Development Impact Model (D.I.M.) is utilized primarily for residential rezoning requests. It is anticipated that the capital facilities impacts of commercial and industrial rezoning requests are ultimately fiscally positive to the County by policy. Accordingly, the D.I.M. does not apply a fiscal impact to commercial rezoning.

EMERGENCY SERVICES

Police protection is provided by the Frederick County Sheriff's Department. The nearest fire and rescue facility is the Stephens City Fire and Rescue Station 11 located approximately three miles to the west of the property in Stephens City. No additional fire

IMPACT ANALYSIS STATEMENT
PARCEL ID 87 ((A)) 12 & 86-A-179C

and rescue facilities will be required for the area proposed to be rezoned. The owner recognizes the importance of emergency services and proposes to proffer a monetary contribution to the local emergency responder. See the attached Proffer Statement.

PARKS AND RECREATION

There are typically no impacts on Parks and Recreation facilities associated with rezoning to a commercial use.

J. LOT CONSOLIDATION

It is anticipated that with a successful rezoning, a boundary line adjustment between TM#86-A-179C and TM#87-A-12 will occur and the 10 acres area on Lot 179C will be consolidated with Lot 12. Consolidation will eliminate interior lot lines. Existing access easements will be maintained.

APPENDIX

EXHIBIT 1A	PROPERTY MAP
EXHIBIT 1B	METES & BOUNDS MAP
EXHIBIT 2	TOPOGRAPHIC MAP
EXHIBIT 3	HISTORIC STRUCTURES MAP
EXHIBIT 4	CIVIL WAR BATTLEFIELDS MAP
EXHIBIT 5	PROPERTY DEEDS

500 0 500



Scale in Feet



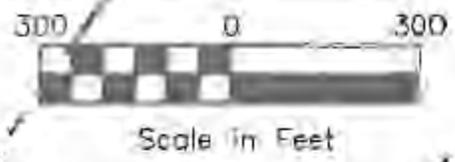
PROPOSED REZONING LIMITS
 AREA TO BE REZONED=15.3933 ACRES
 10 ACRES ON TMBB-A-179C
 5.3933 ACRES ON TMB7-A-12

PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

CONSULTING ENGINEERS

PROJECT:
**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA.
 PROPERTY MAP**

SURVEY:	011
NA	20'
DRAWN BY:	JOB NO.:
P-L	1902002
SCALE:	DATE:
SHOWN	4/11/19
SHEET:	EXHIBIT 1A

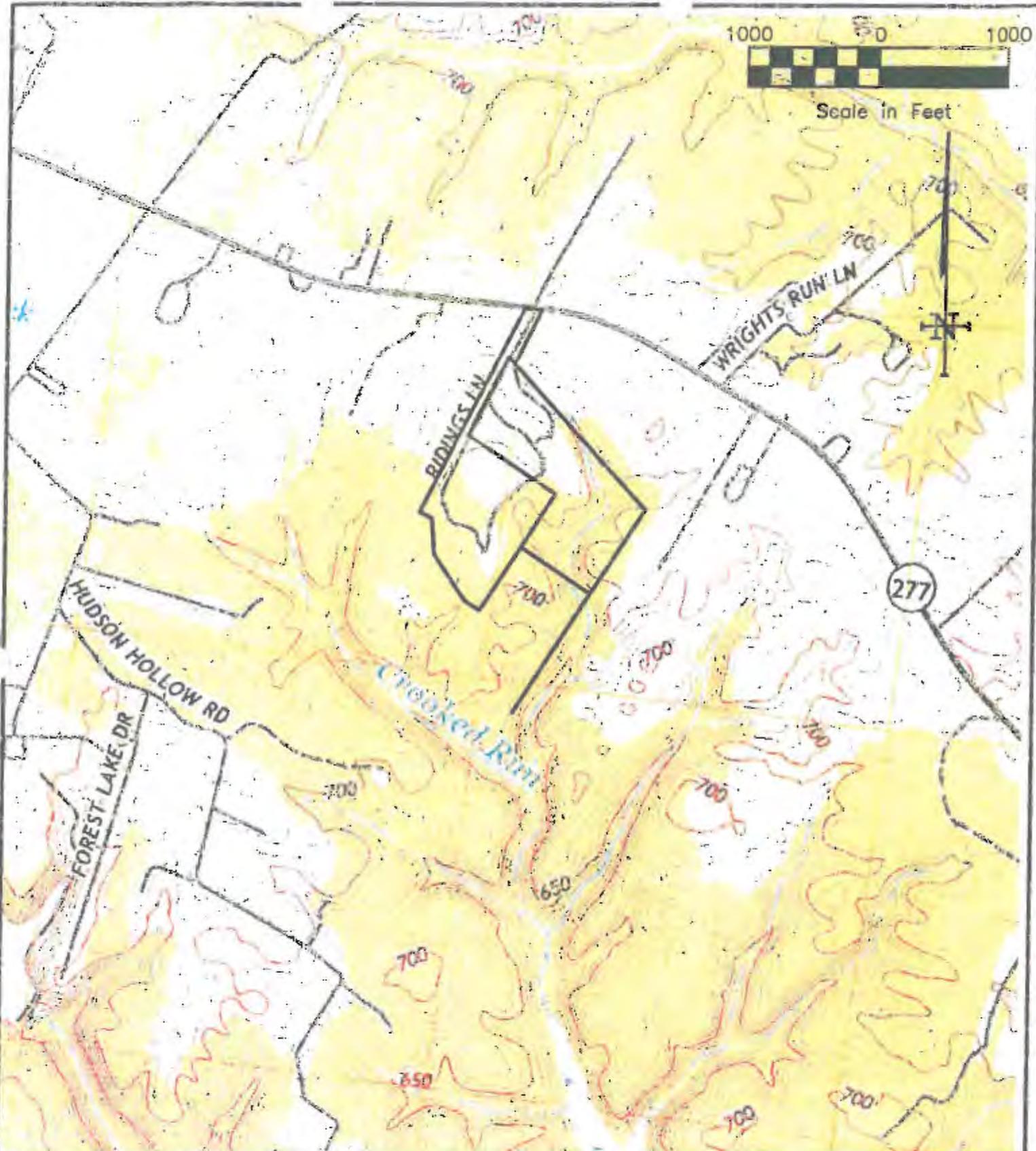


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 817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT
**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA
 AREAS TO BE REZONED
 METES & BOUNDS MAP**

SURVEY:	SA	C.I.:	20'
DRAWN BY:	P-L	JOB NO.:	1902002
SCALE:	SHOWN	DATE:	1/11/19
SHEET:	EXHIBIT 1B		

CONSULTING ENGINEERS



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA.
 TOPOGRAPHY**

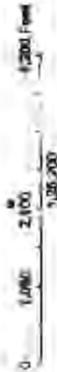
SURVEY:	C.I.:
NA	20'
DRAWN BY:	JOB NO.:
P-L	1902002
SCALE:	DATE:
SHOWN	4/4/19
SHEET:	USGS

Property Map - Frederick County, VA



Frederick County Information Technologies
 107 N. Kent St Winchester, VA 22601
 540-865-5014

Frederick County does not take any responsibility for accuracy or completeness of any data, whether or not derived from the Frederick County GIS files.



DATE: 4/18/18



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**RIDINGS PROPERTY
 BERLIN STEEL PROPERTY
 FREDERICK COUNTY, VA.
 RURAL LANDMARKS**

SURVEY:	C.I.
NA	NA
DRAWN BY:	JOB NO.:
P-L	1902002
SCALE:	DATE:
SHOWN	4/4/18
SHEET:	EXHIBIT 3

Civil War Battlefields & Sites

(As Defined by the NP6 Shenandoah Valley Civil War Sites Study)

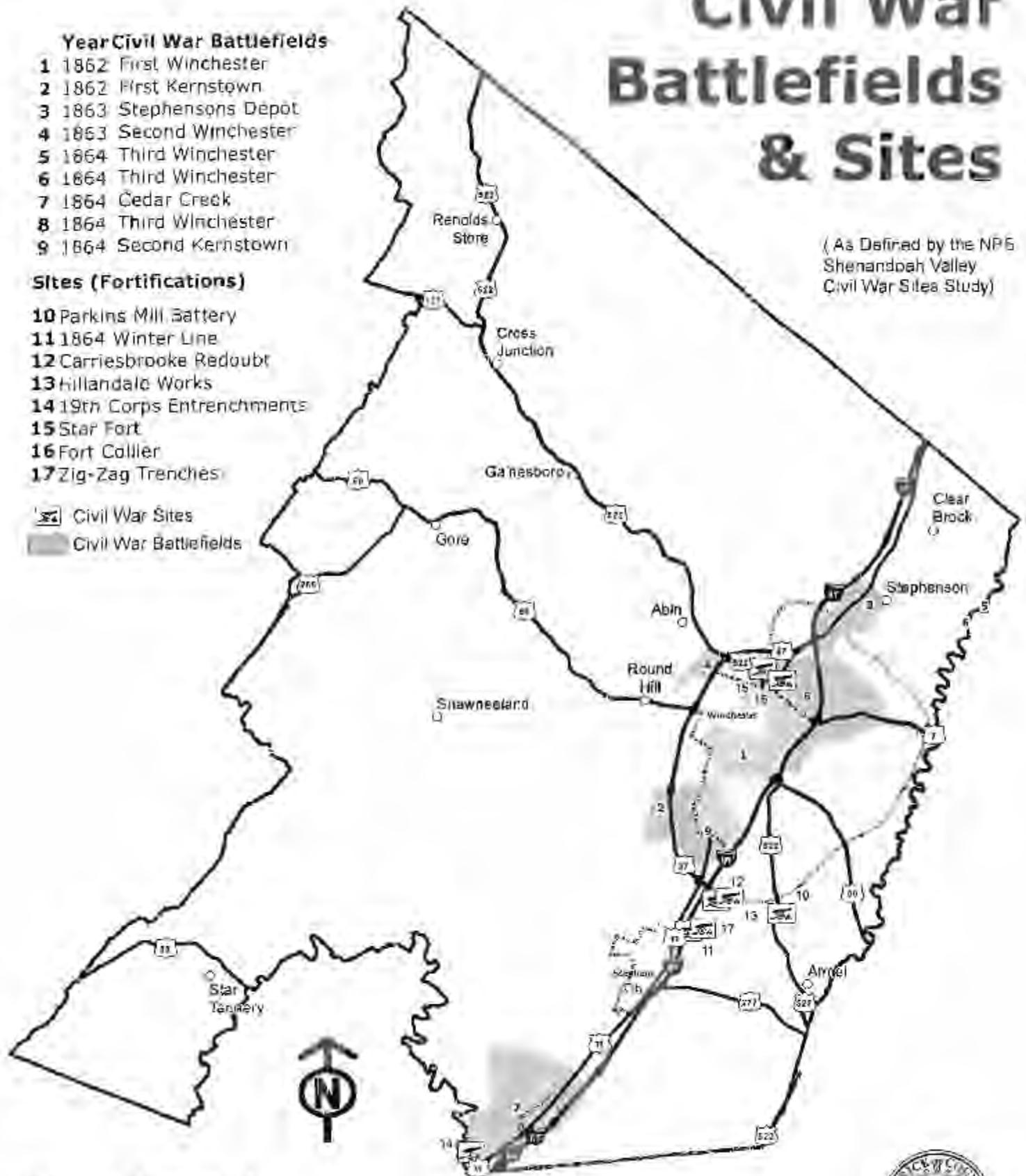
Year Civil War Battlefields

- 1 1862 First Winchester
- 2 1862 First Kernstown
- 3 1863 Stephenson's Depot
- 4 1863 Second Winchester
- 5 1864 Third Winchester
- 6 1864 Third Winchester
- 7 1864 Cedar Creek
- 8 1864 Third Winchester
- 9 1864 Second Kernstown

Sites (Fortifications)

- 10 Parkins Mill Battery
- 11 1864 Winter Line
- 12 Carriesbrooke Redoubt
- 13 Hillandale Works
- 14 19th Corps Entrenchments
- 15 Star Fort
- 16 Fort Collier
- 17 Zig-Zag Trenches

-  Civil War Sites
-  Civil War Battlefields

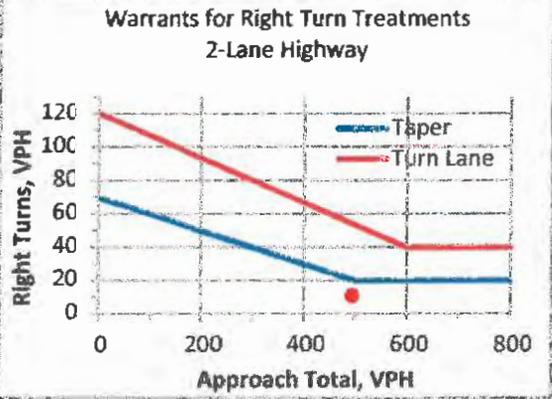
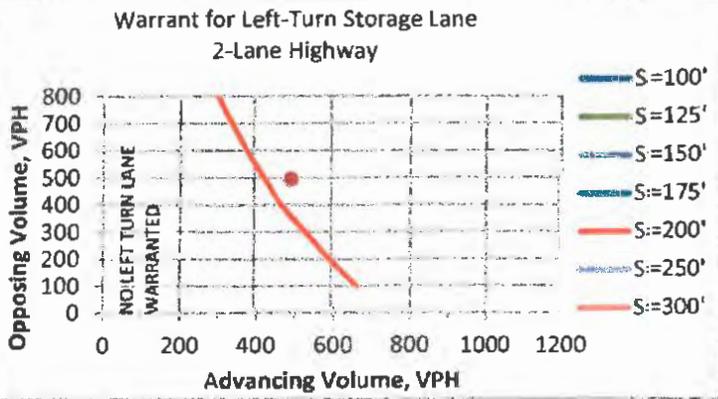


General Project Information		Enter a value for all input cells	
Project Name:	Berlin Steel		
County:	Frederick		
Reviewer:		Date:	7/9/2019

Adjacent Roadway Data			
Adjacent Road Name:	Route 277	Number of Lanes:	2
Posted Speed:	45 mph *	Classification:	Minor Rural Arterial
AADT:	8500 VPD	D:	0.626
		k:	0.093 <i>enter N/A if factors are unknown</i>
*Use Design Speed if available			

Trip Generation			
Generated Trips:	151 VPD	% Trucks in Entrance:	5 %
Right In:	11 VPH	Advancing Volume:	495 VPH
Left In:	10 VPH	2%	Opposing Volume: 495 VPH**
**Also used as Approaching Volume for Rt. Turns			

Entrance Criteria		Entrance is a Standard Commercial Entrance	
Entrance Type:	Full Access Entrance		
Minimum Spacing:	470 ft	SDL:	530 ft
		SDR:	565 ft
Left Turn Lane Warrant: Advancing Volume \geq	427 VPH	Left Turn Lane Required with 200' taper	
Right Turn Taper Warrant: Rt. Turn Volume \geq	21 VPH	No Taper Required	
Right Turn Lane Warrant: Rt. Turn Volume \geq	54 VPH	No Right Turn Lane Required	



- The minimum warranted left turn lane length shall be 100' for speeds \leq 40 mph and 200' for speeds \geq 45 mph
- Left turn lanes with high truck volume shall be increased as calculated and tabulated below:

Left Turn Storage Length Increase Required for Truck Ratio (in Feet)						
S = 100'	S = 125'	S = 150'	S = 175'	S = 200'	S = 250'	S = 300'
0	0	0	0	0	0	0



FREDERICK WATER

315 Tasker Road
Stephens City, Virginia 22655

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

Eric R. Lawrence
Executive Director

May 15, 2019

John Lewis
Painter-Lewis, PLC
817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601

**RE: Rezoning Application Comment
Berlin Steel Rezoning Application
Tax Map Number: 86-A-179C and 86-A-12
15.3933 acres**

Dear Mr. Lewis:

Thank you for the opportunity to offer review comments on the Berlin Steel rezoning application package, with a draft proffer statement dated April 4, 2019 and Impact Analysis Statement dated April 4, 2019. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project parcels are located outside of the County's Sewer and Water Service Area (SWSA), but through previous actions of the Board of Supervisors, Frederick Water's water service is currently being utilized on the industrially zoned parcels adjacent to the portion of the parcels subject of the rezoning application. Sanitary sewer service is not available to this location. I understand that the rezoning is an effort to expand the existing use, so water service would continue to be available on the expanded site.

The rezoning application proffer states that the proposed use will be limited to the metal fabrication business use permitted in the M1 Light Industrial Zoning District. *The impact analysis statement is silent on the proposed water demands.*

Page 2
Berlin Steel rezoning application
John Lewis
May 15, 2019

Facilities for conveyance of water to the subject properties do presently exist. Until the proposed uses' projected water demand is known, it is unknown if the existing conveyance network has the capacity to accommodate the projected demands.

Water system infrastructure is to be constructed in accordance with Frederick Water standards and specifications. Dedicated easements may be required and based on the layout vehicular access will need to be incorporated into the final design.

Please be reminded that Frederick Water is offering these review comments without benefit of knowledge of the projected water demands of the site.

Thank you for the opportunity to offer review comments on the Berlin Steel rezoning application.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric", written over a light blue horizontal line.

Eric R. Lawrence
Executive Director

Cc: Michael T. Ruddy, AICP, County Planning Department
Dick Helm, Frederick-Winchester Service Authority
Frederick Water Board of Directors

John Lewis

From: office@painterlewis.com
Sent: Wednesday, August 28, 2019 5:12 PM
To: John Lewis
Subject: FW: Ridings & Berlin Steel rezoning

From: Rod Williams <rwillia@fcva.us>
Sent: Wednesday, August 28, 2019 3:11 PM
To: office@painterlewis.com
Subject: RE: Ridings & Berlin Steel rezoning

John – Thank you for forwarding the copy of the recorded corrected deed. That resolves my comment below re item 3.

Rod

From: Rod Williams
Sent: Wednesday, May 29, 2019 1:40 PM
To: office@painterlewis.com
Subject: RE: Ridings & Berlin Steel rezoning

Dear John,

I am in receipt of the revised proffer statement, dated May 16, 2019, for this matter. Remaining items appropriate for further follow up are:

Item 2 – With respect to the signatures for the power of attorney forms and on the proffer statement itself, I offer two comments. First, the County now has an updated version of the power of attorney form, available at <https://www.fcva.us/home/showdocument?id=1022>, the use of which I recommend. Among other things, it already makes provision to show the title of anyone signing on behalf of an entity. Second, the form is really only intended for execution by one person. Therefore, we should receive three separate forms, for Dennis Ridings, Beverly Ridings, and Berlin Steel. Along similar lines, the proffer statement should have separate signature blocks for Dennis Ridings and Beverly Ridings, along with one for Berlin Steel (and the one for Berlin Steel should show the title of the person signing for Berlin Steel).

Item 3 – With respect to the corporate status issue, while I do not have a concern about Berlin Steel's good standing to conduct business in Virginia, the issue is an apparent defect in its origin deeds, which purport to convey property interests to "Berlin Steel Real Estate, Inc., a Virginia corporation". Berlin Steel was not then and is not now a Virginia corporation. It appears to have been and be a Delaware corporation. It is authorized to conduct business in Virginia, but is not a Virginia corporation. There was and is no such grantee entity organized as a Virginia corporation known as Berlin Steel Real Estate, Inc. I cannot give legal advice on this and can only advise that you refer this matter to Berlin Steel's legal counsel (I am glad to discuss this with them), but, right now, I do not believe that we can accept a rezoning from Berlin Steel Real Estate, Inc., the Delaware corporation, because the deed was not made out to that entity and that entity is therefore not properly of record as the owner.

Sincerely yours,

Roderick B. Williams
County Attorney
Frederick County, Virginia
107 North Kent Street
Winchester, VA 22601
540-722-8383
rwillia@fcva.us

From: Rod Williams
Sent: Tuesday, May 7, 2019 9:42 AM
To: office@painterlewis.com
Cc: Candice Perkins <cperkins@fcva.us>
Subject: Ridings & Berlin Steel rezoning

Please see the attached letter. Thank you.

Roderick B. Williams
County Attorney
Frederick County, Virginia
107 North Kent Street
Winchester, VA 22601
540-722-8383
rwillia@fcva.us

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

Zoning Amendment Number 24-0 Fee Amount Paid \$ 11,537.00
PC Hearing Date 1/11/07 Date Received 1/11/07
BOS Hearing Date _____

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: Painter-Lewis, P.L.C. Telephone: 540-662-5792
Address: 817 Cedar Creek Grade Suite 120
Winchester, VA 22601

2. Property Owner (if different than above):

Name: Dennis Ridings Telephone: 540-974-1523
Address: 280 Ridings Lane
White Post, VA 22663

3. Contact person (if other than above):

Name: John Lewis Telephone: 540-662-5792

4. Property Information:

- a. Property Identification Number(s): 86-A-179C
- b. Total acreage to be rezoned: 10.00
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): 17.09
- d. Current zoning designation(s) and acreage(s) in each designation: RA-rural agricultural
- e. Proposed zoning designation(s) and acreage(s) in each designation: M1-light industrial district
- f. Magisterial District(s): Oppequon

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

Location map	- ✓ -	Agency Comments	- ✓ -
Plat	- ✓ -	Fees	- ✓ -
Deed to property	- ✓ -	Impact Analysis Statement	- ✓ -
Verification of taxes paid	- ✓ -	Proffer Statement	- ✓ -
Plat depicting exact meets and bounds for the proposed zoning district	- ✓ -		- ✓ -
Digital copies (pdf's) of all submitted documents, maps and exhibits	- ✓ -		- ✓ -

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:

Beverly S. Ridings

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
87-A-12E	vacant	RA
86-A-179E	residential	RA
86-A-179	vacant	RA
65-A-179A	residential	RA
87-A-12	Industrial	M1
_____	_____	_____

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

The property is located at 280 Ridings Lane which intersects Route 277 about 3200 feet east of Hudson Hollow Road.

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

Number of Units Proposed

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

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____

10. Signature:

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

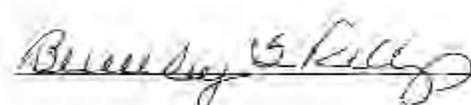
I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

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

Applicant(s):  _____

Date: 4-19-19

Date: _____

Owner(s):  _____

Date: 08/10/19

Date: _____

6. The following information should be provided according to the type of zoning proposal:

Number of Units Proposed

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

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____

10. Signature:

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

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

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

Applicant(s): 

Date: 4-17-19

Date: _____

Owner(s): 

Date: 8/15/19

Date: _____

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 Berlin Real Estate Inc	PO Box 428
Property # 87-A-12	Berlin, CT 6037 0428
Name Shirley C Carlson	1312 Fairfax Pike
Property # 86-A-179	White Post, VA 22663 1805
Name Mary F Ridings	260 Ridings Lane
Property # 86-A-179E	White Post, VA 22663
Name Four Winds Land Holdings LLC	483 Timberline Ridge Road
Property # 87-A-12E	Front Royal, VA 22630
Name Shirley C Carlson	1312 Fairfax Lane
Property # 86-A-179A	White Post, VA 22663
Name Liberty Baptist Church	PO Box 67
Property # 86-A-179D	Stephens City, VA 22655 0067
Name	
Property #	
Name	
Property #	
Name	
Property #	

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff.

Zoning Amendment Number _____ Fee Amount Paid \$ _____
PC Hearing Date _____ Date Received _____
BOS Hearing Date _____

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: Painter-Lewis, P.L.C. Telephone: 540-662-5792
Address: 817 Cedar Creek Grade Suite 120
Winchester, VA 22601

2. Property Owner (if different than above):

Name: Berlin Steel Real Estate Inc Telephone: 860-828-2538
Address: PO Box 428
Berlin, CT 06037 0428

3. Contact person if other than above:

Name: John Lewis Telephone: 540-662-5792

4. Property Information:

- a. Property Identification Number(s): 86-A-12
- b. Total acreage to be rezoned: 5.3933
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): 23.34
- d. Current zoning designation(s) and acreage(s) in each designation: _____
RA-rural agricultural
- e. Proposed zoning designation(s) and acreage(s) in each designation: _____
M1-light industrial district
- f. Magisterial District(s): Opequon

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

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

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

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

7. Adjoining Property:

<u>PARCEL ID NUMBER</u>	<u>USE</u>	<u>ZONING</u>
86-A-179C	residential	RA
86-A-179D	church	RA
86-A-13	residential	RA
87-A-12F	residential	RA
87-A-12E	vacant	RA
87-A-12D & 87-A-12C	residential	RA

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

The property is located at 201 Ridings Lane which intersects Route 277 about 3200 feet east of Hudson Hollow Road.



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

Number of Units Proposed

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

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____

10. Signature:

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

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

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

Applicant(s): [Signature]

Date: 4-19-19

Date: _____

Owner(s): [Signature]

Date: 8-22-19

Date: _____

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 Dennis Ridings	280 Ridings Lane
Property # 86-A-179C	White Post, VA 22663
Name Liberty Baptist Church	PO Box 67
Property # 86-A-179D	Stephens City, VA 22655 0067
Name Amanda D Calhoun	1450 Fairfax Pike
Property # 87-A-12C	White Post, VA 22663
Name Four Winds Land Holdings LLC	483 Timberline Ridge Road
Property # 87-A-12E	Front Royal, VA 22630
Name Shirley C Carlson	1312 Fairfax Pike
Property # 86-A-179A	White Post, VA 22663
Name Liberty Baptist Church	PO Box 67
Property # 86-A-179D	Stephens City, VA 22655 0067
Name Gary Arghyris Barbara Pierce	1518 Fairfax Pike
Property # 87-A-12D	White Post, VA 22663
Name Lori Brian Hazelwood	1500 Fairfax Pike
Property # 87-A-12F	White Post, VA 22663
Name	
Property #	



Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.net

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:

Dennis L. Ridings

Name of Property Owner/Applicant:

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

280 Ridings Lane, White Post, VA 22669

540-974-1523

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

#86-A-179C

do hereby make, constitute, and appoint:

Painter-Lewis, P.L.C.

Name of Attorney-In-Fact

817 Cedar Creek Grade, Suite 120 Winchester, VA 22601

540-662-5792

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

Rezoning

Conditional Use Permit

Master Development Plan (prelim. or final)

Subdivision

Site Plan

Variance or Zoning Appeal

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

none

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature

Dennis L. Ridings

Title (if signing on behalf of an entity)

State of Virginia

County/City of Frederick

To wit:

I, Barbara A. Vansickler, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 11th day of August, 2011.

Notary Public



My Commission Expires: 11/2012

Registration Number: 7532024



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

Beverley Ridings

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

260 Ridings Lane White Post, VA 22663

540-973-1523

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

#86-A-179C

do hereby make, constitute, and appoint:

Painter, Lewis, P.L.C.

Name of Attorney-in-Fact

817 Cedar Creek Grade, Suite 120 Winchester, VA 22601

540-662-6792

Mailing Address of Attorney-in-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

Rezoning

Subdivision

Conditional Use Permit

Site Plan

Master Development Plan (prelim. or final)

Variance or Zoning Appeal

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

none

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature Beverley G. Ridings

Title (if signing on behalf of an entity) _____

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

I, Barbara M. VanSickler, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid on the day of August, 2007.

Barbara M. VanSickler My Commission Expires: 10/1/2010
Notary Public Registration Number: 7532024





Special Limited Power of Attorney
 County of Frederick, Virginia
 Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
 107 North Kent Street, Winchester, Virginia 22601
 Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents That:

Bedin Steel Real Estate, Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.
 If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

P. O. Box 428 Berlin CT 6037 0428

860-828-3531

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

#87-A-12

do hereby make, constitute, and appoint:

Painter-Lewis, P.L.C.

Name of Attorney-In-Fact

817 Cedar Creek Grade, Suite 120 Winchester, VA 22601

540-662-5782

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

Rezoning

Conditional Use Permit

Master Development Plan (prelim. or final)

Subdivision

Site Plan

Variance or Zoning Appeal

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

none

This appointment shall expire one year from the day that it is signed, or at such earlier time as I otherwise rescind or modify it.

Signature

Title (if signing on behalf of an entity)

U.P. Operations

State of

Connecticut

County/City of

Hartford

To wit:

I, *Karen Nomerget Simeone*, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this *20th* day of *August*, 20*14*

Karen Nomerget Simeone
 Notary Public

My Commission Expires

2/29/14

Registration Number:

Karen Nomerget Simeone
 Notary Public-Connecticut
 My Commission Expires
 February 29, 2014

Item No. 2



REZONING APPLICATION #05-19
MARTINSBURG PIKE, LLC.
Staff Report for the Board of Supervisors
Prepared: January 13, 2020

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 1.724+/- acres from the RA (Rural Areas) District to the B2 (General Business) District with proffers.

LOCATION: The subject properties are located at 2674 and 2682 Martinsburg Pike approximately 1,000 feet south Stephenson Road.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 01/22/20 BOARD OF SUPERVISORS MEETING: This is an application to rezone 1.724+/- acres from the RA (Rural Areas) District to the B2 (General Business) District with proffers. The site contains three properties, one contains a nonconforming structure that was once operated as a store but has been closed more than two years, one parcel is vacant, and one parcel contains a single-family dwelling.

The site is located within the limits of the Northeast Frederick Land Use Plan of the 2035 Comprehensive Plan. The 2035 Comprehensive Plan identifies these with a mixed use industrial/office land use. The owner intends to operate a restaurant in the existing commercial structure. The site was previously utilized as a country general store (Oates Grocery). In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the site is bordered by residential property to the south and east and was previously utilized for commercial purposes, the requested commercial may be acceptable as it is of a lesser impact to the surrounding properties.

The proffers associated with this rezoning request are as follows:

Proffer Statement – Dated October 17, 2019:

1. The existing interior lot lines will be vacated, and the three parcels will be consolidated into one lot.
2. The driveway connection from the existing residential use to Route 11 will be eliminated.
3. The owner will provide 6.5' of right of way dedication for future road improvements along Route 11.
4. The owner will reserve 12' of right of way for future road improvements. Ownership of this reservation area will be ceded to Frederick County upon demand to accommodate future road improvements along Route 11.
5. The owners of this property will donate or will cause to be donated to Frederick County the sum of \$310.40 (\$0.10 per square foot of commercial space) for impacts to fire and rescue services.

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

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 1.724+/- acres from the RA (Rural Areas) District to the B2 (General Business) District with proffers.

LOCATION: The subject properties are located at 2674 and 2682 Martinsburg Pike approximately 1,000 feet south of Stephenson Road.

MAGISTERIAL DISTRICT: Stonewall

PROPERTY ID NUMBERS: 44-A-58, 44-A-59 and 44-A-60

PROPERTY ZONING: RA (Rural Areas) District

PRESENT USE: Vacant commercial building and residential

ADJOINING PROPERTY ZONING & PRESENT USE:

North: RA (Rural Areas)	Use:	Residential
South: MH-1 (Mobile Home Community) M1 (Light Industrial)	Use:	Residential Industrial
East: RA (Rural Areas) M1 (Light Industrial)	Use:	Residential Residential
West: MH-1 (Mobile Home Community)	Use:	Residential

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: We have reviewed the rezoning application for Lanzeta Properties located on Rte. 11 in Frederick County, VA. This application is to rezone 1.724 acres identified as parcels TM #44-A-58, TM #44-A-59 and TM #44-A-60 from RA to B2. The proposal is to consolidate the three lots into one, if the rezoning is successful. We offer the following comments:

Frederick County's Comprehensive Plan calls for this segment of Rte. 11 to be a future Urban 6 lane divided highway (U6D). We suggest coordination with County Staff to determine appropriate future right-of-ways needs.

Please remove the proposed "improved driveway and access to residence" from the last sheet of this submittal. Entrance proposals and design will take place at the site plan stage.

Thank you for submitting this rezoning application to our office for review. Please feel free to contact me if you have any questions.

Frederick County Transportation: Regarding ROW reservation/dedication I would suggest you consider a bit of a hybrid. Typically, it is preferable to get the full right-of-way dedication up front so the site can develop with that in mind, but it is my understanding that the right-of-way for a 6-lane Route 11 as the comprehensive plan calls for would render the site undevelopable since you are trying to use the existing structure. Given the fact that the 6-lane facility is likely a long-term improvement and a 4-lane facility is more likely to happen sooner I would suggest consideration of a dedication sufficient to accommodate the 4-lane roadway with a future reservation for the 6-lane that would perhaps be triggered by redevelopment. Based on coordination with VDOT the width from the center of the existing right-of-way that would be needed for a 4-lane facility with sidewalk in the right-of-way would be 46.5'. That grows by an additional 12' for the future 6-lane roadway. This assumes a curb and gutter roadway and does not include right turn lane which would depend upon warrants. A turn lane analysis is suggested to determine if would be warranted.

**ROW needs have been included in the proffer.*

Virginia Dept. of Health: *Please see letter from Jim Davis, REHS Environmental Health Supervisor dated September 5, 2019.*

Frederick Water: No comments at this time.

Frederick County Department of Public Works: We offer no comments at this time.

Frederick County Fire Marshall: Plan approved.

Frederick County Department of Parks & Recreation: Park and Recreation recommends some form of bicycle/pedestrian accommodation along the Route 11 frontage.

County of Frederick Attorney: I am in receipt of your letter dated October 8 and accompanying revised proffer statement. I believe that the revisions address my previous concerns.

Planning & Zoning:

1) **Site History**

The original Frederick County Zoning Map (U.S.G.S. Stephenson Quadrangle) depicts the zoning for both parcels as A-2 (Agricultural General) District. The A-2 (Agricultural General) District zoning classification was modified to RA (Rural Areas) District on February 14, 1990 during the comprehensive amendment to the County's Zoning Ordinance.

2) **Comprehensive Plan**

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

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

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

Land Use

The site is located within the limits of the Northeast Frederick Land Use Plan of the 2035 Comprehensive Plan. The 2035 Comprehensive Plan identifies these with a mixed use industrial/office land use. In general, the proposed commercial zoning is inconsistent with the current land use supported by the Comprehensive Plan. However, considering the site is bordered by residential property to the south and east, the requested commercial may be acceptable as it is of a lesser impact to the surrounding properties.

Transportation

The site currently has one large entrance on Martinsburg Pike that served the existing commercial structure and one entrance that serves the residential use. The Applicant is proposing to consolidate those entrances into one and will modify the commercial entrance to meet VDOT standards. The Applicant is also proffering right-of-way dedications to meet the future widening of Martinsburg Pike.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 12/18/19 MEETING:

Staff reported that this application is to rezone 1.724+/- acres from the RA (Rural Areas) District to the B2 (General Business) District with proffers. The site contains three properties, one contains a nonconforming structure that was once operated as a store but has been closed, one parcel is vacant, and one parcel contains a single-family dwelling. The subject properties are located at 2674 and 2682 Martinsburg Pike. Staff then provided an overview of the proffers offered with the rezoning.

Rezoning #05-19 MARTINSBURG PIKE, LLC.

January 13, 2020

Page 5

Commissioner Morrison requested clarification if the proffers are enough per VDOT for any expansions. Mr. Bishop explained that it is enough per the discussions with VDOT. Commissioner Morrison asked if a turn lane would ever be needed. Mr. Bishop replied it would not for this use.

Mr. John Lewis of Painter-Lewis, P.L.C, representing the Applicant, came forward to add that this is for a (16) sixteen seat restaurant. It is anticipated that most of the orders will be take-out with the surrounding developments.

There were no public comments during the public hearing and the Planning Commission recommended approval of the rezoning application.

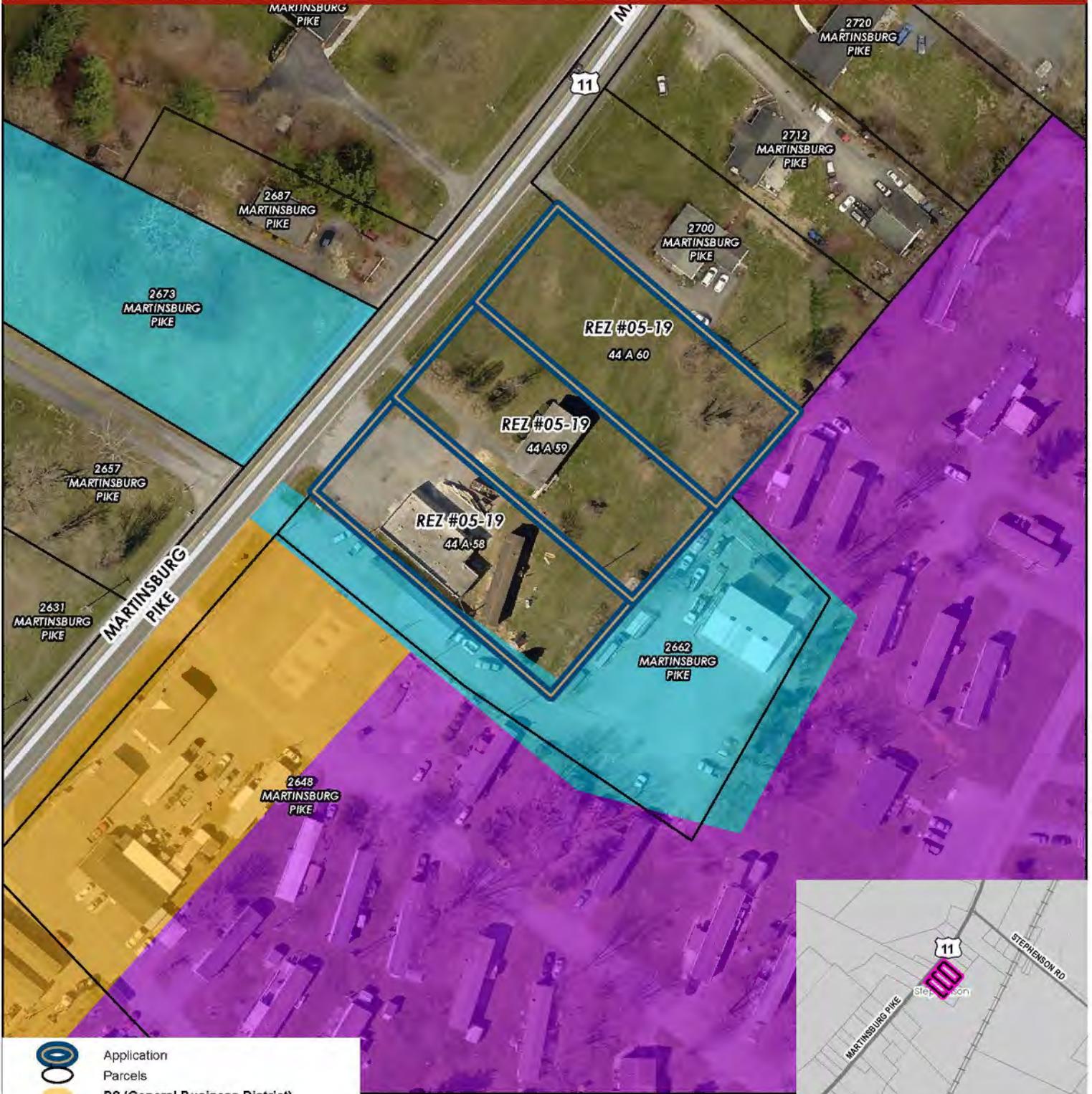
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 05 - 19: Martinsburg Pike, LLC

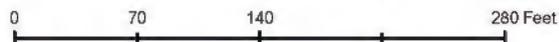
PINs: 44 - A - 58, 44 - A - 59, 44 - A - 60

Rezoning from RA to B2

Zoning Map



- Application
- Parcels
- B2 (General Business District)
- B3 (Industrial Transition District)
- M1 (Light Industrial District)
- MH1 (Mobile Home Community District)



REZ # 05 - 19: Martinsburg Pike, LLC

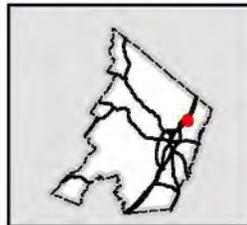
PINs: 44 - A - 58, 44 - A - 59, 44 - A - 60

Rezoning from RA to B2

Location Map



Application
Parcels



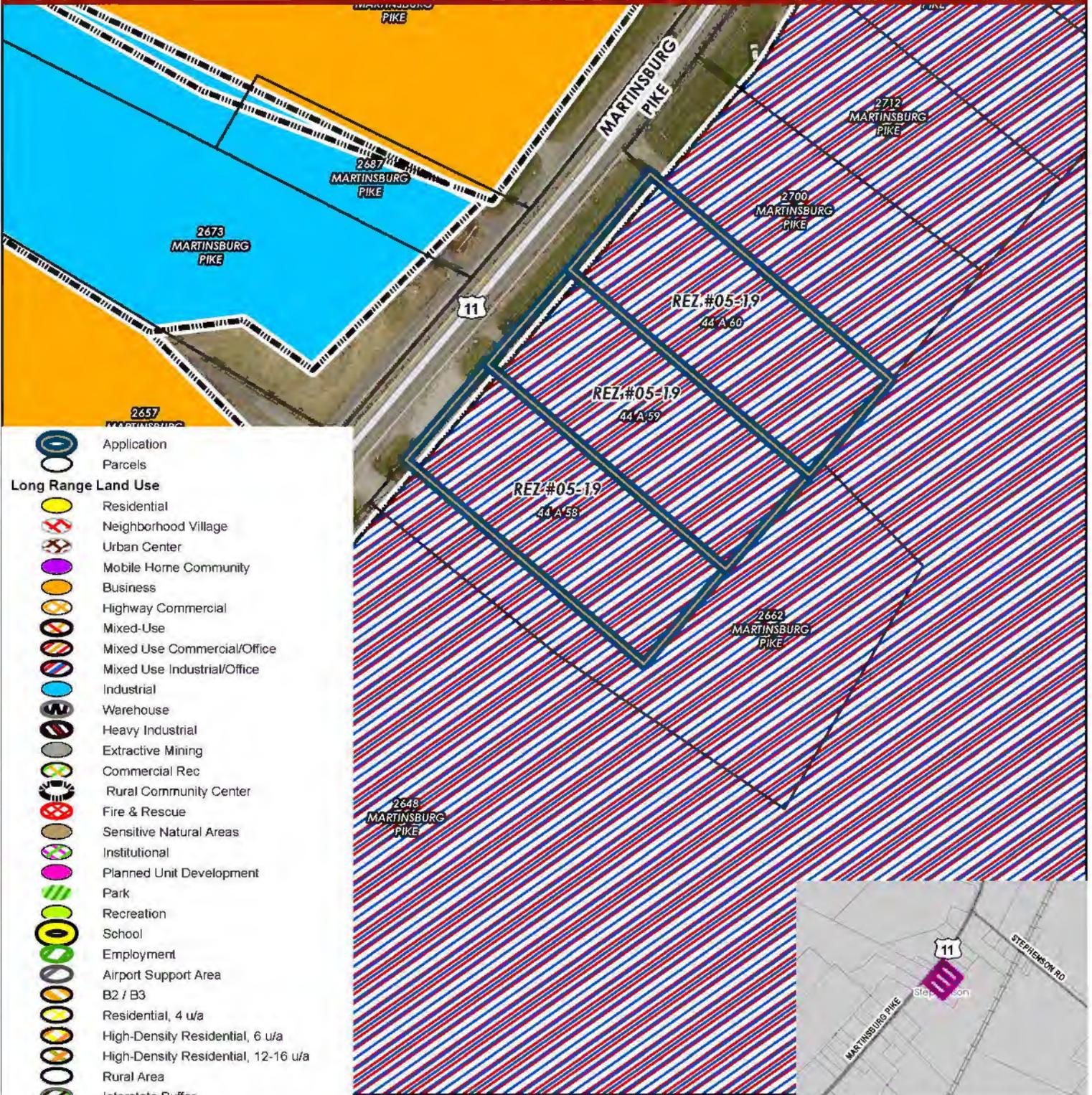
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Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 29, 2019

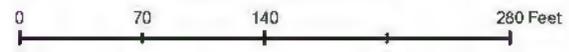
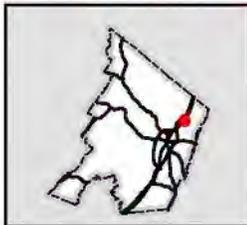
REZ # 05 - 19: Martinsburg Pike, LLC

PINs: 44 - A - 58, 44 - A - 59, 44 - A - 60

Rezoning from RA to B2
Long Range Land Use Map



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



PROFFER STATEMENT

Martinsburg Pike, LLC

Parcel TM #44-A-58
Property: 0.5739 acres
Parcel TM #44-A-59
Property: 0.5739 acres
Parcel TM #44-A-60
Property: 0.5762 acres

Stonewall Magisterial District
October 17, 2019



Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540)662-5792
email: office@painterlewis.com
Job Number: 1807028

INTRODUCTION

Pursuant to the applicable provisions of the Frederick County Zoning Ordinance, the undersigned owners proffer that in the event that the Board of Supervisors of Frederick County shall approve Rezoning Application #_____ for the rezoning of 1.724 acres of Parcels #44-A-58, #44-A-59, and #44-A-60 from RA to B2, development of this particular 1.724 acres will be in conformity with the terms and conditions set forth in this document and the attached "GENERALIZED DEVELOPMENT PLAN". These terms and conditions may be subsequently amended or revised by the owners of the properties with permission from the Frederick County Board of Supervisors in accordance with Frederick County codes. These proffers shall be binding on the property owners and their legal successors or assigns.

PROFFERS

1. The existing interior lot lines will be vacated and the three parcels will be consolidated into one lot.
2. The driveway connection from the existing residential use to Route 11 will be eliminated.
3. The owner will provide 6.5' of right of way dedication for future road improvements along Route 11.
4. The owner will reserve 12' of right of way for future road improvements. Ownership of this reservation area will be ceded to Frederick County upon demand to accommodate future road improvements along Route 11.

These proffers will be completed upon approval of the next site plan for any facility or structure on these subject lands.

Monetary Contribution to Frederick County Service Organizations

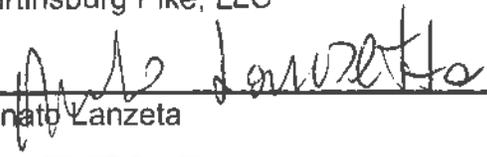
The owners of this property will donate or will cause to be donated to the Frederick County the sum of \$310.40 (\$0.10 per square foot of commercial space) for impacts to fire and rescue services. This sum will be paid upon the approval of the next site plan for any facility or structure on these subject lands.

The conditions proffered above shall be binding on the heirs, executors, administrators, assigns and successors in the interest of the owners. In the event that the Frederick County Board of Supervisors grant this rezoning and accepts these proffers, then these proffers shall apply to the land rezoned in addition to the other requirements of the Frederick County Code.

PROFFER STATEMENT
PARCEL ID 44-((A))-58, 44-((A))-59, 44-((A))-60

Submitted By:

Martinsburg Pike, LLC



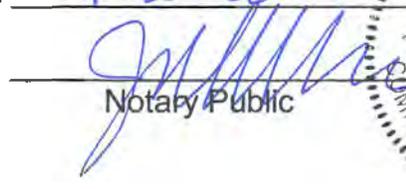
Donato Lanzeta

Date: 10-17-19

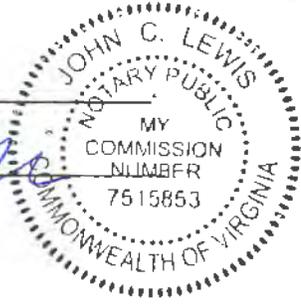
STATE OF VIRGINIA, AT LARGE
COUNTY OF FREDERICK, To-Wit:

The foregoing instrument was acknowledged before me this 17 day of OCTOBER 2019 by Donato Lanzeta.

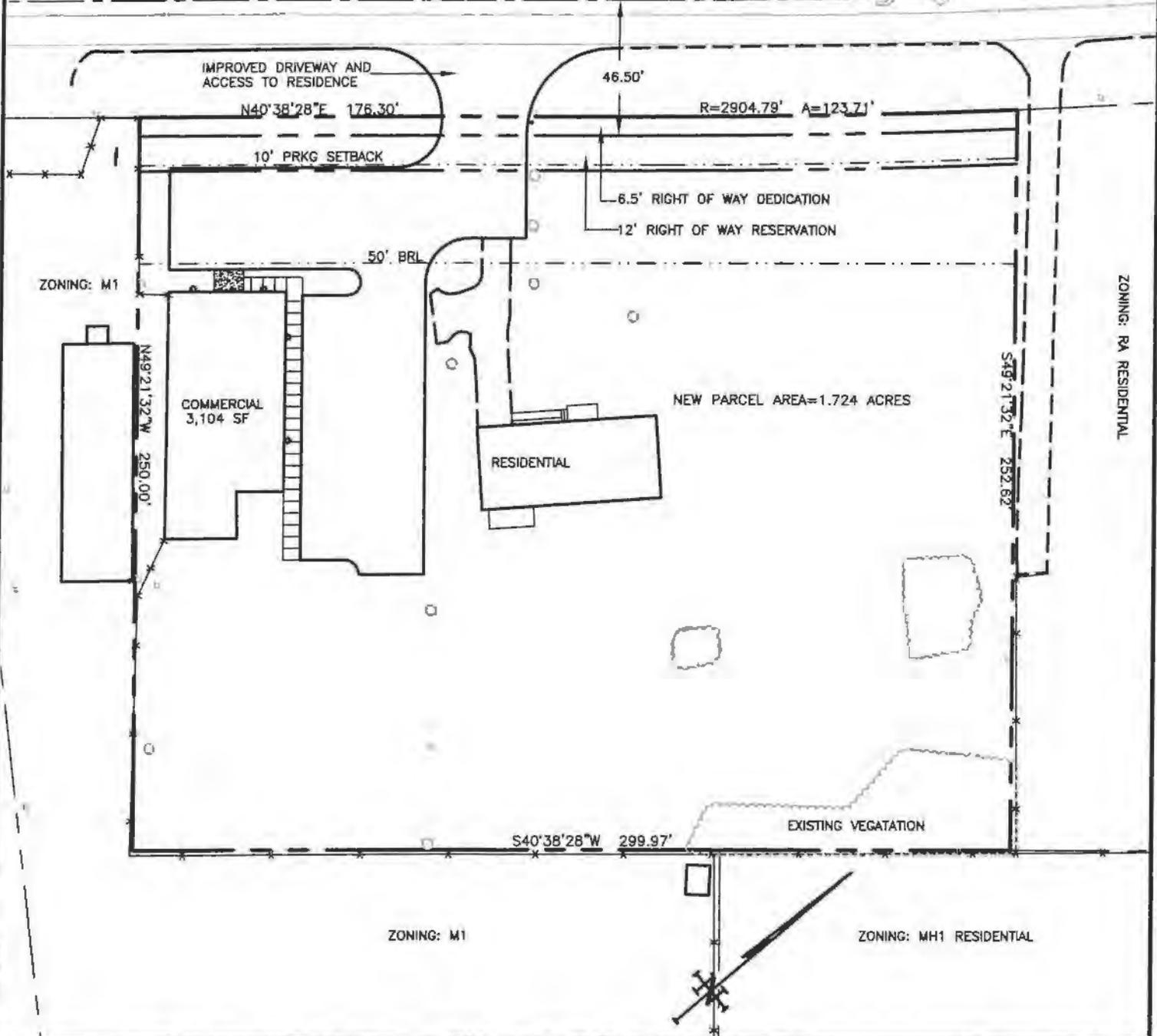
My commission expires on 9-30-20



Notary Public



MARTINSBURG PIKE - U.S. ROUTE 11 (VARIABLE WIDTH R/W)



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:
**GENERALIZED DEVELOPMENT
 PLAN
 MARTINSBURG PIKE, LLC
 TM #44-A-58,59,60
 FREDERICK COUNTY, VA.**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1807028
SCALE:	DATE:
1"=50'	10/18/19
SHEET:	GDP



ORDINANCE

Action:

PLANNING COMMISSION: October 16, 2019 Public Hearing Held; Tabled for 60 days
December 18, 2019 Public Meeting Held, Recommended Approval

BOARD OF SUPERVISORS: January 22, 2020

ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #03-19 BERLIN STEEL REAL ESTATE, INC.

WHEREAS, REZONING #03-19 Berlin Steel Real Estate, Inc., submitted by Painter-Lewis, P.L.C. to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. The subject property is located at 280 Ridings Lane which intersects with Route 277, in the Opequon Magisterial District, and are identified by Property Identification Numbers 86-A-179C and 87-A-12; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on October 16, 2019 and tabled the rezoning for sixty (60) days ; and

WHEREAS, the Planning Commission held a public meeting on this rezoning on December 18, 2019 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on January 22, 2020; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. 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 22nd day of January 2020 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Shawn L. Graber

J. Douglas McCarthy

Robert W. Wells

Gene E. Fisher

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

IMPACT ANALYSIS STATEMENT

Lanzeta Properties Martinsburg Pike, LLC

**Parcel TM #44-A-58
Property: 0.5739 acres
Parcel TM #44-A-59
Property: 0.5739 acres
Parcel TM #44-A-60
Property: 0.5762 acres**

**Stonewall Magisterial District
August 30, 2019**



Prepared by: **PAINTER-LEWIS, P.L.C.**
817 Cedar Creek Grade, Suite 120
Winchester, VA 22601
Tel.: (540)662-5792
email: office@painterlewis.com
Job Number: 1807028

IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

**IMPACT ANALYSIS STATEMENT
TABLE OF CONTENTS**

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IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

i. INTRODUCTION

Martinsburg Pike LLC wishes to convert the old Oates Grocery store into a restaurant. The old store building contains 3,104 square feet and will be renovated to contain a pizza restaurant. The building is located on TM#44-A-58 which contains 0.5739 acres. Martinsburg Pike LLC also owns two adjoining lots. Please refer to Exhibit 1 in the Appendix for a location map. TM #44-A-59 contains a single family house on 0.5793 acres which will remain. TM #44-A-60 contains 0.5762 acres and is currently vacant. All lots are zoned RA-Rural Agricultural District. Under this rezoning application, Martinsburg Pike LLC proposes to rezone all three lots from RA to B2-General Business District.

Please refer to Exhibit 2 for a property overview exhibit. See Exhibit 3 for a metes and bounds illustration of the area to be rezoned.

A. SITE SUITABILITY

The subject parcels are located on the east side of Martinsburg Pike about 800 feet south of Stephenson Road in the Stonewall Magisterial District. This site is suited for rezoning to the General Business District. The Eastern Frederick County Long Range Land Use Plan designates these parcels as "Mixed Use Industrial/Commercial". The parcels are within the Sewer and Water Service Area. Public water serves the current residential property and the former grocery store. There is no public sanitary sewer service. The properties are served by an on-site sewage disposal systems. As part of the rezoning, a plan for continued on-site sewage disposal will be presented to the Virginia Department of Health.

100 YEAR FLOOD PLAIN

FIRM Community Panel Number 51069 C0250 D shows the subject area to be outside of any flood hazard zone.

WETLANDS

No jurisdictional wetlands have been identified on this property

STEEP SLOPES

No steep slopes have been identified on this property.

MATURE WOODLANDS

No mature woodlands have been identified on this property.

SOILS

According to the Soil Survey of Frederick County, the property contains the following soil types: Frederick-Poplimento loams (14B) and Swimley silt loam (39B & 39C). These soils are generally moderately deep and formed from weathered limestone. The

IMPACT ANALYSIS STATEMENT
 PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

Hydrologic Soils Groups are B and C. Weathered bedrock can be expected at depths exceeding 80 inches below the ground surface.

B. SURROUNDING PROPERTIES

The property to be rezoned is surrounded by residential and commercial properties. The following table lists all adjacent owners and parcel numbers.

Tax Map No.	Owner	Ex. Zoning	Ex. Use
44-A-57	Gary L. Payne etals	M1	Commercial
44-A-56	Jack K. Wampler Sr. & Jr.	MH1	Residential
44-A-61	Ernest & Mary Bailey, Trustee	RA	Residential
44-A-73	Brandy & Dale Hager	RA	Residential
44-A-74	Douglas Keracofe	RA	Residential
44-1-D	Gary L. Payne	RA	Residential
44-1-A	Simkhovitch Family Living Part. LP	RA	Residential

Rezoning the property to B2 will create the requirement for buffers and landscaping along adjacent properties in accordance with Section 165-203.01 of the Frederick County Zoning Ordinance. The adjacent parcel which is zoned M1 would typically require an "A" category buffer consisting of an inactive buffer of 25' and an active buffer of 25'. However, the existing building on TM # 44-A-58 is located 10' off the common property line, therefor the inactive/active buffer distance for this site will be 10' along this common property line. Refer to the Generalized Development Plan.

C. TRAFFIC

Access to the property is via Martinsburg Pike, Route 11, a Minor Arterial Road. According to figures from the Virginia Department of Transportation, the traffic on route 11 at this location is 5400 vehicles per day. The existing access will be improved and the existing driveway to the residence will be eliminated.

Traffic generation estimates for the proposed uses of the property can be made using the ITE Trip Generation Manual, 9th Edition, Volume 2. Trip estimates are based on a 16 seat restaurant and one single family residence. The estimates are shown below

TRAFFIC IMPACT:

DATA SOURCE: ITE TRIP GENERATION MANUAL-9th EDITION-VOLUME 3

Land Use 932: high-turnover restaurant with 16 seats

Weekday:	16x4.83=77 trips (50% entering, 50% exiting)
AM Peak Hour:	16x0.6=10 trips (58% entering, 42% exiting)
PM Peak Hour:	16x0.72=12 trips (52% entering, 48% exiting)
Saturday:	16x6.21=99 trips (50% entering, 50% exiting)
Sunday:	16x5.17=82 trips (50% entering, 50% exiting)

IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

Land Use 210: single-family detached housing

Weekday: 1x9.52=10 trips (50% entering, 50% exiting)
AM Peak Hour: 1x0.77=1 trips (26% entering, 74% exiting)
PM Peak Hour: 1x1.02=1 trips (64% entering, 36% exiting)
Saturday: 1x9.91=10 trips (50% entering, 50% exiting)
Sunday: 1x8.52=9 trips (50% entering, 50% exiting)

Totals:

Weekday: 87 trips (50% entering, 50% exiting)
AM Peak Hour: 11 trips
PM Peak Hour: 13 trips
Saturday: 109 trips (50% entering, 50% exiting)
Sunday: 91 trips (50% entering, 50% exiting)

D. SEWAGE CONVEYANCE AND TREATMENT

The site is within the limits of the Frederick County Sewer and Water Service Area. There are no public sewerage facilities serving the immediate area. The closest public sewer is located at Yardmaster Court, approximately 900 feet to the north. This property and the adjacent parcels are served by individual, private, on-site sewage disposal systems. The former Oates Grocery Store and previously existing residential mobile home were served by a conventional on-site disposal system consisting of a septic tank and drainfield. A new pretreatment system will be installed along with the renovation of the old store which will produce a high quality effluent to be disposed in the existing drainfield. The total daily flow from the proposed use will be about 860 gallons. The Virginia Department of Health has required that a reserve drainfield with the capacity to dispose 860 gallons per day be located. This drainfield has been located on TM #44-A-60.

E. WATER SUPPLY

The site receives domestic and fire flow from Frederick Water. A 10" diameter waterline is located on the south side of the Route 11 right of way. The water demand is essentially limited by the sewage treatment capacity. It is anticipated that the proposed use will require a maximum of 860 gallons of water per day. A new water meter will be installed along with the renovation of the old store.

F. DRAINAGE

Development of the site for the proposed use will not result in significant increase in impervious surfaces. There will be little or no increase in stormwater runoff from the site. Stormwater management will be provided in accordance with the Frederick County Code, Chapter 165 and Chapter 143. With no increase in runoff and a disturbed area

IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

less than one acre, there will be no storm water management system installed along with the renovation.

G. SOLID WASTE DISPOSAL FACILITIES

In general, the collection of solid waste from the proposed commercial development will be accomplished by a private hauler. It is estimated that the development will generate approximately ten pounds of solid waste per employee per day that will be transported to the landfill. The anticipated maximum number of daily employees is 6. Tipping fees are currently \$50 per ton for commercial haulers. No additional solid waste disposal facilities will be required for the proposed development. It is estimated that the annual cost in tipping fees will be about \$468.

H. HISTORIC SITES AND STRUCTURES

This site does not contain any historic or "potentially significant" historic structures as listed in *The Rural Landmarks Survey Report of Frederick County*. The "Survey" lists three sites to the north of the site as significant for their architectural style. Please refer to Exhibit 4.

The "Possible Historic Districts" map from the 2035 Comprehensive Plan shows the Brucetown district to the north of the site and the Third Winchester Battlefield to the south of the site. Please refer to Exhibit 5.

According to the Frederick County Comprehensive Plan Battlefield inventory, the property lies within or in close proximity to the commonly accepted limits of the civil war battle known as Stephenson Depot. Please refer to Exhibit 6.

I. COMMUNITY FACILITIES

DEVELOPMENT IMPACT MODEL

The Frederick County Development Impact Model (D.I.M.) is utilized primarily for residential rezoning requests. It is anticipated that the capital facilities impacts of commercial and industrial rezoning requests are ultimately fiscally positive to the County by policy. Accordingly, the D.I.M. does not apply a fiscal impact to commercial rezoning.

EMERGENCY SERVICES

Police protection is provided by the Frederick County Sheriff's Department. The nearest fire and rescue facility is Station 13-Clear Brook Fire and Rescue located at 1256 Brucetown Road, approximately two miles to the north of the property in Clear Brook.

IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

No additional fire and rescue facilities will be required for the area proposed to be rezoned. The owner recognizes the importance of emergency services and proposes to proffer a monetary contribution to the local emergency responder. See the attached Proffer Statement.

PARKS AND RECREATION

There are typically no impacts on Parks and Recreation facilities associated with rezoning to a commercial use.

J. LOT CONSOLIDATION

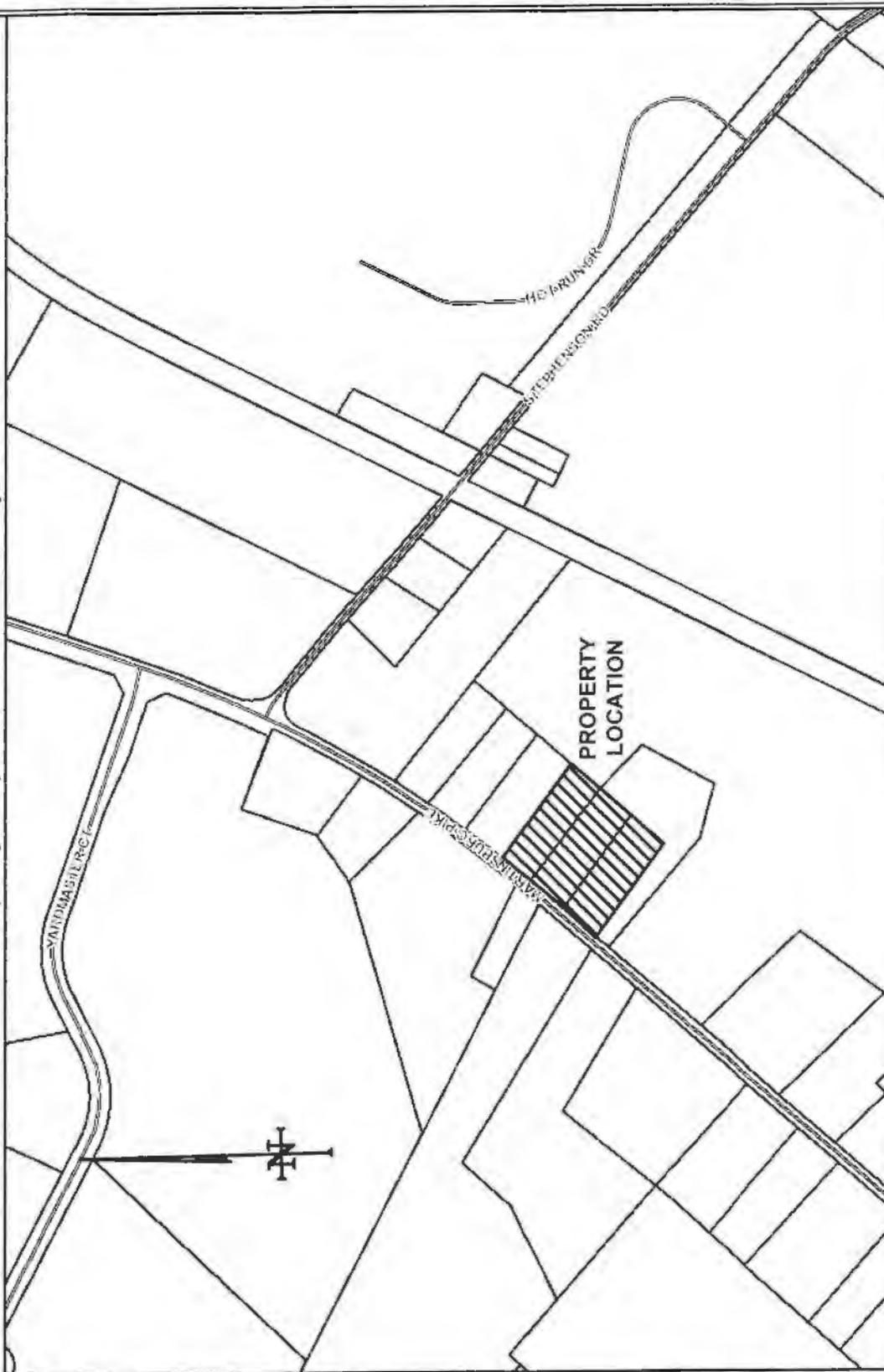
It is anticipated that with a successful rezoning, the three lots will be consolidated into one lot. Consolidation will eliminate interior lot lines.

IMPACT ANALYSIS STATEMENT
PARCEL TM #s 44-A-58, 44-A-59, 44-A-60

APPENDIX

EXHIBIT 1	LOCATION MAP
EXHIBIT 2	PROPERTY EXHIBIT
EXHIBIT 3	METES & BOUNDS MAP
EXHIBIT 4	RURAL LANDMARKS SURVEY
EXHIBIT 5	HISTORIC DISTRICTS MAP
EXHIBIT 6	CIVIL WAR BATTLEFIELDS MAP

Property Map - Frederick County, VA



Date: January 17, 2019


 0 210 420 840 Feet
 1:4,800

Frederick County Information Technologies
 107 N Kent St Winchester, VA 22601
 540-665-5614
Frederick County does not give any expressed or implied warranties, conditions, representations, in the title of any kind, liability or otherwise, concerning any or all of the Frederick County GIS data.



PAINTER-LEWIS, P.L.C.

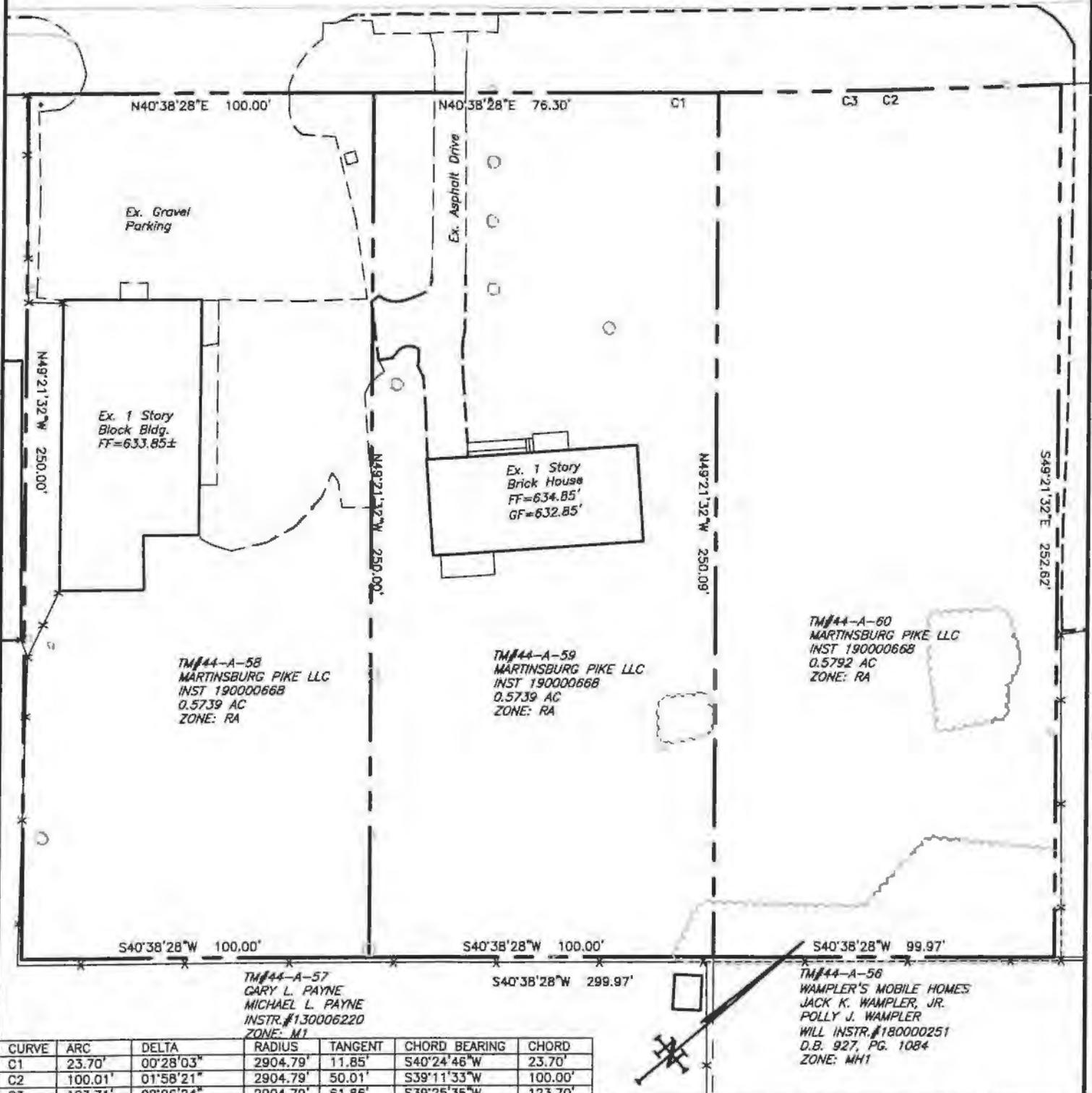
817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**LOCATION MAP
 MARTINSBURG PIKE, LLC
 TM #44-A-58,59,60
 FREDERICK COUNTY, VA.**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1807028
SCALE:	DATE:
NA	8/30/19
SHEET:	LM

MARTINSBURG PIKE - U.S. ROUTE 11 (VARIABLE WIDTH RW)



CURVE	ARC	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	23.70'	00°28'03"	2904.79'	11.85'	S40°24'46"W	23.70'
C2	100.01'	01°58'21"	2904.79'	50.01'	S39°11'33"W	100.00'
C3	123.71'	02°26'24"	2904.79'	61.86'	S39°25'35"W	123.70'



PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
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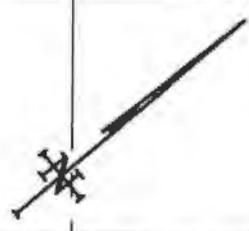
PROJECT: **PROPERTY EXHIBIT
 MARTINSBURG PIKE, LLC
 TM #44-A-58,59,60
 FREDERICK COUNTY, VA**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1807028
SCALE:	DATE:
1"=40'	8/30/19
SHEET:	PROP

MARTINSBURG PIKE - U.S. ROUTE 11 (VARIABLE WIDTH R/W)



NEW PARCEL AREA=1.724 ACRES



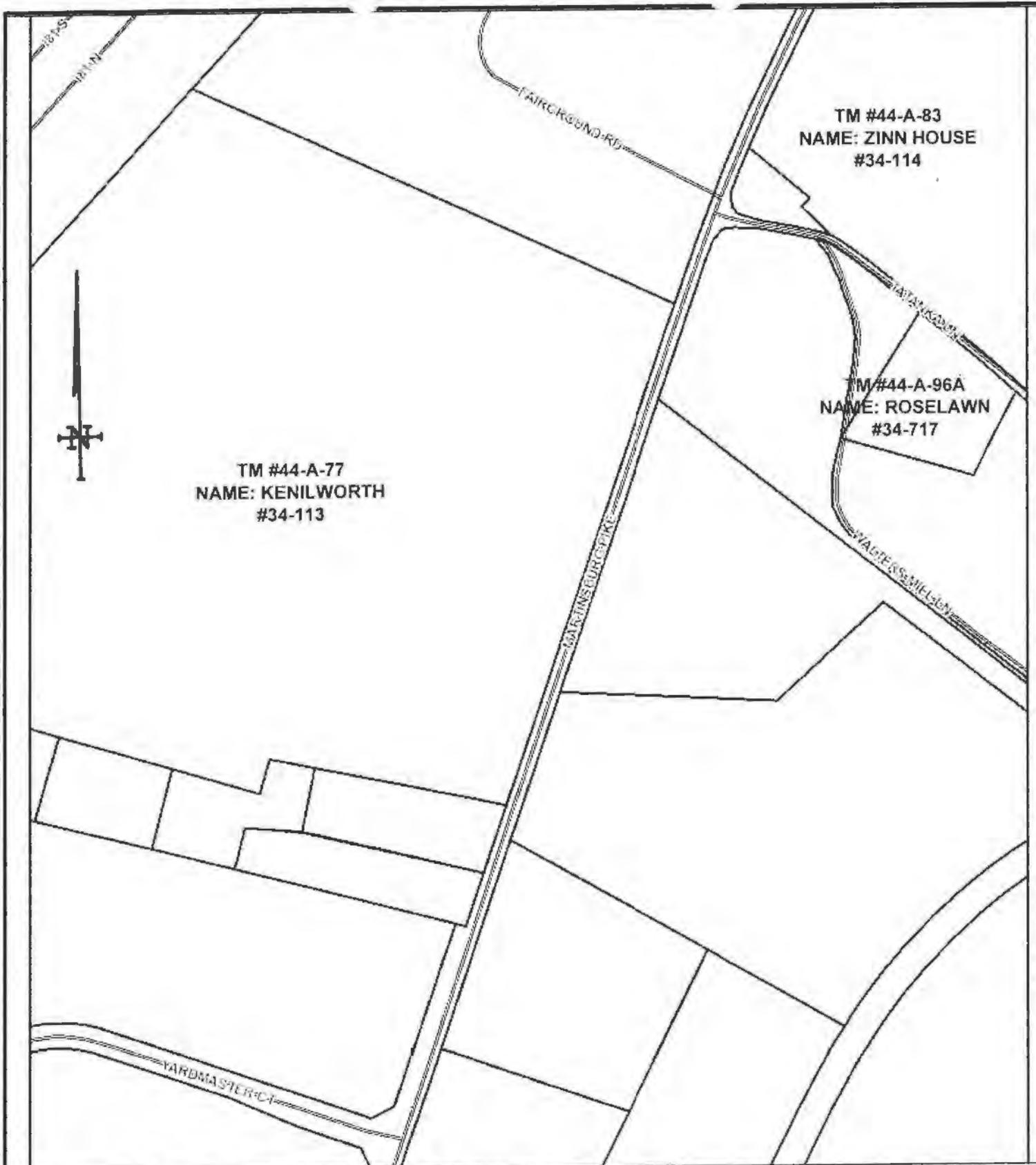
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**METES & BOUNDS
 MARTINSBURG PIKE, LLC
 TM #44-A-58,59,60
 FREDERICK COUNTY, VA.**

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1807028
SCALE:	DATE:
1"=50'	8/30/19
SHEET:	MB



PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com

PROJECT:

**RURAL LANDMARKS SURVEY
 MARTINSBURG PIKE, LLC
 TM #44-A-58,59,60
 FREDERICK COUNTY, VA.**

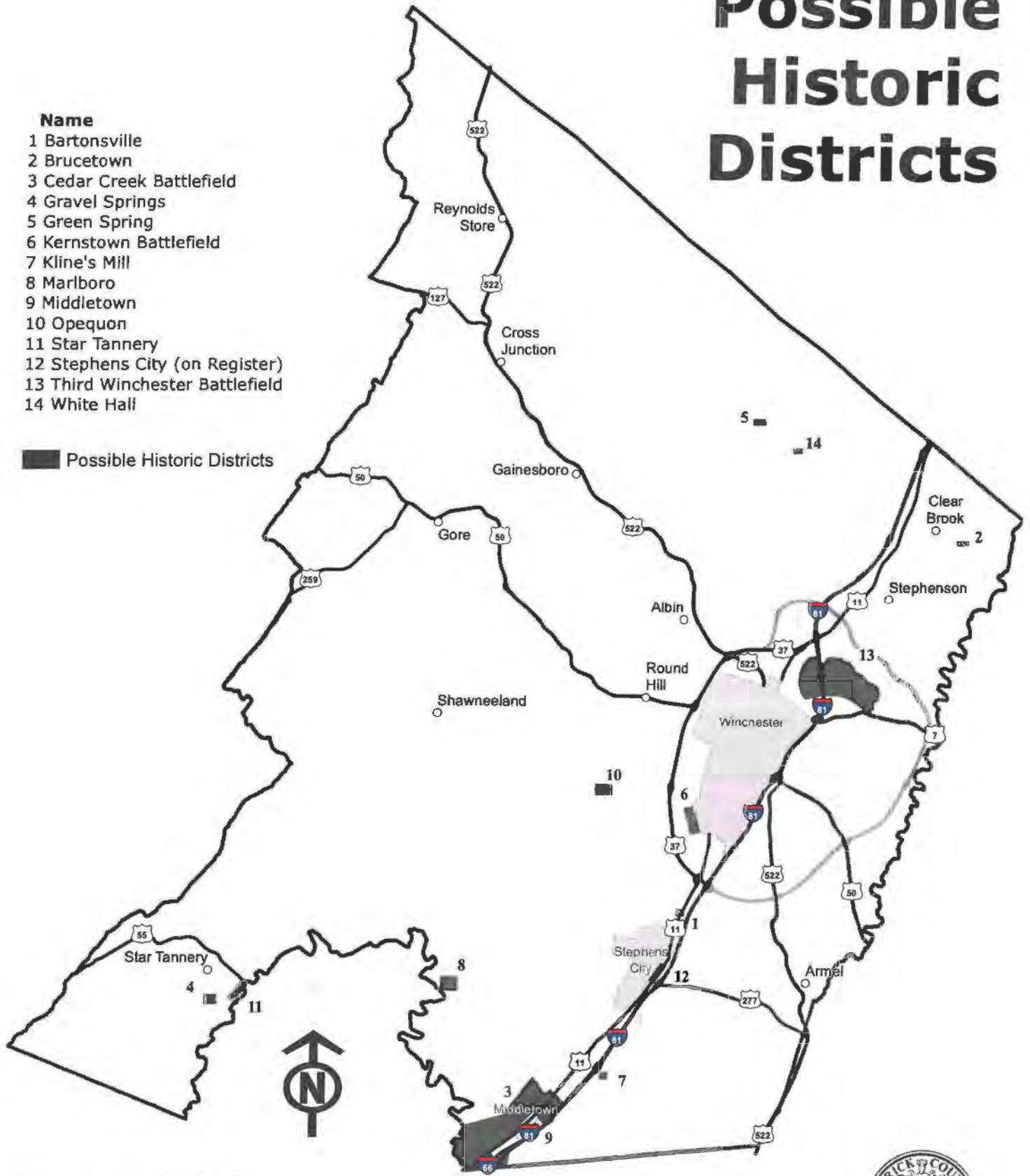
SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1807028
SCALE:	DATE:
NA	8/30/19
SHEET:	GDP

Possible Historic Districts

Name

- 1 Bartonville
- 2 Brucetown
- 3 Cedar Creek Battlefield
- 4 Gravel Springs
- 5 Green Spring
- 6 Kernstown Battlefield
- 7 Kline's Mill
- 8 Marlboro
- 9 Middletown
- 10 Opequon
- 11 Star Tannery
- 12 Stephens City (on Register)
- 13 Third Winchester Battlefield
- 14 White Hall

■ Possible Historic Districts



Civil War Battlefields & Sites

(As Defined by the NPS Shenandoah Valley Civil War Sites Study)

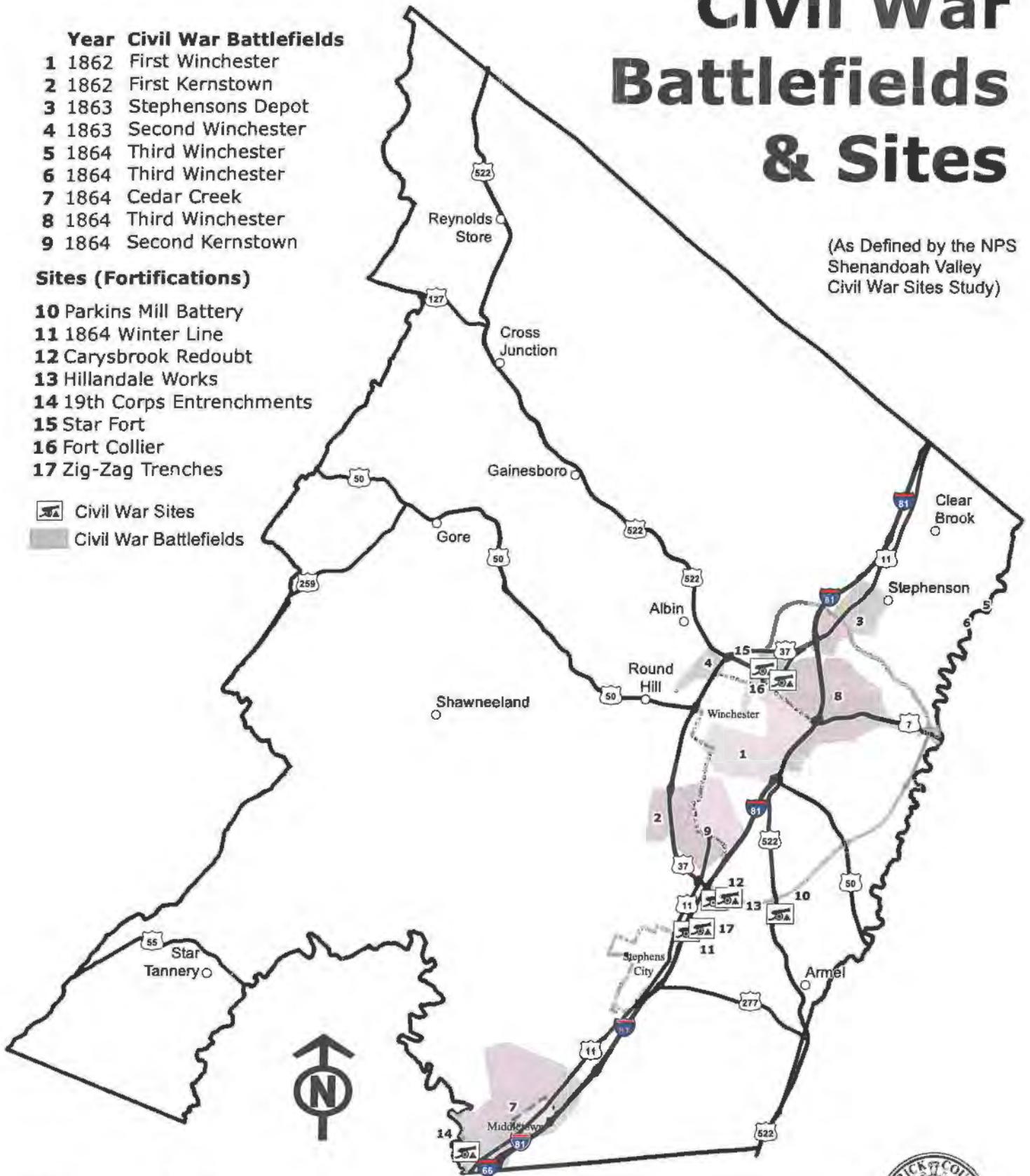
Year Civil War Battlefields

- 1 1862 First Winchester
- 2 1862 First Kernstown
- 3 1863 Stephensons Depot
- 4 1863 Second Winchester
- 5 1864 Third Winchester
- 6 1864 Third Winchester
- 7 1864 Cedar Creek
- 8 1864 Third Winchester
- 9 1864 Second Kernstown

Sites (Fortifications)

- 10 Parkins Mill Battery
- 11 1864 Winter Line
- 12 Carysbrook Redoubt
- 13 Hillandale Works
- 14 19th Corps Entrenchments
- 15 Star Fort
- 16 Fort Collier
- 17 Zig-Zag Trenches

-  Civil War Sites
-  Civil War Battlefields





Lord Fairfax Health District

Frederick / Winchester Environmental Health

107 North Kent Street - Suite # 201

Winchester, Virginia 22601

Tel. (540) 722-3480 ~ Fax (540) 722-3479

www.vdh.virginia.gov



September 5, 2019

Painter-Lewis, PLC
c/o Mr. John C. Lewis
817 Cedar Creek Grade #120
Winchester, Virginia 22601

RE: Lanzeta Properties - 2674 & 2682 Martinsburg Pike - TM#'s 44-A-58, 44-A-59 & 44-A-60

Dear Mr. Lewis,

I have evaluated your Impact Analysis Statement for the subject properties regarding the rezoning request from RA to B2- General Business District.

Frederick-Winchester Environmental Health would have no objection to this request provided the following requirements are met.

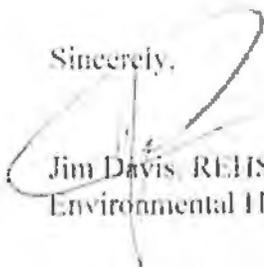
1. There are two drilled wells that must be properly abandoned to accommodate the proposed 100% reserve sewage dispersal area on TM# 44-A-60 certified by Barry R. Hadley, Private OSE on May 13, 2019. These wells are shown on a survey plat by Elliot Ritchie, Jr. dated December 26, 2018 included in the IAS. These wells are shown on TM#'s 44-A-59 and 44-A-61. There are no records on file to indicate well abandonment permits have been applied for or issued. The applicant/owner should apply to this office for well abandonment permits. A representative from this office must witness the abandonments. This activity must be conducted by a Virginia licensed well driller and GW-2 Uniform Water Well Completion Reports must be submitted to this office. No Sewage Disposal System Construction Permit will be issued prior to the wells being properly abandoned.
2. There is a preliminary engineering plan on file dated January 21, 2019 and Conditional Use Plan dated May 22, 2019 by Painter -Lewis, PLC regarding the proposed addition of an ATU to an existing onsite sewage disposal system serving the existing structure that will be known as Stephenson Pizza (TM# 44-A-58). There is a record of a sewage disposal construction permit on file for the existing drainfield dated March 17, 1964 and a drainfield expansion permit dated June 8, 1972. There are ROI for both permits dated June 6, 1966 and July 17, 1972 respectively. The applicant should apply to this office for a Sewage Disposal System Construction Permit and include stamped plans by a Virginia licensed professional engineer (PE) for the proposed modifications. The preliminary plan indicates the proposed food service facility will have 16 seats. Permit approval will require the removal of the existing residential mobile home located on the parcel.

LEWIS

3. The applicant must apply to this office for a plan review of the proposed food service facility. The applicant must include architectural plans showing the proposed design of the interior of the facility e.g. location and type of kitchen equipment, food prep sinks, hand washing sinks, grease trap if located in the interior, seating areas, restrooms, lighting, wall and floor coverings and etc. Applicable exterior requirements including but not limited to the location of a dumpster area, exterior grease trap if applicable and etc. should be shown.
4. The applicant must apply to this office for a Food Service Permit.
5. There is a record on file for a sewage disposal construction permit dated March 17, 1964 and ROI dated December 1, 1964 for the existing dwelling that is to remain on TM# 44-A-59. The system is conventional gravity fed and designed to accommodate a three (3) bedroom dwelling, 300 gallons per day maximum.

Please contact me at (540) 722-3480 if you have further questions about this project.

Sincerely,



Jim Davis, REHS
Environmental Health Supervisor

To be completed by Planning Staff:

Zoning Amendment Number 05-19
Date Received 10/25/19

Fee Amount Paid \$ 15,172.00
Anticipated PC Hearing Date 12/18/19
Anticipated BOS Hearing Date 1/8/20

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: Martinsburg Pike, LLC

Specific Contact Person if Other than Above: Donato Lanzeta

Address: 109 Wild Rose Circle Winchester, VA 22602

Telephone: 540-667-9797 Email: _____

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Painter-Lewis, P.L.C.

Specific Contact Person at Firm: John Lewis

Address: 817 Cedar Creek Grade #120 Winchester, VA 22601

Telephone: 540-662-5792 Email: jclewis@painterlewis.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. Project Name (if any): Stephenson Pizza

5. Property Information:

a. Property Identification Number(s): 445-A-58, 44-A-59, 44-A-60

b. Total acreage of the parcel(s): 1.724

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):

d. Current zoning designation(s) and acreage(s) in each designation:
RA, 1.724 acres

e. Proposed zoning designation(s) and acreage(s) in each designation:
B2, 1.742 acres

f. Magisterial District(s): Stonewall

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

2674 & 2682 Martinsburg Pike

_____ section "h" continue (additional adjoiner: 44-1-A Residential RA)

h. Adjoining Properties:

<u>Parcel ID Number</u>	<u>Use</u>	<u>Zoning</u>
<u>44-A-57</u>	<u>Commercial</u>	<u>M1</u>
<u>44-A-56</u>	<u>Residential</u>	<u>MH1</u>
<u>44-A-61</u>	<u>Residential</u>	<u>RA</u>
<u>44-A-73</u>	<u>Residential</u>	<u>RA</u>
<u>44-A-74</u>	<u>Residential</u>	<u>RA</u>
<u>44-1-D</u>	<u>Residential</u>	<u>RA</u>

Please attach additional page(s) if necessary.

Property identification numbers, magisterial districts, and deed book and page numbers/ instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

Please attach additional page(s) if necessary.

7. Checklist. Please check that the following items have been included with this application:

- Location Map
- Plat Depicting Metes/Bounds of Proposed Zoning
- Impact Analysis Statement
- Proffer Statement (if any)
- Agency Comments
- Fee
- Copies of Deed(s) to Property(ies)
- Tax Payment Verification
- Digital copies (pdf's) of all submitted items

7. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance 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.

Owner:  Date 10-14-19

If signing on behalf of an entity, please state name of entity and your title:

Martinsburg Pike LLC Member

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.

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 Gary L Payne etals	358 View W Lane
Property # 44-A-57	Clear Brook VA 22656
Name Jack K Wampler SR & JR	2648 Martinsburg Pike
Property # 44-A-56	Stephenson, VA 22656
Name Ernest & Mary Bailey, Trustee	2700 Martinsburg Pike
Property # 44-A-61	Stephenson, VA 22656
Name Brandy & Dale Hager	2695 Martinsburg Pike
Property # 44-A-73	Stephenson, VA 22656
Name Douglas Keracote	2687 Martinsburg Pike
Property # 44-A-74	Stephenson, VA 22656
Name Gary L. Payne	358 View W Lane
Property # 44-1-D	Clear Brook, VA 22656
Name Simkhovitch Family Living Part. LP	2659 Martinsburg Pike
Property # 44-1-A	Stephenson, VA 22656
Name	
Property #	
Name	
Property #	



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

Martinsburg Pike, LLC

Name of Property Owner/Applicant

Please note If the property owner/applicant is an entity, the name of the entity should appear above.
If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

44-A-58, 44-A-59, 44-A-60

do hereby make, constitute, and appoint:

Painter-Lewis, PLC

Name of Attorney-In-Fact

817 Cedar Creek Grade #120 Winchester, VA 22601

540-662-5792

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

- | | | | |
|-------------------------------------|---|--------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Rezoning | <input type="checkbox"/> | Subdivision |
| <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Site Plan |
| <input type="checkbox"/> | Master Development Plan (prelim. or final) | <input type="checkbox"/> | Variance or Zoning Appeal |

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

None

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature [Handwritten Signature]

Title (if signing on behalf of an entity) Martinsburg Pike LLC member

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

I, Barbara Lanzetta, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 20th day of October, 2019.

Barbara A. Van Schole
Notary Public My Commission Expires: 9/30/20
Registration Number: 7532024



Item No. 3



REZONING APPLICATION #07-19

GENTLE HARVEST, LC.

Staff Report for the Board of Supervisors

Prepared: January 16, 2020

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Public Hearing Held; Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 1.204+/- acres from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers.

LOCATION: The subject property is located at 120 Front Royal Pike.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 01/22/20 BOARD OF SUPERVISORS MEETING:

This is an application to rezone 1.204+/- acres from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers. The site is located within the limits of the Senseny/Eastern Urban Area Plan of the 2035 Comprehensive Plan and identifies this property with commercial land use designation. In general, the existing B2 zoning and the proposed B3 zoning are consistent with the current land use supported by the Comprehensive Plan, however; the Comprehensive Plan states that this area should be designed specifically to accommodate and promote highway commercial land uses. Staff would note that the site was previously utilized for a restaurant which is now closed and the intended user for this site is a Discount Tire.

The proffers associated with this rezoning request are as follows:

Proffer Statement – **Dated November 21, 2019:**

1. Land Use Restrictions:

- 1.1 The Owner hereby proffers not to engage in the following uses on the Property:
- Landscape and Horticultural Services (SIC 078)
 - Local and Suburban Transit Services (SIC 41)
 - Motor Freight Transportation & Warehousing (SIC 42)
 - Transportation by Air (SIC 45)
 - Utility Facilities and their Accessory Uses (SIC 49)
 - Drive-In Motion Picture Theaters (SIC 7833)
 - Tractor Truck & Tractor Truck Trailer Parking (No SIC)
- 1.2 When used in these proffers, the “Preliminary Landscape Plan”, shall refer to the plan entitled “Preliminary Landscape Plan” dated September 24, 2019. The Preliminary Landscape Plan shall be incorporated by reference herein as “Exhibit 1”. The Owner proffers that its development of the Property will be in substantial conformity with the Preliminary Landscape Plan.

Staff Note: This proffer seeks to implement the Senseny/Eastern Urban Area Plan that states “enhanced area of buffer and landscaping shall be provided adjacent to the Interstate 81 right-of-way and its ramps”.

2 Monetary Contribution to Offset Impact of Development

- 2.1 The Owner hereby proffers to provide a monetary contribution of \$0.10 per developed building square foot for County Fire and Rescue Services.

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

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Public Hearing Held; Recommended Approval
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To rezone 1.204+/- acres from the B2 (General Business) District to the B3 (Industrial Transition) District with proffers.

LOCATION: The subject property is located at 120 Front Royal Pike.

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER: 64-A-1C

PROPERTY ZONING: B2 (General Business) District

PRESENT USE: Vacant Restaurant

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	B2 (General Business)	Use:	Commercial/Route 50E
South:	B2 (General Business)	Use:	Commercial
East:	B2 (General Business)	Use:	Commercial
West:	B2 (General Business)	Use:	Commercial

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: VDOT has no objection to the rezoning as presented.

Frederick-Winchester Service Authority: FWSA will defer to Frederick Water.

Frederick Water: Thank you for the opportunity to provide review comments on the Discount Tire rezoning application. The subject property located 120 Front Royal Pike, Winchester, Virginia, is currently served by the City of Winchester. Through redevelopment of the site, the City will continue to provide the water and sewer services.

Frederick County Department of Public Works: We offer no comments at this time.

Frederick County Fire Marshall: Plan approved.

Winchester Regional Airport: None.

County of Frederick Attorney: Proffer is in acceptable legal form.

City of Winchester: The City of Winchester has reviewed the following: Discount Tire Site Plan at 120 Front Royal Pike, Winchester, VA 22602. Based on our review, we have the following comments:
Water

1. The existing water main and water meter may need to be relocated. If it is the case, vacation of existing easement and dedication of new easements may be required.
2. Please show location of all existing utility including water main, sewer main, lateral, water services, clean out and water meter.

Planning & Zoning:

1) **Site History**

The original Frederick County Zoning Map (U.S.G.S. Winchester Quadrangle) depicts the zoning for the parcel as B2 (General Business).

2) **Comprehensive Plan**

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

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

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

Land Use

The 2035 Comprehensive Plan and the Senseny/Eastern Urban Area Plan provide guidance on the future development of the property. The property is located within the SWSA. The Senseny/Eastern Urban Area Plan identifies this property with commercial land use designation.

In general, the existing B2 zoning and the proposed B3 zoning are consistent with the current land use supported by the Comprehensive Plan, however; the Comprehensive Plan states that this area should be designed specifically to accommodate and promote highway commercial land uses.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 12/18/19 MEETING:

Staff provided an overview of the application and the proposed proffers. Mr. Ty Lawson, representing the Applicant, stated no mechanical work will be performed at the site or will no hazard waste such as oil or antifreeze will be handled at the site. The customer transactions will be completed in 30 to 45 minutes per vehicle with no unattended or overnight vehicles. The hours of operation are proposed are Monday – Friday 8a.m. to 6p.m, Saturday 8a.m. to 5p.m. and closed on Sunday. Also, Civil Engineers of the Kimley-Horn Planning and Design Consultants presented an overview of the proposed new building design with landscaping. The bays will be facing Front Royal Pike. The building is set back about 150 ft. from the road. They concluded that the new building will be set back further than the existing building.

Chairman Kenney called for anyone who wished to speak regarding this Public Hearing to come forward at this time. Mr. Steve Parish, Senior Vice President for the Aikens Group, commented against the rezoning to the Industrial Transition District on behalf of the surrounding owners' properties. Mr. Parrish continued that the zoning allows various uses that could be harmful to their property values. Ms. Becky Morrison came forward and shared her concerns about the used tire recycling procedures. The Kimley-Horn representatives for the Applicant, said that Discount Tire has a vendor that will be picking- up the used tires to be recycled and no tires will be stored outside. The proposed building will have an area for storage of the used tires until they are picked up for recycling.

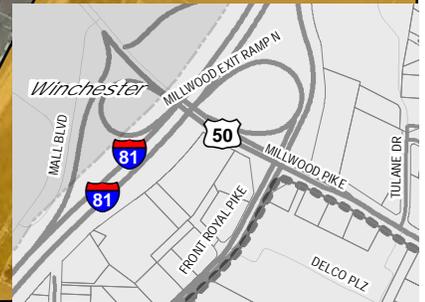
No one else came forward to speak and Chairman Kenney closed the public comment portion of the hearing. Commissioner Ambrogi commented, on the length of time that the building has been vacant. Staff responded that the existing building has been vacant for a few years. Also, Commissioner Ambrogi asked about the how the traffic will access the property. Mr. Lawson said the access is a paved road that was dedicated to the County back in the 80's with less trips than the previous owner because of the different use.

Planning Commission ultimately recommended approval of the rezoning application.

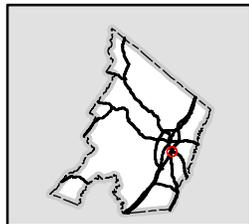
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 07 - 19: Gentle Harvest, LC

PIN: 64 - A - 1C
Rezoning from B2 to B3
Zoning Map



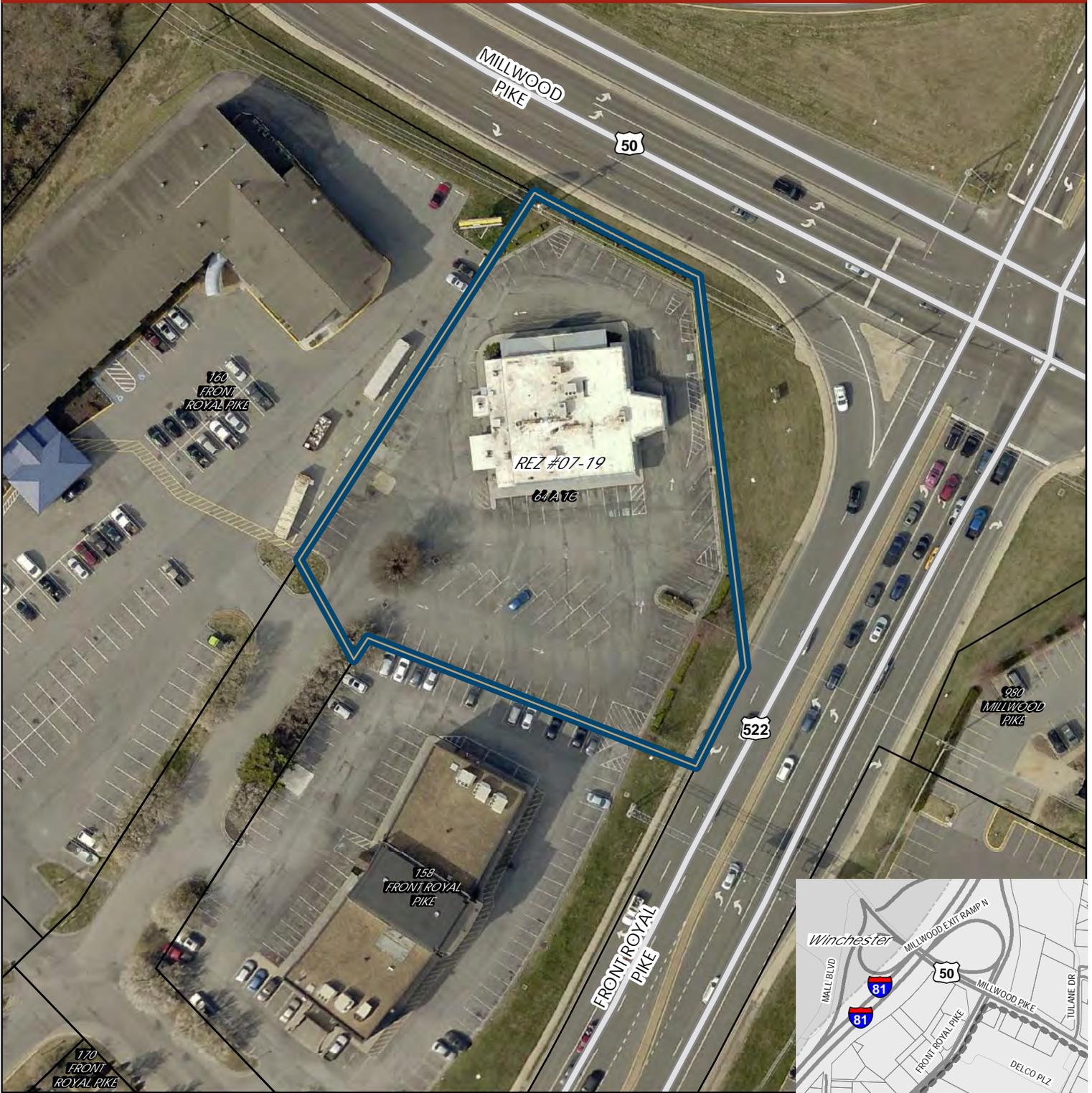
-  Application
-  Parcels
-  B2 (General Business District)



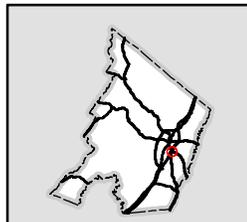
0 50 100 200 Feet

REZ # 07 - 19: Gentle Harvest, LC

PIN: 64 - A - 1C
Rezoning from B2 to B3
Location Map



Application
Parcels



0 50 100 200 Feet

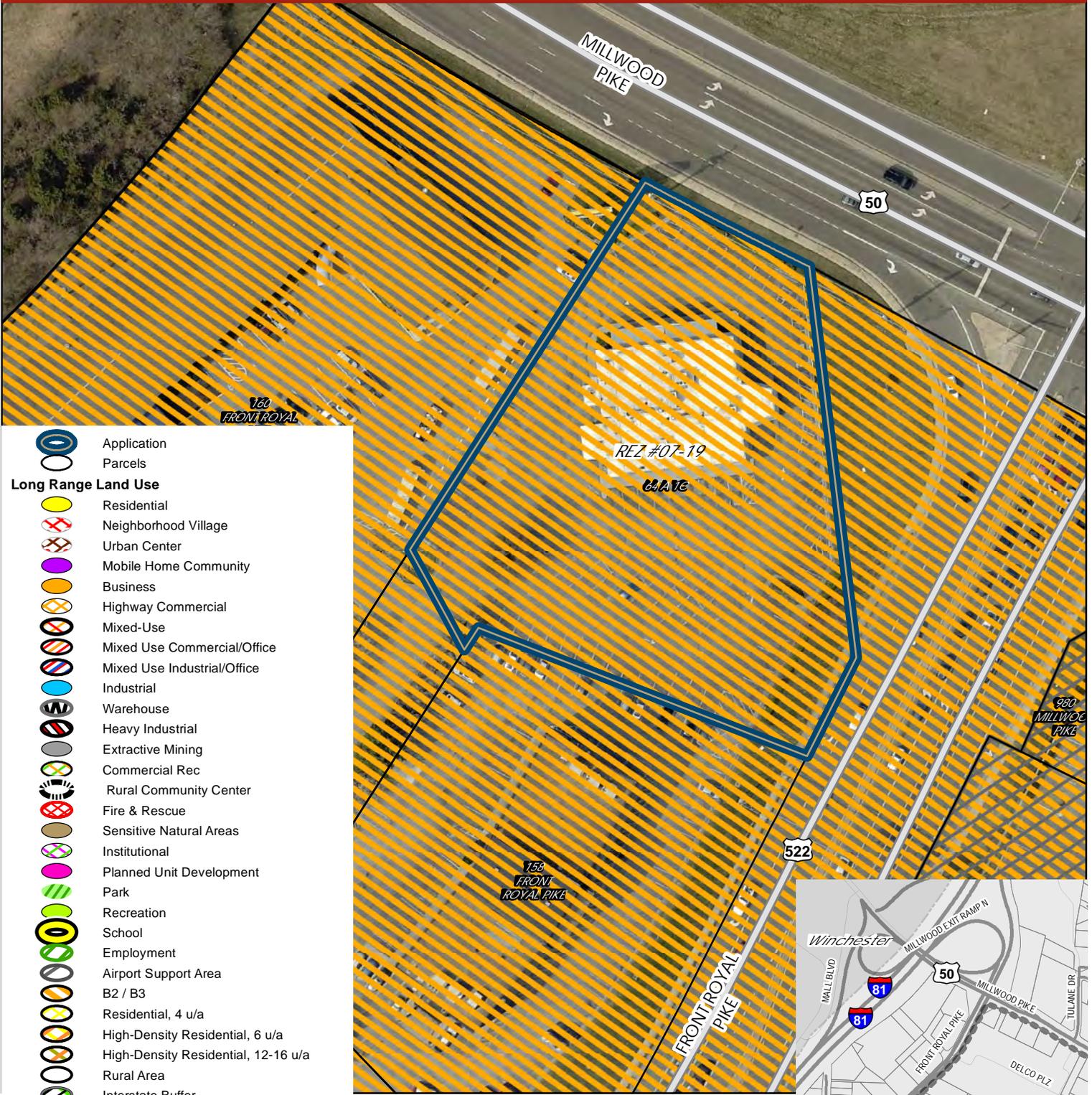
Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: November 25, 2019

REZ # 07 - 19: Gentle Harvest, LC

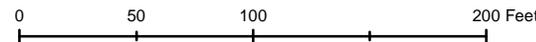
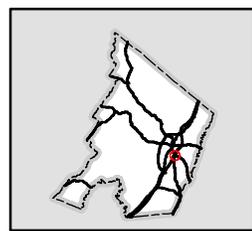
PIN: 64 - A - 1C

Rezoning from B2 to B3

Long Range Land Use Map



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



PROFFER STATEMENT

REZONING: RZ# _____
General Business (B2) to Industrial Transition (B3)

PROPERTY: 1.204 Acres +/-;
Tax Map Parcel 64-A-1C (the "Property")

RECORD OWNER: Gentle Harvest LC

APPLICANT: Halle Properties LLC

PROJECT NAME: Discount Tire

ORIGINAL DATE
OF PROFFERS: November 21, 2019

The undersigned Owner hereby proffers that the use and development of the Property shall be in strict conformance with the following conditions, which shall supersede all other proffers on the Property that may have been made prior hereto. In the event that the above-referenced B3 conditional rezoning is not granted as applied for by the owner ("Owner"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors' (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Owner elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

1. Land Use Restrictions

1.1 The Owner hereby proffers not to engage in the following uses on the Property:

- Landscape and Horticultural Services SIC 078
- Local and Suburban Transit Services SIC 41
- Motor Freight Transportation & Warehousing SIC 42
- Transportation by Air SIC 45
- Utility Facilities & Their Accessory Uses SIC 49
- Drive-In Motion Picture Theaters SIC 7833
- Tractor Truck & Tractor Truck Trailer Parking No SIC

1.2 The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein

shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Owner" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the "Preliminary Landscape Plan," shall refer to the plan entitled "Preliminary Landscape Plan" dated September 24, 2019. The Preliminary Landscape Plan shall be incorporated by reference herein as "Exhibit 1." The Owner proffers that its development of the Property will be in substantial conformity with the Preliminary Landscape Plan.

2. Monetary Contribution to Offset Impact of Development

2.1 The Owner 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 the issuance of the Certificate of Occupancy Permit for any primary structure constructed on the Property.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

Respectfully submitted.

GENTLE HARVEST LC

By: [Signature]

Its: MANAGER

STATE/Commonwealth of VA, AT LARGE
CITY/COUNTY OF Fairfax, To-wit:

The foregoing instrument was acknowledged before me this 4th day of Nov,
2019, by DOUGLAS HIDDLETON GENTLE HARVEST LC.

[Signature]
NOTARY PUBLIC

My commission expires: 3-31-2021
Registration number: 7293432



HALLE PROPERTIES LLC

By:

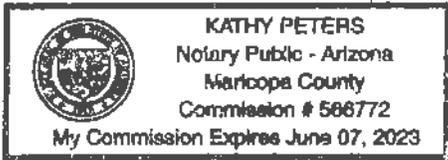
Don Truitt

Its:

Agent

STATE/Commonwealth of Arizona, AT LARGE
CITY/COUNTY OF Scottsdale, Maricopa, To-wit:

The foregoing instrument was acknowledged before me this 6 day of November,
2019, by Don Truitt of _____ HALLE PROPERTIES LLC.



Kathy Peters
NOTARY PUBLIC

My commission expires: June 7, 2023
Registration number: 566772

EXHIBIT 1

PLANTING LEGEND:

-  SHADE TREES
-  ORNAMENTAL TREES
-  EVERGREEN TREES
-  SHRUBS



DISCLAIMER:
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NO.	REVISION	DATE

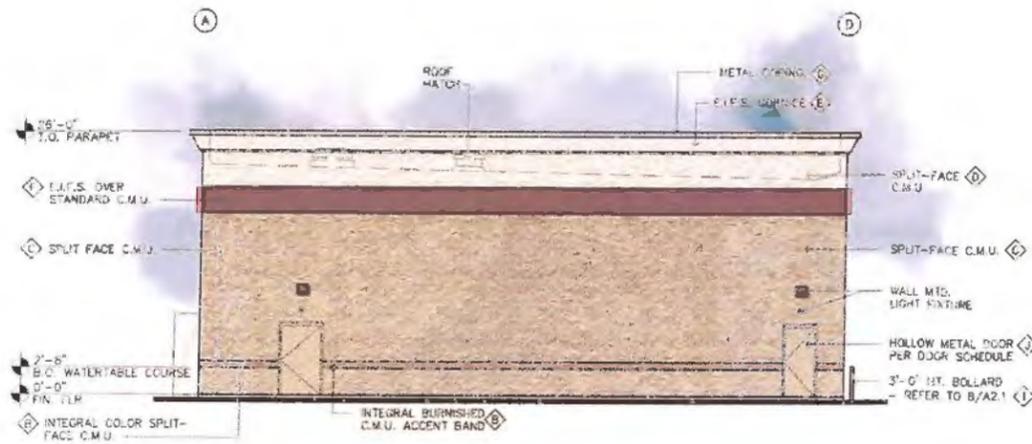
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1700 WILLOW LAWN DR, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-3882
WWW.KIMLEY-HORN.COM



DTC STORE VAN 11759
120 FRONT ROYAL PIKE
WINCHESTER, VA 22602

JOB NUMBER:
113215023
DRAWN BY:
RDR
CHECKED BY:
GHS
DATE:
OCTOBER 23, 2019

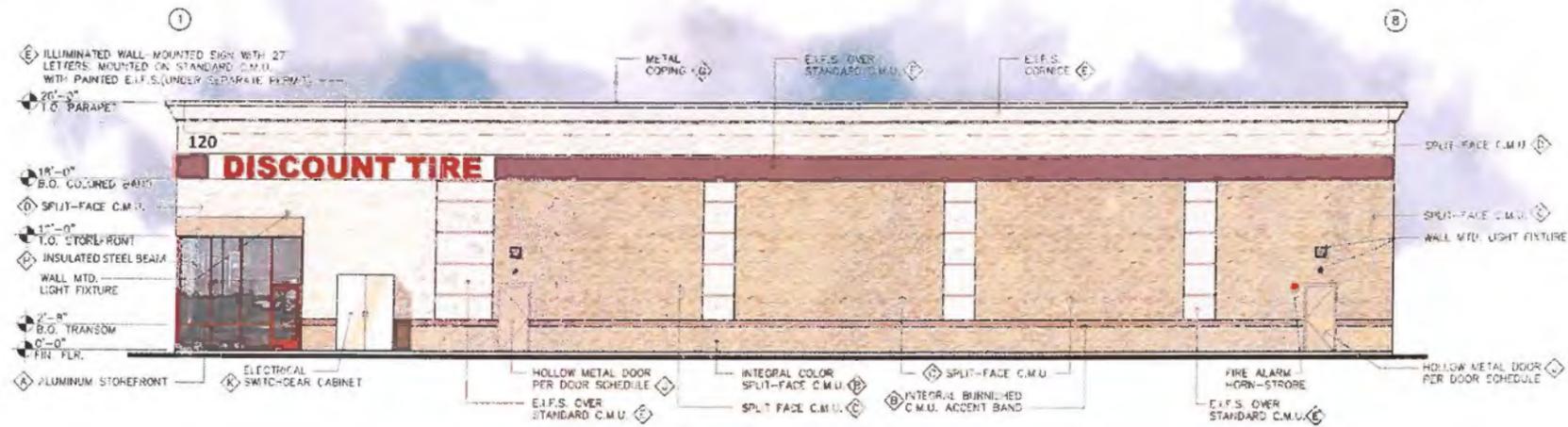
SHEET TITLE:
PRELIMINARY
LANDSCAPE
PLAN
SHEET NUMBER:
1 of 1



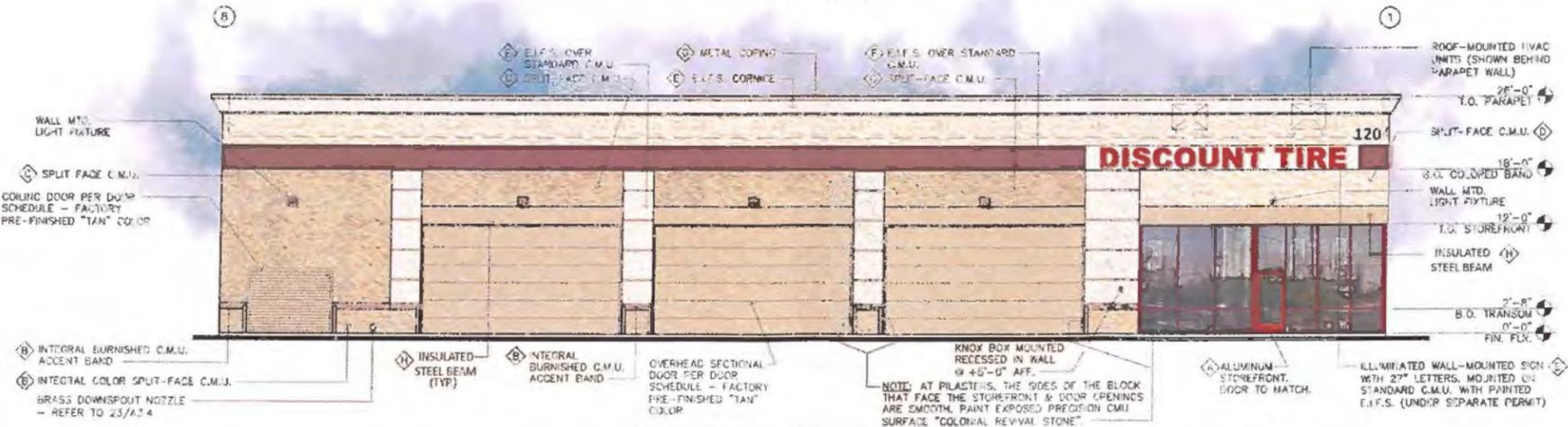
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



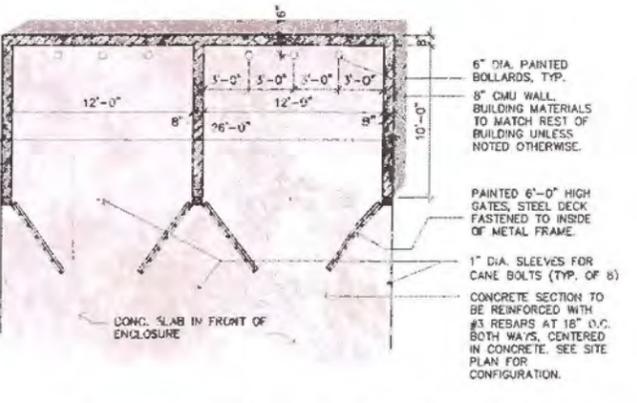
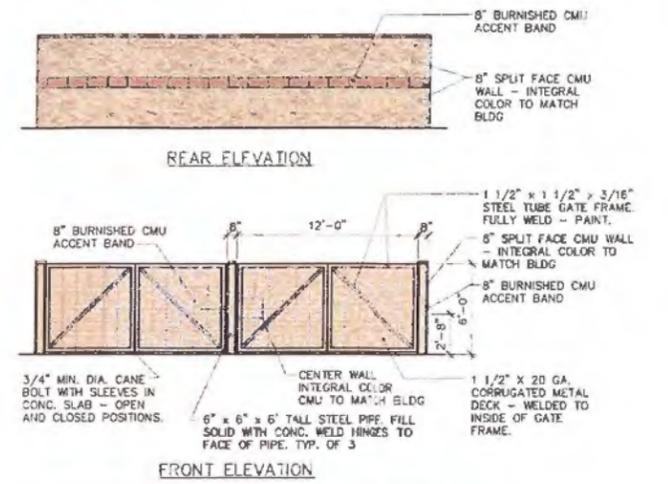
EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

FINISH LEGEND

- COLOR / PAINT NOTES:**
- Ⓐ MANUFACTURER'S STANDARD COLOR TO MATCH DURARAL U046597 XL "BANNER RED"
 - Ⓑ INTEGRAL COLOR CMU (SPLIT-FACE OR BURNISHED AS NOTED) TO MATCH SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓒ GRAY SPLIT-FACE CMU, PAINTED SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓓ GRAY SPLIT-FACE CMU, PAINTED SW R115 "ANTIQUÉ WHITE"
 - Ⓔ PAINT SHERWIN WILLIAMS SW 6119 "ANTIQUÉ WHITE"
 - Ⓕ ACCENT BAND PAINTED SW 7695 "SUNDRIED TOMATO"
 - Ⓖ METAL COPING - FACTORY PAINTED/FACTORY FINISH TO MATCH SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓗ INSULATED STEEL PAINTED SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓘ BOLLARDS PAINTED SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓝ HOLLOW METAL DOORS PAINTED SW 2827 "COLONIAL REVIVAL STONE"
 - Ⓞ PAINT SHERWIN WILLIAMS SW 6119 "ANTIQUÉ WHITE"
- GENERAL NOTE:**
- A. DISCOUNT TIRE BUILDING SIGNAGE UNDER SEPARATE PERMIT.
 - B. ADDRESS SIGN AND LOCATION PER LOCAL CITY CODE.



TRASH ENCLOSURE PLAN / ELEVATIONS
SCALE: NOT TO SCALE

REV. 0
DATE: 08.05.2019
JOB No.: VAN 11759
DRAWN BY: CF



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CONCEPTUAL ELEVATIONS
120 FRONT ROYAL PIKE
WINCHESTER, VA 22603



1055 e. Indian school rd.
Phoenix, az 85014
602-307-5399 | v
www.art.team.com

Sheet No.
A4

DISCOUNT TIRE RETAIL STORE DEVELOPMENT

INTRODUCTION

This report has been prepared for the purpose of assessing the impact on Frederick County by the proffered rezoning of a 1.204 +/- acre subject property owned by Gentle Harvest LC and identified as Tax Map Parcel 64-A-1C. The subject property is located on the west side of Front Royal Pike (U.S. Route 522 South) at the intersection of Front Royal Pike (U.S. Route 522 South), Millwood Pike (U.S. Route 50) and the Interstate 81 Exit 313 northbound on-ramp, and is currently zoned B-2, Business General District. The Applicant proposes to rezone the 1.204 +/- acre subject property to B-3, Industrial Transition District, with proffers to allow for the development of a Discount Tire retail store that is approximately 8,192 square feet with 6 service bays along the commercial corridor.

Basic Information

Location:	Fronting on the west side of Front Royal Pike (U.S. Route 522 South); at the intersection of Front Royal Pike (U.S. Route 522 South), Millwood Pike (U.S. Route 50) and the Interstate 81 Exit 313 northbound on-ramp
Magisterial District:	Shawnee District
Property ID Number:	64-A-1C
Current Zoning:	B-2, General Business District
Current Use:	Vacant Restaurant
Proposed Zoning:	B-3, Industrial Transition District
Proposed Use:	Discount Tire Retail Store
Total Rezoning Area:	1.204 +/- 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 1.204 +/- acre subject property is currently located in 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 1.204 +/- 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 1.204 +/- acre subject property is located in the UDA and the SWSA and is within the study area boundary of the Senseny/Eastern Frederick Urban Area Study. The Senseny/Eastern Frederick Urban Area Study 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 1.204 +/- acre subject property is identified for B2/B3 commercial land use; therefore, the proposed B-3, Industrial Transition District rezoning is in conformance with the land use recommendations of the Comprehensive Plan Policy. The Comprehensive Plan specifies that the 1.204 +/- acre subject property should accommodate and promote highway commercial land uses. The B-3, Industrial Transition District rezoning is proposed to allow for the development of the Discount Tire retail store, which has been determined not to be a permitted stand-alone land use with the B-2, Business General District. The Discount Tire retail store, being a retailer of tires and wheels for motor vehicles with service bays for the installation of the same, is an appropriate highway commercial land use along a major commercial corridor.

SUITABILITY OF THE SITE

Access

The 1.204 +/- acre subject property is located on the west side of Front Royal Pike (U.S. Route 522 South), approximately 380 feet north of the Front Royal Pike/Travel Lodge Drive signalized intersection. Access to the subject property will be through the Front Royal Pike/Travel Lodge Drive signalized intersection.

Flood Plains

The 1.204 +/- acre subject property does not contain areas of floodplain as demonstrated on FEMA NFIP Map #51069C0216D, Effective Date September 2, 2009; as well as information from the Frederick County GIS Database.

Wetlands

The 1.204 +/- 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 1.204 +/- 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:

3B Blairton Silt Loams 2-7% slope

The Blairton Silt Loam soil type is identified as a prime agricultural soil and has severe wet properties. The existing commercial land uses that have been constructed along the east and west sides of the Front Royal Pike (U.S. Route 522 South) commercial corridor contain the same soil type, and the subject property is not conducive for agricultural land use per the Comprehensive Policy Plan. The soil type is conducive for commercial development of the subject property.

Other Environmental Features

The 1.204 +/- 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. 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: Millwood Pike/Interstate 81 Exit 313 northbound on-ramp	Use: Highway/Interstate
South: B-2, Business General District	Use: Office
West: B-2, Business General District	Use: Hotel (Travelodge)
East: B-2, Business General District	Use: Retail/Grocery (Delco Plaza)

TRANSPORTATION

The 1.204 +/- acre subject property is located on the west side of Front Royal Pike (U.S. Route 522 South), approximately 380 feet north of the Front Royal Pike/Travel Lodge Drive signalized intersection. Subsequent to final rezoning approval, access to the subject property will be through the existing intersection.

In order to assess the potential traffic impacts for the proposed Discount Tire retail store, the Applicant has analyzed the trips generated by the existing use of the site compared to the trips generated by the proposed use, a Tire Store. Restaurants (SIC 58) would be the appropriate land use to compare to the proposed Discount Tire retail store (SIC 75). The Applicant analyzed traffic study data from the Institute of Traffic Engineers (ITE) Manual, 10th Edition specific to a Quality Restaurant (931) and Tire Store (848). The following analysis compares traffic volumes for the Weekday AM and PM Peak Hours, the Saturday Peak Hours, and the Sunday Peak Hours assuming 7,554 square feet of Quality Restaurant (931) and 8,192 square feet of Tire Store (848) land use specific to the ITE traffic study data:

B-2, Business General Land Use

ITE (931) Weekday AM Peak: $Q = 0.73$ Trips per 1,000 square feet gross floor area
 $Q = 0.73$ Trips x 7.554 (7,554 sq.ft./1,000 sq.ft.)
 $Q = 5.51$ or 6 Trips

ITE (931) Weekday PM Peak: $Q = 7.80$ Trips per 1,000 square feet gross floor area
 $Q = 7.80$ Trips x 7.554 (7,554 sq.ft./1,000 sq.ft.)
 $Q = 58.92$ or 59 Trips

ITE (931) Saturday Peak: $Q = 10.68$ Trips per 1,000 square feet gross floor area
 $Q = 10.68$ Trips x 7.554 (7,554 sq.ft./1,000 sq.ft.)
 $Q = 80.67$ or 81 Trips

ITE (931) Sunday Peak: $Q = 7.80$ Trips per 1,000 square feet gross floor area
 $Q = 7.80$ Trips x 7.554 (7,554 sq.ft./1,000 sq.ft.)
 $Q = 58.92$ or 59 Trips

B-3, Industrial Transition Land Use

ITE (848) Weekday AM Peak: $Q = 2.72$ Trips per 1,000 square feet gross floor area
 $Q = 2.72$ Trips x 8.192 (8,192 sq.ft./1,000 sq.ft.)
 $Q = 22.28$ or 23 Trips

ITE (848) Weekday PM Peak: $Q = 3.98$ Trips per 1,000 square feet gross floor area
 $Q = 3.98$ Trips x 8.192 (8,192 sq.ft./1,000 sq.ft.)
 $Q = 32.60$ or 33 Trips

ITE (848) Saturday Peak: $Q = 5.05$ Trips per 1,000 square feet gross floor area
 $Q = 5.05$ Trips x 8.192 (8,192 sq.ft./1,000 sq.ft.)
 $Q = 41.37$ or 42 Trips

ITE (848) Sunday Peak: N/A

The ITE projected traffic volumes identified above indicate that the proposed Discount Tire retail store (848) has the potential to decrease traffic volumes during the weekday peak hours by approximately 0-9 Trips and by approximately 39 Trips during the Saturday peak hour compared to the Quality Restaurant (931) land use. The Sunday trips generated are not applicable as Discount Tire is not open on Sundays, and therefore will not generate any trips. These calculations demonstrate a decrease in potential traffic volumes during these time frames (approximately 3 vehicles every 15 minutes during the weekday peak hours and approximately 10 vehicles every 15 minutes during the Saturday peak hour). The proposed Discount Tire retail store will result in an overall decrease in trips, compared to that of the existing restaurant. Therefore, it is assumed that the infrastructure in place is adequate for the proposed development.

SEWAGE COVEYANCE AND TREATMENT

The 1.204 +/- 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 City of Winchester is the provider of public sewer service within this area of the County, which is managed by the City of Winchester Public Services Department.

The City of Winchester has an existing 8-inch gravity sewer line that enters the subject property through the southern boundary of the subject property within a 20-foot easement that is accessible to the property. All commercial land uses on the west side of Front Royal Pike (U.S. Route 522 South) within proximity of the subject property convey sewer effluent through the 8-inch gravity sewer line that goes under Interstate 81 to a manhole located on the Apple Blossom Mall parcel, which then gravities to the Abram's Creek sewer transmission line that connects to the Opequon Wastewater Treatment Facility.

Based on comparable discharge patterns, the City of Winchester Public Services Department has determined that 75 gallons/day per 1,000 square feet of commercial land development is an appropriate calculation for estimating the sewer demand for commercial land uses.

$$Q = 75 \text{ gallons/day per } 1,000 \text{ square feet commercial}$$

$$Q = 75 \text{ GPD} \times 8.192 \text{ (8,192 sq.ft./1,000 sq.ft.)}$$

$$Q = 614.40 \text{ GDP}$$

$$\text{TOTAL: } Q = 615 \text{ GPD projected sewer demand}$$

The Opequon Wastewater Treatment Facility has a total capacity of 12.6 MGD, of which 7.125 MGD is allocated to the City of Winchester. The City of Winchester currently averages approximately 5.0 MGD of the allocated capacity and has approximately 2.125 MGD of allocated capacity available for future development projects. The projected 615 GPD for the proposed project represents 0.0003% of the available treatment capacity; therefore, the proposed rezoning can be sufficiently accommodated by public sewer service through a system with adequate conveyance, capacity and treatment. The proposed Discount Tire will generate significantly less sanitary sewage into the public system than that of the previous restaurant use at this site.

WATER SUPPLY

The 1.204 +/- 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 City of Winchester is the provider of public water service within this area of the County, which is managed by the City of Winchester Public Services Department.

The City of Winchester has an existing 12-inch water transmission located on the east side of Front Royal Pike that provides public water service to the commercial land uses on the west side of Front Royal Pike (U.S. Route 522 South). An 8-inch water line is looped off of the 12-inch

water transmission line that adjoins the southern boundary of the subject property within a 10-foot easement that is accessible to the property.

Based on comparable discharge patterns, the City of Winchester Public Services Department has determined that 75 gallons/day per 1,000 square feet of commercial development is an appropriate calculation for estimating the water demand for commercial land uses.

$$\begin{aligned} Q &= 75 \text{ gallons/day per } 1,000 \text{ square feet commercial} \\ Q &= 75 \text{ GPD} \times 8.192 \text{ (8,192 sq.ft./1,000 sq.ft.)} \\ Q &= 614.40 \text{ GPD} \end{aligned}$$

TOTAL: Q = 615 GPD projected water demand

The City of Winchester obtains potable water from the North Fork of the Shenandoah River, which is treated at the Percy D. Miller Water Treatment Plant located near Middletown. The Percy D. Miller Water Treatment Plant can treat approximately 10 MGD of potable water daily, which is transmitted to serve all properties in the City of Winchester; as well as some properties in Frederick County. The City has sufficient water capacity to serve these properties; as well as sell excess capacity to the Frederick County Sanitation Authority to supplement other water systems in Frederick County. The Applicant has met with the City of Winchester Public Services Director to discuss the proposed development project and was advised that the City has adequate capacity to serve this project and that the existing 8-inch water loop provides adequate pressure and fire flow for all commercial land uses within this portion of the County. Therefore, the proposed rezoning can be sufficiently accommodated by public water service through a system with adequate conveyance, capacity, pressure and fire flow. The proposed Discount Fire will use significantly less water from the public system than that of the previous restaurant use at this site.

SITE DRAINAGE

The topographic relief of the 1.204 +/- acre subject property generally follows a northeasterly pattern, which directs site drainage towards existing inlets on site. The Applicant prepared an ALTA Survey for the 1.204 +/- acre subject property, which identifies a 10-foot drainage easement on the property that has been improved with a drop inlet and storm sewer line that ties into the overall drainage system constructed during the development of the Cracker Barrel site. This stormwater collection system conveys stormwater to a regional stormwater management facility that was constructed during the development of the Cracker Barrel site; therefore, development of the subject property will utilize this regional facility.

The 1.204 +/- subject property will comply with all water quality and quantity regulations. The Applicant will work with the County Engineer during the Site Development Plan process to identify stormwater volumes from the proposed development of the subject property to ensure that there are no detrimental impacts to the regional stormwater management facility and to adjoining properties. The stormwater management plan and erosion and sediment control plan 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 development of the proposed Discount Tire retail store on the 1.204 +/- acre subject property 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, 4th Edition). The Applicant proposes to develop a Discount Tire retail store that is approximately 8,192 square feet with 6 service bays; therefore, solid waste disposal impacts are based on the following figures that provide the increase in average solid waste volume based on the development of this facility:

$$\text{AAV} = 5.4 \text{ cu.yd. per 1,000 square feet commercial}$$

$$\text{AAV} = 5.4 \text{ cu. yd.} \times 8.192 \text{ (8,192 sq.ft./1,000 sq.ft.)}$$

$$\text{AAV} = 44.24 \text{ cu. yd. at build-out, or 5.53 tons/yr. at build-out}$$

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 5.53 tons of solid waste annually on average. This represents a 0.003% 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 proposed Discount Tire will produce significantly less refuse than that of the previous restaurant use at this site. Used tires will not be included as part of the solid waste generated from this site to be transferred to the Regional Landfill. Discount Tire has a separate collection and recycling program for the used tires generated from their facilities. 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 identifies the Garber Farm (#34-424) within close proximity of the 1.204 +/- acre subject property. The Garber Farm was inventoried as part of the overall report; however, the property was not recommended for inclusion on the list of potentially significant properties in the final report. The Garber Farm has been subdivided into multiple properties, which are developed as commercial and residential land uses along Garber Lane (Route 763), and as commercial land uses along Front Royal Pike (U.S. Route 522 South).

The National Park Service Study of Civil War Sites in the Shenandoah Valley identifies the 1.204 +/- acre subject property as being located within the First Winchester study area boundary, and within close proximity of the First Winchester core battlefield area boundary. The final report identifies all land within the study area boundary that is located in the southeastern quadrant of Interstate 81 Exit 313 as having lost integrity due to the existing commercial and residential land use development patterns; as well as the construction of Interstate 81.

The development of commercial land use on the 1.204 +/- acre subject property is consistent with other properties in this area of the County. The Senseny/Eastern Frederick Urban Area Study does not identify this area of the County as historic or as a developmentally sensitive area. The proposed rezoning of the property will not create negative impacts associated with historic properties and historic resources.

OTHER POTENTIAL IMPACTS

The commercial development of the 1.204 +/- 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 \$0.10 per developed building square foot to the County to provide additional revenues that are specifically directed to fire and rescue services. There are no other identified potential impacts above those discussed in this Impact Analysis Statement that would be detrimental to surrounding properties or to the County from the rezoning and development of the 1.204 +/- acre subject property.



ORDINANCE

Action:

PLANNING COMMISSION: October 16, 2019 Public Hearing Held; Tabled for 60 days
December 18, 2019 Public Meeting Held, Recommended Approval

BOARD OF SUPERVISORS: January 22, 2020

ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #03-19 BERLIN STEEL REAL ESTATE, INC.

WHEREAS, REZONING #03-19 Berlin Steel Real Estate, Inc., submitted by Painter-Lewis, P.L.C. to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. The subject property is located at 280 Ridings Lane which intersects with Route 277, in the Opequon Magisterial District, and are identified by Property Identification Numbers 86-A-179C and 87-A-12; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on October 16, 2019 and tabled the rezoning for sixty (60) days ; and

WHEREAS, the Planning Commission held a public meeting on this rezoning on December 18, 2019 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on January 22, 2020; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to rezone 15.3933+/- acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers, with a final revision date of November 18, 2019. 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 22nd day of January 2020 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Shawn L. Graber

J. Douglas McCarthy

Robert W. Wells

Gene E. Fisher

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

To be completed by Planning Staff.

Zoning Amendment Number 07-19

Date Received 11-21-19

Fee Amount Paid \$ 5120.00

Anticipated PC Hearing Date 12/10/19

Anticipated BOS Hearing Date 11/27/19

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: Gentle Harvest LC

Specific Contact Person if Other than Above: Thomas Moore Lawson, Esquire

Address: P.O. Box 2740, Winchester, VA 22604

Telephone: (540) 665-0050

Email: tlawson@lsplc.com

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____

Email: _____

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: Halle Properties LLC

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____

Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Thomas Moore Lawson, P.C.

Specific Contact Person at Firm: Thomas Moore Lawson, Esquire

Address: P.O. Box 2740, Winchester, VA 22604

Telephone: (540) 665-0050

Email: tlawson@lsplc.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. Project Name (if any): Discount Tire

5. Property Information:

a. Property Identification Number(s): 64-A-1C

b. Total acreage of the parcel(s): 1.204

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):

d. Current zoning designation(s) and acreage(s) in each designation:
B2 (1.204 acres)

e. Proposed zoning designation(s) and acreage(s) in each designation:
B3 (1.204 acres)

f. Magisterial District(s): Shawnee

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):
120 Front Royal Pike, Winchester, VA 22602

h. Adjoining Properties:

<u>Parcel ID Number</u>	<u>Use</u>	<u>Zoning</u>
<u>64-A-1B</u>	<u>office building</u>	<u>B2</u>
<u>64-A-1D</u>	<u>hotel</u>	<u>B2</u>
<u>64-A-1</u>	<u>roadway</u>	<u>B2</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please attach additional page(s) if necessary.

Property identification numbers, magisterial districts, and deed book and page numbers/ instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

6. **Disclosure of real parties in interest.**

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

See attached.

Please attach additional page(s) if necessary.

7. **Checklist.** Please check that the following items have been included with this application:

- Location Map
- Plat Depicting Metes/Bounds of Proposed Zoning
- Impact Analysis Statement
- Proffer Statement (if any)
- Agency Comments
- Fee
- Copies of Deed(s) to Property(ies)
- Tax Payment Verification
- Digital copies (pdf's) of all submitted items

6. **Disclosure of real parties in interest.**

Property Owner: Gentle Harvest LC

Sole Owner:
Sak Group, LC
8458 W. Main Street
Marshall, VA 20115

Sandy Lerner, Manager
D. Brook Middleton, Manager
8458 W. Main Street
Marshall, VA 20115

Applicant: Halle Properties LLC

Managing Member:
Wilanna, Inc.
20225 N. Scottsdale Road
Scottsdale, AZ 85225

Lisa M. Halle Pedersen, President and Director
Michael S. Zuichback, Treasurer and Director
Douglas S. Wilson, Secretary
Timothy J. Schafer, Officer
Susan R. Halle Lyle, Director
Diane M. Halle, Director
Bruce T. Halle, Jr., Director
R.T. Corp, Shareholder
20225 N. Scottsdale Road
Scottsdale, AZ 85255

Member:
Teton-Pitkin L.L.C.
20225 N. Scottsdale Road
Scottsdale, AZ 85255

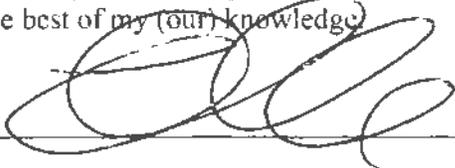
BTJHR TP Trust u/a BTH 2003 TP Irrevocable Trust
LMHP TP Trust u/a BTH 2003 TP Irrevocable Trust
MSZ TP Trust u/a BTH 2003 TP Irrevocable Trust
SRHL TP Trust u/a BTH 2003 TP Irrevocable Trust
4785 Caughlin Parkway
Reno, NV 89519

7. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance 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.

Owner:  Date 11/19/19

If signing on behalf of an entity, please state name of entity and your title:

Gentle Harvest, LLC, Manager

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

Other Applicant Party (if any)  Date 11/15/19

If signing on behalf of an entity, please state name of entity and your title:

HALL Properties ASSISTANT VICE PRESIDENT / AGENT

If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.

Other Planning Items

Item No. 1



**REZONING APPLICATION #06-19
WINCHESTER MEDICAL CENTER, INC.**

Staff Report for the Board of Supervisors

Prepared: January 16, 2020

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Recommended Approval
Board of Supervisors:	01/08/20	Postponed
Board of Supervisors:	01/22/20	Pending

PROPOSAL: To revise the proffered Generalized Development Plan approved with rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District to the MS (Medical Support) District. Minor text revisions are also proposed to reflect the updated constructed internal street network within the development.

LOCATION: The subject property is on the northern side of Route 50 West and west of Route 37.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 01/22/20 BOARD OF SUPERVISORS MEETING:

This is a proposed minor proffer amendment for minor text revisions and revisions to the approved Generalized Development Plan (GDP) associated with Rezoning #02-03 which rezoned parcel 53-A-68 to the B2 (General Business) and MS (Medical Support) Districts with proffers. The site consists of 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District. The approved GDP labeled individual land bays with specific uses; the Applicant proposes to remove the uses shown on the proffered GDP to allow for potential alternative development. The Applicant is also proposing to remove proffer 3 from the landscape design features which required a landscaped roundabout. This feature was removed, and the internal road system has already been constructed – therefore this proffer is unnecessary.

The impacts associated with the change of use are very limited; no additional impacts to Frederick County or the surrounding property owners are anticipated. Staff is supportive of this request for a minor proffer modification to the GDP and text. The Planning Commission did not identify any concerns with the request and recommended approval of the application at their December 18, 2019 meeting.

The Board of Supervisors held a public meeting for this item on January 8, 2020. The Board postponed action on the item until the January 22, 2020 to allow the Applicant to provide clarification on whether the access will be granted at no charge or is intended to be sold.

Staff Update: Since the Board of Supervisors January 8, 2020 meeting, the Applicant has submitted a revised GDP that removes all references to an access to the adjacent property for access to Botanical Boulevard.

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

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	12/18/19	Recommended Approval
Board of Supervisors:	01/08/20	Postponed
Board of Supervisors	01/22/20	Pending

PROPOSAL: To revise the proffered Generalized Development Plan approved with Rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District to the MS (Medical Support) District. Minor text revisions are also proposed to reflect the updated constructed internal street network within the development.

LOCATION: The subject property is on the northern side of Route 50 West and west of Route 37.

MAGISTERIAL DISTRICT: Gainesboro

PROPERTY ID NUMBER: 53-A-68

PROPERTY ZONING: B2 (General Business) District
MS (Medical Support) District

PRESENT USE: Vacant

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RA (Rural Areas)	Use:	Agricultural
South:	B2 (General Business)	Use:	Commercial
East:	N/A Interstate	Use:	Route 37
West:	RA (Rural Areas) B2 (General Business)	Use:	Agricultural, Residential Vacant

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: We have reviewed the above subject Rezoning Application dated August 5, 2019 for impacts to the local transportation system. We have no overall objection to the proposed rezoning with the following comment being addressed.

We suggest that the conditions as they relate to the Western Campus-Limited Access Control Changes Route 37 (December 17, 2009) be brought into the amended proffer. As it remains important for all parties to be reminded of the gated-access limitation envisioned as part of the Commonwealth Transportation Board (CTB) approval. This could be accomplished by amending the Street Improvements section of the proffers as follows: “The Applicant shall design and construct all roads on the subject property consistent with the County’s adopted Round Hill Land Use Plan for the area, **and requirements as consistent with the Commonwealth Transportation Board’s “Right of Way and Limited Access Control Changes Route 37 and Campus Boulevard Interchange” approval dated December 17, 2009**, and according to uniform standards...” We also suggest including a copy of the Resolution of the CTB (attached) be included as an appendix to the proffer.

Staff Note: Per VDOT’s comment, the Applicant has referenced the Commonwealth Transportation Board’s “Right of Way and Limited Access Control Changes Route 37 and Campus Boulevard Interchange” approval dated December 17, 2009 in the updated proffer statement.

County of Frederick Attorney: Proffer appears acceptable.

Planning & Zoning:

1) Site History

The subject property was rezoned from the RA (Rural Areas) District to the B2 (General Business) District and the MS (Medical Support) District with the approval of Rezoning #02-03.

2) Comprehensive Plan

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

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

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

Land Use

The site is located within the limits of the Route 37 West Area Land Use Plan of the 2035 Comprehensive Plan and depicts the subject property with commercial land use designation. The existing B2 Zoning and MS Zoning is consistent with the Comprehensive Plan.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 12/18/19 MEETING:

Staff stated that this is an application to revise the proffered Generalized Development Plan approved with Rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District to the MS (Medical Support) District. Staff then provided an overview application and stated that this amendment only intends to revise the GDP to remove the land use specifications that restricted the site to certain uses.

Commissioner Morrison requested clarification on the original proffer and the traffic circle off of Route 37 for the Medical Center and if it would be opened up for general traffic to improve Route 50. Staff stated that there were limitations placed on this access by the Commonwealth Transportation Board for this access break and the Medical Center is limited in the number of trips that can access the property via this interchange. The Applicant further clarified that this access will be controlled via a gate and that they were not changing any proffer other than the GDP.

This item was a minor proffer amendment and therefore no public hearing was required. A motion was made, seconded and unanimously passed to recommend approval of Rezoning #06-19 for Winchester Medical Center.

BOARD OF SUPERVISORS SUMMARY AND ACTION FROM THE 01/08/20 MEETING:

Staff stated that this is an application to revise the proffered Generalized Development Plan approved with Rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District to the MS (Medical Support) District. Staff then provided an overview application and stated that this amendment only intends to revise the GDP to remove the land use specifications that restricted the site to certain uses.

The Board of Supervisors requested clarification on the changes to the internal streets and clarification that trips from any adjacent properties would not count toward the 14,000-trip cap on the subject property. Staff provided an overview that the original plan did not show the Route 37 access and the updated GDP shows that along with the removal of the roundabout. The Board also requested clarification on the access from Botanical Blvd. to the adjacent properties and whether it is planned to be sold to the property owners or granted at no cost. The Board of Supervisors ultimately postponed the item until the January 22, 2020 to allow the Applicant to provide clarification on whether the access will be granted at no charge or is intended to be sold.

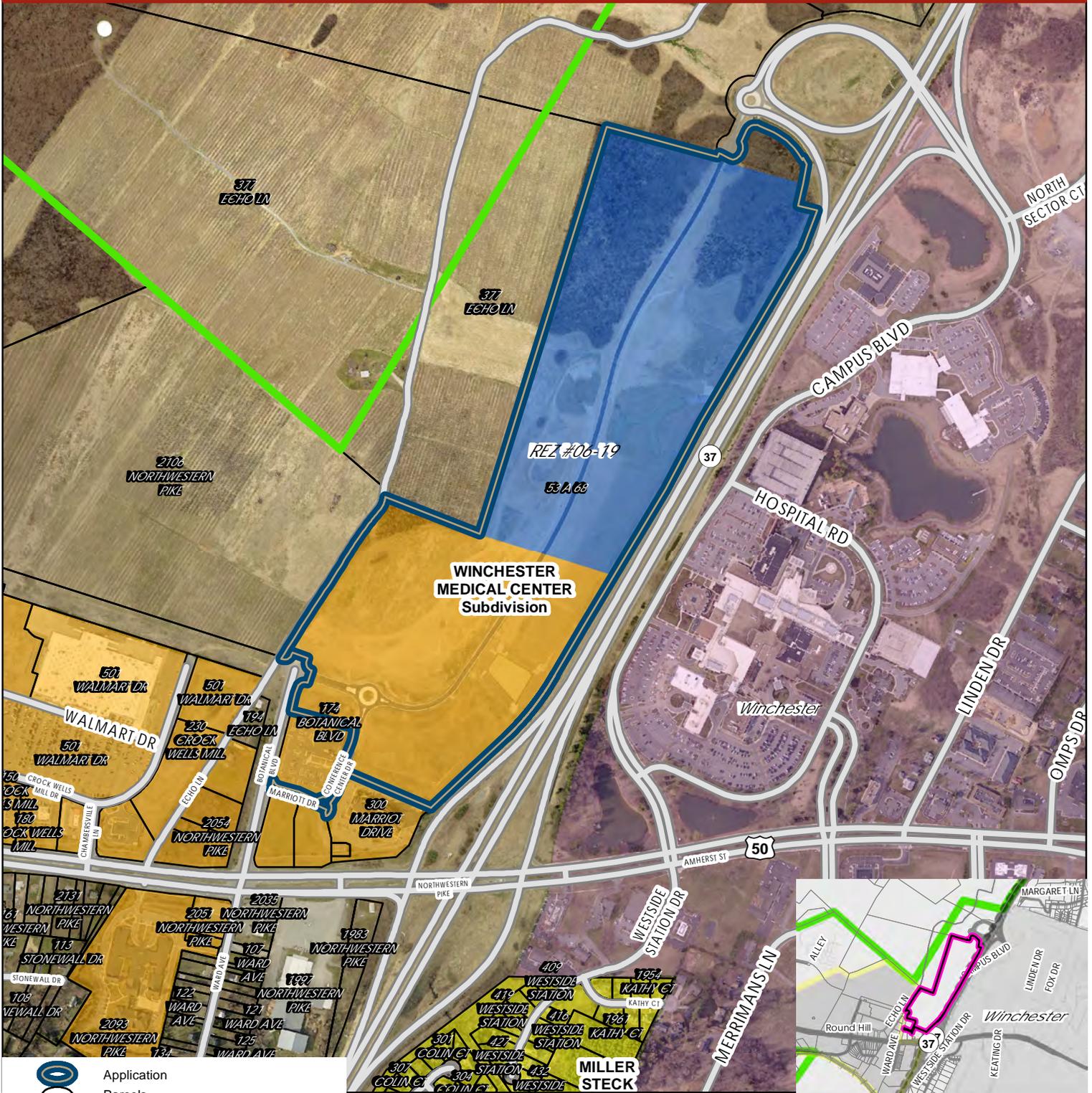
Following the public meeting, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 06 - 19: Winchester Medical Center, Inc.

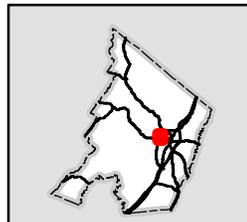
PIN: 53 - A - 68

Rezoning from B2 to MS

Zoning Map



-  Application
-  Parcels
-  B2 (General Business District)
-  MS (Medical Support District)
-  RP (Residential Performance District)



0 455 910 1,820 Feet

REZ # 06 - 19: Winchester Medical Center, Inc.

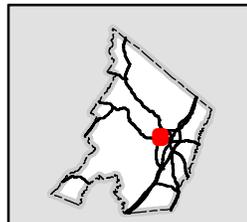
PIN: 53 - A - 68

Rezoning from B2 to MS

Location Map



Application
Parcels

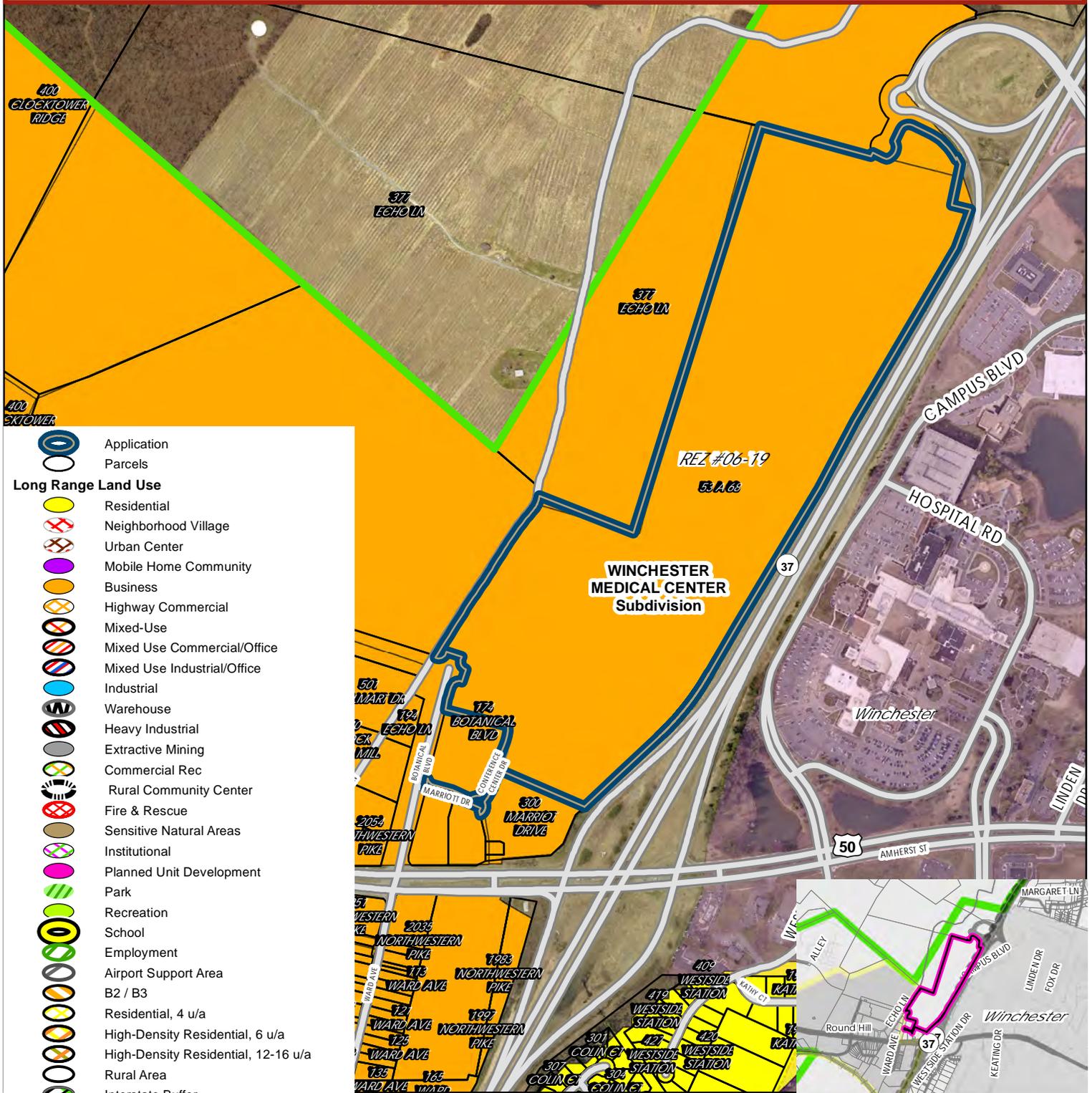


0 455 910 1,820 Feet

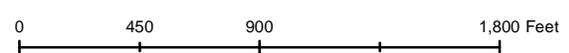
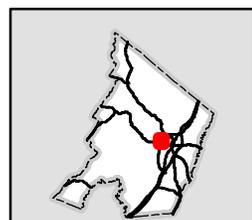
REZ # 06 - 19: Winchester Medical Center, Inc.

PIN: 53 - A - 68

Rezoning from B2 to MS
Long Range Land Use Map



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



Candice Perkins

From: Daniel Michael <dmichael@valleyesp.com>
Sent: Thursday, January 16, 2020 7:35 AM
To: Candice Perkins
Cc: Thomas Moore Lawson, Esq.; mbaker@valleyhealthlink.com; Carl Snyder; Craig George
Subject: RE: Proffer Status
Attachments: 11-20-19 GPD.pdf

Candice,

Forgive my delay in response. I was in Winchester for meetings all afternoon yesterday, one of which dealt with this project.

Attached is the document we'd like to see distributed for the BOS meeting next Wednesday. This document is the GDP, as originally submitted, that does not contain the note which led to the discussion about traffic from adjacent properties.

This note has been removed to establish this document more closely with the previously approved proffers, recorded documents, and approved rezoning documents for adjacent properties.

Since this matter has gone beyond that which is typically handled by the engineer, please note that Ty Lawson will be handling this matter from here forward.

Let us know your thoughts and have a wonderful rest of your day!

Daniel K. Michael, PE
Partner | Principal-in-Charge

VALLEY | ENGINEERING
IDEAS. MORE. VALUE.

4901 Crowe Drive
Mount Crawford, VA 22841

Office: (540) 434-6365 X 202
Fax: (540) 432-0685
Email: dmichael@valleyesp.com

From: Candice Perkins <cperkins@fcva.us>
Sent: Wednesday, January 15, 2020 2:15 PM
To: Daniel Michael <dmichael@valleyesp.com>
Subject: Proffer Status

Hi Daniel, what is the status of the proffer statement? Thanks.

Candice

Candice Perkins, AICP, CZA
Assistant Director
Frederick County Department of
Planning & Development
107 North Kent Street

REZONING REQUEST PROFFER
Property Identification Number 53-((A))-68
Revised 11-20-19

WINCHESTER MEDICAL CENTER
“West Campus”

Preliminary Matters

Pursuant to Section 15.2-2296 et.seq., of the code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # ____ for the rezoning of 88.1212 acres, out of a parcel total of 89.5100 acres, of the existing MS/B2 Zoning District, development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with Virginia law. Should this petition for rezoning not be approved by the Board of Supervisors then the existing proffer statement for the B-2 tract will remain in effect and these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the Owner and their legal successor assigns.

General Development Plan

The development of the subject property, and the submission of any Master Development Plan shall be in conformance with all pertinent County regulations and shall be in substantial conformity with the Generalized Plan of Development, dated 10-18-19, which is attached hereto and incorporated herein by reference.

Street Improvements

The Owner shall design and construct all roads on the subject property consistent with the County's adopted Round Hill Land Use Plan for the area, , **and requirements as consistent with the Commonwealth Transportation Board's "Right of Way and Limited Access Control Changes Route 37 and Campus Boulevard Interchange" approval dated December 17, 2009**, and according to uniform standards established by the Virginia Department of Transportation (VDOT), and as may be provided in these proffers as illustrated on the Generalized Plan of Development which is attached hereto and incorporated herein by reference.

1. On U.S. Route 50 at the intersection of Route 1317, a 200 feet left turn lane for eastbound traffic will be provided. (#1)
2. On U.S. Route 50, an acceleration/deceleration lane will be added across the entire U.S. Route 50 frontage of the site, and the only exit on U.S. Route 50 will be located at the Route 1317 intersection. Curb and gutter will be provided along the entire frontage. (#2)
3. At the VA Route 1317 intersection, traffic leaving the site will be provided two left turn lanes, (on left turn with through movement) and one right turn lane. (#3)
4. Lanes will be added to the VA Route 37 exit ramps to allow dedicated right and left turn lanes (#4) as follows:
 - At U.S. Route 50/VA Route 37 eastern signal, Northbound left turn – 200 feet with transition to provide 3 lanes at intersection including a dedicated left, a left with through and right turn lanes.
 - At U.S. 50/VA Route 37 Western signal, Southbound right turn – 200 fee with transition to provide full 2 lanes at intersection.
5. A traffic signal will be provided at U.S. Route 50 and VA Route 317 intersection. (#5)
6. An additional left turn lane will be provided on U.S. Route 50 for the eastbound traffic at the US Route 50/VA Route 37 eastern signal. (#6)

7. A major collector road, 1800 feet in length and 5 lanes wide, with 80 feet right of way. (#7)

Transportation items 1 through 6 shall be constructed during the initial site development phase of the project and shall be either complete or bonded for completion prior to issuance of the first occupancy permit.

The Owner shall limit entrance connections onto U.S. Route 50 to one point as shown on Generalized Development Plan.

The Owner shall prepare a traffic generation estimate for uses established by the Site Development Plan to be submitted for initial construction approval to the County. The combined trip generation (ADT) shall not exceed 14,000 TPD (average weekday volume) without further approval by the County. The actual trip generation from the project shall be determined by the Winchester Medical Center Management annually, from data collected in May and with the results due on July 1 of each year, and be available for review as individual site plans and subdivisions for future uses are submitted for review by VDOT and the County. The combined traffic impact from Tax Map 53-A-68, including parcels A, B, C, D, and E, is not to exceed 14,000 TPD (average weekday volume) when current actual counts and proposed counts are added for cumulative total. If the cumulative total for any site plan at WMC causes the total to exceed 14,000 TPD then it is agreed that the Owner shall not file additional site plan application until the County is satisfied that adequate and manageable levels of service will exist on state or internal site roadways. The SIC code system and the ITE shall be utilized for the subject projections. The Owner shall perform an updated TIA of the project intersection on U.S. Route 50 and the Route 50/Route 37 interchange when traffic generation from the original 102 acre site reached 14,000 TPD (average weekday volume). The County may revise this 14,000 TPD limit upward, without modification of this proffer agreement, should results of the TIA show that additional loading is appropriate.

Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan shall include the following landscape design feature provided in these proffers and as illustrated on the Generalized Plan of Development revised November 05, 2019 which is attached hereto and incorporated herein by reference.

1. A fifty foot (50') landscaped buffer along the US Route 50 frontage portion of the site. (#8). Internal parking, travel ways and commercial structures shall not extend closer than 50' to front right of way line on U.S. Route 50. An illustrative detail is attached to this proffer for the purpose of establishing a standard of quality to be implemented upon final design. (See ID "A").
2. A landscaped green area along the north side of the main entrance. (See ID "A") (#9)

On Site Development

The Winchester Medical Center shall establish an Architectural Review Committee (ARC) to review all planning within the 89.4099 acre site to insure conformance with the standard of quality described in the Master Development Plan and Covenants. In general, project covenants shall establish a standard of quality for structures and site design as follows:

1. Materials utilized for the facades of the buildings shall include but not be limited to concrete masonry units (CMU) brick, architectural block, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
2. All building within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
3. All building within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
4. A single monument type sign shall be utilized near the project entrance to describe internal features. Sign height shall be limited to 20' within 50' landscape area long U.S. Route 50. Individual signs to be allowed per ordinance requirements to announce individual uses. On building signage to be the preferred sign type for individual uses. No other signs shall be located within 50' buffer area.

The Owner shall record and include in each deed as well as provide Frederick County with a complete set of Covenants and Restrictions pursuant to site design developed and approved by Frederick County at the time of master plan.

Property owners shall be notified of conditions relating to adjoining active agricultural operations.

Monetary Contribution to Offset Impact of Development

The undersigned, who owns the above described property hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 88.1212 acres, of the 89.5100 acre parcel, lying on the north side of U.S. Route 50 in the Gainesboro Magisterial District of Frederick County, Virginia as presented, the undersigned will pay to Frederick County for the Round Hill Fire and Rescue Company the sum of \$25,000.00, the Sheriff's Office the sum of \$5,000.00 and the Administration Building the sum of \$5,000.00 for a total payment of \$35,000.00, at the time of the first building permit on the 89.4099 acre tract is issued. This payment will not be required if it is shown that this payment was made with the original rezoning of the property in 2003.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Owner. In the event the Frederick County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted,

WINCHESTER MEDICAL CENTER

By (Print Name): MARK BAICAR

Signature: 

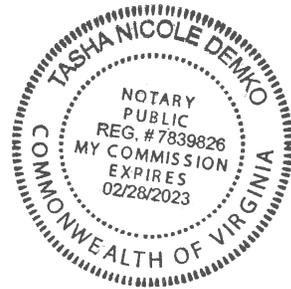
Title: VP, FACILITIES MANAGEMENT & SAFETY

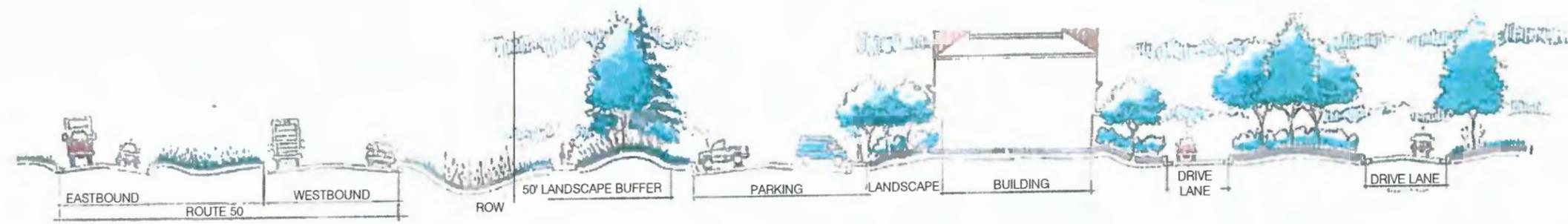
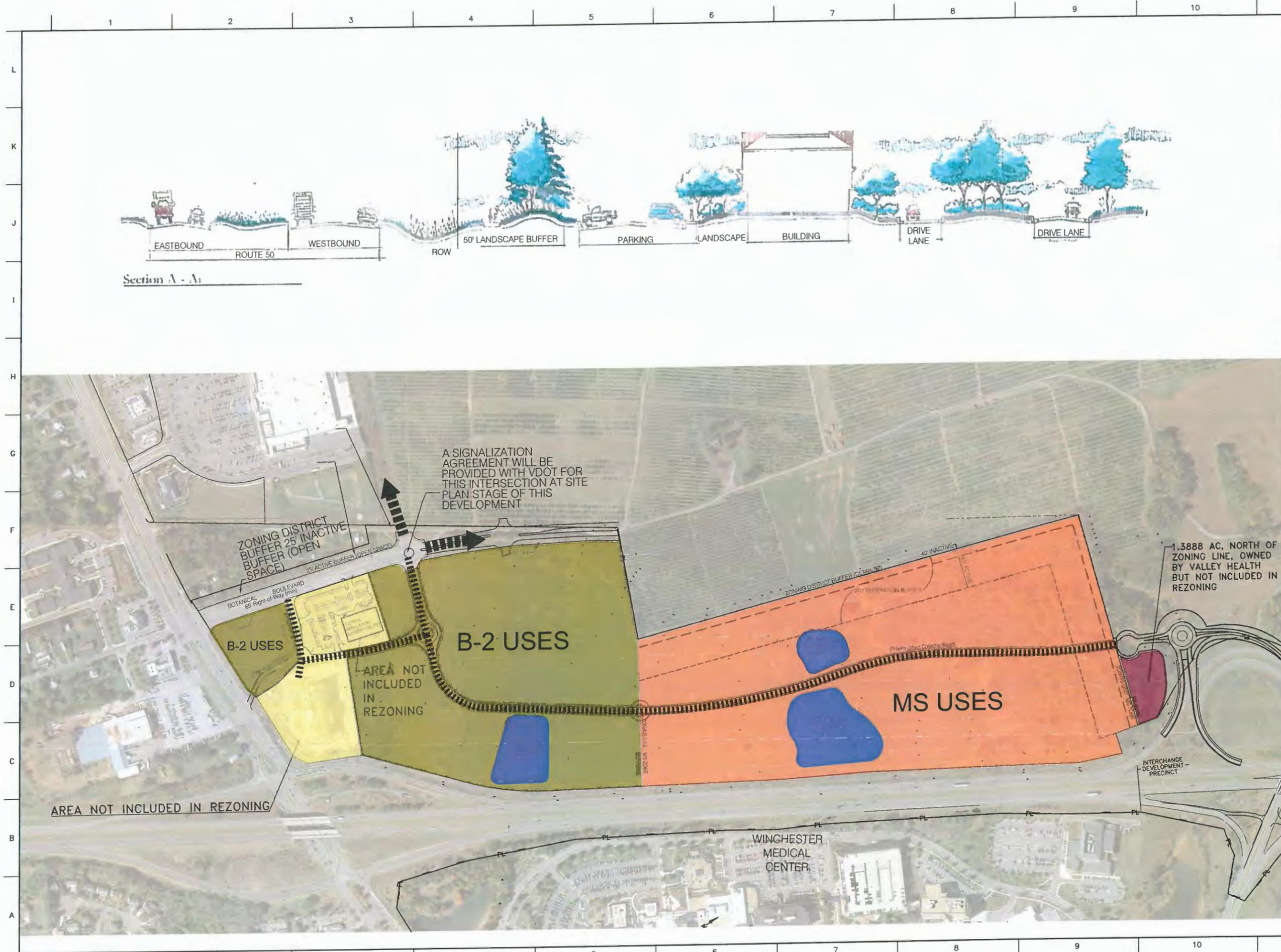
Date: 12-05-19

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

The foregoing instrument was acknowledged before me this 5 day of December,
2019, by TASHA NICOLE DEMKO.

My commission expires 02/28/2023
Notary Public Commonwealth of Virginia





**WINCHESTER
MEDICAL
CENTER
WEST CAMPUS**
FREDERICK COUNTY, VA

VALLEY ENGINEERING
IDEAS MADE REAL

3221 PEOPLES DRIVE
HARRISBURG, VA 23101
TELEPHONE (840) 834-9345 OR (800) 343-6365
FAX (840) 432-0885
www.valleyesp.com

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PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REVISIONS:

DATE: 10-18-19
PROJECT No.: 7767-2
EXP./CLIENT No.: 11054-7
SCALE: 1"=200'

**GENERALIZED
PLAN OF
DEVELOPMENT**

SHEET NO.:
1

WINCHESTER MEDICAL CENTER WEST CAMPUS
FREDERICK COUNTY, VA

VALLEY ENGINEERING
IDEAS MADE REAL

3231 PEOPLES DRIVE
HARRISONBURG, VIRGINIA 22801
TELEPHONE (540) 434-6265 OR (800) 343-6365
FAX (540) 434-6365
www.valleyesp.com

COMPILED BY: VALLEY ENGINEERING, P.C. 405 E. MARKET STREET, SUITE 200, HARRISONBURG, VA 22801
DATE: 10-18-19

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REVISIONS:

DATE: 10-18-19

PROJECT No.: 7767-2

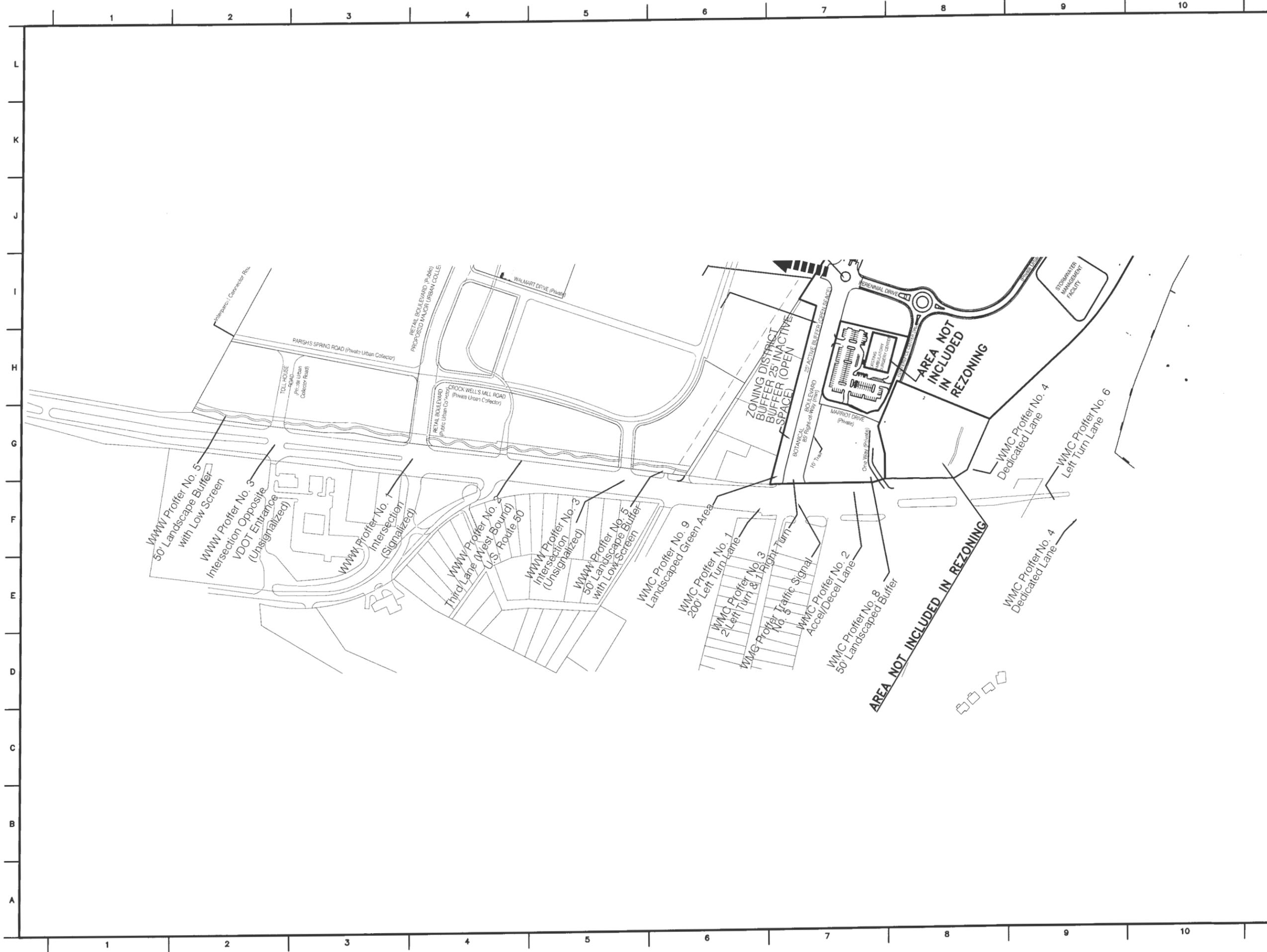
EXP./CLIENT No.: 11054-7

SCALE: TBLKSCALE

GENERALIZED PLAN OF DEVELOPMENT

SHEET NO.:

2





ORDINANCE

Action:

PLANNING COMMISSION: December 18, 2019 Recommended Approval

BOARD OF SUPERVISORS: January 8, 2020 Postponed
January 22, 2020

ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #06-19 WINCHESTER MEDICAL CENTER, INC.

WHEREAS, REZONING #06-19, Winchester Medical Center, was submitted by Valley Engineering, PLC to revise the proffered Generalized Development Plan approved with Rezoning #02-03 for 37.5424+/- acres zoned B2 (General Business) District and 51.8675+/- acres zoned MS (Medical Support) District; minor text revisions are also proposed to reflect the updated internal street network within the development with a final revision date of November 20, 2019. The subject property is on the northern side of Route 50 West and west of Route 37 in the Gainesboro District and is identified by Property Identification No. 53-A-68; and

WHEREAS, the Planning Commission discussed this rezoning at their December 18, 2019 meeting and recommended approval; and

WHEREAS, the Board of Supervisors discussed this rezoning at their January 8, 2020 meeting and tabled the item until the January 22, 2020 meeting; and

WHEREAS, the Board of Supervisors discussed this rezoning at their January 22, 2020 meeting and recommended approval; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the proffered GDP for 89.4099 acres of property identified by Property Identification Number 53-A-68 to allow for potential alternative development and to make minor text revisions to reflect the updated internal street network within the development with a final revision date of November 20, 2019. 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 22nd day of January 2020 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Shawn L. Graber

J. Douglas McCarthy

Robert W. Wells

Gene E. Fisher

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

AMENDMENT

Action:

PLANNING COMMISSION: March 19, 2003 - Recommended Approval

BOARD OF SUPERVISORS: April 9, 2003 - APPROVED DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #02-03 FOR THE WINCHESTER MEDICAL CENTER - WEST CAMPUS

WHEREAS, Rezoning #02-03 of the Winchester Medical Center - West Campus, was submitted by G. W. Clifford & Associates, Inc., to rezone 50.0540 acres from B2 (Business General) to B2 (Business General) with revised proffers, and 51.9676 acres from RA (Rural Areas) to MS (Medical Support). This property is located north of (and adjacent to) Route 50, and west and adjacent to Route 37, and identified with Property Identification Number 53-A-68 in the Gainesboro Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on March 19, 2003; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on April 9, 2003; 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;

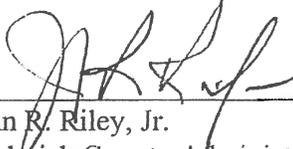
NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to change 50.0540 acres from B2 (Business General) to B2 (Business General) with revised proffers, and 51.9676 acres from RA (Rural Areas) to MS (Medical Support) 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 9th day of April 2003 by the following recorded vote:

Richard C. Shickle, Chairman	<u>Aye</u>	Sidney A. Reyes	<u>Aye</u>
Gina A. Forrester	<u>Nay</u>	Margaret B. Douglas	<u>Aye</u>
W. Harrington Smith, Jr.	<u>Aye</u>	Robert M. Sager	<u>Aye</u>
Lynda J. Tyler	<u>Aye</u>		

A COPY ATTEST



John R. Riley, Jr.
Frederick County Administrator

REZONING REQUEST PROFFER
Property Identification Number 53-((A))-68

WINCHESTER MEDICAL CENTER
"West Campus"

Preliminary Matters

Pursuant to Section 15.1 - 491.1 *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 # 02-03 for the rezoning of 51.9676 acres from Rural Area (RA) Zoning District to the Medical Services (MS) Zoning District, development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Frederick County Board of Supervisors in accordance with Virginia law. Also within this tax parcel is 50.0540 acres zoned B-2 which will remain B-2 after rezoning. The proffers which exist on the 50.0540 acre parcel have been included in this proffer statement and together with the added proffers constitute the complete proffer for the entire tract of 102.0216 acres. Should this petition for rezoning not be approved by the Board of Supervisors then the existing proffer statement for the B-2 tract will remain in effect and these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

General Development Plan

The development of the subject property, and the submission of any Master Development Plan shall be in conformance with all pertinent County regulations and shall be in substantial conformity with the Generalized Development Plan, dated September 2002, sheets 5 of 6 and 6 of 6, which are attached hereto and incorporated herein by reference.

Street Improvements

The Applicant shall design and construct all roads on the subject property consistent with the County's adopted Round Hill Land Use Plan for the area, and according to uniform standards established by the Virginia Department of Transportation (VDOT), and as may be provided in these proffers as illustrated on the Generalized Development Plan which is attached hereto and incorporated herein by reference.

1. On U.S. Route 50 at the intersection of Route 1317, a 200 feet left turn lane for eastbound traffic will be provided. (#1)
2. On U.S. Route 50, an acceleration/deceleration lane will be added across the entire U.S. Route 50 frontage of the site, and the only exit on U.S. Route 50 will be located at the Route 1317 intersection. Curb and gutter will be provided along the entire frontage. (#2)
3. At the VA Route 1317 intersection, traffic leaving the site will be provided two left turn lanes, (on left turn with through movement) and one right turn lane. (#3)
4. Lanes will be added to the VA Route 37 exit ramps to allow dedicated right and left turn lanes (#4) as follows:
 - At U.S. Route 50/VA Route 37 western signal, Southbound right turn - 200 feet with transition to provide full 2 lanes at intersection.

Rezoning Request Proffer
Property Identification Number 53-A-68
Gainesboro Magisterial District

- At U.S. Route 50/VA Route 37 eastern signal, Northbound left turn - 200 feet with transition to provide 3 lanes at intersection including a dedicated left, a left with through and right turn lanes.
- 5. A traffic signal will be provided at U.S. Route 50 and VA Route 1317 intersection. (#5)
- 6. An additional left turn lane will be provided on U.S. Route 50 for the eastbound traffic at the US Route 50/VA Route 37 eastern signal. (#6)
- 7. A major collector road, 1800 feet in length and 5 lanes wide, with 80 feet right of way. (#7)

Transportation items 1 through 6 shall be constructed during the initial site development phase of the project and shall be either complete or bonded for completion prior to issuance of the first occupancy permit.

The applicant shall limit entrance connections onto U.S. Route 50 to two points as shown on GDP.

The applicant shall prepare a traffic generation estimate for uses established by the Site Development Plan to be submitted for initial construction approval to the County. The combined trip generation (ADT) shall not exceed 14,000 TPD (average weekday volume) without further approval by the County. The actual trip generation from the project shall be determined by the Winchester Medical Center Management annually, from data collected in May and with results due on July 1 of each year, and be available for review as individual site plans and subdivisions for future uses are submitted for review by VDOT and the County. The combined traffic impact from the 102 acre site is not to exceed 14,000 TPD (average weekday volume) when current actual counts and proposed counts are added for cumulative total. If the cumulative total for any site plan at WMC causes the total to exceed 14,000 TPD then it is agreed that the applicant shall not file additional site plan application until the County is satisfied that adequate and manageable levels of service will exist on state or internal site roadways. The SIC code system and the ITE shall be utilized for the subject projections. The applicant shall perform an updated TIA of the project intersection on U.S. Route 50 and of the Route 50/Route 37 interchange when traffic generation from the 102 acre site reaches 14,000 TPD (average weekday volume). The County may revise this 14,000 TPD limit upward, without modification of this proffer agreement, should results of the TIA show that additional loading is appropriate.

Landscape Design Features

The development of the subject property, and the submission of any Master Development Plan shall include the following landscape design feature provided in these proffers and as illustrated on the Concept Plan revised 3/4/03 which is attached hereto and incorporated herein by reference.

Rezoning Request Proffer
Property Identification Number 53-A-68
Gainesboro Magisterial District

1. A fifty foot (50') landscaped buffer along the US Route 50 frontage portion of the site. (#8). Internal parking, travel ways and commercial structures shall not extend closer than 50' to front right of way line on U.S. Route 50. An illustrative detail is attached to this proffer for the purpose of establishing a standard of quality to be implemented upon final design. (See ID "A").
2. A landscaped green area along the north side of the main entrance. (See ID "A") (#9)
3. A landscaped, open, green visual focal link and park located at a "roundabout" (#10). An illustrative example (ID "B") is attached to this proffer for the purpose of establishing a standard of quality to be implemented upon final design.

On Site Development

The Winchester Medical Center shall establish an Architectural Review Committee (ARC) to review all planning within the 104 acre site to insure conformance with the standard of quality described in the Master Development Plan and Covenants. In general, project covenants shall establish a standard of quality for structures and site design as follows:

1. Materials utilized for the facades of the buildings shall include but not be limited to concrete masonry units (CMU) brick, architectural block, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
2. All building within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
3. All building within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, parking lot lighting, landscaping, trash disposal, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically.
4. A single monument type sign shall be utilized near the project entrance to describe internal features. Sign height shall be limited to 20' within 50' landscape area along U.S. Route 50. Individual signs to be allowed per ordinance requirements to announce individual uses. On building signage to be the preferred sign type for individual uses. No other signs shall be located within 50' buffer area.

The Applicant shall record and include in each deed as well as provide Frederick County with a complete set of Covenants and Restrictions pursuant to site design developed and approved by Frederick County at the time of master plan.

Property owners shall be notified of conditions relating to adjoining active agricultural operations.

Rezoning Request Proffer
Property Identification Number 53-A-68
Gainesboro Magisterial District

Monetary Contribution to Offset Impact of Development

The undersigned, who owns the above described property hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 51.9676 acre tract 2, lying on the north side of U.S. Route 50 in the Gainesboro Magisterial District of Frederick County, Virginia from RA to MS and approves the revised planning for the 50.0540 acre tract 1, the undersigned will pay to Frederick County for the Round Hill Fire and Rescue Company the sum of \$25,000.00, the Sheriff's Office the sum of \$5,000.00 and the Administration Building the sum of \$5,000.00 for a total payment of \$35,000.00, at the time the first building permit on the 102.0216 acre tract is issued.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Frederick County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully submitted,

PROPERTY OWNER

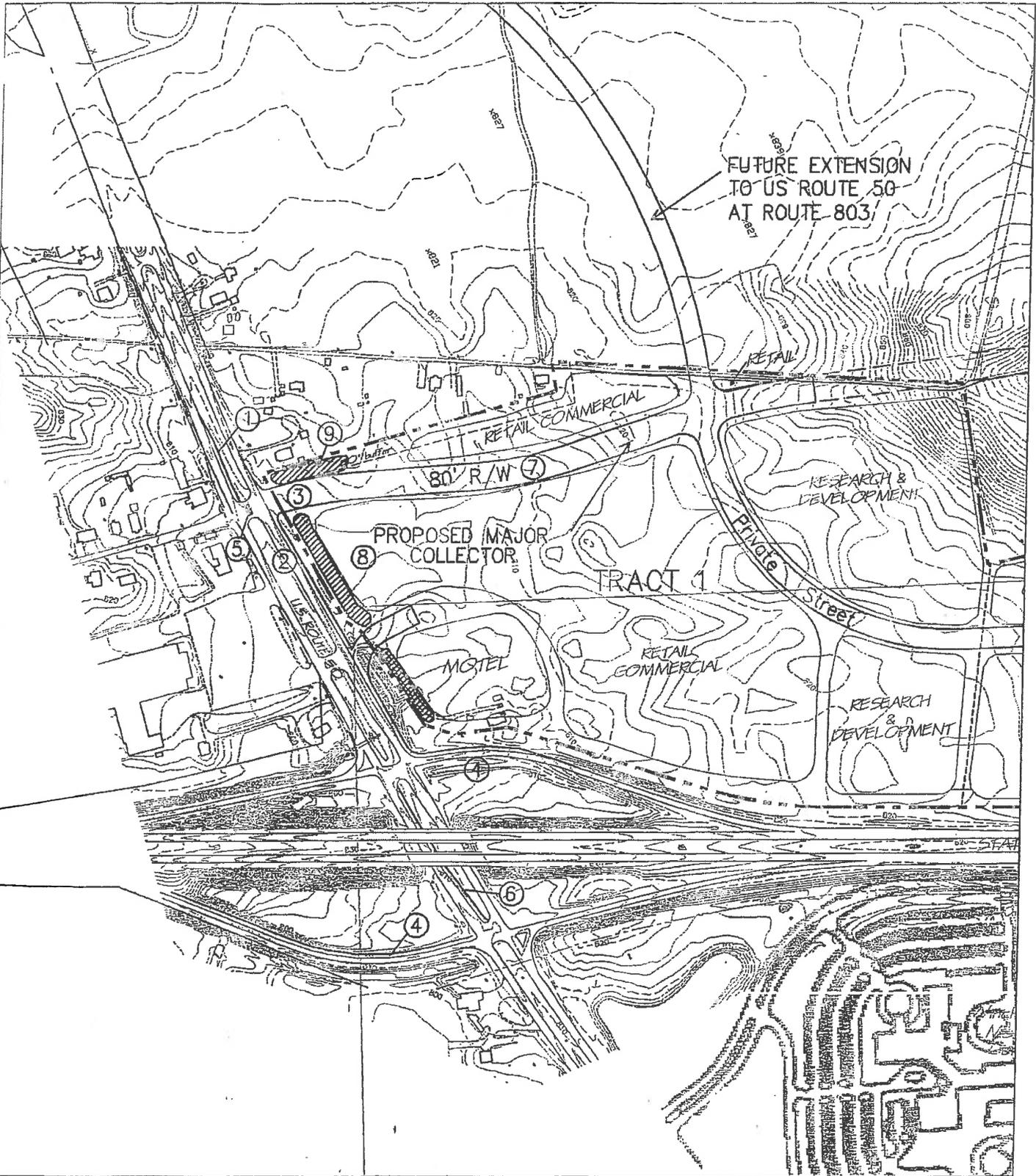
By: C. Douglas Rosen SVP of Valley Health System

Date: 4/3/03

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

The foregoing instrument was acknowledged before me this 3rd day of April, 2003, by C. Douglas Rosen.

My commission expires April 30, 2003
Notary Public Monroe Morrison



1" = 400'
 9/10/02
WINCHESTER MEDICAL CENTER PROPERTY
 GENERALIZED DEVELOPMENT PLAN
 "WEST CAMPUS"
 FREDERICK COUNTY, VIRGINIA

B-2 Property
 Sheet
 5
 of
 6

gilbert w. clifford  & associates, inc.
 Engineers Land Planners Water Quality
 117 E. Piccadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493 EMAIL: gcliff@mnsinc.com

Revised 3/4/03



9/10/02
 WINCHESTER MEDICAL CENTER PROPERTY
 GENERALIZED DEVELOPMENT PLAN
 "WEST CAMPUS"
 FREDERICK COUNTY, VIRGINIA

MS Property
 Sheet
 6
 of
 6

gilbert w. clifford & associates, inc.
 Engineers Land Planners Water Quality
 117 E. Piccadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493 EMAIL: gwc.lf@msinc.com

Revised 3/4/03



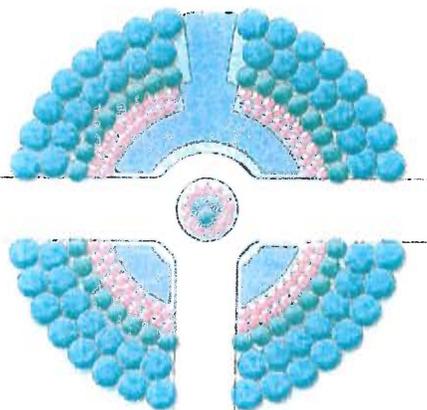
Section A - A1
Scale: 1" = 20'



Section B - B1
Scale: 1" = 20'



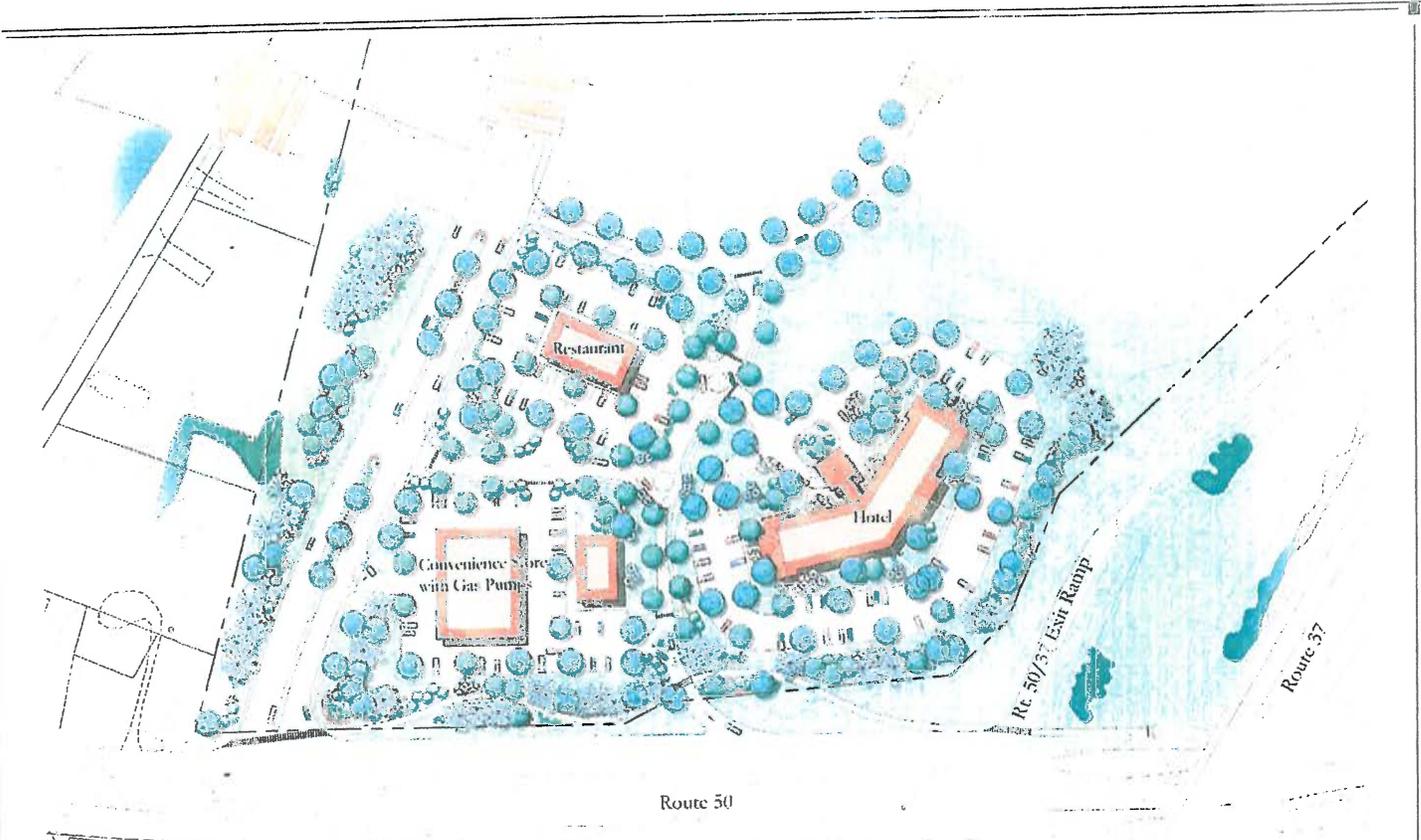
Section Key
Scale: 1" = 200'



Focal Point at Overpass Roundabout
Scale: 1" = 40'

Robert W. Clifford & Associates, Inc.
Engineers • Land Planners • Water Quality

Winchester Medical Center West Campus
Generalized Development Plan
Frederick County, Virginia



Route 50

Exit Ramp

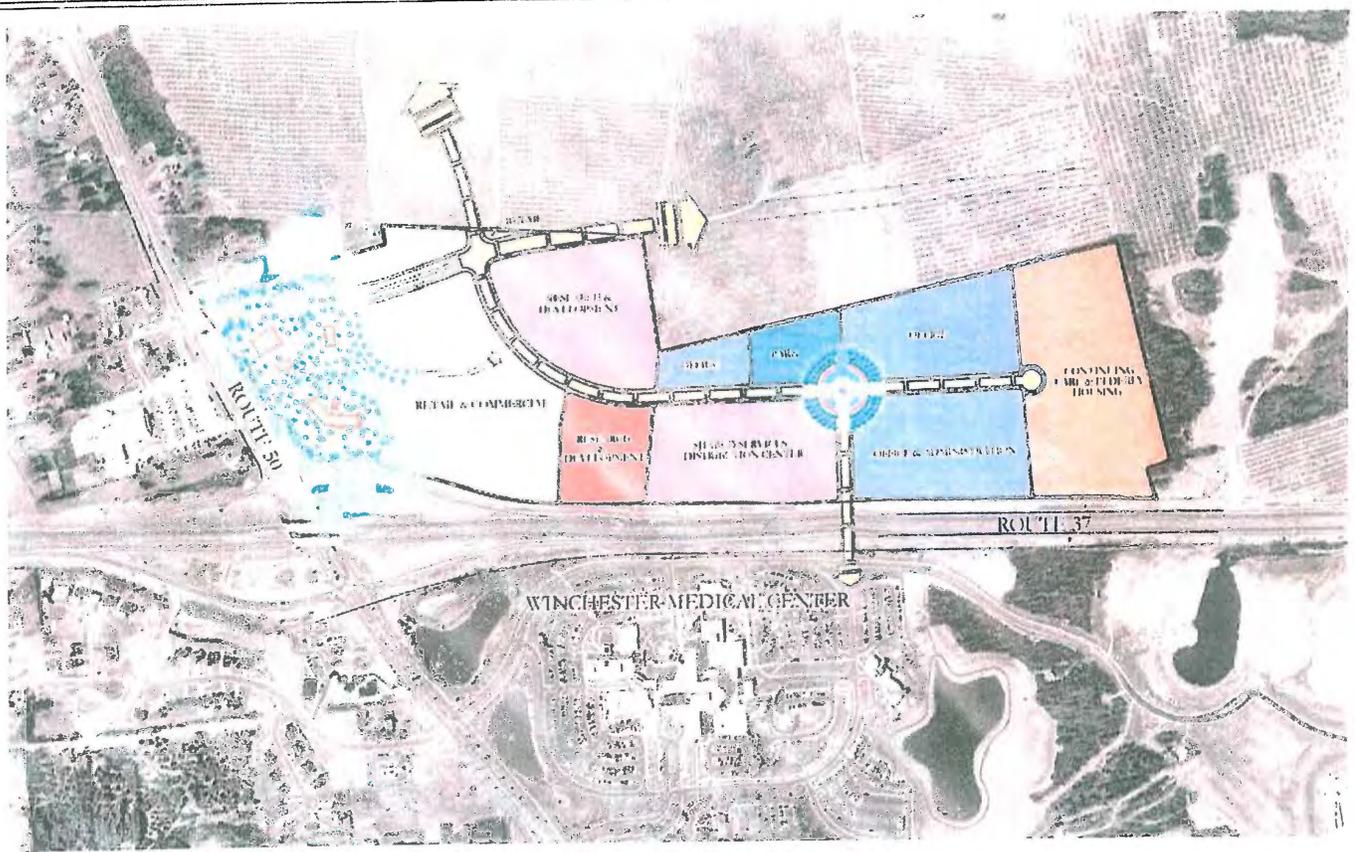
Route 37

Winchester Medical Center West Campus
 Generalized Development Plan
 Frederick County, Virginia

gibert w. clifford & associates, inc.
 Engineers • Land Planners • Water Quality



SCALE: 1" = 50'



Robert W. Clifford & Associates, Inc.
 Engineers • Land Planners • Water Quality

Winchester Medical Center West Campus
 Generalized Development Plan
 Frederick County, Virginia





COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 6-A

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

December 17, 2009

MOTION

Made By:Dr. Davis Seconded By:Mr.Davies
Action: Motion Carried, Unanimously

Title: Right of Way and Limited Access Control Changes
Route 37 and Campus Boulevard Interchange, Frederick County

WHEREAS, Route 37, between its southernmost intersection with Interstate 81 continuing in a northerly direction for approximately 9 miles to a point along Route 11, north of the City of Winchester, in Frederick County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on March 17, 1966; and

WHEREAS, in connection with a section of Route 37, State Highway Project 6037-034-101, RW-202, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners; and

WHEREAS, the land on both the northwest and southeast sides of the Route 37 proposed right of way and limited access lines, as shown on the plans for said State Highway Project, between the interchanges at Route 522 and Route 50, was identified as the location for an interchange (hereinafter referred to as "Campus Boulevard Interchange") to serve the Winchester Medical Center, Inc., property located on the southeast side, and potential access for future development for properties on the northwest side of said Route, necessitating changes to the said right of way and limited access control in the vicinity of approximate Station 440+00, which were approved by the CTB on May 21, 1992; and

WHEREAS, Valley Health (formerly Winchester Medical Center, Inc.) has identified and requested right of way (R/W) and limited access control changes (LACC) consisting of a northerly shift and LACC along the Campus Boulevard Interchange Ramp D northwest revised proposed right of way and limited access line (5/21/1992), to provide direct access to the northwestern campus of the Hospital, as well as inter-campus connectivity, facilitating the planned expansion of medical related services in the region and supporting economic development of Frederick County (County); and

WHEREAS, the County, by letter dated February 3, 2006, supports the request for the R/W and LACC; and

WHEREAS, the Virginia Department of Transportation (VDOT) has determined that the said shift of the right of way and limited access line in the vicinity of approximate Station 440+00 (Route 37 southbound lane baseline) and conditional LACC of approximately 70 feet in length, from a point 398.9 feet opposite Station 17+17.39 (Route 37 and Campus Boulevard Interchange Ramp D baseline) to a point 434.3 feet opposite Station 17+60.48 (Route 37 and Campus Boulevard Interchange Ramp D baseline), with roadway and ramp modifications as required, to provide direct access to the northwestern campus of the Hospital, as well as inter-campus connectivity, both located along the northwest side of the Route 37 and Campus Boulevard Interchange Ramp D northwest revised proposed right of way and limited access line (5/21/1992), as shown on the plans for State Highway Project 0037-138-101, RW-201, are appropriate for said interchange ramp from a design standpoint subject to further VDOT review and approval; and

WHEREAS, a global traffic analysis was prepared and reviewed, and VDOT has determined that the said proposed R/W and LACC for said interchange ramp will require further operational review and approval by VDOT in the future, however from a safety and traffic control standpoint regional growth demands on the Route 37 corridor far exceed any immediate operational impacts of the said proposed R/W and LACC; and

WHEREAS, a long term plan for the Route 37 corridor is under development by VDOT and the Win-Fred Metropolitan Planning Organization; and

WHEREAS, Valley Health and VDOT have agreed to the following conditions for the said proposed R/W and LACC:

- Valley Health shall donate and convey in fee simple, free of any liens and with General Warranty of title, all land and easements, including but not limited to easements of access, air and light, necessary to accommodate the said R/W and LACC to the Commonwealth without cost, compensation or mitigation; and

- Valley Health will construct new termini for the southbound Route 37 ramps at Relocated Campus Boulevard, providing access to the northwestern campus of the Hospital, as hereinafter described, to VDOT specifications and subject to VDOT approval; and
- Valley Health will construct modifications to the existing northbound Route 37 ramps at Campus Boulevard to permit westerly movements to and from the said ramps subject to VDOT specifications and approval; and
- Valley Health will construct a second right turn lane at the northbound Route 37 ramp termini with Route 522 to mitigate queuing issues on said ramp concurrently with the said Campus Boulevard ramp improvements and gates herein described; and
- All right of way, engineering, construction, utility relocation, re-signing, and all necessary safety improvements shall meet all VDOT standards and requirements; and
- All parties concur that traffic safety on Route 37 is the first priority, and full and adequate operational functioning of Route 37 is the next priority; and
- Valley Health shall construct actuated gates within its property at the proposed LACC for access to the northwest campus of the Hospital, as part of and coinciding with the said ramp improvements, in order to permanently prohibit the general public from traveling between the northwestern campus of the Hospital and the Campus Boulevard Interchange; and
- All costs, infrastructure, and maintenance associated with the said gates shall be borne by Valley Health; and
- Valley Health will be permitted to issue up to 500 cards or passes to the said gates, for the exclusive use of campus employees, patients, and/or patient family members for inter-campus access; and
- VDOT may request independent audits, to be funded by Valley Health, of outstanding cards or passes to assure compliance with the conditions of this Resolution at any time VDOT deems appropriate; and
- The said access is subject to revocation and closure at any time if VDOT deems the management of the said restricted access is being abused or determines that any operational or safety conflicts are occurring; and
- Valley Health will complete all plans, posting of any bonds and obtain any permits, as necessary or required, within one year of CTB approval of the said proposed R/W and LACC; and
- All costs of engineering and construction, utility relocation, re-signing, including all necessary safety improvements, will be borne by the Valley Health; and
- A Memorandum of Agreement (hereinafter MOA) will be executed between Valley Health and VDOT, and made available to the County to confirm compliance of these conditions, current zoning restrictions on the northwestern

campus of the Hospital, and to consider participation in regional transportation projects in the future; and

- The said MOA shall be executed and recorded among the land records of Frederick County, Virginia within one (1) year of CTB approval of the said proposed R/W and LACC; and

WHEREAS, VDOT has determined that the said time frame for Valley Health to complete the requirements for all plans, posting of any bonds and obtaining any permits, as necessary or required, being within one year of CTB approval of the said proposed R/W and LACC is appropriate; and

WHEREAS, VDOT has determined there will be no adverse environmental impacts, pending a Phase 1 Archeology study to be completed after the plans are developed and prior to construction, to be conducted as part of the permit process; and

WHEREAS, public notices were posted in the Winchester Star and Northern Virginia Daily newspapers on November 2, 2009 and November 24, 2009; and the Shenandoah Valley Hit newspaper on November 6, 2009, all of which closed on December 1, 2009, with no comments received; and

WHEREAS, VDOT has determined that due to the restricted nature of the actuated gates within the Valley Health property at the proposed LACC for access to the northwest campus of the Hospital, no compensation shall be due VDOT in consideration of the said proposed LACC for access; or the said proposed shift due to utilization for public street purposes; and

WHEREAS, other than the period for completion of all plans, posting of any bonds, obtaining any permits, and execution/recordation of the MOA, the proposed R/W and LACC is in compliance with the Commonwealth Transportation Board Policy; and

WHEREAS, upon completion of all conditions and work by Valley Health and acceptance by VDOT, all work, roadway construction, improvements and equipment within the said revised proposed right of way and limited access of the Route 37 and Campus Boulevard Interchange (12/17/2009) will become the property of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby finds and concurs with the aforesaid VDOT determinations, and approves the said R/W and LACC shift for public street purposes; and that the CTB's earlier designation of Route 37 as a

limited access highway be amended to allow a restricted traffic limited access break from a point 398.9 feet left of existing Ramp D station 17+17.39 to a point 434.3 feet left of Resolution of the Board
Right of Way and Limited Access Control Changes – Route 37 and Campus Boulevard Interchange
Frederick County
December 17, 2009
Page Five

existing Ramp D station 17+60.48, a width of approximately 70 feet, conditioned upon the following:

1. That ingress and egress gates be constructed on the Valley Health property to restrict traffic entering the Route 37/Campus Boulevard Interchange limited access break to employees, patients and/or patient family members requiring inter-campus access. Valley Health may issue up to 500 cards or passes to actuate the gates for passage.
2. That, if at any time the Department deems the management of the restricted access is being abused or determines that operational or safety conflicts are occurring, the limited access change will be revoked and the break will be closed.
3. That Department concurs with and approves the design of the interchange modifications and any other improvements that are required.
4. That Valley Health or others agree to provide the additional limited access right of way and pay all costs of the improvements as identified herein.

The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

####

To be completed by Planning Staff:

Zoning Amendment Number 06-19
Date Received 10/25/19

Fee Amount Paid \$1,000.00
Anticipated PC Hearing Date 12-4-19
Anticipated BOS Hearing Date 1/8/19

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: Winchester Medical Center, Inc.

Specific Contact Person if Other than Above: Mark Baker

Address: 1836 Amherst Street, Winchester, VA 22601

Telephone: (540) 536-4543 Email: mbaker@valleyhealthlink.com

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Valley Engineering, PLC

Specific Contact Person at Firm: Daniel Michael, PE

Address: 4901 Crowe Drive, Mount Crawford, VA 22841

Telephone: (540) 434-6365 Email: dmichael@valleyesp.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. **Project Name (if any):** Winchester Medical Center II

5. **Property Information:**

a. Property Identification Number(s): 53-A-68

b. Total acreage of the parcel(s): 89.4099

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):

d. Current zoning designation(s) and acreage(s) in each designation:
B-2 - 37.5424 AC, MS - 51.8675 AC

e. Proposed zoning designation(s) and acreage(s) in each designation:
B-2 - 37.5424 AC, MS - 37.5424 AC

f. Magisterial District(s): Gainseboro

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):
1998 Northwestern Pike, Winchester, VA

h. **Adjoining Properties:**

<u>Parcel ID Number</u>	<u>Use</u>	<u>Zoning</u>
<u>53-B-3, 83</u>	<u>C STORE - LIVESTOCK EXCHANGE</u>	<u>RA</u>
<u>53-A-84</u>	<u>RESIDENTIAL</u>	<u>RA</u>
<u>53-A-75,76,77</u>	<u>RESIDENTIAL</u>	<u>B-2</u>
<u>53-A-74</u>	<u>RESIDENTIAL</u>	<u>B-2</u>
<u>53-A-73</u>	<u>RESIDENTIAL</u>	<u>RA</u>
<u>53-A-A,69,1</u>	<u>AGRICULTURAL</u>	<u>RA</u>
<u>53-A-68A</u>	<u>HOTEL</u>	<u>B-2</u>

Property identification numbers, magisterial districts, and deed book and page numbers/ instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

NOT APPLICABLE AS VALLEY HEALTH IS A NON-PROFIT ENTITY

Please attach additional page(s) if necessary.

7. Checklist. Please check that the following items have been included with this application:

- Location Map
- Plat Depicting Metes/Bounds of Proposed Zoning
- Impact Analysis Statement
- Proffer Statement (if any)
- Agency Comments
- Fee
- Copies of Deed(s) to Property(ies)
- Tax Payment Verification
- Digital copies (pdf's) of all submitted items

7. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance 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.

Owner: Mark B. Bepko Date 10/16/19

If signing on behalf of an entity, please state name of entity and your title:

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.

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 FARMERS LIVESTOCK EXCHANGE	PO BOX 2696
Property # 53-B-3, 83	WINCHESTER, VA 22604
Name KEVIN L. ANDERSON	180 THURSTON CT
Property # 53-A-84	CLEARBROOK, VA 22624
Name NANCY RENNER JOHNSON	2054 NORTHWESTERN PIKE
Property # 53-A-75, 76, 77	WINCHESTER, VA 22603
Name CRT PROPERTIES, LLC	424 W CECIL ST
Property # 53-A-74	WINCHESTER, VA 22601
Name MARSHA A. DEHAVEN AND JANCICE P. LLEWELLYN	500 S HAYFIELD RD
Property # 53-A-73	WINCHESTER, VA 22602
Name FRUIT HILL ORCHARD, INC	PO BOX 2368
Property # 53-A-A, 69, 1	WINCHESTER, VA 22604
Name WINCHESTER HOTEL PARTNERS, III LP	610 EDGE GROVE RD
Property # 53-A-68A	HANOVER, PA 17331
Name	
Property #	
Name	
Property #	

Name and Property Identification Number	Address
Name	
Property #	
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Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents That:

WINCHESTER MEDICAL CENTER, INC

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.
 If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

1836 AMHERST STREET, WINCHESTER, VA 22601

(540) 536-4543

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

53-A-68

do hereby make, constitute, and appoint:

DANIEL MICHAEL, PE

Name of Attorney-In-Fact

VALLEY ENGINEERING, PLC, 8401 CROWE DRIVE, MOUNT CRAWFORD, VA 22841

(540) 434-6365

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

- | | | | |
|-------------------------------------|--|--------------------------|---------------------------|
| <input checked="" type="checkbox"/> | Rezoning | <input type="checkbox"/> | Subdivision |
| <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Site Plan |
| <input type="checkbox"/> | Master Development Plan (prelim. or final) | <input type="checkbox"/> | Variance or Zoning Appeal |

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

NONE

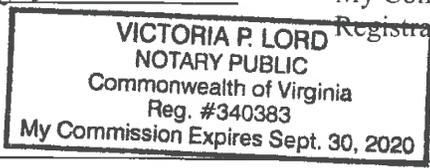
This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature *[Handwritten Signature]*
 Title (if signing on behalf of an entity) Vice President Facilities Management + Safety

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

I, Victoria P. Lord, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 16 day of October, 2019.

[Handwritten Signature]
 Notary Public My Commission Expires: Sept 30, 2020
 Registration Number: 340383



Real Estate Ticket Detail
[Previous](#)

2019 REAL ESTATE

Dept Ticket# RE2019-439380001	Frequency: 1	Supplements: 0
Name: WINCHESTER MEDICAL CENTER INC	Map: 52 A 60	Account: 001004
Name 2:	Bill Date: 06/16/2019	Acceage: 0.00
Address: PO BOX 2250	Due Date: 08/05/2019	Improvements: 0.00
WINCHESTER VA	Dist: 19 51 ACRES	Land Value: \$1,077,000.00
Zip: 22601		Land Use: 0.00
		Minerals: 0.00
Penalty Paid: 0.00	Interest Paid: 0.00	Last Transaction Date: 06/16/2019

Current Payment Status

Original Bill	Payments	Principal Balance Due	Penalty	Interest	Balance Due
\$13,592.63	(13,592.63)	0.00	0.00	0.00	0.00

Transaction History

Date	Type	Transaction#	Amount	Balance
6/6/2019	Charge	0	\$13,592.63	\$13,592.63
6/14/2019	Principal Paid	43093	(\$13,592.63)	\$0.00

[Previous](#)



Item No. 2



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, CZA, Assistant Director *CAP*

DATE: January 16, 2020

RE: **Discussion: 2020-2025 Capital Improvements Plan (CIP)**

The Capital Improvements Plan (CIP) is a document that consists of a schedule of major capital expenditures for the County for the ensuing five-year period, as well as, a category for long term projects (6 + years out). The CIP is intended to assist the Board of Supervisors in preparation of the County budget. In addition to determining priorities for capital expenditures, the County must also ensure that projects contained within the CIP conform to the Comprehensive Plan. Specifically, the projects are reviewed with considerations regarding health, safety, and the general welfare of the public, and the policies of the Comprehensive Plan. When the CIP is adopted, it becomes a component of the Comprehensive Plan.

The inclusion of projects on the CIP is in no way an indication that Frederick County will be undertaking these projects. The CIP is strictly advisory; it is intended for use as capital facilities planning document, not for requesting funding allocations. Once adopted, project priorities and cost estimates may change throughout the year based on changing circumstances. It is also possible that particular projects may not be funded during the year that is indicated in the CIP. The status of any project becomes increasingly uncertain the further in the future it is projected. The CIP is also updated annually, and projects are removed from the plans as they are completed or as priorities change.

CIP Components

The CIP provides project recommendations from various County Agencies and tables that outline the projects and cost estimates for the projects. Within the tables, columns for each year show the funding needs that would be requested in the corresponding budget cycle. In addition, those projects that are long range projects have been placed at the end of the CIP table, outside of the five-year window. The CIP includes three separate tables; the first table shows County funded projects and the second and third tables cover Transportation projects and Airport projects which are primarily funded through other sources.

The CIP includes a total of 79 projects, including several new projects. Projects within the CIP are for: Schools, Parks and Recreation, Regional Library, County Administration, Fire and Rescue, Transportation and Winchester Regional Airport.

Background – Discussions

On December 9, 2019, the Comprehensive Plans and Programs Committee (CPPC) discussed the 2020-2025 CIP capital improvement project requests. The role of the CPPC in the CIP process was to ensure that the various departmental project requests are in conformance with the 2035 Comprehensive Plan. Following the CPPC discussion, the Committee endorsed the CIP and endorsed its conformance with the County's Comprehensive Plan. The CPPC forwarded the CIP to the Planning Commission for discussion. The Planning Commission discussed the CIP at their meeting on January 15, 2020. The Planning Commission confirmed that the CIP is in conformance with the 2035 Comprehensive Plan and recommended approval of the plan.

Conclusion

Staff is seeking a decision from the Board of Supervisors as to whether the 2020-2025 CIP is ready to be scheduled for public hearing.

Please find attached the Draft 2020-2025 CIP with applicable text, tables and maps. More detailed information regarding the individual department requests is available digitally and may be forwarded to you directly if requested.

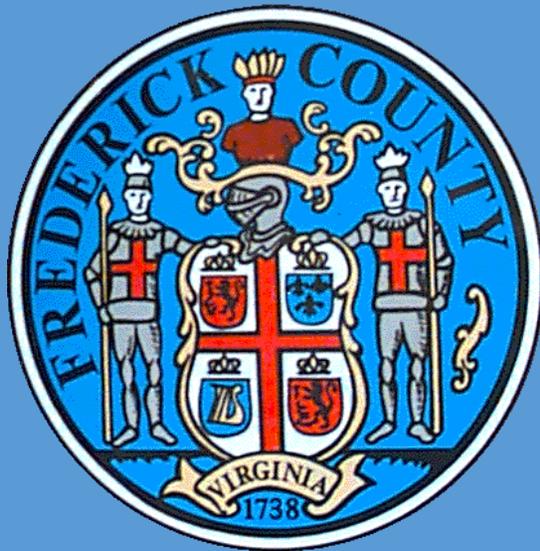
If adopted, the CIP and included maps will become a component of the Comprehensive Plan, which would satisfy the review requirement of Section 15.2-2232 of the Code of Virginia, which states that no public facility shall be constructed unless said facility is a "feature shown" within a jurisdiction's comprehensive plan.

Please contact the Planning Department should you have any questions regarding this information.

CEP/dw

Attachment

FREDERICK COUNTY, VIRGINIA 2020-2025 CAPITAL IMPROVEMENT PLAN



Adopted by the
Frederick County
Board of Supervisors
TBD

Recommended by the
Frederick County
Planning Commission
January 15, 2020

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**CAPITAL IMPROVEMENTS PLAN
FREDERICK COUNTY
FY 2020-2025**

INTRODUCTION

Section §15.2-2239 of the Code of Virginia assigns the responsibility for preparation of plans for capital outlays to the local Planning Commissions. The Capital Improvements Plan (CIP) consists of a schedule for major capital expenditures for the County for the ensuing five years.

The CIP is updated annually. Projects are removed from the plans as they are completed or as priorities change. The plan is intended to assist the Board of Supervisors in preparation of the County budget. In addition to determining priorities for capital expenditures, the County must also ensure that projects contained within the CIP conform to the Comprehensive Plan. Specifically, the projects are reviewed with considerations regarding health, safety, and the general welfare of the public, and the policies of the Comprehensive Plan. Once the CIP is adopted, it becomes a component of the 2035 Comprehensive Plan and provides a link between the documents and potential proffered contributions made with future rezoning projects.

The inclusion of projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. The CIP is strictly advisory; it is intended for use, as a capital facilities planning document, not for requesting funding allocations. Once adopted, project priorities may change throughout the year based on changing circumstances. It is also possible that particular projects may not be funded during the year that is indicated in the CIP. The status of any project becomes increasingly uncertain the further in the future it is projected.

PROJECT RECOMMENDATIONS

Frederick County Public Schools

Frederick County Public Schools continue to commence and complete capital projects that have been priorities from previous years. The top capital improvement priority for the Schools is the construction of the New High School. The James Wood High School additions and renovations is the second highest priority, followed by the Armel Elementary School addition and renovation. Other schools included for renovation and addition projects include Indian Hollow Elementary School, Sherando High School and Apple Pie Ridge Elementary School. The School Board Office renovation and expansion is also on the School's CIP.

Parks & Recreation

The top capital improvement priority for Parks and Recreation is the Abrams Creek Greenway Trail. This facility would provide recreational opportunities for residents of this corridor along with the surrounding communities and was emphasized in the Senseny/Eastern Frederick Urban Areas Plan completed during 2012. Other top priorities include the Snowden Bridge Park development, a community center and the Indoor Aquatic Center.

Handley Regional Library

The Handley Regional Library recommends three projects. The library's top priority is a new library branch in the Gainesboro area. The two remaining projects request that funding be provided for new library branches throughout the County which include the areas of Senseny/Greenwood Road and Route 522 South; both of which are anticipated to be located within the UDA (Urban Development Area) in locations consistent with the approved area plans - the Senseny/Eastern Frederick Area Plan, and the Southern Frederick Area Plan.

County Administration

There is one request from Public Works – the Gore Convenience site expansion. The County Office Annex (Former Sunnyside Plaza Shopping Center) is the second priority, followed by the joint County Administration and School Administration Building and the future replacement of the Joint Judicial Center remain in the CIP.

General Government Capital Expenditures is also included in the CIP – this item enhances the connection between the CIP and proffered contributions made to mitigate the impacts of development projects. This item addresses those general government capital expenditures that may fall below the established \$100,000 departmental threshold. This is similar to the approach taken for Fire and Rescue Capital Equipment (see Fire and Rescue descriptions).

Fire and Rescue

The top project for the Fire and Rescue is the construction of the Regional Public Safety Training Center. The construction of Fire & Rescue Station #22 in the vicinity of Route 277, with the ability to provide an annex facility for other County-related offices is the second project. Fire and Rescue has also included a project which provides for the capital apparatus needs of this facility. Project four includes the construction of Station #23, a new facility located in the vicinity of Crosspointe that would also provide the ability for an annex facility for other County-related offices.

Fire and Rescue Volunteer Company Capital Equipment Requests

The revolving fund in the amount of \$1,000,000 for the benefit of Fire and Rescue Services was established remains a component of the CIP. This capital expenditure fund is for purchasing additional and replacement capital equipment fire and rescue vehicles and equipment that may fall below the guidelines established by the Finance Committee. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is primarily for the benefit of the individual Volunteer Fire and Rescue Companies. Individual Fire and Rescue Companies previously identified their own capital requests which have been added to the CIP in a lump sum amount. Each of the capital requests meet the \$100,000 guideline established by the Finance Committee.

Greenwood Fire Station has included a request for a renovation of the station and a parking lot update and Middletown Station is seeking to demolish their existing structure and build a new station.

Sheriff's Office

The Sheriff's Office has included four projects in their CIP. The top project is the construction of an eight-bay steel storage building for housing of large specialized vehicles that require coverage due to their equipment and specialized tools. Other projects include 25 new patrol vehicles, 25 Motorola 8500 mobile radios and 25 Motorola 800 portable radios.

Transportation Committee

The Transportation Committee continues to provide project requests for the CIP. Virginia State Code allows for transportation projects to be included within a locality's CIP. Funding for transportation project requests will likely come from developers and revenue sharing. Implementation of transportation projects does not take away funding for generalized road improvements.

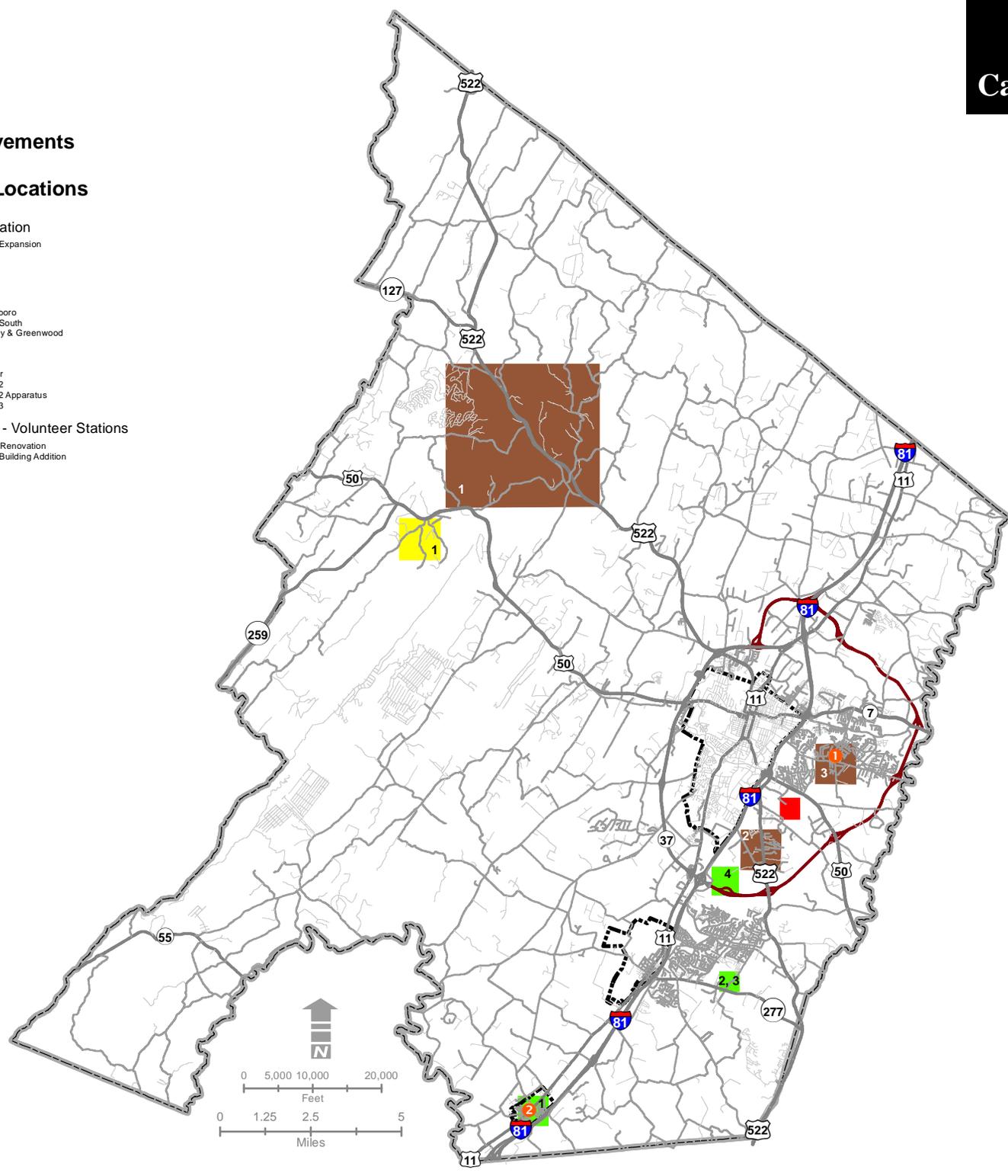
The Transportation Committee has requested funding for 21 projects. The top three requests include Route 277 improvements, Crossover Boulevard/Bridge over I-81 and Exit 313 Bridge Replacement and Capacity Improvements. The inclusion of the Eastern Road Plan Improvements item once again emphasizes the connection between the CIP and potential proffered contributions made with rezoning projects which are aimed at mitigating potential transportation impacts identified in the Comprehensive Plan.

Winchester Regional Airport

Funding for airport projects is derived through a complex formula where the federal and state governments contribute a majority of the funding, with Frederick County and the other jurisdictions providing the remaining funding. The construction of a new general aviation terminal to support future airport operations continues to be number one in the CIP, followed by the Taxiway "A" Relocation (design/construction). A number of other projects focus on land acquisition in support of airport development to meet Federal Aviation requirements for general aviation facilities. The vast majority of the funding for these improvements comes from the FAA and VDA.

**2020 - 2025
Capital Improvements
Specific or
Approximate Locations**

- County Administration**
 - 1 Gore Convenience Site Expansion
- Airport**
- Library**
 - 1 Library Branch - Gainesboro
 - 2 Library Branch - Rt 522 South
 - 3 Library Branch - Senseny & Greenwood
- Fire & Rescue**
 - 1 Regional Training Center
 - 2 Fire & Rescue Station 22
 - 3 Fire & Rescue Station 22 Apparatus
 - 4 Fire & Rescue Station 23
- Fire & Rescue - Volunteer Stations**
 - 1 Greenwood Station Renovation
 - 2 Middletown Station Building Addition



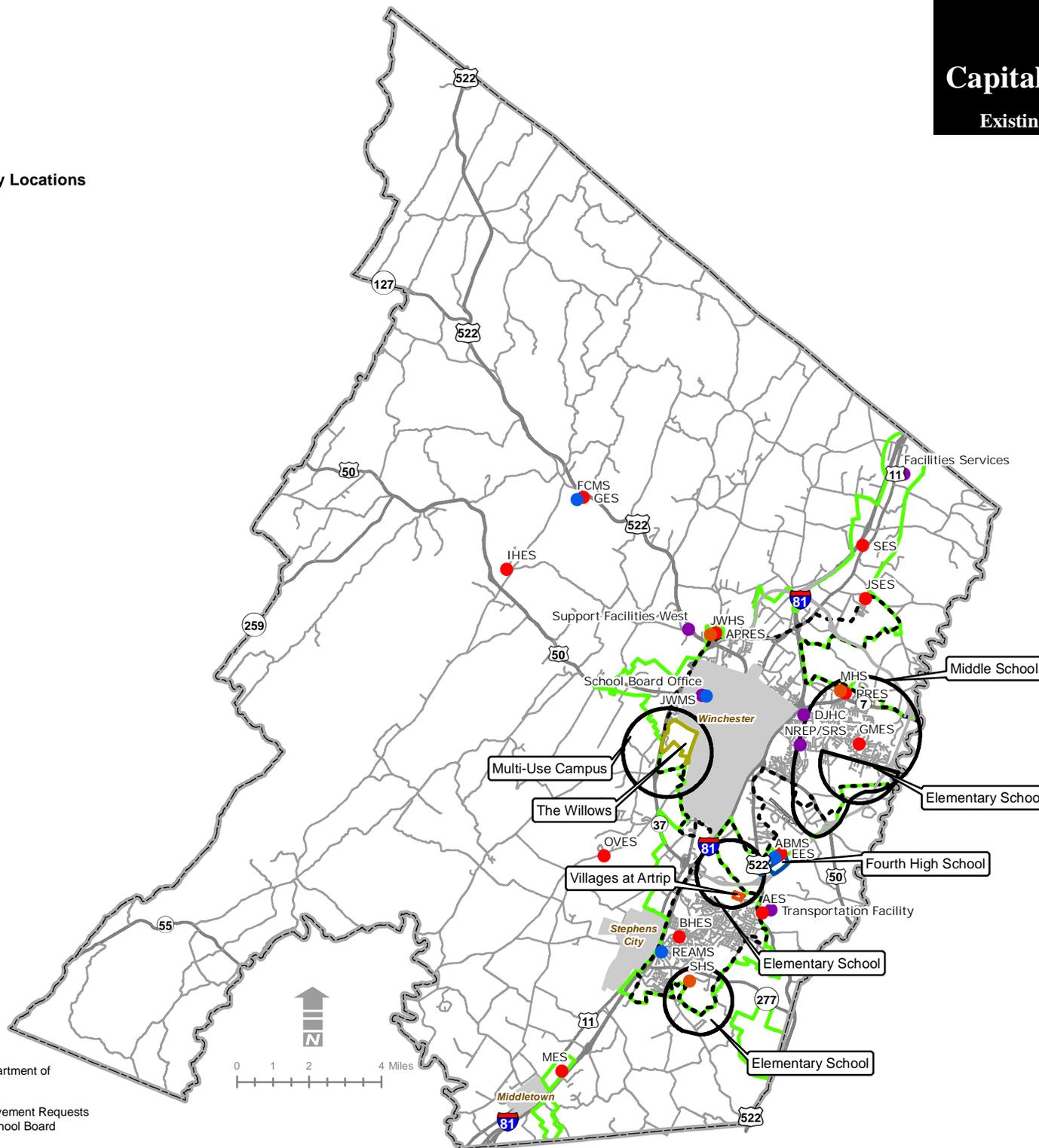
2020 - 2025 Frederick County Capital Improvements Plan

Existing and Potential School Locations

- High Schools
- Middle Schools
- Elementary Schools
- Support Facilities

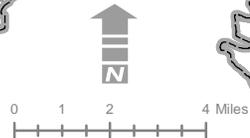
Potential School Facility Locations

- Potential School Locations
- Purchased Land
- Proffered Land
- Potential Proffer
- Urban Development Area
- SWSA



Note:
Created by Frederick County Department of
Planning & Development

Map represents the Capital Improvement Requests
submitted by Frederick County School Board
12/2/19



School Locations
Are Most
Appropriate
Within the UDA

2020 - 2025 Frederick County Capital Improvements Plan New Parks/Rec Locations

Proposed Parks

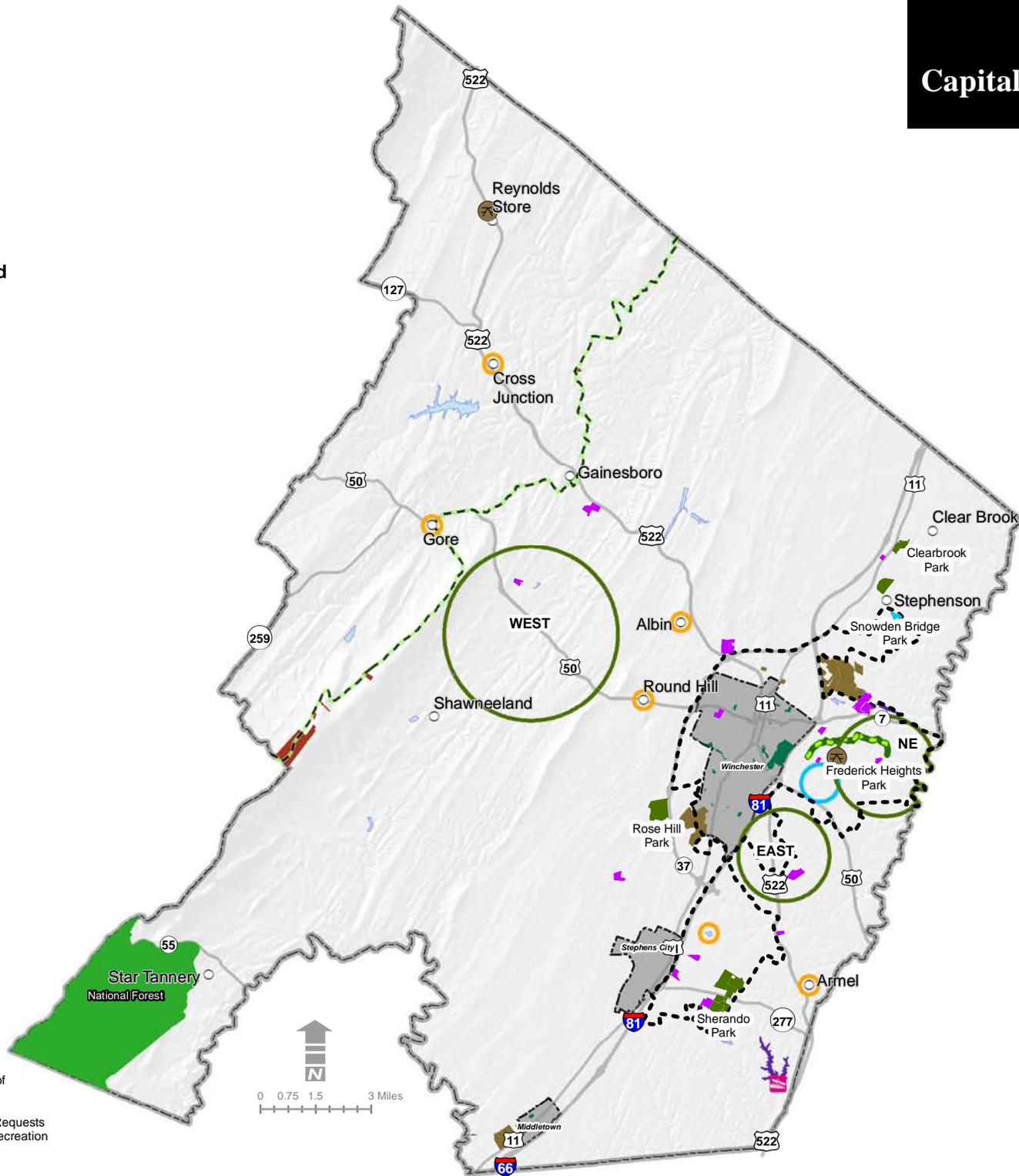
- District
- Community
- Neighborhood
- ~ Abrams Creek Trail

Existing County Parks

- District Park
- Community Park
- Neighborhood Park

Publicly Accessible Land

- Federal
- State
- Battlefield
- Non-Profit
- Local Park
- ~ Tuscarora Trail
- School
- Public Boat Launch
- Urban Development Area



Note:
Created by Frederick County Department of
Planning & Development

Map represents the Capital Improvement Requests
submitted by the Department of Parks & Recreation
11/27/2019

2020 - 2025 Frederick County Capital Improvement Plan Transportation Projects

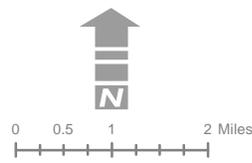
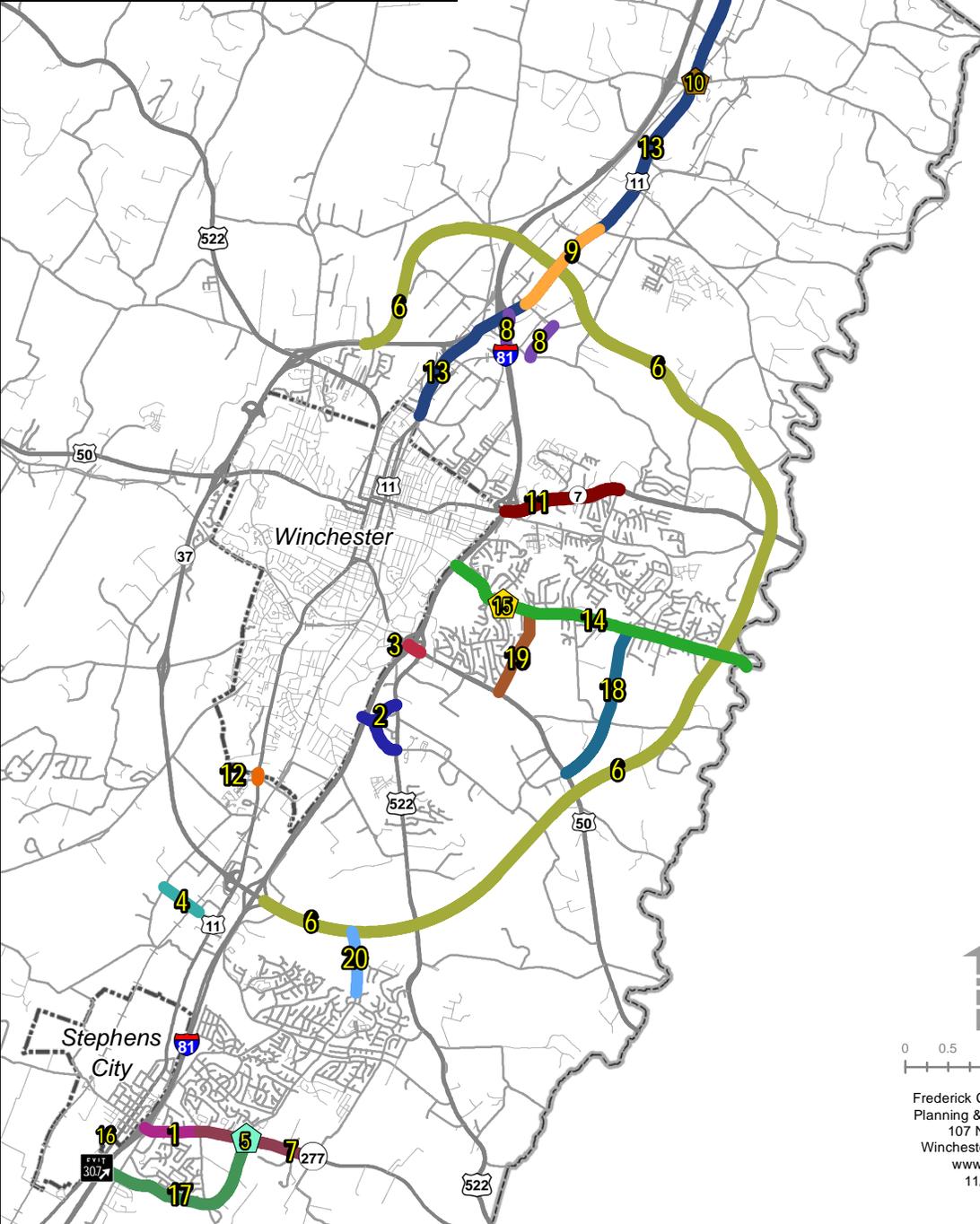
2020 - 2025 Capital Improvement Plan Transportation Projects

Funded Priorities

-  1. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 1)
-  2. CROSSOVER BLVD & BRIDGE OVER I-81
-  3. EXIT 313 BRIDGE REPLACEMENT & CAPACITY IMPROVEMENTS
-  4. RENAISSANCE DR, PHASE 2
-  5. ROUTE 277; RT TURN LANE EXTENSION AT WARRIOR DR

Unfunded Priorities

-  6. CONTINUE ROUTE 37 PLANNING & ENGINEERING WORK
-  7. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 2)
-  8. REDBUD RD & EXIT 317 INTERCHANGE IMPROVEMENTS
-  9. ROUTE 11 N WIDENING FROM SNOWDEN BRIDGE BLVD TO OLD CHARLESTOWN RD
-  10. BRUCETOWN RD/ HOPEWELL RD; ALIGNMENT AND INTERSECTION
-  11. ROUTE 7 CORRIDOR IMPROVEMENTS FROM EXIT 315 TO GREENWOOD RD
-  12. ROUTE 11 S WIDENING & INTERSECTION IMPROVEMENTS FROM CITY LIMITS TO OPEQUON CHURCH LN
-  13. ROUTE 11 N OF WINCHESTER WIDENING TO WV LINE
-  14. SENSENY RD WIDENING
-  15. SENSENY RD; TURN LANES AT CRESTLEIGH DR
-  16. I-81 EXIT 307 RELOCATION
-  17. WARRIOR DR EXTENSION TO NEW EXIT 307
-  18. CHANNING DR EXTENSION TO ROUTE 50
-  19. INVERLEE WAY; CONNECTION FROM SENSENY RD TO ROUTE 50
-  20. WARRIOR DR EXTENSION FROM ROUTE 37
-  21. EASTERN ROAD PLAN IMPROVEMENTS



Frederick County Dept of
Planning & Development
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11/27/19

THE CIP TABLES - CONTENT DESCRIPTIONS

The Capital Improvements Plan tables, on the following four pages, contains a list of the capital improvement projects proposed for the ensuing five years. A description of the information in this table is explained below.

Projects Ranked by Department - The priority rating assigned by each agency or department for their requested projects.

County Contribution - The estimated dollar value that will be contributed for each project. This value is listed by individual fiscal years and by total contributions over the five-year period. The total contribution column, located to the right of the fiscal year columns, does not include debt service projections.

Notes - Indicates the footnotes that apply to additional funding sources for particular projects.

Total Project Costs - The cost for each project, including the County allocations and other funding sources.

PROJECT FUNDING

The projects included in Table 1 have a total projected cost to the County of \$316,734,418, this figure excludes Airport requests and transportation projects as these are primarily funded through other sources.

While the CIP is primarily used to cover the next five years, much of the project costs have been identified beyond the next five years.

- School projects are funded through a combination of loans from the Virginia Public School Authority and the Virginia Literary Fund.
- Funding for Parks and Recreation Department projects will come from the unreserved fund balance of the County. The Parks and Recreation Commission actively seeks grants and private sources of funding for projects not funded by the County.
- The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing.
- Airport projects will be funded by contributions from the federal, state, and local governments. The local portion may include contributions from Frederick, Clarke, Shenandoah, Warren Counties, and the City of Winchester.

Table 1 - 2020-2025 Capital Improvement Plan Requests

Table 1 - 2020-2025 Capital Improvement Plan Requests											
		Contribution Per Fiscal Year									
	Projects - Ranked by Department	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025+	Long Range Comprehensive Plan Projects	County Contributions	Notes	Total Project Costs
Department		Ensuing Fiscal Year	Year 2	Year 3	Year 4	Year 5	Beyond Year 6+				
Public Schools											
								<i>Please refer to the map identifying future school sites for additional school sites located throughout the County.</i>			
	Fourth High School	\$10,000,000	\$44,600,000	\$42,000,000	\$3,000,000				\$99,600,000		\$99,600,000
	James Wood High School Additions/Renovations		\$21,000,000	\$20,000,000	\$20,000,000	\$5,000,000			\$66,000,000		\$66,000,000
	Armel Elementary School Renovation/Expansion		\$4,000,000	\$5,600,000	\$4,000,000				\$13,600,000		\$13,600,000
	Indian Hollow Elementary School Renovation		\$6,000,000	\$2,000,000					\$8,000,000		\$8,000,000
	School Board Office Renovation/Expansion										TBD
	Sherando High School Renovation/Expansion										TBD
	Apple Pie Ridge Elementary School Phase 2 Renovation										TBD
	Total	\$10,000,000	\$75,600,000	\$69,600,000	\$27,000,000	\$5,000,000	\$0		\$187,200,000		\$187,200,000
Parks & Recreation											
	Abrams Creek Greenway Trail	\$101,000	\$479,985	\$508,915	\$1,210,000				\$1,630,000		\$3,929,900
	Snowden Bridge Park Development	\$2,310,000							\$2,310,000		\$2,310,000
	Community Center		\$617,033	\$8,814,750					\$9,431,783		\$9,431,783
	Indoor Aquatic Facility	\$795,270	\$11,361,000						\$12,156,270		\$12,156,270
	<i>Sherando/Clearbrook</i> Water Slide/Spray Ground/Building Renovation		\$970,000						\$970,000		\$970,000
	Gym Addition Jordan Springs Elementary	\$66,150	\$1,323,000						\$1,389,150		\$1,389,150
	<i>Sherando</i> SH Park Area 1 Rec Access Phase 2	\$87,465	\$1,249,500						\$1,336,965		\$1,336,965
	<i>Sherando</i> SH Softball Complex	\$108,266	\$1,546,650						\$1,654,916		\$1,654,916
	<i>Sherando</i> SH Park Area 3 Development		\$103,000	\$2,257,500					\$2,360,500		\$2,360,500
	Playground Replacement		\$350,000	\$300,000	\$150,000	\$250,000			\$1,050,000		\$1,050,000
	<i>Sherando</i> SH Baseball Field Lighting Upgrade		\$898,800						\$898,800		\$898,800
	Community Park			\$1,040,000	\$1,154,000				\$2,194,000		\$2,194,000
	Neighborhood Parks			\$293,000	\$580,000			\$4,131,000	\$5,004,000		\$5,004,000
	Regional Parks				\$5,400,000	\$4,110,000		\$6,320,000	\$12,393,000		\$15,830,000
	<i>Sherando</i> S. Sherando Park Development					\$2,346,750			\$2,346,750		\$2,346,750
	National Guard Armory Gym Addition				\$600,000				\$600,000		\$600,000
	Fleet Vehicles						\$325,000		\$322,000		\$325,000
	<i>Sherando</i> SH Park Area 1 and 2 Development				\$3,283,350						\$3,283,350
	Indoor Ice Rink							\$6,600,000			\$6,600,000
	Total	\$3,468,151	\$18,898,968	\$13,214,165	\$12,377,350	\$6,706,750	\$325,000	\$17,051,000	\$58,048,134		\$73,671,384

		Contribution Per Fiscal Year						Long Range Comprehensive Plan Projects	County Contributions	Notes	Total Project Costs
	Projects - Ranked by Department	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025+				
Regional Library	Gainesboro Library		\$155,023	\$1,340,000	\$225,736	\$128,275			\$1,849,034		\$1,849,034
	Senseny/Greenwood Library								TBD		TBD
	522 South Library								TBD		TBD
	Total	\$0	\$155,023	\$1,340,000	\$225,736	\$128,275	\$0		\$1,849,034		\$1,849,034
County Administration	Gore Convenience Site Expansion	\$35,000	\$955,000						\$990,000	E	\$990,000
	County Office Annex (Sunnyside)						TBD		TBD		TBD
	General Government Capital Expenditures	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000			\$1,000,000	E	\$1,000,000
	County/School Board Administration Building						TBD		TBD	E	TBD
	Joint Judicial Center New Facility						TBD		TBD		TBD
Total	\$235,000	\$1,155,000	\$200,000	\$200,000	\$200,000	\$0		\$1,990,000			\$1,990,000
Fire & Rescue	Regional Training Center	\$75,000	\$100,000	\$1,250,000	\$10,000,000	\$9,500,000		\$10,250,000	\$31,175,000		\$31,175,000
	Fire Station 22		\$400,000	\$1,500,000	\$1,500,000				\$3,400,000		\$3,400,000
	Station 22 Apparatus			\$250,000	\$850,000				\$1,100,000		\$1,100,000
	Fire Station 23		\$550,000	\$2,150,000	\$1,000,000				\$3,700,000		\$3,700,000
	Total	\$75,000	\$1,050,000	\$5,150,000	\$13,350,000	\$9,500,000	\$0	\$10,250,000	39,375,000		
Fire & Rescue Company Capital Requests	Fire & Rescue Capital Equipment	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000			\$1,000,000	E	\$1,000,000
	Fire & Rescue Company Capital Requests including capital equipment requests										
	Greenwood Fire Station renovation	\$650,000									\$650,000
	Greenwood Fire Station - Parking Lot Update		\$270,000								\$270,000
	Middletown Station Building Replacement	\$100,000	\$3,500,000								\$3,600,000
Total	\$950,000	\$3,970,000	\$200,000	\$0	\$200,000	\$0	\$0	\$0	1,000,000		\$5,520,000
Sheriffs Office	Eight Bay Building	\$379,000							\$379,000		\$379,000
	Replacement Vehicles	\$950,000	\$950,000	\$950,000	\$950,000	\$950,000			\$4,750,000		\$4,750,000
	Mobile Radios	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000			\$1,000,000		\$1,000,000
	Portable Radios	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000			\$1,000,000		\$1,000,000
	Total	\$1,729,000	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000	\$0	\$0	7,129,000		
Total	\$16,457,151	\$102,178,991	\$91,054,165	\$54,503,086	\$23,085,025	\$325,000	\$27,301,000	\$296,591,168			\$316,734,418

Other Funding Sources:

E= Partial funding anticipated through development & revenue sources
TBD= To be Determined

Table 2 - Transportation Projects - CIP Requests											
		Contribution Per Fiscal Year									
	Projects - Ranked by Agency	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025+	Long Range Comprehensive Plan Projects	County/VDOT/Private Contributions	Notes	Total Project Costs
		Ensuing Fiscal Year	Year 2	Year 3	Year 4	Year 5	Beyond Year 6+				
Funded Priorities											
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 1)	\$35,934,878							\$35,934,878	E	\$35,934,878
	Crossover Blvd and Bridge over 81	\$20,000,000							\$20,000,000	E	\$20,000,000
	Exit 313 Bridge Replacement and Capacity Improvements	\$34,100,000							\$34,100,000	E	\$34,100,000
	Renaissance Drive, Phase 2	\$4,100,000							\$4,100,000	E	\$4,100,000
	Route 277 right turn extension Warrior Drive	\$476,644							\$476,644	E	\$476,644
Unfunded Priorities											
	Route 37 Engineering & Construction							\$750,000,000	\$750,000,000	E	\$750,000,000
	Route 277, Fairfax Pike, Widening and Safety Improvements (ph 2)							\$25,428,550	\$25,428,550	E	\$25,428,550
	Redbud Road Realignment and Exit 317 Interchange Improvements							\$11,239,132	\$11,239,132	E	\$11,239,132
	Widening of Route 11 North (ph 1)							\$28,346,120	\$28,346,120	E	\$28,346,120
	Brucetown/Hopewell Realign.							\$8,000,000	\$8,000,000	E	\$8,000,000
	Route 7 Corridor Improvements Exit 315 to Greenwood							\$5,000,000	\$5,000,000		\$5,000,000
	Route 11 S Widening and Intersection Improvements from Winchester City Limits to Opequon Church Lane							\$3,300,000	\$3,300,000	E	\$3,300,000
	Widening of Route 11 North (ph2)							\$192,000,000	\$192,000,000	E	\$192,000,000
	Senseny Road Widening							\$67,000,000	\$67,000,000	E	\$67,000,000
	Senseny Road turn lanes/improvements Crestleigh Drive							\$2,548,579	\$2,548,579	E	\$2,548,579
	I-81 Exit 307 Relocation with 4 In connection to Double Church and Stephens City Bypass							\$234,255,469	\$234,255,469	E	\$234,255,469
	Warrior Drive Extension (south)							\$47,000,000	\$47,000,000	E	\$47,000,000
	Channing Drive Extension							\$45,000,000	\$45,000,000	E	\$45,000,000
	Inverlee Way							\$27,300,000	\$27,300,000	E	\$27,300,000
	Warrior Drive Extension (Crosspointe south)							\$33,500,000	\$33,500,000	E	\$33,500,000
	Eastern Road Plan Improvements							TBD	TBD	E	TBD
Total		\$94,611,522	\$0	\$0	\$0	\$0	\$0	\$1,479,917,850	\$1,574,529,372		\$1,574,529,372

Other Funding Sources: E= Partial funding anticipated through development & revenue sources

The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing

Table 3 - Winchester Reginal Airport CIP Requests										
Projects - Ranked by Agency	Contribution Per Fiscal Year						Long Range Comprehensive Plan Projects	County Contributions	Notes	Total Project Costs
	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025+				
	Ensuing Fiscal Year	Year 2	Year 3	Year 4	Year 5	Beyond Year 6+				
New Aviation Terminal	\$1,990,000	\$4,400,000	\$85,400						A,B,C	\$6,475,400
Taxiway "A" Relocation Design/Construction		\$3,930,000	\$3,750,000	4,050,000	\$4,190,000				A,B,C	\$15,920,000
Land Parcel 64B-A-51 (Moreland)			\$175,000						A,B,C	\$175,000
Land Parcel 64-A-69 (Robertson)		\$160,000							A,B,C	\$160,000
Land Parcel 64B-A-33A (Beaver)		\$125,000							A,B,C	\$125,000
Land Parcel 64B-A-40 (Rosenberger)		\$175,000							A,B,C	\$175,000
Land Parcel 64-A-60 (Cooper)		\$200,000							A,B,C	\$200,000
Land Parcel 64-A-64 (Hott)		\$160,000							A,B,C	\$160,000
North Side Access Road					\$700,000				A,B,C	\$700,000
Fuel Storage Facility				\$600,000					A,C	\$600,000
RPZ Land Services					\$150,000				A,B,C	\$150,000
Land Parcel 64B-A-52 (Lee)					\$175,000				A,B,C	\$175,000
Land Parcel 64-A-59 (Kyle)					\$175,000				A,B,C	\$175,000
Acquire Easements					\$100,000				A,B,C	\$100,000
Northside Site Prep				\$500,000					A,B,C	\$500,000
Total	\$1,990,000	\$9,150,000	\$4,010,400	\$5,150,000	\$5,490,000	\$0				\$25,790,400

A= Partial funding from VA Dept. of Aviation

B= Partial funding from FAA

C = Partial local funding (% split between Frederick County and Winchester based on Weldon Cooper figures)

*Airport projects will be funded by contributions from the federal, state, and local governments. The local portion may include contributions from Frederick, Clarke, Shenandoah, and Warren Counties, and the City of Winchester.

APPENDIX

PROJECT DESCRIPTIONS

Frederick County Public Schools Project Priority List

PRIORITY 1 - Fourth High School

Description: The new high school project will serve students grades 9-12, have a program capacity of 1,600 students, and will address anticipated growth in high school student enrollment in the school division. The site is located at the end of Justes Drive behind Admiral Byrd MS. This school will be designed for collaborative education, similar to Frederick County MS, with a variety of learning spaces to meet the needs of a variety of learning styles and to impart skills necessary in today's working world.

Capital Cost: \$99,600,000

Justification: This project will address expected growth in high school student enrollment in the school division over the next several years. We propose to open the new high school in the fall of 2024. We project that enrollment in the high schools by that time will be 4,809 students. High school program capacity is currently 3,785 students, a difference of 1,024.

Construction Schedule: Open August 2024

PRIORITY 2 – James Wood High School Renovations and Additions

Description: James Wood High School opened in 1980 and has served as a high school since that time. The school contains 234,095 square feet and has a program capacity of 1,200 students. The building serves grades 9-12. The building is in good condition; however, several major areas need to be addressed in a renovation. Foci of the renovation will include modification of instructional areas to support modern, student-centered instructional delivery, mechanical, electrical, plumbing, technology, finishes, and site.

Capital Cost: \$66,000,000

Justification: James Wood High School is 39 years old. Renovations and additions are needed to a number of areas to support effective, economical, and efficient operation of the school for years to come. This school will be renovated to be more like the 4th HS, the new Frederick County MS, and the Aylor MS replacement, with a variety of learning spaces to meet the needs of a variety of learning styles and to impart skills necessary in today's working world.

Construction Schedule: Open August 2025

PRIORITY 3 - Armel Elementary School Addition and Renovation

Description: Armel ES opened in 1991 and has served continuously as a K-5 elementary school since that time. The school contains 70,281 square feet and has a program capacity of 558 students. As of September 15, 2019, the school has 646 students. Eight classrooms will be added to Armel ES, to accommodate the additional growth at Lake Frederick. The existing facility will be updated as needed and core areas partially renovated to serve the additional students.

Capital Cost: \$13,600,000

Justification: Armel Elementary School is in good condition; however, growth in the attendance zone will need to be addressed through the addition of classrooms to the facility

Construction Schedule: Open August 2024

PRIORITY 4 – Indian Hollow Elementary School Renovation

Description: Indian Hollow Elementary School opened in 1988 and has served continuously as an elementary school since that time. The school contains 59,065 square feet and has a program capacity of 405 students. Currently the building serves grades K-5. This renovation needs to address the exterior wall, windows, & doors, HVAC, and life safety systems. Repairing the exterior wall is a pressing need.

Capital Cost: \$8,000,000

Justification: Indian Hollow Elementary School is 31 years old and renovation is needed to these few areas to empower FCPS staff to operate the building economically and efficiently until a full renovation can be accomplished.

Construction Schedule: Open August 2023

PRIORITY 5 – Administrative Office Renovation and Expansion

Description: Frederick County Public Schools' administration has been located at the old Kline Elementary School building since 1983. Before the building was converted to offices, it served as a school starting in 1961. The facility contains 27,992 square feet, including the 5,000 square foot Annex and the 2,400 square foot Finance Addition, but not including the four modular classroom units that are used for offices and workspace.

Capital Cost: TBD

Justification: The 58-year-old Administrative Offices building does not have enough office and meeting space, needs technology upgrades, and improvements to the plumbing and electrical systems to meet modern code. Meeting space is at a premium, as we

have only 1 sizeable meeting room. There are also building security and asbestos issues. These issues will become more pressing as the district (and therefore the staff) grows.

Construction Schedule: Open August 2025

PRIORITY 6 – Sherando High School Renovations and Addition

Description: Sherando High School opened in 1993. The facility contains 239,517 square feet and has a program capacity of 1,285 students serving grades 9-12. Several major areas need to be addressed in a renovation, including reorganization and addition of classroom and storage space to better equip the building to support collaborative education. Because we want the facility to last another 30 years, facility infrastructure will be renewed and updated, and finishes will be refreshed. Other areas to be addressed are security, traffic safety, and gender equity in athletic facilities.

Capital Cost: TBD

Justification: Sherando is 26 years old and will be at least 31 years old by the time we start to renovate it. Renovations are needed to ensure the economical, efficient, and effective operation of the school for years to come. Modern instruction requires that a variety of learning spaces be provided, including collaborative spaces of varying sizes and project labs (similar to maker spaces). Transportation safety concerns exist on and around the school site at Sherando during arrival and dismissal. Sherando does not have a softball field on site, instead using a softball field in Sherando Park. This represents an equity issue between boys and girls sports and is contrary to FCPS' policy of equity between boys and girls sports.

Construction Schedule: TBD

PRIORITY 7 – Apple Pie Ridge Elementary School Phase 2 Renovation

Description: Apple Pie Ridge Elementary School opened in 1974 and has served continuously as an elementary school since that time. The school contains 65,120 square feet and has a program capacity of 459 students. Currently the building serves grades K-5. The building is in good condition; however, several major areas need to be addressed, including open classroom space, ADA compliance, energy conservation, security, and upgrades of fire alarms, electrical, plumbing and mechanical systems.

Capital Cost: TBD

Justification: Apple Pie Ridge Elementary School is 45 years old and renovation is needed to a number of areas to ensure the economical and efficient operations of the school for years to come.

Construction Schedule: TBD

Parks & Recreation Department Project Priority List

PRIORITY 1 – Abrams Creek Trail

Description: 10' wide, asphalt, shared-use trail along Abrams Creek. From Senseny Road to Channing Drive. It is estimated the trail will have six bridge stream crossings and will be approximately 3 miles in length. As outlined below, the project is envisioned in three phases of approximately 1 mile each. Each phase will have logical beginning and ending points and be usable trail sections in themselves. Phase 1 from Senseny Road to Woodstock Lane. Phase 2 from Woodstock Lane to Woody's Place, and Phase 3 from Woody's Place to Channing Drive.

Capital Cost: \$3,929,900

Justification: This facility would provide recreational opportunities for residents and provide an alternate means of entering and exiting the City of Winchester from Eastern Frederick County. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey, and the 2012 Virginia Outdoors Plan Survey.

Construction Schedule: Completion in FY 22-23.

PRIORITY 2 – Snowden Bridge Park Development

Description: Snowden Bridge Park, situated on land proffered by the Snowden Bridge development provides land for the provision of an active recreation park. The above park is to include athletic fields suitable for league play. Fields, restroom and parking are part of the park concept.

Capital Cost: \$2,310,000

Justification: The overall park design is informed by the Snowden Bridge (formerly Stephenson Village) rezoning proffer of 2003. The proffer indicates the provided land to be used for active recreation in anticipation of the population increase generated by the development. Plans are to provide rectangular fields at this location as there are no public rectangular fields in the north of Frederick County.

Construction Schedule: Completion in FY 20-21

PRIORITY 3 – Community Center

Description: The Community Center project would be approximately 44,000 square feet and include an indoor area large enough to accommodate a minimum of two basketball courts. This court area would also be designed for utilization by indoor soccer, baseball,

softball, wrestling, volleyball, tennis and badminton with the installation of in-floor sleeves and drop curtains or partitions. This area could also be used for special events such as dances, proms, music festivals, garden and home, outdoor, craft, antique, quilt, or boat shows, thus providing a flexible facility for a multitude of activities to take place at one time. The facility would also house a fitness center, multi-purpose rooms, office, storage, and locker rooms.

Capital Cost: \$9,431,783

Justification: Since its inception, the Parks and Recreation Department has relied significantly on the use of the County public schools to house recreation programs. This arrangement adequately addressed Community Center needs for a time, however the department currently offers over 250 sections of programs, creating a situation where the department is limited in its ability to meet the programming and facility needs of the County residents. A Community Center facility will facilitate the department to meet citizen programming demands and provide the area with a facility to attract new businesses to the community. This facility would be available to all area residents and is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. The Department and the community have benefited from the co-location of recreation and school facilities; however, community size warrants a separate facility dedicated to recreation use. The construction of this project will provide a facility the Department will be able to offer year-round and all-day recreational programming to the residents of Frederick County. This facility could be built in conjunction with or as an attachment to the Indoor Aquatic Facility and should be centrally located.

Construction Schedule: Completion in FY 22-23.

PRIORITY 4 – Indoor Aquatic Facility

Description: The approximately 35,000 sf building will likely house a 10-lane competitive pool, 6-lane warm water teaching pool, meeting rooms, shower and changing rooms, and facilities support areas. The above facility would meet the swimming needs of the community, including HS level swim teams.

Capital Cost: \$12,156,270

Justification: There are no public indoor pools in Frederick County. By constructing the indoor pool, it would permit the department to meet competition needs, instructional needs, citizen programming provide a nucleus to attract new businesses to the community. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. This facility would be available to all area residents. The construction of this project will provide a facility to offer competitive scholastic programs and year-round recreational programming for the residents of Frederick County.

Construction Schedule: Completion in FY 21-22.

PRIORITY 5 - Water Slide / Spray ground / Building Renovation

Description: Upgrade the outdoor swimming pools at both Clearbrook and Sherando Parks. Upgrade would involve the removal of the diving boards and the installation of one 50' water slide and one 75' water slide at each pool. The upgrade would also include the addition of a spray ground with 10-12 features at each pool.

Capital Cost: \$970,000

Justification: To provide recreational opportunities for the Clearbrook Park and Sherando Park service area. Frederick County Parks and Recreation Department operates two outdoor swimming pools at the regional parks. These facilities are over 20 years old and were constructed with two diving boards as the main feature for each pool. Swimming pool attendance has trended decline in recent years and users are requesting different water features. The addition of two water slides and a spray ground to each pool facility will appeal to families and younger children, increasing pool attendance by an estimated 30%. With the increase in attendance and potentially fees to comparable facilities, the County would realize an increase in user fee revenue. Clearbrook and Sherando Parks, currently owned by Frederick County, offer the best site and location for the development of this facility. With the upgrade to the existing swimming pool facilities, the County would not have to incur costs for property acquisition or infrastructure development, while at the same time increasing the recreational opportunities at the regional parks.

Construction Schedule: Completion in FY 21-22.

PRIORITY 6 – Gym Addition – Jordan Springs Elementary School

Description: This project brings the Jordan Springs Elementary School into the Cooperative Use framework for shared school and community uses. Expanding the gymnasium from elementary size to full size (comparable to Orchard View, Greenwood Mill, Evendale, and Gainesboro Elementary School Gyms), and adding community multi-purpose room space to the proposed school site.

Capital Cost: \$1,389,150

Justification: The model in place since Orchard View Elementary was built in 2000 added gymnasium and multipurpose space to subsequent elementary schools, as these schools are located where population growth is present. Growth in community programming, camps, and indoor sport leagues continues to create demand for more gymnasium and multi-purpose space. Adding pressure for this location is that there are no community center spaces in the Stonewall District, while population continues to increase.

Construction Schedule: Completion in FY 21-22.

PRIORITY 7 – Sherando Park Area 1 Recreation Access Phase 2

Description: This project continues the development vision for the NW area of Sherando Park located north of Rt. 277 as shown in the 2016 North Sherando Park Master Plan update. Continuing the newly installed Line Drive from Warrior Drive to Landgrant Lane, parking, restroom building, and dog park are elements of this phase.

Capital Cost: \$1,336,965

Justification: This facility would provide recreational opportunities for the entire Frederick County area. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

Construction Schedule: Completion in FY 21-22.

PRIORITY 8 - Sherando Park North - Softball Complex

Description: This project completes the development vision for the SE area of Sherando Park located north of Rt. 277. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are softball fields to complete the complex, a shared use trail segment, roadway and parking.

Capital Cost: \$1,654,916

Justification: This facility would provide recreational opportunities for the entire Frederick County area. In addition to its use as a recreational facility, it will be used by the Frederick County school system. Presently, there are ten softball/baseball fields within the County's regional park system. Eight of ten existing fields must serve a dual purpose of facilitating youth baseball as well as youth and adult softball programs. With the increased usage of these fields, it has become more difficult to facilitate these programs. This project is needed in order for the Parks and Recreation Department to accommodate the existing demand of youth baseball and adult softball programs. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. Sherando Park, currently owned by Frederick County, represents the very best site for softball field development. The fact that the County will not have to acquire property for this facility means that the most costly aspect of this development has already been completed. Sherando Park also provides a location that is situated in the fastest growing area of the County and is adjacent to Sherando High School. Joint use of facilities between the park and school system has facilitated school activities and recreation programs.

Construction Schedule: Completion in FY 21-22.

PRIORITY 9 - Sherando Park Area 3 Development

Description: This project completes the development vision for the SW area of Sherando Park located north of Rt. 277. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are rectangular play fields, a shared use trail segment, roadway and parking, playground, restroom, and maintenance building.

Capital Cost: \$2,360,500

Justification: This facility would provide recreational opportunities for the entire Frederick County area. In addition to its use as a recreational facility, it will be used by the Frederick County School System. With the development of N Sherando Softball Complex (CIP item #9) two rectangular play fields will be displaced. The development of area 3 not only addresses this direct result, but also addresses additional identified needs of the community.

Construction Schedule: Completion in FY 22-23.

PRIORITY 10 - Playground Replacement

Description: This project schedules replacement for playgrounds at County Parks.

Capital Cost: \$1,050,000

Justification: County park playgrounds are popular amenities at County-owned parks. The playgrounds will need to be replaced to meet user expectations.

Construction Schedule: This project is anticipated to be ongoing, a four-year schedule is proposed. Year 1: CB main playground, Frederick Heights. Year 2: CB 2nd playground, SH 2nd playground. Year 3: SH 3rd playground. Year 4: SH Main playground.

PRIORITY 11 – Sherando Ballfield Lighting Replacement

Description: Upgrade the ballfield lighting at Sherando Parks Baseball facilities. The upgrade would involve the removal of the 30/20 FC (footcandle) level fixtures, lamps, and wood poles and replace with 50/30 FC (footcandle) level fixtures, lamps and steel poles on (4) four fields at Sherando Park. This standard is required by Little League International on all little league fields. LED light fixtures are specified, as HID fixtures are facing obsolescence.

Acquisition of Parkland (35 acres)

Capital Cost: \$898,800

Justification: The Parks and Recreation Commission is recommending the ballfield light system be upgraded to achieve the recommended 50/30 footcandle level lighting on the playing surface. This will facilitate the provision of recreational opportunities

at Sherando Park for the service areas which include all Frederick County residents. The field light fixtures are over twenty-five years old and are affixed to poles.

Construction Schedule: Completion in FY 21-22.

PRIORITY 12 – Community Park

Description: The Community Park needs include continued development of existing parks, and the acquisition of approximately thirty-five acres for an additional park located in eastern Frederick County. Developed amenities will ultimately be determined by the specific site, however typical development would include:

- Acquisition of Parkland; 35 acres
- Paved & Gravel Paths
- Playground
- Tot lot
- Shelters
- Lighted Basketball & Tennis courts
- Open Play Fields
- Toilets
- Parking
- Shade Trees & Turf

Capital Cost: \$2,194,000

Justification: Potential acreage for parkland would be located close to population density, east of Winchester, Redbud / Shawnee district area. The location of this project would provide developed parkland to create more accessible recreational facilities and opportunities to the residents Frederick County.

Construction Schedule: Completion in FY 23-24.

PRIORITY 13 – Neighborhood Parks

Description: The Neighborhood project includes the continued development of existing and acquisition of six new sites of approximately ten acres and the subsequent development of these sites. Developed amenities will ultimately be determined by the specific site, however typical development would include:

- Acquisition of Parkland, 10 acres per site

- Paved Path
- Playground
- Shelter
- Hard Surface Courts
- Open Play Fields
- Parking

Capital Cost: \$5,004,000

Justification: To reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for our service area, as recommended by the 2013 Virginia Outdoors Plan. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. Potential acreage for parkland would be located in the Urban Development Area or Rural Community Centers. The location of this project would provide parkland developed to create more accessible recreational facilities and opportunities to the residents of Frederick County.

Construction Schedule: 2022-beyond 25

PRIORITY 14 – Regional Park

Description: Acquisition of Parkland:

- Northeastern Frederick County 150-200 acres
- Western Frederick County 150-200 acres
- Eastern Frederick County 150-200 acres

Capital Cost: \$15,830,000

Justification: This project would meet the recreation needs of the Frederick County population.

Construction Schedule: 2023-beyond 25

PRIORITY 15 - S. Sherando Park Development

Description: This project completes the development vision for the area of Sherando Park located south of Rt. 277. This vision is expressed in the 2002 Sherando Park Master Plan update as well as other identified improvements. Included are rectangular play fields, skate park, roadway and parking, lake trail, and restroom.

Capital Cost: \$2,346,750

Justification: These improvements would provide recreational opportunities for the entire Frederick County area.

Construction Schedule: Completion in FY 24-25.

PRIORITY 16 - National Guard Armory Gym Addition

Description: Through an agreement with the National Guard, Frederick County would convert the existing buildings assembly space to a gymnasium. The project includes flooring and air conditioning.

Capital Cost: \$600,000

Justification: The model in place since Orchard View Elementary was built in 2000 added gymnasium and multipurpose space to elementary schools, as these schools are located where population growth is present. Growth in community programming, camps, and indoor sport leagues continues to create demand for more gymnasium and multi-purpose space.

Construction Schedule: Completion in FY 23-24.

PRIORITY 17 – Fleet Trip Vehicles

Description:

Bus #1 – 40-50 Passenger Bus

Bus #2 – 30-40 Passenger Bus

Van #1 – 12 Passenger Van

Capital Cost: \$325,000

Justification: To offer a comprehensive package of trips where the population of Frederick County could begin to rely on the Parks and Recreation Department to meet their trip needs.

Construction Schedule: Long range planning objective – beyond FY25

PRIORITY 18 – N Sherando Park Area 1 & 2 Development

Description: This project completes the development vision for the area of Sherando Park located north of Rt. 277 and Wrights Run. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are multi-use trail, mountain bike trails, restrooms, pavilions, roadway and parking.

Capital Cost: \$3,283,350

Justification: This facility would provide recreational opportunities for the entire Frederick County area. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

Construction Schedule: Completion in FY 23-24.

PRIORITY 19 – Indoor Ice Rink

Description: The Ice Rink project would be approximately 40,000 square feet and include an indoor area large enough to accommodate a single 200' x 85' ice rink, locker rooms, party/meeting rooms, and concession area and would need approximately 10 acres to construct. This facility should be located on property owned or proffered to the County. The above ice rink may be collocated with other compatible uses should opportunities arise, reducing the acreage demand.

Capital Cost: \$6,600,000

Justification: There are no public indoor ice rinks in Frederick County and County residents currently must travel over one hour to use an indoor ice facility. By constructing the indoor ice rink, it would permit the department to meet competition needs, instructional needs, citizen programming and leisure demands as well as provide a nucleus to attract new businesses to the community. This facility would be available to all area residents. The construction of this project will provide a facility to offer year-round recreational programming for the residents of Frederick County. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. The Indoor Ice Rink facility should be located in an area convenient to the major transportation corridors of the County. However, as an alternative, one of the two county regional parks could be used to house the facility, since these locations are already identified as centers for recreation programs and activities.

Construction Schedule: Long range planning objective – beyond FY25

Handley Regional Library Project Priority List

PRIORITY 1 - Frederick County Library Branch - Gainesboro

Description: Construction of a 4,000 to 5,000 sf branch library, either as a stand-alone facility or co-located with a planned Frederick County facility (e.g. the new middle school). Initial parking should be for at least 50 vehicles. The proposed location would be on Rt. 522 in the Gainesboro District, but this could change depending on patterns of library use and on whether donated land could be located or if co-located with a Frederick County project already in the early planning stage. This projected branch would fit per discussions with FCPS on existing property and was outlined in a document prepared by FCPS students five years ago.

Capital Cost: \$1,849,034

Justification: This branch would serve citizens living in this growing area: In 2018-2019 Frederick County citizens of all ages checked out 460,355 (traditional) + 96,928 (electronic) = 557,283 items. 32,570 Frederick County residents have library cards and averaged 64.7% of all materials checked out of the regional system (inactive users were purged 11/18 per state requirements). As of June 2017, 3018 new registrations; as of June 2018, 2850, new registrations (these are end of FY numbers for each year). Frederick County residents, adults and children, registered for library cards for the first time in 2017-2018. This population group in the Gainesboro District is not close to a library in the regional system. This new library would serve a sizeable population of Frederick County that is not being served. The Library will provide materials and programming for citizens from toddlers to senior citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as other office applications and for Internet usage. There will be a meeting room of 180 square feet in which area groups can meet.

Construction Schedule: Completion in FY 24-25.

PRIORITY 2 - Frederick County Library Branch - Senseny/Greenwood

Description: Construction of a 10,000 sf branch library with expansion possible to 15,000 square feet. Initial parking should be for a minimum of 65 vehicles. The proposed location is yet to be determined and is dependent on future development. The first step of the project would be the acquisition of the land of 5 to 8 acres.

Capital Cost: TBD

Justification: This branch would serve citizens living in this growing area:

In 2018-2019 Frederick County citizens of all ages checked out 460,355 (traditional) + 96,928 (electronic) = 557,283 items. 32,570

Frederick County residents have library cards and averaged 64.7 % of all materials checked out of the regional system (inactive users were purged 11/18 per state requirements). As of June 2017, 3018 new registrations; as of June 2018, 2850, new registrations (these are end of FY numbers for each year). Frederick County residents, adults and children, registered for library cards for the first time in 2017-2018. As noted above the population group in the Redbud/Shawnee Districts is not close to a library in the regional system. The Library will provide materials and programming for citizens from toddlers to senior citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as other office applications and for Internet usage. There will be a meeting room of 800 square feet in which area groups can meet.

Construction Schedule: Long range planning objective – beyond FY25

PRIORITY 3 – 522 South Library

Description: Construction of a 7,000 sf branch library with expansion possible to 10,000 square feet. Initial parking should be for a minimum of 35 vehicles. The proposed location is yet to be determined and is dependent on future development. The first step of the project would be the acquisition of the land of 3 to 4 acre or collocated with the new High School projected to be built in the same area.

Capital Cost: TBD

Justification: This branch would serve citizens living in this growing area:

In 2018-2019 Frederick County citizens of all ages checked out 460,355 (traditional) + 96,928 (electronic) = 557,283 items. 32,570 Frederick County residents have library cards and averaged 64.7 % of all materials checked out of the regional system (inactive users were purged 11/18 per state requirements). As of June 2017, 3018 new registrations; as of June 2018, 2850, new registrations (these are end of FY numbers for each year). Frederick County residents, adults and children, registered for library cards for the first time in 2017-2018. This population group in the Opequon District is not close to a library in the regional system. This new Library will serve an area of Frederick County largely unserved by our current branches. The Library will provide materials and programming for citizens from toddlers to senior citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as other office applications and for Internet usage. There will be a meeting room of 425 square feet in which area groups can meet.

Construction Schedule: Long range planning objective – beyond FY25

County Administration Project Priority List

PRIORITY 1 - Gore Citizens Convenience Site

Description: The project will expand refuse capacity in the Gore community by installing a surplus trash compactor. Converting the Gore facility from one which utilizes 10 8-yard boxes for refuse collection to one that uses a trash compactor will drive down collection costs dramatically by improving efficiency. In order to accomplish this, and improve traffic flow, and the construction of a compactor and recycling staging areas, the site will be expanded onto an adjoining parcel already owned by the County. This construction will take place over a period of months. Naturally, the site will be screened from a residential home next door.

Capital Cost: \$990,000

Justification: A total of 3,544 vehicles used this facility during August 2019, an increase of five percent over 2018 which represented an increase of ten percent compared to 2017 figures. On a typical Saturday, 147 residents used the site. Sunday traffic peaks at 120 during a five-hour shift. The investment will quickly result in lower refuse collection costs through compaction and efficiency prior to transport to the landfill. Also, a compactor in place will contain all refuse in an enclosed receiver can, reducing odor, vectors and blowing litter, all of which are challenges when using open trash collection containers. The project will also provide much-needed capacity during heavy flow times such as weekends and holidays. All 10 containers now fill to capacity during Saturdays and Sundays. Numerous times, the site has closed early on Sundays when capacity is reached. A 40-yard roll-off is used during the holidays to contain excess trash, an additional hauling expense. An upgraded site will meet the current and future solid waste needs of the Gore community.

The Public Works Committee supports this project.

Construction Schedule: Completion in FY 21-22.

PRIORITY 2 – County Office Annex (Former Sunnyside Plaza Shopping Center)

Description: This project consists of the renovation of an existing shopping center containing approximately 64,000 square feet located at the Intersection of Fox Drive and Route 522 in the County's Urban Development Area. This project will accommodate the relocation of certain departments (TDB) from the 107 N. Kent Street complex to this County office annex in order to address existing and future space needs of County departments.

Capital Cost: TBD

Justification: The inclusion of this capital facility will allow for improvements to general governmental facilities and services for the benefit of the residents of Frederick County and will meet the increasing need for office space, meeting space, and government services in an accessible location.

Construction Schedule: TBD

PRIORITY 3 - General Government Capital Expenditures

Description: This project consists of a revolving fund in the amount of \$1,000,000 for the benefit of General Governmental Capital Expenditures. It is the intention of this capital expenditure fund to be for the purpose of purchasing capital equipment for governmental agencies and to allow for improvements to general governmental facilities. Such expenditures may be less than the established \$100,000 departmental threshold. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is for the benefit of the County Governmental Entities participating in the CIP but does not include individual Volunteer Fire and Rescue Companies.

Capital Cost: \$1,000,000

Justification: The inclusion of this capital expenditure fund for the purpose of purchasing capital equipment for governmental agencies and to allow for improvements to general governmental facilities will enable the County to meet the requirements of the Code of Virginia with regards to the collection and disbursement of cash proffers accepted on behalf of the governmental entities.

Construction Schedule: N/A

PRIORITY 4 - County/School Board Administration Building

Description: This project consists of a County/School Board Administration Building, to be located generally in the County's Urban Development Area. The Joint Administrative Office Complex project is for a new 150,000 square foot office building shared with the County Schools Administration. The Schools' portion would be 50,000 square feet.

Capital Cost: TBD

Justification: The inclusion of this capital facility will allow for improvements to general governmental facilities and services for the benefit of the residents of Frederick County and will meet the increasing need for office space, meeting space, and government services in an accessible location.

Construction Schedule: TBD

PRIORITY 5 - Joint Judicial Center New Facility

Description: This new project consists of a new future Joint Judicial Center Facility to be located generally in the City of Winchester or in the County's Urban Development Area.

Capital Cost: TBD

Justification: The inclusion of this capital facility will allow for improvements to general governmental facilities and services for the benefit of the residents of Frederick County and will meet the increasing need for office space, meeting space, and government services in an accessible location. The need for this project has been established through ongoing communication with the court system and the City of Winchester.

Construction Schedule: TBD

Fire & Rescue Project Priority List

PRIORITY 1- Shenandoah Valley Regional Public Safety Training Center

Description: Construct a Regional Public Safety Training Center potentially consisting of an administrative building, multi-story burn building, multi-story training tower, vehicle driving range, shooting range, and numerous other training props. This project will incorporate emergency medical services, fire, hazardous materials, rescue, law enforcement, industrial, and educational institutions located in Clarke County, Frederick County, Shenandoah County, Warren County, Winchester City, State Agencies, Federal Agencies, and potentially jurisdictions within the State of West Virginia.

The Training Center will be located in the area central to the region which is the Middletown area of Frederick County. This area will facilitate necessary access by all participating agencies and jurisdictions as well as be incorporated into the existing facilities of the Lord Fairfax Community College and the Rappahannock Regional Criminal Justice Academy – Middletown Campus. The Training Center will require between eighty (80) to one hundred (100) acres to facilitate the required buildings, associated props, and other training areas.

The determination for the exact buildings, associated props, and training areas will be determined by the agencies needs assessed by the Public Safety Training Center Questionnaire that was distributed in July 2007. The proposed Training Center will be developed in a phased approach based on the strategic needs of the Northern Shenandoah Valley Region. The exact size, square footage, and capacity of the buildings, associated props, and training areas will also be determined by the agencies as well as designed to meet the specifications of the regulatory authorities within the Commonwealth of Virginia.

Capital Cost: \$31,175,000

Justification: This project will facilitate realistic training in today's modern environment for emergency services and industrial personnel located throughout the Northern Shenandoah Valley and expanding into the State of West Virginia. This project will reinforce existing training programs in those respective agencies and jurisdictions as well as facilitate training that is currently not available within the Northern Shenandoah Valley which causes students and instructors to travel into the Washington Metropolitan region. The number of potential personnel being trained at this Training Center is potentially in the thousands based upon training statistics provided in July 2007 by the participating agencies

Construction Schedule: Long Range Project – Beyond FY 2025.

PRIORITY 2 - Frederick County Fire & Rescue Station 22

Description: Construct a two-bay Fire and Rescue Station with satellite Sheriff's office and County office space for Treasurer's, Commissioner of the Revenue, and BOS office with meeting room. The station will be located in the area of Fairfax Pike, White Oak Road and Tasker Road to provide service for the heavy growth area east of Stephens City. An approximate three-acre site will be needed to accommodate this facility. The fire station will be approximately a 10,000 sq ft facility to house an engine and ambulance. Those who would occupy the facility will determine the size of the satellite offices.

Capital Cost: \$3,400,000

Justification: Development near this area will necessitate the development of this station. The Lake Frederick development is scheduled to be an active adult resort gated community with age restrictions on 80% of the homes above 55 and the other 20% above 45. The developer's master plan will allow for 2130 individual dwelling units using a mix of housing types.

Construction Schedule: Completion in FY 23-24.

PRIORITY 3 - Frederick County Fire and Rescue Station 22 Apparatus

Description: Purchase one (1) custom pumper equipped and one (1) custom Type I Advanced Life Support (A.L.S.) capable ambulance equipped to be assigned to Fire and Rescue Station 22.

Capital Cost: \$1,100,000

Justification: This fire and rescue apparatus will be assigned to Fire and Rescue Station 22 located on Fairfax Pike East in the Stephens City area of Frederick County. The pumper will be built to N.F.P.A. 1901 specifications and equipped with all of the required and necessary equipment to function as a Class A Pumper. The ambulance will be built to the Federal KKK-A-1822E specifications and equipped with all of the required and necessary equipment to function as an Advanced Life Support ambulance. This fire and rescue apparatus is needed due to the fact that the Fire and Rescue Department currently owns one (1) pumper and one (1) ladder truck that are twenty (20) plus years of age and already assigned to other functions. The currently owned fire and rescue apparatus would not endure the demands placed on it while being assigned to a high call volume.

Construction Schedule: Completion in FY 23-24.

PRIORITY 4 - Fire and Rescue Station 23 / Annex Facilities

Description: This project consists of a 10,000 square foot fire station to accommodate 4 pieces of emergency equipment, and to house living and sleeping areas for Staff. This project could also include satellite offices for the Frederick County Sheriff's Office,

Treasurer's Office, and Commissioner of Revenue, as well as, a meeting room for County Supervisor meetings with their constituents with an additional 2000 square feet of building area. A two and ½ acre parcel should be sufficient for building, parking and amenities for approximately 20 to 30 persons. The project is located at Crosspointe Center at the end of current Rt. 37 South, an area of proposed high-density residential development, and commercial development.

Capital Cost: \$3,700,000

Justification: As commercial and residential developments continue to expand in this area of Frederick County, and with the increased traffic on Rt. 37 and I-81, the calls for emergency services increases as well. To address the needs of the growing community and to maintain efficient response times, the addition of a new fire and rescue station is needed.

Construction Schedule: Completion in FY 23-24.

Fire & Rescue Company Capital Project Requests

Capital Equipment Fire & Rescue – Vehicles & Equipment

Description: This project consists of a revolving fund in the amount of \$1,000,000 for the benefit of Fire and Rescue Services. It is the intention of this capital expenditure fund to be for the purpose of purchasing additional and replacement capital equipment fire and rescue vehicles and equipment. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is primarily for the benefit of the individual Volunteer Fire and Rescue Companies.

Capital Cost: \$1,000,000

Justification: The inclusion of this capital expenditure fund for the purpose of purchasing additional and replacement capital equipment AND fire and rescue vehicles and equipment, will enable the County to meet the requirements of the Code of Virginia with regards to the collection and disbursement of cash proffers accepted on behalf of the fire and rescue companies.

Construction Schedule: N/A

Individual Fire & Rescue Company Capital and Capital Equipment Requests.

Greenwood Fire Station – Renovation

Description: Living Quarters Upgrade / Expansion project. This will include remodeling the upstairs portion of the building, approximately 4,638 sq. ft. of living space. The project will convert the existing open space to add four (4) bunk rooms with four (4)

beds in each room; upgrade the existing kitchen; add bathroom facilities for male and female, with each containing lockers and shower facilities. The upgrade will add a training room and a fitness area to the 2nd floor. The project will also include a renovation of the 1st floor space.

Capital Cost: \$650,000

Justification: Greenwood will be remodeling the day room, bunk rooms, and work areas to accommodate the additional Staff and Volunteers that are providing fire and rescue service. The existing space is outdated and will not accommodate the potential additional Staff that will be assigned to our Station.

Construction Schedule: Completion in FY 20-21.

Greenwood Fire Station – Parking Lot Renovation

Description: Refurbish the existing front apron (approximately 22,00 sf) and 350 space parking lot.

Capital Cost: \$270,000

Justification: The existing front apron is deteriorating due to the weight of the equipment and the right-of-away draining under the apron. The remainder of the parking lot needs to be stabilized and resurfaced.

Construction Schedule: Completion in FY 20-21.

Middletown Volunteer Fire and Rescue Company– Building Addition 101

Description: Demolish original building and 1st addition to the station and rebuild new facility addition. This addition will provide larger bunkrooms for male and female, locker rooms, bathrooms, offices, storage, physical fitness room and apparatus bays.

Capital Cost: \$3,600,000

Justification: It is essential for Middletown Volunteer Fire and Rescue Company Inc. to maintain our capabilities in emergency response and the facilities to house the apparatus, tools and equipment and provide suitable living quarters for our members and FCFRD Staff. Currently we are out of space in bunkrooms for additional staff that is already slated to come, apparatus bay doors are too small for larger apparatus and the buildings are in need of repair.

Construction Schedule: FY 21-22.

Sheriff's Office Project Priority List

PRIORITY 1 – 8 Bay Steel Building for Large Vehicles

Description: Construct an 8-bay steel building for housing of large specialized vehicles that require coverage due to the large amount of equipment and specialized tools. This project does not require the purchase of land as it will be constructed on the property of the Frederick County Public Safety Building. The building will allow for the maintenance, storage, security of all the large specialized vehicles that are required for the special operations teams. This building size will be 4,256 square feet and will require 13,500 square feet to build. This will be an 8-bay, 4-garage door, equipment storage building with a 35x76 front concrete pad.

Capital Cost: \$379,000

Justification: This project will facilitate the required housing of vehicles that are used for the special purpose teams. These vehicles are required to be protected from the weather to ensure quick responses to emergencies. Protecting the vehicles will allow the longevity of the vehicle by reducing engine wear and exposure to fluctuating weather conditions. Due to these vehicles belonging to specialty teams, the vehicles house important and expensive equipment. This equipment allows personnel of each specialty team to conduct the mission at hand. Much of the equipment has to be maintained at certain temperatures in order to function at a moment's notice. This project will ensure the equipment is at the ready at all times. Stable conditions for equipment also ensures the permanency of the equipment thus saving countless amounts of money.

Construction Schedule: Completion in FY 20-21.

PRIORITY 2 – Replacement of Law Enforcement Vehicles

Description: This project is to indicate projected cost of replacement vehicles to the fleet of the Frederick County Sheriff's Office over the next five years. This will ensure the replacement of end of service life vehicles to the Sheriff's Office fleet, as well as, cost effectiveness for repairs to failing vehicles.

Capital Cost: \$5,220,000

Justification: This project is needed to meet the basic requirements for Law Enforcement Officers when responding to calls, patrolling of the County, community safety and safety of the Officers. This will offset the cost of purchasing vehicles that were not replaced during the 2010-2012 budget years due to budget restraints. If this project is approved, it will drop the cost of purchasing 46 vehicles per year to approximately 25 per year on a rotating basis.

Construction Schedule: Multi-year objective

PRIORITY 3 – Apex 8500 mobile radios

Description: This project is in conjunction with the implemented vehicle replacement timeline. This project will update the mobile radio system for each replaced vehicle. The Sheriff's Office has been recycling all the old radio systems from previous vehicles for so long that the current equipment is obsolete. This equipment will be inter-operable with any band radio system that the County decides to go with after the radio study.

Capital Cost: \$1,000,000

Justification: This project is needed for equipping all timeline replaced vehicles with current and up-to-date radio systems in order to communicate with the Emergency Communication Center. This project will also be P-25 and narrow band compliant as outlined by FCC regulations.

Construction Schedule: Multi-year objective

PRIORITY 4 – Apex 8000 portable radios

Description: This project is in conjunction with the implemented mobile radio replacement timeline. This project will update the portable radio system for each replaced vehicle. The Sheriff's Office has been recycling all the old portable radio systems for so long that the current equipment is obsolete.

Capital Cost: \$1,000,000

Justification: This project is needed for equipping all timeline replaced portables with current and up-to-date radio systems in order to communicate with the Emergency Communication Center. This project will also be P-25 and narrow band compliant as outlined by FCC regulations. This project is need for all the specialty teams that operate outside of their vehicle while on call outs and rescue missions.

Construction Schedule: Multi-year objective

Transportation Committee Project Priority List

Funded Priorities

PRIORITY 1 - Route 277 Widening and Safety Improvements (Ph 1)

Description: Construct a 4-lane divided roadway beginning at I-81 and continuing to Double Church Road. Project would include realignment of Aylor Road to align with Stickley Drive.

Capital Cost: \$35,934,878

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 2 -Crossover Boulevard and Bridge over I-81

Description: Construct a 4-lane divided roadway beginning at Route 522 and going west to connect with Crossover Boulevard in the City of Winchester. Project will include a roundabout at the location of future Warrior Drive and bridge over Interstate 81.

Capital Cost: \$20,000,000

Justification: This is a regional transportation improvement that will address congestion in many areas of the County and address development to the surrounding area. The location is as identified by joint planning efforts between the County, VDOT, and the Developer.

Construction Schedule: Completion September 2021

PRIORITY 3 – Exit 313 Bridge Replacement and Capacity Improvements

Description: Replace the structurally deficient bridge at Exit 313 and add limited capacity improvements.

Capital Cost: \$34,100,000

Justification: The bridge on Route 17/50/522 (Millwood Pike) Bridge over Interstate 81 at Exit 313 is reaching the end of its service life and needs to be replaced. The new bridge will feature design elements that will accommodate future improvements to the Route 17/50/522 corridor and future improvements to I-81. The interchange configuration will not change with this project.

Construction Schedule: TBD

PRIORITY 4 - Renaissance Drive, Phase 2

Description: Construct a connector road and Railroad Crossing between Route 11 and Shady Elm Drive.

Capital Cost: \$4,100,000

Justification: This is a transportation improvement that will address congestion at key points along Route 11 and Apple Valley Drive. This project is identified in Secondary Road Improvements Plan.

Construction Schedule: TBD

PRIORITY 5 - Route 277 right turn lane extension at Warrior Drive

Description: Extend right-turn lane for eastbound 277 at the intersection of Rt. 277 and Warrior Drive. Installation of sidewalk for pedestrian safety and installation of pedestrian pedestal.

Capital Cost: \$476,644

Justification: This improvement would be a significant safety upgrade to this intersection.

Construction Schedule: TBD

Unfunded Priorities

PRIORITY 6 - Planning, Engineering, Right-of-Way and Construction Work for Route 37

Description: This project would be to continue work on the Eastern Route 37 extension. More specifically, to update the Environmental Impact Statement to the point of a new Record of Decision and to update the 1992 design plans to address the current alignment, engineering guidelines, and possible interchange improvements. In addition, this allows for advanced engineering, right-of-way purchase and construction.

Capital Cost: \$750,000,000

Justification: This project moves the County closer to completion of a transportation improvement that would benefit the entire County and surrounding localities.

Construction Schedule: TBD

PRIORITY 7 - Route 277 Widening and Safety Improvements (Ph 2)

Description: Construct a 4-lane divided roadway beginning at I-81 and continuing to Sherando Park. Project would include realignment of Aylor Road to align with Sticklely Drive.

Capital Cost: \$25,428,550

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 8- Redbud Road Realignment and Exit 317 Interchange Improvements

Description: Realign Redbud Road from its current location through development land in the vicinity of Route 11 north and Snowden Bridge Boulevard and interchange upgrades to improve traffic flow and safety.

Capital Cost: \$11,239,132

Justification: This is a transportation improvement that will have significant impact on Eastern Frederick County. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 9 - Route 11 North Widening to 6 Lanes from Snowden Bridge Boulevard to Old Charlestown Road

Description: Route 11 North of Snowden Bridge Boulevard is currently primarily a two-lane roadway. This project would widen that facility to a 6-lane divided roadway with turn lanes where appropriate.

Capital Cost: \$28,346,120

Justification: This is a transportation improvement that will provide a significant capacity upgrade to address congestion on the Route 11 Corridor. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 10 - Brucetown Road/Hopewell Road Alignment and Intersection Improvements

Description: Realign Brucetown Road to meet Hopewell Road at Route 11. Improvements to this intersection will address comprehensive planned development's traffic generation in the area.

Capital Cost: \$8,000,000

Justification: This is a transportation improvement that will have significant impact on the Route 11 corridor. The location is identified by joint planning efforts between the County and VDOT.

Construction Schedule: TBD

PRIORITY 11 – Route 7 Corridor Improvements from Exit 315 to Greenwood Road

Description: Spot improvements throughout the corridor to be determined through ongoing study in coordination with VDOT.

Capital Cost: \$5,000,000

Justification: The County is engaged in a STARS study with VDOT through the MPO. This study will be used to identify key spot improvements to be addressed under this item.

Construction Schedule: TBD

PRIORITY 12 – Route 11 S Widening & Intersection Improvements from Winchester City Limits to Opequon Church Lane

Description: Route 11 S, NB side widening and improvements to the intersection of Shawnee Drive at Route 11 and Opequon Church Lane at Route 11

Capital Cost: \$3,300,000

Justification: Transportation study conducted in conjunction with the MPO and VDOT determined that these improvements would significantly improve congestion and safety in the area. In addition, this improvement would promote the Comprehensive Plan vision for this area.

Construction Schedule: TBD

PRIORITY 13- Widening of Route 11 North to the West Virginia State Line

Description: Improve Route 11 to a divided 4 and 6-lane facility as detailed in the Eastern Road Plan.

Capital Cost: \$192,000,000

Justification: This is a regional transportation improvement that will address congestion over a large area of the County and address development to the surrounding area. This project improves the safety for the traveling public by reducing congestion and improving the flow of traffic.

Construction Schedule: TBD

PRIORITY 14 - Senseny Road Widening

Description: Widen Senseny Road to a 4-lane divided roadway. This project is not dependent upon, but is being coordinated with the implementation of Route 37, Channing Drive, and development in the area.

Capital Cost: \$67,000,000

Justification: This is a transportation improvement that will have significant impact on Eastern Frederick County. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 15 - Senseny Road Turn lanes at the intersection of Senseny Road and Crestleigh Drive

Description: Improvements to the intersection of Senseny Road (657) and Crestleigh Drive to include turn lanes and potential signalization. This project would add left and right turn lanes to Senseny Road at the intersection of Crestleigh and potentially a full signalization of the intersection.

Capital Cost: \$2,548,579

Justification: This improvement would be a significant safety upgrade to this intersection.

Construction Schedule: TBD

PRIORITY 16- Interstate 81, Exit 307 Relocation

Description: Construct a relocated Exit 307 interchange.

Capital Cost: \$234,255,469

Justification: This is a regional transportation improvement that will address congestion in many areas of the County and address coming development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 17- Warrior Drive Extension

Description: Construct a 4-lane divided roadway beginning at Route 277 where Warrior Drive intersects from the north and continuing that roadway south and west to intersect with I-81 at the location of the relocated Exit 307 interchange.

Capital Cost: \$47,000,000

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 18 - Channing Drive Extension

Description: Construct a 4-lane divided roadway beginning at Senseny Road where Channing Drive intersects from the north and continuing that roadway south to intersect with Route 50 East at Independence Drive.

Capital Cost: \$45,000,000

Justification: This project has been identified in the Eastern Road Plan and will address congestion in Eastern Frederick County and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 19 - Inverlee Way

Description: Construct a 4-lane divided roadway beginning at Senseny Road and going south to Route 50 East. This project is being planned in conjunction with improvements to Senseny Road and surrounding development.

Capital Cost: \$27,300,000

Justification: This is a regional transportation improvement that will address congestion and provide an additional needed link between Senseny Road and Route 50 East.

Construction Schedule: TBD

PRIORITY 20 - Warrior Drive Extension from Route 37 Crosspointe south to existing terminus

Description: 4-lane roadway from the Route 37 extension in the Crosspointe Development south to the existing terminus of Warrior Drive.

Capital Cost: \$33,500,000

Justification: This improvement would be concurrent with a Route 37 extension and would provide significant congestion relief at Exit 307 as well as Tasker Road at Exit 310

Construction Schedule: TBD

PRIORITY 21 - Frederick County Eastern Road Plan

Description: This project is intended to address all of the planned transportation improvements in the County Comprehensive Plan, Eastern Road Plan that are not noted individually above.

Capital Cost: TBD

Justification: This project prepares the County for future development by addressing the projects needed to support that development in a manner consistent with the Comprehensive Plan.

Construction Schedule: N/A

Winchester Regional Airport Project Priority List

PRIORITY 1 - New Airport Terminal

Description: The Airport proposes design, bid, and construction of a new terminal building. The new facility will be constructed south of the existing building.

Capital Cost: \$6,475,400

Justification: The project will facilitate the construction of a replacement aircraft parking apron during the associated taxiway relocation project designed to meet FAA airport design criteria. Additionally, due to its age, numerous building systems are in need of significant repair or replacement. In 2008, a study was completed to examine needs and costs to renovate the existing terminal building. After review, the Winchester Regional Airport Authority (WRAA) determined that, when considered along with the taxiway/apron described above, it would be more economical and practical to relocate the facility.

Construction Schedule: Completion in FY 22-23.

PRIORITY 2 – Taxiway “A” Relocation

Description: The relocation of Taxiway A is part of the overall goal to meet Federal Aviation Administration (FAA) airport standards to maintain CAT I Instrument Landing System (ILS) weather minimums and meet design criteria for Group III aircraft.

Capital Cost: \$15,920,000

Justification: This project improves the safety of airport operations and enhances our ability to accommodate large business aircraft. Due to the complexity of relocating the entire 5,500' taxiway, the project has been phased. Special consideration will be made to the timing of construction for the portion of taxiway that runs adjacent to the terminal building (also proposed for replacement).

Construction Schedule: Completion in FY 24-25.

PRIORITY 3 – Land Parcel 64B-A-51 (Moreland)

Description: The airport seeks to acquire parcel 64B-A-51: Moreland on Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 23-24.

PRIORITY 4 – Land Parcel 64-A-69 (Robertson)

Description: The airport seeks to acquire parcel 64-A-69: Robertson off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$160,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 21-22.

PRIORITY 5 – Land Parcel 64B-A-33A (Beaver)

Description: The airport seeks to acquire parcel 64B-A-33A: Beaver off Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$125,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 21-22.

PRIORITY 6 – Land Parcel 64B-A-40 (Rosenberger)

Description: The airport seeks to acquire parcel 64B-A-40: Rosenberger off Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 21-22.

PRIORITY 7 – Land Parcel 64-A-60 (Cooper)

Description: The airport seeks to acquire parcel 64-A-60: Cooper off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$200,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 21-22.

PRIORITY 8 – Land parcel 64-A-64 (Hott)

Description: The airport seeks to acquire parcel 64-A-64: Hott off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$160,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 21-22.

PRIORITY 9 – North Side Access Road

Description: This project proposes to construct a two-lane service road around the end of Runway 14. The road will be an appropriate length so that vehicles remain clear of navigation aid critical areas.

Capital Cost: \$700,000

Justification: The approved airport layout plan shows new development on the north side of the runway. With operations on both sides of the runway, ground vehicles will require access to both sides for fuel delivery, inspections, maintenance, and transportation of personnel. The Federal Aviation Administration (FAA) encourages the construction of service roads around aircraft activity areas to prevent unauthorized access to runways and taxiways.

Construction Schedule: Completion in FY 24-25.

PRIORITY 10 –Fuel Storage Facility

Description: The current facility is in need of renovation to continue to meet DEQ and/or EPA requirements.

Capital Cost: \$600,000

Justification: The fuel storage facility has not undergone major maintenance since it was installed. This project is to renovate the facility to ensure it continues to meet DEQ and EPA requirements.

Construction Schedule: Completion in FY 23-24.

PRIORITY 11 – RPZ Land Services

Description: Surveys, appraisals, review appraisals, and acquisition of 4 aviation easements identified on the airport property map; PE2, PE3, PE4, and PE5.

Capital Cost: \$150,000

Justification: The parcels underlie the approach path to Runway 14. Certain land uses have the potential to cause negative impacts to airport operations. Aviation easements will help protect the airport from consequences that may result from obstructions or incompatible land uses in these areas.

Construction Schedule: Completion in FY 23-24.

PRIORITY 12 – Land Parcel 64B-A-52 (Lee)

Description: The airport seeks to acquire parcel 64B-A-52: Lee on Bufflick Road to ensure continued protection of sensitive airport areas. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 24-25.

PRIORITY 13 – Land Parcel 64-A-59 (Kyle)

Description: The airport seeks to acquire parcel 64-A-59: Kyle on Bufflick Road to ensure continued protection of sensitive airport areas. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 24-25.

PRIORITY 14 – Acquire Easements

Description: The airport seeks to acquire easements scoped for purchase in the "RPZ Land Services" project; identified as PE2, PE3, PE4, and PE5 on the airport property map.

Capital Cost: \$100,000

Justification: The parcels underlie the approach path to Runway 14. Certain land uses have the potential to cause negative impacts to airport operations. Avigation easements will help protect the airport from consequences that may result from obstructions or incompatible land uses in these areas.

Construction Schedule: Completion in FY 24-25.

PRIORITY 14 – Northside Site Prep

Description: Site preparation (e.g., grading, utilities) of future aeronautical development and commercial entrance onto airport property off Coverstone Drive extended.

Capital Cost: \$500,000

Justification: The area on the north side of the airport has been through the NEPA environmental approval process. It is the most attractive area on the airport for build-to-suit facilities. The project will make it more attractive to private investment and is in keeping with the airport's business and marketing plans.

Construction Schedule: Completion in FY 23-24.