AGENDA
Spotsylvania County
Board of Supervisors Meeting
Board Room/Richard E Holbert Building

March 23, 2021
6:00 PM

Call to Order

Pledge of Allegiance, Invocation

Approval of Agenda Including Possible Agenda Additions

Presentation of Consent Agenda

1. Approval of the Minutes of the March 9, 2021 Board of Supervisors Meeting
2. Approval of Proclamation Recognizing TAR Syndrome Awareness Month
3. Approval of Resolution to Educate Spotsylvania Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant In Light of Recent Reports of State-Sponsored Organ Harvesting From Prisoners of Conscience
4. Approval of Contract Modification #2 for Renewal to Robert King Construction for Facility Improvement, Maintenance & Repair Services
5. Authorization to Advertise for Public Hearing – CWRLF Massaponax WWTP Environmental Assessment Review
6. Grant Application Request for the FFY22 Highway Safety Grant Program Selective Enforcement for Occupant Protection
7. Approval to Convert a Building Plan Reviewer Position from Part-Time to Full-Time
8. Reappointment of Aviv Goldsmith to the Transportation Committee (Berkeley District)
9. Budget Adjustment and Appropriation for Additional Grant Funding for the NG911 and ESInet Core Services Project
10. Authorized Agent Resolution for the FFY 2020 Federal Grant Application for Partial Payment of Jail's Cost to Incarcerate Criminal Aliens

Public Comment on Consent Agenda

Vote on Consent Agenda

Public Presentations (3 minutes per speaker)

Board Reports

Public Hearings

1. R18-0010 (RO18-0010) Chancellor Ridge/ Old Plank Partners LLC (Chancellor District)
2. R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC) Lee Hill District
3. CA21-0002 Section 14-10 Camping Code Amendment

Presentations Reports by Others

Work Session

1. FY 2022 Budget Work Session

Closed Meeting

1. Closed Meeting

New Business

1. Next Board of Supervisors Meeting is March 30, 2021 at 6:30 at Courtland High School

Adjournment

The finalized agenda may be found on the County website at www.spotsylvania.va.us under the Board of Supervisors tab on or before the Saturday preceding the meeting date. By order of the Spotsylvania County Board of Supervisors, the Board reserves the right to amend this agenda on the day of the Board meeting. The Board of Supervisors encourages the participation of all County citizens. For those with special needs, please notify the County Administrator's Office of any accommodation required prior to the meeting you wish to attend.

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Approval of the Minutes of the March 9, 2021 Board of Supervisors Meeting

Type:	Action
Agenda Title:	Approval of the Minutes of the March 9, 2021 Board of Supervisors Meeting
Recommendation:	Approve the Minutes of the March 9, 2021 Board of Supervisors Meeting.
Summary:	The minutes are attached.
Financial Impact:	None
Staff Contacts:	Aimee R. Mann, Deputy Clerk
Legal Counsel:	N/A
Additional Background/Other Considerations:	None
Consequence of Denial/Inaction:	N/A

ATTACHMENTS:

File Name	Description	Type
Min_030921.pdf	March 9, 2021 Minutes	Minutes

PRESENT:	Deborah H. Frazier, Salem District Barry K. Jett, Livingston District Kevin W. Marshall, Berkeley District Timothy J. McLaughlin, Chancellor District David Ross, Courtland District Gary F. Skinner, Lee Hill District Chris Yakabouski, Battlefield District
STAFF PRESENT:	Ed Petrovitch, County Administrator Mark L. Cole, Deputy County Administrator Karl Holsten, County Attorney Aimee R. Mann, Deputy Clerk

Chairman Marshall called the meeting to order at 4:30 p.m. Supervisor McLaughlin led the Pledge of Allegiance and Supervisor Jett gave the invocation.

APPROVAL OF AGENDA

On a motion by Chairman Marshall and passed unanimously, the Board approved the agenda with the following addition/change:

- Appointment of James Shiels to the Economic Development Authority (Battlefield District)

  VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

- Move the Budget Work Session after Reports by Staff

PUBLIC COMMENT ON CONSENT AGENDA

None

APPROVAL OF THE CONSENT AGENDA

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

On a motion by Supervisor Skinner and passed unanimously, the Board approved the Consent Agenda as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

1. Approval of Minutes of the February 9 and 23, 2021 Board of Supervisors Meetings;
2. Acceptance of Chivalry Drive, Baron Drive, and Lords Lane in Estates of Kingswood into Virginia Secondary Street System (Battlefield District) as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-28

A RESOLUTION REQUESTING CHIVALRY DRIVE, BARON DRIVE, AND LORDS LANE IN ESTATES AT KINGSWOOD BE ADDED TO THE STATE SYSTEM OF SECONDARY ROADS

WHEREAS, Chivalry Drive, Baron Drive, and Lords Lane in Estates at Kingswood and as described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, Spotsylvania County and the Virginia Department of Transportation have entered into a comprehensive agreement on June 6, 1997, for stormwater detention in Spotsylvania County.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Appointment of Dawn Shelley to the Social Services Advisory Board (Battlefield District);
4. Appointment of H. Vincent Burchett, Jr. to the Economic Development Authority (Salem District);
5. Approval of Contract Modification #1 for Renewal to PFM Financial Advisors LLC to Provide Financial Advisor Services;
6. Approval of the Designation of $191,491 within the Tier Drainage Program to the Waverly Village Drainage Project;
7. Approval of Resolution to Move the April 6, 2021 Board of Supervisors Meeting to Massaponax High School Auditorium as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-29

A RESOLUTION TO APPROVE CHANGE OF LOCATION OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Spotsylvania County (hereinafter the "Board"), pursuant to Virginia Code §15.2-1416, desires to change the location of the previously announced regular meeting of the Board originally scheduled at 6:00 pm on April 6, 2021, at Board of Supervisors Meeting Room at the Holbert Building, 9104 Courthouse Road, Spotsylvania, VA 22553; and

NOW, THEREFORE, BE IT RESOLVED the Board does by this resolution authorize and give notice that the regular meeting identified above shall be changed to **6:00 pm** on **April 6, 2021**, located at **Massaponax High School, 8201 Jefferson Davis Highway, Fredericksburg, VA 22407**. The County Administrator is hereby directed to post notice and advertise notice of the meeting in accordance with Virginia Code §15.2-1416. This change of scheduled meeting shall be in force and effect upon adoption of this Resolution.

8. Approval of Resolution to Support Funding for the Lake Anna Advisory Commission as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-30

RESOLUTION TO SUPPORT FUNDING FOR THE LAKE ANNA ADVISORY COMMISSION

WHEREAS, the Lake Anna Advisory Commission (LAAC) is a joint administrative organization between the Counties of Louisa, Orange and Spotsylvania, the purpose of which is to address matters of shared interest pertaining to Lake Anna and the adjacent areas governed by the three counties; and

WHEREAS, LAAC has been instrumental over the years in multiple areas of focus and mutual interest to the three member localities, including:

- Managing the complex and constantly evolving hydrilla situation on the lake, including monitoring and the ongoing, safe and responsible treatment of this undesirable weed;
- Playing a vital role in the approval, placement and maintenance of buoys in the lake, and doing so using volunteer resources;
- Monitoring applicable legislation to ensure adequate communication to and feedback from citizens and other stakeholders in support of acceptable outcomes; and

WHEREAS, Harmful Algae Blooms (HAB's) pose a substantial health and economic threat to Lake Anna and other bodies of water around the state, and LAAC is working diligently on legislative and fiscal approaches to the issue, including funding by LAAC for a detailed study regarding best practices for management, and watershed contributions can play a role in HAB's, and Lake Anna's watershed falls materially in Orange County; and

WHEREAS, Spotsylvania and Louisa Counties have continued to provide funding to LAAC to carry out its activities and purposes related to Lake Anna; and

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of March, 2021, that the Spotsylvania County Board of Supervisors hereby requests on behalf of the Counties of Spotsylvania and Louisa, funding to the Lake Anna Advisory Committee from the County of Orange in the amount of $7,500 for Fiscal Year 2022.

9. Approval of Task Order to Samaha Associates, P.C. for Public Works/Utilities Complex Master Plan;
10. Approve Recommended Tow Board Members 2021-2023;
11. Authorization for Boundary Line Adjustment Deed Tax Map 63-1-A;
12. Authorization for Boundary Line Adjustment Deed Tax Map 63-1-B;
13. Resolution Authorizing Signature of Project Agreement with VDOT for Transportation Improvements Committed for VA Clinic as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-31

Resolution to Authorize the County Administrator to Execute a Project Administration Agreement with VDOT for Preliminary Engineering in Support of VA Clinic Projects

WHEREAS, the Spotsylvania County Board of Supervisors desires to enter into a VDOT Administered – Locally Funded Project Administration Agreement with the Virginia Department of Transportation for preliminary engineering (PE) activities in support of transportation projects associated with and in the area of the VA clinic; and

WHEREAS, funding has been designated for the PE work;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby grants authority for the County Administrator or his designee to execute the Project Administration Agreement for PE activities in support of transportation projects associated with and in the area of the VA clinic; and

BE IT FURTHER RESOLVED that the Spotsylvania County Board of Supervisors hereby commits to fund its local share of project costs in accordance with the Project Administration Agreement; and

BE IT FURTHER RESOLVED that funding by the Spotsylvania County Board of Supervisors shall be subject to annual appropriation.

ADOPTED this 9th day of March 2021.

14. Appointment of James Shiels to the Economic Development Authority (Battlefield District).

CONSENT AGENDA ITEMS FOR SEPARATE CONSIDERATION

Approval of Contract to Railworks Track Services, Inc. for Rail Spur Monthly Inspections, Maintenance and Repair Services

After brief discussion, on a motion by Supervisor Skinner and passed unanimously, the Board approved the contract to Railworks Track Services, Inc. for rail spur monthly inspections, maintenance and repair services.

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Grant Application Request for Staffing for Adequate Fire and Emergency Response (SAFER)

After brief discussion, on a motion by Supervisor Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-32

A RESOLUTION IN SUPPORT OF THE FFY 2020 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT APPLICATION AND AUTHORIZATION FOR ORGANIZATIONAL REPRESENTATIVES FOR THE SAFER GRANT APPLICATION

WHEREAS, the Department of Homeland Security is soliciting grant applications for the FFY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Program in order to improve local fire departments' staffing and deployment capabilities so they may more effectively and safely respond to emergencies; and

WHEREAS, the key outcomes of this initiative is to build and sustain core capabilities for Fire Management and Suppression, and Public Health and Medical Services; and

WHEREAS, the Spotsylvania County Department of Fire Rescue and Emergency Management (FREM) is committed to protecting the people, property, and the environment of our community; and

WHEREAS, FREM has additional unmet staffing needs for operational personnel; and

WHEREAS, FREM is seeking permission to apply for the SAFER grant to hire eighteen new Firefighter 24/7 positions; and

WHEREAS, the projected personnel cost for the SAFER positions for three years is $4,393,000; and

WHEREAS, there is no cost share requirement; and

WHEREAS, operational costs associated with these additional positions are not eligible for grant funding and would be the responsibility of Spotsylvania County, and

WHEREAS, as a condition of any subsequent grant award, a grantee must maintain staffing at the level that existed at the time of award as well as the staffing funded by the SAFER grant for the three-year period of performance unless the grantee has been afforded a waiver of this requirement; and

WHEREAS, no public safety layoffs are permitted during the period of performance unless the grantee has been afforded a waiver of this requirement; and

WHEREAS, this grant funding will allow for a more effective response to fire and emergency medical incidences.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the Board is in support of the grant application request; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that FREM is hereby authorized to submit a grant application seeking federal SAFER funds for the purpose of hiring eighteen Firefighter 24/7 positions; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are hereby designed as authorized agents any of whom may act in the execution of the SAFER grant application request: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator; Jay Cullinan, Fire Chief, Jason Irby, Deputy Fire Chief, Steven Cooper, Deputy Fire Chief, and Annette D'Alessandro, Grants Manager.

PUBLIC PRESENTATIONS

Frank Merritt, Jennifer Costa, Theresa Tempesta, Jackie Keith, Kristina Romasser, Sandra Barnstead and Marianne Johnson submitted comments that were read during public presentations.

Erin Sherwood, Vanessa Miller, Harold Black, Dawn Napper, Vernon Kirby, Lester Laymer, Richard Thompson, Peter Photenhauer, Vincent Burchett, and Clarence Collins addressed the Board during public presentations.

BOARD OF SUPERVISORS REPORTS

During this time, Supervisors reported on items of interest and/or concern within their districts.

PRESENTATIONS/REPORTS BY OTHERS

Citizen Budget Review Committee (CBRC) – Budget Presentation

Chairman Marshall read the following statement:

I hereby disclose I have an interest in the budget transaction as an employee of Spotsylvania County earning over $5,000 annually. My disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

Supervisor Frazier read the following statement:

I hereby disclose I have an interest in the budget transaction as an employee of Spotsylvania County Schools earning over $5,000 annually. My disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

The Citizen Budget Review Committee gave a presentation on the budgets of the county and the schools.

PUBLIC PRESENTATIONS

Anthony LoFaro, Faith Jarvis and Karl Anderson addressed the Board during public presentations.

PRESENTATIONS/REPORTS BY OTHERS (cont'd)

Presentation of Internal Audit Review of Inventory Controls

RSM, the County's internal auditors, along with Beckie Forry, Chief Accounting Officer, presented the results of their review over the County's internal controls surrounding inventory management.

Short-term Rentals and Regulation Considerations

At the Board's request, staff provided a presentation regarding short-term rentals and concerns which had arisen from the unregulated use in the County and reviewed considerations for a potential ordinance amendment.

PUBLIC HEARINGS

Vacation of a Portion of Existing Ingress/Egress Easement on Tax Map 63-1-A by Spotsylvania County

Mr. Loveday presented.

Chairman Marshall opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

On a motion by Chairman Marshall and passed 6 to 0 with Supervisor Jett absent from the vote, the Board authorized staff to vacate the requested portion of the identified ingress/egress easement.

VOTE:

Ayes:	6	Frazier, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	1	Jett
Abstain:	0	

CA21-0001: Amendments to Chapter 8 Erosion and Sediment Control Ordinance

Mr. Leach presented.

Chairman Marshall opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

On a motion by Supervisor Ross and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. 8-16

CA21-0001: Erosion and Sediment Control Ordinance Amendments

To amend the Code of the County of Spotsylvania, Virginia ("Code Amendments") Chapter 8, Erosion and Sediment Control. The proposed amendments to the Ordinance include definition and local program procedural updates consistent with the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law.

PUBLIC HEARING: March 9, 2021

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated March 9, 2021; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on February 17, 2021, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the Code Amendment with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on March 9, 2021, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, good land use practice and general welfare are served by approval of the Code Amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 8 be and is hereby amended and reordained as follows:

Chapter 8 - EROSION AND SEDIMENT CONTROL[1]

Footnotes:
--- (**1**) ---
Editor's note— Ord. No. 8-1, adopted July 27, 1993, amended and reordained chapter 8, erosion and sediment control, in its entirety. Previously, Ord. No. 8-1, adopted Nov. 28, 1989, enacted erosion and sediment control regulations which had been codified as superseding the provisions of former Ch. 8 which pertained to similar subject matter and which derived from Code 1980, §§ 7-1—7-6, 7-8—7-22; and ordinances adopted March 9, 1982; Oct. 9, 1984; Oct. 24, 1987; and Sept. 13, 1988.

Subsequently, Ord. No. 8-6, adopted Feb. 11, 2003, amended and reordained chapter 8, §§ 8-4—8-6, 8-17, 8-19, 8-20, 8-31, 8-34—8-36, 8-38(a), 8-39, 8-31, 8-42, 8-44, 8-45, 8-61—8-63 and 8-71, to read as herein set out.

Cross reference— Buildings and building regulations, Ch. 5; subdivisions, Ch. 20; water, sewers and sewage disposal, Ch. 22; erosion and sediment control at Ni River Reservoir, § 22-231; zoning, Ch. 23; erosion control in trailer camps generally, § 23-289; erosion control in recreational trailer camps, § 23-322.

State Law reference— This Chapter is authorized by the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law.

ARTICLE I. - IN GENERAL

Sec. 8-1. - Title.

This Chapter shall be known as the "Erosion and Sedimentation Control Ordinance of Spotsylvania County".

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-16, 3-9-21)

Sec. 8-2. - Purpose of Chapter.

The purpose of this Chapter is to prevent degradation of properties, stream channels, waters, and other natural resources of Spotsylvania County and to promote the public health and welfare of the people of the County by establishing requirements for the control of soil erosion, sediment deposition, and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-16, 3-9-21)

Sec. 8-3. - Authorization for Chapter.

This Chapter is authorized by the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law, that provides for a comprehensive statewide program with criteria, standards, and specifications to control soil erosion and sedimentation, which is implemented on the local level.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-16, 3-9-21)

Sec. 8-4. - Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in Sec. 8-4, unless the context requires a different meaning:

Agreement in lieu of plan means a contract between the County and the Owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of a formal site plan. The Program Administrator executes said contract on behalf of the County if the contract meets the requirements of this Chapter.

Applicant means the Owner, or a person authorized by limited power of attorney or other acceptable document to sign on behalf of the Owner, submitting an Erosion and Sediment Control Plan for approval or requesting, by written application, the issuance of a permit authorizing Land-Disturbing Activities to commence.

Board means the Virginia State Water Control Board.

Certified inspector means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of project inspection, or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect, or land surveyor pursuant to Code of Virginia Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in Sec. 54.1-2200.*Certified program administrator or Program administrator* means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the Board in the area of program administration, or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one (1) year after enrollment.

Clearing means any activity which removes the vegetative ground cover, including but not limited to, the removal of root mat and/or topsoil.

County means the County of Spotsylvania.

Department of Environmental Quality or DEQ means the Virginia Department of Environmental Quality.

Development means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units or lots.

Director means the Director of the Virginia Department of Environmental Quality.

District or *Soil and water conservation district* refers to the Tri-County/City Soil and Water Conservation District.

Erosion and sediment control plan or ESC plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives and comply with the minimum standards set out in Title 9, Agency 25, Chapter 840, Section 40 of the Virginia Administrative Code (9VAC25-840-40).

Erosion impact area means an area of land not associated with current Land-Disturbing Activities but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into State Waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping, or other methods of removing earth materials.

Exceptionally-large-scale land disturbance construction area means a land-disturbance activity area of Development four hundred (400) acres or larger.

Fee schedule means the County's Unified Fee Schedule for Land Use and Building.

Filling means any depositing or stockpiling of earth materials.

Governing body means the Spotsylvania County Board of Supervisors.

Grading means any Excavating or Filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activities means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into State Waters or onto lands in the Commonwealth, including, but not limited to, Clearing, Grading, Excavating, Transporting, and Filling of land, including the covering of land with gravel, millings, or any material that changes the run off characteristics of the area, except that the following activities shall not be considered Land-Disturbing Activities for the purpose of this Chapter:

(1) Minor Land-Disturbing Activities such as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk; provided, such Land-Disturbing Activities are confined to the area of the road, street, or sidewalk which is hard-surfaced;

(4) Septic tank lines or drainage fields unless included in an overall plan for Land-Disturbing Activities relating to construction of the building to be served by the septic tank system;

(5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Code of Virginia Title 45.1;

(6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec. 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163;

(7) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

(8) Agricultural engineering operations including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds (not required to comply with the Dam Safety Act, Chapter 6, Article 2, of Title 10.1 of the Code of Virginia, as amended), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;

(9) Disturbed land areas of less than twenty-five hundred (2,500) square feet in size;

(10) Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;

(11) Shoreline erosion control projects on tidal waters when all of the Land-Disturbing Activities are within the regulatory authority of and approved by local wetland boards, the Marine Resources Commission, or the U.S. Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and

(12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved Erosion and

Sediment Control Plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Chapter.

Land-disturbing permit or approval means a permit or other form of approval issued by the County for the Clearing, Filling, Excavating, Grading, or Transporting of land or for any combination thereof or for any other Land-Disturbing Activities regulated by this chapter.
Local erosion and sediment control program or *local control program* means an outline or explanation of the various elements or methods employed by the county to regulate Land-Disturbing Activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as a local ordinance, policies and guidelines, technical matters, inspection, enforcement and evaluation.

Natural channel design concepts mean the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, or corporation in control of property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the Owner of the property and/or the person to whom the permit authorizing Land-Disturbing Activities is issued and/or the person who certifies that the approved Erosion and Sediment Control Plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility cooperative, county, city, town or other political subdivision of this state, any interstate body or any other legal entity.

Program Administrator means the person or persons responsible for administering and enforcing the erosion and sediment control program of Spotsylvania County.

Responsible land disturber or RLD means an individual holding a certificate issued by the DEQ who is responsible for carrying out the Land-Disturbing Activity in accordance with the approved ESC Plan. The RLD may be the Owner, Applicant, Permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC Plan or permit as a prerequisite for engaging in land disturbance.

Runoff volume means the volume of water that runs off the land Development project from a prescribed storm event.

Single family residence/home/dwelling means a noncommercial dwelling that is occupied exclusively by one family.

State permit means an approval to conduct Land-Disturbing Activities issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit.

State waters mean all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Subdivision has the same meaning in this chapter as the definition set forth in the Spotsylvania County Subdivision Ordinance (Chapter 20).

Transporting means any moving of earth materials from one place to another place other than such movement incidental to Grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or VESCP means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with Land-Disturbing Activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

VESCP Permit-issuing authority means the Program Administrator or designee responsible for issuing permits for Land-Disturbing Activities.

VESCP authority or Program authority means the County which has adopted a soil erosion and sediment control program that has been approved by the Board.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land Development project.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-2, 7-12-94; Ord. No. 8-6, 2-11-03; Ord. No. 8-15, § 1, 11-15-18; Ord. No. 8-16, 3-9-21)

Sec. 8-5. - Violation; injunction and other legal actions by the County.

(a) Violators of this ordinance shall be guilty of a Class I misdemeanor.

(b) Any person who violates any provision of Code of Virginia Sec. 62.1-44.15:55, 62.1-44.15:56 shall, upon a finding of the District Court of Spotsylvania County, be assessed a civil penalty. The civil penalty for any one violation shall be not less than $100 nor more than $1,000, except that the civil penalty for commencement of Land-Disturbing Activities without an approved plan shall be $1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000, except that a series of violations arising from the commencement of Land-Disturbing Activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of Sec. 62.1-44.15:63.

(c) The Program Administrator**,** or the Owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Spotsylvania County to enjoin a violation or a threatened violation of Code of Virginia Sec. 62.1-44.15:55, 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist.

However, an Owner of property shall not apply for injunctive relief unless (i) he/she has notified in writing the person who has violated the local program, and the Program Authority, that a violation of the local program has caused, or creates a probability of causing, damage to his or hers property, and (ii) neither the person who has violated the local program nor the Program Authority has taken corrective action within fifteen (15) days to eliminate the conditions which have caused, or create the probability of causing, damage to his or her property.

(d) In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to Spotsylvania County in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by Spotsylvania County.

Any civil penalties assessed by a court shall be paid into the treasury of Spotsylvania County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the VESCP Authority the County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Sec. 8-5 Subsection (b) or (e).

(g) The Commonwealth's Attorney shall, upon request of the County, take legal action to enforce the provisions of this ordinance.

(h) Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation, or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-12, 11-13-07; Ord. No. 8-14, 11-14-13; Ord. No. 8-16, 3-9-21)

Sec. 8-6 Liability for damages.

Neither the approval of an erosion and sediment control plan under the provisions of this article nor the compliance with the conditions of such plan shall relieve any person from responsibility for damage to other persons or property or impose any liability upon the County from damage to other persons or property.

Secs. 8-7—8-15. - Reserved.

ARTICLE II. - LOCAL EROSION AND SEDIMENTATION CONTROL PROGRAM

DIVISION 1. – GENERALLY

Sec. 8-16. - Regulations.

Pursuant to Code of Virginia Sec. 62.1-44.15:54 of the Code of Virginia, Spotsylvania County hereby establishes a VESCP Program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources).

(a) In accordance with Code of Virginia Sec. 62.1-44.15:52, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to:

(1) detain the Water Quality Volume and to release it over 48 hours;

(2) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and

(3) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

(b) For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in Sec. 62.1-44.15:28 of the Virginia Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such Land-Disturbing Activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.

(c) Pursuant to Code of Virginia Sec. 62.1-44.15:53, an ESC Plan shall not be approved until it is reviewed by a Certified Plan Reviewer. Inspections of Land-Disturbing Activities shall be conducted by a Certified Inspector. The Erosion Control Program of Spotsylvania County shall contain a Certified Program Administrator, a Certified Plan Reviewer, and a Certified Inspector (who may be the same person).

(d) Spotsylvania County hereby designates the Program Administrator as the Plan-Approving Authority.

(e) The program and regulations provided for in this ordinance shall be made available for public inspection at the office of Environmental Codes.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-2, 7-12-94; Ord. No. 8-4, 7-25-95; Ord. No. 8-16, 3-9-21)

Sec. 8-17. - Consistency with state program.

The County may adopt more stringent soil erosion and sediment control regulations than those necessary to ensure compliance with the Board's minimum regulations, however, the County may not impose any more stringent regulations for plan approval or permit issuance than those specified in VESCL 62.1-44.15:55 and 62.1-44.15:57 (VESCL 62.1-44.15:65(A)). Where provisions of this Chapter are stricter than the state law and/or regulations, the provisions of this Chapter shall govern.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-18. - Virginia Erosion and Sediment Control Handbook adopted.

The Virginia Erosion and Sediment Control Handbook, third edition, and as amended in the future, by reference, is adopted as the official handbook of the County's VESCP program and incorporated by reference into this Chapter.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-2, 7-12-94; Ord. No. 8-4, 7-25-95; Ord. No. 8-16, 3-9-21)

Secs. 8-19—8-29. - Reserved.

DIVISION 2. - PLANS AND PERMITS

Sec. 8-30. Submission and approval of plans; contents of plans.

(a) Except as provided herein, no person may engage in any Land-Disturbing Activity until he or she has submitted to the Program Administrator an ESC plan for the Land-Disturbing Activity and such plan has been approved by the VESCP Plan-Approving Authority. No approval to begin Land Disturbing Activities will be issued unless evidence of State Permit coverage is obtained where it is required. Where Land-Disturbing Activities involve lands under the jurisdiction of more than one VESCP, an ESC plan, at the option of the applicant, may be submitted to the DEQ for review and approval rather than to each jurisdiction concerned. Where the Land-Disturbing Activity results from the construction of a single-family residence, an Agreement in Lieu of Plan may be substituted for an ESC plan if executed by the Plan-Approving Authority.

(b) The standards contained within the "Virginia Erosion and Sediment Control Regulations" (the Virginia Erosion and Sediment Control Handbook, as amended) and any local handbook or publication are to be used by the Applicant when making a submittal under the provisions of this ordinance and in the preparation of an ESC plan. The Plan-Approving Authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

(c) The VESCP Plan-Approving Authority shall review ESC plans submitted to it and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that he or she will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the Land-Disturbing Activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the Responsible Land Disturber, to the Program Authority, as provided by Sec. 62.1-44.15:52, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the Land-Disturbing Activity. Failure to provide the name of the Responsible Land Disturber, prior to engaging in Land-Disturbing Activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

(d) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the Applicant within forty-five (45) days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) The VESCP Authority shall act on any ESC Plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.

(f) The VESCP Authority may require changes to an approved plan when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the Plan-Approving Authority and the person responsible for carrying out the plans.

(g) In order to prevent further erosion, the County may require an approved plan for any land identified in the VESCP Program as an Erosion Impact Area.

(h) When a Land-Disturbing Activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an ESC plan shall be the responsibility of the Owner.

(i) In accordance with the procedure set forth in Code of Va. Sec. 62.1-44.15:55 (E), any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the Owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

(Ord. No. 8-16, 3-9-21)

Sec. 8-31. - Regulated land-disturbing activities; submission and approval of an erosion and sediment control plan.

(a) Except as provided in Code of Virginia Sec. 62.1-44.15:56 “state agency projects”, or as otherwise expressly exempted by this Chapter, no person shall engage in any Land-Disturbing Activity until he or she has submitted to the Program Administrator an ESC

Plan for the Land-Disturbing Activity and until that plan has been reviewed and approved by the Program Administrator, and a permit issued.

(b) Failure to comply with the terms of an Agreement in Lieu of Plan shall constitute a violation of this Chapter. Requirements of this Chapter which relate to plans shall also similarly relate to agreements in lieu of a plan.

(c) Plan review and inspection fees, shall be paid to the County at the time of filing applications for erosion and sediment control permits and at such other times, if specified in this Chapter. The dollar amount of these fees shall be set out in the County's Unified Fee Schedule – Land Use, reviewed and adopted by the Spotsylvania County Board of Supervisors on a periodic basis.

(d) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general ESC specifications annually with DEQ for review and written comments. *Ref. 62.1-44.15:55(D).*

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-5, 6-26-01; Ord. No. 8-6, 2-11-03; Ord. No. 8-9, 7-12-05; Ord. No. 8-16, 3-9-21)

Sec. 8-32- Installation of erosion control facilities.

In accordance with an approved ESC Plan all sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.

(Ord. No. 8-1, 7-27-93; Ord. No. 8-16, 3-9-21)

Sec. 8-33. – 8-36. - Reserved.

Sec. 8-37. - Permits and fees.

(a) No Land-Disturbing Permit shall be issued until the Applicant submits with his or her application an approved ESC Plan or agreement in lieu of an approved ESC Plan, certification that the plan will be followed, and evidence of State Permit coverage where it is required.

(b) No person may engage in any Land-Disturbing Activity until he or she has acquired a Land-Disturbing Permit (unless the proposed Land-Disturbing Activity is specifically exempt from the provisions of this ordinance), and has paid the fees and posted the required bond.

(c) An administrative fee identified in the Fee Schedule shall be paid to the County at the time of submission of the ESC Plan.

(1) Exceptionally-large-scale land disturbance construction fees shall be designated in accordance to the Fee Schedule and shall meet the following conditions.

a. A fee amount shall be determined based upon the total land disturbance acreage calculated on the approved site plan in accordance to the Fee Schedule. The Applicant shall be billed for the monthly inspection fee on the first day of each month until the site receives a final bond release inspection and approval. The Applicant must remit payment within fifteen (15) days of invoicing to the Environmental Codes division by check payable to the County Treasurer. Failure to pay each invoice within fifteen days of the date of the invoice is cause for issuance of a project stop work order until such fees are paid.

b. If, in any month, the amount billed for an Exceptionally-large-scale land disturbance construction fee is insufficient to reimburse the County for amounts billed to the County by third-party inspectors, the unreimbursed balance will be added to the monthly fee on the Applicant's next or a subsequent invoice and must be paid when invoiced.

(2) Where any violation of this Chapter requires more than one (1) inspection to the site by the County, there will be imposed a reinspection fee for each additional inspection. No occupancy permit shall be issued until such fees are paid.

(Ord. No. 8-1, 7-27-93; Ord. No. 8-15, § 2, 11-15-18; Ord. No. 8-16, 3-9-21)

Sec. 8-38. - Responsibility of owner for expense of control measures; performance bonds.

(a) All control measures required by the provisions of this Chapter shall be undertaken at the expense of the Owner. Pending such actual provision thereof, the Owner shall execute and file with the Program Administrator, prior to issuance of the Land-Disturbing Permit, a performance bond with surety, cash escrow, letter of credit, any combination thereof, or other legal arrangement as is acceptable to the Program Administrator. The performance bond shall be in an amount determined by the Program Administrator, equal to the approximate total cost of providing erosion and sedimentation control improvements and must include a reasonable allowance of twenty-five (25) percent contingency of the cost of the conservation action for estimated administrative costs and inflation. These documents shall be approved by the County and are to ensure that measures could be taken by the County, at the Applicant's expense, should the Applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action. If the County takes such conservation action upon such failure by the Permittee, the County shall be entitled to collect from the Owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

(b) Within sixty (60) days of the achievement of adequate stabilization and completion of the Land-Disturbing Activity, as determined by a final inspection, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Owner or terminated, as the case may be.

(c) These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

(Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-39. - Approval required for certain existing conditions.

(a) It shall be unlawful for any owner of land in an erosion impact area to willfully permit erosion and sedimentation of his land to cause reasonably avoidable damage or harm to adjacent or downstream property, roads, streams, lakes or ponds.

(b) When the Program Administrator determines that erosion and sedimentation is occurring in an erosion impact area, he or she shall give notice of the erosion and sedimentation to the land owner in writing at the address for the owner contained in the real estate assessor's records, and require the owner to obtain a land-disturbance permit for the purpose of engaging in land-disturbing activity to control the erosion and sedimentation. If the owner fails or refuses to obtain a land-disturbance permit within five days after the notice is mailed, or if the owner fails or refuses to install or maintain the erosion and sediment controls required by the approved erosion and sediment control plan after the land-disturbance permit is issued and within five days after the Program Administrator has given him or her written notice of such failure or refusal, the owner shall be in violation of this chapter. The Program Administrator may extend the five-day period if the owner demonstrates good cause for an extension.

(c) In order to prevent further erosion, the Program Administrator may designate any land within the county as an erosion impact area.

(Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-40. - Reserved.

DIVISION 4. - ACTION ON CONTROL PLAN

Sec. 8-41. - Approval of plan.

(a) The Program Administrator shall review the plan and grant written approval within sixty (60) days of the receipt of the plan, if the plan meets the requirements of this Chapter and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan.

(b) All erosion control plans must have an RLD as a prerequisite for approval and the person responsible for the plan shall provide the name, certification number, and expiration date of the RLD. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

(c) Notwithstanding subsection (b) above, a RLD shall not be required when Land-Disturbing Activity results from the construction of a single-family residence and an

Agreement in Lieu of Plan has been approved in accordance with subsection 8-31(b) of this Chapter.

This exception shall not apply where there is a resource protection area (RPA), as defined in Chapter 6A of the County Code, or a flood plain located on the property where the Land-Disturbing Activity is to occur.

(d) If a violation occurs during the Land-Disturbing Activity where there is an Agreement in Lieu of Plan, then the person responsible for carrying out the Agreement in Lieu of Plan (the signatory to the agreement) shall correct the violation and provide the name, certification number, and expiration date of an RLD.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 08-13, 7-14-09; Ord. No. 8-16, 3-9-21)

State Law reference— Code of Virginia §62.1-44.15:51 to :66.

Sec. 8-42. - Inadequate plan; notice to applicant of changes; approval if no action taken.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the Applicant within forty-five (45) days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken by the program administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity. The Program Administrator shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-43. - Responsible party.

The owner and responsible land disturber, as designated by the owner, are responsible for implementing and maintaining the approved erosion and sediment control plan and certify that they will perform the erosion and sediment control measures in accordance with the approved plan and any other erosion and sediment control measures deemed necessary by the Program Administrator or designee to meet the minimum standards outlined within this Chapter.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-16, 3-9-21)

Sec. 8-44. - Change of approved plan in certain cases.

An approved ESC Plan may be changed by the Program Administrator in the following cases:

(1) Where inspection has revealed the inadequacy of the plan to satisfy applicable regulations; or

(2) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with

the requirements of this Chapter, are agreed to by the Program Administrator and the person responsible for carrying out the plan.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-45. - Variances

The Program Administrator may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

(1) At the time of plan submission an Applicant may request a variance to become part of the approved ESC Plan. The Applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the Program Administrator shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the Program Administrator. The Program Administrator shall respond in writing either approving or disapproving such a request. If the Program Administrator does not approve a variance within ten (10) business days of receipt of the written request, the request shall be considered to be disapproved. Following disapproval, the Applicant may submit a new application for variance request with additional documentation.

(3) The Program Administrator shall consider each variance request judiciously, keeping in mind both the need of the Applicant to maximize cost effectiveness and the need to protect off-site properties and resources from drainage.

(Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Secs. 8-46—8-60. - Reserved.

DIVISION 5. - MONITORING OF LAND-DISTURBING ACTIVITIES

Sec. 8-61. - Inspections required periodically.

(a) The RLD shall be in charge of and responsible for carrying out the Land-Disturbing Activities and provide for inspections of the Land-Disturbing Activities as determined by the Program Administrator. The RLD will maintain records of these inspections and maintenance, to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation

(b) The Program Administrator shall provide for periodic inspections of Land-Disturbing Activity in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in that plan are effective in controlling erosion and

sediment. The Owner, Permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-5, 6-26-01; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-62. - Noncompliance with plan; notice to comply.

If the Program Administrator determines that there is a failure to comply with the plan, written notice shall be served upon the Owner, Permittee, or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the Land-Disturbing Activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the owner, Permittee, or person responsible for carrying out the plan shall be deemed to be in violation of this Article and shall be subject to the remedies provided for in this Chapter.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Sec. 8-63. - Stop work orders.

(a) Upon issuance of an inspection report denoting a violation of Code of Virginia Sec. 62.1-44.15:55, -44.15:56, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the Land-Disturbing Activities permitted on the site be stopped until the specified corrective measures have been taken.

(b) If Land-Disturbing Activities have commenced without an approved plan, the Program Administrator may issue an order requiring that all of the Land-Disturbing Activities be stopped until an approved plan or any required permits are obtained.

(c) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the Land-Disturbing Activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

(d) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the County or permit holder for appropriate relief to the Circuit Court of Spotsylvania County. The County shall serve such order for disturbance without an approved plan or permits upon the Owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is

occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

(e) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the Program Administrator may issue an order to the Owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the Owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of Spotsylvania County.

(f) The Owner may appeal the issuance of an order to the Circuit Court of Spotsylvania County. Any person violating or failing, neglecting or refusing to obey an order issued by Program Administrator may be compelled in a proceeding instituted in the Circuit Court of Spotsylvania County to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.

(g) Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

(h) Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this ordinance.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

Secs. 8-64—8-70. - Reserved.

DIVISION 6. - MISCELLANEOUS PROVISIONS

Sec. 8-71. - Administrative appeal; judicial review.

(a) Final decisions of the Program Administrator shall be subject to review by the Spotsylvania County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision by the Program Administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in Land-Disturbing Activities.

(b) Nothing in this section shall stay the enforcement of any violation of the provisions of this chapter.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-6, 2-11-03; Ord. No. 8-16, 3-9-21)

BOARD WORK SESSION

FY 2022 Budget Work Session - Department Heads' Budget Comments/Tax Rate Advertisement

Supervisor Skinner made a motion to advertise the real estate and mobile home tax rates at $0.86. The motion failed 3 to 4 with Supervisors Jett, McLaughlin, Ross and Yakabouski opposed.

VOTE:

Ayes:	3	Frazier, Marshall, Skinner
Nays:	4	Jett, McLaughlin, Ross, Yakabouski
Absent:	0	
Abstain:	0	

On a motion by Supervisor Skinner and passed 4 to 3 with Supervisors Jett, McLaughlin and Ross opposed, the Board advertised the real estate and mobile home tax rates at $0.85.

VOTE:

Ayes:	4	Frazier, Marshall, Skinner, Yakabouski
Nays:	3	Jett, McLaughlin, Ross
Absent:	0	
Abstain:	0	

On a motion by Supervisor McLaughlin and passed 5 to 2 with Supervisors Marshall and Yakabouski opposed, the Board advertised all other tax rates as follows:

VOTE:

Ayes:	5	Frazier, Jett, McLaughlin, Ross, Skinner
Nays:	2	Marshall, Yakabouski
Absent:	0	
Abstain:	0	

PP –boats/boat trailers	$6.25
PP – Vehicles other than boats/boat trailers	$6.55
Aircraft	$0.000001
Business Furniture & Fixtures	$4.55
Data Center Equipment	$1.25
Machinery & Tools	$1.90
Heavy Duty Equip.	$1.55
Massaponax SSD	$0.17
Harrison Crossing SSD	$0.48
Lee Hill East SSD	$0.25
Lee Hill West SSD	$0.48

CLOSED MEETING

On a motion by Supervisor Skinner and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-33

To Adjourn into a Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding the matter of *The Board of Supervisors of the County of Orange, Virginia v. Sustainable Property Holdings, LLC, et al.*, filed in the Circuit Court for the County of Orange, Virginia, Case No. CL20-275; and for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically regarding a public safety matter; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(7) and (8), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-34

Return to Open Meeting

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open session and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

NEW BUSINESS

None

ADJOURNMENT

On a motion by Chairman Marshall and passed unanimously, the Board adjourned its meeting at 9:44 p.m.

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

_____
Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Approval of Proclamation Recognizing TAR Syndrome Awareness Month

Agenda Title:	Approval of Proclamation Recognizing TAR Syndrome Awareness Month
Recommendation:	Approve the Proclamation Recognizing TAR Syndrome Awareness Month.
Summary:	The purpose of this proclamation is to bring awareness to TAR Syndrome.
Financial Impact:	N/A
Staff Contacts:	Kevin Marshall, Chairman
Legal Counsel:	N/A
Additional Background/Other Considerations:	None
Consequence of Denial/Inaction:	N/A

ATTACHMENTS:

File Name	Description	Type
TAR_syndrome_awareness.docx	Proclamation	Backup Material

PROCLAMATION

TAR SYNDROME AWARENESS MONTH

WHEREAS, Thrombocytopenia-absent radius (TAR) syndrome is characterized by the absence of a bone called the radius in each forearm and a shortage (deficiency) of blood cells involved in clotting (platelets); and,

WHEREAS, Thrombocytopenia presents normal blood clotting, resulting in easy bruising and frequent nosebleeds and potentially life-threatening episodes of severe bleeding (hemorrhages) may occur in the brain and other organs, especially during the first year of life; and,

WHEREAS, hemorrhages can damage the brain and lead to intellectual disability, affected children who survive this period and do not have damaging hemorrhages in the brain usually have a normal life expectancy and normal intellectual development; and,

WHEREAS, the severity of skeletal and other problems in TAR syndrome varies among affected individuals with some people missing some or all fingers while some have kidney and heart problems; and

WHEREAS, there is not a lot of awareness about TAR syndrome in Spotsylvania County; and,

NOW, THEREFORE, BE IT PROCLAIMED that the Spotsylvania Board of Supervisors does hereby recognize the month of April 2021 to be TAR syndrome awareness month, and we call this observance to the attention of all of our citizens.

(SEAL) A COPY TESTE: _____

Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Approval of Resolution to Educate Spotsylvania Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant In Light of Recent Reports of State-Sponsored Organ Harvesting From Prisoners of Conscience
Type:	Action
Agenda Title:	Approval of Resolution to Educate Spotsylvania Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant In Light of Recent Reports of State-Sponsored Organ Harvesting From Prisoners of Conscience
Recommendation:	Approve the Resolution to Educate Spotsylvania Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant In Light of Recent Reports of State-Sponsored Organ Harvesting From Prisoners of Conscience

In recent years, various levels of Virginia government have been speaking out about the Chinese Communist Party's (CCP's) practice of forced organ harvesting from Chinese prisoners of conscience, which includes large numbers of followers of the spiritual practice called Falun Gong:

- At the state level, 49 bi-partisan members of the Virginia General Assembly(including **Delegate Cole, Mark**) last year sent a letter to Secretary of State Mike Pompeo, urging US action to help stop this truly abhorrent practice.
- At the Federal level, the US House expressed its concerns about this practice in H.Res.343 in 2016. Currently, both US senators from Virginia are co-sponsoring S.Res.274 on this same issue.
- At the county level, the Fairfax and Shenandoah County Board of Supervisors adopted a motion and a resolution to educate citizens

Summary:

and the medical community about the practice.

On behalf of 70 local residents who signed the petition to support a similar resolution in Spotsylvania County, this resolution seeks to raise awareness of the involuntary organ harvesting in China. This is critically important now that China has become a major center for transplants, making a wide variety of human organs available with very short waiting times. Patients from around the world flock there, checkbooks in hand, to get a new cornea, kidney, lung, or heart.

In March of 2020, an international People's Tribunal issued the China Tribunal Final Judgement concluding that Falun Gong practitioners were the main source of organs. Falun Gong teaches gentle exercises, meditation, and the principles of Truthfulness, Compassion, and Tolerance. It has benefited more than a hundred million people around the world to attain physical, mental, and spiritual wellness. In July 1999, however, the CCP ordered the eradication of Falun Gong, and the brutal persecution of followers of Falun Gong continues to this day.

Financial Impact: N/A

Staff Contacts: Kevin Marshall, Chairman

Legal Counsel: N/A

Additional Background/Other Considerations: None

Consequence of Denial/Inaction: N/A

ATTACHMENTS:

File Name	Description	Type
Organ_Harvesting_China.doc	Resolution	Resolution

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021, on a motion by _____ and passed_____, the Board adopted the following resolution:

RESOLUTION NO. 2021-

TO EDUCATE SPOTSYLVANIA RESIDENTS AND THE MEDICAL COMMUNITY ON THE RISKS OF TRAVELING TO CHINA FOR ORGAN TRANSPLANT IN LIGHT OF RECENT REPORTS OF STATE-SPONSORED ORGAN HARVESTING FROM PRISONERS OF CONSCIENCE

WHEREAS, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the Chinese spiritual practice of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

WHEREAS, The China Tribunal, an independent tribunal sitting in London chaired by Sir Geoffrey Nice, who was a prosecutor at the international criminal tribunal for the former Yugoslavia, concluded on Jun 18, 2019, in a unanimous determination at the end of its year-long hearings, that the killing of detainees in China for organ transplants is continuing and victims include imprisoned followers of the Falun Gong movement; and

WHEREAS, the 2017 Freedom House report, "The Battle for China's Spirit," states that "available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing"; and

WHEREAS, an investigative report published in June 2016 by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific, David Kilgour, and journalist Ethan Gutmann, estimated that China is performing transplants at a rate amounting to "an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems"; and

WHEREAS, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the late 1990s with multiple estimates placing the number of practitioners at upwards of seventy million (70,000,000); and

WHEREAS, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong. Hundreds of thousands of Falun Gong practitioners have been detained extralegally in Chinese reeducation-through-labor camps, detention centers, and prisons, where physical and mental torture is common.

WHEREAS, in June 2016, the United States House of Representatives unanimously passed House Resolution 343, condemning the systemic, state- sanctioned organ harvesting from practitioners of Falun Gong and other prisoners of conscience; and

WHEREAS, there has been little media coverage of this problem yet dozens of Spotsylvania citizens petitioned the Spotsylvania Board of Supervisors to take up this matter, and

WHEREAS, Spotsylvania residents should be fully informed of the organ source in China before they make the decision to engage in organ transplant tourism in China and the Spotsylvania County Board of Supervisors should assist in raising awareness in this regard;

NOW THEREFORE, BE IT RESOLVED BY the Spotsylvania County Board of Supervisors, that it condemns, in the strongest possible terms, the persecution of Falun Gong and the state-sponsored organ harvesting of all prisoners of conscience currently being carried out by the Chinese Communist regime; and

BE IT FURTHER RESOLVED that we urge the United States government, to thoroughly investigate organ transplant practices in China and take all reasonable steps to end the practice of nonconsensual organ harvesting from Falun Gong practitioners; and

BE IT FURTHER RESOLVED that the residents and the medical community servicing Spotsylvania and the immediate region be informed about the risks of travel to China for organ transplants to help prevent local citizens from becoming accomplices in state-sponsored forced organ harvesting from prisoners of conscience; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the Governor of Virginia, Virginia's General Assembly, Virginia's congressional delegation and two U.S. Senators, and the Virginia Department of Health.

(SEAL) A COPY TESTE: _____

Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Approval of Contract Modification #2 for Renewal to Robert King Construction for Facility Improvement, Maintenance & Repair Services
Type:	Action
Agenda Title:	Approval of Contract Modification #2 for Renewal to Robert King Construction for Facility Improvement, Maintenance & Repair Services
Recommendation:	Approve Contract Modification #2 for Renewal with Robert King Construction to provide facility improvement, maintenance and repair services. This contract will allow for ongoing maintenance and repair of county facilities, specifically carpentry and interiors services. The contract modification has been reviewed and approved as to form by the County Attorney's Office.
Summary:	The initial contract for these services was approved by the Board of Supervisors on March 16, 2017. This contract modification for renewal shall have a term limit of one year and may be renewed for one (1) additional one (1) year term at the option of Spotsylvania County.
Financial Impact:	Adequate funding is budgeted and appropriated within the Capital Projects Fund and Utilities Capital Projects Fund for this purpose.
Staff Contacts:	Ben Loveday, Assistant County Administrator for Community Operations Josh Knight, Deputy Director of Public Works and Facilities Brad Quann, Procurement Manager
Legal Counsel:	Will Moore, Senior Assistant County Attorney
	Ongoing maintenance and repair of county facilities, as well as small scale improvement projects will be significantly delayed without the approval of this

Consequence of Denial/Inaction: contract. The contract provides readily available services to expedite response actions for facility maintenance and repair to assure timely response and continuity of operations.

ATTACHMENTS:

File Name	Description	Type
Modification_#2_-_Contract_#17-16-TV-01_-_Robert_King_Construction_for_BOS.pdf	Contract - Robert King Constr.	Contract

MODIFICATION #2
TO
SPOTSYLVANIA COUNTY CONTRACT AGREEMENT
FOR GOODS AND SERVICES
Contract #17-16-TV-01

THIS MODIFICATION #2 TO SPOTSYLVANIA COUNTY CONTRACT AGREEMENT FOR GOODS AND SERVICES is made as of _____ ____, 2021 by and between BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY, a political subdivision of the Commonwealth of Virginia, ("COUNTY"); and ROBERT KING CONSTRUCTION, a Virginia Sole Proprietor, ("CONTRACTOR"), in good standing and duly licensed to transact business in the Commonwealth of Virginia.

WITNESSETH:

WHEREAS, the COUNTY and the CONTRACTOR entered into an Agreement titled "SPOTSYLVANIA COUNTY CONTRACT AGREEMENT FOR GOODS AND SERVICES, Contract #17-16-TV-01", ("AGREEMENT") dated March 17, 2017, to obtain goods and services for facility improvement, maintenance and repair services for Spotsylvania County as needed; and

WHEREAS the AGREEMENT was subsequently renewed and/or modified by "Modification #1 to Spotsylvania County Contract Agreement for Goods and Services, Contract #17-16-TV-01", dated and executed on March 12, 2020 ("MODIFIED AGREEMENT"); and

WHEREAS, the COUNTY requires a continuation of these services for an additional one (1) year contract term, as is permitted under Article 2, subdivision 2.2., of the initial contract dated March 17, 2017; and

WHEREAS, the COUNTY and the CONTRACTOR have determined that it is to their mutual benefit to modify the MODIFIED AGREEMENT further by entering into this "Modification #2 to Spotsylvania County Contract Agreement for Goods and Services, Contract #17-16-TV-01".

NOW, THEREFORE, the COUNTY and the CONTRACTOR in consideration of the mutual promises herein contained, and intending to be legally bound, do hereby modify terms and conditions of the MODIFIED AGREEMENT as follows:

A. ARTICLE 2, THE WORK AND AGREEMENT TERM LIMITS, subdivision 2.2., is hereby deleted in its entirety and replaced as follows:

2.2. This Agreement shall have a term limit of one (1) year effective from March 17, 2021 through March 16, 2022 and may be renewable for one (1) additional one (1) year term at the option of Spotsylvania County. All prices for the current year shall be at the amounts of year three (3), as described in Article 4, subdivision 4.2., of the initial Agreement. Any adjustment to pricing for future years will be equal to or less than the unadjusted percent change of the latest twelve (12) months for which statics are available as indicated in Table 1 of the Consumer Price Index for all Urban Consumers (CPI-U): U.S. city average, other goods and services category, as published by the Bureau of Labor Statistics, U.S. Department of Labor. Should this index be superseded, the County reserves the right to select another appropriate index.

Except as hereby modified, the AGREEMENT and MODIFIED AGREEMENT remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties by agreement hereto have caused Modification #2 to Spotsylvania County Contract Agreement for Goods and Services Contract #17-16-TV-01 to be duly executed by their duly authorized officials, made as of the date first written above, and effective March 17, 2021.

SPOTSYLVANIA COUNTY, VIRGINIA

By: _____
EDWARD PETROVITCH Dated
COUNTY ADMINISTRATOR

ROBERT KING CONSTRUCTION

By: Robert King 3/9/21
ROBERT KING Dated
OWNER

Approved as to form:

3/10/21
COUNTY ATTORNEY Dated

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Authorization to Advertise for Public Hearing - CWRLF Massaponax WWTP Environmental Assessment Review
Type:	Action
Agenda Title:	Authorization to Advertise for Public Hearing – CWRLF Massaponax WWTP Environmental Assessment Review
Recommendation:	Staff recommends that the Board of Supervisors provide authorization to advertise for a public hearing to review the Massaponax Wastewater Treatment Plant Expansion Environmental Assessment as required by the Clean Water Revolving Loan Fund (CWRLF).
Summary:	The County's financial advisors recommended use of the State's Clean Water Revolving Loan Fund (CWRLF) program to finance the Massaponax Wastewater Treatment Plant expansion and certain other related projects as the interest rate makes the program advantageous to Spotsylvania's water and sewer rate payers. However, the program requires certain additional administrative milestones be met, including certain public hearings. As required for utilization of the CWRLF for the expansion of the Massaponax Wastewater Treatment Plant, the County must hold a public hearing for the purpose of discussing the expansion project, alternatives considered, environmental impacts, project costs, and associated user charge impacts. Public notice of the hearing must be made at least 30 days prior to the hearing and must by published at least once per week for two consecutive weeks. In the future, but ahead of the Board's acceptance of any loan funds from the CWRLF program, another public hearing will be required for the funding itself and approval of the pertinent documents associated with the loan. Though the State's requirements seem a bit out of sequence, the act of holding a public hearing

first on the project does not in any way obligate the County to the loan program. Again, a separate and future public hearing will need to be help on the loan acceptance itself. At that time, additional financial information will be available.
County staff is being guided by State staff from the Department of Environmental Quality and the Virginia Resources Authority in regards to the requirements of this program.

Financial Impact: N/A

Staff Contacts: Ben Loveday, Assistant County Administrator

Consequence of Denial/Inaction: The public hearing is required for use of the Clean Water Revolving Loan Fund. If the hearing is not approved, the County will not be eligible for a loan through the program and must utilize alternative funding sources for the Massaponax Wastewater Treatment Plant expansion.

ATTACHMENTS:

File Name	Description	Type
No Attachments Available		

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Grant Application Request for the FFY22 Highway Safety Grant Program Selective Enforcement for Occupant Protection
Type:	Action, Appropriation
Agenda Title:	Grant Application Request for the FFY22 Highway Safety Grant Program Selective Enforcement for Occupant Protection
Recommendation:	The Sheriff and staff recommend that the Board of Supervisors approve the request to submit a grant application for the Federal Fiscal Year (FFY) 2022 Highway Safety Grant Program for selective enforcement for unrestrained crashes. If approved, the application will seek $13,000 in grant funds. The County would be responsible for providing $6,500 in in-kind contributions and $1,230 in fringe benefit costs.

As the administrative agency for the U.S. Department of Transportation Federal Highway Safety Funds, the Virginia Department of Motor Vehicles has issued a sub-grant opportunity to meet strategic highway safety goals related to selective enforcement for unrestrained crashes. The application deadline has been extended to March 24, 2021 in order to allow the County to apply. In calendar year (CY) 2019, the County had 10 fatal crashes resulting in 13 deaths due to occupants not wearing their seatbelts. For CY 2019, Spotsylvania County had the most unrestrained-related fatal crashes in the entire state.

If approved, the Sheriff's Office will request federal funds in the amount of $13,000 in overtime for 200 hours of selective enforcement for occupant protection. The application requires an in-kind service match of $6,500 that will be met through the use of the Sheriff's Office fuel and maintenance costs for enforcement vehicles from the FY 2022 and FY 2023

operational budgets. Furthermore, the grant will not pay for the associated FICA, Medicare, and workers' compensation associated with the overtime. It is estimated that these associated costs will be $1,230. It is anticipated that the Sheriff's Office will absorb these costs through their FY 2022 and FY 2023 operational budgets. If awarded, the grant award period will run from October 1, 2021 through September 30, 2022.

Summary:

	Grant Request	**Costs that will be absorbed in the FY 2022 and FY 2023 Operational Budgets**	**Total Budget**
200 Hours of overtime at $65 per hour for selective enforcement of alcohol violations	$13,000	$0	$13,000
Fringe benefits associated with the 200 hours of overtime that are not eligible for grant reimbursement.	$0	$1,230	$1,230
Required in-kind match that will be met through fuel and vehicle maintenance costs for patrol vehicles in the FY 2022 and FY 2023 budgets.	$0	$6,500	$6,500
TOTALS	**$13,000**	**$7,730**	**$20,730**

Committee/Commission Summary:	Finance Committee
Review Date:	March 18, 2021
Financial Impact:	There is no financial impact at this time. If awarded, the grant will still need to be reviewed and recommended by the County Attorney's Office, County Administration, and the Finance Committee, before being presented to the Board of Supervisors for their action.
Staff Contacts:	Sheriff Roger L. Harris, Sheriff's Office Captain Roger Harris II, Sheriff's Office First Sergeant Franklin Belcher, Sheriff's Office Sergeant Scott Lockard, Sheriff's Office Annette D'Alessandro, Grants Manager
Legal Counsel:	N/A
Additional Background/Other Considerations:	N/A
Consequence of Denial/Inaction:	This grant will enable the Sheriff's Office to target unrestrained-related crashes. Through this effort the Sheriff's Office will attempt to reduce the County's overall crash rate. If this grant application request is denied, it will eliminate an opportunity to increase the department's grant funded traffic enforcement abilities.

ATTACHMENTS:

File Name	Description	Type
FY22_Highway_Safety_Grant_Application_for_Occupant_Protection_-_Resolution.pdf	Resolution	Resolution

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021, on a motion by _____ and passed _____to _____, the Board adopted the following resolution:

RESOLUTION NO. 2021-

Approving Grant Application Submission and Designation of Authorized Organizational Representatives for the FFY 2022 Selective Enforcement of Occupant Protection Grant Opportunity Provided by the Department of Motor Vehicles

WHEREAS, the Spotsylvania County Sheriff's Office is seeking approval to apply for a federal sub-award grant from the Department of Motor Vehicles in the amount of $13,000 to be utilized by the Sheriff's Office for overtime for selective enforcement of occupant protection; and

WHEREAS, the Spotsylvania County Sheriff's Office will need to provide approximately $1,230 in associated fringe benefit costs that are not reimbursable by the grant; and

WHEREAS, the Spotsylvania County Sheriff's Office is required to provide a local in-kind match of $6,500; and

WHEREAS, the Spotsylvania County Sheriff's Office will provide the local in-kind match through the use of their fuel and vehicle maintenance costs for their patrol vehicles from their FY 2022 and FY 2023 operational budgets; and

WHEREAS, the County will act as fiscal agent for the Spotsylvania County Sheriff's Office for the purposes of processing the funding of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are designated as authorized organizational representatives for the submission and processing of this specific grant application:

Edward Petrovitch, County Administrator, or
Mark Cole, Deputy County Administrator, or
Bonnie Jewell, Assistant County Administrator for Finance & Services, or
First Sergeant Franklin Belcher, Sheriff's Office, or
Sergeant Scott Lockard, Sheriff's Office, or
Annette D'Alessandro, Grants Manager

(SEAL) A COPY TESTE: _____

Aimee R. Mann

Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Approval to Convert a Building Plan Reviewer Position from Part-Time to Full-Time
Type:	Action, Appropriation
Agenda Title:	Approval to Convert a Building Plan Reviewer Position from Part-Time to Full-Time
Recommendation:	The staff recommends that the Board approves the request from the Building Safety Department to convert the temporary part-time Building Plan Review position to a full-time position.
Summary:	The department has a temporary part-time Plan Reviewer who will be leaving the County's employment at the end of March. This departure cannot come at a worse time given the volume of plans that have been submitted to the department in the past months. This increase in permit activity has resulted in numerous complaints regarding the length of time it is taking the department to review plans. The department has tried adjusting hours, using overtime, re-assigning workloads and involving Code Enforcement staff in the review process in an effort to keep plan review times at a manageable level for our customers. We have reached out to individual contractors to make them aware of programs currently in place to help reduce plan review times, such as our Registered Design Professional plans and identical plan process. None of this has provided sufficient reduction in the overall plan review time. Converting this temporary part-time Plan Reviewer position to full-time will assist the department in creating additional capacity for plan review. The annualized impact to the County's Code Compliance operating budget is approximately $29,595, which is projected to be fully offset with

	building permit revenues. If approved by the Board, the full year costs and associated revenues will be factored into the FY 2022 Budget. Funding for the partial-year adjustment in FY 2021 is available within the existing Building budget to accomplish this change in FTE.
Committee/Commission Summary:	Finance Committee
Review Date:	March 18, 2021
Financial Impact:	Please see the attached budget adjustment. There is no financial impact in FY 2021 as the conversion can be absorbed within Building's existing budget. The full-year impact of the conversion is estimated at $29,595 and will be funded with additional Building permit fee revenue projected for FY 2022.
Staff Contacts:	David Ansell, Chief Building Official
Consequence of Denial/Inaction:	Building plan review times may continue at the current levels.

ATTACHMENTS:

File Name	Description	Type
Budget_Adjustment-_Building_Plan_Reviewer_PT_to_FT.pdf	Budget Amendment	Budget Amendment

FY 2021 Budget Amendment Request Form

Date: March 18, 2021

Department: Building

Contact person: David Ansell **Phone #:** (540) 507-7230

Explanation of need for budget amendment: The department has a temporary part-time Plan Reviewer who will be leaving the County's employment at the end of March. This departure cannot come at a worse time given the volume of plans that have been submitted to the department in the past months. This increase in permit activity has resulted in numerous complaints regarding the length of time it is taking the department to review plans.

The department has tried adjusting hours, using overtime, re-assigning workloads and involving Code Enforcement staff in the review process in an effort to keep plan review times at a manageable level for our customers. We have reached out to individual contractors to make them aware of programs currently in place to help reduce plan review times, such as our Registered Design Professional plans and identical plan process. None of this has provided sufficient reduction in the overall plan review time.

Converting this temporary part-time Plan Reviewer position to full-time will assist the department in creating additional capacity for plan review.

The annualized impact to the County's Code Compliance operating budget is approximately $29,595, which is projected to be fully offset with building permit revenues. If approved by the Board, the full year costs and associated revenues will be factored into the FY 2022 Budget. Funding for the partial-year adjustment in FY 2021 is available within the existing Building budget to accomplish this change in FTE.

Reminder: **Agenda item summary must be attached if BOS approval is required.**

Revenue Accounts Adjusted			**Amount**
Acct #			
	Total Revenue Adjustment	**$**	

Expenditure Accounts Adjusted			**Amount**
Acct #	260-3410-424.13-01 Part-Time		(17,108)
Acct #	260-3410-424.11-01 Full-Time		17,108
	Total Expenditure Adjustment	**$**	**0**

Note: If amendment is between expenditure accounts only, net impact must be zero.

Position FTE Change		
Position Title	**Existing FTE**	**Adjusted FTE**
Residential Plans Reviewer (Building)	0.00	1.00

Transfer requests must be signed by the requestor(s). In the case of transfers between departments or capital projects, the transfer request must be signed by the director of each affected department, or by the project manager of each affected capital project. A typed signature will be accepted.

David Ansell, Chief Building Official
Name, Department

Name, Department

Recommendations

Budget: _X___recommended _____ not-recommended
Explanation if not recommended:
_____
_____

County Admin: _X___recommended _____ not-recommended
Explanation if not recommended:
_____
_____

Finance Committee: _X__ recommended ____not-recommended
Explanation if not recommended:
_____
_____

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Reappointment of Aviv Goldsmith to the Transportation Committee (Berkeley District)

Type:	Action
Agenda Title:	Reappointment of Aviv Goldsmith to the Transportation Committee (Berkeley District)
Recommendation:	Mr. Marshall recommends the Board of Supervisors reappoint Aviv Goldsmith to the Transportation Committee representing the Berkeley District. Per the bylaws, terms shall be for one year. The term will commence immediately and expire March 22, 2022.
Non-Staff Name and Title of Presenters:	N/A
Summary:	Mr. Marshall would like to reappoint Aviv Goldsmith to the Transportation Committee representing the Berkeley District. The term will commence immediately and expire March 22, 2022.
Financial Impact:	N/A
Staff Contacts:	Niki Woodard, Assistant to County Administration
Additional Background/Other Considerations:	N/A
Consequence of Denial/Inaction:	The Berkeley position would remain vacant.
Talking Points:	N/A

ATTACHMENTS:

File Name	Description	Type
Aviv_Goldsmith_Resume.pdf	Resume	Resume

AVIV GOLDSMITH

6147 Hickory Ridge Road
Spotsylvania, VA 22551 USA
1.540.455.3378 * precursors@aol.com

Mr. Goldsmith has been a Spotsylvania resident for almost 20 years.

He currently serves as Executive Director and Chief Instructor at Aikido in Fredericksburg (a non-profit educational corporation teaching and practicing the traditional yet non-violent martial art of Aikido) which operates out of a "green dojo" in rural Spotsylvania. Students come from around the world to train at the local dojo.

His professional experience includes more than forty years in project management, finance, and renewable energy development, most recently through his firm Precursor Systems, Inc.

His educational background includes an MBA from Syracuse University with honors, a Master of Science from the SUNY College of Environmental Science and Forestry, and a Bachelor of Science from Cornell University.

He is completing a four year term as a gubernatorial appointee on the Board of Trustees of GenEdge Virginia, and has previously served on local committees related to updates of the Spotsylvania County Comprehensive Plan.

He has received several community service awards and serves on the Board of Directors and Advisory Boards of several non-profit groups.

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Budget Adjustment and Appropriation for Additional Grant Funding for the NG911 and ESInet Core Services Project

Type:	Action, Appropriation
Agenda Title:	Budget Adjustment and Appropriation for Additional Grant Funding for the NG911 and ESInet Core Services Project
Recommendation:	Staff recommends that the Board of Supervisors appropriate the additional grant funds of $39,534 awarded for the Spotsylvania County and AT&T Next Generation 9-1-1 (NG911) and Emergency Services Internet Protocol network (ESInet) project.
Summary:	On December 10, 2019 the Board of Supervisors approved the request to enter into an agreement with AT&T Corporation in order to transition existing 911 services to Next Generation 9-1-1 (NG911). Jurisdictions are required to transition their existing 911 services to NG911and the Emergency Services Internet Protocol network (ESInet) to provide successful and timely emergency services across jurisdictional boundaries when citizens call 9-1-1 in an emergency. This requirement is not only Virginia State mandated, but technology driven, as old technologies are being abandoned by telephone carriers and service providers. The Virginia 9-1-1 Services Board initially provided grant funds of $459,513 to assist Public Safety Answering Points (PSAPs) with funding the transition from older systems to NG911. Some of the costs associated with the project will be paid directly by the Virginia 9-1-1 Services Board to the vendor while other grant funds will be awarded to the County on a reimbursement basis. Due to higher than expected costs, the Virginia 9-1-1 Services Board has increased the County's award by $50,684 to $510,197. Of this

	increased amount $11,150 will be paid by the Virginia 9-1-1 Services Board on the County's behalf for extra fiber work that was needed while the remaining $39,534 will be reimbursed to the County as a grant for call handling equipment upgrades. There is no local match requirement for this additional funding.
Committee/Commission Summary:	Finance Committee
Review Date:	March 18, 2020
Financial Impact:	See attached budget adjustment form.
Staff Contacts:	Jane Reeve, Chief Information Officer Keith Pusso, Information Services, Division Director Public Safety Annette D'Alessandro, Grants Manager
Legal Counsel:	There is no additional agreement to sign.
Additional Background/Other Considerations:	When originally presented to the Board of Supervisors it was anticipated that the County would start receiving $351,914 over a 24-month period once the system went live in FY 2021. This amount reflected the difference in monthly costs that the County would be paying for the new AT&T NG911 solution costs from the current 9-1-1 legacy costs paid by the County to Verizon. Due to the delay in scheduling of resources by our call handling equipment vendor and workload conflicts with the implementation of the new enterprise public safety system, the new go-live date for NG911 has been pushed back to spring of 2022. In discussing with Virginia Department of Emergency Management staff, only three of Virginia's localities have implemented NG911 thus far.
Consequence of Denial/Inaction:	Failure to approve the additional grant funding of $39,534 for the NG911/ESInet system will require the locality to pay for these costs with local funds.

ATTACHMENTS:

File Name	Description	Type
Additional_Funding_for_NG911_Migration_-_Resolution.pdf	Resolution Approving Appropriation of FY 2021 Funds	Resolution
Additional_Funding_for_NG911_Migration_-_Budget_Adj.pdf	FY2021 Budget Amendment Request Form	Budget Amendment
Spotsylvania_NG911_Funding_Award_Letter_-_Amended_02162021.pdf	VDEM Virginia 911 Services Board Award Letter	Letter

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____ and passed _____ to _____, the Board adopted the following resolution:

RESOLUTION APPROVING
APPROPRATION OF FY 2021 FUNDS

BOARD OF SUPERVISORS **March 23, 2021**

WHEREAS, Spotsylvania County has received additional grant funds of $39,534 for transitioning existing 911 services to Next Generation 911; and

WHEREAS, Spotsylvania County is not required to provide a local match for the grant award.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2020, for expenditures in the amount of $39,534 for implementation of NG911, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: $39,534

(SEAL) A COPY TESTE: _____

Aimee R. Mann

FY2021 Budget Amendment Request Form

Date: March 11, 2021

Department: Information Services/Budget

Contact person: Keith Pusso **Phone #: 540-507-7508**

Explanation of need for budget amendment: On December 10, 2019 the Board of Supervisors approved the request to enter into an agreement with AT&T Corporation in order to transition existing 911 services to Next Generation 9-1-1 (NG911). Jurisdictions are required to transition their existing 911 services to NG911and the Emergency Services Internet Protocol network (ESInet) to provide successful and timely emergency services across jurisdictional boundaries when citizens call 9-1-1 in an emergency. This requirement is not only Virginia State mandated, but technology driven, as old technologies are being abandoned by telephone carriers and service providers.

The Virginia 9-1-1 Services Board initially provided grant funds of $459,513 to assist Public Safety Answering Points (PSAPs) with funding the transition from older systems to NG911. Some of the costs associated with the project will be paid directly by the Virginia 9-1-1 Services Board to the vendor while other grant funds will be awarded to the County on a reimbursement basis. Due to higher than expected costs, the Virginia 9-1-1 Services Board has increased the County's award by $50,684 to $510,197. Of this increased amount $11,150 will be paid by the Virginia 9-1-1 Services Board on the County's behalf for extra fiber work that was needed while the remaining $39,534 will be reimbursed to the County as a grant for call handling equipment upgrades. There is no local match requirement for this additional funding.

When originally presented to the Board of Supervisors it was anticipated that the County would start receiving $351,914 over a 24-month period once the system went live in FY 2021. This amount reflected the difference in monthly costs that the County would be paying for the new AT&T NG911 solution costs from the current 9-1-1 legacy costs paid by the County to Verizon. Due to the delay in scheduling of resources by our call handling equipment vendor and workload conflicts with the implementation of the new enterprise public safety system, the new go-live date for NG911 has been pushed back to spring of 2022. In discussing with Virginia Department of Emergency Management staff, only three of Virginia's localities have implemented NG911 thus far.

Reminder: **Agenda item summary must be attached if BOS approval is required.**

Revenue Accounts Adjusted			**Amount**
Acct #	310-0000-324-04-71 PSAP State Grant Revenue	**$**	39,534
	Total Revenue Adjustment	**$**	**39,534**

Expenditure Accounts Adjusted			**Amount**
Acct #	310-9120-803-39-10 GP1703 – Software Applications	**$**	39,534
	Total Expenditure Adjustment	**$**	**39,534**

Note: If amendment is between expenditure accounts only, net impact must be zero.

Position FTE Change		
Position Title	**Existing FTE**	**Adjusted FTE**

Transfer requests must be signed by the requestor(s). In the case of transfers between departments or capital projects, the transfer request must be signed by the director of each affected department, or by the project manager of each affected capital project. A typed signature will be accepted.

_____ _____

Name, Department Name, Department

Recommendations

Budget: __X__recommended _____ not-recommended

Explanation if not recommended:

_____

_____

County Admin: __X__recommended _____ not-recommended

Explanation if not recommended:

_____

_____

Finance Committee: __X_ recommended ____not-recommended

Explanation if not recommended:

_____

_____

Curtis Brown
Chairman
VDEM

Hon Kevin W. Hall
Sheriff
Vice Chairman
City of Covington

David A. Von Moll
Treasurer
Comptroller

COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

Dorothy Spears-Dean
Deputy State Coordinator
VDEM
(804) 840-7260

Terry D. Mayo
Board Administrative Assistant
VDEM
(804) 718-9026

Mary M. Blowe
Chief Financial Officer
City of Winchester

Thomas Bradshaw
Captain
Virginia State Police

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Danny Garrison
Richmond Ambulance Authority

Pete Hatcher
AT&T

Jeffrey T. Merriman
Verizon Communications

Nelson P. Moe
CIO
VITA

Kelvin Wright
Chief of Police
City of Chesapeake

Jolena Young
Twin County

Tom Crabbs
Statewide Interoperability Coordinator
Advisor

January 25, 2021

Spotsylvania PSAP:

This letter is an update to the Virginia 9-1-1 Services Board (the "Board") approval of the County of Spotsylvania PSAP's NG9-1-1 funding request for costs needed for NG9-1-1 implementation. The amount awarded is based on estimated costs and related information contained in the version of your NG9-1-1 Migration Proposal referenced in your funding request, and post-award amendment, if applicable.

The NG9-1-1 implementation funding award period does not extend the legislative deadline of June 30, 2023 for NG9-1-1 deployment for your PSAP. Any funding extension made will also be exclusive of the legislative mandate.

PSAP Name and Funding ID	**Spotsylvania NG911-065**
Date of Award by the 9-1-1 Services Board	**September 23, 2019**
End of funding period for your grant award (36 months from date of award unless granted an extension by the Board)	**September 23, 2022**
NG9-1-1 Deployment – Amount Awarded	**Current Award* $510,197.40 (includes $88,750.20 paid directly by the Board)**
Migration Proposal Date	**November 1, 2018**
Migration Proposal NG9-1-1 Service Provider	**AT&T**
Contract Vehicle upon which the Migration Proposal is based	**Fairfax County contract w/ AT&T**
Deadline for executing a contract vehicle with the NG9-1-1 Service Provider listed above (3 months after date of award)	**December 23, 2019**

***Award amount does not reflect the current available funding balance based on reimbursement activity since the original date of award, or post-award amendment, if applicable.**

Funding awards are non-binding until a locality selects an NG9-1-1 solutions provider by executing a contract. The Board recognizes this is a local decision. If you wish to accept this funding request using the NG9-1-1 solutions provider listed above, the Board expects your locality to execute a contract vehicle with the identified NG9-1-1 solutions provider within three months of the date of your award, unless the Board grants an extension. However, if requested by the PSAP, 911 and Geospatial Services (NGS) staff can prepare a migration proposal for a different NG9-1-1 solution provider and the locality can also submit a funding request using this new migration proposal.

The Board is committed to a statewide deployment of NG9-1-1 that is consistent with NENA's i3 standard and reserves the right to add subsequent conditions to your migration proposal and revise the funding award for this purpose. Funding for any additional non-recurring costs related to these conditions will be considered by the Board and you will receive a revised award letter, if approved.

Since NG9-1-1 deployments will be occurring by selective router regions over a multi-year period, portions of your funding may not be immediately available and may be distributed over different fiscal years. The spending plan below is based on your scheduled NG9-1-1 deployment window and in your migration proposal. This plan lays out when approved funding for each category will be available. The goal is to complete all identified NG9-1-1 ready implementation items (CHE equipment and GIS data) at least three months in advance of your PSAP's scheduled deployment time period.

NOTE: Before contracting for a service or committing any local funding, you should consult this spending plan and coordinate expenditures with your Regional Coordinator. This action will ensure that you will be reimbursed for any local funds spent for items identified in your migration proposal.

Fiscal Year	Category	Amount
FY20	CHE i3 Services	$ 69,533.52
FY21	Monthly Delta	$ 175,956.84
FY22	Monthly Delta	$ 175,956.84

Finally, funding for approved equipment and services may not be immediately available to the PSAP. NGS staff will provide a spending plan, specific to the PSAP's deployment schedule, that details in which year of the deployment period funding will be available to the PSAP.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Sincerely,

Lisa Nicholson

Lisa Nicholson
Public Safety Program Manager

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Authorized Agent Resolution for the FFY 2020 Federal Grant Application for Partial Payment of Jail's Cost to Incarcerate Criminal Aliens
Type:	Action, Resolution
Agenda Title:	Authorized Agent Resolution for the FFY 2020 Federal Grant Application for Partial Payment of Jail's Cost to Incarcerate Criminal Aliens
Recommendation:	Staff recommends that the Board of Supervisors approve the attached resolution in order to apply for federal grant funds under the Federal Fiscal Year (FFY) 2020 State Criminal Alien Assistance Program.
Non-Staff Name and Title of Presenters:	N/A
Summary:	The U.S. Department of Justice's Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP), in conjunction with the Bureau of Immigration and Customs Enforcement and Citizenship and Immigration Services, Department of Homeland Security. SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least four consecutive days during the reporting period. The reporting period for the FFY 2020 program is from July 1, 2018 through June 30, 2019. There is no local match requirement for the program. Any grant funds that will be awarded will be passed onto the Rappahannock Regional Jail to offset their correctional officer salaries as directed in the grant. Applications must be submitted by a government official of the state or locality with the legal authority to apply on behalf of the governmental entity. The Rappahannock Regional Jail is not eligible to apply on

	its own behalf. Instead, the County must apply and submit its own data for use of the facility. The attached resolution will enable several County staff members to apply for the FFY 2020 SCAAP funds. FFY 2020 SCAAP applications are due by April 12, 2021.
Financial Impact:	There is no financial impact at this time as this is a request to submit a grant application. If grant funds are awarded, the grant award will be reviewed by Finance, County Attorney's Office, and Finance Committee before being presented to the Board of Supervisors for their action.
Staff Contacts:	Sheriff Roger L. Harris, Sheriff's Office Captain Charles Carey, Sheriff's Office Annette D'Alessandro, Finance
Additional Background/Other Considerations:	N/A
Consequence of Denial/Inaction:	Denial of the request will mean that Spotsylvania County will lose the ability to recoup some of the Rappahannock Regional Jail correctional officers' costs associated with incarcerating undocumented criminal aliens.
Talking Points:	N/A

ATTACHMENTS:

File Name	Description	Type
FFY_2020_SCAAP_-_Resolution.pdf	Resolution	Resolution

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021, on a motion by _____ and passed _____, the Board adopted the following resolution:

RESOLUTION NO. 2021-

Designation of Authorized Agents for the Grant Application for the Federal Fiscal Year 2020 State Criminal Alien Assistance Program

WHEREAS, Spotsylvania County desires to apply for federal grant funds from the U.S. Department of Justice under the Federal Fiscal Year (FFY) 2020 State Criminal Alien Assistance Program (SCAAP); and

WHEREAS, SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least four consecutive days during the reporting period; and

WHEREAS, the reporting period for the FFY 2020 SCAAP program is from July 1, 2018 through June 30, 2019; and

WHEREAS, the County is not required to provide a local match for the grant program; and

WHEREAS, any grant funds that will be awarded will be passed onto the Rappahannock Regional Jail to offset their correctional officer salaries associated with the incarceration of undocumented criminal aliens held on behalf of Spotsylvania County; and

WHEREAS, SCAAP applications must be submitted by a government official of the state or locality with the legal authority to apply on behalf of the governmental entity.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the following individuals are hereby designated as authorized agents any of whom may act on behalf of the Spotsylvania County Board of Supervisors in the execution and administration of the grant application: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator; and Annette D'Alessandro, Grants Manager.

(SEAL) A COPY TESTE: _____

Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	R18-0010(RO18-0010) Chancellor Ridge/Old Plank Partners LLC (Chancellor District)
Type:	Action, Public Hearing, Ordinance, Power Point Presentation
Agenda Title:	R18-0010 (RO18-0010) Chancellor Ridge/ Old Plank Partners LLC (Chancellor District)
Recommendation:	Planning Commission recommended approval 5-2 with proffers. Staff recommends approval of ordinance RO18-0010 with proffers dated February 8, 2021.
Summary:	This is a request for a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes with a density of 2.3 units per acre and 30 percent open space which meets the ordinance requirements for open space. The project is adjacent to Ashley Park and represents a continuing of single-family detached homes along the north line of Old Plank between Andora Drive and Chancellor Road. This project is consistent with the existing development patterns of single-family detached subdivisions north and south of Old Plank Road and on Chancellor Road. The proposed density is similar to the density of Ashley Park and neighboring subdivisions.During the Planning Commission public hearing several citizens submitted letters in oppositon to the proposed rezoning noting concerns related to increased traffic and impacts on schools.
Committee/Commission Summary:	Planning Commission
Review Date:	January 6, 2021
Status:	Approved

Financial Impact:	Staff completed a fiscal impact analysis utilizing the County's model and based on the assessed value the County's model projects Chancellor Ridge will generate $16,290 annually, a positive
Staff Contacts:	B. Leon Hughes, AICP, Director of Planning and Zoning
Legal Counsel:	Alexandra Spaulding, Senior Assistant County Attorney
Consequence of Denial/Inaction:	The property may be developed as permitted under the Rural (RU) zoning district with 8 single family homes.

ATTACHMENTS:

File Name	Description	Type
Chancellor_Ridge_BOS_PP.pdf	PP Presentation	Presentation
Chancellor_Ridge_BOS_Staff_Report_final2.pdf	Staff Report	Staff Report
2021-02-10-_Executed_Proffer_Statement_-_Chancellor_Ridge.pdf	Applicant's Proffer Statement	Agreement
Application.PDF	Application	Backup Material
GDP_Narrative_3rd_submittal.pdf	Applicant's GDP Narrative	Backup Material
17-SP-0660_Chancellor_Ridge_GDP_2021-01-15.pdf	Applicant's GDP	GDP
Proffer_Analysis_(9-24-19).PDF	Applicant's Proffer Analysis	Backup Material
Project_Summary_R18-0010.pdf	Project Summary	Backup Material
pcmin21_0106.pdf	Planning Commission Minutes	Minutes
Draft_Approval_Ordinance.docx	Approval Ordinance	Ordinance
Denial_Resolution.doc	Draft Denial Resolution	Resolution
BOS_Ad.pdf	Advertisement	Backup Material

R18-001

Applicant: Tracy Family Trust/ Old Plank Partners, LLC
Chancellor District

Board of Supervisors Public Hearing

March 23, 2021

B. Leon Hughes, AICP
Director of Planning and Zoning

R18-0010

Applicant: *Tracy Family Trust/Old Plank Partners, LLC*
Chancellor *District*

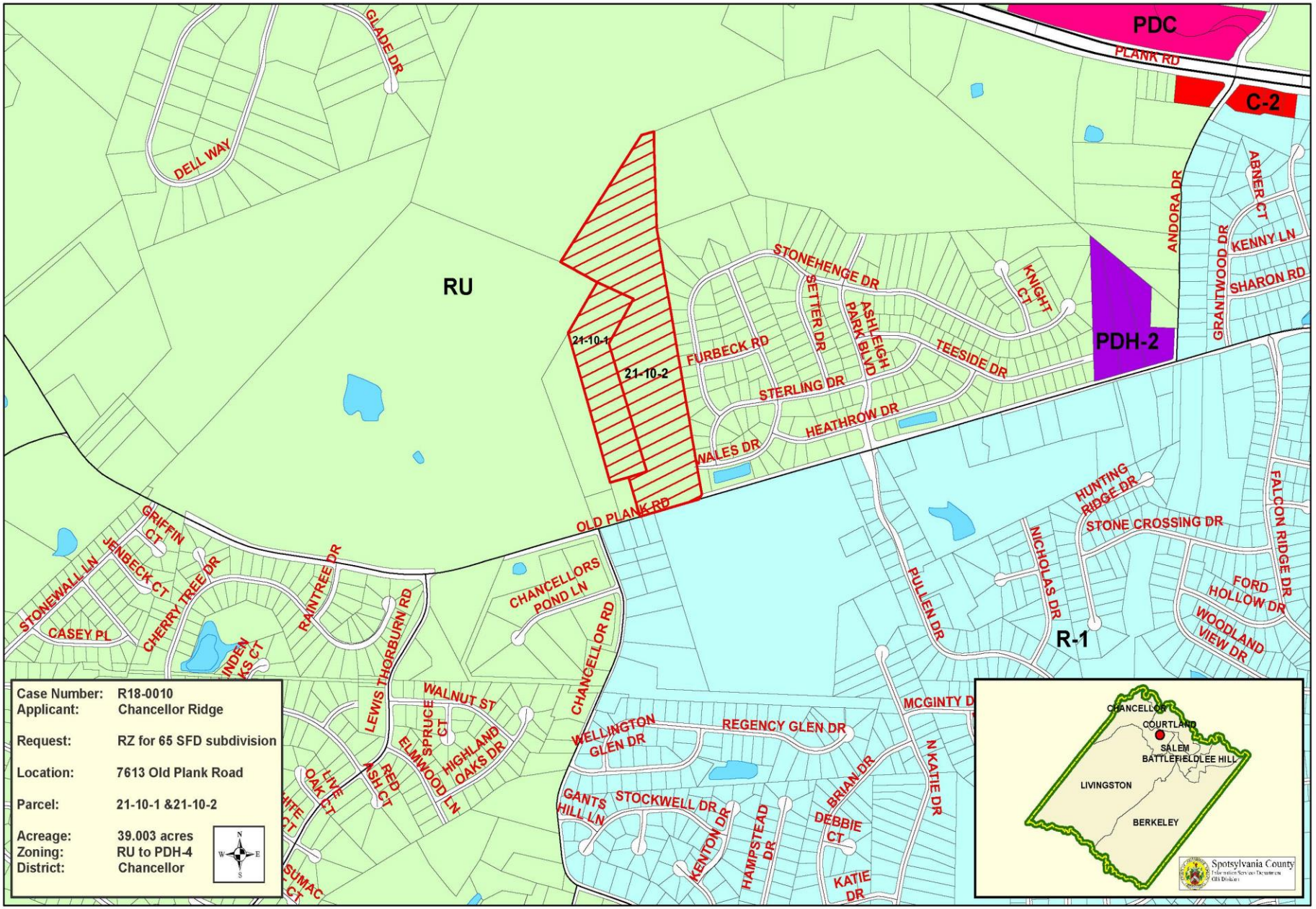
Request

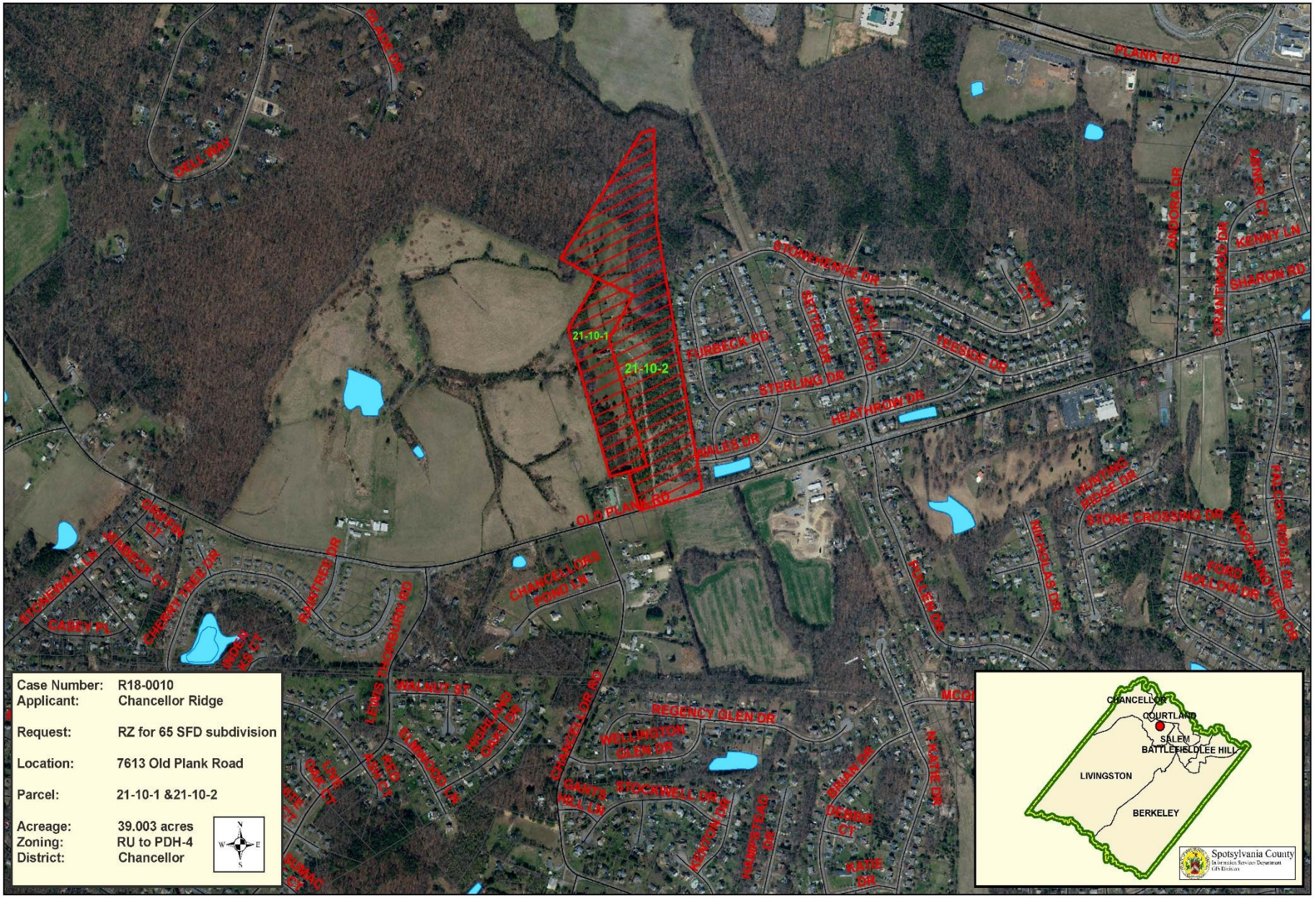
- Request a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes

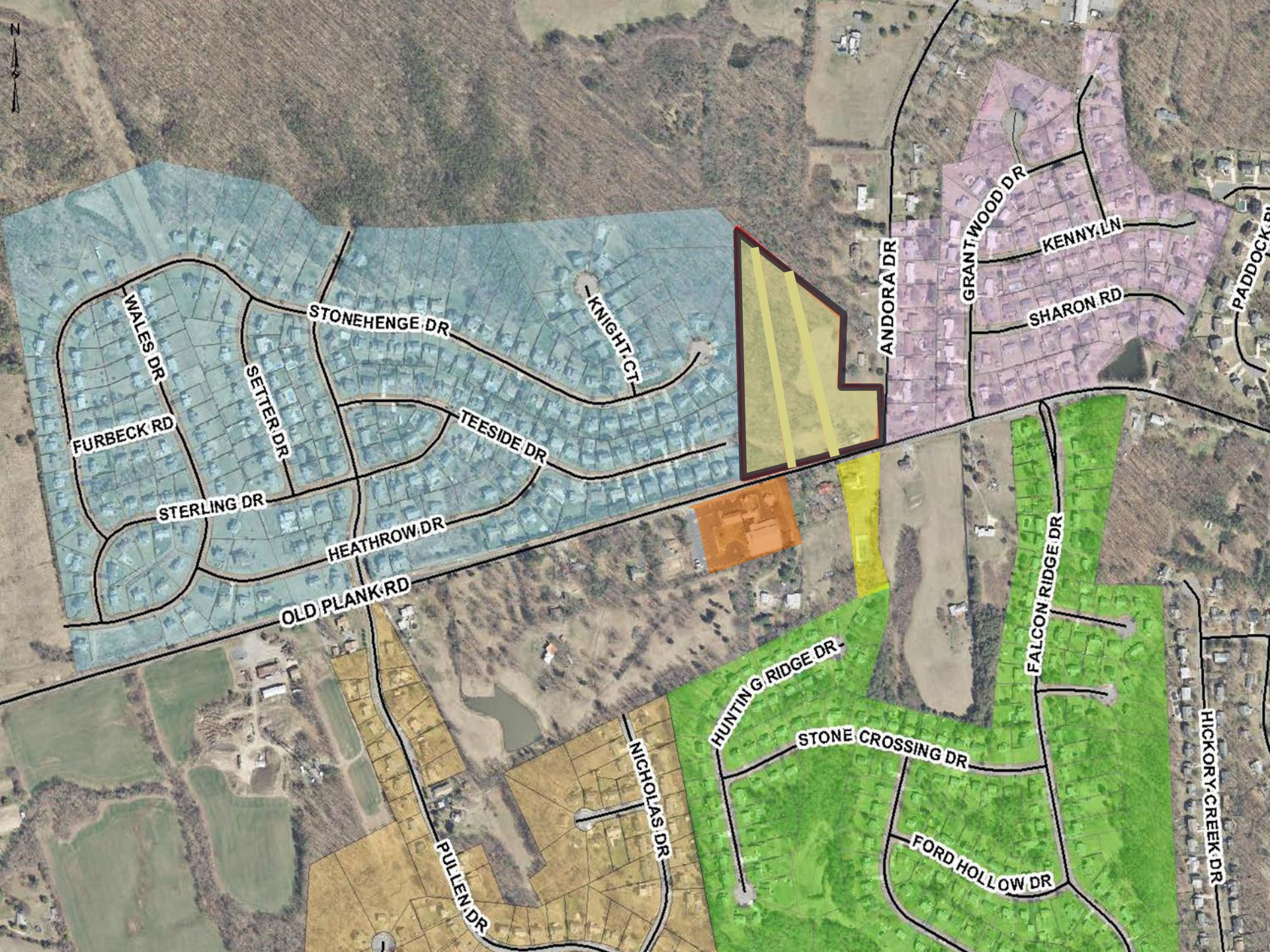
R18-0010
Applicant: Tracy Family Trust/Old Plank Partners, LLC
Chancellor District

Recommendation

- Planning Commission recommended approval 5-2 with proffers


PDC
C-2
PDH-2
R-1
RU
PLANK RD
GLADE DR
DELL WAY
ANDORA DR
ABNER CT
KENNY LN
SHARON RD
GRANTWOOD DR
STONEHENGE DR
BETTER DR
ASHLEIGH PARK BLVD
KNIGHT CT
TEESIDE DR
FURBECK RD
STERLING DR
HEATHROW DR
WALES DR
21-10-1
21-10-2
OLD PLANK RD
HUNTING RIDGE DR
STONE CROSSING DR
FALCON RIDGE DR
FORD HOLLOW DR
WOODLAND VIEW DR
NICHOLAS DR
PULLEN DR
MCGINTY D
GRIFFIN CT
JENBECK CT
STONEWALL LN
CASEY PL
CHERRY TREE DR
RAINTREE DR
LEWIS THORBURN RD
CHANCELLORS POND LN
CHANCELLOR RD
WALNUT ST
SPRUCE CT
ELMWOOD LN
HIGHLAND OAKS DR
LIVE OAK CT
RED ASH CT
SUMAC CT
WELLINGTON GLEN DR
REGENCY GLEN DR
GANTS HILL LN
STOCKWELL DR
KENTON DR
HAMPSTEAD DR
DEBBIE CT
BRIAN DR
N KATIE DR
KATIE DR
Case Number: R18-0010
Applicant: Chancellor Ridge
Request: RZ for 65 SFD subdivision
Location: 7613 Old Plank Road
Parcel: 21-10-1 &21-10-2
Acreage: 39.003 acres
Zoning: RU to PDH-4
District: Chancellor
N
W
E
S
CHANCELLOR
COURTLAND
SALEM
BATTLEFIELD
LEE HILL
LIVINGSTON
BERKELEY
Spotsylvania County


Case Number: R18-0010
Applicant: Chancellor Ridge
Request: RZ for 65 SFD subdivision
Location: 7613 Old Plank Road
Parcel: 21-10-1 &21-10-2
Acreage: 39.003 acres
Zoning: RU to PDH-4
District: Chancellor
21-10-1
21-10-2
PLANK RD
OLD PLANK RD
STONEHENGE DR
KUBECK RD
STERLING DR
HEATHROW DR
TEESIDE DR
MILES DR
ANDORA DR
GRANTWOOD DR
KENNY LN
SHARON RD
HUNTING RIDGE DR
STONE CROSSING DR
FALCON RIDGE DR
WOODLAND VIEW DR
FORD HOLLOW DR
CHANCELLORS POND LN
CHANCELLOR RD
REGENCY GLEN DR
WELLINGTON GLEN DR
STOCKWELL DR
WALNUT ST
CHANCELLORSVILLE
COURTLAND
SALEM
BATTLEFIELD
LEE HILL
LIVINGSTON
BERKELEY
Spotsylvania County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WALES DR
STONEHENGE DR
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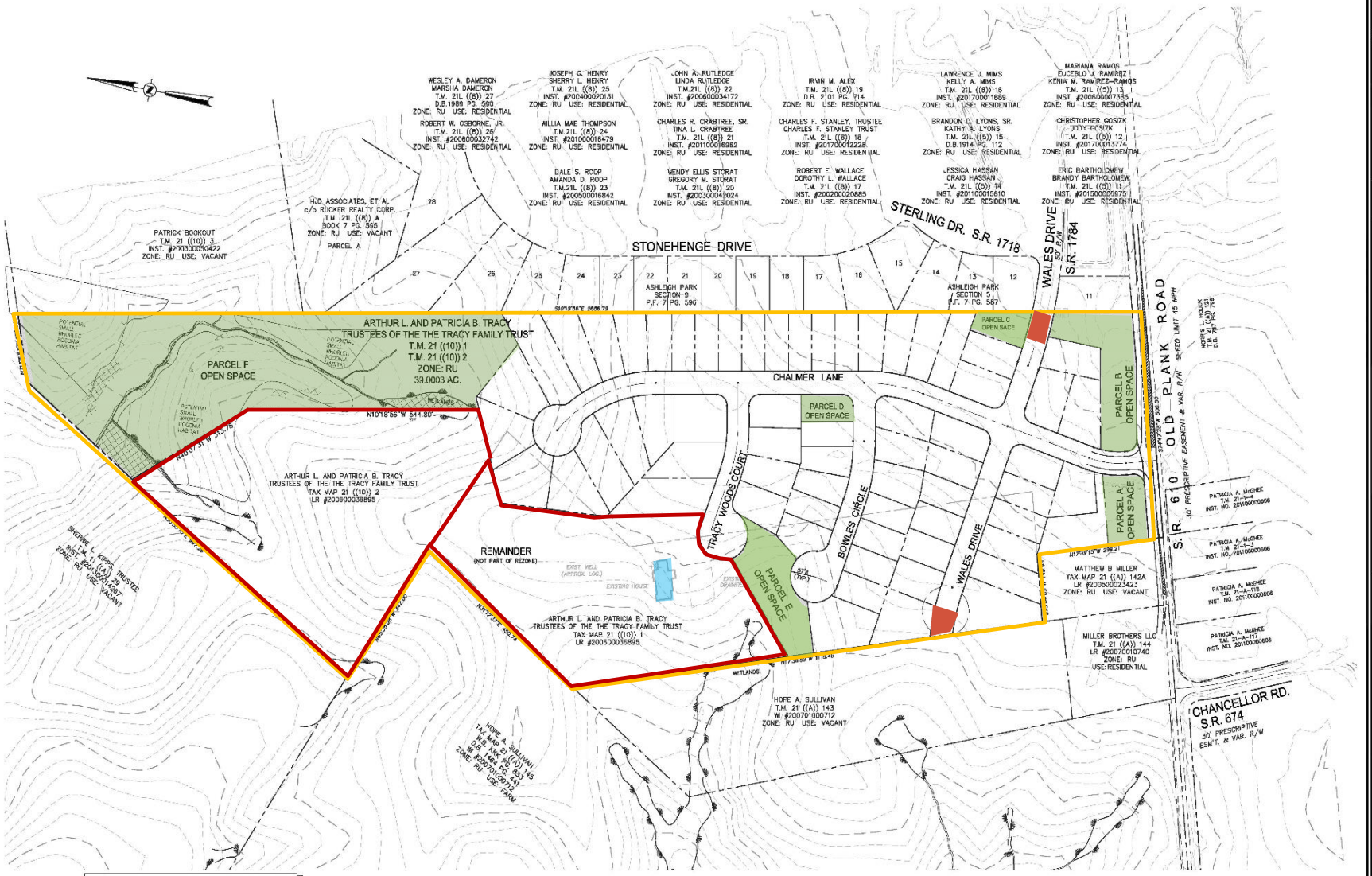
STONE CROSSING DR
FORD HOLLOW DR
HICKORY CREEK DR
NICHOLAS DR
PULLEN DR

Pictometry © 2019
ISZAC 12/16/20



WETLAND DELINEATION INFORMATION:

WETLAND BOUNDARIES BASED ON PRELIMINARY INFORMATION PROVIDED BY STANTEC CONSULTING SERVICES INC. WETLAND BOUNDARIES HAVE NOT BEEN FIELD LOCATED AND ARE FOR PLANNING PURPOSES ONLY.

LEGEND:

APPROXIMATE WETLAND LIMITS

APPROXIMATE STREAM CHANNEL LIMITS

USEABLE OPEN SPACE CALCULATIONS

TOTAL AREA	TOTAL AREA IN OPEN SPACE PARCELS	REQUIRED OPEN SPACE AREA = 30% OF TOTAL AREA	NON IMPACTED OPEN SPACE	MINIMUM NON IMPACTED OPEN SPACE	IMPACTED OPEN SPACE	NON-IMPACTED OPEN SPACE SHALL COMPRISE AT LEAST 60% OF REQUIRED OPEN SPACE AREA
27.1643	8.3411	8.15	8.08	4.07	1.28	PROVIDED : 8.08 AC > REQUIRED: 8.15 AC x 0.6 = 4.89 AC

OPEN SPACE LEGEND

DENOTES NON-IMPACTED OPEN SPACE NON-HATCHED AREAS

DENOTES IMPACTED OPEN SPACE (SLOPES >15%, WETLAND AREAS, RPA

100' 0 100' 200'
GRAPHIC SCALE

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVA
LIC. No. 24535
8-27-2020

DATE	REVISIONS
02-05-19	PDR COUNTY COMMENTS
06-17-19	PDR COUNTY COMMENTS
03-18-20	PDR COUNTY COMMENTS
08-27-20	

SDI SULLIVAN DONAHOE & INGALLS
ENGINEERS, LAND PLANNERS & SURVEYORS
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-899-5878

CHANCELLOR RIDGE
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

OPEN SPACE PLAN

DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17-SP-0660
DATE: 10-08-2018
SCALE: 1" = 100'

SHEET 6
OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\SDI Plat\Exhibit 6 OS.dwg

R18-0010
Applicant: Tracy Family Trust/Old Plank Partners, LLC
Chancellor District

Transportation Analysis

- The project will generate 750 additional daily trips
- Level of service is not degraded in either the AM (A-B) or PM(B-A)
- VDOT and County Transportation Staff found:
  - The proposed improvements do provide sufficient mitigation

R18-0010

Applicant: Tracy Family Trust/Old Plank Partners, LLC

Chancellor District

Comprehensive Plan Analysis

Consistent:

- The Chancellor Ridge proposal is consistent with the intent of the Primary Development Boundary

- The Chancellor Ridge proposal considering use and density is consistent with the Low-Density Residential land use designation envisioned for the area

R18-0010

Applicant: Tracy Family Trust/Old Plank Partners, LLC

Chancellor District

Applicant's Proffers:

- Generalized Development Plan Conformance
- Land Use
- Transportation Improvements
- Additional Cash Contribution for Transportation

R18-0010
Applicant: Tracy Family Trust/Old Plank Partners, LLC
Chancellor District

Fiscal Impact Analysis

- The applicant has provided a Fiscal Impact Analysis (FIA) which asserts the Chancellor Ridge project development will have positive annual revenues of $ 124,200 at full build out based on the assessed values of the units

- Staff completed a separate fiscal impact analysis utilizing the County's model which projects the proposed development at full build out will have a positive annual fiscal impact of $16,290

R18-0010

Applicant: Tracy Family Trust/Old Plank Partners, LLC

Chancellor District

Findings In Favor:

- The proposed project is appropriately located in the Primary Development Boundary
- The proposed project is consistent with the Future Land Use goals identified in the Comprehensive Plan
- The applicant has proffered cash contributions of $7,128.37 per unit to mitigate impacts on capital facilities
- The proposed project is consistent with the existing development pattern and density of single-family homes of the surrounding neighborhoods
- The applicant has proffered the dedication of right of way and a cash contribution towards future transportation improvements
- The additional traffic will have minimal impact on the transportation network
- At build out the project will have a positive annual fiscal benefit
- The applicant has proffered to recognize Chalmers House

R18-0010
Applicant: Tracy Family Trust/Old Plank Partners, LLC
Chancellor District

Findings Against:

- The applicant does not offer any mitigation for impacts of additional students

- The intersection of Old Plank Road and Andora Drive currently has a failing level of service during the pm weekday peak hours and until the proposed improvements are completed this project will add additional trips to the intersection

R18-0010
Applicant: Tracy Family Trust/Old Plank Partners, LLC
Chancellor District

Recommendation

- The proposal is consistent with the existing residential development patterns in the area
- The proposal is consistent with County's Land Use and Comprehensive Plan goals
- The project is appropriately sited within the Primary Development Boundary
- The applicant has proffered cash contributions in accordance with the Code of VA
- The applicant is offering right of way dedication and a cash contribution towards the intersection improvements at Andora Drive and Old Plank Road.
- Staff recommends approval of Ordinance RO18-0010 with the proffers

R18-0010

Applicant: Tracy Family Trust/Old Plank Partners, LLC

Chancellor District

Board of Supervisors Public Hearing

March 23, 2021

B. Leon Hughes, AICP

Director of Planning and Zoning

County of Spotsylvania
Department of Planning
Staff Report

Rezoning # R18-0010
(Chancellor Voting District)

Board of Supervisors
March 23, 2021

Planning Commission Recommendation:	Planning Commission recommended approval 5-2
Project:	R18-0010 (RO18-0010) "Chancellor Ridge"
Owner/Applicant:	Tracy Family Trust/ Old Plank Partners, LLC
Request:	Request a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes.
Tax Map Parcel(s):	21-10-1pt and 21-10-2pt.
Location:	The properties are located at 7611 and 7613 Old Plank Road on the north side of Old Plank Road (Route 610) approximately 329 feet east of the intersection with Chancellor Road (Route 674).
Zoning Overlay:	Reservoir Protection Overlay District
Future Land Use Designation:	Low Density Residential
Historic Resources:	DHR ID 088-0278 Chalmers House has been identified as potentially eligible for NRHP Designation. The historic house was demolished in June, 2014.
Date Application Deemed Complete:	November 5, 2018
Community Meeting:	A community meeting was held in 2018. Approximately 30 individuals were in attendance. Concerns raised at the meeting were primarily related to traffic on Old Plank Road.

Figure 1: Zoning Map

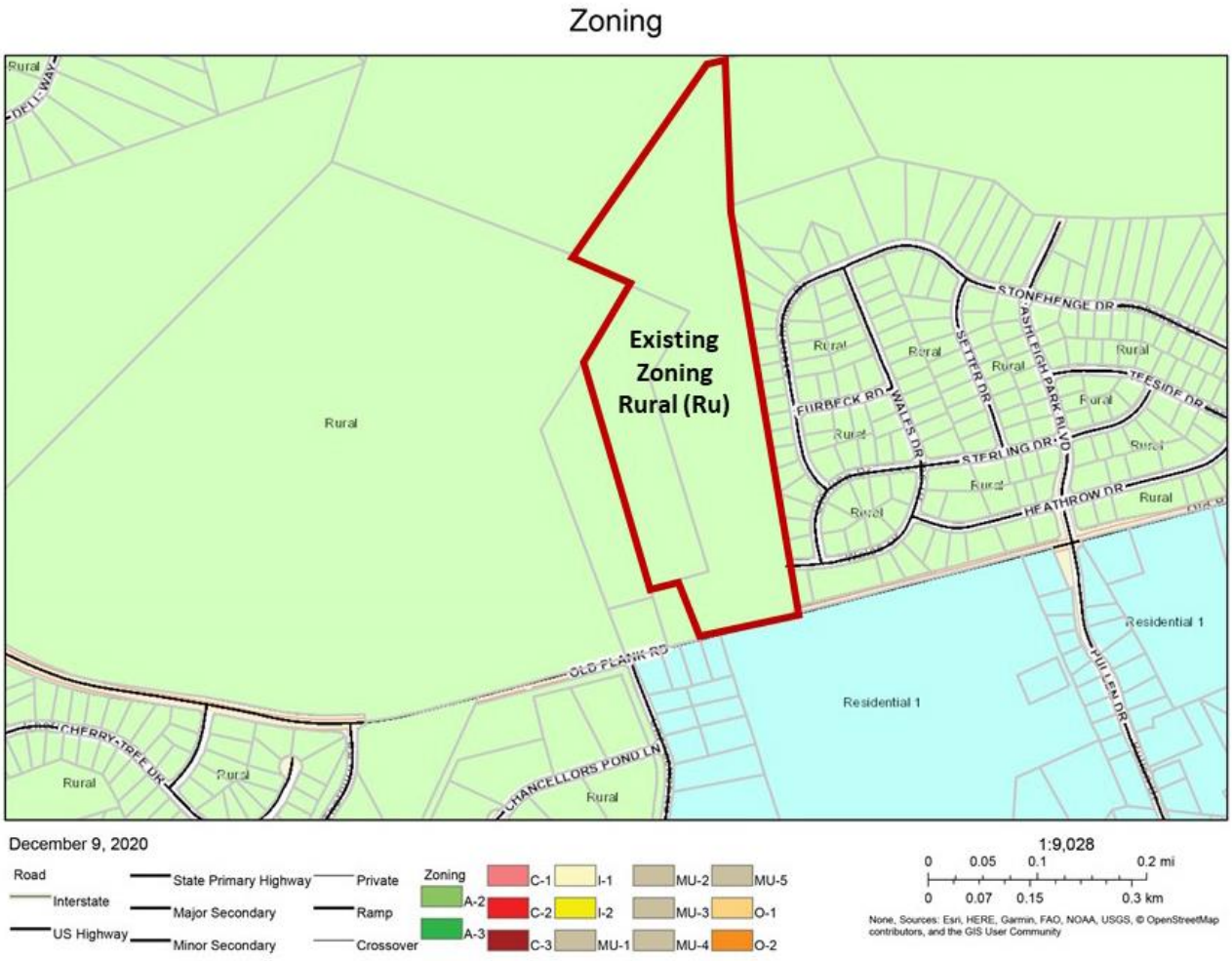
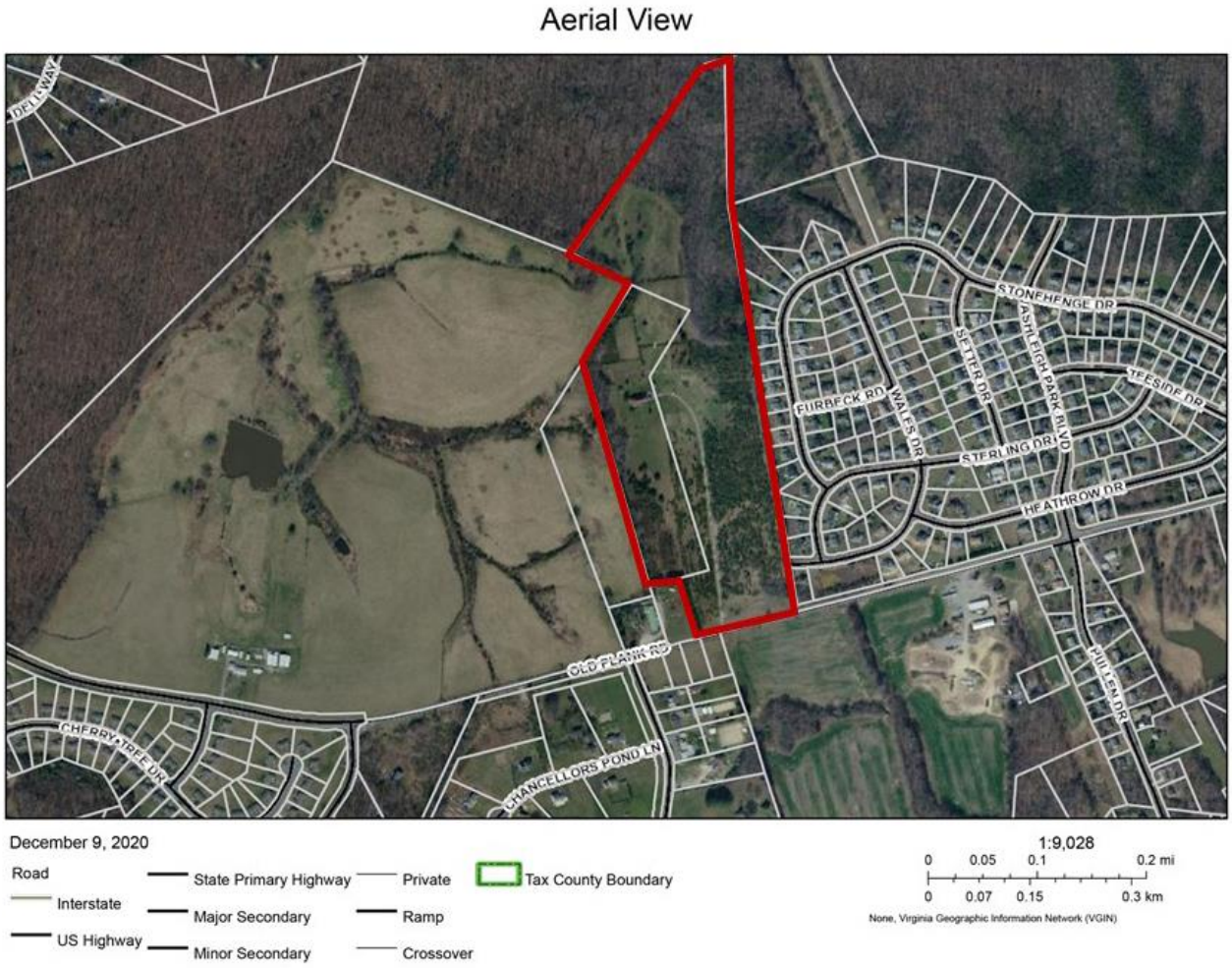


Figure 2: Aerial Map (2017)



I. The Site

The Project site is located on the north side of Old Plank Road approximately 350 east of the intersection of Old Plank Road and Chancellor Road adjacent to the Ashley Park Subdivision and approximately one mile west of the intersection of Old Plank Road and Andora Drive. The adjacent properties immediately to the west are vacant and zoned Rural RU, the property to the south is occupied with a business and zoned Residential 1 (R-1). The subject parcels are currently zoned Rural (RU) and are adjacent to the Ashleigh Park subdivision that has access onto Old Plank Road. Under existing RU Zoning, the project has a by-right potential of 8 single family detached lots. Ashleigh Park was approved in the mid-1990s with the allowance for 255 homes. It currently has 243 homes with the average lot size of 15,000 square feet and the smallest lot size of 10,000 square feet. As developed, the Ashleigh Park subdivision would not be possible today to develop under its current Rural (Ru) Zoning. The subdivision is considered legally non-conforming, established prior to the County downzoning. Ashleigh Park South is on the south side of Old Plank adjacent to Ashleigh Park east of the subject parcels has 79 lots with a density of 2.2 units per acre with an average lot size of 21,000 square feet. The Grantwood subdivision is 85 lots with a density of 2.7 units per acre with an average lot size of 16,000 square feet with a single entrance approximately 450 east of the intersection of Andora and Old Plank approximately one mile east of the subject parcels. Falcon Ridge adjacent on the south side of Old Plank and adjacent to Grantwood is 191 lots with a density of 2.3 units per acre and an average lot size of 14,000 square feet. This area is designated on the Future Land Use Map in the Comprehensive Plan as Low Density Residential (supportive of up to 4 units/acre) and is within the Reservoir Protection Overlay District.

II. Project Proposal

This is a request for a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes with a density of 2.3 units per acre and thirty percent open space which meets the ordinance requirements for open space. The project is adjacent to Ashley Park and represents a continuing of single-family detached homes along the north line of Old Plank between Andora Drive and Chancellor Road. This project is consistent with the existing development patterns of single-family detached subdivisions north and south of Old Plank Road and on Chancellor Road. The proposed density is similar to the density of Ashley Park and neighboring subdivisions.

Generalized Development Plan (GDP- The GDP shows 64 lots, open space and transportation improvements. The lot sizes will range from a minimum approximately 5,000 square feet and the largest is approximately 17,000 square feet with an average lot size in the project of approximately 9,000 square feet. The project will be served with public water and sewer. The project will have a main access on Old Plank Road with the opportunity for interparcel connection to Ashleigh Park at Wales Drive to the east and continuing to the west to allow access for any future development that may occur to the west the subject parcel.

This connectivity may extend onward to the Chancellor Road Extension between Old Plank Road and Rt. 3 (Plank Rd) identified on the Comprehensive Plan Thoroughfare Plan, intended to relieve traffic on Old Plank Road. The GDP also shows the installation of a 200-foot right turn taper for east bound traffic entering the site and a 200 foot left turn taper with 100 feet of storage for west bound traffic on Old Plank Road and right of way dedication along Old Plank Road. The project will have pedestrian accommodations on the internal streets and along the frontage of Old Plank Road as required by the County Code.

Fiscal Impact Analysis –

A. The applicant has provided a Fiscal Impact Analysis (FIA) which asserts the tax revenues generated by the project and the costs to the County resulting from the project, it is anticipated that this project will generate annually a net revenue surplus (onsite and offsite) after full build-out of $124,200.00 in current dollars.

Staff completed a separate fiscal impact analysis utilizing the County's model and based on the assessed value the County's model projects Chancellor Ridge will generate $16,290 annually, a positive annual benefit in tax revenues.

B. Proffer Statement Summary – The applicant has provided a proffer statement dated February 8, 2021 amended in accordance with the Planning Commission's recommendation for the Board of Supervisors' consideration. In accordance with the recommendation of the Planning Commission the applicant amended the proffer statement to address concerns discussed during the public hearing with the Commission. The amendments were: to clarify the language of the transportation proffer that allows use of any funds not used as stated to be used by the County in accordance with the VA Code on other transportation projects; moving the commitment for $70,000 towards improvements at Old Plank and Andora Drive to Section VI. Additional Proffers, in the proffer statement and clarifying that the 15' natural vegetation buffer along the rear of lots 43-59 will be maintained during construction and may only be modified by individual lot owners after a certificate of occupancy is issued. The applicant agreed to be under the 2019 proffer law; therefore, staff evaluated the proffers according to the parameters established in VA Code Section 15.2-2303.4, consistency with Comprehensive Plan Levels of Service and identified projects within the County's FY2021 Capital Improvements Plan (CIP). With adequate existing capacity within the schools to serve this project (elementary, middle, high school), the project proffer statement notes that no school related proffer is proposed.

Below is an itemized list of the submitted proffers including a summary and staff analysis in italics.

1. **General Development-** The applicant commits to develop the subject properties in conformance with the Generalized Development Plan (GDP), as last revised. Minor modifications may be made in order to address requirements to fulfill Federal, State, and local requirements.

   Staff is supportive as the GDP complies with all county requirements and exceeds open space requirements for the PDH-4 District.

2. **Use-** The applicant commits that the property will be developed for no more than 64 single family detached units and shall not be developed for any other uses allowed under the PDH-4 district, except for any allowable accessory and home occupation uses authorized under the PDH-4 district.

   Staff supports this proffer as it limits the number of new units which allows the project to have a positive annual benefit at build out.

3. **Transportation –** The applicant has committed to dedicate 0.3964 acres of right of way along Old Plank Rd to include a phasing commitment, construct a 200 foot right turn taper westbound and a left turn lane with 100-foot taper and 100 feet of storage eastbound along Old Plank Road. The applicant has also proffered an additional cash contribution of $70,000 towards the construction of the roundabout at the intersection of Andora and Old Plank.

   Staff is supportive of this proffer, because it is above what is required. And will assist with any future plans for expansion of Old Plank Road and contributes to a planned improvement at the Andora and Old Plank intersection.

4. **Cash Proffers and Escalation/De-Escalation Clause –** The applicant has committed to pay a total cash and in-kind contribution of $456,215.68 ($7,128.37 per unit) in order to mitigate the project's impacts on Public Safety, Transportation and Parks and Recreation. Additionally, the cash proffer will be adjusted annually to reflect any increase or decrease for the preceding year in Consumer Price Index.

   A cash contribution is an "offsite proffer" which is a proffer addressing an impact outside the boundaries of the property to be developed. The applicant may mitigate the development's impacts on public on public facilities via a cash contribution if the facility meets the definition of "public facility" as defined in the Virginia Code and if the development impacts capacity and levels of service and if the development will receive a material benefit from the proffer made.

Chancellor Ridge will generate additional demands on Public Safety however they will not result in demands in excess of capacity. There is excess capacity at F&R Station 5 to accommodate the projected calls associated with this development. The call volume benchmark per the Comprehensive Plan Public Facilities Chapter is 2,500 per year for all Fire Stations. A review of recent call volume numbers for Fire Station #5 for 2018 and 2019, the actual call volumes were 2,446 and 2,465 respectively. By the third quarter 2020, Fire Station #5's volume was 2,230 indicating adequate capacity to serve the development proposal. The applicant submitted a proffer analysis dated September 24, 2019 that referenced the prior full year (2018) data to estimate call volume increase that would result from the Chancellor Ridge project. At the time, call volume was estimated to increase by 24 calls. In order to determine the impact of Chancellor Ridge on Public Safety that is specifically attributable to the new residential development, staff calculated the County's population inclusive of the projected project population in order to determine the per capita costs associated with this public facility. The applicant proffered to contribute $85.23 per unit for public safety which is reasonable and legally acceptable based on staff's analysis. This value was tied to a CIP allocation for a Fire Training and Logistics Center to serve all County fire stations.

Additionally, Chancellor Ridge will have an impact on Parks and Recreation facilities for which capacity needs exist as identified by Level of Service Standards in the Public Facilities Element of the Comprehensive Plan and for which there are capital projects identified in the CIP. These facilities include the public park improvements. In order to determine the impact of Chancellor Ridge on Parks and Recreation that is specifically attributable to the new residential development, staff calculated the County's population inclusive of the projected Chancellor Ridge population in order to determine the per capita costs associated with this public facility. Staff calculated the project's expected impact based on current capacity of the Parks and Recreation facilities and the Level of Service Standards identified in the County's Comprehensive Plan. The applicant has proffered to contribute $190.53 per unit for Parks and Recreation which is reasonable and legally acceptable based on staff's analysis. This number was arrived at based on two parks and recreation projects that were included within the CIP at the time including Belmont park improvements and the addition of an aquatics center.

Additional Proffers- The applicant has proffered a historical marker or signage on Parcel to commemorating the Chalmers House. The Chalmers House was a documented historic structure whose report is housed with the Virginia Department of Historic Resources (DHR ID 088-0278). The Chalmers House and its unique history was identified as potentially eligible for NRHP Designation. The historic house was demolished in June, 2014. As previously noted the applicant has included a $70,000 contribution for transportation improvements and clarifying language regarding the vegetative buffer at the rear of lots 43-59 adjacent to Ashley Ridge.

Staff is supportive of the additional proffers as the proffers are consistent with goals identified in the Comprehensive Plan related to the acknowledgement and preservation of the County's historic resources and the goal of rezoning cases mitigating impacts of new development.

II. Staff Analysis

A. **Transportation Analysis –** Old Plank Road is classified as a Virginia Secondary Road with Urban Minor Arterial Functional Classification. Transportation staff has verified the number of vehicle trips generated from an application of this type and size will not significantly impact the existing level-of-service. The County and VDOT recognize transportation related issues in the area and efforts are underway to improve the traffic situation at the Old Plank Road and Andora Drive intersection. Design work is also underway for intersection improvements at Old Plank and Chancellor Road. The plans for the proposed roundabout are under review by the VDOT.

B. **Comprehensive Plan** – Please find below a summary of the Chancellor Ridge project's conformance with each component of the Comprehensive Plan. A complete Comprehensive Plan Analysis can be found in Appendix A.

1. **Land Use** – On balance the proposal is consistent with nearby surrounding development patterns that meet the intent of the low-density land use pattern as established in the land use map. Development transition is appropriate considering the proposed density, types of land use and character of development established density land use designation complementary to project proposed.

2. **Transportation** – Old Plank Road is classified as a Virginia Secondary Road with Urban Minor Arterial Functional Classification. Transportation staff has verified the number of vehicle trips generated from an application of this type and size will not significantly impact the existing level-of-service. The County and VDOT recognize transportation related issues in the area and efforts are underway to improve the traffic situation at the Old Plank Road and Andora Drive intersection. Design work is also underway for intersection improvements at Old Plank and Chancellor Road.

3. **Public Facilities**

   a) **Public Schools** – Using the latest student generation rates (elementary-0.2577 per SFD, middle-0.1307 per SFD, high school-0.1832 per SFD) the Chancellor Ridge development is estimated to generate a total of approximately 38 students (17 (16.5) elementary, 9(8.4) middle, and 12(11.7) high school students). This development is districted for Wilderness Elementary, Chancellor Middle and Riverbend High Schools. Based on student enrollment as of October 1, 2020, the schools have excess capacity. The current proffer statement does not offer any mitigation for schools' impact.

b) Fire, Rescue, and Emergency Services (FREM) – The Chancellor Ridge development will be served by Fire and Rescue Station #5, located less than two miles from the proposed project site. Chancellor Ridge will generate additional demands on Public Safety however they will not result in demands in excess of capacity. There is excess capacity at F&R Station 5 to accommodate the projected calls associated with this development. The call volume benchmark per the Comprehensive Plan Public Facilities Chapter is 2,500 per year for all Fire Stations, including Fire Station #5 that would serve this project. Looking at recent call volume numbers for Fire Station #5 for 2018 and 2019, the actual call volumes were 2,446 and 2,465 respectively. By third quarter 2020, Fire Station #5's volume was 2,230 indicating adequate capacity to serve the development proposal. The applicant submitted a proffer analysis dated September 24, 2019 that referenced the prior full year (2018) data to estimate call volume increase that would result from the Chancellor Ridge project. At the time, call volume was estimated to increase by 23.78. In order to determine the impact of Chancellor Ridge on Public Safety that is specifically attributable to the new residential development, staff calculated the County's population inclusive of the projected project population in order to determine the per capita costs associated with this public facility. The applicant proffered to contribute $85.23 per unit for public safety which is reasonable and legally acceptable based on staff's analysis. This value was tied to a CIP allocation for a Fire Training and Logistics Center to serve all County fire stations.

c) Sheriff – For purposes of the Public Facilities Plan, the Level of Service indicator is to maintain a 1: 1,500 ratio of Deputies per capita. The County's current ratio is 1:1,138 of Deputies per capita which exceeds the Level of Service standard. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on the Sheriff's office nor is a facility planned.

d) Solid Waste Collection & Disposal –The Public Facilities Plan indicates a convenience site's population should be within five (5) miles of the site. The Chancellor site is approximately 3 miles away from Chancellor Ridge (as the crow flies). The Livingston Landfill has capacity to remain open until approximately 2083-2085 and is projected to accommodate additional residential development based on population projections. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on Solid Waste Collection.

e) Water and Sewer Facilities – The Chancellor Ridge development is located within the Primary Development Boundary and will be served by public water and sewer.

f) Library Facilities – For purposes of the Public Facilities Plan, the Level of Service standard for library facilities is 0.3 square foot per capita which equates to a total of 39,603 square feet. The County's total gross square footage of library facility floor space is 41,800 square feet which exceeds the Level of Service standard. Library facilities should be within a 10-minute to 15-minute drive within the Primary Development Boundary. The Chancellor Ridge development is an approximate (4.7 miles by road) from the Salem Church Branch Library which falls within the acceptable range. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development of Libraries. Library facilities do not meet the definition of "public facility" as defined in the Virginia Code and would therefore be deemed "unreasonable" for the applicant to provide any mitigation.

Parks and Recreation Facilities – The Public Facilities Plan sets out a Level of Service standard for parks, open space and recreation facilities per capita. Currently, the County is not meeting the identified ratio standards for 11 out of 13 recreation services including multi-purpose fields, tennis courts, playgrounds horseshoes, community centers, swimming pools indoor recreation centers, trails, passive recreation space, golf and public meeting space. The projected population for the Chancellor Ridge development will have an impact on these facilities. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has proffered a cash contribution to offset the impact of their development on Parks and Recreation Facilities.

g) Historic Resources – The Virginia Department of Historic Resources Cultural Resource Information Service (VCRIS) and Department of Conservation and Recreation's Natural Heritage Data Explorer Cultural Resource Preservation Index systems were consulted to determine likelihood of significant historic/cultural resources onsite. The site and surroundings are located within DHR identified lands associated with the Chancellorsville Battlefield (DHR ID 088-5180). Additionally, DHR ID 088-0278 Chalmers House has been identified as potentially eligible for NRHP Designation. The historic house was demolished in June, 2014 per the narrative. Considerate of the history of the property and the home that once stood there, the applicant has proffered to install a historic marker on Parcel D.

4. Natural Resources – This rezoning request to the Planned Development Housing (PDH-4) zoning district requires a minimum 30% open space of gross area. The project proposal exceeds this slightly with 30.7% open space identified as per the GDP. The majority of these open space areas are outside of sensitive areas of steep slopes, Resource Protection Areas, Wetlands, consistent with the intent of the open space requirement and as calculated as "non-impacted" areas per GDP Sheet 6. A landscape street buffer will appear along the Old Plank Road frontage consistent with Design Standards Manual requirements.

III. Findings

In Favor:

A**.** The proposed project is appropriately located in the Primary Development Boundary of the County and is consistent with the Future Land Use goals identified in the Comprehensive Plan.

B**.** The applicant has proffered cash contributions of $7,128.37 per unit to mitigate impacts on capital facilities.

C. The proposed project is consistent with the existing development pattern and density of single-family homes of the surrounding neighborhoods.

D. The applicant has proffered the dedication of right of way and a $70,000 cash contribution towards future transportation improvements.

E. The additional traffic will have minimal impact on the transportation network.

F. At build out the project will have a positive annual fiscal benefit.

G. The applicant has proffered to recognize the historical site of the Chalmers House.

Against:

A. The applicant does not offer any mitigation for impacts of additional students.

B. The intersection of Old Plank Road and Andora Drive currently has a failing level of service during the pm weekday peak hours and until the proposed improvements are completed this project will add additional trips to the intersection.

IV. Conclusions & Recommendations

The proposal is consistent with the existing development patterns in the area. The proposal is consistent with County's Land Use and Comprehensive Plan goals and policies and the project design exceeds minimum requirements for the preservation of open space. The residential project is appropriately sited within the Primary Development Boundary and the applicant has proffered cash contributions in accordance with the Code of VA to help mitigate impacts on public facilities that are reasonable and acceptable. The applicant is offering right of way dedication and a cash contribution towards the intersection improvements at Andora and Old Plank Road. Based on the proposal's consistency with the existing development pattern of the area, consistency with the Comprehensive Plan and the findings in favor, staff recommends approval of Ordinance RO18-0010 with the proffers dated February 8, 2021.

Spotsylvania County Government

Appendix A

Comprehensive Plan Analysis

R18-0010: Chancellor Ridge Comp Plan Analysis

The Spotsylvania County Comprehensive Plan presents a long range land use vision for the County. The Comprehensive Plan sets forth principles, goals, policies, and implementation techniques that will guide the development activity within the County and promote, preserve, and protect the health, safety, and general welfare of its citizens. Specifically, the Plan provides data and analysis on land use, transportation, housing, natural and historic resources, and public facilities and utilities. The purpose of this document is not to regulate, but rather guide land use, transportation, and infrastructure decisions. This guidance seeks to ensure continued economic and community vitality while ensuring necessary policies and infrastructure are in place to provide for the continuation of quality services to Spotsylvania's residents and businesses.

The proposed Chancellor Ridge rezoning (R18-0010) is located within the Primary Development Boundary; area within which public water and sewer utilities will be provided. Lands within the limits of the Primary Development Boundary are intended to develop with higher residential densities and more intensive non-residential uses than outside of the boundary. By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character and agricultural viability of those portions of the County outside the boundary.

The project would be located at Tax Map # 21-10-1 and TM # 21-10-2. Per the Future Land Use Chapter this area has a Low-Density Residential land use designation. As per the Comprehensive Plan the Low Density Residential designation is reserved for single family attached and detached residences typical in a suburban area. The overall density can be as high as four units per acre, but lower densities are also appropriate.

It is good to acknowledge that the proposed zoning designation of Planned Development Housing 4 (PDH-4) with a proposed density of 2.35 units per acre (as noted in GDP, Narrative) is well suited to the Low-Density Residential land use designation. As per Spotsylvania County Code Sec. 23-6.12.1. Purpose and Intent, The Planned Development Housing district (PDH) is established to encourage innovative and creative design in the development of land for residential and other selected secondary uses. The district regulations are designed to ensure ample provision and efficient use of open space, to promote high standards in the layout, design and construction of residential development, to promote balanced developments in mixed housing types. The PDH-4 zoning district is more consistent with the intent of the low-density residential land use category than the existing Rural (Ru) zoning currently designated on the property (density of 1 unit per 3 acres). Rural Zoning tends to be found outside of the Primary Development Boundary in areas identified as Rural Residential on the Future Land Use Map.

The Chancellor Ridge proposal is consistent with the intent of the Primary Development Boundary. The Chancellor Ridge proposal considering use and density is consistent with the Low-Density Residential land use designation envisioned for the area.

After conducting an analysis of applicable Comprehensive Plan Goals, staff has identified application strengths, deficiencies, and policy concerns worthy of consideration as outlined in the Comprehensive Plan policy analysis below:

R18-0010: Chancellor Ridge Comp Plan Analysis

Introduction and Vision:

Guiding Principles and Policies A. Spotsylvania County is a "business friendly" community and local job creation is a priority. Proposal is business friendly, helping support tradesmen and suppliers throughout the construction phase. Following construction once occupancy occurs, additional residents in the area inevitably will help support commerce demand for goods and services, supporting business and employment.

Guiding Principles and Policies B.2. Development projects seeking increased residential density and/or non-residential intensity should address impacts that are specifically attributable to the proposed development. On balance the proposal is consistent with nearby surrounding development patterns that meet the intent of the low-density land use pattern as established in the land use map. Development transition is appropriate considering the proposed density, types of land use and character of development established nearby, low density land use designation complementary to project proposed. Transportation system impacts have been considered and necessary improvements identified to offset impacts of the project upon the transportation system. Additionally, the project provides an interparcel connector stub that may not only serve future development, but also to provide an additional point of access and traffic distribution via a Comprehensive Plan Thoroughfare Plan supported future Chancellor Road extension between Old Plank Road and Route 3.

B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the County. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4. However, calculations and proposed mitigations are based on a September, 2019 proffer analysis and no longer reflective of updated conditions including the updated CIP.

Guiding Principles and Policies B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Sidewalks are required for this project. As depicted on the Generalized Development Plan typical road section, **s**idewalk infrastructure will be developed along internal roads (within the 52' of ROW). Sidewalks are also a required frontage improvement along Old Plank Road consistent with sidewalk requirements existing within the Design Standards Manual. Sidewalks are depicted as part of the projects Route 610 (Old Plank Rd) Street Buffer cross section detail. Staff notes these sidewalk improvements are not clearly identified or depicted within the project layout sheets of the GDP.

Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination. Respecting this site appears *has been previously cleared and tilled over many years* (as noted in the project narrative), the site and surroundings are located within DHR identified lands associated with the Chancellorsville Battlefield (DHR ID 088-5180). Additionally, DHR ID 088-0278 Chalmers House has been identified as potentially eligible for NRHP Designation. The historic house was demolished in June 2014 per the narrative.

Considerate of the history of the property and the home that once stood there, the applicant has proffered to install a historic marker on Parcel D. The acknowledgement of historic resource through historic/ interpretive signage is beneficial to historic and cultural resource goals. A picture of the Chalmers House as it appeared in 1986 is below:

Chalmers House

Circa 1986

Guiding Principles and Policies C.1. The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities. The proposal is consistent with countywide housing diversification goals and the type of single family detached residential density envisioned by the low density residential land use.

Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID). The Planned Development Housing (PDH-4) zoning district requires a minimum 30% open space of gross area. The project proposal exceeds this slightly with 30.7% open space identified as per the GDP. The majority of these open space areas are outside of sensitive areas of steep slopes, Resource Protection Areas, Wetlands, consistent with the intent of the open space requirement and as calculated as "non-impacted" areas per GDP Sheet 6. A landscape street buffer will appear along the Old Plank Road frontage consistent with Design Standards Manual requirements. Limits of clearing and areas where tree preservation is proposed are not certain across the project as they are not depicted in the GDP. However, staff notes dedicated open space includes environmentally sensitive areas with existing tree cover. Threatened and endangered species have also been considered with areas of potential presence protected as open space. Via additional proffers the applicant has committed to maintain natural vegetation at the rear of lots 43 through 59 to provide a minimum fifteen feet in width of buffering for construction activities. The future of the buffer will be left to individual lot owners after the certificate of occupancy is issued for each unit. Via additional proffers the applicant has committed to maintain natural vegetation at the rear of lots 43

through 59 to provide a minimum fifteen feet in width of buffering for construction activities. The future of the buffer will be left to individual lot owners after the certificate of occupancy is issued for each unit.

Land Use:

Future Land Use Map Designation: This project is consistent with the intent of the Primary Development Boundary and the Low Density Residential land use designation.

Land Use Policies Applicable to All Land Uses #1. Rezoning proposals should address impacts that are specifically attributable to the development. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4. However, calculations and proposed mitigations are based on a September, 2019 proffer analysis and no longer reflective of updated conditions including the updated CIP.

Land Use Policies Applicable to All Land Uses #3. Wherever possible, existing trees and tree buffers should be preserved rather than replacing mature vegetation with new plantings. Limits of clearing and areas where tree preservation is proposed are not certain across the project as they are not depicted in the GDP. However, staff notes dedicated open space includes environmentally sensitive areas with existing tree cover. Via additional proffers the applicant has committed to maintain natural vegetation at the rear of lots 43 through 59 to provide a minimum fifteen feet in width of buffering for construction activities. The future of the buffer will be left to individual lot owners after the certificate of occupancy is issued for each unit.

Land Use Policies Applicable to All Land Uses #8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties. Residential Land Use Policies #3. Residential infill development should maintain the neighborhood character established by the existing subdivisions nearby, low**.** On balance the proposal is consistent with nearby surrounding development patterns that meet the intent of the low-density land use pattern as established in the land use map. Development transition is appropriate considering the proposed density, types of land use and character of development established density land use designation complementary to project proposed. Transportation system impacts have been considered and necessary improvements identified to offset impacts of the project upon the transportation system. Additionally, the project provides an interparcel connector stub that may not only serve future development, but also to provide an additional point of access and traffic distribution via a Comprehensive Plan Thoroughfare Plan supported future Chancellor Road extension to Route 3.

Residential Land Use Policies #1. Residential subdivisions should provide interparcel connections to adjoining undeveloped properties and connect to developments at existing interparcel access points, where possible, to help improve the connectivity of the transportation network. The project provides an interparcel connector stub that may not only serve future development, but also to provide an additional point of access and traffic distribution via a Comprehensive Plan Thoroughfare Plan supported future Chancellor Road extension to Route 3.

Residential Land Use Policies #2. Residential uses within the Primary Development Boundary should provide inter-and intra-development pedestrian paths to link adjoining subdivisions and form a cohesive residential area and alternative transportation and recreational opportunities. Sidewalks are required for this project. As depicted on the Generalized Development Plan typical road section, **s**idewalk infrastructure will be developed along internal roads (within the 52' of ROW). Sidewalks are also a required frontage improvement along Old Plank Road consistent with sidewalk requirements existing within the Design Standards Manual. Sidewalks are depicted as part of the projects Route 610 (Old Plank Rd) Street Buffer cross section detail. Staff notes these sidewalk improvements are not clearly identified or depicted within the project layout sheets of the GDP.

Residential Land Use Policies #8. Promote the provision of a diverse housing mix by encouraging a range of housing sizes and types that meet the needs of citizens at all income levels throughout all stages of life. The proposal is consistent with countywide housing diversification goals and the type of single family detached residential density envisioned by the low density residential land use.

Transportation:

Transportation Policy #1.1., Achieve no less than a "D" Peak Hour Level of Service on 90% of County secondary roads within the Primary Development Boundary as shown in the Thoroughfare Plan. In the Primary Settlement District, levels of service are lower to encourage development and redevelopment to densities and intensities that maximize use of the existing infrastructure. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network. Old Plank Road is classified as a Virginia Secondary Road with Urban Minor Arterial Functional Classification. Transportation staff has verified the number of vehicle trips generated from an application of this type and size will not significantly impact the existing level-of-service. The County and VDOT recognize transportation related issues in the area and efforts are underway to improve the traffic situation at the Old Plank Road and Andora Drive intersection. Design work is also underway for intersection improvements at Old Plank and Chancellor Road. The nearby roundabout there is a positive as well for transportation in the area and will help take traffic away from the entrance when Chancellor Rd is extended and the interparcel connection from Wales Drive can be made to it. The Comprehensive Plan ultimately plans to improve Old Plank Road to a four-lane divided section between Gordon and Catharpin Road to help alleviate traffic volume impacts on levels of service. Proposed right-of-way dedication along both Old Plank Road as depicted on the generalized development plan will help ease implementation of road improvements in the future to the benefit of the larger travelling public. Per Transportation staff the application includes has good turn lanes improvements (WB Right in and EB Left in included in proffers) which is a positive.

Transportation proffers include dedication or 1.3964 acres of right-of way along Old Plank Road; Old Plank Road improvements including a full movement drive aisle with one ingress land and one egress lane, eastbound left turn lane with at least a 100-foot taper and 100 feet of storage, 200-foot westbound right turn taper on Old Plank Rd; right-of-way dedication phasing commitments; an initial cash transportation proffer of $70,000 towards roundabout improvements at Old Plank and Andora Drive prior to the County's issuance of the initial subdivision plan approval. Cash proffers in total to benefit the Andora and Old Plank

Road intersection equal $438,567.04 and are transferrable to other Old Plank Road improvements within the Chancellor District if intended improvements at Old Plank and Andora are not made.

The applicant has mitigated transportation impacts as warranted for their specific project impacts, gaining VDOT approval through project review.

Transportation Policy #2.5. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network. Sidewalks are required for this project. As depicted on the Generalized Development Plan typical road section, **s**idewalk infrastructure will be developed along internal roads (within the 52' of ROW). Sidewalks are also a required frontage improvement along Old Plank Road consistent with sidewalk requirements existing within the Design Standards Manual. Sidewalks are depicted as part of the projects Route 610 (Old Plank Rd) Street Buffer cross section detail. Staff notes these sidewalk improvements are not clearly identified or depicted within the project layout sheets of the GDP.

Historic Resources:

Historic Resources Policy #1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy #1.2. Support the preservation of resources with local, state, or national significance. Historic Resources Policy #2. The County should support projects that consider and mitigate the impact of development projects on historic and cultural resources during the rezoning, special use, and capital project planning process. Historic Resources Policy #2.1. Development applications and staff reports should identify historic and cultural resources in proximity to proposed rezoning, special use, or capital project, and evaluate the impacts of the project on the resources in question. Historic Resources Policy #2.3. The County should support the preservation of scenic and historic lands as a component of the rezoning actions through placing these resources in easements or dedicated open space. Respecting this site appears *has been previously cleared and tilled over many years* (as noted in the project narrative), the site and surroundings are located within DHR identified lands associated with the Chancellorsville Battlefield (DHR ID 088-5180). Additionally, DHR ID 088-0278 Chalmers House has been identified as potentially eligible for NRHP Designation. The historic house was demolished in June, 2014 per the narrative. Considerate of the history of the property and the home that once stood there, the applicant has proffered to install a historic marker on Parcel D. The acknowledgement of historic resource through historic/ interpretive signage is beneficial to historic and cultural resource goals.

Natural Resources:

Natural Resources Policy #1. Balance the protection of environmental resources and natural wildlife habitats with development. Policy #1.1. The County should support the mitigation of impacts upon unique and/or endangered resources including rare species and their habitats as part of the development review process. Natural Resources Policy #1.3. Encourage land development practices, which minimize impervious cover to promote groundwater recharge, and/or tree preservation. The

R18-0010: Chancellor Ridge Comp Plan Analysis

Planned Development Housing (PDH-4) zoning district requires a minimum 30% open space of gross area. The project proposal exceeds this slightly with 30.7% open space identified as per the GDP. The majority of these open space areas are outside of sensitive areas of steep slopes, Resource Protection Areas, Wetlands, consistent with the intent of the open space requirement and as calculated as "non-impacted" areas per GDP Sheet 6. A landscape street buffer will appear along the Old Plank Road frontage consistent with Design Standards Manual requirements. Limits of clearing and areas where tree preservation is proposed are not certain across the project as they are not depicted in the GDP. However, staff notes dedicated open space includes environmentally sensitive areas with existing tree cover. Threatened and endangered species have also been considered with areas of potential presence protected as open space. Via additional proffers the applicant has committed to maintain natural vegetation at the rear of lots 43 through 59 to provide a minimum fifteen feet in width of buffering for construction activities. The future of the buffer will be left to individual lot owners after the certificate of occupancy is issued for each unit.

Spotsylvania County Government

Appendix B

Future Development Analysis

Residential Projects with Future Buildout

Voting District	CP Dev_Dist	Date Approved	Project Name	Enabled Residential Units				Unbuilt Residential Units				Future Anticipated Residents, Students and Fire & Rescue Calls					Elementary School	Middle School	High School	F&R Station
				SFD	SFA	MF	AR	SFD	SFA	MF	AR	Residents	Elem.	Middle	High	F&R Calls				
Livingston	RD		Fawn Lake	Byright and pre-2002 subdivisions				421	0	0	0	1280	108	55	77	174	Brock Rd	Ni River	Riverbend	7
Chancellor	RD		Estates of Chancellorsville*					21	0	0	0	64	5	3	4	9	Chancellor	Ni River	Riverbend	5
Chancellor	RD		Estates of Elys Ford*					231	0	0	0	702	60	30	42	95	Chancellor	Ni River	Riverbend	5
Chancellor	RD/PSD		Saw Hill*					0	0	0	0	0	0	0	0	0	Wilderness	Ni River	Riverbend	5
Berkeley	RD	1/16/2008	Estates of Buckingham*					24	0	0	0	73	6	3	4	10	Berkeley	Post Oak	Spotsylvania	3
Lee Hill	PSD	2/2/2011	Pelhams East*					0	0	0	0	0	0	0	0	0	Lee Hill	Thornburg	Massaponax	11
Livingston	PSD	1/11/2013	The Woods of Catharpin*					0	0	0	0	0	0	0	0	0	Wilderness	Ni River	Riverbend	5
Livingston	RD	2/20/2013	Whitehall*					60	0	0	0	182	15	8	11	25	Brock Rd	Ni River	Riverbend	7
Berkeley	RD	2/20/2013	Tanglewood Estates*					0	0	0	0	0	0	0	0	0	Riverview	Post Oak	Spotsylvania	8
Battlefield	PSD	10/2/2013	The Estates at Kingswood*					1	0	0	0	3	0	0	0	0	Battlefield	Chancellor	Chancellor	4
Salem	PSD	10/21/2015	Breckenridge Farms*					0	0	0	0	0	0	0	0	0	Courthouse	Freedom	Courtland	1
Courtland	PSD	1/12/2016	Avalon Woods*					35	0	0	0	106	9	5	6	14	Salem	Chancellor	Chancellor	6
Berkeley	RD	4/22/2009	Anna Vista Sec 2*					7	0	0	0	21	2	1	1	3	Livingston	Post Oak	Spotsylvania	2
Berkeley	RD	3/14/2016	Pennington Estates*					3	0	0	0	9	1	0	1	1	Courtland	Spotsylvania	Courtland	1
Livingston	RD	8/13/2002	Pamunkey Point	47	0	0	0	16	0	0	0	49	4	2	3	7	Livingston	Post Oak	Spotsylvania	9
Battlefield/Lee Hi	PSD	11/26/2002	Lee's Parke	1437	0	0	795	114	0	0	24	382	29	15	21	52	Parkside	Spotsylvania	Courtland	4
Livingston	RD	2/25/2003	Sunrise Bay	89	0	0	0	32	0	0	0	97	8	4	6	13	Livingston	Post Oak	Spotsylvania	9
Courtland	PSD	11/9/2004	Regency at Chancellorsville	0	0	0	294	0	0	0	53	79	0	0	0	11	-	-	-	5
Courtland	RD	12/14/2004	Glenhaven/River Glen	74	0	0	0	9	0	0	0	27	2	1	2	4	Chancellor	Chancellor	Riverbend	5
Courtland	PSD	11/14/2006	Reserve at C'ville (Crossing at C'ville)	122	0	0	0	0	0	0	0	0	0	0	0	0	Chancellor	Chancellor	Riverbend	5
Battlefield	PSD	7/8/2008	Lafayette Crossing	0	110	0	0	0	0	0	0	0	0	0	0	0	Spotswood	Battlefield	Massaponax	4
Lee Hill	PSD	7/14/2009	Mallard Landing	0	150	0	0	0	32	0	0	77	10	4	5	10	Cedar Forest	Thornburg	Massaponax	11
Courtland	PSD	11/10/2009	Spring Arbor (River Crossing)	0	0	0	62	0	0	0	0	0	0	0	0	0	-	-	-	6
Battlefield	PSD	12/8/2009	Summerfield	83	44	0	0	3	0	0	0	9	1	0	1	1	Spotswood	Battlefield	Chancellor	4
Livingston	PSD	4/12/2011	Keswick	150	90	240	184	150	90	168	61	1014	115	54	64	138	RE Lee	Spotsylvania	Spotsylvania	1
Berkeley	PSD	10/11/2011	Ni Village	0	164	773	0	0	164	773	0	1547	107	57	63	210	Riverview	Spotsylvania	Massaponax	8
Lee Hill	PSD	2/14/2012	Lakeside	0	100	0	0	0	0	0	0	0	0	0	0	0	Spotswood	Battlefield	Massaponax	4
Lee Hill	PSD	8/14/2012	Brooks	0	4	0	0	0	2	0	0	5	1	0	0	1	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	10/9/2012	Estates at Terry's Run	10	0	0	0	10	0	0	0	30	3	1	2	4	Livingston	Post Oak	Spotsylvania	9
Berkeley/Livingst	PSD	7/9/2013	Spotsylvania Cthse Village	395	205	900	50	221	112	719	50	2088	144	77	125	284	RE Lee	Spotsylvania	Spotsylvania	1
Berkeley	PSD	8/13/2013	Crossroads Station Apt	0	0	610	0	0	0	423	0	630	31	20	22	86	Cedar Forest	Thornburg	Massaponax	11
Lee Hill	PSD	9/10/2013	New Post	219	104	102	0	168	47	0	0	624	58	28	38	85	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	9/24/2013	Fortune's Landing	49	0	0	0	29	0	0	0	88	7	4	5	12	Wilderness	Ni River	Spotsylvania	5
Lee Hill	PSD	12/10/2013	The Silver Collection Apt	0	0	274	0	0	0	0	0	0	0	0	0	0	Riverview	Thornburg	Massaponax	4
Courtland	PSD	1/14/2014	Villas at Harrison Crossing (Barley Woods)	0	0	0	130	0	0	0	41	61	0	0	0	8	-	-	-	6
Lee Hill	PSD	1/28/2014	Heritage Woods	697	180	183	0	697	180	183	0	2825	248	123	163	384	Parkside	Spotsylvania	Court/Mass	1/4/8
Berkeley	PSD	6/24/2014	Ni River Comm. Church/Courtland Park	89	0	0	0	34	0	0	0	103	9	4	6	14	Courtland	Spotsylvania	Courtland	1
Battlefield	PSD	6/24/2014	Southpoint Landing	0	0	830	0	0	0	310	0	462	23	15	16	63	Parkside	Battlefield	Courtland	4
Chancellor	RD	9/9/2014	Legends of Cville/Hunting Run Landing	218	0	0	0	218	0	0	0	663	56	28	40	90	Brock Rd/Chan.	Ni River	Riverbend	5
Lee Hill	PSD	12/9/2014	Wheatland	0	98	0	0	0	2	0	0	5	1	0	0	1	Lee Hill	Thornburg	Massaponax	11
Chancellor	PSD	12/9/2014	Thorburn Estates	59	0	0	0	53	0	0	0	161	14	7	10	22	Wilderness	Freedom	Riverbend	10
Lee Hill	PSD	6/23/2015	Jackson Village	0	596	1289	385	0	596	706	385	3062	235	110	123	416	Parkside	Spotsylvania	Massaponax	4
Courtland	PSD	11/12/2015	Retreat at C'ville	0	0	0	192	0	0	0	185	276	0	0	0	37	-	-	-	5
Berkeley	PSD	12/8/2015	Alexander's Crossing	518	971	888	230	518	971	888	230	5581	497	234	281	758	Riverview	Thornburg	Massaponax	11
Berkeley	RD/PSD	1/26/2016	Plantation Woods/Woodberry Manor	132	0	0	0	131	0	0	0	398	34	17	24	54	Courtland	Spotsylvania	Spotsylvania	1
Livingston	RD	5/24/2016	Goodwin Cove	35	0	0	0	35	0	0	0	106	9	5	6	14	Livingston	Post Oak	Spotsylvania	9
Berkeley	PSD	3/14/2017	Cedar Forest	29	0	0	0	23	0	0	0	70	6	3	4	10	Cedar Forest	Thornburg	Massaponax	11
Berkeley	PSD	3/14/2017	Summit Crossing Estates	70	0	0	0	70	0	0	0	213	18	9	13	29	Riverview	Thornburg	Massaponax	11
Courtland	RD	9/12/2017	Barrington	39	0	0	0	39	0	0	0	119	10	5	7	16	Chancellor	Chancellor	Riverbend	5
Battlefield	PSD	12/12/2017	Afton	29	0	0	0	29	0	0	0	88	7	4	5	12	Spotswood	Battlefield	Massaponax	4
Battlefield	PSD	6/12/2018	Roseland	0	14	0	0	0	13	0	0	31	4	2	2	4	Spotswood	Battlefield	Massaponax	4
Chancellor	PSD	8/14/2018	Ashleigh Ridge Subdivision	19	0	0	0	19	0	0	0	58	5	2	3	8	Wilderness	Freedom	Riverbend	5
Courtland	PSD	8/14/2018	The Villas at Salem Church	0	0	0	45	0	0	0	38	57	0	0	0	8	-	-	-	6
Lee Hill	PSD	9/9/2018	Palmer's Creek	0	0	400	0	0	0	400	0	596	29	19	20	81	Parkside	Spotsylvania	Massaponax	8
Courtland	PSD	11/15/2018	Regency Crossing	0	21	0	0	0	7	0	0	17	2	1	1	2	Harrison Road	Chancellor	Riverbend	6
Courtland	PSD	4/28/2020	Harrison Village	73	0	0	0	73	0	0	0	222	19	10	11	30	Battlefield	Chancellor	Chancellor	6
Lee Hill	PSD	7/28/2020	Foxcroft	0	68	0	0	0	68	0	0	164	21	9	10	22	Lee Hill	Thornburg	Massaponax	11
Lee Hill	PSD	10/13/2020	Afton Villas	2	0	0	77	2	0	0	77	115	1	0	0	16	Spotswood	Battlefield	Massaponax	4
Courtland	RD	10/27/2020	Springhaven	0	30	0	0	0	30	0	0	72	0	9	4	10	Harrison Road	Chancellor	Riverbend	6
Lee Hill	PSD	12/8/2020	Upper Spotsylvania Redevelopment	0	0	525	0	0	0	525	0	782	38	25	27	106	Cedar Forest	Battlefield	Massaponax	11

*By-right subdivisions

TOTALS	**3496**	**2314**	**5095**	**1144**	**25,495**	**2011**	**1014**	**1280**	**3465**
Total unbuilt residential units	**12,049**								

Unbuilt units updated 1/1/2021
Projects added 12/8/2020

KEY: SFD = Single Family Detached; SF = Single Family Attached; MF = Multi- Family (apartments); AR = Age Restricted Units (any type)

Notes: Does not include new by-right subdivisions of fewer than 10 lots, family divisions, or annual divisions
Does not include existing by-right lots outside of subdivisions

Generation Rates	**SFD**	**SFA**	**MF**	
Persons Per Unit	3.04	2.41	1.49	
Students Per Unit			**MF Mkt**	**MF TC**
Elementary	0.2577	0.3072	0.073	0.291
Middle	0.1307	0.1286	0.047	0.134
High	0.1832	0.1453	0.051	0.139
Fire and Rescue	0.136 calls per capita			

TC = Tax Credit
Mkt = Market Rate

School	Enrollment*	Total Capacity	Remaining Capacity		Future New Students	Enrollment w/New		**Projected Capacity/Deficiency
Battlefield Elementary	654	833	179		19	673		160
Berkeley Elementary	258	353	95		6	264		89
Brock Road Elementary	585	907	322		152	737		170
Cedar Forest Elementary	732	936	204		143	875		61
Chancellor Elementary	415	455	40		105	520		-65
Courthouse Road Elementary	761	907	146		0	761		146
Courtland Elementary	497	789	292		43	540		249
Harrison Road Elementary	704	936	232		2	706		230
Lee Hill Elementary	593	807	214		22	615		192
Livingston Elementary	356	504	148		26	382		122
Parkside Elementary	896	936	40		564	1460		-524
Riverview Elementary	634	907	273		621	1255		-348
Robert E. Lee Elementary	479	585	106		259	738		-153
Salem Elementary	587	815	228		9	596		219
Smith Station Elementary	622	986	364		0	622		364
Spotswood Elementary	532	641	109		12	544		97
Wilderness Elementary	649	936	287		26	675		261
Countywide Elementary	**9954**	**13233**	**3279**		**2011**	**11965**		**1268**
Battlefield Middle	845	807	-38		45	890		-83
Chancellor Middle	850	857	7		31	881		-24
Freedom Middle	778	948	170		9	787		161
Ni River Middle	697	774	77		128	825		-51
Post Oak Middle	694	948	254		16	710		238
Spotsylvania Middle	946	907	-39		477	1423		-516
Thornburg Middle	716	790	74		308	1024		-234
Countywide Middle	**5526**	**6031**	**505**		**1014**	**6540**		**-509**
Quest Program	90	90	0		0	90		0
Chancellor High	1315	1427	112		18	1333		94
Courtland High	1443	1565	122		125	1568		-3
Massaponax High	1726	1830	104		695	2421		-591
Riverbend High	1887	1995	108		201	2088		-93
Spotsylvania High	1206	1611	405		242	1448		163
Countywide High	**7667**	**8518**	**851**		**1280**	**8947**		**-429**
TOTAL	**23147**							

*Final School Enrollment as of 10/1/2020

**Based on current school district boundaries

Total schools	30
Impacted by development	27
Impacted that still have capacity	25
Over capacity at build out	12

VOLUNTARY PROFFER STATEMENT

Applicant:	Old Plank Partners LLC ("Applicant") 1105 Roan Lane, Alexandria, VA 22302
Owner:	Arthur L. Tracy and Patricia B. Tracy, Trustees of The Tracy Family Trust dated September 26, 2006 ("Owner")
Representative:	Charles W. Payne, Jr., Hirschler Fleischer 725 Jackson Street, Ste. 200, Fredericksburg, VA 22401 Phone: (540) 604-2108; Fax (540) 604-2101 Email: cpayne@hirschlerlaw.com
Project Name:	"Chancellor Ridge" (the "Project")
Property:	Spotsylvania County Tax Parcels 21-10-1 (5.03 acres) & 21-10-2 (22.13 acres), consisting of approximately 39.0003 acres, known as 7613 and 7611 Old Plank Road, 27.16 acres of which are subject to this rezoning (the "Property")
Date:	February 8, 2021
GDP:	Zoning Map Amendment Generalized Development Plan, entitled "Chancellor Ridge," prepared by Sullivan, Donahoe & Ingalls, dated October 8, 2018, as last revised January 15, 2021, attached hereto as Exhibit A ("GDP")
Rezoning Request:	From RU to PDH-4
Rezoning File No.:	R18-0010

I. General Information

The Applicant and Owner, their respective successors and assigns, hereby agree that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions ("Proffers") pursuant to Sections 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia (1950, as amended), and Section 23-4.6.3, et al. of the Zoning Ordinance of Spotsylvania County (1995, as amended). The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property, are hereby superseded by these Proffers. The Proffers will be effective upon Spotsylvania County's ("County") full and final approval of rezoning application R18-0010 to reclassify the Property from R-U to PDH-4 to allow for the development of no more than sixty-four (64) single-family detached units. Any prior proffers affecting the Property, whether of record or not, are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval.

II. Land Use

A. **General Development.** The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel and lot sizes, building envelopes, building or home sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow full compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and with the County's Zoning Ordinance, Subdivision Ordinance, and Design Standards Manual. Notwithstanding the foregoing, any material adjustments to the GDP shall be subject to the approval of the County's Zoning Administrator, and in no event shall approved adjustments to the GDP relieve the Applicant and Owner from providing any of the Proffers.

B. **Use.** The Property shall be developed solely for no more than sixty-four (64) residential single-family detached dwelling units (each individually, a "Unit," and collectively, the "Units") as shown on the GDP, and the Property shall not be developed for any other secondary uses allowed under the PDH-4 district, except for any accessory or home occupation use authorized under said district.

III. Transportation

The following transportation Proffers will be provided:

A. Dedication of 0.3964 acres of right-of-way area along Old Plank Road as generally shown on the GDP;

B. Construct the following improvements at Old Plank Road and entrance of the Project, all as generally shown on the GDP:

1. full-movement drive aisle with one ingress lane and one egress lane;
2. eastbound left-turn lane on Old Plank Road with at least a 100-foot taper and 100 feet of storage; and
3. 200 foot westbound right-turn taper on Old Plank Road.

C. All right-of-way dedications along Old Plank Road as shown on the GDP and described herein shall be conveyed to the County prior to or upon the first subdivision plan approval.

IV. Open Space

As shown on the GDP, the following areas will be retained as open space: Parcel A 0.3273 ac.; Parcel B 0.7622 ac.; Parcel C 0.1819 ac.; Parcel D 0.1657 ac.; Parcel E 0.6571 ac.; and Parcel F 6.2469 ac.; for a total of approximately 8.3411 acres of open space. The open

space area shown on the GDP will be owned and maintained by the homeowners' association, which will be created prior to the first subdivision plan approval.

V. Cash Proffers

A. The following cash proffers will be provided to mitigate the Project's impacts. For the purpose of calculating these cash proffers, the number of Units has been reduced from 64 to 56 to reflect the 8 by-right Units that could be developed under the existing RU zoning. Cash proffers are applicable to all Units and will be paid on a per Unit basis of $7,128.37 ($456,215.68 divided by 64 Units = $7,128.37 per Unit) ("Cash Contributions") upon the County's approval of any (temporary or final) certificate of occupancy for each Unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	**SF Attached**	**Multi-Family**	**Age-Restricted**	**TOTAL**
Per Unit Cash Proffer	*$7,128.37* x 64	*$0* x *0*	*$0* x *0*	*$0* x *0*	
TOTAL	*$456,215.68*	*$0*	*$0*	*$0*	*$456,215.68*

LUMP SUM AND IN-KIND CONTRIBUTIONS		
PUBLIC FACILITY CATEGORY		**TOTAL VALUE**
Schools	$0.00 cash per Unit to Schools	$0.00
Public Safety	$85.23 in cash per Unit to Public Safety	$5,454.72
Transportation	$6,852.61 in cash per Unit towards Transportation Improvements at Andora Drive and Old Plank Road. In the event said cash proffers are not used for the Andora Drive and Old Plank Road intersection, then in accordance with VA Code Section 15-2.2303.2, these transportation cash proffers may be applied to other transportation improvements.	$438,567.04
Parks & Rec.	$190.53 in cash per Unit to Parks & Rec.	$12,193.92
	TOTAL CASH & IN KIND PROFFER VALUE	*$456,215.68*

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	**Timing**

Cash Contributions to Public Safety	Upon the County's approval of any (temporary or final) certificate of occupancy for each Unit
Cash Contributions to Transportation	Upon the County's approval of any (temporary or final) certificate of occupancy for each Unit
Cash Contributions to Parks & Rec.	Upon the County's approval of any (temporary or final) certificate of occupancy for each Unit

B. Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash proffer for each Unit shall be adjusted annually on January 1st to reflect any increase for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (the "CPI-U") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Cash Contributions for the preceding year by the CPI-U as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2.2303.3b of the Code of Virginia.

VI. Additional Proffers

A. The Applicant and Owner proffer that a historic marker or interpretive signage will be provided for the Chalmers House on Parcel D.

B. The Applicant and Owner proffer that the natural vegetation along the rear of lots 43 thru 59, as shown on the GDP, shall be maintained for a minimum fifteen feet (15') in width to provide a buffer to construction activities. Notwithstanding the forgoing, this buffer may be modified by the individual lot owners after the certificate of occupancy issued for each individual Unit.

C. Prior to the County's issuance of the initial subdivision plan approval for the Project, the Applicant and Owner will pay the County a cash transportation proffer of $70,000 towards the roundabout improvements at Old Plank Road and Andora Drive.

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant and Owner make these Proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

APPLICANT:

OLD PLANK PARTNERS LLC, a
Virginia limited liability company

By: _____
David Tracy, Manager

Date: 2-9-21

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fairfax

The foregoing was subscribed, sworn to and acknowledged before me this 9th day of February, 2021, by David P. Tracy, Manager of Old Plank Partners LLC, a Virginia limited liability company, on behalf of said company.

_____
Notary Public

Print Name: Sheryl Ann Bryant
My Commission Expires: 9/30/2024
Registration No. 131744
[SEAL]

SHERYL ANN BRYANT
NOTARY PUBLIC
REG # 131744
MY COMMISSION EXPIRES
9/30/2024
COMMONWEALTH OF VIRGINIA

OWNER:

The Tracy Family Trust dated September 26, 2006

By: Arthur L Tracy
Arthur L. Tracy, Trustee

By: Patricia B. Tracy
Patricia B. Tracy, Trustee

Date: 2-9-2021

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fairfax

The foregoing was subscribed, sworn to and acknowledged before me this 9th day of February, 2021, by Arthur L. Tracy, Trustee of The Tracy Family Trust dated September 26, 2006.

Notary Public

Print Name: Sheryl Ann Bryant
My Commission Expires: 9/30/2024
Registration No. 131744
[SEAL]

SHERYL ANN BRYANT NOTARY PUBLIC REG # 131744 MY COMMISSION EXPIRES 9/30/2024 COMMONWEALTH OF VIRGINIA

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fairfax

The foregoing was subscribed, sworn to and acknowledged before me this 9th day of February, 2021, by Patricia B. Tracy, Trustee of The Tracy Family Trust dated September 26, 2006.

Notary Public

Print Name: Sheryl Ann Bryant
My Commission Expires: 9/30/2024
Registration No. 131744
[SEAL]

SHERYL ANN BRYANT NOTARY PUBLIC REG # 131744 MY COMMISSION EXPIRES 9/30/2024 COMMONWEALTH OF VIRGINIA

EXHIBIT A

Generalized Development Plan

13219791.2 043424.00003

REZONING APPLICATION

Spotsylvania County Planning Department

Merchants Square Office Building
9019 Old Battlefield Boulevard, Suite 320
Spotsylvania, Virginia 22553

Phone (540) 507-7434
www.spotsylvania.va.us

UPDATED: 7/1/2018

REZONING APPLICATION PACKET

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THE REZONING PROCESS 3

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OVERVIEW OF THE REZONING PROCESS

The Rezoning Process involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses and whether the Rezoning is consistent with the Comprehensive Plan. The process includes review of the Rezoning Application by planning staff along with appropriate County departments, State and Federal agencies. Planning staff will report their findings and make recommendations to the Planning Commission and the Board of Supervisors at public hearings. In accordance with Section 23-4.2.1 of the Zoning Ordinance, planning staff arranges for public hearing notices to appear in the local newspaper twice prior to each public hearing and sends notices to each adjacent landowner. The Board of Supervisors votes on the rezoning request. The Rezoning Process typically takes between four (4) and twelve (12) months, depending on the type of request and issues involved.

THE REZONING PROCESS

STEP 1: PRE-APPLICATION MEETING

A Pre-application Meeting is required prior to the submission of a Rezoning Application. Contact the Planning Department to schedule a Pre-application Meeting. The purpose of the meeting is to help identify early in the process those issues that should be addressed by the Application. Staff will determine the level of detail required for review of the Application in accordance with the minimum submission standards included in this packet. Please provide the following information with the request:

- ... parcel identification number or address of the property;
- ... size of the parcel(s);
- ... existing zoning; and
- ... proposed zoning.

During the meeting, you will be asked to provide a brief overview of the proposal; then staff will assist you in identifying those components of the Comprehensive Plan that are relevant to the Application. Staff will also determine which submission requirements are necessary to evaluate your request and staff may also suggest additional items.

The Pre-application Meeting is an opportunity for the Applicant/Engineer to seek assistance from planning staff and other review agencies on matters related to the Application. Review the contents of the Application packet prior to the meeting, and if necessary, prepare a list of questions for staff. Contact the Planning Department (540) 507-7434 to schedule a Pre-application Meeting prior to submitting a Rezoning Application.

Please bring informational items to the conference, but this is not required. Such information may include a Generalized Development Plan (GDP), topographic maps, architectural renderings, or any of the items described in the minimum submission requirement section of this packet.

STEP 1A: COMMUNITY MEETING

The County encourages that applicants host a community meeting prior to submission. See "Spotsylvania County Community Meeting Recommended Guidelines" on the County's Planning webpage: www.spotsylvania.va.us.

STEP 2: INITIAL APPLICATION SUBMISSION

Complete all required items listed in the Basic Submission Requirements. Submit these items along with the appropriate fees to the Community Development Intake Counter at: **9019 Old Battlefield Boulevard, Spotsylvania, VA 22553.**

Basic Submission Requirements

The term "Basic Submission" is used to describe the minimum graphic and Narrative information necessary to review an Application for Rezoning. Additional submission information is preliminarily identified at the Pre-Application Conference and confirmed after the submittal. However, the Planning Department or other review agencies may seek additional information after the submittal. The omission of any of the Basic Submission materials or any of the additional information may result in the case being determined incomplete. **Each application shall (i) identify the expected impacts of a rezoning or proffer amendment , (ii) propose mitigation strategies addressing the impacts, and (iii) demonstrate how the proposed mitigation is consistent with state law**.

The following items must be submitted as part of the Application:

- **Standard Application Form** (signed, 1 copy)
- **Special Power of Attorney Affidavit** (if needed, 1 copy)
- **If Applicant is not the Owner, attach documentation of notarized Owner's consent**
- **Adjacent Property List** (1 copy)
  At the Pre-application meeting, a planner will assist you in compiling a list of all property adjoining, abutting or across the street from the property.
- **Fees** (See pg. 21 or the current Unified Fee Schedule)
- **General Warranty Deed** (1 copy)
- **Accurate Plat** (may be combined with the GDP, 1 copy)
- **Generalized Development Plan-Narrative** (1 copy & digital format)
- **Generalized Development Plan-Graphic** (5 folded copies & digital format)
- **Fiscal Impact Analysis** (1 copy & digital format) (if needed)
- **Draft Proffer Statement** or statement of intent to submit (1 copy & digital format)
- **Architectural Renderings** (if needed)
- **Traffic Impact Study** (5 copies & digital format & appropriate fee)
- **Conceptual Stormwater Management Plan**

A. Submission Requirements:

1. Applications shall be submitted for electronic review with the submission of a paper application, a CD that contains a full application and all of the supporting application materials in PDF format along with 5 full size GDP sets (24x36) and a 11x17 paper plan set.
2. Place an approval block in the same place on each page of the GDP.

STEP 3: QUALITY CONTROL

A case planner will be assigned to the case. The case planner will be the contact with the County throughout the Rezoning Process and the case planner will review the submission package for completeness within ten (10) working days of submission of an Application. Omissions in the submission package, including items identified in the Pre-application Conference, may result in the Application being determined incomplete. A letter identifying all incomplete items and revisions will be sent to the Applicant. Further processing of the Application will cease pending submission of the requested items. Once the case planner has determined the Application complete, the Application will be sent for staff review.

STEP 4: STAFF REVIEW AND COMMENT

After the Application is determined complete, staff will transmit the Application to the relevant review agencies. During this time, the review agencies will perform a substantive analysis of the Application and will provide comments on issues identified during their review. The Applicant/Engineer will have a chance to address issues raised during the review process in a technical review meeting.

STEP 5: PROFFERS, SCHEDULING AND POSTING

Proffers:

If an applicant desires to proffer conditions, then either the proffers or a statement of intent to submit proffers shall accompany the Rezoning Application. All proposed proffers shall be submitted in writing in a format acceptable to the Planning Director. Proffers shall be clear and succinct and shall be separated into independently enumerated paragraphs, each of which addresses no more than one (1) aspect of the development and use of the property. Any proffered generalized development plans, architectural elevations, and other graphic representations or sample materials shall accompany the proffer statement and shall be clearly identified and incorporated by reference in the text of the proffers.

Any modified or revised proposed proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

Any proffers shall be approved as to form by the County Attorney. Proffered conditions presented to the Planning Commission or Board of Bupervisors must be signed by the record owner of the subject property, or an agent with power of attorney authorized to sign the proffered conditions, and notarized. The Planning Commission hearing on a rezoning application shall not be scheduled without these signatures on the proffer statement.

Additional amendments to the proffered conditions shall be submitted not less than fourteen (14) days prior to the scheduled Planning Commission public hearing unless the public hearing is postponed.

Scheduling:

Rezoning cases will not be scheduled for a public hearing before the Planning Commission until the proffers have been approved as to form by the County Attorney. Planning staff will schedule the case for the next available Planning Commission public hearing, arrange for public notices in the local newspaper in accordance with the Code of VA., and will send notification of the hearing to property owners within 3,000 feet of the proposal.

Posting:

Fifteen (15) days prior to the public hearing date, the Applicant must post notices on the property indicating an upcoming public hearing and identifying the appropriate case number for the pending Application. The Planning Department will provide the public notice signs. General posting instructions are included in this packet (See Posting of Public Notice Signs). Parcel specific instructions for posting the property will be handled by the case planner. Once the signs are posted, a notarized Sign Posting Affidavit must be submitted to the Planning Department. The signs are to be returned to the Planning Department within ten (10) days of the Board of Supervisors decision.

STEP 6: PLANNING DEPARTMENT REPORT AND RECOMMENDATION

The case planner will prepare the staff report and recommendation. The staff report and recommendations will be forwarded to the Applicant when the Planning Commission packets are delivered to the members of the Commission.

STEP 7: PLANNING COMMISSION PUBLIC HEARING

At the public hearing, the case planner will provide an overview of the Application and present the staff report and recommendation. The Applicant will then be given ten (10) minutes to speak on behalf of the Application and to answer questions from the Planning Commission. Following the Applicant's presentation, the public hearing will be opened and citizens desiring to comment on the proposal are invited to speak. The Planning Commission may make their recommendation to the Board of Supervisors at the initial public hearing meeting or defer action on the proposal in accordance with Zoning Ordinance Section 23-4.6.7. If the applicant wishes to amend proffered conditions once the public hearing has begun the Planning Commission shall continue consideration of the rezoning to a future meeting and the amended proffers, shall be submitted not less than fourteen (14) days prior to that meeting date.

STEP 8: SUBMISSION OF THE GDP FOR THE BOARD OF SUPERVISORS HEARING

Once the Planning Commission has acted on the Application, the Applicant must submit the GDP and color renderings on a disk in PDF format. After the public hearing before the Planning Commission, the Applicant may submit any additional proffers or modifications to the submitted proffers to address issues identified in the staff report considered or discussed by the Planning Commission at the public hearing.

The Board of Supervisors public hearing shall be scheduled once the proffered conditions are approved to form by the County Attorney. Additional amendments to the proffered conditions shall be submitted not less than fourteen (14) days prior to the scheduled Board of Supervisors public hearing unless the public hearing is postponed. If the applicant wishes to amend proffered conditions once the public hearing has begun, the Board of Supervisors shall continue consideration of the rezoning to a future meeting and the amended proffers shall be submitted not less than fourteen (14) days prior to that meeting date. All proffers shall be approved as to form by the County Attorney. All modified or revised proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

STEP 9: BOARD OF SUPERVISORS PUBLIC HEARING

The Applicant will be responsible for ensuring that the signs are posted at the property at least fifteen (15) days prior to the public hearing and that a notarized Sign Posting Affidavit is submitted to the Planning Department. The Board hearing presentations are conducted in the same manner as the Planning Commission. Board actions may occur in accordance with Section 23.4.6.8 of the Zoning Ordinance.

GENERALIZED DEVELOPMENT PLAN (GDP) NARRATIVE

The Zoning Ordinance requires both graphic and written information which addresses part of the basic submission Narrative to include a written description of the relationship of the proposal to the relevant components of the Comprehensive Plan or other materially relevant issues to be reviewed for its consistency in each Application. **Each application shall (i) identify the expected impacts of a rezoning or proffer amendment, (ii) propose mitigation strategies addressing the impacts, and (iii) demonstrate how the proposed mitigation is consistent with the Code of Virginia.**

GENERALIZED DEVELOPMENT PLAN (GDP)

The processing of an Application for a rezoning involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses. The staff must review the design of the site and the existing and proposed site features. The Rezoning Generalized Development Plan (GDP) is a schematic plan developed in accordance with the Spotsylvania County Zoning Ordinance and the associated Design Standards Manual.

If the proposed rezoning has an existing structure and the proposed activity will be conducted within the structure, a GDP may not be required. Planning staff will outline the specific requirements at the Pre-application Conference.

GRAPHIC SUBMISSIONS:

Parcel Information

An accurate plan of the property prepared by a certified Land Surveyor or licensed Civil Engineer and containing the following:

- Vicinity map at one (1) inch equals two thousand (2000) feet.
- Owner and project name.
- Property lines with bearings and distances and existing and proposed zoning district lines.
- Area of land proposed for consideration, in square feet or acres.
- Scale, scale graphic and north arrow.
- Names of boundary roads or streets and width of existing rights of way.
- Easements and encumbrances, if applicable.

Generalized Development Plan Graphic

The graphic portion of the rezoning GDP submission shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and a sheet size not to exceed twenty-four (24) inches by thirty-six (36) inches. Reasonable exceptions to the scale and sheet size will be made on a case by case basis. If prepared on more than one (1) sheet, match lines shall be clearly indicated where the sheets join. All sheets shall be folded to a size not greater than nine (9) inches by twelve (12) inches.

The GDP shall depict existing conditions and proposed features. A checklist is provided on page 11 that outlines the basic GDP requirements. These required items are also listed in Section 23-4.6.2 of the Zoning Ordinance. In addition to the Basic Submission Requirements for the GDP, additional information may be required as discussed at the Pre-application meeting.

Spotsylvania County
Rezoning Application
Generalized Development Plan
Graphic Review Checklist

Case Number: _____ Project Name: Chancellor Ridge

NOTE: THIS CHECKLIST IS USED BY STAFF TO DETERMINE COMPLIANCE WITH COUNTY CODE, SEC. 23-4.6.2. IT IS PROVIDED TO PROFESSIONAL PLAN PREPARERS FOR INFORMATIONAL PURPOSES.

At a minimum, the generalized development plan (GDP) shall include the following information unless the submission requirements have been waived or modified by the Planning Director due to the scope and nature of the proposed project:

✓ 1. Generalized Development Plan Title Sheet(s) to include:

✓ (a) A title block denoting the type of application, name of project tax map reference, voting district, and street address;

✓ (b) An approval block located along the right side of the title sheet and each subsequent sheet of the generalized development plan;

✓ (c) The name, address and phone number of the owner and applicant;

✓ (d) The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;

✓ (e) Vicinity map, 1" = 2,000, a north arrow scale, and scale graphic;

✓ (f) Generalized development plan index;

✓ (g) A Site data summary table providing at minimum:

✓ (1) tax map reference;

✓ (2) prject area size including total, and disturbed acreage;

✓ (3) existing and proposed zoning designation(s);

✓ (4) a table with computations showing existing by-right unit potential, proposed unit yield by residential unit type and densities and/or gross and net floor areas of nonresidential structures where applicable;

✓ (5) identification of any overlay districts within project limits;

✓ (6) existing use and types of proposes uses;

✓ (7) building height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;

✓ (8) a table with computations showing trip generation with land use code reference;

✓ (9) acknowledgement of any known historic building, archaeological features, or historic districts;

✓ (10) acknowledgement of any known places of burial;

✓ (11) acknowledgement of any floodplains, resource protection areas, wetlands, steep slopes, dam break inundation zones, onsite;

✓ (12) parking, including tabulation of required parking and spaces proposed.

✓ (h) A table with computations estimating the lot coverage ratio and impervious surface ratio;

✓ 2. The identification of and distance to all major intersections within one-half mile of the proposed development;

✓ 3. The boundary of the entire parcel with courses and distances;

✓ 4. Any existing or proposed parcel lines, easements or right-of-way within the subject parcel(s);

✓ 5. The present zoning and principal use of the subject parcel and all contiguous properties;

✓ 6. Graphic depiction of the boundaries of any overlay zoning districts described in Article 6 of Chapter 23;

✓ 7. Graphic depiction of the general locations, approximate dimensions, height, number of floors and setbacks of all existing and proposed buildings, structures, accessory structures (including outdoor lighting, fences, bike racks, walls or hedges, trash receptacles), signs, landscaping and buffers, stormwater management facilities and other improvements;

✓ 8. The boundaries of any water bodies, USGS perennial streams, floodplain, resource protection areas, watershed, wetlands (if any), steep slopes;

✓ 9. A generalized landscape plan showing existing vegetation, proposed clearing limits and indicating the location, and types of vegetation to be installed under the landscaping and bufferyard requirements of Article 5, Division 5 of Chapter 23, and the general location and material descriptions of any other proposed screens, bufferyards or landscaping;

✓ 10. The location and dimensions of existing and proposed parking and loading areas and any other impervious surfaces, such as driveways, streets (and names), cement sidewalks and playing surfaces;

✓ 11. The location and description of all points of access including all proposed interparcel connections;

✓ 12. The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;

✓ 13. The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;

✓ 14. The location and dimensions of existing water and sewer mains serving the site of the proposed development, points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;

✓ 15. Topographic contour lines at two foot intervals for the existing site;

✓ 16. The location and dimensions of the on-site and off-site facilities for the retention or detention of stormwater;

✓ 17. The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a tabulation of usable openspace in accordance with the open space definition in Sect.23-2.1.4. Definitions;

N/A 18. For large-scale, phased developments, identification of the location and timing of each phase of the development;

✓ 19. Graphic depiction of any known historic building, archaeological features, or historic districts;

✓ 20. Graphic depiction of any known places of burial and easements for cemetery access in accordance with the Code of Virginia § 57-27.1, as amended;

✓ 21. A description of the methods proposed to control erosion, sedimentation and stormwater runoff; and;

✓ 22. A description of the persons to be responsible for future maintenance of all roads, easements, parks, playgrounds, stormwater and drainage facilities and other common areas;

✓ 23. Signature and seal of professional person certifying the plan.

County of Spotsylvania
Department of Planning
9019 Old Battlefield Blvd. Suite 320
Spotsylvania, VA 22553
Phone: (540) 507-7434

Pre-Application Meeting Request

Property Owner(s): _____

Developer/Applicant: _____

Phone #: _____ Cell # _____ *Email: _____

TM#: _____ Existing Zoning: _____ Proposed Zoning: _____ Disturbed Acreage _____ Parcel Acreage _____

Parcel Address: _____

Type of Application: _____

Public Water: ☐ Yes ☐ No Public Sewer: ☐ Yes ☐ No

Is this an active project in the County or have there been any prior approvals? ☐ Yes ☐ No

If yes, list: _____

Issues or items to be discussed:

_____

Department/Staff requested to attend:

_____

*Requested DATE of PRE-APPLICATION MEETING (Thursday): _____

Signature of Submitter: _____

_____

_____

_____

_____

*Please submit this request on Monday the week prior to the week of the meeting date with a General Plan of Development or Concept Plan.

VOLUNTARY PROFFER STATEMENT RECOMMENDED FORMAT

VOLUNTARY PROFFER STATEMENT
Rezoning case file number

Applicant's name
Applicant's address

Project name
Tax parcel number(s)
Address, if available

Date, with date of all revisions

I. General Information
Include an introductory statement that includes the rezoning request, current zoning classification, acreage, uses, and other relevant general detail. State that the development of the property shall be in conformance with the proffered conditions. If the rezoning includes a residential component, state that the proffers offered are in compliance with the Code of Virginia 15.2-2303.4. If a Generalized Development Plan or other graphics are proffered, they should also be referenced in this paragraph.

II. Next Heading
- **A. Detail proffer.**
- **B. Detail proffer.**
  - **1) Further detail.**
  - **2) Further detail.**

III. Next Heading
- **A. Detail proffer.**
- **B. Detail proffer.**

Applicant makes these proffers voluntarily, in support of their Rezoning Application.

Original signature *Date*
Type full name and title

Notary statement, signature, and Date

Format guidelines:
- Proffers that supersede a previous proffer statement accepted under a different rezoning should include the previous case number in the heading after the current case number, clearly identifying that the current proffer statement supersedes the previous one.
- Each number or letter under a heading should apply to no more than one condition or detail of a condition.

In accordance with Sec. 23-4.6.3(b)(2), all modified or revised proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

07/01/2017

REZONING APPLICATION
(Please type or print)

Date:_____ Case:_____

110-0000-316-16-08 (395)	Mailing	$ 29.00
110-0000-316-16-08 (395)	Planning	$ 12,955.13
110-0000-316-16-10 (334)	GIS	$ 350.00
260-0000-313-03-45	Zoning	$ 610.00
260-0000-318-99-14	Intake	$ 62.50
	Process.Fee	
	Total Filing Fee:	$14,006.63

Old Plank Partners LLC
Applicant's Name

1105 Roan Lane
Applicant's Address

Alexandria, VA 22301
City, State, Zip Code

dpt@ccottages.com
Applicant's E-mail Address

703-898-6486
Applicant's Telephone No.

Charles W. Payne, Jr.
Agent's Name (Point of Contact for Application)

725 Jackson Street, Suite 200
Agent's Address

Fredericksburg, VA 22401
City, State, Zip Code

cpayne@hf-law.com
Agent's E-mail Address

540-604-2108
Agent's Telephone No.

Property Owner Information:
Arthur L. Tracy and Patricia B. Tracy, Trustees of The Tracy Family Trust dated September 26, 2006
Name

If Applicant is not the owner, attach documentation of owner's consent

7613 Old Plank Road | Fredericksburg, VA 22407
Address | City, State, Zip Code | Telephone No.

Parcel Location: 7613 & 7611 Old Plank Road

Tax Map Parcel Number: 21-10-1 & 21-10-2 Acreage: 39.003

Current Zoning: RU Acreage in Request: 39.003

Proposed Zoning: PDH-4 Overlay District: Reservoir Protection

Proposed Use: Single family detached residential community with 65 units

To: The Board of Supervisors of Spotsylvania County, Virginia. The above named Applicant(s) hereby petition(s) for the approval indicated above for the described property and as shown on the attached materials made a part of this Application.

I hereby certify by my signature below that I am the owner of record of the named property or that I am authorized to act on behalf of all the owners of record of the named property to execute this application. I further certify that all information I have provided thereon is complete and accurate. I agree on behalf of myself and all owners to conform to the Zoning Ordinance, Subdivision Ordinance, Virginia Uniform Statewide Building Code, Erosion Ordinance, Chesapeake Bay Preservation Ordinance, the Water and Sewer Construction Specifications of Spotsylvania County, and all other applicable laws and regulations of this jurisdiction.

Old Plank Partners LLC
By: _____ 10/18/18 David Tracy, Manager
Signature of Owner (or Agent with POA*) Date Print Name

_____ 10/19/18 Pierce Tracy, Manager
Signature of Owner (or Agent with POA*) Date Print Name

**I have read this Application, understand its intent and freely consent to its filing. Futhermore, I have the power to authorize and hereby grant permission for Spotsylvania County Officials and other authorized government agents on official business to enter the property to process this Application.*

Voting District:_____ Census Tract:_____ Traffic Analysis Zone:_____
(To be completed by the Planning Department after submission)

SPECIAL POWER OF ATTORNEY AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF SPOTSYLVANIA

This 18th day of October, 2018, I, David Tracy, Manager of Old Plank Partners LLC, the contract purchaser of 21-10-1 & 21-10-2 (describe land by tax map number) make, constitute, and appoint Charles W. Payne, Jr., my true and lawful attorney-in-fact, and in my name, place and stead giving unto said Charles W. Payne, Jr. full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make Application for said Rezoning Application. This includes the authority to execute and amend proffers and to sign the Notice of Conditional Zoning.

The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on October 18, 2018, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of Spotsylvania County stating that the terms of this power have been revoked or modified.

Given under our hands this 18th day of October 2018.

Owner/Contract Purchaser/Authorized Agent (Circle One)

COMMONWEALTH OF Virginia
CITY/COUNTY OF Alexandria, to wit:

The foregoing instrument was acknowledged before me by David Tracy, Manager of Old Plank Partners LLC, the contract purchaser of said property, this 18th day of October, 2018.

My commission expires: 5.31.22

Notary Public

7127518 Registration Number

LEIGH ANN COLE
Notary Public
Commonwealth of Virginia
Registration No. 7127518
My Commission Expires May 31, 2022

OFFICE USE ONLY

File/Case Number : _____ Date Accepted: _____, 20____

ADJACENT PARCEL LIST

The following are the properties either abutting, adjoining, or across the street from the property subject to this Rezoning Application (please print or type parcel number):

MAP #	
21-A-142A	21L-5-13
21-A-143	21L-5-12
21-A-148	21L-5-A
11-A-29	21L-5-11
21-10-3	21-A-121
21L-8-A	21-1-4
21L-8-27	21-1-3
21L-8-26	
21L-8-25	
21L-8-24	
21L-8-23	
21L-8-22	
21L-8-21	
21L-8-20	
21L-8-19	
21L-8-18	
21L-8-17	
21L-8-16	
21L-5-15	
21L-5-14	

POSTING OF PUBLIC NOTICE SIGNS

Public notice signs must be posted at least fifteen (15) days prior to the public hearing.

Sign(s) required for posting must be obtained from the Planning Department. At least one (1) sign is required for all properties. Additional signs are required for property that abuts more than one (1) public street and property with more than two hundred (200) feet of road frontage. Properties without public street frontage are required to post at least one (1) sign on the property and at least one (1) sign along a nearby street.

Signs shall be posted to ensure greatest public visibility in accordance with the following:

- Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of the right-of-way.
- Signs shall be posted for optimum visibility for traffic traveling on the public road.
- Properties with more than one (1) street frontage shall be posted with at least one (1) sign along each street.
- Properties with more than (200) feet of street frontage shall be posted with one (1) sign for each (200) feet of frontage, spaced at least (200) feet apart.
- If a property has no road frontage, the Planning Department will determine the number and location of signs to be posted. At least one (1) sign will be required to be posted on the actual property, and at least one (1) sign will be required to be posted along a nearby street, with a note giving distance and direction to the property.

After posting the property, the Applicant must return the notarized Sign Posting Affidavit to the Planning Department within three (3) days of the date of posting. Failure to notify the Planning Department within three (3) days shall result in the case being removed from public hearing.

Until the public hearing, the Applicant must maintain all signs posted in good condition. If a sign is damaged or destroyed, a replacement sign must be secured from the Planning Department and posted as soon as practical.

If a property is not posted at least fifteen (15) days prior to the hearing, if it is improperly posted, if damaged or destroyed signs are not replaced, if a notarized Sign Posting Affidavit is not filed with the Planning Department within three (3) days of posting, or if other inconsistencies with Section 23-4.2.1 of the Zoning Ordinance occur; the public hearing may be deferred for reasons of improper public notice. If deferred, the property will have to be reposted in accordance with these instructions. The Applicant should also note that improper public notice may be grounds for invalidating an approved Application after approval has been granted.

Signs must be removed within ten (10) days after Board of Supervisors action and returned to the Planning Department.

SIGN POSTING AFFIDAVIT

I, _____, hereby certify that on the _____ day of _____, 20_____, a sign(s) stating that zoning action was pending on the property described below was/were posted on the property and that the sign(s) was/were easily visible from all public streets and public ways abutting the property.

Property Description:

_____

_____

_____

Given under my hand this _____ day of _____, 20_____.

_____
Applicant / Agent

COMMONWEALTH OF_____
CITY/COUNTY OF_____, to wit:

The foregoing instrument was acknowledged before me by _____, the Owner of said property, this _____ day of _____, 20_____.

My commission expires:

_____Notary Public

_____Registration Number

Return From To:
Spotsylvania County Planning Department
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

Attn: _____ Case# _____

OFFICE USE ONLY

File/Case Number _____ Date Accepted _____, 20_____

REZONING FEE CALCULATION SHEET

Application No.: _____

Date Received: _____

STEP 1- CALCULATE THE PLANNING FEE:

☒ Rezoning

Base Fee	$	11,650.00
# of acres > 10 distrb 39.003 X $45.00	$	1,305.13
	$	12,955.13

☐ Rezoning GDP and Proffer Amendment

Fee	$	7,175.00
	$	

☐ Rezoning Proffer Amendment – Text Only

Fee	$	4,180.00
	$	

STEP 2- COMPLETE APPLICATION WORKSHEET:

260-0000-318-99-14	Intake Processing Fee	$	62.50
110-0000-316-16-08 (395)	Mailing Fee**:	$	29.00
110-0000-316-16-08 (395)	Planning Fee:	$	12,955.13
110-0000-316-16-10 (334)	GIS Fee:	$	*350.00
260-0000-313-03-45	Zoning Fee:	$	610.00
	APPLICATION TOTAL:	$	14,006.63

*GIS fee not applied to Applications that do not require a Generalized Development Plan (GDP)

**Equation: (# project parcels + # of adjacent parcels) x 1st class postage x 2 meetings = $Mailing Fee

2 27 0.50

Refunds (Planning) – All refunds must be requested in writing to the Planning Director. Refunds will be issued in the following circumstances: 95% of Planning fees if application is withdrawn within two (2) business days of submission; 80% of Planning fees if application is withdrawn during the initial review period (time varies depending on application type); 40% of Planning fees if application is withdrawn within ten (10) business days after initial review comments are issued.

JOHN MARSHALL BANK
ALEXANDRIA, VA 22314

1014

68-935/560

CHECK ARMOR

OLD PLANK PARTNERS LLC
1105 ROAN LN
ALEXANDRIA, VA 22302

10/18/18

PAY TO THE ORDER OF Spotsylvania County $ 14,006.63

Fourteen thousand six & 63/100 DOLLARS

MEMO Rezoning Application Fee

AUTHORIZED SIGNATURE

⑈001014⑈ ⑆056009356⑆ 10000 21095⑈

OLD PLANK PARTNERS LLC

1014

Spotsylvania County

Fourteen thousand six & 63/100

10/18/18

$14,006.63

Rezoning Applicant fee

GENERALIZED DEVELOPMENT PLAN - NARRATIVE

Applicant:	Old Plank Partners LLC 1105 Roan Lane, Alexandria, VA 22302
Owner:	Arthur L. Tracy and Patricia B. Tracy, Trustees of The Tracy Family Trust dated September 26, 2006

(Applicant & Owner are hereafter known collectively as the "Applicant")

Representative:	Charles W. Payne, Jr., Hirschler Fleischer; 725 Jackson Street, Ste 200, Fredericksburg, VA 22401; Phone: (540) 604-2108; Fax (540) 604-2101; Email: cpayne@hirschlerlaw.com
Project Name:	"Chancellor Ridge"
Property:	Spotsylvania County Tax Parcels 21-10-1 & 21-10-2, consisting of approximately 39.0003 acres, known as 7613 and 7611 Old Plank Road, 27.1643 acres of which are subject to this rezoning (collectively, the "Property")
Date:	January 20, 2020
GDP:	Zoning Map Amendment Generalized Development Plan, entitled "Chancellor Ridge", prepared by Sullivan, Donahoe & Ingalls, dated October 8, 2018, as last revised June 17, 2019, attached hereto as Exhibit A ("GDP")
Rezoning Request:	From RU to PDH-4
Rezoning File No.:	R18-0010

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1. Project Overview

The Applicant proposes rezoning the Property from the Rural District ("RU") to the Planned Development Housing 4 District ("PDH-4"). Section 23-6.12.1 of the Spotsylvania County ("County") Zoning Ordinance states that the purpose of the PDH district is to "encourage innovative and creative design in the development of land for residential and other selected secondary uses." The PDH district is "designed to ensure ample provision and efficient use of open space, to promote high standards in the layout, design and construction of residential development, to promote balanced developments of mixed housing types." The PDH-4 district

allows four (4) dwelling units per acre and requires thirty (30) percent of the gross area be provided as open space.

The purpose of the proposed rezoning is to allow a residential development consisting of sixty-four (64) new single family detached dwelling units, all as shown on the GDP. There is one existing single family detached home on the property that will remain, and that area is not subject to this rezoning. The PDH-4 district includes single-family detached dwellings as a permitted use. The proposed development has a density of 2.35 dwelling units per acre, which is well below the maximum density for the PDH-4 sub-district of four (4) dwelling units per acre. The GDP reflects approximately 8.3411 acres of open space, which accounts for 30.71% of the Property. This meets the 30% open space minimum required for the PDH-4 district. The open space will be used for natural areas, passive recreation, and stormwater facilities.

As described in more detail below under Section 3 of this narrative, the Applicant's proposal conforms to the policies established by the County's Comprehensive Plan dated November 14, 2013, as last updated May 22, 2018 (the "Comp Plan"). Furthermore, the proposal will result in minimal impacts on public facilities and services, and impacts, if any, related to roads, schools, fire rescue and parks will be offset through on-site improvements and cash proffers. In this regard, we have included with this application (as discussed in more detail below) a proffer analysis prepared by MuniCap, Inc., which is entitled "Chancellor Ridge Spotsylvania County, VA SB 549 Proffer Analysis", dated September 24, 2019, attached hereto and marked as Exhibit B ("Proffer Analysis").

Because the project is only sixty-four (64) units, a VDOT 527 transportation impact analysis is not required. However, because the project is located off of Old Plank Road, the County did request a County traffic impact analysis, which was prepared by Ramey Kemp & Associates, dated October 25, 2018, and titled "Chancellor Ridge – Traffic Impact Analysis (TIA) Spotsylvania, Virginia", which is attached hereto and marked as Exhibit C, and described in more detail below ("TIA").

In addition, MuniCap, Inc. performed a fiscal impact analysis of the project ("FIA"). The FIA dated October 5, 2018, and entitled "Chancellor Ridge Spotsylvania County, VA Fiscal Impact Analysis", is attached hereto and marked as Exhibit D, and included with this application. The FIA, as described in more detail below, provides that the project will generate (onsite and offsite) positive net tax benefits of over $124,200.00 on an annual basis.

2. Project Location

The Project will be developed on two (2) parcels of land, totaling approximately 39.0003 acres of land, 27.1643 acres of which are subject to this rezoning. The Project is situated in the Chancellor magisterial and voting districts. The Project is also located along Old Plank Road, west of the intersection of Old Plank Road and Ashleigh Park Blvd, in the Reservoir Protection Overlay District. The Project is bordered on the South by Old Plank Road. To the South of the site is vacant undeveloped land and some scattered single family detached homes, zoned R-1. To the West of the Project is vacant land and a few single family detached homes, zoned RU. To the North of the Project is vacant land and to the East is single family detached home subdivision

known as “Ashleigh Park” zoned RU, which includes a density of 1.97 single family detached units per acre.

The Applicant’s proposal is compatible with existing uses in the area and will enhance the area’s housing stock while maintaining the area’s character. Additionally, the Applicant’s proposal is in line with the purpose of the PDH-4 district which is to provide low density detached, single family dwelling units at a density of 4 units or less per acre.

2.1 Site Access

Primary access to the Project Site will be provided via Old Plank Road, with secondary access in accordance with County interparcel connection requirements from Wales Drive. All site access locations and driveway entrances will be coordinated with Spotsylvania County and the Virginia Department of Transportation. Please refer to the GDP for a depiction of site access location.

2.2 Environmental Characteristics

The Project’s design will minimize the impact to the natural topography and mature vegetation located on the Property. Based on a preliminary Environmental Assessment by Stantec Consulting Services, Inc., there are no perennial streams or RPAs on the site. There are approximately 0.32 acres of wetlands within the Project, and there are approximately 976 linear feet of non-perennial streams. The Applicant will perform all applicable studies for endangered species as is typically necessary for state and federal permitting for the project prior to final site plan approval.

2.3 Cultural and Historic Resources

Based on review of the Comp Plan and information from the Virginia Department of Historic Resources and the United States Department of the Interior, the Property does not have any cultural resources, including civil war era works or cemeteries. According to the County, the Property and surroundings are located within DHR identified lands associated with the Chancellorsville Battlefield (DHR ID 088-5180). Additionally, DHR ID 0880278 Chalmers House has been identified as potentially eligible for NRHP Designation. The historic house was demolished in June 2014. As the Property has been previously cleared and tilled over many years, no historic resources remain. Applicant will provide a marker or interpretive signage regarding Chalmers House. Additionally, the Property is not located in the County’s Historic Overlay District.

3. Planning and Zoning

3.1 Zoning District and Ordinance

The Project Property is currently zoned Rural (RU). The surrounding parcels are also zoned RU. The Property currently has access to water and sewer. Thus, by-right the Property could yield eight (8) single family detached dwelling units.

3.2 Comprehensive Plan Analysis

The County's Comp Plan's Future Land Use Map classifies the Property as part of the "Low Density Residential" designation.

3.2.1 County's Overarching Development Goals

The County has outlined its goals for future development and land use in its Comprehensive Plan ("Comp Plan"), which is designed to encourage the most appropriate use of land, water, and resources within the County, consistent with citizens' interests. The Comp Plan sets forth the goals, objectives, policies, and implementation techniques that will guide development activity, while preserving and protecting the health, safety, and general welfare of its citizens.

According to the Comp Plan, future development proposals should, among other things, promote a diverse and vibrant economic base, maximize the use of existing infrastructure and public facilities, accommodate residential growth in a fiscally responsible manner as described in more detail in Section 7 below, and provide safe and affordable housing for people of all ages. The Project's road network has been coordinated with the existing road network, as well as the proposed Old Plank Road – Chancellor Road Roundabout project. This Project will enhance access to the existing Ashleigh Park subdivision by providing an alternative means of entering and exiting this subdivision. Further, as development proceeds west of Chancellor Ridge in the future, residents will be able to access the proposed roundabout.

The Comp Plan stresses that the County is a business friendly community that prizes job creation. While it encourages growth, it requires residential development to be executed in a fiscally responsible way that remains mindful of the existing infrastructure.

3.*2.2 Property's Future Land Use Designation*

The County's Comp Plan's Future Land Use Map classifies the Property as "Low Density Residential." Low density residential districts permit up to four (4) dwelling units per acre. The Applicant wishes to develop the property as a PDH-4 district, which allows four dwellings per acre, but the Applicant's density is 2.35 units to the acre, all as shown on the GDP, which is actually much less than 4 units to the acre as allowed under the applicable zoning district. Thus, the Applicant's proposed development aligns with the County's future land use goals.

3.2.3 Proposed development contributes to growth within the Primary Development Boundary

Although the Property is currently zoned RU, it also lies within the County's Primary Development Boundary, which is the area within the County that is intended for future higher-density residential growth. Thus, the proposed rezoning from RU to PDH-4 is

consistent with the goal of locating higher-density residential growth within the Primary Development Boundary.

Further, the fact that the Property lies within the Primary Development Boundary, despite its RU zoning, indicates that the County anticipates that Property and its surrounding area, will be developed at a higher density than is currently permitted.

3.2.4 Proposed development meets the Comp Plan's goals for Residential Land Use

The County has set forth general, overarching policies for residential development, which the owner must remain mindful of in order to garner the County's support for the proposed rezoning.

First, residential communities should preserve at least 30% open space in their developments, and should provide interparcel connections, both vehicular and pedestrian, to adjoining undeveloped and developed properties, in order to form a cohesive residential area. These interparcel connections help improve the connectivity of transportation networks, which is another factor the County considers when assessing a rezoning proposal.

Finally, the Comp Plan encourages new developments to preserve, wherever possible, existing trees and tree buffers, rather than replacing them with new vegetation.

In addition to the general development principles articulated above, the Comp Plan also directs that projects seeking increased residential densities should pay for themselves. Given the County's sensitivity to the fiscal impact of new residential developments, as well as its emphasis on job creation and business development, the owner must be prepared to adequately address those concerns in its rezoning application.

For purposes of the above and this application, (i) the proposed development is already compatible with the existing uses in the area, specifically, the subdivisions to the east and west of the Property, (ii) will enhance the area's housing stock while maintaining the area's character, and (iii) as you will note below is fiscally positive.

3.2.4 Proposed development must demonstrate that it promotes County's economic goals

The Comp Plan supports development that promotes job creation and benefits the economy. The County considers itself a business friendly community and appears to give preference to projects that promote job growth. Further, the County expects residential developments to pay for themselves and demonstrate that they will not have a significant impact on the existing infrastructure or resources. Thus, the proposed rezoning must demonstrate that it will not negatively impact or strain the County's existing infrastructure.

From an economic development perspective, the proposed rezoning will generate new jobs within the County and positive tax revenues both onsite and offsite. The FIA, as described in more detail below, provides that the project will generate (onsite and offsite) positive net tax benefits exceeding $124,200.00, on an annual basis at full build-out. Further, the proposed use also advances the County's goal of supporting a diverse housing mix, including a variety of housing types and sizes that meets the needs of citizens throughout all stages of life and income levels. In addition, given the price points for the homes within the project, the owners will have disposable income, which will benefit local businesses. Thus, the development will promote the County's economic goals.

3.2.5 Proposed development aligns with County's transportation goals

The proposed development also aligns with the County's transportation goals, as it will not degrade the current transportation level of services.

The County's overarching transportation goal is "to develop a sustainable transportation network that supports the County's Comprehensive Plan and achieves a level of service that promotes safe and efficient operation and movement of people and goods." The County's Transportation Plan seeks to maintain an efficient transportation system using available and expected resources, while maintaining functional and effective transportation systems that keep pace with future growth.

Policies include (1) maintaining acceptable levels of service on public roads; and (2) ensuring that new development does not degrade levels of service and mitigates its impact on the transportation network through encouraging joint-use access points for multiple developments, ensuring connections within and between developments that offer alternative routing of traffic, and encouraging alternative land development and site design techniques such as mixed use and planned unit developments that provide residential, employment, and recreational opportunities connected by a network of internal streets.

As noted above, the Applicant did perform a TIA. The TIA studied four intersections and concluded the following:

- Unsignalized intersection of Old Plank Road at Chancellor Road: Capacity analysis indicates the minor street left-turn movement currently operates with short delays (less than 25 seconds) during the AM peak hour, and with moderate delays (between 25 and 50 seconds) during the PM peak hour. The County is planning to install a one-lane roundabout at this intersection by the year 2023, which will function at LOS A under the projected no-build and build traffic conditions. No improvements are warranted or recommended at this intersection at build-out of the Tracy subdivision.

- Unsignalized intersection of Old Plank Road at Ashleigh Park Boulevard / Pullen Drive: Capacity analysis indicates that the minor street left-turn movement currently operates with moderate delays (between 25 and 50 seconds) during the AM and PM

peak hours. Under no-build and build conditions, the minor street left-turn movement is expected to continue to operate with moderate delays (between 25 and 50 seconds) during the AM and PM peak hours. No improvements are warranted or recommended at this intersection at build-out of the Tracy subdivision.

- Unsignalized intersection of Old Plank Road at Andora Drive: Capacity analysis indicates this three-way Stop intersection currently operates at LOS C during the AM and PM peak hours. The County is planning to install a one-lane roundabout at this intersection by the year 2023, which will function at LOS A under the projected no-build and build traffic conditions. No improvements are warranted or recommended at this intersection at build-out of the Tracy subdivision.

- Unsignalized intersection of Old Plank Road at Site entrance: Capacity analysis indicates that the minor street left-turn movement is expected to operate with short delays (less than 25 seconds) during the AM and PM peak hours with queue lengths less than one vehicle. See recommendations below.

The Project will improve Old Plank Road in this area. This Project will add approximately 15,058 square feet of new dedicated right of way along Old Plank Road. Based on the TIA, the Applicant is also proposing to make additional improvements accessing the site including:

1.Construct full-movement driveway with one ingress lane and one egress lane;
2.Construct an eastbound left-turn lane on Old Plank Road with 100 feet of storage;
3. Construct a 200 foot westbound right-turn taper on Old Plank Road; and
4. Provide over $508,000 in cash and in kind transportation proffers for benefit of Andora and Old Plank Roads

Again, these improvements and dedications further the transportation goals of the County's Comp Plan. The Applicant's proposed roadway improvements will mitigate the impacts of the development such that it does not have a negative impact on the area transportation network.

3.2.6 Summary

The Applicant's proposal to develop single family detached residences is in line with the Comp Plan. Thus, we believe the Comp Plan's future land use policies support the proposed use of single family detached residential dwellings at this location all as provided above.

3.3 Community Meeting

As part of the Rezoning Application process, Applicant attended a Pre-Application meeting with Spotsylvania County Staff on May 3, 2018. Additionally, Applicant and its representatives hosted a Community Meeting for the Project on July 19, 2018 at Tabernacle United Methodist Church to introduce and discuss the project with surrounding property owners. We addressed

questions from members of our community and Exhibit E attached hereto provides a list of attendees.

4. Construction

Applicant anticipates close collaboration with Spotsylvania County during the permitting process to identify and manage environmental conditions and design criteria specific to the Project. Through the permitting process, Applicant will implement all required mitigation measures and Best Management Practices (BMPs) as determined by Spotsylvania County and regulatory agencies.

Construction is anticipated to begin in 2019 and we believe all lots will be constructed within 2 to 3 years of any rezoning approval, subject to market conditions. Phasing of this project is not anticipated at this time.

4.1 Site Preparation

The Property has one existing dwelling, which will remain and is not a part of this rezoning. The rest of the site is currently undeveloped, but has been subject to previous land disturbance. Construction of the Project would begin with initial clearing and grading (if required). Access to the Project Site would be improved to appropriate construction standards. Road corridors would be surveyed, cleared, and graded to bring equipment, materials, and workers to the areas under construction. Buried electrical lines, and the locations of other facilities may be flagged and staked to guide construction activities. BMPs for stormwater and erosion control would be installed during the site preparation phase and prior to significant grading activities.

4.2 Construction Workforce

Our goal is to retain local on-site workforce, which will consist of various skilled trades, supervisory personnel, support personnel, and construction management personnel.

Pursuant to the FIA, the Project is anticipated to generate an estimated 218 new jobs during the construction phase, and $12,384,812.00 in new labor wages.

5. Public Facilities

5.1 Fire and Rescue

The proposal will have minimal impact on the County's fire and rescue facilities. The proposed roads and building setbacks will allow for adequate travel space within the project for emergency access to the improvements. Fire and Rescue Station 5, located approximately 3 miles northwest of this site, will provide the Property with necessary emergency services. As detailed on the attached proffer statement, cash proffers will also offset any impacts the project may have on fire and rescue facilities.

5.2 Schools

The Property is located in the Wilderness Elementary, Chancellor Middle and Riverbend High school districts. The County's most recently adopted Capital Improvement Plan does not include any construction projects specific to these schools.

Based on County estimates of 0.572 students per dwelling unit (for single family detached), the Project's 64 dwelling units will generate a net of 32 school-age children above the by-right (e.g. 64 less 8 by right unit = 56 units evaluated) units at full build out. As there is existing capacity in all schools sufficient to accommodate the projected students, there is no impact that exceeds capacity in those schools and therefore no cash proffers for school facilities.

5.3 Parks, Buffers and Open Space

Approximately 30.71% of the Property will be maintained as open space. The open space will be used for natural areas, passive recreational amenities and stormwater facilities. As detailed on the attached proffer statement, cash proffers will offset any additional impacts the project may have on park facilities.

All buffers, landscaping, and setbacks will be as generally provided on the GDP and will conform to the applicable Zoning Ordinance requirements.

5.4 Water & Sewer

The Property will be serviced by the existing 8" gravity sewer line that serves the neighboring Ashleigh Park development and the existing 8" water main located along Wales Drive, as shown on the GDP, with access to both in the street to be constructed during buildout. These utility lines will be extended throughout the proposed development.

5.5 Transportation

The Property abuts Old Plank Road, which is a two (2) lane public road classified as a local road. Access to the Property will be provided from Old Plank Road and Wales Drive. Roads constructed within the project will be public.

The project will generate 750 vehicle trips on a daily basis, including 55 vehicle trips during the a.m. peak hour and 72 vehicle trips during the p.m. peak hour. A VDOT 527 analysis was not required for this project because the trip generation potential was below 5,000 daily trips.

6. Housing

The project will enhance the County's stock of new, single family detached dwelling units in this area of the County. Also, as noted above this will provide a new diversity of housing stock to the immediate area. With an anticipated average sales price of $400,000.00 per unit with the ability

to upgrade to $475,000.00, the proposal meets market expectations for this area of the County. Further, the projected value for units should enhance surrounding property values. We believe that all 64 lots will be developed within 2 to 3 years of any rezoning approval (subject to market conditions).

7. Fiscal Impact Analysis

The FIA includes an analysis for revenue projections of the project at full build-out, both for on site development and off-site expenditures from residents of the project (see Exhibit D). The total revenue generated from the project was then compared with expected County costs to provide services to the residents of the proposed development.

For the 64 new homes at the site, the total real property tax resulting from the project is estimated to be about $209,978 annually in current dollars. In addition, the personal property tax resulting from the project is estimated to be $64,207 annually in current dollars. The sum of all of the on-site tax revenues that could be expected to flow to the County from the project annually after build-out is over $294,096.00 each year in current dollars.

In addition to the on-site fiscal impact, the project is estimated to generate $38,133.00 in taxes off-site for the County annually after build-out and occupancy. As mentioned above, the Project would generate approximately 218 new jobs during the construction phase, resulting in about $12,384,812.00 in employee earnings.

The project is expected to result in 64 new households with an estimated 3.04 persons per household for a total of 195 people, with 37 school pupils. The total annual tax-supported cost of the project is estimated to be $208,029.00 each year in current dollars.

After considering the tax revenues generated by the project and the costs to the County resulting from the project, it is anticipated that this project will generate annually a net revenue surplus (onsite and offsite) after full build-out of $124,200.00 in current dollars.

EXHIBIT A

Generalized Development Plan

EXHIBIT B

Proffer Analysis

EXHIBIT C

Traffic Impact Analysis

EXHIBIT D

Fiscal Impact Analysis

EXHIBIT E

Community Meeting Attendees

11235596.4 043424.00003

ZONING MAP AMENDMENT
GENERALIZED DEVELOPMENT PLAN
CHANCELLOR RIDGE

T.M. 21 ((10)) 1 - 7613 OLD PLANK ROAD FREDERICKSBURG, VA.
T.M. 21 ((10)) 2 - 7611 OLD PLANK ROAD FREDERICKSBURG, VA.

PDH-4 DEVELOPMENT
CHANCELLOR MAGISTERIAL AND VOTING DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

OWNER:

ARTHUR L. & PATRICIA B. TRACY, TRUSTEES
THE TRACY FAMILY TRUST
7613 OLD PLANK ROAD
FREDERICKSBURG, VA. 22407

TAX MAP 21 ((10)) PARCELS 1 AND 2
LR: 200600036895

APPLICANT:

OLD PLANK PARTNERS LLC
c/o MR. DAVID P. TRACY
433 E MONROE AVE.
ALEXANDRIA, VA 22301
PHONE: 703-898-6486
EMAIL: dpt@cottages.com

SHEET INDEX

SHT. NO.	TITLE
1	COVER SHEET
2	NOTES AND DETAILS
3	EXISTING CONDITIONS
4	REZONING AREA BOUNDARY EXHIBIT
5	GENERAL LAYOUT AND UTILITY PLAN
6	OPEN SPACE PLAN

PASS NOTE:

DUE TO RECENT FINDINGS OF POSSIBLE ACID SULPHATE SOILS (PASS) WITHIN SPOTSYLVANIA COUNTY IT IS RECOMMENDED THAT THE DEVELOPER, BUILDERS AND ENGINEERS BE AWARE THAT IF ACID SULPHATE SOILS AS WELL AS OTHER SOILS THAT PRODUCE A PH OF 4 ARE PRESENT ON THE PROJECT SITE EXTENSIVE TREATMENT TO BRING THE SOILS ACID/PH LEVEL TO AN ACCEPTABLE LEVEL TO SUSTAIN ANY FORM OF PLANT GROWTH MAY BE REQUIRED.

SITE AND ZONING DATA

TAX MAP:	T.M. 21 ((10)) 1 (PART) T.M. 21 ((10)) 2 (PART)
TOTAL REZONE AREA:	27.1643 AC.
EXISTING ZONE:	RU
PROPOSED ZONE:	PDH-4
OVERLAY DISTRICT(S):	RESERVOIR PROTECTION OVERLAY & CBPO
EXISTING USE:	PARCEL 1 : SFD PARCEL 2 : VACANT
PROPOSED USE	DWELLING SINGLE FAMILY, DETACHED
HYDRAULIC UNIT CODE:	RA45, RA47
WATERSHED:	E19, E20
WATER:	PUBLIC
SEWER:	PUBLIC
ESTIMATED VPD:	750 VPD (MAX.) ITE USE CODE (210) SEE TRAFFIC STUDY BY RAMEY KEMP & ASSOCIATES DATED SEPTEMBER 14, 2018
HISTORIC BUILDING, ARCHAEOLOGICAL FEATURES, HISTORIC DISTRICTS	NONE KNOWN
KNOWN PLACES OF BURIAL:	NONE KNOWN
WETLANDS ON SITE:	YES
SOLID WASTE COLLECTION:	PRIVATE
APPROXIMATE AREA OF LAND DISTURBANCE	18 AC. +/-

VICINITY MAP
1"=2000'

2000' 0 2000' 4000'
GRAPHIC SCALE

LAND USE SUMMARY

ZONE: PDH-4	ZONING REQUIREMENT	PER THIS PROJECT
MIN. LOT AREA	NOT SPECIFIED	5,000 S/F
MIN. LOT WIDTH	NOT SPECIFIED	VARIES @ FRONT SETBACK
DENSITY	4 D.U. PER ACRE	2.35 D.U. PER ACRE
AVERAGE LOT AREA	NOT SPECIFIED	9,812 S/F
SETBACKS:		
FRONT	NOT SPECIFIED	20'
REAR	NOT SPECIFIED	25'
SIDE	NOT SPECIFIED	6'
MIN. PUBLIC ROAD FRONTAGE	NOT SPECIFIED	40'
OPEN SPACE	30%	30.7%
PARKING	2 PER UNIT	2 x 64 = 128 (MIN.)

OWNER AREA SUMMARY

TAX MAP ID	OWNER	EXISTING ZONE	PROPOSED ZONE	AREA
21 ((10)) 1	ARTHUR L. & PATRICIA B. TRACY, TRUSTEES THE TRACY FAMILY TRUST	RU	PDH-4 (PART)	10.00 AC.
21 ((10)) 2	ARTHUR L. & PATRICIA B. TRACEY TRUSTEE THE TRACEY FAMILY TRUST 9-26-06	RU	PDH-4 (PART)	29.0003 AC.

DENSITY COMPARISON TABLE

ZONE	AREA	DENSITY	MAXIMUM UNIT YIELD
RU (EXISTING)	27.2 AC. (PARCEL 1 : 5.0 AC. AND PARCEL 2 : 22.2 AC., PORTION EACH)	1 UNIT PER 3 AC. (MAX 10 PER PARCEL)	8 UNITS (1 PARCEL 1, 7 PARCEL 2)
PDH-4 (PROPOSED)	27.2 AC. (PORTION)	4 UNITS PER 1 AC.	108 UNITS

WATER / SEWER ESTIMATE

NUMBER OF LOTS	WATER	SEWER
64	25,600 GPD	25,600 GPD

SULLIVAN, DONAHOE & INGALLS
ENGINEERS, LAND PLANNERS AND SURVEYORS
P.O. BOX 614
FREDERICKSBURG, VIRGINIA 22404
PHONE 540-898-5878

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVAL
Lic. No. 24835
1-15-2021
PROFESSIONAL ENGINEER

DATE	REVISIONS
02-05-19	PER COUNTY COMMENTS
06-17-19	PER COUNTY COMMENTS
03-18-20	PER COUNTY COMMENTS
08-27-20	PER COUNTY COMMENTS
01-15-21	PER P.C. MEETING

SDI SULLIVAN DONAHOE & INGALLS
ENGINEERS, LAND PLANNERS & SURVEYORS
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10720 COLUMBIA DRIVE
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TELEPHONE 540-898-5878

CHANCELLOR RIDGE
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

COVER SHEET

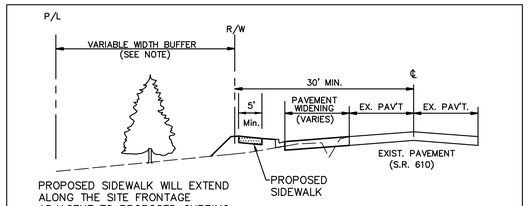
DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17-SP-0660
DATE: 10-08-2018
SCALE: NONE

SHEET 1 OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\01-CV.dwg

GENERAL NOTES:

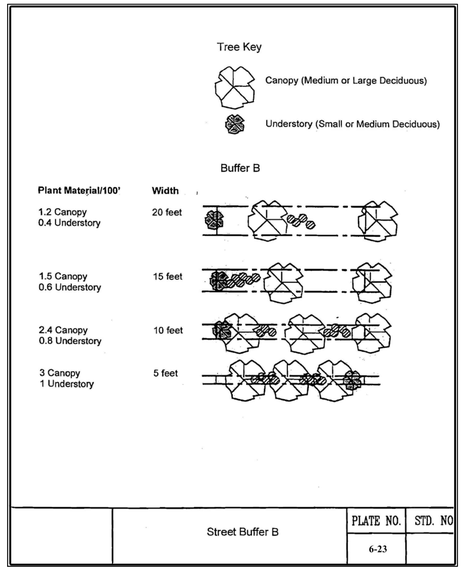
1. THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF VDOT SUBDIVISION STREET REQUIREMENTS.
2. ALL PUBLIC AND PRIVATE STREETS SHALL BE DESIGNED AND CONSTRUCTED TO THE REQUIREMENTS AND SPECIFICATIONS OF VDOT AND/OR SPOTSYLVANIA COUNTY.
3. ALL EASEMENTS FOR PUBLIC WATER, SANITARY SEWER, AND STORM DRAINAGE SHALL BE SHOWN ON FINAL PLANS AND PLATS, AND DEDICATED TO PUBLIC USE.
4. FINAL DESIGN PLANS SHALL SATISFY ALL EROSION AND SEDIMENT CONTROL REQUIREMENTS.
5. NO LAND SHOWN HEREON IS LOCATED IN THE 100 YEAR FLOOD PLAIN IN ZONE "A" AS SCALED FROM FLOOD INSURANCE RATE MAP, COMMUNITY–PANEL NO. 510308 0075 C; DATED FEB. 18, 1998. THE REMAINDER OF THE SITE IS LOCATED IN ZONE "X", AREAS OUTSIDE THE 500 YR. FLOOD PLAIN.
6. THIS DEVELOPMENT SHALL MEET ALL C.B.P.O. REQUIREMENTS. C.B.P.O. SITE PLAN APPROVAL IS REQUIRED PRIOR TO FINAL PLAT APPROVAL.
7. ALL COMMON AREAS ARE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY A HOMEOWNER'S ASSOCIATION.
8. FINAL UTILITY DESIGNS TO BE APPROVED BY THE FIRE MARSHAL AND UTILITIES DEPARTMENT PRIOR TO FINAL PLAT APPROVAL.
9. THERE ARE NO KNOWN PLACES OF BURIAL ON THIS SITE.
10. SOLID WASTE SHALL BE STORED BY INDIVIDUAL LOT OWNERS, PICKED UP BY COMMERCIAL HAULER AND DISPOSED OF IN A LOCATION APPROVED BY SPOTSYLVANIA COUNTY.
11. ALL WETLAND FILLS & DISTURBANCES WILL BE PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS.
12. PUBLIC WATER PROVIDED BY CONNECTING TO SPOTSYLVANIA COUNTY SYSTEM. (SEE SHEET 4 FOR POINT OF CONNECTION)
13. PUBLIC SEWER PROVIDED BY CONNECTING TO SPOTSYLVANIA COUNTY SYSTEM. (SEE SHEET 4 FOR POINT OF CONNECTION)
14. FINAL DESIGN PLAN TO INCLUDE STORM SEWER SYSTEM DESIGNS.
15. ALL PUBLIC STREET SIGNS SHALL BE IN ACCORDANCE WITH VDOT AND SPOTSYLVANIA COUNTY STANDARDS (ARTICLE 5.6, S.C.D.S.M.).
16. TYPICAL ROAD SECTIONS ARE FOR PRIMARY ROADS ONLY AND DO NOT INCLUDE ALLEYS OR LOW–TRAFFIC TRAVELWAYS.
17. BOUNDARY INFORMATION TAKEN FROM PLATS BY S.D.I., TOPOGRAPHY TAKEN FROM AERIAL MAPS BY OTHERS.
18. LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH THE STANDARDS IDENTIFIED IN ARTICLE 5 (5–7) OF THE SPOTSYLVANIA COUNTY DESIGN STANDARDS MANUAL AND THE ASSOCIATED PROFFER STATEMENT. THE APPLICANT RESERVES THE RIGHT TO DEVELOP A COMPREHENSIVE LIGHTING PLAN, SUBJECT TO THE APPROVAL OF SPOTSYLVANIA COUNTY.
19. PROPERTY OWNERS ARE RESPONSIBLE FOR PRESERVING DRAINAGE EASEMENTS ON/ACROSS THEIR PROPERTY. SUCH EASEMENTS SERVING ROADWAYS MAINTAINED BY VDOT WILL BE MAINTAINED BY VDOT ONLY AS REQUIRED TO PROTECT THE ROADWAY FROM DAMAGE OR FLOODING.
20. ANY WELLS FOUND WILL BE ABANDONED PER HEALTH DEPARTMENT REQUIREMENTS.
21. FINAL RECORD PLAT TO BE ON VIRGINIA STATE PLANE COORDINATES (GPS).
22. VDOT PERMIT REQUIRED FOR ENTRANCE IMPROVEMENTS WITHIN VDOT R.O.W.
23. COUNTY UTILITIES WITHIN THE ROADWAY ARE SUBJECT TO THE INSTALLATION AND INSPECTION REQUIREMENTS OF SPOTSYLVANIA COUNTY UTILITIES DESIGN STANDARDS MANUAL (SECTION 1.12 WATER AND SEWER LINES IN VDOT ROADWAYS – NEW CONSTRUCTION).
24. PRIVATE ENTRANCES IN CONJUNCTION WITH ROLLTOP CURB MUST BE CONSTRUCTED PER FIGURES 7 AND 8 OF APPENDIX B (1) OF THE VDOT ROAD DESIGN MANUAL.



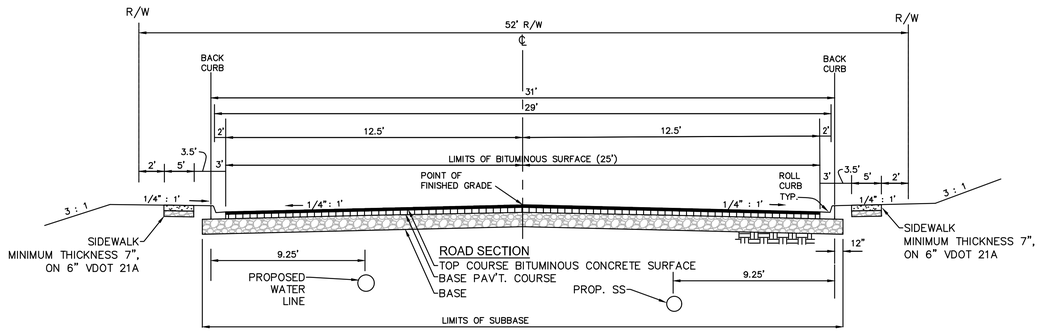
STREET BUFFER NTS
CROSS-SECTION DETAIL

TRANSPORTATION CORRIDOR BUFFER NOTE

TRANSPORTATION CORRIDOR BUFFER SHALL PROVIDED ALONG OLD PLANK ROAD FRONTAGE. MINIMUM WIDTH OF BUFFER SHALL BE 100' AS MEASURED FROM CENTER OF EXISTING ROAD.



	Street Buffer B	PLATE NO.	STD. NO
		6-23	



TYPICAL SECTION - ROLL CURB
STREETS OLD PLANK SUBD - PUBLIC
52' PUBLIC R/W N.T.S.

BASE AND PAVEMENT DESIGN

0–400 VPD
1–1/2" OF SM–9.5A, 2" OF IM–19.0, 6" 21A BASE

401–1000 VPD
2" OF SM–9.5A, 2" OF IM–19.0, 10" 21A BASE

LOT COVERAGE TABULATION

TYPE OF USE	# UNIT	MAX LOT COVERAGE %
S.F.D.	64	60%

S.F.D. ---- SINGLE FAMILY DETACHED

IMPERVIOUS AREA TABLE - POST DEVELOPMENT

TYPE OF USE	NO. OF UNITS OR TOTAL AREA	ESTIMATED IMPERVIOUS AREA ASSUME 3000 S/F (S.F.D. RES.) 0.80% x PAVED R/W
S.F.D.	64 LOTS	4.5 AC.
PAVED R/W ROADS	4.3 AC.	3.4 AC.
–	–	–
TOTAL IMPERVIOUS AREA		7.9 AC.
IMPERVIOUS RATIO		7.9 / 27.2 = 29%

COMMONWEALTH OF VIRGINIA
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1–15–2021
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CHANCELLOR RIDGE
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

NOTES AND DETAILS

DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17–SP–0660
DATE: 10–08–2018
SCALE: NONE

SHEET 2
OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\02-ND.dwg

WESLEY A. DAMERON
MARSHA DAMERON
T.M. 21L ((8)) 27
D.B.1989 PG. 590
ZONE: RU USE: RESIDENTIAL

ROBERT W. OSBORNE, JR.
T.M. 21L ((8)) 26
INST. #200600032742
ZONE: RU USE: RESIDENTIAL

JOSEPH G. HENRY
SHERRY L. HENRY
T.M. 21L ((8)) 25
INST. #200400020131
ZONE: RU USE: RESIDENTIAL

WILLIA MAE THOMPSON
T.M.21L ((8)) 24
INST. #201000016479
ZONE: RU USE: RESIDENTIAL

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LINDA RUTLEDGE
T.M.21L ((8)) 22
INST. #200600034172
ZONE: RU USE: RESIDENTIAL

CHARLES R. CRABTREE, SR.
TINA L. CRABTREE
T.M. 21L ((8)) 21
INST. #201100016962
ZONE: RU USE: RESIDENTIAL

IRVIN M. ALEX
T.M. 21L ((8)) 19
D.B. 2101 PG. 714
ZONE: RU USE: RESIDENTIAL

CHARLES F. STANLEY, TRUSTEE
CHARLES F. STANLEY TRUST
T.M. 21L ((8)) 18
INST. #201700012228
ZONE: RU USE: RESIDENTIAL

LAWRENCE J. MIMS
KELLY A. MIMS
T.M. 21L ((8)) 16
INST. #201700011889
ZONE: RU USE: RESIDENTIAL

BRANDON D. LYONS, SR.
KATHY A. LYONS
T.M. 21L ((5)) 15
D.B.1914 PG. 112
ZONE: RU USE: RESIDENTIAL

MARIANA RAMOS-
EUCEBLO J. RAMIREZ
KENIA M. RAMIREZ-RAMOS
T.M. 21L ((5)) 13
INST. #200600007385
ZONE: RU USE: RESIDENTIAL

CHRISTOPHER GOSIZK
JODY GOSIZK
T.M. 21L ((5)) 12
INST. #201700013774
ZONE: RU USE: RESIDENTIAL

DALE S. ROOP
AMANDA D. ROOP
T.M.21L ((8)) 23
INST. #200500016842
ZONE: RU USE: RESIDENTIAL

WENDY ELLIS STORAT
GREGORY M. STORAT
T.M. 21L ((8)) 20
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DOROTHY L. WALLACE
T.M. 21L ((8)) 17
INST. #200200020885
ZONE: RU USE: RESIDENTIAL

JESSICA HASSAN
CRAIG HASSAN
T.M. 21L ((5)) 14
INST. #201100015610
ZONE: RU USE: RESIDENTIAL

ERIC BARTHOLOMEW
BRANDY BARTHOLOMEW
T.M. 21L ((5)) 11
INST. #201500000975
ZONE: RU USE: RESIDENTIAL

HJD ASSOCIATES, ET AL
c/o RUCKER REALTY CORP.
T.M. 21L ((8)) A
BOOK 7 PG. 595
ZONE: RU USE: VACANT
PARCEL A

PATRICK BOOKOUT
T.M. 21 ((10)) 3
INST. #200300050422
ZONE: RU USE: VACANT

STONEHENGE DRIVE

STERLING DR. S.R. 1718

WALES DRIVE
50' R/W
S.R. 1784

EX. 8" WATER LINE

ASHLEIGH PARK
SECTION 9
P.F. 7 PG. 596

ASHLEIGH PARK
SECTION 5
P.F. 7 PG. 587

EX. 30' VEPCO ESM'T.
D.B. 1300 PG. 158 (TO BE VACATED)

S10°18'56"E 2656.79

UTILITY POLE (TYP.)

ELEC. TRANS.

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
T.M. 21 ((10)) 1
T.M. 21 ((10)) 2
ZONE: RU
39.0003 AC.

POTENTIAL SMALL WHORLED POGONIA HABITAT

WETLANDS

N17°05'53"E 155.30

327.83'

N30°55'15"E 997.26

SHERRIE L. KIPPS, TRUSTEE
INST. #201300001257
T.M. 11 ((A)) 25B7
ZONE: RU USE: VACANT

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 2
LR #200600036895

N65°53'08"W 342.00

N31°12'37"E 450.74

EXIST. WELL
(APPROX. LOC.)

EXISTING HOUSE

EXISTING DRAINFIELD

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 1
LR #200600036895

N17°38'59"W 1118.49

HOPE A. SULLIVAN
TAX MAP 21 ((A)) 145
D.B. 1464 PG. 441
W.B. 144A PG. 833
WI #200701000712
ZONE: RU USE: FARM

HOPE A. SULLIVAN
T.M. 21 ((A)) 143
WI #200701000712
ZONE: RU USE: VACANT

OLD PLANK ROAD
S.R. 610
30' PRESCRIPTIVE EASEMENT & VAR. R/W
SPEED LIMIT 45 MPH
0.26 MI. TO ASHLEIGH PARK BLVD.

NORRIS L. HOUCK
T.M. 21 ((A)) 121
D.B. 787 PG. 799

S74°47'28"W 500.00

FIELD TOPO BOUNDARY

UNDERGROUND MARKER

H.H.

ELEC. PED.

PATRICIA A. McGHEE
T.M. 21-1-4
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-1-3
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-118
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-117
INST. NO. 201100000606

N17°39'15"W 299.21

S75°04'05"W 149.98

MATTHEW B MILLER
TAX MAP 21 ((A)) 142A
LR #200500023423
ZONE: RU USE: VACANT

337.15 TO S.R. 674

MILLER BROTHERS LLC
T.M. 21 ((A)) 144
LR #20070010740
ZONE: RU
USE: RESIDENTIAL

CHANCELLOR RD.
S.R. 674
30' PRESCRIPTIVE
ESM'T. & VAR. R/W

SURVEY NOTES

1. NO TITLE REPORT FURNISHED.
2. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS PLAN DOES NOT REPRESENT THAT ALL EXISTING UTILITIES ARE SHOWN OR THAT THOSE SHOWN ARE LOCATED CORRECTLY.
4. SULLIVAN, DONAHOE, & INGALLS DOES NOT CERTIFY AS TO THE LOCATION OF ANY UNDERGROUND UTILITIES.
5. TOPOGRAPHIC INFORMATION BASED ON SPOTSYLVANIA COUNTY GIS . DATED 2008.
6. MERIDIAN IS VIRGINIA STATE PLANE N.A.D. 1983. BOUNDARY BASED ON SURVEY BY THIS FIRM DATED OCTOBER 23, 2014.

WETLANDS

WETLANDS DELINEATION AND LOCATION PER PRELIMINARY ENVIRONMENTAL ASSESSMENT BY SANTEC DATED SEPTEMBER 18, 2014

LEGEND:

APPROXIMATE WETLAND LIMITS

APPROXIMATE STREAM CHANNEL LIMITS

100' 0 100' 200'
GRAPHIC SCALE

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVAL
Lic. No. 24835
1-15-2021
PROFESSIONAL ENGINEER

DATE	REVISIONS
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TELEPHONE 540-898-5878

SDI

CHANCELLOR RIDGE
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

EXISTING CONDITIONS

DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17-SP-0660
DATE: 10-08-2018
SCALE: 1" = 100'

SHEET 3
OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\03-EX.dwg

WESLEY A. DAMERON
MARSHA DAMERON
T.M. 21L ((8)) 27
D.B.1989 PG. 590
ZONE: RU USE: RESIDENTIAL

ROBERT W. OSBORNE, JR.
T.M. 21L ((8)) 26
INST. #200600032742
ZONE: RU USE: RESIDENTIAL

JOSEPH G. HENRY
SHERRY L. HENRY
T.M. 21L ((8)) 25
INST. #200400020131
ZONE: RU USE: RESIDENTIAL

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T.M.21L ((8)) 24
INST. #201000016479
ZONE: RU USE: RESIDENTIAL

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AMANDA D. ROOP
T.M.21L ((8)) 23
INST. #200500016842
ZONE: RU USE: RESIDENTIAL

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LINDA RUTLEDGE
T.M.21L ((8)) 22
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TINA L. CRABTREE
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GREGORY M. STORAT
T.M. 21L ((8)) 20
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ZONE: RU USE: RESIDENTIAL

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CRAIG HASSAN
T.M. 21L ((5)) 14
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EUCEBLO J. RAMIREZ
KENIA M. RAMIREZ-RAMOS
T.M. 21L ((5)) 13
INST. #200600007385
ZONE: RU USE: RESIDENTIAL

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JODY GOSIZK
T.M. 21L ((5)) 12
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ZONE: RU USE: RESIDENTIAL

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BRANDY BARTHOLOMEW
T.M. 21L ((5)) 11
INST. #201500000975
ZONE: RU USE: RESIDENTIAL

HJD ASSOCIATES, ET AL
c/o RUCKER REALTY CORP.
T.M. 21L ((8)) A
BOOK 7 PG. 595
ZONE: RU USE: VACANT
PARCEL A

PATRICK BOOKOUT
T.M. 21 ((10)) 3
INST. #200300050422
ZONE: RU USE: VACANT

STONEHENGE DRIVE

STERLING DR. S.R. 1718

WALES DRIVE
50' R/W

S.R. 1784

EX. 8" WATER LINE

ASHLEIGH PARK
SECTION 9
P.F. 7 PG. 596

ASHLEIGH PARK
SECTION 5
P.F. 7 PG. 587

EX. 30' VEPCO ESM'T.
D.B. 1300 PG. 158 (TO BE VACATED)

S10°18'56"E 2656.79

UTILITY POLE (TYP.)

ELEC. TRANS.

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
T.M. 21 ((10)) 1
T.M. 21 ((10)) 2
ZONE: RU
39.0003 AC.

POTENTIAL SMALL WHORLED POGONIA HABITAT

WETLANDS

N10°18'56"W 544.66'

N21°05'52"E 155.30'

N40°07'31"W 313.78'

327.83'

PROPOSED REZONE AREA : PDH-4
27.1643 AC.

N69°10'55"E 214.78'

PROPOSED ZONING DIST. LINE

N3°33'20"W 155.28'

N11°45'18"W 231.80'

N80°18'23"W 27.41'

R=57.00'
L=129.26'

REMAINDER
11.8360 AC.
(NOT PART OF REZONE)

EXIST. WELL
(APPROX. LOC.)

EXISTING HOUSE

EXISTING DRAINFIELD

N42°22'28"E 225.01'

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 2
LR #200600036895

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 1
LR #200600036895

N3°12'37"E 453.74'

N17°38'59"W 1118.49

N00°55'15"E 997.28'

665.43'

N65°35'08"W 342.00'

SHERRIE L. KIPPS, TRUSTEE
T.M. 11 ((A)) 29
INST. #201300001267
ZONE: RU USE: VACANT

HOPE A. SULLIVAN
T.M. 21 ((A)) 143
WI #200701000712
ZONE: RU USE: VACANT

HOPE A. SULLIVAN
TAX MAP 21 ((A)) 145
W.B. KKK PG. 433
D.B. 1464 PG. 441
WI #200701000712
ZONE: RU USE: FARM

MATTHEW B MILLER
TAX MAP 21 ((A)) 142A
LR #200500023423
ZONE: RU USE: VACANT

MILLER BROTHERS LLC
T.M. 21 ((A)) 144
LR #200700010740
ZONE: RU
USE: RESIDENTIAL

N17°39'15"W 299.21'

S75°54'05"W 149.98'

337.15' TO S.R. 674

UNDERGROUND MARKER

TEL. PED.

H.H.

FIELD TOPO BOUNDARY

S74°47'28"W 500.00'

OLD PLANK ROAD
S.R. 610
30' PRESCRIPTIVE EASEMENT & VAR. R/W
SPEED LIMIT 45 MPH
0.26 MI. TO ASHLEIGH PARK BLVD.

CHANCELLOR RD.
S.R. 674
30' PRESCRIPTIVE
ESM'T. & VAR. R/W

NORRIS L. HOUCK
T.M. 21 ((A)) 121
D.B. 787 PG. 799

PATRICIA A. McGHEE
T.M. 21-1-4
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-1-3
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-118
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-117
INST. NO. 201100000606

SURVEY NOTES

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2. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS PLAN DOES NOT REPRESENT THAT ALL EXISTING UTILITIES ARE SHOWN OR THAT THOSE SHOWN ARE LOCATED CORRECTLY.
4. SULLIVAN, DONAHOE, & INGALLS DOES NOT CERTIFY AS TO THE LOCATION OF ANY UNDERGROUND UTILITIES.
5. TOPOGRAPHIC INFORMATION BASED ON SPOTSYLVANIA COUNTY GIS . DATED 2008.
6. MERIDIAN IS VIRGINIA STATE PLANE N.A.D. 1983. BOUNDARY BASED ON SURVEY BY THIS FIRM DATED OCTOBER 23, 2014.

WETLANDS

WETLANDS DELINEATION AND LOCATION PER PRELIMINARY ENVIRONMENTAL ASSESSMENT BY SANTEC DATED SEPTEMBER 18, 2014

LEGEND:

APPROXIMATE WETLAND LIMITS

APPROXIMATE STREAM CHANNEL LIMITS

100' 0 100' 200'
GRAPHIC SCALE

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVAL
Lic. No. 24835
1-15-2021
PROFESSIONAL ENGINEER

DATE	REVISIONS
02-05-19	PER COUNTY COMMENTS
06-17-19	PER COUNTY COMMENTS
03-18-20	PER COUNTY COMMENTS
08-27-20	PER COUNTY COMMENTS
01-15-21	PER P.C. MEETING

SULLIVAN DONAHOE & INGALLS
SDI
ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

CHANCELLOR RIDGE

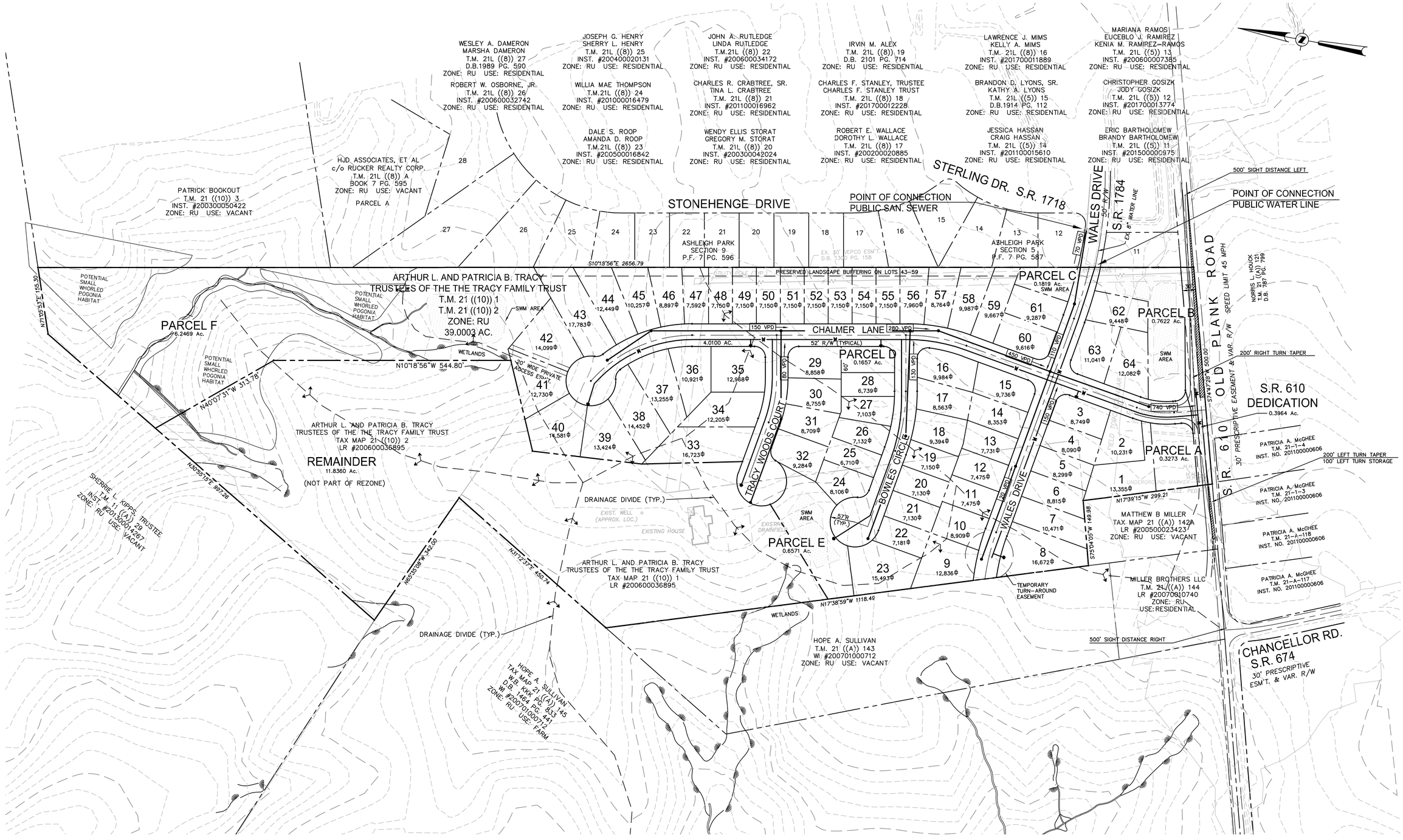
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

REZONING AREA BOUNDARY EXHIBIT

DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17-SP-0660
DATE: 10-08-2018
SCALE: 1" = 100'

SHEET 4
OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\04-RZ.dwg



SWM NOTES

1. STORMWATER MANAGEMENT FOR THIS PROJECT FOR WATER QUALITY AND QUANITY WILL BE PROVIDED PER STATE CODE 9VAC25-870-60.
2. A VSMP PERMIT WILL BE REQUIRED FOR THIS PROJECT PER STATE CODE 9VAC25-880-70.
3. CHANNEL PROTECTION AND FLOOD PROTECTION SHALL BE CHECKED FOR ADEQUATE OUTFALL IN TERMS OF NON-EROSIVE 1-YR STORM FLOWS IN EXISTING CHANNELS AND FOR FLOOD IN TERMS OF POST DEVELOPMENT 10-YEAR STORM TO STILL BE CONTAINED WITHIN THE CONFINES OF THE EXISTING DRAINAGE WAYS.

WATER QUALITY CALCULATIONS

SITE AREA = 27.1643 AC.
IMPERVIOUS = 7.9 AC. (29.1%)
TOTAL PHOSPHOROUS (TP) = 25.3 lbs/yr
TP REDUCTION REQUIRED = 9.3 lbs/yr (37%+/-)

WATER QUALITY CALCULATIONS DONE USING RUNOFF REDUCTION METHOD (RRM) SPREADSHEET AND ARE PRELIMINARY AND DO NOT PROVIDE SPECIFIC BMP DESIGNS OR CALCULATIONS. CALCULATIONS ARE FOR GDP/REZONING PURPOSES ONLY

WETLANDS

WETLANDS DELINEATION AND LOCATION PER PRELIMINARY ENVIRONMENTAL ASSESSMENT BY STANTEC DATED SEPTEMBER 18, 2014

PHASING PLAN

THIS SUBDIVISION WILL BE DEVELOPMENT IN ONE SECTION.

FIRE FLOW NOTE

ADEQUATE FIRE FLOW PER D.S.M. WILL BE CONFIRMED AT FINAL SITE PLAN. OFF-SITE CONNECTION(S) WILL BE MADE, IF NECESSARY.

ACCESS RESTRICTION - S.R. 610

NO PARCELS SHALL HAVE DIRECT ACCESS TO S.R. 610, OLD PLANK ROAD

PARCELS "A" THRU "F"

PARCELS "A" THRU "F" (COMMON AREAS) ARE TO BE OWNED AND MAINTAINED BY AN HOA.

AREA SUMMARY

AREA IN 64 LOTS	14.4168 AC.
AREA IN STREETS	4.0100 AC.
AREA IN PARCELS A-F (OPEN)	8.3411 AC.
AREA IN S.R. 610 DEDICATION	0.3964 AC.
TOTAL AREA	27.1643 AC.

PRESERVATION BUFFER NOTE

DURING THE DEVELOPMENT OF CHANCELLOR RIDGE, THE NATURAL VEGETATION ALONG THE REAR OF LOTS 43 THRU 59 SHALL BE MAINTAINED FOR A MINIMUM 15' IN WIDTH TO PROVIDE A BUFFER TO CONSTRUCTION ACTIVITIES. THIS BUFFER MAY BE MODIFIED BY THE INDIVIDUAL LOT OWNERS, FOLLOWING OCCUPANCY OF THE INDIVIDUAL LOTS.

100' 0 100' 200'
GRAPHIC SCALE

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVAL
Lic. No. 24835
PROFESSIONAL ENGINEER
1-15-2021

DATE	REVISIONS
02-05-19	PER COUNTY COMMENTS
06-17-19	PER COUNTY COMMENTS
03-18-20	PER COUNTY COMMENTS
08-27-20	PER COUNTY COMMENTS
01-15-21	PER P.C. MEETING

SDI SULLIVAN DONAHOE & INGALLS
ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

CHANCELLOR RIDGE
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

GENERAL LAYOUT AND UTILITY PLAN

DES/DRFT:	RGF/MBD
CHECKED:	KLO
APPROVED:	RHF
JOB NO.:	17-SP-0660
DATE:	10-08-2018
SCALE:	1" = 100'

SHEET 5 OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\05-LY.dwg

WESLEY A. DAMERON
MARSHA DAMERON
T.M. 21L ((8)) 27
D.B.1989 PG. 590
ZONE: RU USE: RESIDENTIAL

ROBERT W. OSBORNE, JR.
T.M. 21L ((8)) 26
INST. #200600032742
ZONE: RU USE: RESIDENTIAL

JOSEPH G. HENRY
SHERRY L. HENRY
T.M. 21L ((8)) 25
INST. #200400020131
ZONE: RU USE: RESIDENTIAL

WILLIA MAE THOMPSON
T.M.21L ((8)) 24
INST. #201000016479
ZONE: RU USE: RESIDENTIAL

DALE S. ROOP
AMANDA D. ROOP
T.M.21L ((8)) 23
INST. #200500016842
ZONE: RU USE: RESIDENTIAL

JOHN A. RUTLEDGE
LINDA RUTLEDGE
T.M.21L ((8)) 22
INST. #200600034172
ZONE: RU USE: RESIDENTIAL

CHARLES R. CRABTREE, SR.
TINA L. CRABTREE
T.M. 21L ((8)) 21
INST. #201100016962
ZONE: RU USE: RESIDENTIAL

WENDY ELLIS STORAT
GREGORY M. STORAT
T.M. 21L ((8)) 20
INST. #200300042024
ZONE: RU USE: RESIDENTIAL

IRVIN M. ALEX
T.M. 21L ((8)) 19
D.B. 2101 PG. 714
ZONE: RU USE: RESIDENTIAL

CHARLES F. STANLEY, TRUSTEE
CHARLES F. STANLEY TRUST
T.M. 21L ((8)) 18
INST. #201700012228
ZONE: RU USE: RESIDENTIAL

ROBERT E. WALLACE
DOROTHY L. WALLACE
T.M. 21L ((8)) 17
INST. #200200020885
ZONE: RU USE: RESIDENTIAL

LAWRENCE J. MIMS
KELLY A. MIMS
T.M. 21L ((8)) 16
INST. #201700011889
ZONE: RU USE: RESIDENTIAL

BRANDON D. LYONS, SR.
KATHY A. LYONS
T.M. 21L ((5)) 15
D.B.1914 PG. 112
ZONE: RU USE: RESIDENTIAL

JESSICA HASSAN
CRAIG HASSAN
T.M. 21L ((5)) 14
INST. #201100015610
ZONE: RU USE: RESIDENTIAL

MARIANA RAMOS
EUCEBLO J. RAMIREZ
KENIA M. RAMIREZ-RAMOS
T.M. 21L ((5)) 13
INST. #200600007385
ZONE: RU USE: RESIDENTIAL

CHRISTOPHER GOSIZK
JODY GOSIZK
T.M. 21L ((5)) 12
INST. #201700013774
ZONE: RU USE: RESIDENTIAL

ERIC BARTHOLOMEW
BRANDY BARTHOLOMEW
T.M. 21L ((5)) 11
INST. #201500000975
ZONE: RU USE: RESIDENTIAL

PATRICK BOOKOUT
T.M. 21 ((10)) 3
INST. #200300050422
ZONE: RU USE: VACANT

HJD ASSOCIATES, ET AL
c/o RUCKER REALTY CORP.
T.M. 21L ((8)) A
BOOK 7 PG. 595
ZONE: RU USE: VACANT
PARCEL A

STONEHENGE DRIVE

STERLING DR. S.R. 1718

WALES DRIVE
50' R/W
S.R. 1784

ASHLEIGH PARK
SECTION 9
P.F. 7 PG. 596

ASHLEIGH PARK
SECTION 5
P.F. 7 PG. 587

S10°18'56"E 2656.79

POTENTIAL SMALL WHORLED POGONIA HABITAT

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
T.M. 21 ((10)) 1
T.M. 21 ((10)) 2
ZONE: RU
39.0003 AC.

PARCEL F
OPEN SPACE

WETLANDS

N71°05'53"E 155.30

N10°18'56"W 544.80'

N40°07'31"W 313.78'

PARCEL C
OPEN SACE

CHALMER LANE

PARCEL D
OPEN SPACE

PARCEL B
OPEN SPACE

OLD PLANK ROAD
S.R. 610
30' PRESCRIPTIVE EASEMENT & VAR. R/W
SPEED LIMIT 45 MPH

S74°47'28"W 900.00'

NORRIS L. HOUCK
T.M. 21 ((A)) 121
D.B. 787 PG. 799

PARCEL A
OPEN SPACE

TRACY WOODS COURT

BOWLES CIRCLE

WALES DRIVE

PARCEL E
OPEN SPACE

57'R
(TYP.)

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 2
LR #200600036895

SHERRIE L. KIPPS, TRUSTEE
T.M. 11 ((A)) 29
INST. #201300014267
ZONE: RU USE: VACANT

N30°55'15"E 997.28

N85°58'08"W 342.00

N31°12'37"E 456.74

REMAINDER
(NOT PART OF REZONE)

EXIST. WELL
(APPROX. LOC.)

EXISTING HOUSE

EXISTING DRAINFIELD

ARTHUR L. AND PATRICIA B. TRACY
TRUSTEES OF THE THE TRACY FAMILY TRUST
TAX MAP 21 ((10)) 1
LR #200600036895

N17°39'15"W 299.21

S75°04'05"W 49.98

MATTHEW B MILLER
TAX MAP 21 ((A)) 142A
LR #200500023423
ZONE: RU USE: VACANT

PATRICIA A. McGHEE
T.M. 21-1-4
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-1-3
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-118
INST. NO. 201100000606

PATRICIA A. McGHEE
T.M. 21-A-117
INST. NO. 201100000606

MILLER BROTHERS LLC
T.M. 21 ((A)) 144
LR #20070010740
ZONE: RU
USE: RESIDENTIAL

N17°38'59"W 1118.49

WETLANDS

HOPE A. SULLIVAN
T.M. 21 ((A)) 143
W. #200701000712
ZONE: RU USE: VACANT

HOPE A. SULLIVAN
TAX MAP 21 ((A)) 145
D.B. KKK PG. 441
D.B. 465 PG. 351
W. #200701000712
ZONE: RU USE: FARM

CHANCELLOR RD.
S.R. 674
30' PRESCRIPTIVE
ESM'T. & VAR. R/W

WETLAND DELINEATION INFORMATION:

WETLAND BOUNDARIES BASED ON PRELIMINARY INFORMATION PROVIDED BY STANTEC CONSULTING SERVICES INC. WETLAND BOUNDARIES HAVE NOT BEEN FIELD LOCATED AND ARE FOR PLANNING PURPOSES ONLY.

LEGEND:

APPROXIMATE WETLAND LIMITS

APPROXIMATE STREAM CHANNEL LIMITS

USEABLE OPEN SPACE CALCULATIONS

TOTAL AREA	TOTAL AREA IN OPEN SPACE PARCELS	REQUIRED OPEN SPACE AREA = 30% OF TOTAL AREA	NON IMPACTED OPEN SPACE	MINIMUM NON IMPACTED OPEN SPACE	IMPACTED OPEN SPACE	NON-IMPACTED OPEN SPACE SHALL COMPRISE AT LEAST 50% OF REQUIRED OPEN SPACE AREA
27.1643	8.3411	8.15	6.98	4.07	1.36	PROVIDED : 6.98 AC > REQUIRED: 8.15 AC x 0.5 =4.08 AC

OPEN SPACE LEGEND

DENOTES NON-IMPACTED OPEN SPACE
NON-HATCHED AREAS

DENOTES IMPACTED OPEN SPACE
(SLOPES >15%, WETLAND AREAS, RPA

100' 0 100' 200'
GRAPHIC SCALE

COMMONWEALTH OF VIRGINIA
RICHARD H. FURNIVAL
Lic. No. 24835
PROFESSIONAL ENGINEER
1-15-2021

DATE	REVISIONS
02-05-19	PER COUNTY COMMENTS
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TELEPHONE 540-898-5878

CHANCELLOR RIDGE

CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

OPEN SPACE PLAN

DES/DRFT: RGF/MBD
CHECKED: KLO
APPROVED: RHF
JOB NO.: 17-SP-0660
DATE: 10-08-2018
SCALE: 1" = 100'

SHEET 6
OF 6 SHEETS

P:\Active Jobs\Chancellor Ridge 17-SP-0660\CAD\Design\GDP\Sheets\06-OS.dwg

Exhibit B

CHANCELLOR RIDGE
SPOTSYLVANIA COUNTY, VA

SB 549 PROFFER ANALYSIS

SEPTEMBER 24, 2019

PREPARED BY:

MUNICAP, INC.
PUBLIC FINANCE

CHANCELLOR RIDGE
SPOTSYLVANIA COUNTY, VA

SB 549 PROFFER ANALYSIS

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I. Introduction

The purpose of this document is to satisfy portions of the SB 549 proffer analysis requirement (as subsequently described) for the proposed Chancellor Ridge Residential Development (the "Development") and its associated residential rezoning submission. More specifically, this document addresses legislative requirements and Spotsylvania County policy related to "proffers" (a one-time voluntary monetary commitment from a property owner related to a property that is subject to rezoning) for the Development.

LEGISLATION PERTAINING TO RESIDENTIAL PROFFERS

The amended and reenacted Section 15.2-2303.4 of the Code of Virginia (the "Residential Proffer Legislation") effective after July 1, 2019, places certain limitations on proffers for residential rezoning cases filed after July 1, 2016. As stipulated by the Residential Proffer Legislation, a local government shall not require an unreasonable proffer.

The Residential Proffer Legislation designates four categories of public improvements and facilities, which are as follows:

- **Public school facility improvements:** construction of new primary and secondary public schools or expansion of existing primary and secondary schools, to include all buildings, structures, parking, and other costs directly related thereto;

- **Public safety facility improvements:** construction of new law enforcement, fire, emergency, medical, and rescue facilities or expansion of existing public facilities, to include all buildings, structures, parking and other costs directly related thereto;

- **Public park facility improvements:** construction of public parks or improvements and/or expansion of existing public parks, with "public parks" including playgrounds and other recreational facilities;

- **Public transportation facility improvements:** construction of new roads; improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards or a locality; and construction, improvement, or expansion of buildings, structures, parking, and other costs directly related to transit.

According the Residential Proffer Legislation, no public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. In addition, all proffers will be deemed unreasonable unless the proffer addresses an impact on public facilities that is specifically attributable to the proposed residential Development and for which there will not be adequate existing capacity for the proposed residential Development. The Residential Proffer Legislation also stipulates that the new residential Development or residential use must receive a direct and material benefit from a proffer made with

respect to any such public facility improvements. For this reason, proffers are not calculated in instances when the Spotsylvania County Capital Improvement Plan does not include specific public facility improvements that increase current capacity.

This document includes calculations of the projected impact of the Development on public school facility improvements, public safety facilities improvements, and public park facility improvements. A separate traffic impact analysis has been prepared that addresses impacts to public transportation facility improvements.

SB 549 PROFFER ANALYSIS

In response to the Residential Proffer Legislation, Spotsylvania County (the "County") adopted policies to ensure any required proffer meets the standards mandated by the legislation. This document focuses on the identification of potential impacts to public facility improvements resulting from the proposed Development. As subsequently discussed, calculations of proposed proffers included herein will be reviewed after the County has had the opportunity to provide comments to this document.

Subsequent sections of this document provide a detailed description of the Development and its potential impacts on public facility improvements. This document also provides a detailed explanation of the methodology employed in calculating these impacts.

II. The Development

DEVELOPMENT SUMMARY

As proposed by Old Plank Partners, LLC (the "Developer" or the "Applicant"), the Development is a residential community that includes sixty-four new, for-sale single-family detached units on a 27.20-acre site within the Chancellor Magisterial District in Spotsylvania County.

The site is mostly vacant with the exception of one single-family detached unit that will be demolished. As subsequently noted, the maximum residential Development allowed by-right under current zoning is eight single-family detached units. Accordingly, impacts herein are estimated for those units net of the eight single-family detached "by-right" units, or fifty-six for-sale single-family detached units (calculated as sixty four proposed units – eight by-right units).

THE SITE

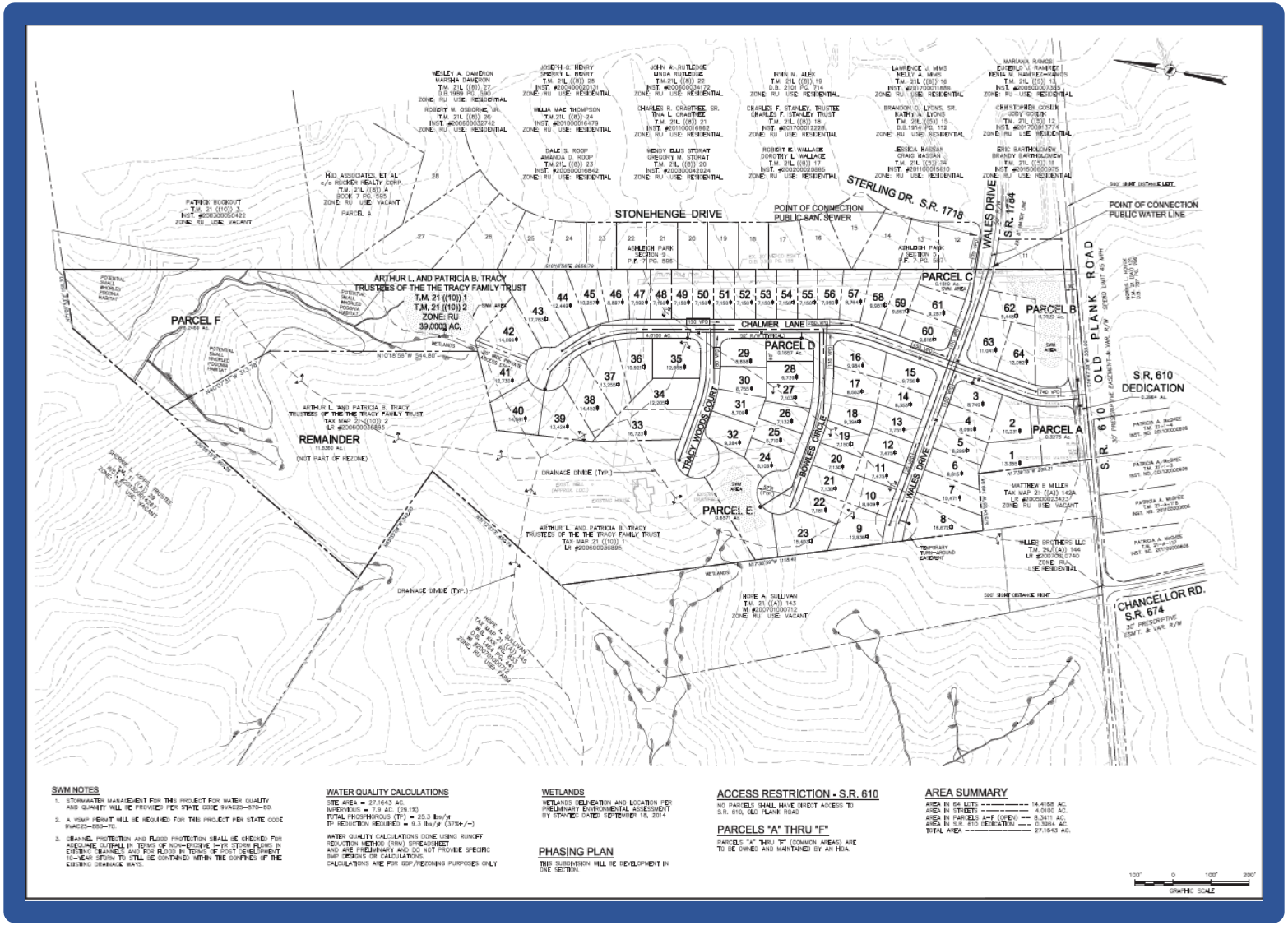
The site of the proposed Development is generally bounded by Old Plank Road to the south, wooded areas and farmland to the north and west, and existing residential Development to the east. The site includes the following GPINs:

21-10-1 21-10-2

The site (see Exhibit A) is contemplated as a Planned Development Housing District-4 ("PDH-4"). According to the Spotsylvania County Code of Ordinances (the "County Code"), PDH-4 Districts are established "to encourage innovative and creative design in the Development of land for residential and other selected secondary uses. The district regulations are designed to ensure ample provision and efficient use of open space, to promote high standards in the layout, design and construction of residential development, to promote balanced developments of mixed housing types."

The parcel comprising the Development site is currently zoned as a Rural District ("RU"), which allows for a maximum density of one dwelling unit per three acres. According to the County Code, the purpose of RU zoning is "to protect and maintain the rural character of the county and to protect and enhance the agricultural economy of the county, while providing for low density residential development in a rural setting." The Applicant seeks approval for the appropriate rezoning to facilitate the contemplated Development. As mentioned previously, the current zoning allows for the construction of eight single-family detached units at the site.

EXHIBIT A: DEVELOPMENT SITE PLAN



SWM NOTES

1. STORMWATER MANAGEMENT FOR THIS PROJECT FOR WATER QUALITY AND QUANTITY WILL BE PROVIDED PER STATE CODE 9VAC25-870-93.
2. A VSMP PERMIT WILL BE REQUIRED FOR THIS PROJECT PER STATE CODE 9VAC25-850-70.
3. CHANNEL PROTECTION AND FLOOD PROTECTION SHALL BE CHECKED FOR ADEQUATE OUTFALL IN TERMS OF NON-EROSIVE 1-YR STORM FLOWS IN EXISTING CHANNELS AND FOR FLOOD IN TERMS OF POST DEVELOPMENT 10-YEAR STORM TO STILL BE CONTAINED WITHIN THE CONFINES OF THE EXISTING DRAINAGE WAYS.

WATER QUALITY CALCULATIONS

SITE AREA = 27.1643 AC.
IMPERVIOUS = 7.9 AC. (29.1%)
TOTAL PHOSPHOROUS (TP) = 25.3 lbs/yr
TP REDUCTION REQUIRED = 9.3 lbs/yr (37%+/-)

WATER QUALITY CALCULATIONS DONE USING RUNOFF REDUCTION METHOD (RRM) SPREADSHEET AND ARE PRELIMINARY AND DO NOT PROVIDE SPECIFIC BMP DESIGNS OR CALCULATIONS. CALCULATIONS ARE FOR SGP/REZONING PURPOSES ONLY

WETLANDS

WETLANDS DELINEATION AND LOCATION PER PRELIMINARY ENVIRONMENTAL ASSESSMENT BY STANTEC DATED SEPTEMBER 16, 2014

PHASING PLAN

THIS SUBDIVISION WILL BE DEVELOPMENT IN ONE SECTION.

ACCESS RESTRICTION - S.R. 610

NO PARCELS SHALL HAVE DIRECT ACCESS TO S.R. 610, OLD PLANK ROAD

PARCELS "A" THRU "F"

PARCELS "A" THRU "F" (COMMON AREAS) ARE TO BE OWNED AND MAINTAINED BY AN HOA.

AREA SUMMARY

AREA IN 64 LOTS	14.4168 AC.
AREA IN STREETS	4.0100 AC.
AREA IN PARCELS A-F (OPEN)	8.3411 AC.
AREA IN S.R. 610 DEDICATION	0.3964 AC.
TOTAL AREA	27.1643 AC.

III. Public Facility Improvement Impacts

OVERVIEW

As mentioned, this document includes a calculation of public facility impacts, which are detailed in the subsequent sub-sections. Included in each section is a discussion of the methodology employed in estimating impacts. The included subsections are as follows:

- **Public school facility improvements –** In keeping with County practices, impacts are calculated collectively for elementary, middle, and high schools, and are based on projected incremental additional students that will result from the Development.

- **Public safety facility improvements –** Also in keeping with County practices, impacts are calculated for Sheriff's Department as well as Fire and Rescue services and are based on projected incremental additional residents that will result from the Development.

- **Public park facility improvements –** Impacts are based on projected incremental additional residents that will result from the Development.

A separate traffic impact analysis has been prepared that addresses impacts to public transportation.

III-A. Public School Facility Improvement Impacts

METHODOLOGY

To project impacts to public school facility improvements, MuniCap first researched the student generation factors used by Spotsylvania County Public Schools. These factors are calculated separately by school type (elementary, middle, and high school) and by unit type (single-family detached, single-family attached, and multi-family). The student generation factors are shown below in Table III-A.1.

TABLE III-A.1
Current Student Generation Factors[a]

Unit Type	*Elementary School*	*Middle School*	*High School*	*Total*
Single-family detached	0.2577	0.1307	0.1832	0.5716
Single-family attached	0.3072	0.1286	0.1453	0.5811
Multi-family	0.0940	0.0386	0.0507	0.1833

[a] Source: Spotsylvania County Planning Department.

MuniCap then applied these student generation factors to the proposed units within the Development that are in excess of Development allowed under the current zoning designation. For purposes of this exercise, it is assumed that all of the projected students are new to the County, rather than relocated from elsewhere within the Spotsylvania County Public Schools system.

Finally, MuniCap identified the schools that will be impacted by the Development based on school boundaries and researched the current capacity at each applicable school. MuniCap then determined whether the projected net student impacts represented a burden beyond current school capacity.

PROJECTED NET STUDENT IMPACTS

As previously described, the Development includes fifty-six new, single-family detached units in excess of the current zoning allowance. Based on projected Development and the student generation factors identified in Table III-A.1, the proposed Development will generate an estimated 32.0096 total students, as shown on the following page in Table III-A.2.

TABLE III-A.2
Projected Student Generation – Chancellor Ridge Development

School Type	*Units above by-right*[a]	*Unit Type*	*Generation Factor*[b]	*Total Projected Students*
Elementary	56	Single-family detached	0.2577	**14.4312**
Middle	56	Single-family detached	0.1307	**7.3192**
High	56	Single-family detached	0.1832	**10.2592**
Total	**56**		**0.5716**	**32.0096**

[a] Source: Old Plank Partners LLC.

[b] See Table III-A.1.

For purposes of this narrative, the net student impact was rounded to the nearest whole number, for a total projected net student impact of 32 additional students.

CURRENT CAPACITY OF PUBLIC SCHOOL FACILITIES

According to Spotsylvania County Commissioner of the Revenue property records, the potentially impacted County school facilities are: Wilderness Road Elementary, Chancellor Middle School, and Riverbend High School (see Exhibit B). Table III-A.3 below shows the current capacity and enrollment at each of these schools.

TABLE III-A.3
County School Facilities – Current Capacity and Enrollment

School	*Capacity*[a]	*Current Enrollment*[a]	*Excess Capacity*
Wilderness Elementary School	936	677	259
Chancellor Middle School	857	835	22
Riverbend High School[b]	1,995	1,919	76
Total	**3,788**	**3,431**	**357**

[a] Source: See Appendix A attached hereto.

[b] Based on the new Spotsylvania High School Districts. Source: August 29, 2019 communication with Executive Director of Operations at Spotsylvania County Public Schools.

Elementary School Facilities

The Development site is located within the Wilderness Elementary School boundaries (see Exhibit C). According to the Spotsylvania County Planning Department., the school has a planning capacity of 936 students and a current enrollment of 677 students, meaning that the school has excess capacity for an additional 259 students (936 - 677). Therefore, the fourteen projected elementary school students that will be located at the Development do not exceed existing capacity and do not represent an additional need for Spotsylvania County Public Schools facilities.

Middle School Facilities

The Development site is located within the Chancellor Middle School boundaries (see Exhibit D). According to Spotsylvania County Public Schools, the school has a planning capacity of 857 students and a current enrollment of 835 students, meaning that current enrollment has excess capacity of twenty-two students (857 - 835). Therefore, the seven projected middle school students that will be located at the Development do not exceed existing capacity and do not represent an additional need for Spotsylvania County Public Schools facilities.

High School Facilities

The Development site is located within the Riverbend High School boundaries (see Exhibit E). According to Spotsylvania County Public Schools redistricting plan, the school has a planning capacity of 1,995 students and a current enrollment of 1,919 students, meaning that the school has excess capacity for an additional seventy-six students (1,995 – 1,919). Therefore, the ten projected high school students that will be located at the Development do not exceed existing capacity and do not represent an additional need for Spotsylvania County Public Schools facilities.

EXHIBIT B: AREA MAP (DEVELOPMENT SITE & SCHOOL FACILITIES)

EXHIBIT C: AREA MAP (DEVELOPMENT SITE, WILDERNESS ELEMENTARY SCHOOL)

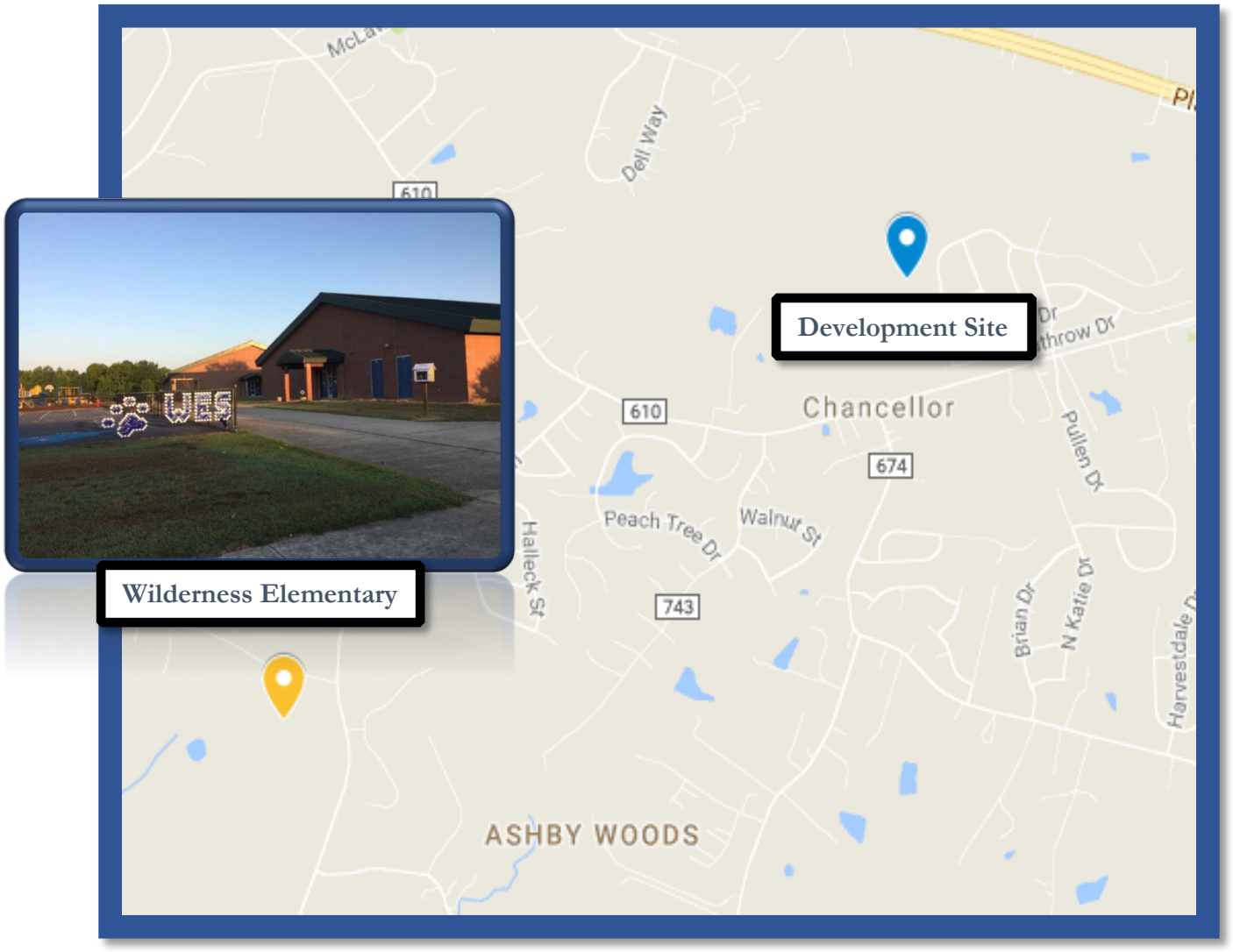


EXHIBIT D: AREA MAP (DEVELOPMENT SITE, CHANCELLOR MIDDLE SCHOOL)

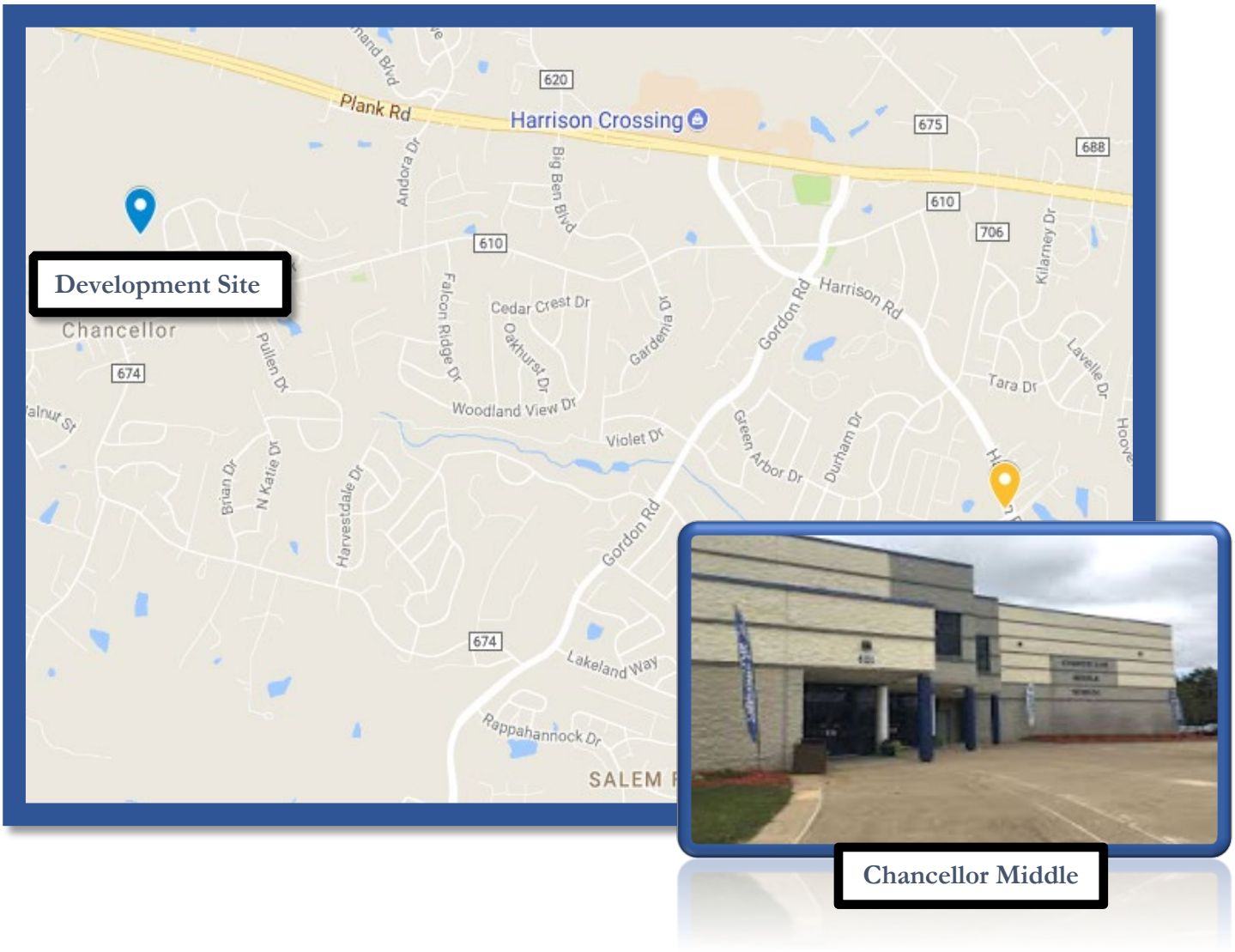
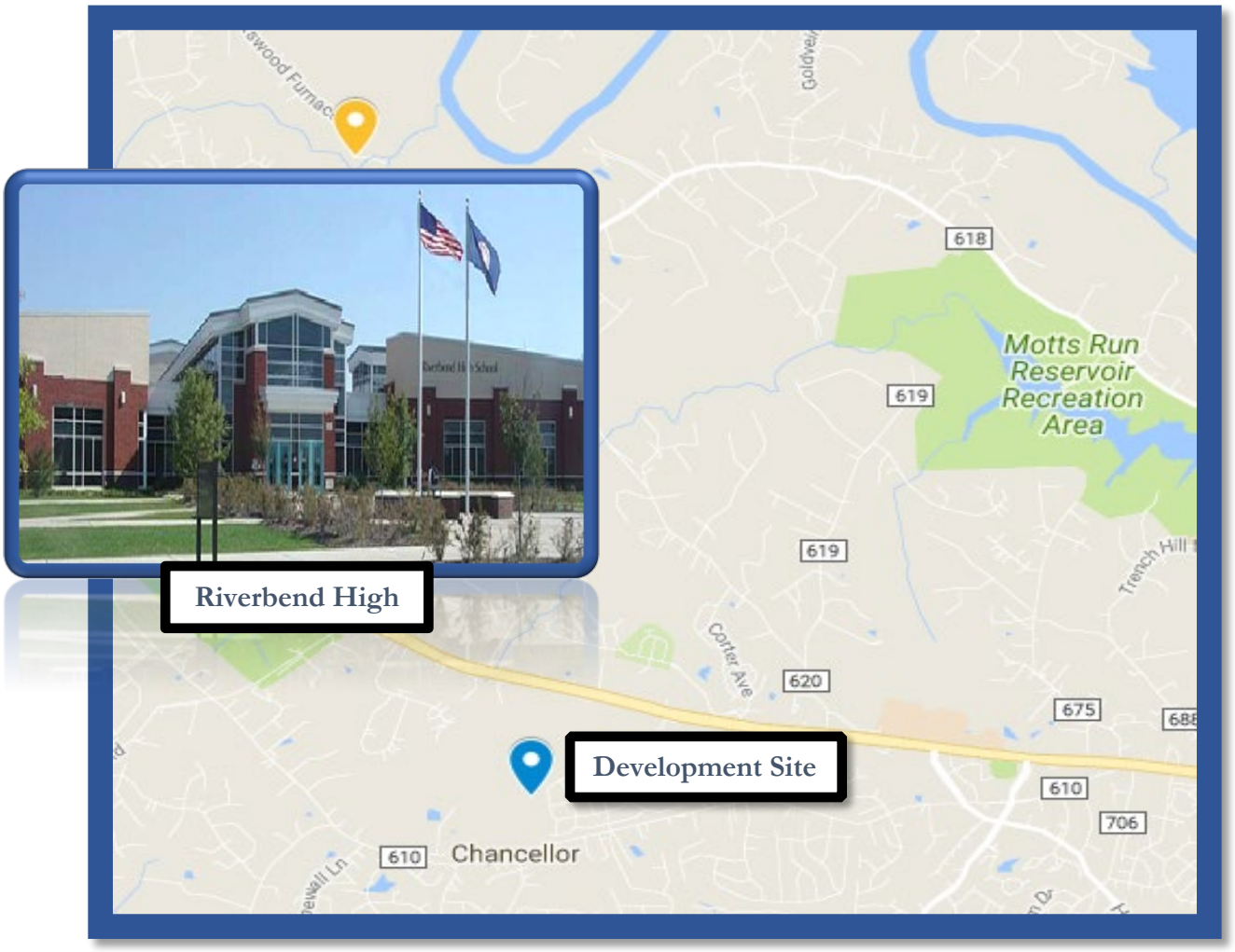


EXHIBIT E: AREA MAP (DEVELOPMENT SITE, RIVERBEND HIGH SCHOOL)



MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only provide for needs exceeding existing capacity. Proffers are calculated based on the projected needs created by projected students to be generated from the Development. Based on the estimated needs created by the projected students to be generated by the development, students allowed under proposed zoning will not create a need exceeding existing capacity, and therefore no proffer contribution for public school facilities is appropriate. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-B. Public Safety Facility Improvement Impacts

METHODOLOGY

To estimate public safety facilities, MuniCap first estimated the total population that will reside within the proposed Development based on U.S. Census Bureau data. MuniCap then applied the level of service ("LOS") standards for various public safety services as identified in the Spotsylvania County Comprehensive Plan to calculate the impact of the Development on public safety services. MuniCap then compared the existing capacity at the relevant public safety facilities to the forecasted increase in required services resulting from the proposed Development and determined whether the projected demand exceeded current capacity.

PROJECTED NET RESIDENT IMPACTS

As previously described, the Development includes fifty-six new, for-sale single-family detached units in excess of current zoning allowance. Based on the projected Development and the County's resident generation factor for single-family detached units, the proposed Development will house an estimated 171 total residents above by-right, as shown below in Table III-B.1.

TABLE III-B.1
Projected Residents – Development

Unit Type	*Units[a]*	*Residents Per Unit[b]*	*Total Projected Residents*
Proposed new single-family detached units	64	3.04	195
Less: SFD units allowed by-right	8	3.04	24
Total (above by-right)	**56**		**171**

[a] Source: Old Plank Partners, LLC.

[b] Source: Spotsylvania County Planning Department.

CURRENT CAPACITY OF PUBLIC SAFETY FACILITIES

Sheriff's Department Facilities

According to the County's Comprehensive Annual Financial Report, the Sheriff's Department received 124,105 service calls in Fiscal Year 2018, although the percentage of these calls allocated to residential properties relative to other properties is not known at the time of this writing. Based on U.S. Census data, the current County population is 133,033; the projected 171 above by-right residents generated by the Development represent an increase of 0.13% to the current resident population (calculated as 171 new residents ÷ 133,033 current residents).

The County Capital Improvement Plan does not include any improvements that increase the current capacity of Sheriff's Department facilities. Accordingly, any calculation of proffers related to Sheriff's Department facility improvements would be inappropriate, as any such proffer would not address an impact caused by or result in a direct benefit to the Development.

The Applicant will coordinate with appropriate County staff to confirm that the Development does not create an impact on Sheriff's Department facility space that exceeds current capacity and the County does not have imminent plans to increase the capacity of the facility space.

Fire and Rescue Facilities

According to the Spotsylvania County Fire Department First Due Areas 2016 map, the Development will be served by Fire Station #5, located approximately 1.9 miles from the Development site.

As provided by County staff, the County's call volume for Fiscal Year 2018 was 18,500. Based on the County's population of 133,033, the call volume per resident is 0.139 (calculated as 18,500 calls ÷ 133,033 residents). Using this call volume per resident, the 171 projected residents in units above by-right at the Development would increase overall call volume by 23.78, as shown below in Table III-B.2.

TABLE III-B.2
Projected Fire and Rescue Facility Impacts

Facility Type	*Projected Resident Impact*	*Call Volume Per Resident[a]*	*Projected Call Volume Increase*
Fire and Rescue	171	0.139	23.78

[a] Source: Spotsylvania County Planning Department.

Appendix B, attached hereto, shows that call volume capacity for Fire Station #5 is 2,500 per year, and the actual call volume for the station in Fiscal Year 2018 was 1,256, meaning the station had an excess call volume capacity of 1,256 (calculated as 2,500 – 1,256). Therefore, the estimated call volume attributable to the Development, as shown in Table III-B.2, does not represent demand in excess of current capacity for Station #5.

The County Capital Improvement Plan includes an allocation for a new Fire Training and Logistics Center, which will serve all County fire stations. This study includes a proffer based on the cost of this facility on a per capita basis, in accordance with County policy.

EXHIBIT F: AREA MAP (DEVELOPMENT SITE & SHERIFF'S DEPARTMENT FACILITY)

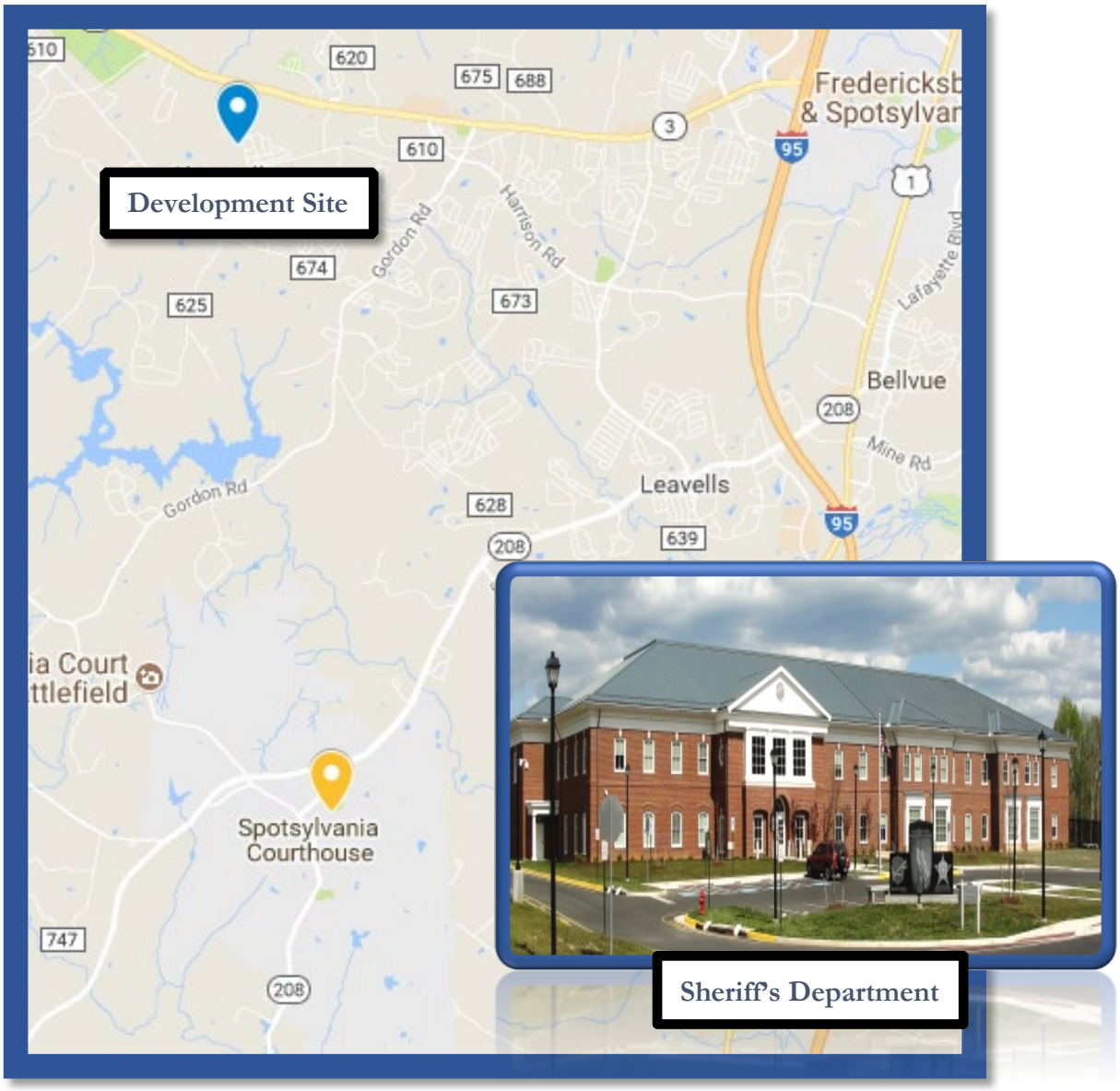
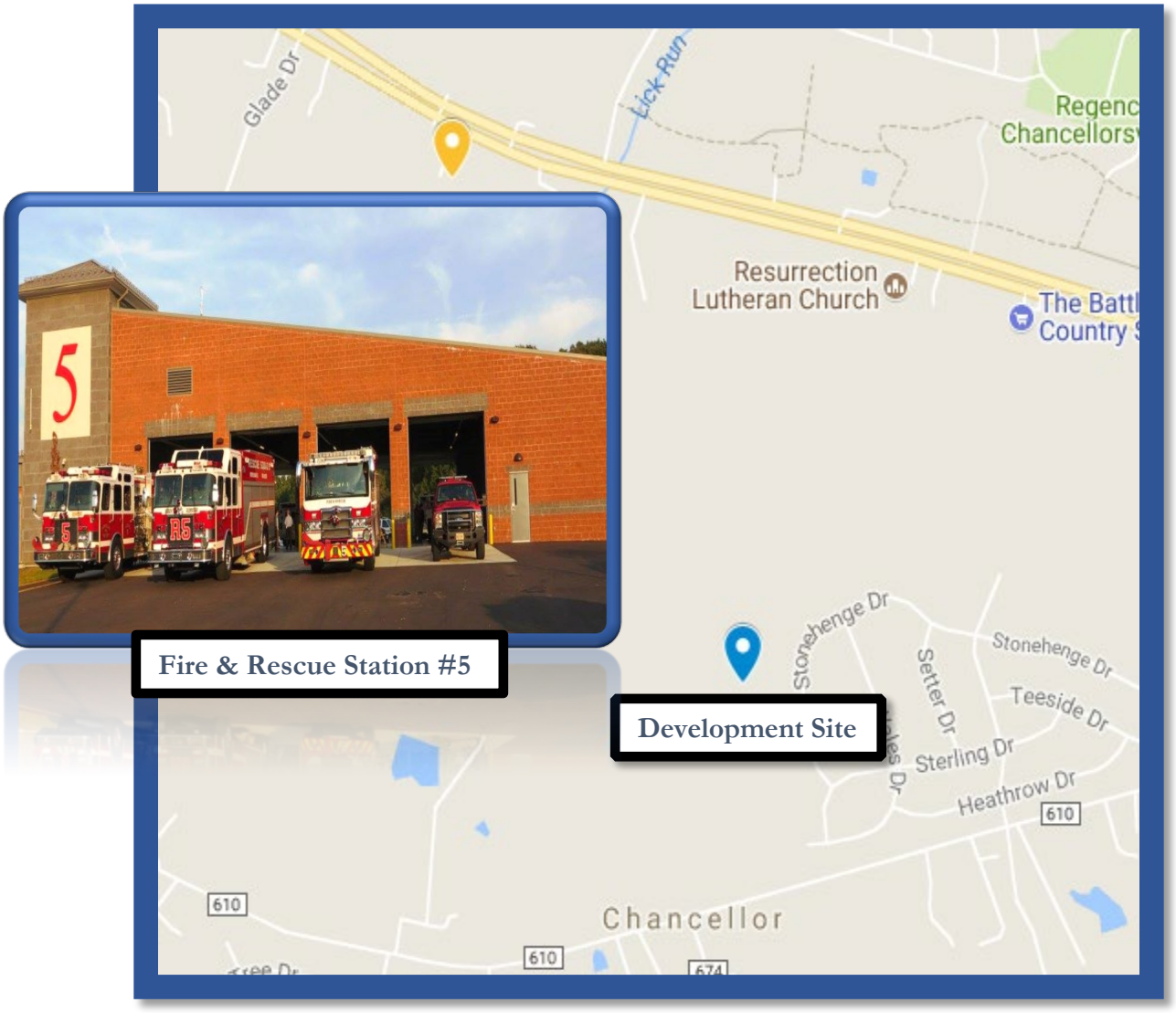


EXHIBIT I: AREA MAP (DEVELOPMENT SITE & FIRE & RESCUE STATION #5 FACILITY)



MITIGATION STRATEGIES

The County Capital Improvement Plan does not include any capital improvements to Sheriff's Department, Emergency Communications, Fire and Rescue, or Animal Control facilities that increase capacity in the Development's service area, other than the aforementioned Fire Training & Logistics Center. As such, any proffer related to such facilities would be inappropriate under the Residential Proffer Legislation.

The capital costs of the Fire Training & Logistics Center are $4,250,000. Costs are apportioned based on a per resident basis using total County population.

- The current County population is 133,033.

- The projected resident increase from all units at the Development is 195 (as shown in Table III-B.1) and the total projected County population, including the Development, is 133,228 (calculated as 133,033 current residents + 195 new residents).

- The projected resident increase from the units above by-right at the Development site is 171 (as shown in Table III-B.1) and the total projected County population, including the Development in excess of the by-right units, is 133,204 (calculated as 133,033 current residents + 171 new above by-right residents).

- The per capita cost of the Fire Training & Logistics Center is $31.90 (calculated as $4,250,000 ÷ 133,228 total projected County residents).

- The calculated costs from by-right units not attributable to Development are $765.60 (calculated as $31.90 × 24 by-right residents).

- The total estimated proffer cost for single-family residents is $6,220.54 (calculated as $31.90 × 195 total single-family detached residents).

- The total estimated proffer cost is $5,454.93 ($6,220.54 proffer cost related to single-family detached units - $765.60 costs attributable to by-right units).
- The total estimated proffer cost per single-family detached unit is $85.23 ($5,454.93 ÷ 64 units).

Table III-B.3 on the following page summarizes this information.

TABLE III-B.3
Projected Fire Training & Logistics Facility Impacts

Public Safety Facilities	
a) Total cost of new Fire Training and Logistics Center[(a)]	$4,250,000
Residents	
c) Current County residents[(b)]	133,033
d) Total projected resident increase at Development[(c)]	195
e) Total projected residents at Development above by-right[(c)]	171
f) Total projected County population (c + d)	133,228
g) Total projected County population above by-right (c + e)	133,204
Estimated Cost Per Home	
h) Estimated cost per resident (a ÷ f)	$31.90
i) By-right residents at the Development[(c)]	24
j) Costs attributable to by-right units (h × i)	**$765.60**
k) Estimated residents - single-family detached[(c)]	195
l) Estimated proffer cost related to single-family detached units (h × k)	$6,220.54
m) Percentage of total residents generated: single-family detached units (k ÷ e)	100.00%
n) Estimated costs allocable to by-right units (j × m)	$765.60
o) Estimated proffer cost: single family detached (l - n)	**$5,454.93**
p) Estimated proffer cost per single-family detached unit (o ÷ 64)	**$85.23**

[(a)] Based on cost of a new fire and rescue facility as provided in Spotsylvania County Capital Improvement Plan (FY 2020 Adopted).

[(b)] Source: Spotsylvania County *Fiscal Year 2018 Comprehensive Annual Financial Report*.

[(c)] See Table III-B.1.

After appropriate County staff has had the opportunity to review this document and provide comments, the Applicant will coordinate with the County to confirm the appropriate proffer amount necessary to mitigate the additional prorated costs of eligible public safety facility improvements. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-C. Public Parks Facility Improvement Impacts

METHODOLOGY

As with public safety facilities impacts, to project impacts on public park facilities, MuniCap first estimated the total population that will reside within the proposed Development based on U.S. Census Bureau data. MuniCap then applied the level of service standards for public parks as identified in the Spotsylvania County Comprehensive Plan to calculate the impact of the Development on public parks services. MuniCap then compared the existing capacity at the relevant public parks facilities to the forecasted increase in required services resulting from the proposed Development and determined whether the projected demand exceeded current capacity.

PROJECTED NET RESIDENT IMPACTS

As previously described, the Development includes sixty-four new, for-sale single-family detached units. Based on projected Development and the average occupancy of single-family detached residential units in the County, the proposed Development will increase the County population by an estimated 195 total residents, as shown in Table III-B.1 of the preceding section.

CURRENT CAPACITY OF PUBLIC PARKS FACILITIES

The County LOS standards for public parks and recreation as outlined in the Comprehensive Plan are shown below in Table III-C.

TABLE III-C.1
County Standards for Public Parks Facilities

Facility	Adopted LOS	Actual LOS	Applied Standard	Size (acre or SF)
Multi-Purpose Field	1 per 2000	1 per 2,088	1 per 2,088	2
Tennis Court	1 per 2000	1 per 1,355	1 per 2000	0.15
Baseball/Softball Diamond	1 per 3000	1 per 2,358	1 per 3000	2.5
Basketball Court	1 per 5000	1 per 2,449	1 per 5000	0.1
Playground	1 per 5000	> 1 per 5,000	1 per 5000	0.1
Community Center	1 per 15,000	1 per 18,193	1 per 18,193	5,696
Swimming Pool	1 per 20,000	1 per 4,898	1 per 20,000	0.5
Trails	1 mile per 1,000	1 mile per 5,585	1 mi per 5,585	n/a
Meeting Space	200 sf per 1,000	200 sf per 1,023	200 sf per 1,023	n/a

The Capital Improvement Plan includes the creation and/or expansion of the following parks facilities that are included in this analysis:

- *Belmont Park* with capital costs of $500,000 to provide two tennis/pickleball courts, a walking path, picnic shelter, parking area, and stormwater requirements; and

- *Aquatics Center* with capital costs of $9,000,000 to provide a community aquatics/recreation center.

For purposes of this analysis, these improvements are considered regional attractions and are allocated across the County population.

The Capital Improvement Plan includes additional public park facility improvements for other locations in the County. These facilities will primarily service other communities and will not directly benefit the residents at the Development. Accordingly, this analysis does not consider these park facility improvements.

MITIGATION STRATEGIES

Any proffer related to public parks must only mitigate the costs reasonably attributable to increase in population.

In the case of aforementioned public park improvements:

- Total estimated capital costs are $9,500,000.

- The parks are considered to be of County-wide benefit. Therefore, costs are apportioned among the County's current and projected resident population.

- The current County population is 133,033.

- The projected resident increase from all units at the Development is 195 (as shown in Table III-B.1) and the total projected County population, including the Development, is 133,228 (calculated as 133,033 current residents + 195 new residents).

- The projected resident increase from the units above by-right at the Development site is 171 (as shown in Table III-B.1) and the total projected County population, including the Development in excess of the by-right units, is 133,204 (calculated as 133,033 current residents + 171 new above by-right residents).

- The per capita cost of the park improvements is $71.31 (calculated as $9,500,000 ÷ 133,228 total projected County residents).

- The calculated costs from by-right units not attributable to Development are $1,711.44 (calculated as $71.31 × 24 by-right residents).

- The estimated cost for single-family detached residents is $13,905.45 (calculated as $71.31 × 195 total single-family detached residents).

- Accordingly, this proffer amount was reduced by the allocable by-right costs, not attributable to the Development, of $1,711.44.

- The total proffer cost for single-family detached units is $12,194.01 ($13,905.45 estimated cost for single-family detached residents - $1,711.44 by-right costs allocable to single-family detached residents).

- The total proffer cost per single-family detached unit is $190.53 ($12,194.01 ÷ 64 units).

This information is summarized in Table III-C.2, below.

TABLE III-C.2
Projected Proffer Costs – Public Parks Facility Improvements

Public Park Facilities	
a) Total cost of new public park facilities[(a)]	$ 9,500,000
Residents	
b) Current County residents[(b)]	133,033
c) Total projected resident increase at Development[(c)]	195
d) Total projected residents at Development above by-right[(c)]	171
e) Total projected County population (b + c)	133,228
f) Total projected County population above by-right (b + d)	133,204
Estimated Cost Per Home	
g) Estimated cost per resident (a ÷ e)	$71.31
h) By-right residents at the Development[(c)]	24
i) Costs attributable to by-right units (g x h)	**$1,711.44**
j) Estimated residents - single-family detached[(c)]	195
k) Estimated proffer cost related to single-family detached units (g × j)	$13,905.45
l) Percentage of total residents generated: single-family detached units (j ÷ c)	100%
m) Estimated costs allocable to by-right units (i × l)	$1,711.44
n) Estimated proffer cost: single-family detached (k - m)	**$12,194.01**
o) Estimated proffer cost per single-family detached unit (n ÷ 64 units)[(d)]	**$190.53**

[(a)] Based on cost of a new public park facility as provided in Spotsylvania County Capital Improvement Plan (FY 2020 Adopted).

[(b)] Source: U.S. Census Bureau.

[(c)] See Table III-B.1.

[(d)] Source: Old Plank Partners LLC.

The Applicant will coordinate with appropriate County staff after they have had the opportunity to review this document and provide comments. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-D. Public Transportation Facility Improvement Impacts

METHODOLOGY

A separate traffic impact analysis has been prepared that addresses impacts to public transportation facility improvements.

IV. Conclusions

SUMMARY OF ANALYSIS

Based on MuniCap's analysis, the estimated cash proffer that may be collected from the Development is as shown below in Table IV-A.

TABLE IV-A
Summary of Analysis

Public Facilities	*Estimated Proffer*
a) Public school facilities cost per unit[(a)]	**$0.00**
b) Public safety facilities cost per unit[(b)]	**$85.23**
c) Public parks facilities cost per unit[(c)]	**$190.53**
d) Public transportation facilities	N.A.
e) Estimated Total Projected Cash Proffer per Unit (a + b + c)	**$275.76**
f) Estimated Total Development Projected Cash Proffer (e × 64 units)	**$17,648.91**

[(a)] See page 13.

[(b)] See Table III-B.3.

[(c)] See Table III-C.2.

ASSUMPTIONS AND LIMITATIONS

The preceding narrative provides projections of impacts to public facility improvements as mandated by the Residential Proffer Legislation. This narrative is being submitted for review and comment by appropriate County staff. Upon receipt of such review and commentary, the Applicant will augment this submission with specific mitigation strategies as appropriate.

This narrative does not contemplate public transportation facility improvement impacts, which has been addressed in a separate transit impact analysis.

In preparation of this narrative, MuniCap relied on multiple sources for the information presented and used herein. While these sources are believed to be reliable, MuniCap has not undertaken any efforts to independently verify the veracity of any such information.

While the methodology employed and the content provided herein are believed to be consistent with applicable law, including the Residential Proffer Legislation, none of the statements in this document should be construed as legal advice.

Spotsylvania County School Enrollment and Capacity

School	Enrollment*	Total Capacity	Remaining Capacity		Future New Students	Enrollment w/New		**Projected Capacity/Deficiency
Battlefield Elementary	655	833	178		5	660		173
Berkeley Elementary	295	353	58		11	306		47
Brock Road Elementary	665	907	242		166	831		76
Cedar Forest Elementary	740	936	196		160	900		36
Chancellor Elementary	463	455	-8		132	595		-140
Courthouse Road Elementary	812	907	95		10	822		85
Courtland Elementary	535	789	254		57	592		197
Harrison Road Elementary	783	936	153		0	783		153
Lee Hill Elementary	662	807	145		29	691		116
Livingston Elementary	408	504	96		27	435		69
Parkside Elementary	867	936	69		673	1540		-604
Riverview Elementary	624	907	283		621	1245		-338
Robert E. Lee Elementary	508	585	77		316	824		-239
Salem Elementary	645	815	170		25	670		145
Smith Station Elementary	642	986	344		0	642		344
Spotswood Elementary	568	641	73		29	597		44
Wilderness Elementary	677	936	259		38	715		221
Countywide Elementary	**10549**	**13233**	**2684**		**2300**	**12849**		**384**
Battlefield Middle	837	807	-30		40	877		-70
Chancellor Middle	835	857	22		32	867		-10
Freedom Middle	815	948	133		15	830		118
Ni River Middle	707	774	67		144	851		-77
Post Oak Middle	688	948	260		19	707		241
Spotsylvania Middle	934	907	-27		562	1496		-589
Thornburg Middle	730	790	60		338	1068		-278
Countywide Middle	**5546**	**6031**	**485**		**1150**	**6696**		**-665**
Gates Program	36	90	54		0	36		54
Chancellor High	1288	1427	139		30	1318		109
Courtland High	1176	1265	89		173	1349		-84
Massaponax High	2017	1830	-187		844	2861		-1031
Riverbend High	1919	1995	76		231	2150		-155
Spotsylvania High	1143	1611	468		176	1319		292
Countywide High	**7579**	**8218**	**639**		**1454**	**9033**		**-815**
TOTAL	**23674**							

*Final School Enrollment as of 10/1/2018

**Based on current school district boundaries

Source: Spotsylvania County

Spotsylvania County Fire & Rescue Call Volume Capacity

		Current			Future		
Fire & Rescue Station	Capacity	Annual Call Volume* (July 1, 2017 - June 30, 2018)	Volume vs Capacity	% Residential Calls	New Calls	Volume w/new	Volume w/new vs Capacity
1	2500	1847	653	61%	757	2604	-104
2	2500	826	1674	69%	4	830	1670
3	2500	565	1935	74%	18	583	1917
4	2500	4001	-1501	36%	972	4973	-2473
5	2500	1256	1244	68%	353	1609	891
6	2500	3902	-1402	48%	72	3974	-1474
7	2500	945	1555	67%	223	1168	1332
8	2500	1195	1305	39%	423	1618	882
9	2500	534	1966	71%	40	574	1926
10	2500	1425	1075	83%	25	1450	1050
11	2500	1741	759	64%	1108	2849	-349
Total	**27500**	**18237**	**9263**	**62%**	**3994**	**22231**	**5269**
Population		133033	July 1, 2017 Census Estimate				

*call volume does not include mutual aid to surrounding jurisdictions

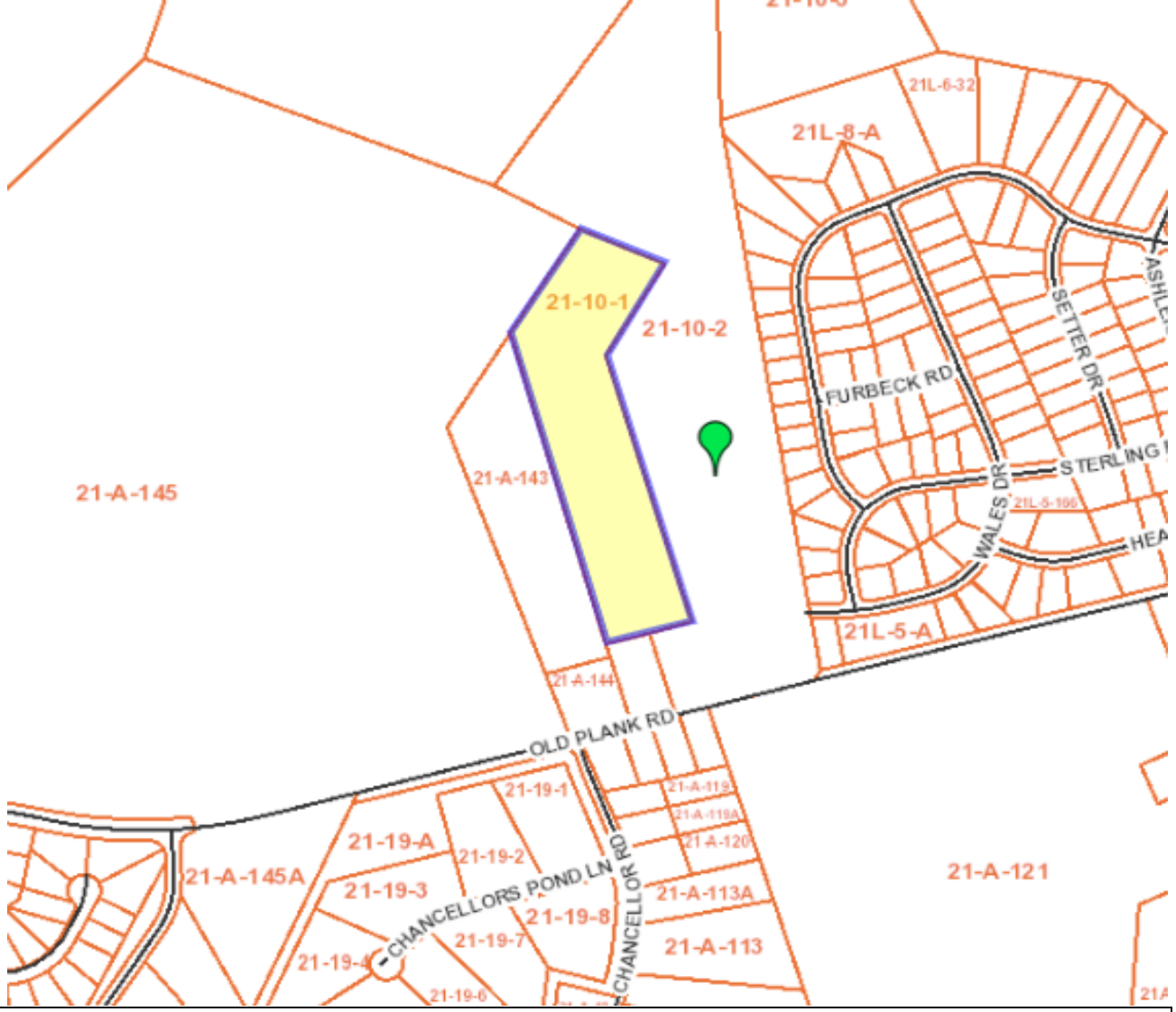
Source: Spotsylvania County

PROJECT SUMMARY

PLANNING DEPARTMENT
SPOTSYLVANIA COUNTY, VIRGINIA

REZONING

Application#: **R18-0010**
Date Submitted: **10/30/2018**
Case Planner: **LEON HUGHES**



Project Name: **Chancellor Ridge**			
Applicant: **Old Plank Partners LLC; 1105 Roan Lane; Alexandria, Va 22301** Wk: **703-898-6486**			
Owner: **Arthur L & Patricia B Tracy Tr The Tracy Family Trust 9/26/0; 7613 Old Plank Rd; Fredericksburg, VA 22407-8613** Wk:			
Plan Preparer: **Sullivan, Donahoe And Ingalls A PC;** Wk: **540-898-5878**			
Zoning: **RU to PDH-4**	Proposed Zoning/Use: **PDH-4 / Single family detached residences**	Public Water: **Y**	Public Sewer: **Y**
New Bldg Sq Ftg: **Varies**	Total Site Acres: **39.003**	Lots/Units Proposed: **2 / 65**	
Parcel # and Address: **21-10 - 1-; 7613 Old Plank Rd**	Route #: **610**	Voting: **Chancellor**	
Description: **Rezoining request to rezone 39 acres from RU to PDH-4 to develope a 65 lot sfd subdivision near the intersection of Old Plank and Chancellor Road.**			

Cc: BOS, PC, County Admin, County Attorney, Economic Development, COE, NPS, Fredericksburg Post Office, REC, Press

Spotsylvania County Planning Commission

Holbert Building, 9104 Courthouse Road, Spotsylvania, Virginia 22553

MINUTES: January 6, 2021

Call to Order: Mr. Newhouse called the meeting to order at 7:00 p.m.

Members Present:

Mary Lee Carter	Lee Hill
Jennifer Maddox	Berkeley
Richard Thompson	Courtland
Dr. Raymond Bell	Salem
Jacob Lane	Livingston
C. Travis Bullock	Battlefield
Gerald Childress	Chancellor

Staff Present:
Donna Mayfield, Acting Planning Commission Secretary
B. Leon Hughes, AICP, Director of Planning & Zoning
Alexandra Spaulding, Senior Assistant County Attorney
Paul Agnello, AICP, Traffic Engineer
Jacob Pastwik, AICP, Planner III
Kimberly Pomatto, CZA, Deputy Director of Planning & Zoning

Public Hearing(s):

Rezoning(s):

R18-0010 Arthur L. Tracy & Patricia B. Tracy, Trustees of the Tracy Family Trust: Request a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes. The properties are located at 7611 and 7613 Old Plank Road on the north side of Old Plank Road (Route 610) approximately 329 feet east of the intersection with Chancellor Road (Route 674). The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 21-10-1 part and 21-10-2 part. Chancellor Voting District.

Mr. Newhouse opened the public hearing.

Mr. Hughes presented the case. This is a request for a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes with a density of 2.3 units per acre and thirty percent open space which meets the ordinance requirements for open space. The project is adjacent to Ashley Park and represents a continuing of single-family detached homes along the north line of Old Plank between Andora Drive and Chancellor Road. This project is consistent with the existing

development patterns of single-family detached subdivisions north and south of Old Plank Road and on Chancellor Road. The proposed density is similar to the density of Ashley Park and neighboring subdivisions.

The GDP shows 64 lots, open space and transportation improvements. The lot sizes will range from a minimum approximately 5,000 square feet and the largest is approximately 17,000 square feet with an average lot size in the project of approximately 9,000 square feet. The project will be served with public water and sewer. The project will have a main access on Old Plank Road with the opportunity for interparcel connection to Ashleigh Park at Wales Drive to the east and continuing to the west to allow access for any future development that may occur to the west the subject parcel. This connectivity may extend onward to the Comprehensive Plan Thoroughfare planned Chancellor Road Extension between Old Plank Road and Rt 3 (Plank Rd), intended to relieve traffic burden along Old Plank Road. The GDP also shows the installation of a 200-foot right turn taper for east bound traffic entering the site and a 200 foot left turn taper with 100 feet of storage for west bound traffic on Old Plank Road and right of way dedication along Old Plank Road. The project will have pedestrian accommodations on the internal streets and along the frontage of Old Plank Road as required by the County code. Staff recommends that the GDP be revised to make clear the required pedestrian path along Old Plank Road.

Mr. Hughes discussed the following findings:

In Favor:

A. The proposed project is appropriately located in the Primary Development Boundary of the County and is consistent with the Future Land Use goals identified in the Comprehensive Plan.
B. The applicant has proffered cash contributions of $7,128.37 per unit to mitigate impacts on capital facilities.
C. The proposed project is consistent with the existing development pattern and density of single-family homes of the surrounding neighborhoods.
D. The applicant has proffered the dedication of right of way and a cash contribution towards future transportation improvements.
E. The additional traffic will have minimal impact on the transportation network.
F. At build out the project will have a positive annual fiscal benefit.
G. The applicant has proffered to recognize the historical site of the Chalmers House.

Against:

A. The applicant's GDP has several items that need clarification, the limits of clearing and to clearly identify the sidewalk improvements along Old Plank Road.
B. Proposed proffers for public facilities mitigations are based on a September, 2019 proffer analysis and no longer reflect current conditions.

The proposal is consistent with the existing development patterns in the area. The proposal is consistent with County's Land Use and Comprehensive Plan goals and policies and the project design exceeds minimum requirements for the preservation of open space. The residential project is appropriately sited within the Primary Development Boundary and the applicant has proffered cash contributions in accordance with the Code of VA to help mitigate impacts on public facilities that are reasonable and acceptable. The applicant is offering right of way dedication and a cash contribution towards the intersection improvements at Andora and Old Plank Road. Based on the proposal's consistency with the Comprehensive Plan and the findings in favor, staff recommends approval of R18-0010 with proffers updated to reflect current CIP.

Mr. Newhouse asked for clarification on site plan requirements and Mr. Hughes discussed the requirements.

Mr. Agnello discussed the Andora/Old Plank roundabout road project and the costs associated with it.

Applicant, Charlie Payne, representing the applicant: He wished the Commission a Happy New Year and congratulated Ms. Pomatto on her promotion. He briefly discussed the applicant's background. He discussed the property and that it is in the primary development boundary. It is compatible with surrounding densities.

Mr. Newhouse inquired about the open space and a cul-de-sac to the north.

Mr. Payne stated that there is a current home on the site and the cul-de-sac will serve that home.

Mr. Lane discussed right of way from Ashleigh Park.

Mr. Payne discussed the interparcel connections are required by the County.

Speaking if favor or opposition: None

Ms. Pomatto read letters that were submitted to be read into the record.

Melissa Endearl: She stated that she is in opposition. Schools are already over capacity and this should not be approved. Classroom sizes are way too large. Traffic and safety are also of concern at Old Plank and Andora. She also has concerns about the wildlife. Litter will also increase as a result. She stated that her neighbors feel the same.

Paul Wanchin, 11912 Teeside Drive: He stated that he has concerns about traffic and all of the other developments that use the Old Plank and Andora Drive. He discussed it takes 5 minutes or more to get out of Ashleigh Park. A traffic light is already necessary and this will create additional issues. He stated that the road is not wide enough to accommodate additional traffic.

Mr. Payne stated that he is surprised to hear about the overcapacity problem. He stated that this development is small in comparison. He also stated they are mitigating their impacts and paying their way. He discussed that the neighbors likely do not know about the proposed roundabout and

traffic flow improvements.

Ms. Newhouse closed the public hearing.

Mr. Lane stated that we do have some capacity in our schools and maybe redistricting should occur. He stated that apartments have already been approved and the students will go to Chancellor Middle and is concerned about our schools also. As far as transportation goes, the area is deficient. He doesn't feel like $16,000 is a net gain for the county.

Motion and vote: On a motion by Mr. Newhouse, seconded by Mr. Bullock, to approve the rezoning with revised proffers. He stated that the roundabouts are necessary and are incredibly important for this area. Also, the funding the applicant is funding toward the roundabout or other road improvements in the Chancellor district. This also provides turn lanes and he believes that is an added

VOTE:

Ayes: 5 Dr. Bell, Ms. Carter, Mr. Bullock, Ms. Maddox, and Mr. Newhouse
Nays: 2 Mr. Lane and Mr. Thompson
Absent: 0
Abstain: 0

Public Comment: None

New Business: None

Adjournment

Motion and vote: On a motion by Ms. Maddox, seconded by Ms. Carter, a motion was made to adjourn.

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, Mr. Newhouse, and Mr. Thompson
Nays: 0
Absent: 0
Abstain: 0

DRAFT APPROVAL

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____ and passed __-__, the Board adopts the following ordinance:

AN ORDINANCE No. RO18-0010

To amend the zoning map to rezone approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4)

PUBLIC HEARING: March 23, 2021

WHEREAS, **Arthur L. Tracy & Patricia B. Tracy, Trustees of the Tracy Family Trust r**equest a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes. The properties are located at 7611 and 7613 Old Plank Road on the north side of Old Plank Road (Route 610) approximately 329 feet east of the intersection with Chancellor Road (Route 674). The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 21-10-1 part and 21-10-2 part. Chancellor Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the rezoning as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on January 6, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with proffers amended to address concerns raised during the public hearing with a vote of 5-2; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on March 23, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the general welfare and good zoning practice are served by approval of the rezoning application.

NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS

HEREBY ORDAINS:

§ 1. That the property known as Tax Parcels 21-10-1 part and 21-10-2 part currently zoned Rural (RU) are rezoned to Planned Development Housing 4 District (PDH-4) with the proffered conditions.

§ 2. The Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this rezoning is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the rezoning.

§ 3. This ordinance shall be in force and effect upon adoption.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

DRAFT DENIAL

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____, seconded by _____ and passed_____, the Board adopted the following resolution:

RESOLUTION NO. 2021-____

Denial – R18-0010

WHEREAS, **Arthur L. Tracy & Patricia B. Tracy, Trustees of the Tracy Family Trust r**equest a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes. The properties are located at 7611 and 7613 Old Plank Road on the north side of Old Plank Road (Route 610) approximately 329 feet east of the intersection with Chancellor Road (Route 674). The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 21-10-1 part and 21-10-2 part. Chancellor Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the rezoning as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on January 6, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with proffers amended to address concerns raised during the public hearing with a vote of 5-2; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on March 23, 2020, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the general welfare and good zoning practice are served by denial of the rezoning application.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby deny rezoning application R18-0010.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

PUBLIC NOTICE

The Spotsylvania County Board of Supervisors will hold a public hearing at 6:00 p.m. on Tuesday, March 23, 2021 in the Holbert Building located at 9104 Courthouse Road, Spotsylvania, Va. 22553, to consider the following:

***Rezoning* R18-0010 Arthur L. Tracy & Patricia B. Tracy, Trustees of the Tracy Family Trust:** Request a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes. The properties are located at 7611 and 7613 Old Plank Road on the north side of Old Plank Road (Route 610) approximately 329 feet east of the intersection with Chancellor Road (Route 674). The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 21-10-1 part and 21-10-2 part. Chancellor Voting District.

Persons interested may appear and present their views at the public hearing described above or submit written comments in accordance with the Revised Public Hearing Procedures During the Coronavirus Emergency. Any public hearing cases, including any ordinances as applicable, are on file and available in the Planning Department, located at 9019 Old Battlefield Blvd, 3rd Floor, Spotsylvania, Virginia, 22553; (540) 507-7434, and may be inspected between 8:00 a.m. and 4:30 p.m., Monday through Friday. The Board of Supervisors encourages the participation of all interested County citizens. For those with special needs, please notify the Office of the County Administrator of any accommodations you may require at least five days before the meeting you wish to attend.

Revised Public Hearing Procedures During the Coronavirus Emergency

- For your safety and the safety of the community at large during this on-going coronavirus emergency, citizens wishing to comment are HIGHLY ENCOURAGED to submit written comments to be read into the public record by County staff in front of the Board at the televised hearings rather than attending in person.
- Those desiring to submit written comments to be read publically to the Board may do so immediately by going to the following website https://www.spotsylvania.va.us/FormCenter/County-Administration-34/BOS-Public-Comments-92, or by placing written comments in the Treasurer's Office drop box outside the Holbert Building at 9104 Courthouse Road, Spotsylvania, VA 22553. Comments submitted via the Treasurer's Office drop box should be in a sealed envelope which is clearly marked with the case number or case name.
- Additionally, comments may be mailed to the attention of Aimee Mann at PO Box 99, Spotsylvania, VA 22553. Mailed comments must be received by close of business on the Monday prior to the BOS meeting date in order for them to be read into the public record at the hearing.
- Submissions of written comments must include the citizen's name and voting district. Please construct your written comments in such manner that they are limited to three (3) minutes when read at a typical oral reading pace. For comments provided in representation of a group, the time limit is five (5) minutes.
- Citizens choosing to attend in person will be required to maintain recommended social distancing at all times and will be guided by County staff in accomplishing this. If you or a member of your family is sick, in the interest of public health, you are STRONGLY ENCOURAGED not to attend in person, but rather submit your comments in writing to be read aloud and heard by the Board during the public hearing.

By the Spotsylvania County Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC) Lee Hill District
Type:	Action, Public Hearing
Agenda Title:	R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC) Lee Hill District
Recommendation:	The Planning Commission recommends approval of R19-0010 with a vote of 7-0 with proffers amended as offered by the applicant to include an additional proffer for Public Safety, an indoor pool and an indoor fitness center. Staff recommends approval of Rezoning Ordinance R19-0010 with proffers dated December 7, 2020.
Summary:	The applicant requests the rezoning of one (1) parcel approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers for an age-restricted residential development consisting of no more than fifty (50) new single family attached dwelling units, one (1) four-story multi-family building with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). The property is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the Northeast quadrant. The property is located within the Primary Settlement Boundary. The property is designated for Mixed Land Use Development on the Future Land Use Map of the Comprehensive Plan and is in the Airport Overlay District. Tax parcels 36 (17) FF. Lee Hill Voting District., At the Planning Commission public hearing, the applicant offered to increase the cash contribution for public safety and proffer an indoor pool and fitness

	center. The February 16th proffer statement reflects this amendment.
Committee/Commission Summary:	Planning Commission
Review Date:	February 17, 2021
Status:	Approved
Financial Impact:	Based on the assessed value the County's model projects the Aspire project will generate annually a positive $473,361 in tax revenues at complete build out.
Staff Contacts:	Shannon D. Fennell, Planner III
Legal Counsel:	Alexandra Spaulding, Senior Assistant County Attorney
Additional Background/Other Considerations:	The property could be developed with a variety of Commercial uses per the existing zoning.
Consequence of Denial/Inaction:	The zoning will remain C-2 and C-3.

ATTACHMENTS:

File Name	Description	Type
R19-0010_Aspire_BOS_PP.pdf	Presentation	Presentation
BOS_Staff_Report-_Aspire.docx	Staff Report	Staff Report
Executed_Proffer_Document_2-16-21.pdf	Applicant's Proffers	Agreement
Exhibit_B_-_Lees_Hill_Color_Elevation.PDF	Proffered Elevations	Exhibit
App_packet_date_stamped_07162019.pdf	Application	Backup Material
GDP_Narrative_-_Lee_s_Hill_-_06.08.20.pdf	Application Narrative	Backup Material
Final_413-1003_GDP_062620.PDF	Application GDP	GDP
Community_Meeting_SignIn_Sheets.PDF	Community Meeting Sign In	Backup Material
Project_Summary_R19-0010.pdf	Project Summary	Backup Material
Falcon_Realty_support_ltr___agreement.PDF	Letter of Support	Letter
Letter_of_Support.PDF	Letter of Support	Letter
pcmin21_0217.docx	PC Minutes - February 17,2021	Minutes
bos_20210323_3.doc	Advertisement	Backup Material
Draft_Approval_Ordinance.docx	Draft Approval Ordinance	Ordinance
Denial_Resolution.doc	Draft Denial Resolution	Resolution

R19-0010

Project: Aspire at Lee's Hill

Owner: KW Commercial, LLC

Applicant: Bonaventure Investments, LLC

Lee Hill District

Board of Supervisors Public Hearing

March 23, 2021

Shannon D. Fennell, Planner III

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Request

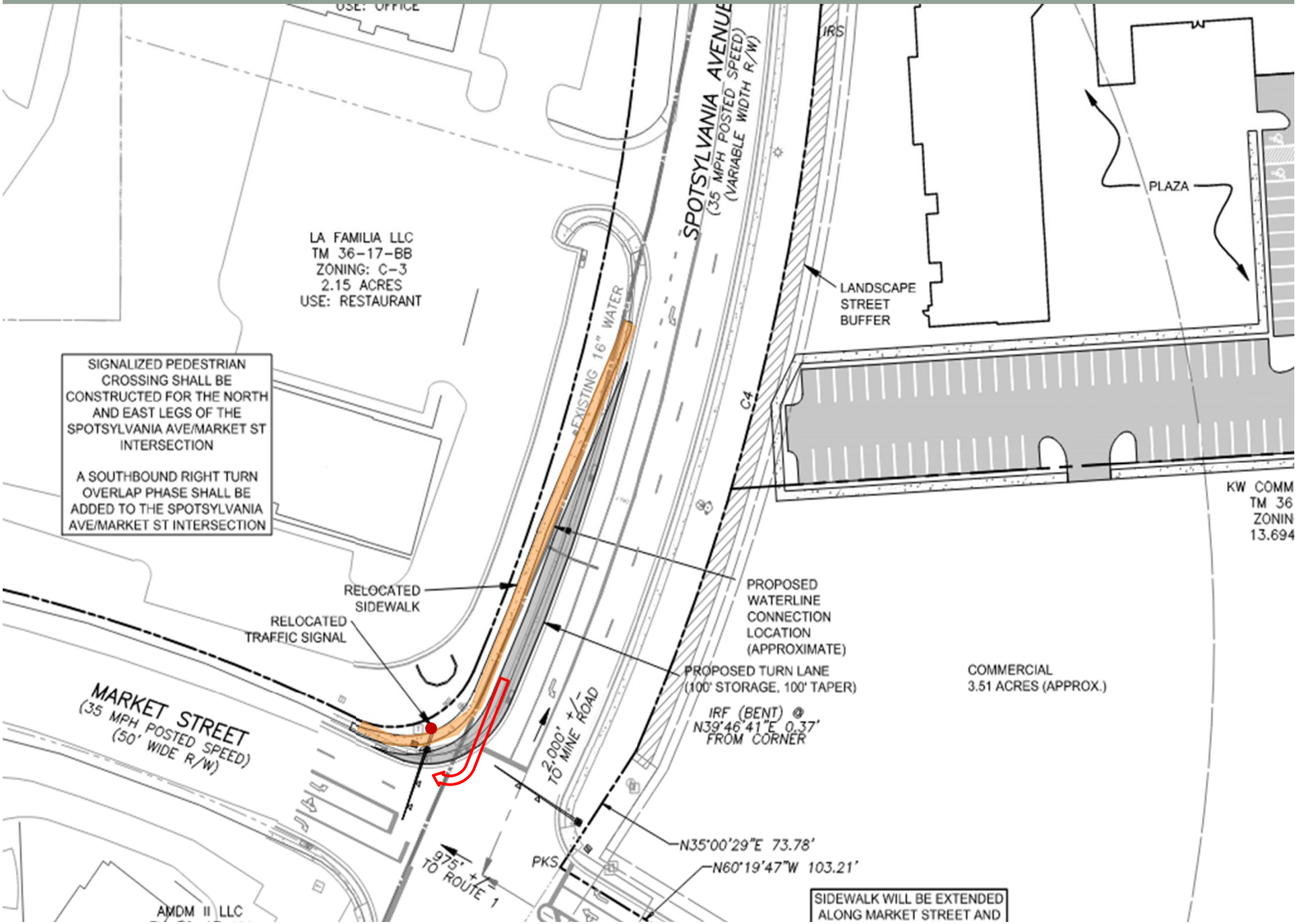
- The applicant requests one parcel approximately 13.69 acres be rezoned from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers.

Recommendation

- The Planning Commission voted 7-0 to recommend approval with proffers amended to include an increased cash contribution for Public Safety, an indoor pool and an indoor fitness center. Staff recommends approval of R19-0010 with proffers dated February 16, 2021.

HOOD DR
MINE RD
BUSINESS DR
SPOTSYLVANIA AVE
BAKERS LN
JEFFERSON DAVIS HWY
MARK ST
MARKET ST
SANN DAVIS DR
SHADY OAK LN
CIRCLE ONE DR
HILLSIDE LN
MEADOWVIEW DR
GRAYSON LN
CAMPBELL DR
WENSEL RD
OSAGE DR
INTERSTATE 95
INTERSTATE 95
Lee Hill Retail &
Professional Ctr.
Medical Office
& Restaurant
The Meadows
Goodwill
Marriott
Emergency &
Outpatient Ctr.
Pictometry, 2019

ILLUSTRATIVE PLAN PROVIDED BY LORAX DESIGN GROUP


USE: OFFICE
SPOTSYLVANIA AVENUE
(35 MPH POSTED SPEED)
(VARIABLE WIDTH R/W)
IRS
PLAZA
LANDSCAPE
STREET
BUFFER
LA FAMILIA LLC
TM 36-17-BB
ZONING: C-3
2.15 ACRES
USE: RESTAURANT
SIGNALIZED PEDESTRIAN CROSSING SHALL BE CONSTRUCTED FOR THE NORTH AND EAST LEGS OF THE SPOTSYLVANIA AVE/MARKET ST INTERSECTION
A SOUTHBOUND RIGHT TURN OVERLAP PHASE SHALL BE ADDED TO THE SPOTSYLVANIA AVE/MARKET ST INTERSECTION
EXISTING 16" WATER
C4
KW COMM
TM 36
ZONIN
13.694
RELOCATED
SIDEWALK
RELOCATED
TRAFFIC SIGNAL
PROPOSED
WATERLINE
CONNECTION
LOCATION
(APPROXIMATE)
PROPOSED TURN LANE
(100' STORAGE, 100' TAPER)
COMMERCIAL
3.51 ACRES (APPROX.)
IRF (BENT) @
N39°46'41"E 0.37'
FROM CORNER
MARKET STREET
(35 MPH POSTED SPEED)
(50' WIDE R/W)
2,000' +/-
TO MINE ROAD
N35°00'29"E 73.78'
N60°19'47"W 103.21'
PKS
975' +/-
TO ROUTE 1
AMDM II LLC
SIDEWALK WILL BE EXTENDED
ALONG MARKET STREET AND

1 Overall North Elevation

SCALE: NOT TO SCALE

2 Enlarged North Elevation

SCALE: NOT TO SCALE

SCHEMATIC DESIGN

MATERIALS:

1. ARCHITECTURAL FIBERGLASS SHINGLES
2. MODULAR BRICK VENEER
3. FIBER CEMENT SIDING
4. FIBER CEMENT PANEL SIDING
5. FIBER CEMENT TRIM AND BRACKETS
6. BRICK ROWLOCK SILLS
7. ARCHITECTURAL VINYL WINDOW SYSTEMS
8. ALUMINUM STOREFRONT (WHITE)

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Comprehensive Plan Analysis

Consistent:

- 7 of the 8 elements of the Comprehensive plan

Inconsistent:

- 1 of the 8 elements of the Comprehensive Plan

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Transportation Analysis

	Daily Trips	AM Peak Hour	PM Peak Hour
Aspire	1,762	110	128
By-Right	4,658	291	338

County Transportation Staff and VDOT found:

- Daily Trips are less than those of the potential By-right uses
- Lack of improvements at RTE 1/Market Street will degrade LOS
- Improvements support Spotsylvania Ave/Market St degradation

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Applicant's Proffers:

- Generalized Development Plan Conformance
- Land Use
- Age- Restricted Covenants
- Architectural Features
- Transportation Improvements
- Cash Contributions
- Amenities

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Fiscal Impact Analysis

- The applicant has provided a Fiscal Impact Analysis (FIA) which asserts the project will have positive annual revenues of $572,533 in real property tax at full build out based on the assessed values of the units.

- Staff completed a separate fiscal impact analysis utilizing the County's model which projects the Aspire development will have a positive fiscal impact of $434,845.

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Findings In Favor

- Consistent with the intent of the Primary Development Boundary
- Consistent with Comprehensive Plan and Contributes diverse housing stock
- Tier of Development adjacent to an existing subdivision
- Positive annual fiscal benefit
- Cash contributions to mitigate impacts
- Less of an impact to the transportation network
- Off-Site transportation Improvements

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Findings Against

- Reduction of existing commercial acreage
- Fire Station #4 call volume is over capacity
- Degradation of LOS at Route 1 and Market Street

R19-0010

Project: Aspire at Lee's Hill

Applicant: KW Commercial, LLC (Bonaventure Investments, LLC)

Lee's Hill Voting District

Recommendation

- This project has the potential to exchange a former zoned commercial space that has been vacant for a number of years into a viable mixed use development. Stepping down in height and bulk from a commercial area and proposed 4-story multi-family age-restricted building, to an age-restricted townhome community is consistent with the intent of mixed use land use designation. Staff anticipates that the construction of this proposal would result in a favorable impact. Based on the Findings in Favor and reasons noted in the staff report, the Planning Commission voted 7-0 to approve R19-0010 with proffers amended to include an increased cash contribution for Public Safety, an indoor pool and an indoor fitness center. Staff recommends approval of R19-0010 with proffers dated February 16, 2021, that reflects this amendment.

R19-0010

Project: Aspire at Lee's Hill

Owner: KW Commercial, LLC

Applicant: Bonaventure Investments, LLC

Lee Hill District

Board of Supervisors Public Hearing

February 17, 2021

Shannon D. Fennell, Planner III

County of Spotsylvania
Department of Planning
Staff Report

Rezoning # R19-0010
(Lee Hill Voting District)

Board of Supervisors
March 23, 2021

Planning Commission Recommendation:	Approval with a revision to the proffer statement to include the following additional proffers offered by the applicant to include an indoor pool, indoor fitness center and an increased cash contribution toward public safety.
Staff Recommendation:	Approval with the proffer statement dated February 16, 2021.
Project:	"Aspire at Lee's Hill"
Owner/Applicant:	KW Commercial, LLC (Bonaventure Investments, LLC)
Request:	The applicant requests one parcel of approximately 13.69 acres be rezoned from Commerical 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers.
Tax Map Parcel(s):	36-17-FF
Location:	The parcel is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the northeast quadrant.
Zoning Overlay:	Airport Overlay District
Future Land Use Designation:	Mixed Use
Historic Resources:	None known
Date Application Deemed Complete:	July 30, 2019
Community Meeting:	A community meeting was held on July 26, 2019. There were approximately 14 citizens in attendance. Questions and concerns raised at the meeting were primarily related to existing traffic and proposed road improvements on Mine Road. Additional concerns related to property management and impacts to public services.

Figure 1: Zoning Map

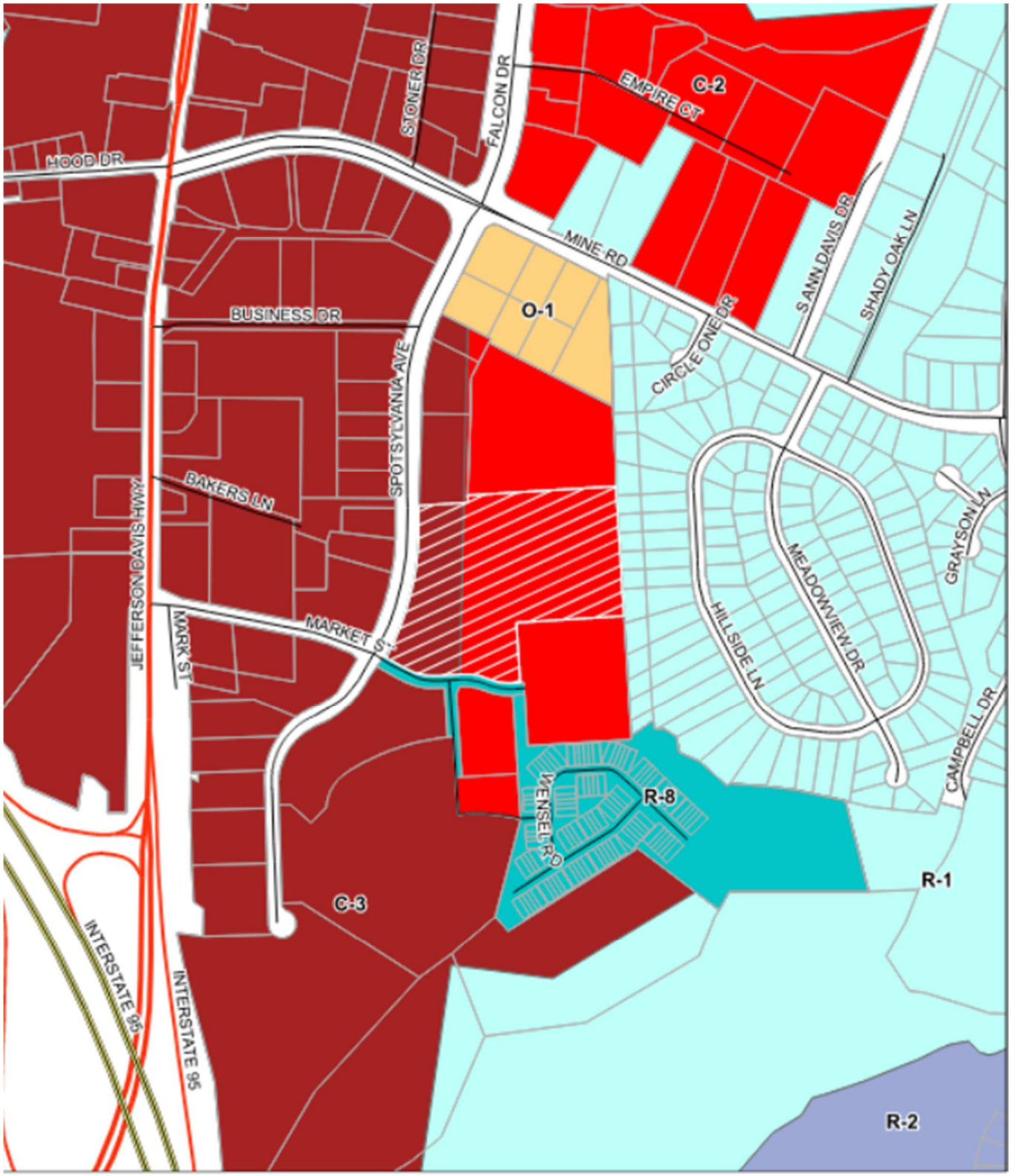


Figure 2: Aerial Map

I. The Site

The subject parcel is a vacant 13.69-acre parcel located at the northeast quadrant of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489), identified as tax map number 36-17-FF. A portion of the site is located within the Airport Protection Overlay District. The property is currently zoned Commercial 2 (C-2) and Commercial 3 (C-3). South of the subject parcel is the Emergency & Outpatient Center at Lee's Hill, zoned C-3; the TownePlace Suites by Marriott; and the Rappahannock Goodwill, both zoned C-2. To the east are parcels that were created as a part of The Meadows Subdivision, Sec 1, zoned R-1; however, the parcels are vacant and heavily vegetated and contain restrictive covenants which prevent the construction of residential building structures. To the north, is Lee Hill Retail Center (which houses Weis, Dollar General, and other retail shops) and Lee Hill Professional Center (which houses offices and retail shops) both are zoned C-2. To the west across Spotsylvania Avenue is a former restaurant site and a medical office building both zoned C-3.

II. Project Proposal

The applicant proposes to rezone the subject parcel from Commerical 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers. If approved, the proposal will allow for the development of an age-restricted residential community consisting of no more than fifty (50) new single-family attached dwelling units (SFA), one (1) four-story multi-family building (MF) with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). Under the current zoning, the parcel could accommodate approximately 135K sf. ft. commercial building. The project site is located within the County's Primary Development Boundary which is intended to develop with higher residential densities. This area is designated on the Future Land Use Map in the Comprehensive Plan as Mixed Land Use which is intended to provide for a variety of land uses in a compact, walkable community with a denser development pattern which allows residents to live, work, shop, and play. The proposal meets the intent of and is consistent with the mixed-use land use designation. The project as proposed would result in approximately 5.9 acres designated for age-restricted SFA units (50 townhomes), approximately 4.8 acres designated for age-restricted MF units (147 apartment homes), a 4,000 sf. restaurant, and approximately 3.5 acres designated for commercial use. Although the tier of mixed use is appropriate given the land use designation, the project as proposed reduces the developable commercial acreage.

The project as proposed provides single-family attached units adjacent to the existing single-family detached subdivision, The Meadows. Moving west, the project steps up from the single-family attached units to the multi-family 4-story building and then to the commercial area. A forested buffer and steep topography differences act as a good physical separation between the proposed projects which is higher than The Meadows Subdivision. A series of small (approximately .25 acre) vacant but vegetated lots are positioned between the single-family detached dwellings at The Meadows. These vacant lots contain restrictive covenants which prevents the lots from being used for residential or commercial building purposes. The recorded covenant also prevents the lots from any cutting or removal of any vegetation within the 50' buffer area which is primarily owned by the Lee Hill Commercial Center Association as noted on the GDP. The Aspire project proposes

the construction of a 6' tall privacy fence along the eastern edge of the project as a separation between the proposed townhomes and these small lots. This fence is a modification to the 25' transitional screening required per DSM 6-7.3. along the property line of single-family attached units adjacent to the existing single-family detached units. Seeing that there is an existing 50' buffer of mature trees that cannot be removed nor the lots developed per the recorded restrictive covenants, staff is supportive of this modification.

Based on County projections the age-restricted portion of the project will generate an estimated 340 new residents and no school-aged children. The applicant's FIA states that the SFA units will range in size between 1,500 to 1,800 sq.ft., with a price point in the upper $200,000s to over $300,000 depending on the option package selected. These units must be occupied by at least one person who is 55 years or older. The MF units will be rental units occupied by persons 62 years or older in age. The multi-family building will be a service-enriched retirement community for seniors who are independent. According to the applicant's narrative, based on other similar projects, the new residents would typically include seniors who are downsizing to live in a community with numerous amenities and group activities, and where they no longer have need to maintain a home and prepare all meals. The MF building as mentioned above will include a 4,000 sq. ft. full service restaurant with meal plans available to the residents and will be open to the public. The approximately 3.5 acre commercial site will be developed for a hotel, retail office, restaurant, or other commercial uses permitted under the MU-4 zoning district (except for those listed as not permitted in the proffer statement).

A. **Generalized Development Plan (GDP)** – The applicant's GDP depicts the development of approximately 5.9 acres designated for age-restricted SFA units (50 townhomes), approximately 4.8 acres designated for age-restricted MF units (147 apartment homes), a 4,000 sf. ft. restaurant, and approximately 3.5 acres designated for commercial use. The development will have three points of access one from a shared access easement into the Lee Hill Retail and Professional Center to the north, and the others along Market Street directly across from the intersections of the existing Emergency & Outpatient Center at Lee's Hill, and the TownePlace Suites by Marriott. Roads constructed within the development will be private. The development will connect to the existing sidewalk along Spotsylvania Avenue and will continue throughout the internal road networks and parking lots throughout the development. The GDP also depicts the relocated sidewalk and traffic signal due to the installation of a 200' southbound right turn lane with signalized pedestrian crossing constructed for the north and east legs of the Spotsylvania Ave/Market St intersection.

   Approximately 15% (2.05 acres) of the property will be maintained as open space. The open space includes a landscaped buffer along Spotsylvania Avenue and the proposed internal street from Market Street, a 12.5' wide transitional landscape buffer along the SFA parcels adjoining the Rappahannock Goodwill site, a 12.5' wide transitional landscape buffer along the SFA parcels adjoining the Weis Grocery store site, interior parking lot landscaping, and streetscape throughout. Noted on the GDP is a 50' buffer to remain as recorded along the eastern portion of the development to serve as a buffer between The Meadows Subdivision and the subject parcel. Staff notes that this 50' buffer is not owned exclusively by the applicants but is preserved with a recorded easement; therefore, the applicants have shown a

6' tall vinyl privacy fence surrounding the outside perimeter of the SFA units, which will require a modification of the transitional screening requirements to be approved by the Director of Planning prior to site plan approval. The 6' vinyl fence also encloses the dark park and community gazebo. Also, within the open space is a fenced courtyard for the MF building that includes an outdoor patio with a pergola, fire pit, grills and garden beds.

The project will be served by a 16" water line located along Spotsylvania Ave public water and sewer, as depicted on the GDP. Storm water management facilities will be provided off-site as part of an existing regional system.

A. Fiscal Impact Analysis – The applicant provided a Fiscal Impact Analysis (FIA) which states the Aspire project will be built subject to market conditions, but the anticipated average sales price for the SFA units is between the high $200,000 range to the low $300,000 range per unit, with an approximate size of 1,500 to 1,800 sq. ft. The applicant's FIA estimates that the project is expected to generate approximately $572,533 in on-site tax revenues annually after build out. In addition to the on-site fiscal impact, the project is estimated to generate $30,417 in taxes off-site for the County annually after build out and occupancy. With the commercial uses, the project is expected to generate approximately 66 permanent jobs and $1,884,179 in employees' earnings. The applicant's FIA estimates the annual tax-supported cost of the project to be $572,533 annually thereby generating a net revenue surplus after full build-out of $434,845 in current dollars.

Staff completed a separate fiscal impact analysis utilizing the County's model and based on the assessed value the County's model projects the Aspire project will generate annually a positive $473,361 in tax revenues at complete build out.

B. Proffer Statement Summary – The applicant has provided a proffer statement dated November 11, 2020 for the Planning Commission and Board of Supervisors' consideration. Below is an itemized list of the submitted proffers including a summary and staff analysis of each proffer in italics.

1. **General Development-** The applicant commits to develop the subject properties in conformance with the Generalized Development Plan (GDP) last revised June 26, 2020. Minor modifications may be made in order to address requirements to fulfill Federal, State, and local requirements.

   Staff is supportive as the GDP complies with all county requirements and provides single-family attached units adjacent to existing single family detached, then the project steps up from single-family attached to multi-family, then from multi-family to commercial. Hence this project supports the intent of the mixed use land use designation as it creates a flexible approach to development and allows interrelated and compatible commercial and residential neighborhoods.

2. **Use-** The applicant commits that the property will be developed for no more than 50 age-restricted single-family attached units, each with a minimum of 1,500 square feet; one 4-story multi-family building containing no more than 147 age-restricted residential multi-

family units with an approximately 4,000 sf. ft. first floor restaurant (open to the public); and an approximately 3.5 acre commercial site to be developed for hotel, retail office, restaurant, or other commercial uses permitted under the MU-4 zoning district (except for those listed not permitted in the proffer statement).

By-right the subject parcel can be developed for any use listed in the C-2 and C-3 zoning districts; the proposed rezoning would limit the by-right uses per the applicant's proffers. Also, reducing the amount of commercial area provides less impact than that of the by-right uses; particularly on the transportation network. Although staff is generally not supportive of the reduction of the developable commercial area, the tier of the proposed development is consistent with the intent of the mixed use land use designation and the project will retain 3.5 acres of commercial area. According to the County's Economic Development Department this site has historically experienced challenges in securing the desired commercial users, and Economic Development agreed that the residential component would complement the proposed commercial development and existing retail and medical facilities. Lastly, staff notes that the FIA projected benefit is positive.

3. **Age-Restricted Covenants-** The applicant has committed that all SFA and MF units constructed on the property shall be age-restricted. The SFA units must include at least one person who is 55 years or older and the MF units are restricted to individuals who are 62 years or older. Also 36 of the MF units must be designed for the use of handicapped persons (including at least eight "Type A" accessible units and at least three "Communication Feature" units in accordance with the Virginia Uniform Building Code).

   Staff is supportive of this proffer as this development provides a diverse housing opportunity for our senior community.

4. **Architectural Materials-** The applicant has committed that the MF building will be developed in accordance with the architectural renderings marked as Exhibit B, entitled "A Senior Living Complex for: Aspire at Lee's Hill" dated November 13, 2019 and prepared by J. Price Architecture, Inc. Also, applicant has committed to certain building materials and design standards as described within the proffer document.

   Staff is supportive of this proffer as the proffered elevations, materials, and design standards as they are above what is required.

5. **Transportation –** The applicant has committed to the construction of a 100' southbound right-turn lane with a 100' taper on Spotsylvania Ave, the relocation of the existing signal pole, signalized pedestrian crossings, extension of the existing sidewalk from Spotsylvania Ave along Market Street, dedication of right-of-way, a south bound right-turn overlap phase, and re-stripping along Market street.

   Staff is supportive of this proffer as the proffered right turn lane on Spotsylvania Ave. is a significant improvement for the Market St/Spotsylvania Ave intersection, and although this is not immediate transportation improvement the applicant's proffered improvements provides the County an estimated cost savings of approximately $300,000.

6. **Cash Proffers and Escalation Clause –** The applicant has committed to pay a total cash contribution of $60,320.75 ($305.75 per MF unit and $307.51 per SFA unit) in order to mitigate the project's impacts on Public Safety and Parks and Recreation. Additionally, the cash proffer will be adjusted annually to reflect any increase for the preceding year in Consumer Price Index.

   A cash contribution is an "offsite proffer" which is a proffer addressing an impact outside the boundaries of the property to be developed. The applicant may mitigate the development's impacts on public on public facilities via a cash contribution if the facility meets the definition of "public facility" as defined in the Virginia Code and if the development impacts capacity and levels of service and if the development will receive a material benefit from the proffer made.

   Aspire will generate additional demands on Public Safety. Currently, there is no excess capacity at Fire Rescue Station 4 to accommodate the projected calls associated with this development. In order to determine the impact of Aspire on Public Safety that is specifically attributable to the new residential development, staff calculated the County's population inclusive of the projected project population in order to determine the per capita costs associated with this public facility. Since the Planning Commission public hearing on February 17, 2021, the applicant has amended the proffers to increase the proffered contribution from $9,372.84 to $50,319.06 ($254.98 per MF unit and $256.74 per SFA unit) for public safety which is reasonable and legally acceptable based on staff's analysis.

   Additionally, Aspire will have an impact on Parks and Recreation facilities. Since February 17, 2021 Planning Commission public hearing, the applicant has proffered an indoor pool and fitness center for the residents and have reduced the proffered contribution from $20,947.50 to $10,001.69 ($50.77 per MF unit and $50.77 per SFA unit) for Parks and Recreation which is reasonable and legally acceptable based on staff's analysis.

   Lastly, Aspire is an age-restricted project and per the covenants as proffered, residents under the age of 18 are prohibited; therefore, there will be no impacts on schools.

7. **Additional Proffers-** The applicant commits to provide the following amenities for the MF units: an outdoor patio, garden beds, fire pit, pergola, open/activity lawns, an indoor pool and indoor fitness center. The applicant commits to provide the following amenities for the SFA units: a dog park, gazebo, fencing, and a landscape buffer. Lastly, the applicant commits to provide access to the SFA dog park amenity for residents within the MF units.

   Staff is supportive of this proffer as amenities help to provide a sense of community for the residents and the amenities and landscaping proffered are not required.

III. Staff Analysis

A. Transportation Analysis – This development will generate an estimated 1,762 daily trips, 110 AM Peak hour trips, and 128 PM Peak hour trips. The traffic impact assessment (TIA) study included the six intersections shown in the graphic below for a 2019 existing year and a 2024 build year.

Of the six intersections studied, the intersections between Spotsylvania Avenue/Market Street, US Rte 1/Market Street, and I-95 NB Ramps/US Rte 1 were of concern due to existing traffic congestion, projected background traffic growth, and the additional traffic from the Aspire development. The development will contribute to degradation of the Spotsylvania Avenue/Market St intersection from LOS C in 2019 to LOS D in 2024. As a result of this traffic issue, the applicant is proffering a right turn lane on SB Spotsylvania Avenue to WB Market Street. The development will also contribute to some degradation of the US Rte 1/Market Street intersection to a worse LOS D situation. Of particular concern is the WB Market Street to SB US Rte 1 turning movement which will be a worse LOS F with the development contributing 46 AM Peak Hour and 38 PM Peak Hour trips. The development site traffic will comprise 57.5% of the increased AM Peak Hour and 37.2% of the PM Peak Hour traffic for this movement between 2019 and the 2024 Build scenario. There is a partially funded County project for VDOT to add an additional left turn lane for this movement which currently has an estimated $874,000 deficit. Beyond the Rte 1/Market Street project, US Rte 1 SB between Market Street and the I-95 NB ramps is congested and in need of a 3rd SB travel lane and a right turn improvement. This development would contribute 29.5% and 19.6% of the increased SB right turn and SB through traffic between 2019 and the 2024 Build scenario during the AM Peak hour. For the PM Peak hour, this development would contribute 7.9% and 8.4% of the increased SB right turn and SB through traffic between 2019 and the

2024 Build scenario. The cost for the US Rte 1 SB improvement is currently under development.

B. Comprehensive Plan – Please find below a summary of the Hazel Run Glen project's conformance with each component of the Comprehensive Plan. A complete Comprehensive Plan Analysis can be found in Appendix A.

1. **Land Use** – The proposal is located within the Primary Development Boundary and is consistent with the intent of the Primary Development Boundary as this area defines the area within which public water and sewer will be provided. The area of the proposal is designated on the Future Land Use Map in the Comprehensive Plan as Mixed Use which supports a variety of land uses in a compact, walkable community with a denser development pattern. Staff notes that this project not an elimination of commercially zoned property, only a reduction. Also, the tier of the proposed development is consistent with the intent of mixed use land use designation.

2. **Transportation** – From a transportation perspective the proposed project is more favorable than the existing by-right potential of the project area. As per the County Transportation Engineer, nothing (no road) gets an entire LOS letter worse for overall traffic approaches that is not addressed due to the Aspire development or a committed project. The proffers for transportation for Aspire include the minimum improvements necessary to satisfy VDOT and County requirements for the commercial entrance and frontage, e.g., sidewalk and a right turn lane. VDOT has verified that the project has mitigated its impacts at this point in the process and offers no additional comments. The LOS comparison in the TIA showed LOS degradation for the I-95 NB Ramp/US Rte 1, US Rte 1/Market Street, and Spotsylvania Avenue at Market Street intersections. But the current zoning allows for significantly more trips: about 4658 than the proposed rezoning: 1438, which the applicant used to help justify why transportation improvements were not warranted to address the LOS issues at the Rte 1/Market Street and I-95 NB Ramp/US Rte 1 intersections. The analysis shows that a Right Turn lane was needed and included in the proposed transportation improvements. This change actually improved LOS for this movement from Future No Build – C to Future Build – B. Existing for this movement is LOS B. For Rte 1 and Market Street, some movements were LOS F and became worse F's with the development, but there is a partially funded County project to address this issue under development. Staff notes that no contribution from Aspire was made towards this regional improvement; however, the applicant has proffered to contribute to the improvements at the Spotsylvania Avenue/Market Street intersection that are not warranted per this development. The proffer of the Spotsylvania Avenue/Market Street improvements provide a cost savings of approximately $300,000 to the County.

3. **Public Facilities**

   a) **Public Schools** – The Aspire development is an age-restricted project and per the covenants as proffered, residents under the age of 18 are prohibited. There will be no impacts to the schools.

b) **Fire, Rescue, and Emergency Services (FREM)** – The Aspire development will be served by Fire and Rescue Station #4, located less than two miles from the proposed project site. The call volume capacity for Fire Station #4 is 2,500 per year; the actual call volume for the station in Fiscal Year 2020 was 4,246 indicating current development exceeds the station capacity per the Comprehensive Plan's goal of a maximum call capacity of 2,500 per station. The applicant has committed to a cash contribution to mitigate the impacts of their development.

c) **Sheriff** – For purposes of the Public Facilities Plan, the Level of Service indicator is to maintain a 1: 1,500 ratio of Deputies per capita. The County's current ratio is 1:1,138 of Deputies per capita which exceeds the Level of Service standard. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on the Sheriff's office nor is a facility planned.

d) **Solid Waste Collection & Disposal** – The Public Facilities Plan indicates a convenience site's population should be within five (5) miles of the site. The Aspire development is approximately 1.5 miles away from the Mine Road Convenience Center consistent with this requirement. This facility has capacity to remain open until approximately (2083-2085) and is projected to accommodate additional residential development based on population projections. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on Solid Waste Collection.

e) **Water and Sewer Facilities** – The Aspire development is located within the Primary Development Boundary and will be serviced by public water and sewer, as depicted on the GDP.

f) **Library Facilities** – For purposes of the Public Facilities Plan, the Level of Service standard for library facilities is 0.3 square foot per capita which equates to a total of 39,603 square feet. The County's total gross square footage of library facility floor space is 41,800 square feet which exceeds the Level of Service standard. Library facilities should be within a 10-minute to 15-minute drive within the Primary Development Boundary. The Aspire development is an approximate 10-minute drive (4.7 miles) from the Salem Church Branch Library which falls within the acceptable range.

g) **Parks and Recreation Facilities** – The Public Facilities Plan sets out a Level of Service standard for parks, open space and recreation facilities per capita. Currently, the County is not meeting the identified ratio standards for 11 out of 13 recreation services including multi-purpose fields, tennis courts, playgrounds horseshoes, community centers, swimming pools indoor recreation centers, trails, passive recreation space, golf and public meeting space. The projected population for the Aspire development will have an impact on these facilities. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has proffered a cash contribution to offset

the impact of their development on Parks and Recreation Facilities. Please refer to Section II.B.6 for the complete summary and analysis of the cash contribution.

4. **Historic Resources** – This site has been previously cleared and graded and is located within an area with existing development where development is intended to occur. There are no negative impacts to significant natural, historic, and cultural resources expected.

5. **Natural Resources** – This rezoning request is not expected to negatively impact any sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality. Much of the area impacted by the development footprint has historically been cleared. If developed it is expected the site will result in additional tree canopy than is there presently located throughout the site. At present the project location is an open field but for vegetation along the eastern edge of the site.

IV. Findings

In Favor:

- **A.** The proposal is consistent with the intent of the Primary Development Boundary having more intense development occur within the Primary Development Boundary.
- **B.** The proposal is consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County of being a family friendly community, and comports with the idea of contributing to the mix of units in support of a growing diverse housing stock to accommodate housing needs for all stages of life.
- **C.** The tier of the proposed development is better for the adjacent residential subdivision than that of the potential by-right uses as the project steps down in height and bulk from a commercial area and proposed 4-story multi-family age-restricted building, to an age-restricted townhome community which is consistent with the intent of mixed use land use designation.
- **D.** The County's Fiscal Impact model projects a positive annual fiscal benefit at build out.
- **E.** The applicant has proffered $60,320.75 in cash contributions to mitigate the impacts of the development on public safety, parks and recreation.
- **F.** By-right the subject parcel can be developed for any use listed in the C-2 and C-3 zoning districts; the proposed rezoning would limit the by-right uses per the applicant's proffers. Also, reducing the amount of commercial area provides less impact to the transportation network than that of the by-right uses.
- **G.** The applicant has proffered off-site improvements including the construction of a south bound right-turn lane, the relocation of the existing signal, sidewalk and other transportation improvements to include right of way dedication. Transportation staff estimates this cost savings at approximately $300,000.

Against:

A. This is a reduction to an existing commercially zoned parcel and a potential loss of revenue to the County.

B. Fire Station #4 call volume is over capacity and while the applicant has proffered a cash contribution towards public safety, there is a no project in the Capital Improvement Plan (CIP) which will remedy the capacity issue for Fire Station #4. Additionally, age-restricted communities generate a higher call volume for FREM services.

C. At Route 1 and Market Street, some movements are LOS F and became worse F's with the Aspire development. There is a partially funded County project to address this issue under development, no contribution from Aspire was made towards this regional improvement.

V. Conclusions & Recommendations

The Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes single-family attached and multi-family units. The tier of the proposed development, stepping down in height and bulk from a commercial area and proposed 4-story multi-family age-restricted building, to an age-restricted townhome community is consistent with the intent of mixed use land use designation. The project provides an infusion of nearby residents in a walkable mixed use setting. Therefore, staff anticipates that the construction of this proposal would result in a favorable impact. Consumer demands are shifting, and there are numerous vacancies within the Lee's Hill Retail and Lee's Hill Professional Centers. This project if approved will exchange former zoned commercial space that has been vacant for a number of years into a viable mixed use development. The proposed development provides integrates quality open space into the design. The applicant has proffered cash contributions to mitigate the development impacts on public safety and parks and recreation. In addition, the County's model projects a positive annual fiscal benefit at build out of the project. The applicant has proffered off-site transportation improvements at the intersection of Spotsylvania Avenue and Market Street which contribute to future transportation improvements Market Street. Given the Findings in Favor and reasons noted in the conclusion, the Planning Commission voted 7-0 to recommend approval of R19-0010 with revisions to the proffer document to include an indoor pool, fitness center, and an increase in the cash contributions for public safety. Staff recommends approval of the rezoning request with the proffered conditions dated February 16, 2021.

Spotsylvania County Government

Appendix A

Comprehensive Plan Analysis

The Spotsylvania County Comprehensive Plan presents a long range land use vision for the County. The Comprehensive Plan sets forth principles, goals, policies, and implementation techniques that will guide the development activity within the County and promote, preserve, and protect the health, safety, and general welfare of its citizens. Specifically, the Plan provides data and analysis on land use, transportation, housing, natural and historic resources, and public facilities and utilities. The purpose of this document is not to regulate, but rather guide land use, transportation, and infrastructure decisions. This guidance seeks to ensure continued economic and community vitality while ensuring necessary policies and infrastructure are in place to provide for the continuation of quality services to Spotsylvania's residents and businesses.

The Aspire at Lee's Hill project, proposed via rezoning, is located within the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is intended to develop with higher residential densities and more intensive non- residential uses than outside of the boundary. By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character. The proposal is consistent with the intent of the Primary Development Boundary.

The Aspire at Lee's Hill project area is located within a mixed-use land use designation per the Future Land Use Map. The immediate area also includes the commercial land use designation. As per the Comprehensive Plan Land Use Element, the mixed-use land use designation *should serve as a place for Spotsylvania residents to live, work, shop, and play by providing for a variety of land uses in a compact, walkable community with a denser development pattern. The Mixed Land Use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential (garage apartments as well as residential units situated over commercial uses); commercial uses (retail and office); light industrial; educational facilities; recreation facilities, and compatible public and other civic facilities. The intensity of the development within the mixed-use category will vary depending upon location, surrounding uses and the availability of mass transit. Larger scale mixed use developments may be proposed under this category or developers may propose smaller projects that are or will be integrated into a larger mixed-use area. This should be accomplished by utilizing the principles described throughout this category description, with particular attention paid to the massing, street layout, building location on the lot, general aesthetic of the development, parking design and location, and pedestrian accessibility.* The Aspire at Lee's Hill proposal meets the intent of and is consistent with the mixed-use land use designation.

After conducting an analysis of applicable Comprehensive Plan Goals, staff has identified application strengths, deficiencies, and policy concerns worthy of consideration as outlined in the Comprehensive Plan policy analysis below:

Introduction and Vision:

Guiding Principles and Policies A. Spotsylvania County is a "business friendly" community and local job creation is a priority. Staff notes this rezoning project sacrifices commercially zoned acreage within an area overwhelmingly characterized by a variety of commercial and office uses. The project area is also located within close proximity to major transportation routes including Route 1 and Interstate 95. A similar concern was raised when the Lakeside Townhome project was proposed in the past. That project was ultimately approved and constructed. The entirety of the nearly 14-acre site is zoned either Commercial 2 or Commercial 3. As identified on project GDP as it relates to land use coverage the project proposed would result in 4.8 acres as age

restricted multi-family (147 units) and a 4,000 sq ft restaurant, 5.39 acres in single family attached age-restricted, and approximately 3.5 acres remaining exclusively commercial.
Recognizing the project is located within a mixed use area the proposed MU-4 zoning district and uses are complementary to the land use designation and is considered a higher intensity mixed use zoning designation and supports a variety of uses in a more urban form. This tier of mixed use is appropriate given the project location but the project itself (as proposed to be constructed) does reduce developable commercial acreage.
This project is business friendly in the sense it helps support design firms, tradesmen, laborers and suppliers throughout the design and construction phase. There are long term spin-off benefits associated with the upkeep of the neighborhood and homes, buying power and consumer needs of residents that are expected to support nearby businesses, etc. This project also reserves area to develop a wide array of potential commercial uses and has also identified one commercial user in the form of a 4,000 sq ft restaurant to be included within the 147-unit age restricted multi-family building proposed along Spotsylvania Avenue. The applicant supplied fiscal impact analysis projects direct and indirect construction related impacts. An equivalent 226 direct and 150 indirect jobs are expected for construction of this project (one-time impacts). Permanent employment impacts onsite have been attributed to a potential hotel (envisioned for the commercial area) and restaurant. This is not necessarily the full extent of commercial that can ultimately be developed within the project area but under this scenario an estimated 52 direct and 14 indirect positions would result.
Guiding Principles and Policies B. Spotsylvania County is fiscally sustainable. Guiding Principles and Policies B.2. Development projects seeking increased residential density and/ or non-residential intensity should address impacts that are specifically attributable to the proposed development. The applicant provided fiscal impact analysis suggests this project will offset its costs to the County after build out resulting in projected net revenues of $434,845 annually. The County utilizes a conservative fiscal impact model to separately analyze and help verify projected fiscal impacts submitted by applicants. The County model also projects a positive annual fiscal impact of $485,495 upon full build out.
Guiding Principles and Policies B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the County. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4.
Guiding Principles and Policies B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Sidewalks are required for this project as per the Mixed-Use Zoning ordinance. As depicted in the Generalized Development Plan, sidewalk infrastructure will be developed along internal roads providing an interconnected pedestrian friendly network about the project area. Staff notes the project is well positioned adjacent to a new FRED Transfer Hub located along Market Street. This hub is within a walkable distance of the entire Aspire project and offers the ability to access several FRED Routes to reach goods and services outside of the immediate area.
Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination. This site has been previously cleared and graded and is located within an area with existing development where development is intended to occur. There are no negative impacts to significant

natural, historic, and cultural resources expected. As referenced in the application materials, there is potential for the commercial development site associated with this project to result in an additional hotel. Staff notes several additional commercial users may also occupy the space. These are beneficial to local tourism and lodging.

Guiding Principles and Policies C. Spotsylvania County is a family friendly community. Guiding Principles and Policies C.1. The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities. The Proposal complements goals to provide units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability. Residential units proposed are age restricted units of single family attached and multi-family form. Per project proffer the 50 age restricted single family attached units will be a minimum 1,500 sq ft. units. 147 multi-family age restricted units are also proposed within a 4 story apartment building. The residential portion of this project will be subject to age restricted covenants as described in project proffer.

Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID). This rezoning request is not expected to negatively impact any sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality. If developed it is expected the site will result in additional tree canopy than is there presently located throughout the site. At present the project location is an open field but for vegetation along the eastern edge of the site.

Land Use:

Future Land Use Map Designation. The proposal is located within the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is intended to develop with higher residential densities and more intensive non- residential uses than outside of the boundary. By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character. The Aspire at Lees Hill proposal is consistent with the intent of the Primary Development Boundary.

The Aspire at Lee's Hill project area is located within a mixed-use land use designation per the Future Land Use Map. As per the Comprehensive Plan Land Use Element, the mixed use land use designation *should serve as a place for Spotsylvania residents to live, work, shop, and play by providing for a variety of land uses in a compact, walkable community with a denser development pattern. The Mixed Land Use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential (garage apartments as well as residential units situated over commercial uses); commercial uses (retail and office); light industrial; educational facilities; recreation facilities, and compatible public and other civic facilities. The intensity of the development within the mixed-use category will vary depending upon location, surrounding uses and the availability of mass transit. Larger scale mixed use developments may be proposed under this category or developers may propose smaller projects that that are or will be integrated into a larger mixed use area. This should be accomplished by utilizing the principles described throughout this category description, with attention paid to the*

massing, street layout, building location on the lot, general aesthetic of the development, parking design and location, and pedestrian accessibility. The Aspire at Lee's Hill proposal meets the intent of and is consistent with the mixed-use land use designation.

Land Use Policies Applicable to All Land Uses 1. Rezoning proposals should address impacts that are specifically attributable to the development. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4.

Land Use Policies Applicable to All Land Uses 3. Wherever possible, existing trees and tree buffers should be preserved rather than replacing mature vegetation with new plantings. Much of the area impacted by the development footprint has historically been cleared. If developed it is expected the site will result in additional tree canopy than is there presently located throughout the site. At present the project location is an open field but for vegetation along the eastern edge of the site.

Land Use Policies Applicable to All Land Uses 6. Encourage consideration of disabled and elderly citizens in the design and implementation of both new development and redevelopment. As an age restricted project, this proposal complements the physical needs of elderly and disabled persons through proffers. The project is limited to age restricted single family attached and multi-family units. Per proffer the multi-family Units to be *designed for the use and occupancy of handicapped persons and their families may reside in up to 36 of any of the MF Units; and (iii) the MF Units will include at least eight (8) "Type A" accessible units* (represent enhanced accessibility)*, and at least three (3) "Communication Feature" accessible units in accordance with the Virginia Uniform Statewide Building Code.*

Land Use Policies Applicable to All Land Uses 8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties. Mixed Land Use Policies 2. Appropriate transitions in scale of building and/ or buffering should be provided from mixed land use developments to adjoining existing developments. Staff notes the project is located along the edge of a mixed-use area with an existing single-family detached subdivision adjacent (The Meadows). The Meadows has a low-density residential land use designation (Comprehensive Plan supports up to 4 units/acre) consistent with the existing development character established there. As a land use boundary edge, staff has looked to the immediate surroundings and is considerate of nearby land use designations. As per the Comp Plan Land Use Policy Applicable to All Land Uses 8 "Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties", and Mixed Use Policy 2, "Appropriate transitions in scale of building and/or buffering should be provided from mixed land use developments to adjoining existing developments. As a whole the majority of the project is located within an existing developed area with a commercial focus that includes hotels, offices, retail and service businesses, restaurants, etc. Lakeside Townhomes is nearby and introduced a residential mix into the Lee Hill commercial area to create more of a horizontal mixed-use development character (differing uses located in close proximity to one another geographically). As noted prior, the proposal is complementary to the intent of the mixed use land use designation and as proposed, staff believes the project will complement the nearby commercial areas with a project that includes reservation of an area intended for additional commercial development, and by orienting larger, more commercial structures along Spotsylvania Avenue. As a transition to The Meadows located to the east, the projects steps down in height and bulk from a commercial area and proposed 4 story age restricted multifamily building, to an age restricted townhome

community. A forested buffer and steep topography differences act as a good physical separation between the proposed project and The Meadows. A series of small (approximately .25 acre) lots are positioned between the single family detached developed residential lots at The Meadows. They are primarily in the ownership of the Lee Hill Commercial Center Association as noted on the GDP. The Aspire project proposes constructing a 6' tall privacy fence along the eastern edge of the project as a separation between the proposed townhomes and these small lots. This fence is a modification of a transitional screening requirement that would be otherwise required onsite between the single family attached units of Aspire and the detached units of The Meadows and R-1 Zoning. Under present conditions the adjacent small undeveloped lots are forested and encumbered by steep slopes and lack frontage on any road. They are unlikely to be developable. This topographic separation was considered positive when Lakeside Townhomes was proposed via rezoning a number of years ago. That project was ultimately approved.

Mixed Land Use Policies 1. Mixed land use developments should display characteristics that provide a unique sense of place (examples could include: design guidelines, architectural features, or common color palette, among others). By proffer the application commits to a number of design details. The general design, architectural features, materials and improvements only for the multifamily building containing the proposed MF Units constructed on the Property are proffered to a design rendering that has been provided. Building materials have also been proffered associated with the multi-family building that is expected to be one of the more notable and visible elements of this project. The single family attached portion of the project also includes building materials commitments and architectural design guidance by proffer. The project has unknowns to the end users that will result within the commercial portion of this project and no design guidelines have been provided. Staff notes the commercial portion of this project is not located within the Highway Corridor Overlay District and will not be subject to those enforceable design standards as established by the County.

Mixed Land Use Policies 3. Vehicular and pedestrian connections should be made to adjoining developments at appropriate locations, including at existing interparcel access points. Mixed Land Use Policies 4. A grid pattern of connected streets should be supported by the County. Cul-de-sacs should be discouraged and only employed in rare instances. Project is complementary of Mixed Use Connectivity Policies.

Mixed Land Use Policies 5. The County should support public open space and pedestrian accommodations integrated throughout the development. Mixed Land Use Polices 11. Quality open spaces should be integrated into development and may include passive and active areas, pavilions, walking paths, gardens, forested areas, and lakes, among other features. Project is complementary of Mixed Use open space and pedestrian accommodations Policies. The project includes phasing commitments concerning development of open space amenities for future residents.

Mixed Land Use Policies 9. The County should support a diverse housing mix with a range of housing sizes and types that meet the needs of citizens throughout all stages of life and income levels. The Proposal complements goals to provide units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability. Residential units proposed are age restricted units of single family attached and multi-family form. Per project proffer the 50 age restricted single family attached units will be a minimum 1,500 sq ft. units. 147 multi-family age restricted units are also proposed within a 4 story apartment building. The residential portion of this project will be subject to age restricted covenants as described in project proffer.

Transportation:
Transportation Policy 1, Strategy 1. Achieve no less than a "D" Peak Hour Level of Service on 90% of County secondary roads within the Primary Development Boundary as shown in the Thoroughfare Plan. In the Primary Settlement District, levels of service are lower to encourage development and redevelopment to densities and intensities that maximize use of the existing infrastructure. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network. Transportation mitigations via proffer include: Southbound right-turn lane on Spotsylvania Avenue with 100 feet of storage and a 100-foot taper; Relocation of the signal pole in the location generally shown on the GDP; Signalized pedestrian crossings shall be constructed for the north and east legs of the Spotsylvania Avenue/Market Street intersection; A southbound right turn overlap phase shall be added to the Spotsylvania Avenue/Market Street ~~intersection~~, along with applicable striping of Market Street for purposes of the same; phasing of the aforementioned improvements as outlined in project proffers III.E; A sidewalk will be extended along Market Street and designed as part of the site plan for the commercial uses described; Dedication of right of way as provided herein and shown on the GDP upon final site plan approval or sooner pursuant to the County's request but in no event earlier than the initial site plan submission.

From a transportation perspective the proposed project is more favorable than the existing by-right potential of the project area. As per the County Transportation Engineer, *nothing* (no road) *gets an entire LOS letter worse for overall traffic approaches that is not addressed due to the Aspire development or a committed project. The proffers for transportation for Aspire include the minimum improvements necessary to satisfy VDOT and County requirements for the commercial entrance and frontage, e.g., sidewalk and a right turn lane.* VDOT has verified that the project has mitigated its impacts at this point in the process and offers no additional comments. *The current zoning for Aspire allows for significantly more trips: about 4658 than the proposed rezoning: 1438, which the applicant used to help justify why more transportation improvements were not warranted. The LOS comparison in the TIA showed no major differences with the exception of Spotsylvania Avenue at Market Street and Rte 1 and Market St. For Spotsylvania Avenue at Market Street. The analysis shows that a Right Turn lane was needed and included in the proposed transportation improvements. This change actually improved LOS for this movement from Future No Build – C to Future Build – B. Existing for this movement is LOS B. For Rte 1 and Market Street, some movements were LOS F and became worse F's with the development, but there was already a committed FAMPO/VDOT project to address this issue, so no contribution from Aspire towards that improvement.*
Transportation Policy #2, Strategy #1. Protect the transportation network from future congestion by: (a) encouraging joint-use access points for multiple developments; (b) ensuring connections within and between developments that offer alternative routing for traffic, but does not encourage cut-through traffic. Project is complementary of Mixed-Use Connectivity and Accessibility Policies.
Transportation Policy 2, Strategy 5. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network. Sidewalks are required for this

project as per the Mixed-Use Zoning ordinance. As depicted in the Generalized Development Plan, sidewalk infrastructure will be developed along internal roads providing an interconnected pedestrian friendly network about the project area. Staff notes the project is well positioned adjacent to a new FRED Transfer Hub located along Market Street. This hub is within a walkable distance of the entire Aspire project and offers the ability to access several FRED Routes to reach goods and services outside of the immediate area.

Historic Resources:

Historic Resources Policy 1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy 1, Strategy 2. Support the preservation of resources with local, state, or national significance. This site has been previously cleared and graded and is located within an area with existing development where development is intended to occur. There are no negative impacts to significant natural, historic, and cultural resources expected. As referenced in the application materials, there is potential for the commercial development site associated with this project to result in an additional hotel. Staff notes several additional commercial users may also occupy the space. These are beneficial to local tourism and lodging.

Natural Resources:

Natural Resources Policy 1. Balance the protection of environmental resources and natural wildlife habitats with development. Natural Resources Policy 1, Strategy 1. The County should support the mitigation of impacts upon unique and/ or endangered resources including rare species and their habitats. This rezoning request is not expected to negatively impact any sensitive environmental resources.

Natural Resources Policy 1, Strategy 3. Encourage land development practices, which minimize impervious cover to promote groundwater recharge, and/ or tree preservation. Much of the area impacted by the development footprint has historically been cleared. If developed it is expected the site will result in additional tree canopy than is there presently located throughout the site. At present the project location is an open field but for vegetation along the eastern edge of the site.

VOLUNTARY PROFFER STATEMENT

Applicant:	Bonaventure Investments, LLC ("Applicant") 2700 South Quincy Street, Suite 500, Arlington, VA 22206
Owner:	KW COMMERCIAL, LLC ("Owner") 1304 Washington Avenue, Fredericksburg, VA 22401
Representative:	Charles W. Payne, Jr., Hirschler Fleischer 725 Jackson Street, Ste. 200, Fredericksburg, VA 22401 Phone: (540) 604-2108; Fax (540) 604-2101 Email: cpayne@hirschlerlaw.com
Project Name:	"Aspire at Lee's Hill" ("Project")
Property:	Spotsylvania County Tax Parcel 36-17-FF, consisting of approximately 13.69 acres, known as 0 Spotsylvania Avenue ("Property")
Date:	February 16, 2021
GDP:	Generalized Development Plan, entitled "Aspire at Lee's Hill," prepared by Fairbanks & Franklin, dated July 1, 2019, as last revised June 26, 2020, attached hereto as Exhibit A ("GDP")
Rezoning Request:	From C-2 & C-3 to MU-4
Rezoning File No.:	R19-0010

I. General Information

The Applicant and Owner, and their respective successors and assigns, hereby agree that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions ("Proffers") pursuant to Sections 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia (1950, as amended), and Section 23-4.6.3, et al. of the Zoning Ordinance of Spotsylvania County (1995, as amended). The Proffers are the only conditions offered in this rezoning application. The Proffers will be effective upon Spotsylvania County's ("County") full and final approval of rezoning application R19-0010 to reclassify the Property from C-2 and C-3 to MU-4 to allow for an age-restricted residential and commercial development as provided more particularly below. Any prior proffers affecting the Property, whether of record or not, are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval.

II. Land Use

A. **General Development.** The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel and lot sizes, building envelopes, building or home sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, amenities, waste facilities, parking areas, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow full compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and the County's Zoning Ordinance, Subdivision Ordinance, and Design Standards Manual. Notwithstanding the foregoing, any material adjustments to the GDP shall be subject to the approval of the County's Zoning Administrator, and in no event shall approved adjustments to the GDP relieve the Applicant and Owner from providing any of the Proffers.

B. **Use.** The Property shall be developed solely for purposes of developing a mixed use development with residential age-restricted dwellings and commercial uses in accordance with the County's MU-4 zoning district to include the following uses:

(i) no more than fifty (50) age-restricted single-family attached units, each with a minimum of 1,500 square feet (collectively the "SFA"), all as generally shown on the GDP and further described herein;

(ii) one 4-story multifamily building, containing no more than 147 age restricted residential multifamily units (collectively the "MF Units"), with an approximately 4,000 square foot first floor restaurant (open to the public), all as generally shown on the GDP; and

(iii) hotel, retail, office, restaurant or other commercial uses permitted under the MU-4 zoning district, except that the following commercial uses shall not be permitted:

(1) Animal Shelter
(2) Bed and breakfast I
(3) Bed and breakfast II
(4) Billiard, pool hall
(5) Bus Station/depot/terminal
(6) Civic, social or fraternal facility
(7) Community center
(8) Contractors office and shop
(9) Convent, monastery, seminary and nunnery
(10) Cultural center, museum or similar facility

(11) Dormitory, fraternity or sorority house, rooming/boardinghouse or other residence hall
(12) Garden center
(13) Industrial/flex
(14) Open air market
(15) Place of worship
(16) Public school
(17) Private school
(18) Quasi public park, playground, community center, athletic field and related facilities
(19) Religious retreat facility
(20) Railroad station/depot/terminal
(21) Vehicle sale, rental and ancillary service establishment, small scale
(22) Vehicle sale, rental and ancillary service establishment, large scale

C. **Age-Restricted Covenants.** All SFA and MF Units constructed on the Property shall be age-restricted and shall adhere to the following:

(1) For purposes of the SFA, all units constructed on the Property shall be age-restricted and qualify as "housing for older persons" in accordance with the criteria set forth in Code of Virginia Section 36-96.7, et al., as amended. Further, the Applicant and Owner, prior to construction of the first SFA unit, shall prepare and record restrictive covenants that define the qualification for initial and subsequent occupancy of any SFA unit associated with the Property and shall further restrict households to include at least one (1) person who is age 55 years or older. Additionally, a covenant shall be placed on the Property (as applicable pursuant to future subdivision for SFA use) that further prohibits any resident 18 years or younger to reside within any SFA unit constructed on the Property for a period of time exceeding thirty (30) days within any six (6) month period. Notwithstanding the foregoing restrictions, any SFA unit constructed on the Property may be occupied by a physically or mentally disabled individual who is 18 years of age or older, whose parent or legal guardian is 55 years or older, and is the occupant of an age-restricted unit. All such covenants described herein shall be recorded among the land records of Spotsylvania County, Virginia, and encumber the Property prior to the issuance of a certificate of occupancy for any SFA unit.

(2) For purposes of the MF Units, all units constructed on the Property shall be age-restricted in accordance with HUD Section 231, which shall include the following restrictions: (i) only persons age 62 years or older may reside in the MF Units; (ii) MF Units designed for the use and occupancy of handicapped persons and their families may reside in up to 36 of any of the MF units; and (iii) the MF Units will include at least eight (8) "Type A" accessible units, and at least three (3)

"Communication Feature" accessible units in accordance with the Virginia Uniform Statewide Building Code.

(3) The covenants for the MF Units and SFA Units shall be recorded among the land records of Spotsylvania County, and encumber the Property prior to the issuance of a certificate of occupancy for the first MF unit.

D. **General Architectural Features.**

(1) The general design, architectural features, materials and improvements only for the multifamily building containing the proposed MF Units constructed on the Property will be as depicted on the attached architectural rendering marked as Exhibit B, entitled "A Senior Living Complex for: Aspire at Lee's Hill," dated November 13, 2019, and prepared by J. Price Architecture, Inc.

(2) The building materials for the multifamily building containing the proposed MF Units will include one or more of the following: architectural fiberglass shingles, modular brick veneer, fiber cement siding, fiber cement panel siding, fiber cement trim and brackets, brick rowlock sills, architectural vinyl window systems and aluminum storefront. Notwithstanding anything to the contrary under this Section II.D(2), the aforesaid building materials may be substituted with materials substantially similar in look and quality subject to the approval of the County's Zoning Administrator.

(3) The building materials for only the SFA will include one or more of the following: vinyl siding (Dutch lap in main areas; Board and batten in accent areas); painted fiberglass front doors; 30-year architectural shingles; cultured stone veneer; 4" aluminum gutters; aluminum wrapped fascia/exterior trim; carriage (beaded) style garage door with glass insert; driveways: all will be either concrete or asphalt; and professionally coordinated/designed exterior color schemes, to include certain restrictions so that no houses side by side one another or directly across the street from each other will have the same color scheme or same exterior elevation. Notwithstanding anything to the contrary under this Section II.D(3), the aforesaid building materials may be substituted with materials substantially similar in look and quality subject to the approval of the County's Zoning Administrator.

III. Transportation

The following in kind transportation Proffers will be provided, all as generally shown on the GDP:

A. Southbound right-turn lane on Spotsylvania Avenue with 100 feet of storage and a 100-foot taper at the Spotsylvania Avenue/Market Street intersection;

B. Relocation of the signal pole in the location generally shown on the GDP;

C. Signalized pedestrian crossings shall be constructed for the north and east legs of the Spotsylvania Avenue/Market Street intersection;

D. A southbound right turn overlap signal phase shall be added to the Spotsylvania Avenue/Market Street intersection, along with applicable striping of Market Street; and

E. All of the foregoing transportation improvements under Section III.A through D will be completed prior to the issuance of the certificate of occupancy (whether temporary or final) for any SFA or MF unit, including the commercial uses proposed within the same, as described above under Section II.B(ii).

F. A sidewalk will be extended along Market Street and designed as part of the site plan for the commercial uses described above under Section II.B(iii).

G. Dedication of right-of-way as provided herein and shown on the GDP prior to any site plan approval for the project or sooner pursuant to the County's request but in no event earlier than the initial site plan submission.

IV. Cash Proffers

A. The following cash proffers will be provided to mitigate the Project's impacts. Cash proffers are applicable to all residential units and will include a total of $60,320.75, which will be paid on a per unit basis of $305.75 per MF unit and $307.51 per SFA unit (collectively the "Cash Contributions") only after the final inspection and before the County's approval of any certificate of occupancy (temporary or final) for each unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	**SF Attached**	**Age-Restricted MF**	**Age-Restricted SFA**	**TOTAL**
Per Unit Cash Proffer	*$0 x 0*	*$0* x *0*	*$305.75*x *147*	*$307.51 x 50*	
TOTAL	*$0*	*$0*	*$44,945.25*	*$15,375.50*	*$60,320.75*

LUMP SUM AND IN-KIND CONTRIBUTIONS		
PUBLIC FACILITY CATEGORY		**TOTAL VALUE**
Schools	$0.00 cash per unit to Schools	$0.00
Public Safety	$254.98 cash per MF unit to Public Safety	$37,482.06
	$256.74 cash per SFA unit to Public Safety	$12,837.00

Transportation	$0.00 cash per unit to Transportation	$0.00
Parks & Rec.	$50.77 cash per MF unit to Parks & Rec. $50.77 cash per SFA unit to Parks & Rec.	$7,463.19 $2,538.50
	TOTAL CASH & IN KIND PROFFER VALUE	*$60,320.75*

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	**Timing**
Cash Contributions for MF Units	After the final inspection and before the County's approval of any certificate of occupancy for each MF unit and building containing said units.
Cash Contributions for SFA	After the final inspection and before the County's approval of any certificate of occupancy for each SFA.

B. **Escalation Clause.** Commencing five (5) years after the approval of this rezoning application, the cash proffers for each age-restricted residential unit shall be adjusted annually on January l to reflect any increase for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (the "CPI-U") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Cash Contributions for the preceding year by the CPI-U as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2-2303.3b of the Code of Virginia.

V. Additional Proffers

A. The following amenities shall be provided for the MF Units, prior to the issuance of the certificate of occupancy (permanent or temporary) for the first MF unit: outdoor patio, garden beds, fire pit, pergola, and open/activity lawns, all as shown on the GDP, and an indoor pool and fitness center.

B. The following amenities shall be provided for the SFA, prior to the issuance of the certificate of occupancy (permanent or temporary) for the first SFA unit: dog park, gazebo, fencing and landscape buffer, all as shown on the GDP.

C. The MF Units will have access to the SFA dog park amenity which shall be established via an agreement distinct from the covenants described in Section II.C, prior to the issuance of the first SFA certificate of occupancy (permanent or temporary).

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant and Owner make these Proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

APPLICANT:

Bonaventure Investments, LLC, a Virginia limited liability company

By: Dwight D Dunton III
Dwight D. Dunton, III, Manager

Date: February 11, 2021

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Alexandria

The foregoing was subscribed, sworn to and acknowledged before me this 11 day of February, 2021, by Dwight D. Dunton, III, Manager of Bonaventure Investments, LLC, a Virginia limited liability company, on behalf of said company.

Camille Margareta Chapman
Notary Public

Print Name: Camille Margareta Chapman
My Commission Expires: July 31, 2024
Registration No. 7597622
[SEAL]

CAMILLE MARGARETA CHAPMAN
NOTARY PUBLIC
REG. #7597622
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2024

OWNER:

KW COMMERCIAL, LLC, a
Virginia limited liability company

By: _____
Richard G. P. Harrison, Manager

Date: 2/16/21

COMMONWEALTH OF VIRGINIA
CITY/~~COUNTY~~ OF Fredericksburg

The foregoing was subscribed, sworn to and acknowledged before me this 16th day of February, 2021, by Richard G. P. Harrison, Manager of KW COMMERCIAL, LLC, a Virginia limited liability company, on behalf of said company.

_____
Notary Public

Print Name: Jennifer Ranelle Petitt
My Commission Expires: July 31, 2021
Registration No. 7545838
[SEAL]

Jennifer Ranelle Petitt
Commonwealth of Virginia
Notary Public
Commission No. 7545838
My Commission Expires 7/31/21

EXHIBIT A

Generalized Development Plan

EXHIBIT B

Rendering

Exhibit B

1 **Overall North Elevation**

SCALE: NOT TO SCALE

2 **Enlarged North Elevation**

SCALE: NOT TO SCALE

MATERIALS:

1. ARCHITECTURAL FIBERGLASS SHINGLES
2. MODULAR BRICK VENEER
3. FIBER CEMENT SIDING
4. FIBER CEMENT PANEL SIDING
5. FIBER CEMENT TRIM AND BRACKETS
6. BRICK ROWLOCK SILLS
7. ARCHITECTURAL VINYL WINDOW SYSTEMS
8. ALUMINUM STOREFRONT (WHITE)

BONAVENTURE REALTY GROUP, LLC

SCHEMATIC DESIGN

A Senior Living Complex for:
Aspire at Lee's Hill

Spotsylvania County, Virginia

© J. Price Architecture, Inc. 2019 All Rights Reserved

105 W Kansas
Suite C
Liberty, Missouri 64068
(816) 792-5991
J. PRICE ARCHITECTURE, INC.

ARCHITECTURAL ELEVATIONS

PROJECT: 18.009

DATE: 11/13/19

SHEET NUMBER:

PAID
$12,695.23

JUL 16 2019

Spotsylvania County
Community Dev

REZONING APPLICATION
(Please type or print)

07/01/2019

Date: 7/16/19 Case: R19-0010

110-0000-316-16-08 (395)	Mailing	$ 19.00
110-0000-316-16-08 (395)	Planning	$ 11,816.23
110-0000-316-16-10 (334)	GIS	$ 190.00
260-0000-313-03-45	Zoning	$ 605.00
260-0000-318-99-14	Intake	$ 65.00
	Process Fee	
	Total Filing Fee:	$12,695.23

Bonaventure Investments, LLC
Applicant's Name

2700 South Quincy Street, Suite 500
Applicant's Address

Arlington, VA 2206
City, State, Zip Code

jphyland@bonaventure.com
Applicant's E-mail Address

703-373-0906
Applicant's Telephone No.

Charles W. Payne, Jr.
Agent's Name (Point of Contact for Application)

725 Jackson Street, Suite 200
Agent's Address

Fredericksburg, VA 22401
City, State, Zip Code

cpayne@hirschlerlaw.com
Agent's E-mail Address

540-604-2108
Agent's Telephone No.

Property Owner Information:

KW COMMERCIAL, LLC
Name

1304 Washington Avenue | Fredericksburg, VA 22401 | 540-287-3068
Address | City, State, Zip Code | Telephone No.

If Applicant is not the owner, attach documentation of owner's consent

Parcel Location: At intersection of Spotsylvania Avenue and Market Street

Tax Map Parcel Number: 36-17-FF

Acreage: 13.694 acres

Current Zoning: C-2 & C-3

Acreage in Request: 13.694 acres

Proposed Zoning: MU-4

Overlay District: Airport Protection

Proposed Use: Mixed use development with 64 age-restricted SFA units, 146 age-restricted MF units plus commercial uses

To: The Board of Supervisors of Spotsylvania County, Virginia. The above named Applicant(s) hereby petition(s) for the approval indicated above for the described property and as shown on the attached materials made a part of this Application.

I hereby certify by my signature below that I am the owner of record of the named property or that I am authorized to act on behalf of all the owners of record of the named property to execute this application. I further certify that all information I have provided thereon is complete and accurate. I agree on behalf of myself and all owners to conform to the Zoning Ordinance, Subdivision Ordinance, Virginia Uniform Statewide Building Code, Erosion Ordinance, Chesapeake Bay Preservation Ordinance, the Water and Sewer Construction Specifications of Spotsylvania County, and all other applicable laws and regulations of this jurisdiction.

Bonaventure Investments, LLC
By: Dwight D. Dunton, III | 07/01/2019 | Dwight D. Dunton, III, Manager
Signature of Owner (or Agent with POA*) | Date | Print Name

Dwight D. Dunton, III, Manager

Signature of Owner (or Agent with POA*) | Date | Print Name

I have read this Application, understand its intent and freely consent to its filing. Futhermore, I have the power to authorize and hereby grant permission for Spotsylvania County Officials and other authorized government agents on official business to enter the property to process this Application.

Voting District:_____ Census Tract:_____ Traffic Analysis Zone:_____

(To be completed by the Planning Department after submission)

SPECIAL POWER OF ATTORNEY AFFIDAVIT

COMMONWEALTH OF VIRGINIA
COUNTY OF SPOTSYLVANIA

This 1st day of July, 20 19, I, Dwight D. Dunton, III, Manager of Bonaventure Investments, LLC, contract purchaser of f 36-17-FF (describe land by tax map number) make, constitute, and appoint Charles W. Payne, Jr., my true and lawful attorney-in-fact, and in my name, place and stead giving unto said Charles W. Payne, Jr. full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make Application for said Rezoning Application. This includes the authority to execute and amend proffers and to sign the Notice of Conditional Zoning.

The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on July 1, 20 19, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of Spotsylvania County stating that the terms of this power have been revoked or modified.

Given under our hands this 1st day of July 20 19.

Dwight D Dunton

Owner/Contract Purchaser/Authorized Agent (Circle One)

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ARLINGTON, to wit:

The foregoing instrument was acknowledged before me by Dwight D. Dunton, III, Manager of Bonaventure Investments, LLC, contract purchaser of said property, this 1 day of July, 2019.

My commission expires: 7/31/2020

Barbara Parker Notary Public

7697342 Registration Number

BARBARA PARKER
NOTARY PUBLIC
REG. #7697342
MY COMMISSION EXPIRES
07/31/2020
COMMONWEALTH OF VIRGINIA

OFFICE USE ONLY

File/Case Number : _____ Date Accepted: _____, 20____

REZONING FEE CALCULATION SHEET

Application No.: _____

Date Received: _____

STEP 1- CALCULATE THE PLANNING FEE:

☒ Rezoning

Base Fee	$	11,650.00
# of acres > 10 distrb 3.694 X $45.00	$	166.23
	$	11,816.23

☐ Rezoning GDP and Proffer Amendment

Fee	$	7,175.00
	$	

☐ Rezoning Proffer Amendment – Text Only

Fee	$	4,180.00
	$	

STEP 2- COMPLETE APPLICATION WORKSHEET:

260-0000-318-99-14	Intake Processing Fee	$	65.00
110-0000-316-16-08 (395)	Mailing Fee**:	$	19.00
110-0000-316-16-08 (395)	Planning Fee:	$	11,816.23
110-0000-316-16-10 (334)	GIS Fee:	$	*190.00
260-0000-313-03-45	Zoning Fee:	$	605.00

APPLICATION TOTAL: $ 12,695.23

*GIS fee not applied to Applications that do not require a Generalized Development Plan (GDP)

**Equation: (# project parcels + # of adjacent parcels) x 1st class postage x 2 meetings = $Mailing Fee

1 18 .50

Refunds (Planning) – All refunds must be requested in writing to the Planning Director. Refunds will be issued in the following circumstances: 95% of Planning fees if application is withdrawn within two (2) business days of submission; 80% of Planning fees if application is withdrawn during the initial

review period (time varies depending on application type); 40% of Planning fees if application is withdrawn within ten (10) business days after initial review comments are issued.

REZONING APPLICATION

Spotsylvania County Planning Department

Merchants Square Office Building
9019 Old Battlefield Boulevard, Suite 320
Spotsylvania, Virginia 22553

Phone (540) 507-7434
www.spotsylvania.va.us

UPDATED: 06/07/2019

REZONING APPLICATION PACKET

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OVERVIEW OF THE REZONING PROCESS

The Rezoning Process involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses and whether the Rezoning is consistent with the Comprehensive Plan. The process includes review of the Rezoning Application by planning staff along with appropriate County departments, State and Federal agencies. Planning staff will report their findings and make recommendations to the Planning Commission and the Board of Supervisors at public hearings. In accordance with Section 23-4.2.1 of the Zoning Ordinance, planning staff arranges for public hearing notices to appear in the local newspaper twice prior to each public hearing and sends notices to each adjacent landowner. The Board of Supervisors votes on the rezoning request. The Rezoning Process typically takes between four (4) and twelve (12) months, depending on the type of request and issues involved.

THE REZONING PROCESS

STEP 1: PRE-APPLICATION MEETING

A Pre-application Meeting is required prior to the submission of a Rezoning Application. Contact the Planning Department to schedule a Pre-application Meeting. The purpose of the meeting is to help identify early in the process those issues that should be addressed by the Application. Staff will determine the level of detail required for review of the Application in accordance with the minimum submission standards included in this packet. Please provide the following information with the request:

- ... parcel identification number or address of the property;
- ... size of the parcel(s);
- ... existing zoning; and
- ... proposed zoning.

During the meeting, you will be asked to provide a brief overview of the proposal; then staff will assist you in identifying those components of the Comprehensive Plan that are relevant to the Application. Staff will also determine which submission requirements are necessary to evaluate your request and staff may also suggest additional items.

The Pre-application Meeting is an opportunity for the Applicant/Engineer to seek assistance from planning staff and other review agencies on matters related to the Application. Review the contents of the Application packet prior to the meeting, and if necessary, prepare a list of questions for staff. Contact the Planning Department (540) 507-7434 to schedule a Pre-application Meeting prior to submitting a Rezoning Application.

Please bring informational items to the conference, but this is not required. Such information may include a Generalized Development Plan (GDP), topographic maps, architectural renderings, or any of the items described in the minimum submission requirement section of this packet.

STEP 1A: COMMUNITY MEETING

The County encourages that applicants host a community meeting prior to submission. See "Spotsylvania County Community Meeting Recommended Guidelines" on the County's Planning webpage: www.spotsylvania.va.us.

STEP 2: INITIAL APPLICATION SUBMISSION

Complete all required items listed in the Basic Submission Requirements. Submit these items along with the appropriate fees to the Community Development Intake Counter at: **9019 Old Battlefield Boulevard, Spotsylvania, VA 22553.**

Basic Submission Requirements

The term "Basic Submission" is used to describe the minimum graphic and Narrative information necessary to review an Application for Rezoning. Additional submission information is preliminarily identified at the Pre-Application Conference and confirmed after the submittal. However, the Planning Department or other review agencies may seek additional information after the submittal. The omission of any of the Basic Submission materials or any of the additional information may result in the case being determined incomplete. **Each application shall (i) identify the expected impacts of a rezoning or proffer amendment , (ii) propose mitigation strategies addressing the impacts, and (iii) demonstrate how the proposed mitigation is consistent with state law.**

The following items must be submitted as part of the Application:

- **Standard Application Form** (signed, 1 copy)
- **Special Power of Attorney Affidavit** (if needed, 1 copy)
- **If Applicant is not the Owner, attach documentation of notarized Owner's consent**
- **Adjacent Property List** (1 copy)
  At the Pre-application meeting, a planner will assist you in compiling a list of all property adjoining, abutting or across the street from the property.
- **Fees** (See pg. 21 or the current Unified Fee Schedule)
- **General Warranty Deed** (1 copy)
- **Accurate Plat** (may be combined with the GDP, 1 copy)
- **Generalized Development Plan-Narrative** (1 copy & digital format)
- **Generalized Development Plan-Graphic** (5 folded copies & digital format)
- **Fiscal Impact Analysis** (1 copy & digital format) (if needed)
- **Draft Proffer Statement** or statement of intent to submit (1 copy & digital format)
- **Architectural Renderings** (if needed)
- **Traffic Impact Study** (5 copies & digital format & appropriate fee)
- **Conceptual Stormwater Management Plan**

A. Submission Requirements:

1. Applications shall be submitted for electronic review with the submission of a paper application, a CD that contains a full application and all of the supporting application materials in PDF format along with 5 full size GDP sets (24x36) and a 11x17 paper plan set.
2. Place an approval block in the same place on each page of the GDP.

STEP 3: QUALITY CONTROL

A case planner will be assigned to the case. The case planner will be the contact with the County throughout the Rezoning Process and the case planner will review the submission package for completeness within ten (10) working days of submission of an Application. Omissions in the submission package, including items identified in the Pre-application Conference, may result in the Application being determined incomplete. A letter identifying all incomplete items and revisions will be sent to the Applicant. Further processing of the Application will cease pending submission of the requested items. Once the case planner has determined the Application complete, the Application will be sent for staff review.

STEP 4: STAFF REVIEW AND COMMENT

After the Application is determined complete, staff will transmit the Application to the relevant review agencies. During this time, the review agencies will perform a substantive analysis of the Application and will provide comments on issues identified during their review. The Applicant/Engineer will have a chance to address issues raised during the review process in a technical review meeting.

STEP 5: PROFFERS, SCHEDULING AND POSTING

Proffers:

If an applicant desires to proffer conditions, then either the proffers or a statement of intent to submit proffers shall accompany the Rezoning Application. All proposed proffers shall be submitted in writing in a format acceptable to the Planning Director. Proffers shall be clear and succinct and shall be separated into independently enumerated paragraphs, each of which addresses no more than one (1) aspect of the development and use of the property. Any proffered generalized development plans, architectural elevations, and other graphic representations or sample materials shall accompany the proffer statement and shall be clearly identified and incorporated by reference in the text of the proffers.

Any modified or revised proposed proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

Any proffers shall be approved as to form by the County Attorney. Proffered conditions presented to the Planning Commission or Board of Bupervisors must be signed by the record owner of the subject property, or an agent with power of attorney authorized to sign the proffered conditions, and notarized. The Planning Commission hearing on a rezoning application shall not be scheduled without these signatures on the proffer statement.

Additional amendments to the proffered conditions shall be submitted not less than fourteen (14) days prior to the scheduled Planning Commission public hearing unless the public hearing is postponed.

Scheduling:

Rezoning cases will not be scheduled for a public hearing before the Planning Commission until the proffers have been approved as to form by the County Attorney. Planning staff will schedule the case for the next available Planning Commission public hearing, arrange for public notices in the local newspaper in accordance with the Code of VA., and will send notification of the hearing to property owners within 3,000 feet of the proposal.

Posting:

Fifteen (15) days prior to the public hearing date, the Applicant must post notices on the property indicating an upcoming public hearing and identifying the appropriate case number for the pending Application. The Planning Department will provide the public notice signs. General posting instructions are included in this packet (See Posting of Public Notice Signs). Parcel specific instructions for posting the property will be handled by the case planner. Once the signs are posted, a notarized Sign Posting Affidavit must be submitted to the Planning Department. The signs are to be returned to the Planning Department within ten (10) days of the Board of Supervisors decision.

STEP 6: PLANNING DEPARTMENT REPORT AND RECOMMENDATION

The case planner will prepare the staff report and recommendation. The staff report and recommendations will be forwarded to the Applicant when the Planning Commission packets are delivered to the members of the Commission.

STEP 7: PLANNING COMMISSION PUBLIC HEARING

At the public hearing, the case planner will provide an overview of the Application and present the staff report and recommendation. The Applicant will then be given ten (10) minutes to speak on behalf of the Application and to answer questions from the Planning Commission. Following the Applicant's presentation, the public hearing will be opened and citizens desiring to comment on the proposal are invited to speak. The Planning Commission may make their recommendation to the Board of Supervisors at the initial public hearing meeting or defer action on the proposal in accordance with Zoning Ordinance Section 23-4.6.7. If the applicant wishes to amend proffered conditions once the public hearing has begun the Planning Commission shall continue consideration of the rezoning to a future meeting and the amended proffers, shall be submitted not less than fourteen (14) days prior to that meeting date.

STEP 8: SUBMISSION OF THE GDP FOR THE BOARD OF SUPERVISORS HEARING

Once the Planning Commission has acted on the Application, the Applicant must submit the GDP and color renderings on a disk in PDF format. After the public hearing before the Planning Commission, the Applicant may submit any additional proffers or modifications to the submitted proffers to address issues identified in the staff report considered or discussed by the Planning Commission at the public hearing.

The Board of Supervisors public hearing shall be scheduled once the proffered conditions are approved to form by the County Attorney. Additional amendments to the proffered conditions shall be submitted not less than fourteen (14) days prior to the scheduled Board of Supervisors public hearing unless the public hearing is postponed. If the applicant wishes to amend proffered conditions once the public hearing has begun, the Board of Supervisors shall continue consideration of the rezoning to a future meeting and the amended proffers shall be submitted not less than fourteen (14) days prior to that meeting date. All proffers shall be approved as to form by the County Attorney. All modified or revised proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

STEP 9: BOARD OF SUPERVISORS PUBLIC HEARING

The Applicant will be responsible for ensuring that the signs are posted at the property at least fifteen (15) days prior to the public hearing and that a notarized Sign Posting Affidavit is submitted to the Planning Department. The Board hearing presentations are conducted in the same manner as the Planning Commission. Board actions may occur in accordance with Section 23.4.6.8 of the Zoning Ordinance.

GENERALIZED DEVELOPMENT PLAN (GDP) NARRATIVE

The Zoning Ordinance requires both graphic and written information which addresses part of the basic submission Narrative to include a written description of the relationship of the proposal to the relevant components of the Comprehensive Plan or other materially relevant issues to be reviewed for its consistency in each Application. **Each application shall (i) identify the expected impacts of a rezoning or proffer amendment, (ii) propose mitigation strategies addressing the impacts, and (iii) demonstrate how the proposed mitigation is consistent with the Code of Virginia.**

GENERALIZED DEVELOPMENT PLAN (GDP)

The processing of an Application for a rezoning involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses. The staff must review the design of the site and the existing and proposed site features. The Rezoning Generalized Development Plan (GDP) is a schematic plan developed in accordance with the Spotsylvania County Zoning Ordinance and the associated Design Standards Manual.

If the proposed rezoning has an existing structure and the proposed activity will be conducted within the structure, a GDP may not be required. Planning staff will outline the specific requirements at the Pre-application Conference.

GRAPHIC SUBMISSIONS:

Parcel Information

An accurate plan of the property prepared by a certified Land Surveyor or licensed Civil Engineer and containing the following:

- Vicinity map at one (1) inch equals two thousand (2000) feet.
- Owner and project name.
- Property lines with bearings and distances and existing and proposed zoning district lines.
- Area of land proposed for consideration, in square feet or acres.
- Scale, scale graphic and north arrow.
- Names of boundary roads or streets and width of existing rights of way.
- Easements and encumbrances, if applicable.

Generalized Development Plan Graphic

The graphic portion of the rezoning GDP submission shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and a sheet size not to exceed twenty-four (24) inches by thirty-six (36) inches. Reasonable exceptions to the scale and sheet size will be made on a case by case basis. If prepared on more than one (1) sheet, match lines shall be clearly indicated where the sheets join. All sheets shall be folded to a size not greater than nine (9) inches by twelve (12) inches.

The GDP shall depict existing conditions and proposed features. A checklist is provided on page 11 that outlines the basic GDP requirements. These required items are also listed in Section 23-4.6.2 of the Zoning Ordinance. In addition to the Basic Submission Requirements for the GDP, additional information may be required as discussed at the Pre-application meeting.

Spotsylvania County
Rezoning Application
Generalized Development Plan
Graphic Review Checklist

Case Number: _____ Project Name: Aspire at Lee's Hill

NOTE: THIS CHECKLIST IS USED BY STAFF TO DETERMINE COMPLIANCE WITH COUNTY CODE, SEC. 23-4.6.2. IT IS PROVIDED TO PROFESSIONAL PLAN PREPARERS FOR INFORMATIONAL PURPOSES.

At a minimum, the generalized development plan (GDP) shall include the following information unless the submission requirements have been waived or modified by the Planning Director due to the scope and nature of the proposed project:

X 1. Generalized Development Plan Title Sheet(s) to include:

X (a) A title block denoting the type of application, name of project tax map reference, voting district, and street address;

X (b) An approval block located along the right side of the title sheet and each subsequent sheet of the generalized development plan;

X (c) The name, address and phone number of the owner and applicant;

X (d) The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;

X (e) Vicinity map, 1" = 2,000, a north arrow scale, and scale graphic;

X (f) Generalized development plan index;

X (g) A Site data summary table providing at minimum:

X (1) tax map reference;

X (2) project area size including total, and disturbed acreage;

X (3) existing and proposed zoning designation(s);

X (4) a table with computations showing existing by-right unit potential, proposed unit yield by residential unit type and densities and/or gross and net floor areas of nonresidential structures where applicable;

X (5) identification of any overlay districts within project limits;

X (6) existing use and types of proposes uses;

X (7) building height, number of floors, and setbacks of all existing and proposed buildings, structures and other improvements;

X (8) a table with computations showing trip generation with land use code reference;

X (9) acknowledgement of any known historic building, archaeological features, or historic districts;

X (10) acknowledgement of any known places of burial;

X (11) acknowledgement of any floodplains, resource protection areas, wetlands, steep slopes, dam break inundation zones, onsite;

X (12) parking, including tabulation of required parking and spaces proposed.

X (h) A table with computations estimating the lot coverage ratio and impervious surface ratio;

X 2. The identification of and distance to all major intersections within one-half mile of the proposed development;

X 3. The boundary of the entire parcel with courses and distances;

X 4. Any existing or proposed parcel lines, easements or right-of-way within the subject parcel(s);

X 5. The present zoning and principal use of the subject parcel and all contiguous properties;

X 6. Graphic depiction of the boundaries of any overlay zoning districts described in Article 6 of Chapter 23;

X 7. Graphic depiction of the general locations, approximate dimensions, height, number of floors and setbacks of all existing and proposed buildings, structures, accessory structures (including outdoor lighting, fences, bike racks, walls or hedges, trash receptacles), signs, landscaping and buffers, stormwater management facilities and other improvements;

X 8. The boundaries of any water bodies, USGS perennial streams, floodplain, resource protection areas, watershed, wetlands (if any), steep slopes;

X 9. A generalized landscape plan showing existing vegetation, proposed clearing limits and indicating the location, and types of vegetation to be installed under the landscaping and bufferyard requirements of Article 5, Division 5 of Chapter 23, and the general location and material descriptions of any other proposed screens, bufferyards or landscaping;

X 10. The location and dimensions of existing and proposed parking and loading areas

and any other impervious surfaces, such as driveways, streets (and names), cement sidewalks and playing surfaces;

X 11. The location and description of all points of access including all proposed interparcel connections;

X 12. The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;

X 13. The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;

X 14. The location and dimensions of existing water and sewer mains serving the site of the proposed development, points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;

X 15. Topographic contour lines at two foot intervals for the existing site;

X 16. The location and dimensions of the on-site and off-site facilities for the retention or detention of stormwater;

X 17. The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a tabulation of usable openspace in accordance with the open space definition in Sect.23-2.1.4. Definitions;

NA 18. For large-scale, phased developments, identification of the location and timing of each phase of the development;

X 19. Graphic depiction of any known historic building, archaeological features, or historic districts;

X 20. Graphic depiction of any known places of burial and easements for cemetery access in accordance with the Code of Virginia § 57-27.1, as amended;

X 21. A description of the methods proposed to control erosion, sedimentation and stormwater runoff; and;

X 22. A description of the persons to be responsible for future maintenance of all roads, easements, parks, playgrounds, stormwater and drainage facilities and other common areas;

X 23. Signature and seal of professional person certifying the plan.

County of Spotsylvania
Department of Planning
9019 Old Battlefield Blvd. Suite 320
Spotsylvania, VA 22553
Phone: (540) 507-7434

Pre-Application Meeting Request

Property Owner(s): _____

Developer/Applicant: _____

Phone #: _____ Cell # _____ *Email: _____

TM#: _____ Existing Zoning: _____ Proposed Zoning: _____ Disturbed Acreage _____ Parcel Acreage _____

Parcel Address: _____

Type of Application: _____

Public Water: ☐ Yes ☐ No Public Sewer: ☐ Yes ☐ No

Is this an active project in the County or have there been any prior approvals? ☐ Yes ☐ No

If yes, list: _____

Issues or items to be discussed:

_____

Department/Staff requested to attend:

_____

*Requested DATE of PRE-APPLICATION MEETING (Thursday): _____

Signature of Submitter: _____

_____

_____

_____

_____

*Please submit this request on Monday the week prior to the week of the meeting date with a General Plan of Development or Concept Plan.

VOLUNTARY PROFFER STATEMENT RECOMMENDED FORMAT

VOLUNTARY PROFFER STATEMENT
Rezoning case file number

Applicant's name
Applicant's address

Project name
Tax parcel number(s)
Address, if available

Date, with date of all revisions

I. General Information
Include an introductory statement that includes the rezoning request, current zoning classification, acreage, uses, and other relevant general detail. State that the development of the property shall be in conformance with the proffered conditions. If the rezoning includes a residential component, state that the proffers offered are in compliance with the Code of Virginia 15.2-2303.4. If a Generalized Development Plan or other graphics are proffered, they should also be referenced in this paragraph.

II. Next Heading
- **A. Detail proffer.**
- **B. Detail proffer.**
  - **1) Further detail.**
  - **2) Further detail.**

III. Next Heading
- **A. Detail proffer.**
- **B. Detail proffer.**

Applicant makes these proffers voluntarily, in support of their Rezoning Application.

Original signature *Date*
Type full name and title

Notary statement, signature, and Date

Format guidelines:
- Proffers that supersede a previous proffer statement accepted under a different rezoning should include the previous case number in the heading after the current case number, clearly identifying that the current proffer statement supersedes the previous one.
- Each number or letter under a heading should apply to no more than one condition or detail of a condition.

In accordance with Sec. 23-4.6.3(b)(2), all modified or revised proffers shall be

accompanied by comparative drafts highlighting the changes made in such modification or revision.

ADJACENT PARCEL LIST

The following are the properties either abutting, adjoining, or across the street from the property subject to this Rezoning Application (please print or type parcel number):

MAP #

36-17-BB

36-19-4

36-19-3

36-19-2

36-17-M

36-17-C

36-17-KK

36-17-NN

36D-4-B

36-17-JJ

36-17-X

36D-2-1L

36D-1-26A

36D-1-25A

36D-1-24A

36D-1-23A

36D-1-22A

36D-1-21A

POSTING OF PUBLIC NOTICE SIGNS

Public notice signs must be posted at least fifteen (15) days prior to the public hearing.

Sign(s) required for posting must be obtained from the Planning Department. At least one (1) sign is required for all properties. Additional signs are required for property that abuts more than one (1) public street and property with more than two hundred (200) feet of road frontage. Properties without public street frontage are required to post at least one (1) sign on the property and at least one (1) sign along a nearby street.

Signs shall be posted to ensure greatest public visibility in accordance with the following:

- Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of the right-of-way.
- Signs shall be posted for optimum visibility for traffic traveling on the public road.
- Properties with more than one (1) street frontage shall be posted with at least one (1) sign along each street.
- Properties with more than (200) feet of street frontage shall be posted with one (1) sign for each (200) feet of frontage, spaced at least (200) feet apart.
- If a property has no road frontage, the Planning Department will determine the number and location of signs to be posted. At least one (1) sign will be required to be posted on the actual property, and at least one (1) sign will be required to be posted along a nearby street, with a note giving distance and direction to the property.

After posting the property, the Applicant must return the notarized Sign Posting Affidavit to the Planning Department within three (3) days of the date of posting. Failure to notify the Planning Department within three (3) days shall result in the case being removed from public hearing.

Until the public hearing, the Applicant must maintain all signs posted in good condition. If a sign is damaged or destroyed, a replacement sign must be secured from the Planning Department and posted as soon as practical.

If a property is not posted at least fifteen (15) days prior to the hearing, if it is improperly posted, if damaged or destroyed signs are not replaced, if a notarized Sign Posting Affidavit is not filed with the Planning Department within three (3) days of posting, or if other inconsistencies with Section 23-4.2.1 of the Zoning Ordinance occur; the public hearing may be deferred for reasons of improper public notice. If deferred, the property will have to be reposted in accordance with these instructions. The Applicant should also note that improper public notice may be grounds for invalidating an approved Application after approval has been granted.

Signs must be removed within ten (10) days after Board of Supervisors action and returned to the Planning Department.

SIGN POSTING AFFIDAVIT

I, _____, hereby certify that on the _____ day of _____, 20_____, a sign(s) stating that zoning action was pending on the property described below was/were posted on the property and that the sign(s) was/were easily visible from all public streets and public ways abutting the property.

Property Description:

_____

_____

_____

Given under my hand this _____ day of _____, 20_____.

_____
Applicant / Agent

COMMONWEALTH OF_____
CITY/COUNTY OF_____, to wit:

The foregoing instrument was acknowledged before me by _____, the Owner of said property, this _____ day of _____, 20_____.

My commission expires:

_____Notary Public

_____Registration Number

Return From To:
Spotsylvania County Planning Department
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

Attn: _____ Case# _____

OFFICE USE ONLY

File/Case Number _____ Date Accepted _____, 20_____

GENERALIZED DEVELOPMENT PLAN - NARRATIVE

Applicant:	Bonaventure Investments, LLC 2700 South Quincy Street, Suite 500, Arlington, VA 22206
Applicant/Owner:	KW COMMERCIAL, LLC 1304 Washington Avenue, Fredericksburg, VA 22401

(Applicant & Applicant/Owner are hereafter known collectively as the "Applicant")

Representative:	Charles W. Payne, Jr., Hirschler Fleischer; 725 Jackson Street, Ste 200, Fredericksburg, VA 22401; Phone: (540) 604-2108; Fax (540) 604-2101; Email: cpayne@hirschlerlaw.com
Project Name:	"Aspire at Lee's Hill"
Property:	Spotsylvania County Tax Parcel 36-17-FF, consisting of approximately 13.69 acres, known as 0 Spotsylvania Avenue (collectively, the "Property")
Date:	October 10, 2019
GDP:	Generalized Development Plan, entitled "Aspire at Lee's Hill", prepared by Fairbanks & Franklin, dated July 1, 2019, as last revised, attached hereto as Exhibit A ("GDP")
Rezoning Request:	From C-2 & C-3 to MU-4
Rezoning File No.:	R19-0010

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1. Project Overview

The Applicant proposes rezoning the Property from the Commercial 2 District ("C-2") and Commercial 3 Highway District ("C-3") to the Mixed Use Low District ("MU-4"). Section 23-6.28.1 of the Spotsylvania County ("County") Zoning Ordinance states that the purpose of the MU zoning district is to create "a flexible approach to development, to include infill and redevelopment, by allowing a variety of interrelated and compatible commercial, office, residential, civic, recreational, and entertainment uses in a pedestrian-oriented neighborhood setting based on, but not limited to the following principles:

(1) Connectivity of road networks, including connectivity of new local streets with existing local streets;

(2) Connected pedestrian networks and pedestrian-friendly road design;
(3) Reduced front and side yard building setbacks;
(4) Mixed-use neighborhoods, including mixed housing types; and
(5) Respects the character of adjacent properties and surrounding neighborhoods. ”

The MU-4 sub-district is “a mixed use district that permits retail, office and residential uses in a variety of building types up to four (4) stories in height. Residential configurations include attached houses, townhouses, and apartments on upper floors of mixed use buildings.”

The purpose of the proposed rezoning is to allow an age-restricted residential development consisting of no more than fifty (50) new single-family attached dwelling units (“SFA”), one hundred forty-seven (147) multi-family dwelling units (“MF”) with a restaurant on the first floor, plus additional commercial uses authorized under the MU-4 district, all as generally shown on the GDP. The MU-4 district includes single-family attached and multi-family dwellings as permitted uses, along with retail and office uses.

The GDP reflects a minimum of 15% open space (2.05 acres), which meets the 15% open space minimum per single family attached lot and the 10% open space minimum for the multi-family and commercial required for the MU-4 district. Open space will be used for active and passive recreation and buffering. Further, the rendering attached hereto and marked as Exhibit B depicts the proposed general architectural design and building material features for the MF building (“Rendering”).

As described in more detail below under Section 3 of this narrative, the Applicant’s proposal conforms to the policies established by the County’s Comprehensive Plan dated November 14, 2013, as last updated May 22, 2018 (the “Comp Plan”). Furthermore, the proposal will result in minimal impacts on public facilities and services, and impacts, if any, related to roads, fire rescue and parks will be offset through improvements and cash proffers. Since the residential component of this project is age restricted, there will be no impact to schools. In this regard, we have included with this application (as discussed in more detail below) a proffer analysis prepared by MuniCap, Inc., which is entitled “Lee’s Hill Spotsylvania County, VA SB 549 Proffer Analysis”, dated October 2, 2019, as may be revised, attached hereto and marked as Exhibit C (“Proffer Analysis”) and a proffer statement, which reflects the findings in the Proffer Analysis.

The Applicant also conducted a traffic impact analysis, which was prepared by Ramey Kemp & Associates, Inc., dated October 8, 2019, and entitled “Lee’s Hill – Traffic Impact Analysis (TIA) Spotsylvania County, Virginia”, which is attached hereto, marked as Exhibit D, and described in more detail below (“TIA”).

In addition, MuniCap, Inc. performed a fiscal impact analysis of the project (“FIA”). The FIA, dated October 10, 2019, and entitled “Lee’s Hill Spotsylvania County, VA Fiscal Impact Analysis”, is attached hereto and marked as Exhibit E, and included with this application. The FIA, as described in more detail below, provides that the project will generate (onsite and offsite) positive net tax benefits of over $434,845 on an annual basis.

2. Project Location

The Project will be developed on one (1) parcel of land, totaling approximately 13.69 acres. The Project is situated in the Lee Hill magisterial and voting districts. The Project is located along Spotsylvania Avenue at the intersection with Market Street, within the Airport Protection Overlay District. The Property is bordered on the west by Spotsylvania Avenue and across the road is commercial including a restaurant and medical offices, all zoned C-3. To the east of the Project is a single-family detached subdivision known as "The Meadows," zoned R-1. To the north is commercial development including the Weis shopping center, zoned C-2 & C-3. To the south the Property is bordered by Market Street and Goodwill, zoned C-2. Across Market Street is TownePlace Suites and Lee's Hill ER, zoned C-2 & C-3.

Given all of the above, the Applicant's proposal is compatible with existing uses in the area and will enhance the area's housing stock while maintaining the area's character and enhance additional commercial uses in this corridor. Additionally, the Applicant's proposal is in line with the Comprehensive Plan (as described below) and the purpose of the MU district which is to provide "a flexible approach to development, to include infill and redevelopment, by allowing a variety of interrelated and compatible commercial, office, residential, civic, recreational, and entertainment uses in a pedestrian-oriented neighborhood setting."

2.1 Site Access

Primary access to the Project Site will be provided via Market Street plus a shared entrance off Spotsylvania Avenue with the Weis shopping center, all as shown on the GDP. All site access locations will be coordinated with Spotsylvania County and the Virginia Department of Transportation. Please refer to the GDP for a depiction of site access location.

2.2 Environmental Characteristics

The Project's design will minimize the impact to the existing topography of the Property. There are no streams, wetlands or RPA within the Project. The Applicant will perform all applicable studies for endangered species as is typically necessary for state and federal permitting for the project prior to final site plan approval.

2.3 Cultural and Historic Resources

Based on review of the Comp Plan and information from the Virginia Department of Historic Resources, the Property does not have any cultural resources, including cemeteries. Additionally, the Property is not located in the County's Historic Overlay District.

3. Planning and Zoning

3.1 Zoning District and Ordinance

The Project Property is currently zoned Commercial 2 (C-2) and Commercial 3 Highway (C-3). The surrounding parcels are also zoned C-2 and C-3 with R-1 zoned parcels to the east. The Property currently has access to water and sewer.

As mentioned above, the Property is within the Airport Protection Overlay District.

3.2 Comprehensive Plan Analysis

The County's Comp Plan's Future Land Use Map classifies the Property as part of the "Mixed Land Use" designation. The Mixed Land Use category is intended to provide for a variety of land uses in a compact, walkable community with a more dense development pattern. The Mixed Land Use category encompasses a variety of uses, including higher density residential development. The intensity of the development within the mixed-use category varies and includes smaller projects that are or will be integrated into a larger mixed use area. The Applicant wishes to develop the property as a MU-4 district for a mixed-use residential and commercial development. Thus, the Applicant's proposed development aligns with the County's future land use goals.

The County has outlined its goals for future development and land use in its Comp Plan, which is designed to encourage the most appropriate use of land, water, and resources within the County, consistent with citizens' interests. The Comp Plan supports development that promotes job creation and benefits the economy. Further, the County generally expects residential developments to pay for themselves and demonstrate that they will not have a significant impact on the existing infrastructure or resources. In this regard, the Applicant anticipates that single-family attached homes within the Project will average 1,500 to 1,800 sq ft and sell for mid to upper $200s with the ability to choose options to get over $300,000. In addition, the 146 unit senior housing facility will be of high quality and include attractive amenities fitting the needs of senior citizens. The senior building will be a service-enriched retirement community for seniors who are independent. The typical age of a new resident is 77-82 years old. Although they are able to take care of themselves, our residents are often selling their homes (downsizing) to live in a community where there are numerous amenities and group activities, and where they no longer have to maintain their home and cook all their meals. Our property is a rental community and does not require a "buy-in" like many retirement communities, which makes it very affordable to move in, or move out depending on lifestyle changes.

In further regard to the foregoing, the Project will generate new jobs within the County and positive tax revenues both onsite and offsite. The FIA, as described in more detail below, provides that the project will generate positive net tax benefits exceeding $434,845, on an annual basis at full build-out. Thus, the development will promote the County's economic and positive tax generation goals.

Further, the proposed age restricted use will have a lesser impact to county services, especially schools. In addition, the residents of this proposed project will typically not travel during peak am and pm travel hours (e.g. average age of resident living with age restricted communities is typically of retirement age of 65 years or older), thus minimizing impacts to the immediate

transportation corridors. Further, the proposed use will improve and offer an alternative housing stock in the immediate area.

This Project also addresses the following Guiding Principles and Policies as outlined in Chapter 1 of the Comp Plan:

- B. 2. b. Active adult communities, with their diminished impact on County services, should be supported.
- C. 1. The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities.

For purposes of the above and this application, the proposed Project: (i) is already compatible with the existing uses in the area, providing a good transition; (ii) will enhance the area's housing stock while maintaining the area's character; (iii) will provide pedestrian interparcel connections; and (iv) as noted is fiscally positive and will help support the retail and commercial businesses in the immediate area.

Specifically, the proposed Project meets the following Mixed Land Use policies:

1. Mixed land use developments should display characteristics that provide a unique sense of place (examples could include: design guidelines, architectural features, or common color palette, among others).

Our proposed development is heavily invested in creation of a "sense of place" as the primary community in the area for senior living. Although the community is available for residents that are younger seniors and encourages an active lifestyle, the average resident age will be around 80. The expectations of our residents and the services offered will make our property a destination within the area. The organization of the main building embraces a large landscaped activity plaza with resident garden plots, activity lawns, outdoor eating opportunities and walking paths around and throughout the core plaza, building and connecting into the remaining townhome community and adjacent commercial development. The paths and landscape palette will be coordinated to provide a consistency in plant materials and node features with common benches throughout. Interior amenity offerings are abundant in the senior rental building as well.

The buildings will have a similar color palette and will integrate complementary roofing, siding and coordinated accent colors. Site lighting, street lighting and landscape palette will also be coordinated throughout the development.

Our complementary design illustrates the aesthetic qualities of the development, but the "sense of place" is also established in creating a lasting senior community with high occupancy, resident retention, and home sales.

2. Appropriate transitions in scale of building and/or buffering should be provided from mixed land use developments to adjoining existing developments.

The project will consist of new housing surrounded by commercial development and vacant land. The new buildings' heights will conform to the applicable County zoning ordinance requirements. The project will also include adequate set-backs and buffering in the areas shown on the GDP.

3. Vehicular and pedestrian connections should be made to adjoining developments at appropriate locations, including at existing interparcel access points.

The Project will provide primary vehicular and pedestrian connections with Market Street. Vehicular and pedestrian connections will also be made to the adjoining Weis shopping center property, as shown on the GDP.

5. The County should support public open space and pedestrian accommodations integrated throughout the development.

Project will provide open space to include onsite active and passive recreational amenities and pedestrian accommodations, all as shown on the GDP.

6. Mixed Use developments should be designed so that multiple vehicle trips can be combined into one stop by providing several destinations within easy walking distance. This can be encouraged by closely monitoring the provision of parking and ensuring that there is not an excess supply that encourages additional auto trips. Drive-throughs should be limited and carefully designed to ensure integration into the character of the development.

By providing residential housing, a restaurant and additional commercial on the Property, residents can walk between uses and not need to make multiple vehicle trips. In addition, there will be pedestrian access to adjoining commercial uses, including the Weis shopping center.

9. The County should support a diverse housing mix with a range of housing sizes and types that meet the needs of citizens throughout all stages of life and income levels.

The project contributes to a diverse housing mix in an area ripe for redevelopment and infill development by providing new age-restricted attached single-family homes and senior apartments, as encouraged by the Comp Plan.

10. Quality open spaces should be integrated into developments and may include passive and active areas, pavilions, walking paths, gardens, forested areas, and lakes, among other features.

The project will include open space with amenities to include outdoor patio, garden beds, fire pit, a pergola and open/activity lawns.

The Property is also located within the County's Primary Development Boundary ("PDB"), which is the area within the County that is intended for future higher-density residential growth. The Comp Plan states that public water and sewer will be provided to properties within the PDB. Thus, the proposed rezoning from C-2 and C-3 to MU-4 is consistent with the goal of locating higher-density residential growth within the PDB, as well as the Property's utilization of public utilities.

The County's Transportation Plan seeks to maintain an efficient transportation system using available and expected resources, while maintaining functional and effective transportation systems that keep pace with future growth. Policies include (1) maintaining acceptable levels of service on public roads; and (2) ensuring that new development does not degrade levels of service and mitigates its impact on the transportation network through ensuring connections within and between developments that offer alternative routing of traffic. The Thoroughfare Plan does not list any planned road improvement project in the immediate vicinity of the Property.

The Project aligns with the County's transportation goals, as it will not further degrade the current transportation level of services. Roads constructed within the project will be private and the expected daily trips will not degrade the level of services at applicable intersections.

As noted above, the Applicant did perform a TIA. The following intersections were reviewed:

- Mine Road at Spotsylvania Avenue / Falcon Drive
- Spotsylvania Avenue at Weis Market Shopping Center Driveway / Office Park Driveway
- Spotsylvania Avenue at Market Street
- U.S. 1 at Market Street
- U.S. 1 at I-95 Northbound Ramps

Based on the traffic capacity analysis, the following roadway improvements are recommended to accommodate the projected 2024 traffic conditions:

<u>Spotsylvania Avenue at Market Street:</u>

- Construct a southbound right-turn lane on Spotsylvania Avenue with 100 feet of storage.

As noted above, the introduction of a new, more modern age-restricted home stock to this location is consistent with the Comp Plan as it will promote a more diverse housing inventory in this area. In addition, the proposed use will also allow aging adults within the County and immediate area to downsize their current residences, and remain in the County or area, thus allowing them to remain close to family members, services and their communities. Therefore, we believe the Comp Plan's future land use policies support the proposed use of a mixed use age-restricted residential plus commercial development at this location all as provided above.

3.3 Community Meeting

As part of the Rezoning Application process, Applicant attended a Pre-Application meeting with Spotsylvania County Staff on May 23, 2019. Additionally, Applicant and its representatives hosted a Community Meeting for the Project on June 26, 2019 at Fredericksburg Academy to

introduce and discuss the project with surrounding property owners. We addressed questions from members of our community and Exhibit F attached hereto provides a list of attendees.

4. Construction

Applicant anticipates close collaboration with Spotsylvania County during the permitting process to identify and manage environmental conditions and design criteria specific to the Project. The existing retention ponds constructed with the overall development of Lee's Hill commercial center will be used to satisfy water quality and quantity requirements.

Should the County approve this rezoning request, construction is anticipated to begin within a year of approval. The Applicant anticipates that the Project will be fully constructed within 3-5 years of any rezoning approval, subject to market conditions.

4.1 Site Preparation

The Property is currently undeveloped, but has been subject to previous land disturbance. Construction of the Project would begin with installation of erosion and sediment controls, and clearing and grading within the limits of construction.

4.2 Construction Workforce

The Applicant's goal is to retain local on-site workforce, which will consist of various skilled trades, supervisory personnel, support personnel, and construction management personnel.

Pursuant to the FIA, the Project is anticipated to generate an estimated 376 new jobs during the construction phase, and $15,232,569 in new labor wages.

5. Public Facilities

5.1 Fire and Rescue

The proposal will have minimal impact on the County's fire and rescue facilities. The proposed roads and building setbacks will allow for adequate travel space within the project for emergency access to the improvements. Fire and Rescue Station 4, located less than 1 mile north of this site, will provide the Property with necessary emergency services. As detailed on the attached proffer statement, cash proffers will also offset any impacts the project may have on public safety facilities.

5.2 Schools

The Property is located in the Spotswood Elementary, Battlefield Middle and Massaponax High school districts. The proposed rezoning will not impact schools as no school aged children may reside within the Project, and therefore no cash proffers will be offered.

5.3 Parks, Buffers and Open Space

Portions of the Property will be maintained as open space. The open space will be used for active and passive recreational amenities, as well as buffering. As detailed on the attached proffer statement, cash proffers will also offset any impacts the project may have on parks and recreation facilities.

All buffers, landscaping, and setbacks will be as generally provided on the GDP and will conform to the applicable Zoning Ordinance requirements.

5.4 Water & Sewer

The Property will be serviced by the existing 16" water line located along Spotsylvania Avenue. Applicant will relocate the existing 18" sewer line that runs through the Property to the rear (East) of the Property, as shown on the GDP.

5.5 Transportation

The Property abuts Spotsylvania Avenue, which is a 4 (four) lane public road classified as a major collector road and Market Street, which is a 2 (two) lane public local road. Access to the Property will be provided from Market Street plus a shared entrance off Spotsylvania Avenue with the Weis shopping center. Roads constructed within the project will be private.

The project will generate 1,438 vehicle trips on a daily basis, including 143 vehicle trips during the a.m. peak hour and 124 vehicle trips during the p.m. peak hour. As shown in the TIA, the proposed trip generation is less than what could potentially be constructed under by-right conditions (4,658 VPD, with 301 VPH a.m. and 367 VPH p.m.). A VDOT 527 analysis was not required for this project because the trip generation potential was below 5,000 daily trips.

6. Housing

The project will enhance the County's stock of senior apartments, along with new, age-restricted single-family attached dwelling units in this area of the County.

The MF building will include 8 studios, 59 one-bedrooms, 40 one-bedrooms with dens and 40 two-bedroom units and provide a care-free lifestyle for residents which includes onsite meals, housekeeping, programmed group activities, social outings, and options for in-home health care. The studios will be approximately 530 sq ft, 1 bedrooms will be approximately 700 sq ft and the 2 bedrooms approximately 1,100 sq ft. Price points would be consistent with rates for independent living rental units at two other nearby retirement communities (Harmony at Falls Run and Chancellor's Village) and would average $2,650-$3,000 per month for 70% of the units, with remaining units higher than that. Because the rent may include additional optional services and access to various amenities as selected by each tenant, there is significant savings over other monthly living expenses and a considerable number of additional services (food, utilities, cable, entertainment, etc). The overall out of pocket monthly cost is close and the value proposition and sense of community at our property is significant.

Here are more details on how our senior housing community is different than regular apartments:

- Our property will have 17 staff members dedicated to the operation of the senior housing, compared to a typical multifamily property with 4 employees for a development of 133 units.
- The property will have an in house restaurant that is open to the public.
- Residents can elect to purchase an optional monthly meal plan with multiple dining options to provide variety to residents.
- All utilities, including trash removal, basic cable and wifi are included (except telephone)
- The property has its own transportation services for residents. There is a bus that accommodates residents for events and social outings as well as a car for one off trips such as doctors' appointments, etc.
- Residents can also elect to have weekly housekeeping.
- We may have a separate physical therapist office adjacent to our fitness center.
- Emergency "Pendants" (on the wrist or neck) are available upon request.
- We establish local partnerships to include:
    - a relationship with the Emergency and Outpatient Center at Lee's Hill run by Mary Washington Hospital.
    - relationships and hosting continuing education seminars with the medical community at Spotsylvania Regional Medical Center.
    - relationships with senior placement specialists, the fire department, medical personnel, and local community service programs.
    - scheduling service programs for our residents to volunteer in a variety of settings including county schools, hospitals, churches and libraries.

Additional features and amenities include: an indoor pool; fitness and wellness program; prescription delivery; hand rails along hallways; emergency pull cords in all bathrooms, preferred health care provider on-site; hair and nail Salon and spa; outside private garden area with raised planter beds; art studio; theater; library; meeting and game rooms; an outdoor patio with fire pit, gazebo, and dining areas; and entertainment, social and educational programs/events such as bingo, brain/card games, movie nights, book club, crafts class, etc.

With an anticipated average sales price for the SFA units of the mid to upper $200s with the ability to choose options to get over $300,000 and an approximate size of 1,500 to 1,800 sq ft, the proposal meets market expectations for this area of the County.

Further, the projected value for units should enhance surrounding property values. We believe that all parcels will be developed within 3-5 years of any rezoning approval (subject to market conditions).

7. Fiscal Impact Analysis

The FIA includes an analysis for revenue projections of the project at full build-out, both for on site development and off-site expenditures from residents of the project (see Exhibit E). The total revenue generated from the project was then compared with expected County costs to provide services to the residents of the proposed development.

For the new residential units at the site, the total real property tax resulting from the project is estimated to be about $177,959 annually in current dollars. An additional $76,162 annually in real property tax is estimated to be generated from the commercial uses. The personal property tax resulting from the project is estimated to be $99,181 annually in current dollars plus an estimated $125,664 from commercial business property tax revenues. The sum of all of the on-site tax revenues that could be expected to flow to the County from the project annually after build-out is over $572,533 each year in current dollars.

In addition to the on-site fiscal impact, the project is estimated to generate $30,417 in taxes off-site for the County annually after build-out and occupancy. As mentioned above, the Project would generate approximately 376 new jobs during the construction phase, resulting in about $15,232,569 in employee earnings. With the commercial uses, the Project would generate approximately 66 permanent jobs and $1,884,179 in employees earnings.

The project is expected to result in 197 new households with an estimated 1.49 persons per household for a total of 294 people. The total annual tax-supported cost of the project is estimated to be $168,106 each year in current dollars.

After considering the tax revenues generated by the project and the costs to the County resulting from the project, it is anticipated that this project will generate annually a net revenue surplus (onsite and offsite) after full build-out of $434,845 in current dollars.

EXHIBIT A

Generalized Development Plan

EXHIBIT B

Rendering

EXHIBIT C

Proffer Analysis

EXHIBIT D

Traffic Analysis

EXHIBIT E

Fiscal Impact Analysis

EXHIBIT F

Community Meeting Attendees

12399741.1 030492.00038

ASPIRE AT LEE'S HILL
GENERALIZED DEVELOPMENT PLAN FOR REZONING

SPOTSYLVANIA AVENUE

TM 36-17-FF

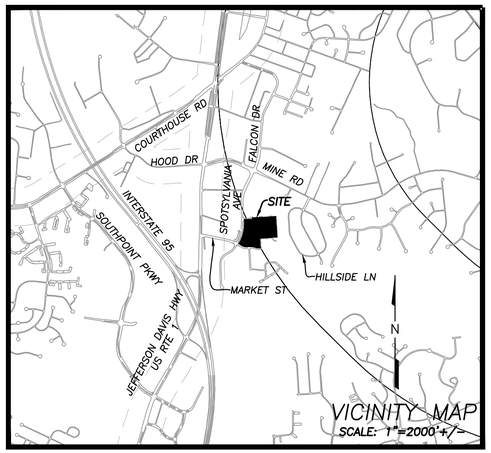
LEE HILL VOTING DISTRICT
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

APPROVAL

SHEET INDEX

SHEET	TITLE
SHEET 1	COVER SHEET
SHEET 2	EXISTING CONDITIONS
SHEET 3	PROPOSED CONDITIONS
SHEET 4	ILLUSTRATIVE PLAN

NOTES:
1. BOUNDARY FOR PARCEL 36–17–FF IS FROM ALTA SURVEY PREPARED BY FAIRBANKS & FRANKLIN DATED AUGUST 21, 2019. ALL OTHER FEATURES, INCLUDING TOPOGRAPHY, ARE TAKEN FROM SPOTSYLVANIA COUNTY GIS.
2. BUILDINGS SIZES AND LOCATIONS, UTILITY LOCATIONS, AND PROPOSED PROPERTY LINES SHOWN ON THIS PLAN ARE ILLUSTRATIVE IN NATURE AND MAY BE ADJUSTED, IF NECESSARY, TO FULFILL REQUIREMENTS OF FINAL ENGINEERING AND DESIGN AND/OR COMPLIANCE WITH STATE AGENCY REGULATIONS AND COUNTY DEVELOPMENT REGULATIONS AND DESIGN STANDARDS MANUAL. PUBLIC RIGHT–OF–WAY IMPROVEMENTS, ENTRANCES, AND TRAFFIC CIRCULATION SHALL BE IN ACCORDANCE WITH APPLICABLE STANDARDS. CHANGES FROM THIS GENERALIZED DEVELOPMENT PLAN SHALL BE APPROVED BY THE ZONING ADMINISTRATOR.
3. A DETAILED LANDSCAPING PLAN MEETING THE LANDSCAPING AND SCREENING REQUIREMENTS OF SECTION 23–5.5 OF THE SPOTSYLVANIA COUNTY CODE AND ARTICLE 6 OF THE SPOTSYLVANIA COUNTY DESIGN STANDARDS MANUAL SHALL BE PREPARED AS PART OF THE SITE PLAN. INTERIOR PARKING LOT LANDSCAPING, PERIPHERAL PARKING LOT LANDSCAPING, AND STREET BUFFER PLANTINGS SHALL SATISFY THESE REQUIREMENTS. REQUIRED LANDSCAPING SHALL NOT IMPEDE SIGHT DISTANCE.
4. THE SITE LIES WITHIN THE AIRPORT PROTECTION OVERLAY DISTRICT.
5. THE SITE DOES NOT LIE WITHIN THE HCOD PRIMARY OVERLAY DISTRICT, HISTORIC OVERLAY, HCOD RURAL OVERLAY, OR RIVER OVERLAY DISTRICTS.
6. THERE ARE NO WATERS OF THE U.S. OR WETLANDS LOCATED WITHIN THE PROJECT LIMITS.
7. THERE ARE NO STEEP SLOPES LOCATED ON THIS SITE.
8. THERE ARE NO KNOWN HISTORIC BUILDINGS OR FEATURES, PLACES OF BURIAL, OR DAM BREAK INUNDATION ZONES ON SITE.
9. STORMWATER MANAGEMENT FACILITIES ARE PROVIDED OFFSITE AS PART OF AN EXISTING REGIONAL SYSTEM LOCATED ON PARCELS TM 36–17–GG AND 36–17–HH THAT INCLUDES THIS SITE. THE TOTAL IMPERVIOUS AREA ON SITE SHALL NOT EXCEED 85%. IF ADDITIONAL STORMWATER MANAGEMENT IS REQUIRED, STORMWATER MANAGEMENT WILL BE PROVIDED ON SITE. THE ESTIMATED POLLUTANT LOAD FOR THE EXISTING CONDITION IS 5.46 TP AND THE ESTIMATED POLLUTANT LOAD FOR THE POST DEVELOPMENT CONDITION IS 23.6 TP.
10. PARKING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 23–6.28.6 OF THE SPOTSYLVANIA ZONING ORDINANCE.
11. ALL PROPOSED STREETS SHALL BE PRIVATE AND SHALL BE MAINTAINED BY A PROPERTY OWNERS ASSOCIATION ESTABLISHED FOR THIS DEVELOPMENT.
12. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED DURING CONSTRUCTION IN ACCORDANCE WITH THE VA. EROSION AND SEDIMENT CONTROL HANDBOOK.
13. A SEPARATE ZONING PERMIT WILL BE REQUIRED FOR SIGNS, ABOVE GROUND TANKS, UNDERGROUND TANKS, AND RETAINING WALLS.
14. PARCELS LIE WITHIN FLOOD ZONE X AS SHOWN ON COMMUNITY PANEL 5103080200C DATED EFFECTIVE FEBRUARY 18, 1998. FLOOD ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500–YEAR FLOODPLAIN.
15. THE PORTION OF THE DEVELOPMENT WITH APARTMENTS SHALL CONTAIN COMMON OPEN SPACE FOR USE BY THE RESIDENTS OF THE APARTMENTS. ADDITIONAL COMMON OPEN SPACE MAY BE PROVIDED WITHIN THE TOWNHOME PORTION.
16. REFUSE COLLECTION SERVICE WILL BE PRIVATE. ALL REFUSE WILL BE COLLECTED AND STORED WITHIN THE APARTMENT BUILDING, WITHIN THE TOWNHOMES, AND WITHIN AN EXTERIOR DUMPSTER AREA FOR THE COMMERCIAL PORTION. COLLECTION SERVICE WILL BE PERFORMED REGULARLY ON AN AS–NEEDED BASIS. REFUSE STORAGE INTERIOR TO THE APARTMENT BUILDING WILL REQUIRE A MODIFICATION TO THE DESIGN STANDARDS AS APPROVED BY THE ZONING ADMINISTRATOR. THIS MODIFICATION WAIVER WILL BE SUBMITTED AS PART OF THE SITE PLAN PROCESS PRIOR TO SITE PLAN APPROVAL.
17. THIS PROJECT MAY BE PHASED WITH THE MULTI–FAMILY COMPONENT OCCURRING AS THE FIRST PHASE. CONSTRUCTION OF THE SINGLE FAMILY ATTACHED UNITS WILL BEGIN APPROXIMATELY AT THE SAME TIME AS THE MULTI–FAMILY PHASE AND CONTINUE PAST THE COMPLETION OF THE MULTI–FAMILY.



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SCALE IN FEET

WATER AND SANITARY SEWER USAGE

LAND USE	UNITS	ESTIMATED USAGE
APARTMENTS	147	29,400 GPD
TOWNHOUSES	50	10,000 GPD
COMMERCIAL	–	5,000 GPD
TOTAL		44,400 GPD

AVERAGE DAILY TRAFFIC

(FROM TRAFFIC STUDY PREPARED BY RAMEY KEMP DATED 10–04–2019)

LAND USE	ITE USE CODE	VPD
APARTMENTS	221 (MULTIFAMILY HOUSING MID–RISE)	794
TOWNHOUSES	252 (SENIOR ADULT HOUSING, ATTACHED)	186
COMMERCIAL	820 (GENERAL RETAIL SPACE)	452
COMMERCIAL	932 (HIGH TURNOVER SIT DOWN RESTAURANT)	1122
SUBTOTAL		2554
TOTAL WITH INTERNAL CAPTURE		1438

ASPIRE AT LEE'S HILL USE TABLE **BY RIGHT**

CURRENT ZONING (C-2)	MINIMUM OPEN SPACE (%)	APPROXIMATE MAXIMUM POTENTIAL DENSITY (SF/ACRE)	APPROXIMATE MAXIMUM POTENTIAL BUILDING AREA (SF)
COMMERCIAL / RETAIL	25	10,000	136,940

SITE INFORMATION:

APPLICANT: BONAVENTURE
2700 SOUTH QUINCY STREET, SUITE 500
ARLINGTON, VA 22206
(703) 373–0906

APPLICANT/OWNER: KW COMMERCIAL LLC
1304 WASHINGTON AVE
FREDERICKSBURG, VA 22401
(540) 287–3068

PREPARED BY: FAIRBANKS & FRANKLIN
1005 MAHONE STREET
FREDERICKSBURG, VIRGINIA 22401
540–899–3700

TAX PARCEL: 36–17–FF, 13.694 ACRES
EXISTING ZONING: C–2, AIRPORT PROTECTION OVERLAY
PROPOSED ZONING: MU–4, 13.694 ACRES
PRESENT USE: VACANT
PROPOSED USE: SENIOR HOUSING (APARTMENTS), AGE–RESTRICTED TOWNHOUSE, AND COMMERCIAL

REQUIREMENTS FOR DISTRICT MU–4, SECTION 23–6.28.3 THROUGH 23–6.28.7
PARKING APARTMENTS
1 BEDROOM: 0.75 PER UNIT + 1 VISITOR PER 5 UNITS
2 BEDROOMS: 1.5 PER UNIT + 1 VISITOR PER 5 UNITS
3 BEDROOMS: 2.0 PER UNIT + 1 VISITOR PER 5 UNITS
PARKING TOWNHOUSE
2 PER UNIT
PARKING COMMERCIAL
GENERAL BUSINESS: 1 SPACE PER 500 SF OF GFA
RETAIL SALES, SERVICE, ENTERTAINMENT: 1 SPACE FOR FIRST 1,000 SF OF GFA + 1 SPACE OF EACH ADDITIONAL 750 SF

RESTAURANT: 1.5 SPACES PER 200 SF OF GFA

MINIMUM REQUIRED OPEN SPACE
APARTMENTS AND COMMERCIAL: 10%
TOWNHOUSE: 15%

MAXIMUM ALLOWABLE IMPERVIOUS SURFACE RATIO
APARTMENTS AND COMMERCIAL: 0.90
TOWNHOUSE: 0.85

MINIMUM REQUIRED BUILDING SETBACK
APARTMENTS AND COMMERCIAL:
PRIMARY STREET: 0 FT
SIDE STREET: 0 FT
SIDE YARD: 0 FT
REAR YARD: 0 FT
TOWNHOUSE:
PRIMARY STREET: 5 FT
SIDE STREET: 5 FT
SIDE YARD: 0 OR 5 FT
REAR YARD: 15 FT

MINIMUM REQUIRED PARKING SETBACK
APARTMENTS AND COMMERCIAL:
PRIMARY STREET: 20 FT
SIDE STREET: 5 FT
SIDE YARD: 0 FT
REAR YARD: 0 FT
MAXIMUM ALLOWABLE BUILDING HEIGHT: 4 STORIES
*MAXIMUM ALLOWABLE BLOCK PERIMETER: 2,400 FT
*MAXIMUM ALLOWABLE BLOCK LENGTH: 700 FT

* BLOCK LENGTH AND PERIMETER MAY BE EXTENDED IN ACCORDANCE WITH SECTION 23–6.28.7.(b)(4)

PARKING TABULATIONS
PARKING APARTMENTS – 145 SPACES PROVIDED

NUMBER OF UNITS	TYPE
107	1 BEDROOM AND STUDIOS
40	2 BEDROOM

107 X 0.75/UNIT +1 PER 5 UNITS = 102 SPACES
36 X 1.5/UNIT +1 PER 5 UNITS = 68 SPACES

CREDIT FOR PROXIMITY TO TRANSIT: 15% REDUCTION WITH MAIN ENTRANCE WITHIN 2,640 FT OF TRANSIT STOP. FRED TRANSIT STOP IS APPROXIMATELY 1,600 FT (WALKING DISTANCE ALONG SIDEWALKS) SOUTH ON SPOTSYLVANIA AVENUE.

TOTAL PARKING REQUIRED = (102+68) X 0.85=145 SPACES

THE PARKING TABULATION PROVIDED HEREIN DEMONSTRATES THE MINIMUM REQUIRED PARKING CAN BE PROVIDED. THE MIX OF DWELLING UNIT TYPES AND THE FINAL NUMBER AND LOCATION OF PARKING SPACES WILL BE DETERMINED ON THE FINAL SITE PLAN FOR THE PROPERTY AND SHALL BE IN CONFORMANCE WITH MINIMUM STANDARDS AND THE PROFFERED CONDITIONS.

PARKING TOWNHOUSES – 2 SPACES PROVIDED PER UNIT (DRIVEWAY) PLUS 14 SPACES (PARKING LOT)

PARKING RESTAURANT – 30 SPACES PROVIDED

PROPOSED CONDITIONS
MINIMUM OPEN SPACE: 15% (2.05 ACRES)
MAXIMUM IMPERVIOUS SURFACE RATIO: 0.85
DISTURBED ACREAGE: 13.69 ACRES
MAXIMUM BUILDING HEIGHT: 4 STORIES
APARTMENT UNITS: 147
TOWNHOMES: 50
RESTAURANT (WITHIN APARTMENT BUILDING): 4,000 SF

Fairbanks & Franklin
Civil Engineering
Land Planning
1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

413-1003 ASPIRE AT LEES HILL GDP 11-13-19

COVER SHEET

ASPIRE AT LEE'S HILL
GENERALIZED DEVELOPMENT PLAN
FOR REZONING

COMMONWEALTH OF VIRGINIA
JUSTIN R. FRANKLIN
Lic. No.035250
06-26-20
PROFESSIONAL ENGINEER

DATE : 07-01-19
DESIGNED: JRF
DRAWN : JRF
CHECKED : JDF

REVISIONS: 06-26-20
09-13-19
10-03-19
10-07-19
11-13-19

DOCUMENT NO.
413-1003

SHEET
1 OF **4**

FALCON REALTY INVESTMENTS LLC
TM 36-17-M
ZONING: C-2, C-3
1.85 ACRES
USE: OFFICE

A TEMPO LLC
TM 36-17-C
ZONING: C-2
7.24 ACRES
USE: GROCERY STORE (WEIS MARKETS)

GLADYS W BROWN
TM 36D-1-21A
ZONING: R-1
17,730 SF
USE: RESIDENTIAL

ROBERT E GODDARD OR
LINDA L GODDARD
TM 36D-1-22A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-23A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-24A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

ROBERT DEVEREAUX OR
BEATRIZ DEVEREAUX
TM 36D-1-25A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-26A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-2-1L
ZONING: R-1
13,482 SF
USE: RESIDENTIAL

MEDSITES LLC
TM 36-19-2
ZONING: C-3
40,132 SF
USE: OFFICE

MEDSITES LLC
TM 36-19-3
ZONING: C-3
27,448 SF
USE: OFFICE

MEDSITES LLC
TM 36-19-4
ZONING: C-3
35,224 SF
USE: OFFICE

LA FAMILIA LLC
TM 36-17-BB
ZONING: C-3
2.15 ACRES
USE: RESTAURANT

AMDM II LLC
TM 36-17-KK
ZONING: C-3
2.35 ACRES
USE: HOTEL

KW COMMERCIAL LLC
TM 36-17-FF
ZONING: C-2
13.694 ACRES

DOC-10401 SPOTSYLVANIA AVENUE MOB
TM 36-17-NN
ZONING: C-3
5.08 ACRES
USE: MEDICAL OFFICE

FREDERICKSBURG TOWN PLACE LLC
TM 36-17-JJ
ZONING: C-2
2.00 ACRES
USE: HOTEL

RAPPAHANNOCK GOODWILL INDUSTRIES
TM 36-17-X
ZONING: C-2
5.52 ACRES
USE: COMMERCIAL (GOODWILL)

FREDERICKSBURG REGIONAL TRANSIT STOP 26

SPOTSYLVANIA AVENUE
(35 MPH POSTED SPEED)
(VARIABLE WIDTH R/W)

MARKET STREET
(35 MPH POSTED SPEED)
(50' WIDE R/W)

MARKET STREET
(50' WIDE R/W)

2,000' +/- TO MINE ROAD

2,000' +/- TO ROUTE 1

EX. NON-EXCLUSIVE ESMT FOR VEHICULAR & PEDESTRIAN INGRESS AND EGRESS DB 1296 PG 339 (SECTION 3)

EX. NON-EXCLUSIVE FOR STORM SEWER DISCHARGE DB 1296 PG 339 (SECTION 5)

EX. 15' UTILITY ESMT, CONTRUCTION ESMT, SALES FACILITATION, ESMT & DRAINAGE ESMT DB 1251 P 536

EX. NON-EXCLUSIVE FOR INGRESS AND EGRESS (TURN EASEMENT) DB 1296 PG 339 (SECTION 6)

APPROX. LOCATION OF EX. 15' VEPCO ESMT DB 1878 PG 188

APPROX LOCATION OF 16' SAN SEWER ESMT SHOWN ON PF 8 PG 262 ~ SEE ADDITIONAL NOTE UNDER NOTE 13 LR 200500042666

EX. 20' COLUMBIA GAS ESMT DB 1922 PG 79

EX. 30' ESMT FOR SLOPE, DRAINAGE, UTILITES AND NON-EXCLUSIVE USE BY BELL-ATLANTIC OF VIRGINIA AND THE NON-EXCLUSIVE USE BY VEPCO DB 1294 PG 571 PB 5 PG 120

EX. 20' ESMT FOR SLOPE, DRAINAGE, & UTILITY AND NON-EXCLUSIVE USE BY BELL-ATLANTIC OF VIRGINIA AND THE NON-EXCLUSIVE USE BY VEPCO DB 1683 PG 459

EX. 15' UTILITY ESMT, CONTRUCTION ESMT, SALES FACILITATION, ESMT & DRAINAGE ESMT DB 1251 P 536

APPROX LOCATION OF 16' STORM SEWER ESMT SHOWN ON PF 8 PG 262 ~ SEE ADDITIONAL NOTE UNDER NOTE 13 LR 200500042666

EX. 16' STORM SEWER ESMT DB 1890 PG 294 PF 8 PG 101

EX. 15' SAN SEWER ESMT DB 1890 PG 294 PF 8 PG 101

EX. 15' WATERLINE ESMT PF 8 PG 101

EX. 20' COLUMBIA GAS ESMT LR 200400022407

EX. PVT 20' TEMP CONSTR AND GRADING ESMT LR 201100019405

EX. 50' ING/EGR ESMT PF 7 PG 482

EX. 50' ING/EGR ESMT PF 7 PG 519

EX. VERIZON ESMT DB 1889 PG 807

EX. PERM. SIGNAL ESMT DB 1762 PG 767

EX. 50' ING/EGR ESMT DB 1758 PG 509 PF 7 PG 482

APPROX. LOCATION OF EX. 750' RESTRICTION LINE DB 934 PG 359 PF 3 PG 4 SHOWN ON PF 8 PG 262

EXISTING 8" SANITARY SEWER

EXISTING 18" SANITARY SEWER

EXISTING 16" WATER

N00°29'32"W 29.05'

N86°22'36"E 634.35'

PKF

PKF@S84°53'48"E 0.32' FROM CORNER

N86°22'36"E 210.31'

PKS

N00°29'52"W 85.05'

IRS

IRF

IRF (BENT)

IRF (BENT) @ N39°46'41"E 0.37' FROM CORNER

N35°00'29"E 73.78'

N60°19'47"W 103.21'

S86°28'17"W 98.58'

S86°28'17"W 460.00'

S86°28'17"W 31.44'

S03°31'43"E 555.37'

S03°31'43"E 257.00'

VPD 360

VPD 1078

C1 C2 C3 C4 C5

200 210

CURVE DATA

CURVE	ARC	RADIUS	DELTA	TANGENT	CH BEARING	CHORD
C1	103.17'	226.94'	26°02'52"	52.49'	N80°30'17"W	102.29'
C2	125.91'	276.94'	26°02'59"	64.06'	N80°30'17"W	124.83'
C3	144.85'	250.00'	33°11'53"	74.52'	N76°55'46"W	142.84'
C4	388.03'	1163.11'	19°06'52"	195.83'	N15°15'51"E	386.23'
C5	125.95'	1163.13'	6°12'16"	63.04'	N02°36'17"E	125.89'

50 25 0 50 100 150
SCALE IN FEET

N

Fairbanks & Franklin
Civil Engineering
Land Planning
1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

EXISTING CONDITIONS

ASPIRE AT LEE'S HILL
GENERALIZED DEVELOPMENT PLAN
FOR REZONING

COMMONWEALTH OF VIRGINIA
JUSTIN R. FRANKLIN
Lic. No.035250
06-26-20
PROFESSIONAL ENGINEER

DATE : 07-01-19
DESIGNED: JRF
DRAWN : JRF
CHECKED : JDF

REVISIONS: 06-26-20
09-13-19
10-03-19
10-07-19
11-13-19

DOCUMENT NO.
413-1003

SHEET 2 OF 4

FALCON REALTY INVESTMENTS LLC
TM 36-17-M
ZONING: C-2, C-3
1.85 ACRES
USE: OFFICE

A TEMPO LLC
TM 36-17-C
ZONING: C-2
7.24 ACRES
USE: GROCERY STORE (WEIS MARKETS)

GLADYS W BROWN
TM 36D-1-21A
ZONING: R-1
17,730 SF
USE: RESIDENTIAL

N00°29'32"W 29.05'

N86°22'36"E 634.35'

PKF

PKF@S84°53'48"E 0.32' FROM CORNER

N86°22'36"E 210.31'

PKS

6' TALL WHITE VINYL PRIVACY FENCE

12.5' WIDE TRANSITIONAL LANDSCAPE BUFFER (EQUIVALENT TO ½ TRANSITIONAL SCREENING TYPE 1)

DOG PARK

MEDSITES LLC
TM 36-19-2
ZONING: C-3
40,132 SF
USE: OFFICE

MEDSITES LLC
TM 36-19-3
ZONING: C-3
27,448 SF
USE: OFFICE

MEDSITES LLC
TM 36-19-4
ZONING: C-3
35,224 SF
USE: OFFICE

PROPOSED WATERLINE CONNECTION LOCATION (APPROXIMATE)

VPD 360

250'

200'

N00°29'52"W 85.05'

IRS

C5

668'

SPOTSYLVANIA AVENUE
(35 MPH POSTED SPEED)
(VARIABLE WIDTH R/W)

4 STORY SENIOR HOUSING
147 UNITS WITH 4,000 SF RESTAURANT
175 PARKING SPACES
4.79 ACRES (APPROX.)

RELOCATE EXISTING SANITARY SEWER

291'

ROBERT E GODDARD OR
LINDA L GODDARD
TM 36D-1-22A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-23A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

S03°31'43"E 555.37'

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-24A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

AGE-RESTRICTED TOWNHOMES
50 UNITS
5.39 ACRES (APPROX.)

243'

222'

PLAZA

ROBERT DEVEREAUX OR
BEATRIZ DEVEREAUX
TM 36D-1-25A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LANDSCAPE STREET BUFFER

EXISTING 8" SANITARY SEWER

RELOCATE EXISTING SANITARY SEWER

296'

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-1-26A
ZONING: R-1
8,000 SF
USE: RESIDENTIAL

LOT LINES (TYP.)

GAZEBO

LA FAMILIA LLC
TM 36-17-BB
ZONING: C-3
2.15 ACRES
USE: RESTAURANT

SIGNALIZED PEDESTRIAN CROSSING SHALL BE CONSTRUCTED FOR THE NORTH AND EAST LEGS OF THE SPOTSYLVANIA AVE/MARKET ST INTERSECTION

A SOUTHBOUND RIGHT TURN OVERLAP PHASE SHALL BE ADDED TO THE SPOTSYLVANIA AVE/MARKET ST INTERSECTION

EXISTING 16" WATER

C4

KW COMMERCIAL LLC
TM 36-17-FF
ZONING: C-2
13.694 ACRES

429'

LEE'S HILL COMMERCIAL CENTER ASSOC INC
TM 36D-2-1L
ZONING: R-1
13,482 SF
USE: RESIDENTIAL

12.5' WIDE TRANSITIONAL LANDSCAPE BUFFER (EQUIVALENT TO ½ TRANSITIONAL SCREENING TYPE 1)

S86°28'17"W 460.00'

IRF BENT

6' TALL WHITE VINYL PRIVACY FENCE

PROPOSED SANITARY SEWER CONNECTION LOCATION (APPROXIMATE)

RELOCATED SIDEWALK

RELOCATED TRAFFIC SIGNAL

PROPOSED TURN LANE (100' STORAGE, 100' TAPER)

2,000' +/- TO MILE ROAD

IRF (BENT) @ N39°46'41"E 0.37' FROM CORNER

COMMERCIAL
3.51 ACRES (APPROX.)

6' TALL WHITE VINYL PRIVACY FENCE. FENCE ABUTTING THE RESIDENTIAL SUBDIVISION SHALL BE INSTALLED AS SHOWN IN THE GDP OR APPLICANT WILL ~~CONFIRM TO THE COUNTY'S SATISFACTION~~ THAT THE EXISTING 50' ADJOINING BUFFER WILL REMAIN IN ~~PERPETUITY~~ PRIOR TO FINAL SITE PLAN APPROVAL.

EXISTING 18" SANITARY SEWER

MARKET STREET
(35 MPH POSTED SPEED)
(50' WIDE R/W)

975' +/- TO ROUTE 1

N35°00'29"E 73.78'

N60°19'47"W 103.21'

PKS

SIDEWALK WILL BE EXTENDED ALONG MARKET STREET AND DESIGNED AS PART OF THE SITE PLAN FOR THE COMMERCIAL PORTION

LANDSCAPE STREET BUFFER

S03°31'43"E 257.00'

LANDSCAPE STREET BUFFER

RAPPAHANNOCK GOODWILL INDUSTRIES
TM 36-17-X
ZONING: C-2
5.52 ACRES
USE: COMMERCIAL (GOODWILL)

AMDM II LLC
TM 36-17-KK
ZONING: C-3
2.35 ACRES
USE: HOTEL

C3

IRS

S86°28'17"W 98.58'

IPF

C2

534'

VPD 1078

IRS

C1

IPF

IRF

S86°28'17"W 31.44'

MARKET STREET
(50' WIDE R/W)

DOC-10401 SPOTSYLVANIA AVENUE MOB
TM 36-17-NN
ZONING: C-3
5.08 ACRES
USE: MEDICAL OFFICE

FREDERICKSBURG TOWN PLACE LLC
TM 36-17-JJ
ZONING: C-2
2.00 ACRES
USE: HOTEL

FREDERICKSBURG REGIONAL TRANSIT STOP 26

50 25 0 50 100 150
SCALE IN FEET

N

Fairbanks & Franklin
Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

PROPOSED CONDITIONS

ASPIRE AT LEE'S HILL
GENERALIZED DEVELOPMENT PLAN
FOR REZONING

COMMONWEALTH OF VIRGINIA
JUSTIN R. FRANKLIN
Lic. No.035250
06-26-20
PROFESSIONAL ENGINEER

DATE	: 07-01-19
DESIGNED	: JRF
DRAWN	: JRF
CHECKED	: JDF

REVISIONS: 06-26-20
09-13-19
10-03-19
10-07-19
11-13-19

DOCUMENT NO.
413-1003

SHEET
3 OF **4**

Spotsylvania Avenue

Keynote Legend

- Age-Restricted Townhomes
- 4-Story Senior Housing
- Commercial
- (1) Activity Lawn
- (2) Outdoor Patio with Fire Pit & Grills
- (3) Garden Beds
- (4) Pergola
- (5) Open Lawn
- (6) Landscape Buffer
- (7) Amenities Courtyard Enclosure Fence
- (8) Dog Park
- (9) Gazebo
- (10) 6' Tall White Vinyl Privacy Fence
- (11) Landscape Street Buffer

0 40 80 120 feet

SCALE: 1" = 40'

NORTH

ILLUSTRATIVE PLAN PROVIDED BY LORAX DESIGN GROUP

Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

ILLUSTRATIVE PLAN

ASPIRE AT LEE'S HILL
GENERALIZED DEVELOPMENT PLAN
FOR REZONING

COMMONWEALTH OF VIRGINIA
JUSTIN R. FRANKLIN
Lic. No. 035250
06-26-20
PROFESSIONAL ENGINEER

DATE :	07-01-19
DESIGNED:	JRF
DRAWN :	JRF
CHECKED :	JDF

REVISIONS: 06-26-20
09-13-19
10-03-19
10-07-19
11-13-19

DOCUMENT NO.
413-1003

SHEET **4** OF **4**

Exhibit F

COMMUNITY MEETING for Aspire at Lee's Hill

June 26, 2019

No.	NAME	PHONE NUMBER	EMAIL ADDRESS	MAILING ADDRESS
1	STEVE SCHAITGEN	540-845-6780	STEVESCHAITGEN@GMAIL.COM	3702 WINDING Hollow Dr FREDERICKSBURG VA 22408
2	TONY MICHALICK	757-374-3730	TMICHALICK@BOTHINC.COM	10320 SPOTSYLVANIA Dr FREDERICKSBURG VA. 22408
3	Debbie Garofano		debbiegarofano@aol.com	10400 Meadowview Dr. Fredericksburg VA 22408
4	Rob Turner Michelle Dewald	571-208-8410	mausi85@live.com	4717 Wensel Rd Fredericksburg VA 22409
5	Lolly & Roy Weinstock	540-898-0170	laraweinstock@verizon.net	10405 Amherst Cir Fredericksburg, VA 22408
6	JEH HICKS	847-7098	jeh@jarrellinc.com	
7	Will Harrison	273-0376	wharrhttrynva@gmail.com	
8	GARY SKINNER	907-5719		
9	Mary Lee Carter	693-4686		
10	Rory Rosenbaum + Michael	540-850-3820	mikelaxr@gmail.com	10300 Bedford Ct 22408

COMMUNITY MEETING for Aspire at Lee's Hill
June 26, 2019

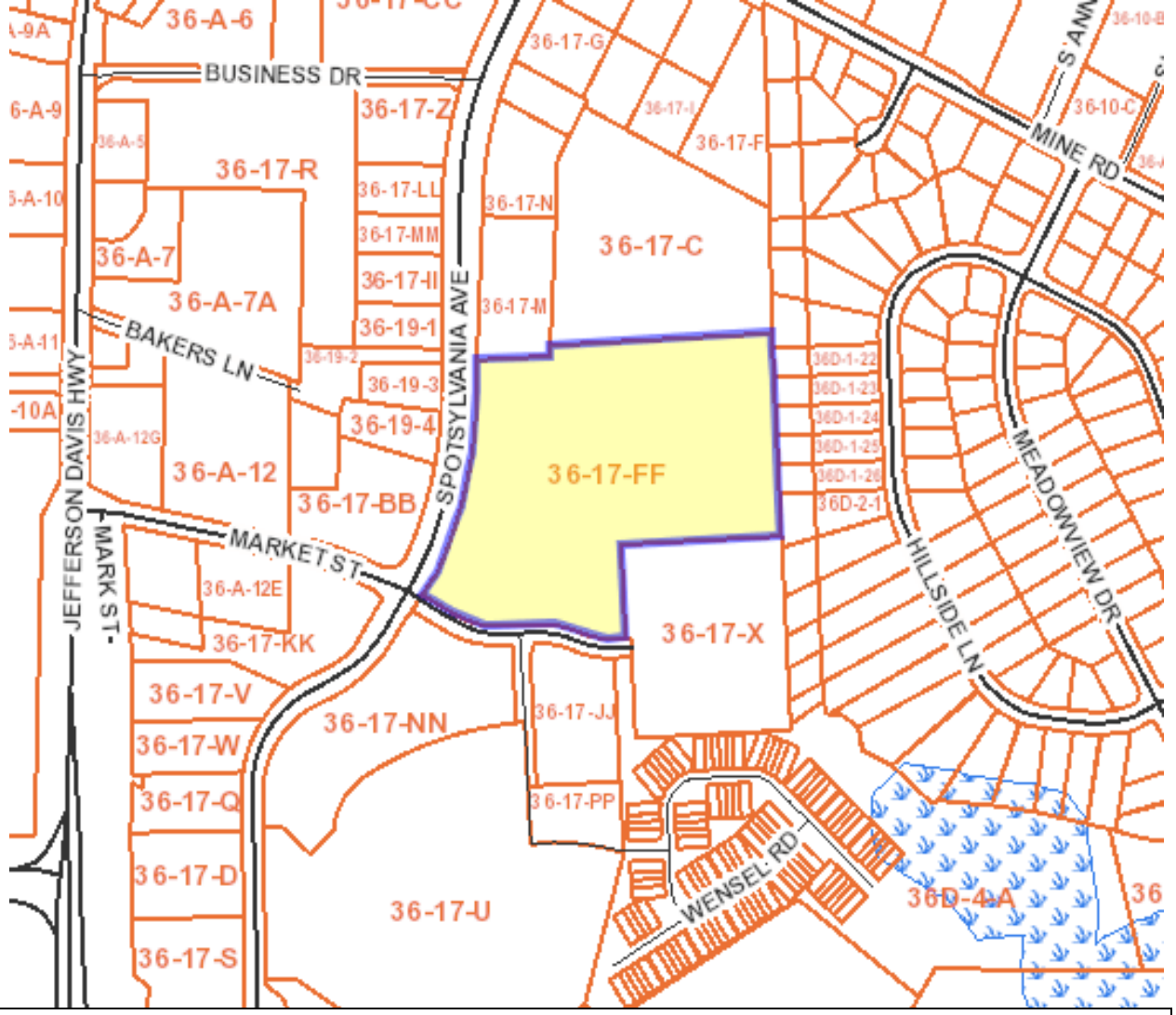
No.	NAME	PHONE NUMBER	EMAIL ADDRESS	MAILING ADDRESS
1	BERNARDINE MILES	540 - 898-7924	bgoode720@aol.com	10500 Circle One Dr.
2	Jane Potts	540 891-8379	janepotts31@gmail.com	202 Hardwood Ln
3	Bev Brown Jim Brown	540-479-2100	jbrownracer@att.net	10305 Bedford Ct
4				
5				
6				
7				
8				
9				
10				

COMMUNITY MEETING for Aspire at Lee's Hill
June 26, 2019

No.	NAME	PHONE NUMBER	EMAIL ADDRESS	MAILING ADDRESS
1	Rachell S. Boggs	502 689 1321	rachelRN_C@outlook.com	4617 Wensel Rd, 22405
2				
3				
4				
5				
6				
7				
8				
9				
10				

PROJECT SUMMARY
PLANNING DEPARTMENT
SPOTSYLVANIA COUNTY, VIRGINIA

Application#: R19-0010
Date Submitted: 7/16/2019
Case Planner: Shannon Fennell



Project Name: **Aspire at Lee's Hill**			
Applicant: **Bonaventure Investments, LLC, 2700 S. Quincy St, Ste. 500, Arlington, VA 22206** Wk: **703-373-0906**			
Owner: **KW Commercial, LLC, 1304 Washington Ave., Fredericksburg, VA 22401** Wk:			
Plan Preparer: **Fairbanks & Franklin, Inc., 1005 Mahone St., Fredericksburg, VA 22401** Wk: **540-899-3700**			
Zoning: **C2 & C3**	Proposed Zoning/Use: **MU-4/Age-restricted SFA, MF & commercial uses**	Public Water: **Yes**	Public Sewer: **Yes**
New Bldg Sq Ftg: **TBD**	Total Site Acres: **13.694**	Lots/Units Proposed: **1/210**	
Parcel # and Address: **36-17- -FF; 0 Spotsylvania Ave.**	Route #: **1234**	Voting: **Lee Hill**	
Description: **Mixed use development with 64 age-restricted SFA units, 146 age-restricted MF units plus commercial uses**			

Cc: BOS, PC, County Admin, County Attorney, Economic Development, COE, NPS, Fredericksburg Post Office, REC, Press

September 23, 2019

Wanda Parrish, AICP
Director of Planning and Zoning
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

RE: Letter of Support--Rezoning
Aspire at Lee's Hill

Dear Ms. Parrish,

We are the owner of Tax Map No. 36-17-M, located in Spotsylvania County, Virginia. We are supportive of the proposed MU-4 rezoning request by Bonaventure Investments, LLC and KW COMMERCIAL, LLC (collectively the "Applicant") for the adjacent property known as Tax Map No. 36-17-FF, 0 Spotsylvania Avenue ("Proposed Rezoning Property").

We also support having a crosswalk and ADA entry point/sidewalk leading from the Proposed Rezoning Property to our business, which includes neighborhood retail, including Danny's Pizza. We feel that this access will be safe and encourage more pedestrian foot traffic to our business.

Should you have any questions, please contact me using the information listed above.

Sincerely,

Falcon Realty Investments LLC

11216045.2 043659.00003

Date: September 16, 2019

To: Falcon Realty Investments LLC

Re: Letter Agreement for Pedestrian Access ("Letter Agreement")
Aspire at Lee Hill's Rezoning R19-0010 ("Rezoning")
Spotsylvania County Tax Parcel 36-17-FF ("Rezoning Property")
Bonaventure Investments, LLC & KW Commercial, LLC ("Applicant")

Dear Neil:

I hope this finds you well. The purpose of this letter is to confirm that certain verbal agreement between the Applicant and Falcon Realty Investments LLC regarding certain pedestrian access to and from the Rezoning Property to your property known as Tax Map Parcel 36-17-M, located in Spotsylvania County, Virginia, adjacent to the Rezoning Property, all as shown on the attached Exhibit A. In this regard, the parties, as we understand it, mutually agree as follows:

General Agreement:

1. Falcon Realty Investments LLC agrees to grant a license to the Applicant for purposes of allowing the Applicant to construct a crosswalk and ADA entry point/sidewalk leading to and from the Proposed Rezoning Property within the area shown on Exhibit A ("License").

2. All costs and expenses associated with the License shall be paid by the Applicant, except the Applicant shall not be responsible for any ongiong maintenance or repair of any improvements located and constructed on Falcon Realty Investments LLC property.

3. The Applicant may depict the License area on the Applicant's generlaized development plan required for the Rezoning.

4. Falcon Realty Investments LLC agrees to reasonably cooperate with the Applicant for purposes of the License.

5. Falcon Realty Investments LLC shall only be obligated to provide the License if the Applicant obtains Rezoning approval and proceeds to development the Property.

Miscellaneous provisions:

6. The parties hereto acknowledge, pursuant to the terms and conditions herein, there is adequate consideration for each party to enter into this Letter Agreement.

7. The terms of this Letter Agreement shall bind and inure to the benefit of the parties hereto, their respective successors, heirs, or assigns.

8. This Letter Agreement is the entire agreement between the parties with respect to the subject matter hereof. No alterations, modification, or interpretation hereof shall be binding unless in writing and signed by both parties.

9. This Letter Agreement shall be constructed, interpreted, and applied according to the laws of Virginia.

10. This Letter Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which shall constitute one and the same Letter Agreement.

11. All parties below executing this Letter Agreement represent and warrant to each other to having the appropriate authority to act and obligate each company as provided hereunder.

12. The Applicant agrees to indemnify and hold harmless [property owner] from any suits, claims, damages, charges, expenses (including reasonable attorney fees) and other similar liability arising from the Applicant's installation and construction of the improvements within the License area.

Please feel free to contact me with any questions and if in agreement with all of the above, please execute below where provided.

Respectfully submitted:

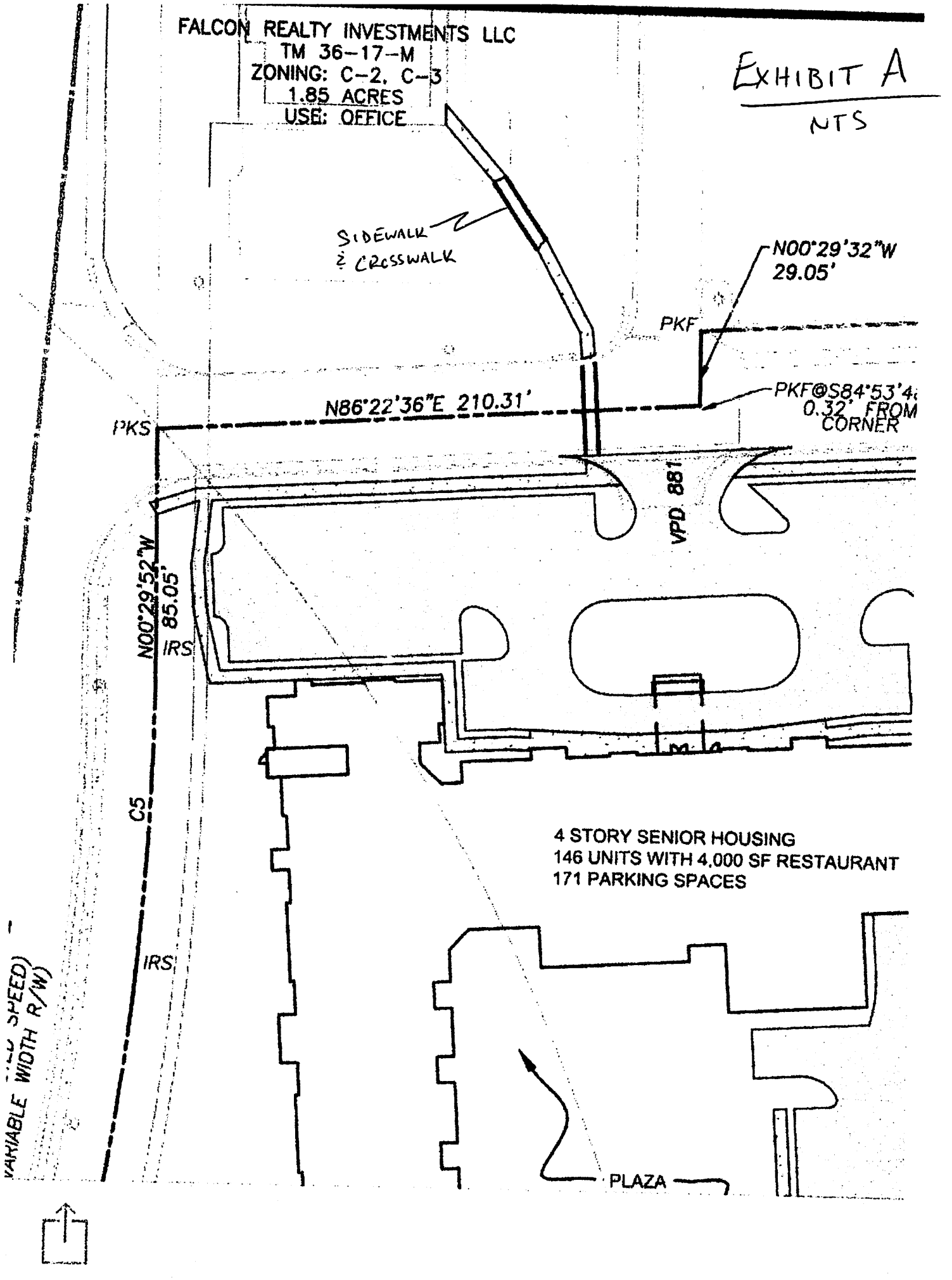
KW Commercial LLC
Richard Harrison

SEEN & AGREED:

Falcon Realty Investments LLC

By: _____
Print Name: Phil Sullivan
Title: Managing Member

Date: 9/23, 2019


FALCON REALTY INVESTMENTS LLC
TM 36-17-M
ZONING: C-2, C-3
1.85 ACRES
USE: OFFICE
EXHIBIT A
NTS
SIDEWALK & CROSSWALK
N00°29'32"W 29.05'
PKF
PKF@S84°53'4
0.32' FROM CORNER
N86°22'36"E 210.31'
PKS
VPD 881
N00°29'52"W 85.05'
IRS
C5
IRS
4 STORY SENIOR HOUSING
146 UNITS WITH 4,000 SF RESTAURANT
171 PARKING SPACES
PLAZA
VARIABLE WIDTH R/W)

September 18, 2019

Wanda Parrish, AICP
Director of Planning and Zoning
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

RE: Letter of Support--Rezoning
Aspire at Lee's Hill

Dear Ms. Parrish,

We are the owner of Tax Map No. 36-17-C, located in Spotsylvania County, Virginia. We are supportive of the proposed MU-4 rezoning request by Bonaventure Investments, LLC and KW COMMERCIAL, LLC (collectively the "Applicant") for the adjacent property known as Tax Map No. 36-17-FF, 0 Spotsylvania Avenue ("Proposed Rezoning Property").

We also support having a crosswalk and ADA entry point/sidewalk leading from the Proposed Rezoning Property to our business, which includes neighborhood retail, including the Weis Supermarket. We feel that this access will be safe and encourage more pedestrian foot traffic to our business.

Should you have any questions, please contact me using the information listed above.

Sincerely,

A Tempo LLC
By Metro Management Services, LLC Agent

11216045.2 043659.00003

Spotsylvania County Planning Commission

Board Room – Holbert Building, 9104 Courthouse Road, Spotsylvania VA 22553

MINUTES:	February 17, 2021	
Call to Order:	Ms. Carter called the meeting to order at 7:00 p.m.	
Members Present:	Mary Lee Carter	Lee Hill
	Jennifer Maddox	Berkeley
	Richard Thompson	Courtland
	Dr. Raymond Bell	Salem
	Jacob Lane	Livingston
	C. Travis Bullock	Battlefield (arrived at 7:05)
	Gerald Childress	Chancellor
Staff Present:	Paulette Mann, Planning Commission Secretary	
	B. Leon Hughes, AICP, Director of Planning & Zoning	
	Alexandra Spaulding, Senior Assistant County Attorney	
	Wanda Parrish, AICP, Asst. County Administrator – CDG	
	Ben Leach, _____	
	Shannon Fennell, Planner III	

Announcements: Mr. Hughes updated the Commission on upcoming cases, what's on the TRC agendas and community meetings.

Unfinished Business:

- Resolution to move meeting

At a regularly scheduled meeting of the Spotsylvania County Planning Commission held on February 17, 2021, on a motion by Ms. Maddox, seconded by Ms. Carter, and passed 6-0, the Planning Commission adopted the following resolution:

RESOLUTION NO. 2021-4____

Location Change for March 3, 2021, 7 p.m. Planning Commission Meeting

WHEREAS, the Spotsylvania County Planning Commission will hold it's regularly scheduled Planning Commission meeting on March 3, 2021, at 7 p.m. or as soon thereafter as can be accommodated, which R17-0005 and SUP17-0003, are a Rezoning and Special Use Permit applications, respectively, submitted by Team Crucible, LLC, for a security training facility are continued; and

WHEREAS, the application has received considerable public interest and a large audience for the meeting is expected; and

WHEREAS, we are in a time of pandemic and the Governor of the Commonwealth has

recommended social distancing of at least six feet; and

WHEREAS, the Spotsylvania County Planning Commission, under Article IV of its Bylaws, may determine the location for any of its meetings and desires to hold the March 3, 2021, 7 p.m. meeting in which the Team Crucible, LLC, Rezoning and Special Use Permit applications are continued and will be considered at a larger venue to accommodate the anticipated audience; and

WHEREAS, the next regularly scheduled meeting of the Spotsylvania County Planning Commission at 7 p.m. on March 17, 2021, will be held in the usual location of the Board Room at the Holbert Building, 9104 Courthouse Rd, Spotsylvania, VA, 22553;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Planning Commission does hereby move the location of its regularly scheduled meeting on March 3, 2021, at 7 p.m., to the Marshall Center Auditorium, located at 8800 Courthouse Road, Spotsylvania, VA, 22553.

Public Hearing(s):

Rezoning(s):

R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC): Requests a rezoning of one (1) parcel approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers for an age-restricted residential development consisting of no more than fifty (50) new single family attached dwelling units, one (1) four-story multi-family building with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). The property is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the Northeast quadrant. The property is located within the Primary Settlement Boundary. The property is designated for Mixed Land Use Development on the Future Land Use Map of the Comprehensive Plan and is in the Airport Overlay District. Tax parcels 36 (17) FF. Lee Hill Voting District.

Ms. Maddox opened the public hearing.

Ms. Fennell presented the case. The applicant proposes to rezone the subject parcel from Commerical 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers. If approved, the proposal will allow for the development of an age-restricted residential community consisting of no more than fifty (50) new single-family attached dwelling units (SFA), one (1) four-story multi-family building (MF) with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). Under the current zoning, the parcel could accommodate approximately 135K sf. ft. commercial building. The project site is located within the County's Primary Development Boundary which is intended to develop with higher residential densities. This area is designated on the Future Land Use Map in the Comprehensive Plan as Mixed Land Use which

is intended to provide for a variety of land uses in a compact, walkable community with a denser development pattern which allows residents to live, work, shop, and play. The proposal meets the intent of and is consistent with the mixed-use land use designation. The project as proposed would result in approximately 5.9 acres designated for age-restricted SFA units (50 townhomes), approximately 4.8 acres designated for age-restricted MF units (147 apartment homes), a 4,000 sf. restaurant, and approximately 3.5 acres designated for commercial use. Although the tier of mixed use is appropriate given the land use designation, the project as proposed reduces the developable commercial acreage.

The project as proposed provides single-family attached units adjacent to the existing single-family detached subdivision, The Meadows. Moving west, the project steps up from the single-family attached units to the multi-family 4-story building and then to the commercial area. A forested buffer and steep topography differences act as a good physical separation between the proposed projects which is higher than The Meadows Subdivision. A series of small (approximately .25 acre) vacant but vegetated lots are positioned between the single-family detached dwellings at The Meadows. These vacant lots contain restrictive covenants which prevents the lots from being used for residential or commercial building purposes. The recorded covenant also prevents the lots from any cutting or removal of any vegetation within the 50' buffer area which is primarily owned by the Lee Hill Commercial Center Association as noted on the GDP. The Aspire project proposes the construction of a 6' tall privacy fence along the eastern edge of the project as a separation between the proposed townhomes and these small lots. This fence is a modification to the 25' transitional screening required per DSM 6-7.3. along the property line of single-family attached units adjacent to the existing single-family detached units. Seeing that there is an existing 50' buffer of mature trees that cannot be removed nor the lots developed per the recorded restrictive covenants, staff is supportive of this modification.

Based on County projections the age-restricted portion of the project will generate an estimated 340 new residents and no school-aged children. The applicant's FIA states that the SFA units will range in size between 1,500 to 1,800 sq.ft., with a price point in the upper $200,000s to over $300,000 depending on the option package selected. These units must be occupied by at least one person who is 55 years or older. The MF units will be rental units occupied by persons 62 years or older in age. The multi-family building will be a service-enriched retirement community for seniors who are independent. According to the applicant's narrative, based on other similar projects, the new residents would typically include seniors who are downsizing to live in a community with numerous amenities and group activities, and where they no longer have need to maintain a home and prepare all meals. The MF building as mentioned above will include a 4,000 sq. ft. full service restaurant with meal plans available to the residents and will be open to the public. The approximately 3.5-acre commercial site will be developed for a hotel, retail office, restaurant, or other commercial uses permitted under the MU-4 zoning district (except for those listed as not permitted in the proffer statement).

Ms. Fennell discussed the following findings:

In Favor:

A. The proposal is consistent with the intent of the Primary Development Boundary having more intense development occur within the Primary Development Boundary.
B. The proposal is consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County of being a family friendly community, and comports with the idea of contributing to the mix of units in support of a growing diverse housing stock to accommodate housing needs for all stages of life.
C. The tier of the proposed development is better for the adjacent residential subdivision than that of the potential by-right uses as the project steps down in height and bulk from a commercial area and proposed 4-story multi-family age-restricted building, to an age-restricted townhome community which is consistent with the intent of mixed use land use designation.
D. The County's Fiscal Impact model projects a positive annual fiscal benefit at build out.
E. The applicant has proffered $30,320.22 in cash contributions to mitigate the impacts of the development on public safety, parks and recreation.
F. By-right the subject parcel can be developed for any use listed in the C-2 and C-3 zoning districts; the proposed rezoning would limit the by-right uses per the applicant's proffers. Also, reducing the amount of commercial area provides less impact to the transportation network than that of the by-right uses.
G. The applicant has proffered off-site improvements including the construction of a south bound right-turn lane, the relocation of the existing signal, sidewalk and other transportation improvements to include right of way dedication. Transportation staff estimates this cost savings at approximately $300,000.

Against:

A. This is a reduction to an existing commercially zoned parcel and a potential loss of revenue to the County.
B. Fire Station #4 call volume is over capacity and while the applicant has proffered a cash contribution towards public safety, there is a no project in the Capital Improvement Plan (CIP) which will remedy the capacity issue for Fire Station #4. Additionally, age-restricted communities generate a higher call volume for FREM services.
C. At Route 1 and Market Street, some movements are LOS F and became worse F's with the Aspire development. There is a partially funded County project to address this issue under development, no contribution from Aspire was made towards this regional improvement.

The Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes single-family attached and multi-family units. The tier of the proposed development, stepping down in height and bulk from a commercial area and proposed 4-story multi-family age-restricted building, to an age-restricted townhome community is consistent with the intent of mixed use land use designation. The project provides an infusion of nearby residents in a walkable mixed use setting. Therefore, staff anticipates that the construction of this proposal would result in a favorable impact.

Consumer demands are shifting, and there are numerous vacancies within the Lee's Hill Retail and Lee's Hill Professional Centers. This project if approved will exchange former zoned commercial space that has been vacant for a number of years into a viable mixed use development. The proposed development provides integrates quality open space into the design. The applicant has proffered cash contributions to mitigate the development impacts on public safety and parks and recreation. In addition, the County's model projects a positive annual fiscal benefit at build out of the project. The applicant has proffered off-site transportation improvements at the intersection of Spotsylvania Avenue and Market Street which contribute to future transportation improvements Market Street. Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of the rezoning request with the proffered conditions dated November 11, 2020.

Applicant, Charlie Payne, representing the applicant: Mr. Payne stated this property needs this catalyst and that the commercial component will be retained. He presented a PowerPoint describing their proposal.

Mr. Thompson inquired if these would be rental units.

Mr. Payne stated yes and provided the bedroom breakdown.

Mr. Jeremy Moss stated that a one-bedroom would cost $2800 including the meal plan, per month. A one bedroom with a den and meal plan will run approximately $3200 per month.

Ms. Carter inquired about the amenities and whether they are included.

Mr. Payne stated yes, the rent would include all amenities and meal plans. He stated that this proposal is different than a typical multi-family. It will employ 14-17 staff members and the residents of this type of unit are typically very active adults.

Ms. Carter inquired what tenants would be required to pay for outside of their rent.

Mr. Moss stated that the barber shop, nail salon, salon, on site PT would all be extra.

Dr. Bell stated that he hopes that the developer would partner with local small businesses so the money would stay in the County.

Ms. Carter inquired if the units would be handicapped accessible.

Mr. Payne stated yes and all of the hallways and elevators would have pull cords.

Ms. Carter urged the applicant to use Spotsylvania people for the construction.

Dr. Bell inquired how many of these types of developments the applicant has done.

Mr. Moss stated this development would be their seventh.

Mr. Lane stated that one of his biggest concerns is that Station 4 is over capacity and that the proffers are $100 per unit to Parks & Recreation and only $47 to FREM.

Mr. Payne stated that proffers are based on the County's CIP and that a developer could shift all of the Parks & Recreation proffer money to Public Safety resulting in approximately $50k. he stated that they propose to amend their proffers to $50k for public safety and $10k for Parks & Recreation.

Ms. Spaulding stated that a revised proffer statement would be submitted prior to the Board of Supervisors hearing and vetted by the County Attorney's office.

Speaking if favor or opposition: None

Ms. Maddox closed the public hearing.

Motion and vote: On a motion by Ms. Carter seconded by Mr. Bullock, she made a motion to recommend approval to the Board of Supervisors with the verbal commitment of revising proffers to include $50k toward Public Safety, $10k toward Parks & Recreation, and the commitment of the indoor pool and fitness center.

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Bullock, Ms. Maddox, Mr. Lane, Mr. Thompson and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

R19-0014 Patricia P. Preston (CeresHarrisonLand LLC): Requests the rezoning of approximately 58.611 acres from Residential 1 (R-1) to Planned Development Housing District 2 (PDH-2) with proffers for residential development. The proposal for residential development currently consists of not more than one hundred ten (110) single-family detached dwellings, with a maximum density of approximately 2 units per acre. The parcel is addressed as 5430 Harrison Road (RT. 620) and is approximately 1835 feet east of the intersection with Twin Springs Drive (RT. 1299). The parcel is located in the Primary Development Boundary. The property is in an area identified as Mixed Use on the Future Land Use Map of the Comprehensive Plan. Tax parcel 23 (A) 64A. Courtland Voting District.

Ms. Maddox opened the public hearing.

Ms. Fennell presented the case. The applicant proposes to rezone the subject parcel from Residential 1 District (R-1) to the Planned Development Housing 2 District (PDH-2) with proffers. If approved, the proposal will allow for the development of 110 single-family detached units, with a density of 1.88 dwelling units per acre. The by-right development potential of the subject site is

39 single-family detached units, with a density of 1 dwelling unit per 1.5 acres. The project site is located within the County's Primary Development Boundary which is intended to develop with higher residential densities. The project site is designated on the Future Land Use Map in the Comprehensive Plan as Mixed Land Use and the surrounding developed area to the west and south are designated as Low Density Residential. The Mixed Land Use is intended to provide for a variety of land uses in a compact, walkable community with a denser development pattern. The density as proposed is within the parameters established in both the mixed use and low density residential land use designations, as the density of the project is below the four units per acre established as appropriate for low density residential use. Although the proposal meets the intent of the low density residential and mixed use land use designation, the lot size difference and density is noticeably different between the proposed development with approximately 1.88 dwelling units per acre and the Carriage Hill Subdivision to the west of the development with approximately 1 dwelling unit per 5 acres. Staff does note that the density as proposed with the Hazel Run Glen development is less than the density of Leavells Crossing Subdivision, Cedar Brook Subdivision and the recently approved Harrison Village Subdivision which are located to the south and north of the subject site with approximately 3 dwelling units per acre each. Staff also notes that a large lot subdivision such as Carriage Hill is not in line with the current goals of the primary development boundary. The first section of Carriage Hill was developed in 1976 and the last section was developed in 1993 since that time the goals and intent of the Primary Development Boundary have evolved parcels within this area is intended to develop with higher residential densities.

The project will be served by a public road network, and the applicant will construct an emergency access connection to Woodland Drive which will include bike and pedestrian accommodations. A variable width of right of way will be dedicated along Harrison Road providing for the future roadway expansion, the construction of the westbound and east bound turn lane improvements and off-site right of way dedication to be obtained from Hazelwild Farm Educational Foundation to assist with the future expansion of Harrison Road. This development is projected to generate an estimated 1,100 daily vehicle trips, approximately 550 are projected to travel through the Harrison Road, Salem Church and Leavells Road intersection. County Transportation staff analysis have determined traffic from the development would contribute to creating a LOS problem for the Harrison Road, Salem Church and Leavells Road intersection and trigger the need for three additional left turn lanes at the intersection for NB Leavells Road, WB Harrison Road, and SB Salem Church Road. In order to mitigate the projected impact to the transportation network, the applicant has included a cash contribution of $200,000 for future improvements at the Harrison Road, Salem Church and Leavells Road intersection.

Based on County projections the project will generate an estimated 216 new residents (above the by-right use) with 40 being school-aged children at full build out (18 elementary school students, 9 middle school students, and 13 high school students). The new students from the development will attend Courthouse Road Elementary, Battlefield Middle and Chancellor High schools. There is existing capacity in the elementary and high schools to accommodate the projected students. Staff notes that Battlefield Middle school is currently over capacity and the projected middle school students will exceed capacity by an additional 9 students. In order to mitigate the projected impact, the applicant has included a cash contribution of $50,000 for schools.

This development will generate an estimated 1,100 daily vehicle trips with 83 of these occurring in the AM Peak hour and 111 in the PM Peak hour. Turn lane warrant analysis was performed and found that both a left and right turn lane with tapers was warranted. A 2023 LOS analysis was performed for the un-signalized main entrance intersection only and found that the LOS with the development would remain at A for Harrison Road with the development and the northbound development approach to Harrison Rd would experience LOS C during the AM Peak and LOS D during the PM Peak. County staff, however completed additional analysis that determined additional traffic from the development would contribute to creating a LOS problem for the Harrison/Salem Church/Leavells Roads intersection and trigger the need for three additional left turn lanes at the intersection for NB Leavells Road, WB Harrison Road, and SB Salem Church Road. This is a result of this development being projected to send an additional 550 vehicle daily trips through this intersection including 31 during the AM Peak hour and 20 during the PM Peak hour. As a result of this finding, the applicant is providing a $200,000 cash proffer to support improvements to the intersection and Harrison Road.

Findings in Favor:

A. The proposal is consistent with the intent of the Primary Development Boundary by having more intense development occur within the Primary Development Boundary.

B. The proposal is consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County of being a family friendly community, and comports with the idea of contributing to the mix of units in support of a growing diverse housing stock to accommodate housing needs for all stages of life.

C. The density as proposed with the Hazel Run Glen development is less than the density of Leavells Crossing Subdivision, Cedar Brook Subdivision and the recently approved Harrison Village Subdivision which are located to the south and north of the subject site with approximately 3 dwelling units per acre each.

D. The proposed development also integrates quality open space into the design in excess of zoning district requirements.

E. The County's Fiscal Impact model projects a positive annual fiscal benefit at build out.

F. The applicant has proffered $24,324.30 in cash contributions to mitigate the impacts of the development on public safety, parks and recreation.

G. The applicant has proffered an aggregate sum of $100,000 towards Public Safety and Schools in the amounts of $50,000 for each category.

H. The applicant has proffered westbound and eastbound turn lanes and right-of-way along Harrison Road to mitigate impacts of the project and contribute to the future widening of Harrison Road. Additionally, the applicant has proffered $200,000 to mitigate impacts of this development on the Harrison Road, Salem Church and Leavells Road intersection

Against:

A. The development will contribute to westbound LOS at the Harrison Road intersection with Leavells and Salem Church Road degrading from C to D during the AM Peak hour and becoming a worse LOS F during the PM Peak hour even with the $6.1 Million Smart Scale project.
B. Battlefield Middle School is currently over capacity and the proposed development will generate additional students creating additional impacts. While the applicant has proffered a cash contribution to schools, there is no project in the current Capital Improvement Plan (CIP) to remedy the capacity issue at this time.

Ms. Fennell stated the Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes small to larger single family homes as part of this inventory. This projects comports with this goal by providing housing on smaller lots to provide a compact, walkable residential community. This project is within the Primary Development Boundary, and although some of the existing subdivisions in this area were developed with larger lot sizes, a large lot development is not in line with the current goals and intent of the Primary Development Boundary. The density as proposed with the Hazel Run Glen development is less than the density of Leavells Crossing Subdivision, Cedar Brook Subdivision (south of the proposal) and recently approved Harrison Village Subdivision (north of the proposal) which with approximately 3 dwelling units per acre each. The proposed development also integrates quality open space into the design in excess of zoning district requirements. The applicant has proffered cash contributions to mitigate the development's impacts on public safety, parks and recreation, transportation and schools. In addition, the County's model projects a positive annual fiscal benefit at build out of the project. The applicant has proffered an emergency access connection with bike and pedestrian accommodations to Woodland Drive, transportation improvements including westbound and eastbound turn lanes, right-of-way along Harrison Road which not only mitigate the impacts of the project but also contribute to future expansion of Harrison Road, and a cash contribution toward the Salem Church Rd, Leavells Rd, and Harrison Rd intersection. Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of the rezoning request with the proffered conditions dated January 28, 2021.

Mr. Thompson inquired what schools' children in this development would attend.

Ms. Fennell stated Courthouse Road Elementary, Battlefield Middle, and Chancellor High.

Mr. Thompson expressed concerns about the D rating for the Fire Station that would serve this proposal.

There was discussion about the recent approval of Fire Station #6 to increase the FAR by doubling the size, which will allow for the ability to handle more calls.

Applicant, Charlie Payne, representing the applicant: He displayed a PowerPoint and thanked the Commission members for their questions and concerns. He turned the presentation over to Richard

Boles who stated that they are a diverse investor offering creative design. The proposal offers a lot of open space with community parks. There will be a 35-foot buffer around the rear of all of the lots and the substantial buffer that is present will be preserved obscuring most of the homes from view. He discussed some of the amenities to include a fire pit, covered mail kiosk, pavilion, etc. The entrance will be very attractive and at an appropriate scale. He briefly discussed the emergency connection to Leavells Crossing for emergency vehicles.

Speaking in favor or opposition:

Diana Kirn, Courtland Voting District: She stated that she was here a year ago for a public hearing for 78 houses across the street. Accidents happen at this location all of the time and she currently has to wait forever to turn out of Carriage Hill Lane. She stated that the proposed turning lanes will do absolutely nothing. She stated that infrastructure is always lagging development and needs to stop.

Ed Hegmann, Courtland Voting District: He stated that there are a ton of accidents here at what he calls "Dead Man's Curve." He advised that this development will be a real problem for public safety. He further mentioned that the 35 ft. buffer will not prevent anyone from migrating to his neighborhood and suggested a fence be part of the buffer. Also, he mentioned that the turning lane without a traffic light would be useless.

Debby Hall, Courtland Voting District: She stated she has concerns about the interconnection to Leavell's Crossing for emergency vehicles. She advised it is a waste and suggested that the develper build the 39 units he's entitled to by right.

Sherry Bailey, Courtland Voting District: She informed the Commission that she is realtor of 35 years and has concerns about the level of service standards. She advised that the shoulders on Harrison Road are inadequate, there are lots of accidents, and will have a major impact on the wetlands located adjacent to the proposal .

Jack Bailey, Courtland Voting District: He expressed his concern about not following the Comprehensive Plan and doesn't like the interparcel connection proposal.

Scott Sevigny, Courtland Voting District: He stated that the plan is bad overall. His concerns are traffic, impacts on schoold and FREM.

Mohammed Iub, Courtland Voting District: He stated that he has concerns about the traffic on Harrison Road and urged the Commission to deny.

Ms. Mann read the following into the record:

Irvin Allison, Courtland District: He stated that the additional homes will be another burden for the exisiting property owners in the County. He has concerns about traffic and the impacts on schools and emergency services.

Mary Ann Stana, Courtland Voting District: She expressed her concerns about traffic, public safety, schools and the intense growth impacts this development would cause.

Thomas Wheeler, Courtland Voting District: He expressed his concerns about traffic along Harrison Road and urged the Commission to recommend denial to the Board of Supervisors.

Liz Murton, Salem District: She stated Harrison Road can not suuport additional traffic. She also expressed concerns about the impact on public safety and schools.

Mr. Lane inquired of the $153,231 profit from this development is after all projections are taken into account.

Mr. Hughes stated yes.

There was discussion in what the model takes into account.

Mr. Lane inquired if the $200k for transportation is separate from the turn lane.

Ms. Fennell stated yes.

There was discussion regarding who reviews the site plan.

Ms. Fennell stated that FREM is part of the site plan review committee and they will be required to meet the standards.

Mr. Agnello provided and update to the Commission about Smart Scale money and what improvements will come as a result of those funds.

Applicant, Charlie Payne: He stated that he has to respectively disagree with some of the statements that have been made. The Comprehensive Plan requires them to mitigate their impacts and pay for themselves, which they do. There is approximately $154k net to the County in revenue, $26 million over 30 years. He stated that Hazelwild is working with them, they are helping to acquire the right of way for future road improvements, providing better site lines. He stated that this project will be a good neighbor by providing a quality, responsible project.

There was discussion about the pond and the restrictive covenants allowing both property owners to use it.

Ms. Carter inquired about the 39 lots by right.

Mr. Payne reminding the Commission that if they developed this by right, the turning lane and improvements to the intersection wouldn't occur.

Mr. Thompson stated he is concerned about the traffic on Harrison Road and stated it is as dangerous as River Road. He stated roads need to be built before development.

Mr. Payne stated he appreciates the comments and they are providing many traffic improvements the County wouldn't otherwise receive.

Motion and vote: On a motion by Ms. Maddox, seconded by Mr. Thompson, she made a motion to continue the public hearing to March 17, 2021 due to comments received about not getting their notice letters in sufficient time due to Post Office delays.

Ms. Spaulding stated that only those who haven't spoken on the application may speak, anyone who has already provided comments, will not be permitted to speak again.

VOTE:

Ayes: 7 Dr. Bell, Mr. Thompson, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

Amendment(s):

CA21-0001 Spotsylvania County Board of Supervisors (Ord. No. 8-16): To amend the Code of the County of Spotsylvania, Virginia ("Code Amendments") Chapter 8, Erosion and Sediment Control. The proposed amendments to the Ordinance include definition and local program procedural updates consistent with the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law. Amendments throughout the chapter also made for grammar, updates to state code references, capitalization, and edits of a similar nature.
Amendments to Article I – In General, include to Sec. 8-2, Purpose of Chapter, replacing the purpose of the chapter with to "prevent degradation of properties, stream channels, waters, and other natural resources of Spotsylvania County and to promote the public health and welfare of the people of the County by establishing requirements for the control of soil erosion, sediment deposition, and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced". Adding to or amending Sec. 8-4, Definitions, consistent with current state code for the following definitions: Agreement in lieu of plan, Board, Certified plan reviewer, County, Department of Environmental Quality or DEQ, Development, Director, District or Soil and water conservation district, Erosion and sediment control plan or ESC plan, Excavating, Fee schedule, Filling, Land-disturbing activities, Land-disturbing permit or approval, Natural channel design concepts, Peak flow rate, Program administrator, Responsible land disturber or RLD, Runoff volume, State permit, Transporting, Virginia Erosion and Sediment Control Program or VESCP, VESCP Permit-issuing authority, VESCP Plan-approving authority, VESCP authority or Program authority, and Water quality volume. Deleted definitions include Aggrieved landowner; Conservation plan, erosion and sediment control plan or plan; and DCR. Amendments to Sec. 8-5, Violation; injunction and other legal actions by the County, include that violations are a Class I misdemeanor and include the procedures for assessing a civil penalty of between $100 and $1000 per offence with a cap at $10,000, procedures for a property owner to

apply to the Circuit Court to remedy damage to property, and a civil penalty of up to $2,000 for failing to obey an injunction. Delete Sec. 8-6, Violation; action by aggrieved owner, and replace with Sec. 8-6, Liability for damages, to add "Neither the approval of an erosion and sediment control plan under the provisions of this article nor the compliance with the conditions of such plan shall relieve any person from responsibility for damage to other persons or property or impose any liability upon the County from damage to other persons or property".

Amendments to Article II - Local Erosion and Sedimentation Control Program, include to Division 1, Generally, Sec. 8-16, Regulations, to replace current provisions with "Pursuant to Code of Virginia Sec. 62.1-44.15:54 of the Code of Virginia, Spotsylvania County hereby establishes a VESCP Program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources). (a) In accordance with Code of Virginia Sec. 62.1-44.15:52, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to: (1) detain the Water Quality Volume and to release it over 48 hours; (2) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (3) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels. (b) For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in Sec. 62.1-44.15:28 of the Virginia Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such Land-Disturbing Activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations. (c) Pursuant to Code of Virginia Sec. 62.1-44.15:53, an ESC Plan shall not be approved until it is reviewed by a Certified Plan Reviewer. Inspections of Land-Disturbing Activities shall be conducted by a Certified Inspector. The Erosion Control Program of Spotsylvania County shall contain a Certified Program Administrator, a Certified Plan Reviewer, and a Certified Inspector (who may be the same person). (d) Spotsylvania County hereby designates the Program Administrator as the Plan-Approving Authority. (e) The program and regulations provided for in this ordinance shall be made available for public inspection at the office of Environmental Codes". To delete Sec. 8-19, Use of guidelines and conservation standards, and Sec. 8-20, Ten-year frequency storm for man-made channels. Division 2, Plans and Permits, to add Sec. 8-30, Submission and approval of plans; contents of plans, with the following: "(a) Except as provided herein, no person may engage in any Land-Disturbing Activity until he or she has submitted to the Program Administrator an ESC plan for the Land-Disturbing Activity and such plan has been approved by the VESCP Plan-Approving Authority. No approval to begin Land Disturbing Activities will be issued unless evidence of State Permit coverage is obtained where it is required. Where Land-Disturbing Activities involve lands under the jurisdiction of more than one VESCP, an ESC plan, at the option of the applicant, may be submitted to the DEQ for review and approval rather than to each jurisdiction concerned. Where

the Land-Disturbing Activity results from the construction of a single-family residence, an Agreement in Lieu of Plan may be substituted for an ESC plan if executed by the Plan-Approving Authority. (b) The standards contained within the "Virginia Erosion and Sediment Control Regulations" (the Virginia Erosion and Sediment Control Handbook, as amended) and any local handbook or publication are to be used by the Applicant when making a submittal under the provisions of this ordinance and in the preparation of an ESC plan. The Plan-Approving Authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between the publications, the State regulations shall take precedence. (c) The VESCP Plan-Approving Authority shall review ESC plans submitted to it and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that he or she will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the Land-Disturbing Activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the Responsible Land Disturber, to the Program Authority, as provided by Sec. 62.1-44.15:52, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the Land-Disturbing Activity. Failure to provide the name of the Responsible Land Disturber, prior to engaging in Land-Disturbing Activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance. (d) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the Applicant within forty-five (45) days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. (e) The VESCP Authority shall act on any ESC Plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate. (f) The VESCP Authority may require changes to an approved plan when: (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the Plan-Approving Authority and the person responsible for carrying out the plans. (g) In order to prevent further erosion, the County may require an approved plan for any land identified in the VESCP Program as an Erosion Impact Area. (h) When a Land-Disturbing Activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an ESC plan shall be the responsibility of the Owner. (i) In accordance with the procedure set forth in Code of Va. Sec. 62.1-44.15:55 (E), any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines

established by the Board. Approval of general erosion and sediment control specifications does not relieve the Owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations". In Sec 8-31, to change the title from "Plans and agreements in lieu of a plan-Permits-Activities prohibited without approved plan or agreement; exceptions" to "Regulated land-disturbing activities; submission and approval of an erosion and sediment control plan"; to delete under (b) "When land-disturbing activity results from the construction of a single family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan, if approved by the program administrator. An agreement in lieu of a plan may also be substituted for an erosion and sediment control if approved by the program administrator, for land disturbance of two thousand five hundred (2,500) square feet on parcels where there is an existing single family dwelling", to delete "(d) All permits issued pursuant to this chapter shall be signed by the applicant as defined herein", and to delete "e) The applicant, as an, option, may have the board review and approve plans for multi-jurisdictional projects per VESCL 10.1-563A". To add Sec. 8-32, Installation of erosion control facilities, which states: "In accordance with an approved ESC Plan all sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place".

Amends Division 3 – Special Requirements, by deleting the Division and deleting Sec. 8-34, Requirements within subdivisions, Sec. 8-35, Requirements for rights of way, streets or drainage easements, and Sec. 8-36, Requirements for issuance of final erosion inspection; Amends Sec. 8-37, Permits and fees, as follows: "(a) No Land-Disturbing Permit shall be issued until the Applicant submits with his or her application an approved ESC Plan or agreement in lieu of an approved ESC Plan, certification that the plan will be followed, and evidence of State Permit coverage where it is required. (b) No person may engage in any Land-Disturbing Activity until he or she has acquired a Land-Disturbing Permit (unless the proposed Land-Disturbing Activity is specifically exempt from the provisions of this ordinance), and has paid the fees and posted the required bond. (c) An administrative fee identified in the Fee Schedule shall be paid to the County at the time of submission of the ESC Plan. (1) Exceptionally-large-scale land disturbance construction fees shall be designated in accordance to the Fee Schedule and shall meet the following conditions. (a) A fee amount shall be determined based upon the total land disturbance acreage calculated on the approved site plan in accordance to the Fee Schedule. The Applicant shall be billed for the monthly inspection fee on the first day of each month until the site receives a final bond release inspection and approval. The Applicant must remit payment within fifteen (15) days of invoicing to the Environmental Codes division by check payable to the County Treasurer. Failure to pay each invoice within fifteen days of the date of the invoice is cause for issuance of a project stop work order until such fees are paid. (b) If, in any month, the amount billed for an Exceptionally-large-scale land disturbance construction fee is insufficient to reimburse the County for amounts billed to the County by third-party inspectors, the unreimbursed balance will be added to the monthly fee on the Applicant's next or a subsequent invoice and must be paid when invoiced. (2) Where any violation of this Chapter requires more than one (1) inspection to the site by the County, there will be imposed a reinspection fee for each additional inspection. No occupancy permit shall be issued until such fees are paid."

Sec. 8-38, Responsibility of owner for expense of control measures; performance bonds, to include as part of the performance bond a twenty-five (25) percent contingency of the cost of the

conservation action for estimated administrative costs and inflation. To replace Sec. 8-39, When plan required in absence of land-disturbing activities, with Sec. 8-39, Approval required for certain existing conditions, with the following provisions: "(a) It shall be unlawful for any owner of land in an erosion impact area to willfully permit erosion and sedimentation of his land to cause reasonably avoidable damage or harm to adjacent or downstream property, roads, streams, lakes or ponds. (b)When the Program Administrator determines that erosion and sedimentation is occurring in an erosion impact area, he or she shall give notice of the erosion and sedimentation to the land owner in writing at the address for the owner contained in the real estate assessor's records, and require the owner to obtain a land-disturbance permit for the purpose of engaging in land-disturbing activity to control the erosion and sedimentation. If the owner fails or refuses to obtain a land-disturbance permit within five days after the notice is mailed, or if the owner fails or refuses to install or maintain the erosion and sediment controls required by the approved erosion and sediment control plan after the land-disturbance permit is issued and within five days after the Program Administrator has given him or her written notice of such failure or refusal, the owner shall be in violation of this chapter. The Program Administrator may extend the five-day period if the owner demonstrates good cause for an extension. (c) In order to prevent further erosion, the Program Administrator may designate any land within the county as an erosion impact area".

Division 4 – Action on Control Plan, to amend Sec. 8-41, Approval of plan, in (a) to increase the plan approval requirement from forty-five (45) days to sixty (60) days, in (b) to add "Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance." Amend Sec. 8-42, Inadequate plan; notice to applicant of changes; approval if no action taken, to state that when a plan is inadequate, written notice disapproving the plan will be provided to the applicant within forty-five (45) days and that the Program Administrator shall act on any resubmission within forty-five (45) days of an adequate plan. To amend Sec. 8-43, Responsible party, to replace the paragraph with "The owner and responsible land disturber, as designated by the owner, are responsible for implementing and maintaining the approved erosion and sediment control plan and certify that they will perform the erosion and sediment control measures in accordance with the approved plan and any other erosion and sediment control measures deemed necessary by the Program Administrator or designee". To delete Sec. 8-46, As-built site plans and grading requirement changes for subdivision lots served by public sewer and public water, and Sec. 8-47, Required yard - Established front, side, and rear yard slope criteria for subdivision lots served by public sewer and public water.

Division 5 – Monitoring of Land-Disturbing Activities, to add to Sec. 8-61, Inspections required periodically, (a) "The RLD shall be in charge of and responsible for carrying out the Land-Disturbing Activities and provide for inspections of the Land-Disturbing Activities as determined by the Program Administrator. The RLD will maintain records of these inspections and maintenance, to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation". Amend Sec. 8-62, Noncompliance with plan; notice to comply, by changing the delivery method for a written notice from "registered or certified mail" to "mailing with confirmation of delivery". To replace the provisions of Sec. 8-63, Stop work orders, with "(a) Upon issuance of an inspection report denoting a violation of Code of Virginia Sec. 62.1-44.15:55, -44.15:56, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order

requiring that all or part of the Land-Disturbing Activities permitted on the site be stopped until the specified corrective measures have been taken. (b) If Land-Disturbing Activities have commenced without an approved plan, the Program Administrator may issue an order requiring that all of the Land-Disturbing Activities be stopped until an approved plan or any required permits are obtained. (c) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the Land-Disturbing Activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply. (d) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the County or permit holder for appropriate relief to the Circuit Court of Spotsylvania County. The County shall serve such order for disturbance without an approved plan or permits upon the Owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies. (e) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the Program Administrator may issue an order to the Owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the Owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of Spotsylvania County. (f) The Owner may appeal the issuance of an order to the Circuit Court of Spotsylvania County. Any person violating or failing, neglecting or refusing to obey an order issued by Program Administrator may be compelled in a proceeding instituted in the Circuit Court of Spotsylvania County to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. (g) Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. (h) Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this ordinance". To delete Sec. 8-64. - Drainage improvement grant program-Purpose and effective date, Sec. 8-65. - Same—Criteria for grant, and Sec. 8-66. - Award of grant-Approval of board of supervisors. Amend Sec. 8-71, Administrative appeal; judicial review, to remove appeal to the Board of Supervisors. To delete Sec. 8-72. - Installation of erosion control facilities.

Ms. Maddox opened the public hearing.

Mr. Leach presented the amendment. The proposed amendments include definition and local program procedural updates consistent with the Code of Virginia, Title 62.1, Chapter 3.1, Article 2.4, known as the Virginia Erosion and Sediment Control Law. Amendments throughout the chapter also made for grammar, updates to state code references, capitalization, and edits of a similar nature.

Staff recommends approval of CA21-0001 (Ord No. 8-16).

There was a lot of discussion about staffing of the E&S Department.

Mr. Leach advised that the County relies on 3rd party reviewers to assist the County.

Ms. Carter inquired if the amendment is bringing the Code in alignment with state code.

Mr. Leach stated yes.

Mr. Thompson stated that his department has a very large area to cover and he appreciates their efforts.

There was a lot of discussion about the third party reviews that have occurred at the sPower site and whether we will be reimbursed for that.

Mr. Leach stated yes, we would be reimbursed.

Additional staffing discussion were raised by the Commission as well as the costs associated with new employees and paying third party reviewers.

Ms. Carter advised the Commission to not focus on money and leave that to the Board of Supervisors, it's their job, not the Commissions.

Speaking in favor or opposition: None

Ms. Maddox closed the public hearing.

Motion and vote: On a motion by Ms. Maddox, seconded by Ms. Carter, a motion was made to recommend approval of the amendment.

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, Mr. Childress, and Mr. Thompson
Nays: 0
Absent: 0
Abstain: 0

There was additional discussion about sPower.

Ms. Spaulding stated that sPower has been very responsive and zoning is doing a great job managing this project with the staff that they have. sPower is not flying under the radar.

Mr. Hughes stated that the sPower development will be coming to an end in about 1.5 years.

Mr. Bullock inquired if Planning presently has enough staff to handle the volume.

Mr. Hughes stated no.

Ms. Maddox stated that staffing should be discussed with the Board since they approved the budget and positions, not the Planning Commission.

Public Comment: None

New Business: None

Adjournment

Motion and vote: On a motion by Ms. Maddox, seconded by Ms. Carter, a motion was made to adjourn.

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, Mr. Childress, and Mr. Thompson
Nays: 0
Absent: 0
Abstain: 0

The meeting adjourned at 10:00 p.m.

(To: Display Advertising (Classified Section)

Please run the following ad on **Wednesday, March 10, 2021 and Wednesday, March 17, 2021** in the **Free Lance-Star.** with the usual format: bold border; Spotsylvania County seal; 2 columns wide; underline as shown; larger, darker print for underlined portions. (Ref. P O # 9518)

PUBLIC NOTICE

The Spotsylvania County Board of Supervisors will hold a public hearing at 6:00 p.m. on Tuesday, March 23, 2021 in the Holbert Building located at 9104 Courthouse Road, Spotsylvania, Va. 22553, to consider the following:

Rezoning:

R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC): Requests a rezoning of one (1) parcel approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers for an age-restricted residential development consisting of no more than fifty (50) new single family attached dwelling units, one (1) four-story multi-family building with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). The property is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the Northeast quadrant. The property is located within the Primary Settlement Boundary. The property is designated for Mixed Land Use Development on the Future Land Use Map of the Comprehensive Plan and is in the Airport Overlay District. Tax parcels 36 (17) FF. Lee Hill Voting District.

Persons interested may appear and present their views at the public hearing described above or submit written comments in accordance with the Revised Public Hearing Procedures During the Coronavirus Emergency. Any public hearing cases, including any ordinances as applicable, are on file and available in the Planning Department, located at 9019 Old Battlefield Blvd, 3rd Floor, Spotsylvania, Virginia, 22553; (540) 507-7434, and may be inspected between 8:00 a.m. and 4:30 p.m., Monday through Friday. The Board of Supervisors encourages the participation of all interested County citizens. For those with special needs, please notify the Office of the County Administrator of any accommodations you may require at least five days before the meeting you wish to attend.

Revised Public Hearing Procedures During the Coronavirus Emergency

- For your safety and the safety of the community at large during this on-going coronavirus emergency, citizens wishing to comment are HIGHLY ENCOURAGED to submit written comments to be read into the public record by County staff in front of the Board at the televised hearings rather than attending in person.
- Those desiring to submit written comments to be read publically to the Board may do so immediately by going to the following website https://www.spotsylvania.va.us/FormCenter/County-Administration-34/BOS-Public-Comments-92, or by placing written comments in the Treasurer's Office drop box outside the Holbert Building at 9104 Courthouse Road, Spotsylvania, VA 22553. Comments submitted via the Treasurer's Office drop box should be in a sealed envelope which is clearly marked with the case number or case name.
- Additionally, comments may be mailed to the attention of Aimee Mann at PO Box 99, Spotsylvania, VA 22553. Mailed comments must be received by close of business on the Monday prior to the BOS meeting date in order for them to be read into the public record at the hearing.
- Submissions of written comments must include the citizen's name and voting district. Please construct your written comments in such manner that they are limited to three (3) minutes when read at a typical

oral reading pace. For comments provided in representation of a group, the time limit is five (5) minutes.

- Citizens choosing to attend in person will be required to maintain recommended social distancing at all times and will be guided by County staff in accomplishing this. If you or a member of your family is sick, in the interest of public health, you are STRONGLY ENCOURAGED not to attend in person, but rather submit your comments in writing to be read aloud and heard by the Board during the public hearing.

By the Spotsylvania County Board of Supervisors

DRAFT APPROVAL

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____ and passed __-__, the Board adopts the following ordinance:

AN ORDINANCE No. RO19-0010

To amend the zoning map to rezone approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers.

PUBLIC HEARING: March 23, 2021

WHEREAS, KW Commercial, LLC (Bonaventure Investments, LLC), requests a rezoning of one (1) parcel approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers for an age-restricted residential development consisting of no more than fifty (50) new single family attached dwelling units, one (1) four-story multi-family building with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). The property is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the Northeast quadrant. The property is located within the Primary Settlement Boundary. The property is designated for Mixed Land Use Development on the Future Land Use Map of the Comprehensive Plan and is in the Airport Overlay District. Tax parcel 36 (17) FF. Lee Hill Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the rezoning as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on February 17, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with proffers to include an additional cash contribution for Public Safety and additional indoor amenities to include an indoor pool and fitness center as proffered by the owner at the public hearing with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on March 23, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the general welfare and good zoning practice are served by approval of the rezoning application.

NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That the property known as Tax Parcel 36-17-FF currently zoned Commercial 2 (C-2) and Commercial 3 (C-3) is rezoned to Mixed Use Low (MU-4) with proffers.

§ 2. The Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this rezoning is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the rezoning.

§ 3. This ordinance shall be in force and effect upon adoption.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

DRAFT DENIAL

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____, seconded by _____ and passed_____, the Board adopted the following resolution:

RESOLUTION NO. 2021-____

Denial – R19-0010

WHEREAS, KW Commercial, LLC (Bonaventure Investments, LLC), requests a rezoning of one (1) parcel approximately 13.69 acres from Commercial 2 (C-2) and Commercial 3 (C-3) to Mixed Use Low (MU-4) with proffers for an age-restricted residential development consisting of no more than fifty (50) new single family attached dwelling units, one (1) four-story multi-family building with one hundred forty-seven (147) units with a restaurant on the first floor, and ancillary commercial uses for the residents of the building as permitted within Mixed Use Low (MU-4). The property is located at the intersection of Spotsylvania Avenue (Route 1234) and Market Street (Route 1489) on the Northeast quadrant. The property is located within the Primary Settlement Boundary. The property is designated for Mixed Land Use Development on the Future Land Use Map of the Comprehensive Plan and is in the Airport Overlay District. Tax parcel 36 (17) FF. Lee Hill Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the rezoning as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on February 17, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with proffers at the public hearing with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on March 23, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the general welfare and good zoning practice are served by denial of the rezoning application.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby deny rezoning application R19-0010.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	CA21-0002 Section 14-10 Camping Code Amendment
Type:	Action, Public Hearing, Ordinance, Power Point Presentation
Agenda Title:	CA21-0002 Section 14-10 Camping Code Amendment
Recommendation:	The Planning Commission held a public hearing on March 3, 2020 and raised several concerns related to County Code Section 14-10 in the current form as well as the proposed code amendment. Concerns primarily related to the legitimacy of having such limitations related to camping. The Planning Commission on a motion by Mr. Thompson, seconded by Mr. Lane, voted 7-0 to recommend denial of the proposed code amendment and the Planning Commission recommends the Board of Supervisors eliminate Section 14-10 in its entirety. The proposed ordinance addresses the concerns raised by the Board of Supervisors and removes the prohibitions related to camping within the County except at campgrounds. Therefore, staff recommends the Board adopt Ordinance No 14-18 to amend County Code Section 14-10 related to camping.
Summary:	The Board of Supervisors requested a code amendment to County Code Section 14-10 Camping and use or storage of camping equipment. Currently Section 14-10 prohibits camping on any property within the County except for state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts and other county approved commercial camping facilities. The Board directed staff to amend the code to allow property owners, or other persons authorized by the property owner, to camp on their own property. Please refer to the attached redline and final ordinance which defines

	terms, establishes permitted camping within the County and addresses duration and frequency of a camping event.
Committee/Commission Summary:	Planning Commission
Review Date:	03/03/2021
Status:	Denied
Financial Impact:	N/A
Staff Contacts:	Kimberly Pomatto, Deputy Director of Planning & Zoning/Zoning Administrator
Legal Counsel:	Alexandra Spaulding, Senior Assistant County Attorney
Consequence of Denial/Inaction:	County Code Section 14-10 will not be amended and camping within the County will be limited to campgrounds.

ATTACHMENTS:

File Name	Description	Type
Ordinance_Form_-_Camping_3-23-2021.pdf	Ordinance Amendment Form	Ordinance
REDLINE_Ordinance_Form_-_Camping_.pdf	Redline Ordinance	Backup Material
BOS_Camping_Staff_Presentation_3-23-2021.pdf	Staff Presentation	Presentation
pcmin21_0303.docx	Planning Commission Minutes	Minutes
bos_20210323_2.doc	Ad	Backup Material

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021 on a motion by _____, seconded by _____ and passed_____, the Board adopts the following ordinance:

AN ORDINANCE No. 14-18

CA21-0002: County Code Amendments – Camping

To amend the Code of Spotsylvania County, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment, to allow property owners to camp on their property.

PUBLIC HEARING: March 23, 2021

WHEREAS, staff has reviewed the ordinance amendments and recommends approval as stated in the executive summary dated March 23, 2021 and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on March 3, 2021 and a motion was made and seconded to recommend denial of the ordinance amendments, with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 23, 2021, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That Section 14-10 related to allowed camping within the County is hereby amended and reordained as follows:

Sec. 14-10 - Camping

14-10.1 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

Camping or *Camping Event* means to temporarily occupy a camping device or camp site, with or without a camping device.

Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

14-10.2 Camping and use and storage of camping devices

(a) Camping, and the use of camping devices is unlawful within the county except at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts, and other county-approved commercial camping facilities. Nothing herein shall be construed as preventing a property owner, or person(s) authorized by the property owner, from camping on his or her own property provided that:

(1) No more than two (2) camp sites or devices, collectively, are utilized concurrently.

(2) The camping event does not exceed a total of fourteen (14) days within a 60-day period as allowed by the Virginia Department of Health. Any camping event which exceeds fourteen (14) days within a 60-day period requires the camper(s) to obtain a temporary pump and haul permit from the Virginia Department of Health, in accordance with the Code of Virginia 12VAC5-610-599.2.

(3) Sewage disposal into the public sewer system is prohibited.

(b) Except as provided in subsection (a), it is unlawful for any person to store any camping device on any property within the county. This subsection shall not apply at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts, and other county-approved commercial camping facilities, nor shall it apply to the storage of such devices at the primary residence of the owner of such devices. (c) The zoning administrator shall be the enforcement agent for this section. Nothing herein shall be construed as preventing the sheriff's department or other county officials from enforcing this section.

(d) Nothing in this section shall be construed as repealing, amending or otherwise affecting any other zoning ordinance of the county.

(e) A violation of any provision of this section shall constitute a Class 1 misdemeanor.

(Code 1980, § 12-9; Ord. of 7-10-84; Ord. No. 14-18, 3-23-2021)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; development plan for planned camping communities, § 20-32; comfort stations for planned camping communities, § 20-145; water availability connection charges for campsites, §§ 22-71, 22-72; sewer availability and connection charges for campsites, §§ 22-311, 22-312; planned camping communities, § 23-136.

§ 2. This ordinance shall be in force and effect upon adoption.

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on___, 2021 on a motion by _____, seconded by _____ and passed_____, the Board adopts the following ordinance:

AN ORDINANCE No. 14-18

CA21-0002: County Code Amendments – Camping

To amend the Code of Spotsylvania County, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment, to allow property owners to camp on their property.

PUBLIC HEARING: ____, 2021

WHEREAS, staff has reviewed the ordinance amendments and recommends approval as stated in the executive summary dated ____, 2021 and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on _____ and a motion was made and seconded to recommend _____ of the ordinance amendments, with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on ____, 2021, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That Section 14-10 related to allowed camping within the County is hereby amended and reordained as follows:

Sec. 14-10 - Camping ~~and use or storage of camping equipment.~~

14-10.1 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

Camping or *Camping Event* means to temporarily occupy a camping device or camp site, with or without a camping device.

Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

14-10.2 Camping and use and storage of camping devices

(a) Camping, and the use of camping devices~~, including but not limited to overnight camping, shall be~~ is unlawful within the county except at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts, and other county-approved commercial camping facilities. Nothing herein shall be construed as preventing a property owner, or person(s) authorized by the property owner, from camping on his or her own property provided that:

(1) No more than two (2) camp sites or devices, collectively, are utilized concurrently.

(2) The camping event does not exceed a total of fourteen (14) days within a 60-day period as allowed by the Virginia Department of Health. Any camping event which exceeds fourteen (14) days within a 60-day period requires the camper(s) to obtain a temporary pump and haul permit from the Virginia Department of Health, in accordance with the Code of Virginia 12VAC5-610-599.2.

(3) Sewage disposal into the public sewer system is prohibited.

(b) Except as provided in subsection (a), ~~I~~it ~~shall be~~is unlawful for any person to ~~use or~~ store any ~~camper,~~ camping ~~trailer, tent or other~~ device ~~used as shelter when camping~~ on any property within the county. This subsection shall not apply at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts, and other county-approved commercial camping facilities, nor shall it apply to the storage of such devices at the primary residence of the owner of such devices.

(c) The zoning administrator shall be the enforcement agent for this section. Nothing herein shall be construed as preventing the sheriff's department or other county officials from enforcing this section.

(d) Nothing in this section shall be construed as repealing, amending or otherwise affecting any other zoning ordinance of the county.

(e) A violation of any provision of this section shall constitute a Class 1 misdemeanor.

(Code 1980, § 12-9; Ord. of 7-10-84; Ord. No. 14-18)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; development plan for planned camping communities, § 20-32; comfort stations for planned camping communities, § 20-145; water availability

connection charges for campsites, §§ 22-71, 22-72; sewer availability and connection charges for campsites, §§ 22-311, 22-312; planned camping communities, § 23-136.

§ 2. This ordinance shall be in force and effect upon adoption.

CA21-0002
Ordinance No. 14-18 County Code Amendments - Camping

Board of Supervisors

March 23, 2021

Presented By: Kimberly Pomatto, Zoning Administrator

Sec. 14-10. - Camping and use or storage of camping equipment

- Camping, including but not limited to overnight camping, shall be unlawful within the county except at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts and other county-approved commercial camping facilities.
- It shall be unlawful for any person to use or store any camper, camping trailer, tent or other device used as shelter when camping on any property within the county. This subsection shall not apply at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts and other county-approved commercial camping facilities, nor shall it apply to the storage of such devices at the primary residence of the owner.
- The zoning administrator shall be the enforcement agent for this section. Nothing herein shall be construed as preventing the sheriff's department or other county officials from enforcing this section.
- A violation of any provision of this section shall constitute a Class 1 misdemeanor.

Proposed Amendment
Section 14-10 Camping

Defined Terms:

- Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

- Camping or Camping Event means to temporarily occupy a camping device or camp site, with or without a camping device.

- Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

- Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

Proposed Amendment
Section 14-10 Camping

Camping, and the use of camping devices, including but not limited to overnight camping, shall be is unlawful within the county except at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts, and other county-approved commercial camping facilities. Nothing herein shall be construed as preventing a property owner, or person(s) authorized by the property owner, from camping on his or her own property provided that:

(1) No more than two (2) camp sites or devices, collectively, are utilized concurrently.

(2) The camping event does not exceed a total of fourteen (14) days within a 60 - day period as allowed by the Virginia Department of Health. Any camping event which exceeds fourteen (14) days within a 60-day period requires the camper(s) to obtain a temporary pump and haul permit from the Virginia Department of Health, in accordance with the Code of Virginia 12VAC5-610-599.2.

(3) Sewage disposal into the public sewer system is prohibited.

Recommendations

- The Planning Commission voted 7-0 to recommend denial of the amendment and further recommended the elimination of Section 14-10 in its entirety

- Staff recommends the Board approve CA21-0002, Ordinance No. 14-18 – County Code Amendments to Section 14-10 Camping.

COUNTY OF SPOTSYLVANIA · VIRGINIA
PATIOR UT POTIAR

Camping Complaints 2015 - 2020 YTD
Total = 68

Sheriff's Office Enforcement of Sec. 14-10

- Shared enforcement ability under Sec. 14-10
- Typically complaints are filed as a trespassing report or suspicious person

Between the dates of 04/15/2008 and 10/01/2019:

- 13 warrants have been obtained
- 2 written warnings have been issued
- 15 summons have been issued

- 99% of these cases involve homeless camps

Spotsylvania County Planning Commission DRAFT

Marshall Center Auditorium, 8800 Courthouse Road, Spotsylvania VA 22553

MINUTES: March 3, 2021

Call to Order: Ms. Maddox called the meeting to order at 7:00 p.m.

Members Present:	Mary Lee Carter	Lee Hill
	Jennifer Maddox	Berkeley
	Richard Thompson	Courtland
	Dr. Raymond Bell	Salem
	Jacob Lane	Livingston
	C. Travis Bullock	Battlefield
	Gerald Childress	Chancellor

Staff Present:
Paulette Mann, Planning Commission Secretary
B. Leon Hughes, AICP, Director of Planning & Zoning
Alexandra Spaulding, Senior Assistant County Attorney
Kimberly Pomatto, CZA, Deputy Director of Planning & Zoning
Wanda Parrish, AICP, Asst. County Administrator – CDG
Karl Holsten, County Attorney
Brad Robinson, CZA, Planner II

Announcements:

Mr. Hughes updated the Commission on upcoming cases, Technical Review Committee, and Community Meetings.

Review & Approval of Minutes from February 3, 2021

Motion and vote: On a motion by Ms. Carter, seconded by Mr. Thompson

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, Mr. Thompson, and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

Unfinished Business:

Vote:

Rezoning(s):

R17-0005 Radio Reconnaissance Technologies, Inc. (Team Crucible, LLC): Request rezoning of approximately 69.96 acres from Agricultural 2 (A-2) to Industrial 2 (I-2) with proffers for the development of a security training facility that teaches security techniques utilizing firearms and simulated IEDs. The complex will include two office buildings totaling approximately 55,300 square feet, a firing range, an outdoor rally course, an outdoor sea container scenario area, a tactical entry training center, and an emergency helicopter landing pad. This is a companion case to SUP17-0003. The property is addressed as 6116 Jefferson Davis Hwy approximately 3,500 feet south of Mudd Tavern Road (Route 606). The property is located in the Primary Development Boundary. The property is in an area identified as Employment Center on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 76-A-2. Berkeley Voting District.

Ms. Maddox inquired if any of the Commissioners had any comments or questions. She also asked if staff had any updates.

Mr. Hughes stated that there were no new updates on the case.

Motion and vote: On a motion by Ms. Maddox, seconded by Mr. Thompson, a motion was made to recommend denial of the rezoning request to the Board of Supervisors.

VOTE:

Ayes: 7 Dr. Bell, Mr. Lane, Mr. Thompson, Ms. Carter, Mr. Bullock, Ms. Maddox, and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

Special Use Permit Request(s):

SUP17-0003 Radio Reconnaissance Technologies, Inc. (Team Crucible, LLC): Request a special use of approximately 69.96 acres in an Industrial 2 (I-2) zoning district, classified as an Industry Type III, for the operation of a security training facility that teaches security techniques utilizing firearms and simulated IEDs. The complex will include two office buildings totaling approximately 55,300 square feet, a firing range, an outdoor rally course, an outdoor sea container scenario area, a tactical entry training center, and an emergency helicopter landing pad. This is a companion case to R17-0005. The property is addressed as 6116 Jefferson Davis Hwy approximately 3,500 feet south of Mudd Tavern Road (Route 606). The property is located in the Primary Development Boundary. The property is in an area identified as Employment Center on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 76-A-2. Berkeley Voting District.

Ms. Maddox inquired if any of the Commissioners had any comments or questions. She also asked if staff had any updates.

Mr. Hughes stated that there were no new updates on the case.

Motion and vote: On a motion by Ms. Maddox, seconded by Mr. Thompson, a motion was made to recommend denial of the request for a Special Use Permit to the Board of Supervisors but if approved by the Board of Supervisors would suggest the conditions recommended by staff.

VOTE:

Ayes: 7 Dr. Bell, Mr. Lane, Mr. Thompson, Ms. Carter, Mr. Bullock, Ms. Maddox, and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

Public Hearing(s):

CA21-0002: Spotsylvania County Board of Supervisors, Ordinance No. 14-18: Proposed amendments to the Code of the County of Spotsylvania, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment.
Amendments include the restructuring of the provision to create a definitions section in 10-14.1 and create a new section 10-14.2 that was the former 10-14.1, and amended as follows:
Chapter 14, Article 1-Section 10- Camping and Use or Storage of Camping Equipment

Section 10-14.1 of the proposed amendment includes the addition of the following defined terms:

Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

Camping or Camping Event means to temporarily occupy a camping device or camp site, with or without a camping device.

Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

Section 14-10.2(a) – amends the provisions related to camping within the County to allow property owners, or person(s) authorized by the property owner, to camp on the property owner's property provided that no more than two (2) camp sites or devices, collectively, are utilized concurrently, and the camping event does not exceed a total of fourteen (14) days within a 60-day period. Any camping event which exceeds fourteen (14) days within a 60-day period must obtain a temporary pump and haul permit from the Virginia Department of Health in accordance with the Code of Virginia 12VAC5-610-599.2. Sewage disposal into the public sewer system is prohibited.

Ms. Maddox opened the public hearing.

Ms. Pomatto presented the amendment. As a reminder, the Board of Supervisors requested amendments to County Code Section 14-10 which addresses allowed camping and storage of camping equipment within the County. The current language is before you and you can see that it

prohibits camping anywhere in the county except at state and federal parks with facilities and other campgrounds such as Wilderness Resorts and Indian Acres. So this language in its current form prevents a property owner from camping on his or her own property and that was primarily the issue that the Board wished to have addressed.

Ms. Pomatto shared the code language which addresses camping and the use or storage of camping equipment which is found in Sect. 14-10 of the County Code. This section was adopted by the Board of Supervisors in 1984 and based on the minutes from that meeting, it would appear that the genesis of this language was related to significant concerns with campers and temporary shelters at Lake Anna without toilet facilities and so the result is the code language before you now.

1. Camping, including but not limited to overnight camping, shall be unlawful within the county except at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts and other county-approved commercial camping facilities.
2. It shall be unlawful for any person to use or store any camper, camping trailer, tent or other device used as shelter when camping on any property within the county.
3. This subsection shall not apply at those state and federal parks with camping facilities, Indian Acres, Wilderness Camping Resorts and other county-approved commercial camping facilities,
4. nor shall it apply to the storage of such devices at the primary residence of the owner.
5. *So this language makes it very clear that camping of any type is only permitted on those park lands with camping facilities and County approved camping facilities and that a property owner may only store their camper or trailer, tent or other camping device at their primary residence. So they can store it, they just can't use it.*
6. The zoning administrator is the enforcement agent for this section but it is shared with the Sherriff's office.
7. A violation of any provision of this section shall constitute a Class 1 misdemeanor.

The following are Camping Sites in Spotsy:

- Duke's Creek Marina
- Fredericksburg KOA (off Guinea Station Rd. near Caroline)
- Rocky Branch Marina and Campground (off Courthouse Rd. near lake Anna affluent on the ground service (which includes gray water and black)

Staff has worked with the County Attorney's office and the Virginia Department of Health to formulate new language which allows a property owner to camp on his or her property, or allow someone else to camp on their property with certain conditions. We have worked very hard to ensure that we don't create enforcement issues for VDH or for zoning with this amendment but we believe this language will give the latitude the Board was seeking and will be in keeping with all other code requirements.

To begin, we defined certain terms:

- Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

- Camping or Camping Event means to temporarily occupy a camping device or camp site, with or without a camping device.
- Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.
- Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

Additionally, we have revised the language which prohibits camping anywhere except at actual campgrounds. You can see the language underlined in red is what is proposed.
Nothing in Section 14-10 shall be construed as preventing a property owner, or person(s) authorized by the property owner, from camping on his or her own property provided that they adhere to the following conditions.

1. No more than a total of two (2) camp sites or devices, may be utilized concurrently.
2. The camping event does not exceed a total of fourteen (14) days within a 60 -day period which is directly lifted from the Virginia Department of Health regulations. Any camping event which exceeds fourteen (14) days within a 60-day period requires the camper(s) to obtain a temporary pump and haul permit from the Virginia Department of Health, in accordance with state code. *I will also note that County Administration is required to sign off on all temporary pump and haul permits.*
3. Sewage disposal into the public sewer system is prohibited.

Other minor edits were made for clarity and consistency and she presented the substantive changes here.

Staff recommends approval of CA21-0002, Ordinance No. 14-18 – County Code Amendments to Section 14-10 Camping.

Mr. Thompson stated that back in the 1980's there were issues of dumping in Lake Anna and so the current ordinance was needed to enforce those issues.

There was a lot of discussion about accessories to primary residences.

Mr. Lane inquired if he owned property without a dwelling unit, he could not store his RV on that property for greater than 14 days without a permit?

Ms. Spaulding stated yes, that is correct.

Mr. Thompson stated that many folks use trailers on vacant property during hunting season.

Several Commissioners discussed striking the ordinance all together with a denial recommendation to the Board.

Ms. Maddox stated the public hearing before the Commission must occur first.

Mr. Bullock discussed that he knows many RVs come into town and park at the Elks Lodge for one or two nights. He inquired if that is permitted.

Ms. Pomatto explained that under the current ordinance, that is not permitted. With the proposal before the Commission, they could do so for 14 days or less as long as there is no more than two camp sites.

Mr. Bullock inquired about folks that park their RV's at Walmart and sleep overnight. He inquired if that is permitted.

Ms. Pomatto stated it is not permitted under our current ordinance.

Mr. Thompson stated he would like to see this amendment go away because it will be arbitrarily enforced.

Speaking in favor or opposition:

Peter Scelfo, Salem District: He stated that he has two unemployed adults living in his home and would like to be able to allow them to live in the RV that he has parked in his driveway with a temporary pump and haul permit. He stated that Mr. Foster, former Zoning Administrator, created this ordinance 35 years ago and it needs revision. If there are issues, then complain to the state and let them take care of it. He stated that he would like to see this amendment approved.

Ms. Maddox closed the public hearing.

There was discussion on staffing and how this would be enforced.

Ms. Pomatto stated that Zoning operates on a complaint basis response. She also stated that the Sheriff's office uses this section of the Code for enforcement of "camp cities."

Mr. Bullock inquired about how many complaints Ms. Pomatto has received.

Ms. Pomatto stated that between 2015-2020, there have been 68 cases. 29 were closed by phone or letters, 16 closed by inspection as they were not occupied, 17 Notices of Violations were issued, and 6 resulted in referral.

Mr. Lane inquired about the six that resulted in referral.

Ms. Pomatto stated that the Sheriff's office was part of this coordination and from April 15, 2008 to October 1, 2019, 13 warrants have been issued, 2 written warning, and 15 summons have been issued. She explained that 99% of them were homeless camps.

Ms. Carter inquired why we are doing the states job and why would we want this headache.

Mr. Bullock and Ms. Maddox both stated that the homeless camps seem to be the issue and that something has to be done.

Ms. Pomatto stated this amendment would need to be adopted to allow private property owners to camp or have others stay in a camper on their property.

Dr. Bell stated that if we do the striking of this fully, how does the Commission send that to the Board.

Ms. Spaulding stated the Commission is a recommending body, if the Commission wants to recommend denial or removal of this ordinance, that is what the motion would need to be.

Ms. Carter inquired again why we are dealing with a state issue.

Ms. Pomatto explained that it is not just a state issue, it is also a County issue. She stated that Mr. Skinner brought this up because he has a constituent whose home burned down and they wanted to live in their camper on their property while they rebuilt. Under our current ordinance, this would not be permitted.

The Commission raised additional staffing concerns. They feel as though the Zoning Office doesn't have enough staff for enforcement of the ordinances on the books.

Mr. Thompson thanked staff for their hard work and knows that they do the best that they can with what they have.

Motion and vote: On a motion by Mr. Thompson, seconded by Mr. Lane, a motion was made to recommend denial of the Code Amendment. He suggested the state enforce their own laws and eliminate Section 14-10 altogether.

VOTE:

Ayes: 7 Dr. Bell, Mr. Lane, Mr. Thompson, Ms. Carter, Mr. Bullock, Ms. Maddox, and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

Ms. Maddox thanked staff for their hard work.

Public Comment: None

New Business: None

Adjournment

Motion and vote: On a motion by Ms. Maddox, seconded by Mr. Thompson, a motion was made to adjourn.

VOTE:

Ayes: 7 Dr. Bell, Ms. Carter, Mr. Lane, Mr. Bullock, Ms. Maddox, Mr. Childress, and Mr. Thompson
Nays: 0
Absent: 0
Abstain: 0

The meeting adjourned at 8:00 p.m.

(To: Display Advertising (Classified Section)

Please run the following ad on **Tuesday, March 9, 2021 and Tuesday, March 16, 2021** in the **Free Lance-Star.** with the usual format: bold border; Spotsylvania County seal; 2 columns wide; underline as shown; larger, darker print for underlined portions. (Ref. P O # 9518)

PUBLIC NOTICE

The Spotsylvania County Board of Supervisors will hold a public hearing at 6:00 p.m. on Tuesday, March 23, 2021 in the Holbert Building located at 9104 Courthouse Road, Spotsylvania, Va. 22553, to consider the following:

CA21-0002: Spotsylvania County Board of Supervisors, Ordinance No. 14-18: Proposed amendments to the Code of the County of Spotsylvania, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment.
Amendments include the restructuring of the provision to create a definitions section in 10-14.1 and create a new section 10-14.2 that was the former 10-14.1, and amended as follows:
Chapter 14, Article 1-Section 10- Camping and Use or Storage of Camping Equipment

Section 10-14.1 of the proposed amendment includes the addition of the following defined terms:

Camper means a person(s) camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

Camping or Camping Event means to temporarily occupy a camping device or camp site, with or without a camping device.

Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

Section 14-10.2(a) – amends the provisions related to camping within the County to allow property owners, or person(s) authorized by the property owner, to camp on the property owner's property provided that no more than two (2) camp sites or devices, collectively, are utilized concurrently, and the camping event does not exceed a total of fourteen (14) days within a 60-day period. Any camping event which exceeds fourteen (14) days within a 60 day period must obtain a temporary pump and haul permit from the Virginia Department of Health in accordance with the Code of Virginia 12VAC5-610-599.2. Sewage disposal into the public sewer system is prohibited.

Persons interested may appear and present their views at the public hearing described above or submit written comments in accordance with the Revised Public Hearing Procedures During the Coronavirus Emergency. Any public hearing cases, including any ordinances as applicable, are on file and available in the Planning Department, located at 9019 Old Battlefield Blvd, 3rd Floor, Spotsylvania, Virginia, 22553; (540) 507-7434, and may be inspected between 8:00 a.m. and 4:30 p.m., Monday through Friday. The Board of Supervisors encourages the participation of all interested County citizens. For those with special needs, please notify the Office of the County Administrator of any accommodations you may require at least five days before the meeting you wish to attend.

Revised Public Hearing Procedures During the Coronavirus Emergency

- For your safety and the safety of the community at large during this on-going coronavirus emergency, citizens wishing to comment are HIGHLY ENCOURAGED to submit written comments to be read into the public record by County staff in front of the Board at the televised hearings rather than attending in person.

- Those desiring to submit written comments to be read publically to the Board may do so immediately by going to the following website https://www.spotsylvania.va.us/FormCenter/County-Administration-34/BOS-Public-Comments-92, or by placing written comments in the Treasurer's Office drop box outside the Holbert Building at 9104 Courthouse Road, Spotsylvania, VA 22553. Comments submitted via the Treasurer's Office drop box should be in a sealed envelope which is clearly marked with the case number or case name.
- Additionally, comments may be mailed to the attention of Aimee Mann at PO Box 99, Spotsylvania, VA 22553. Mailed comments must be received by close of business on the Monday prior to the BOS meeting date in order for them to be read into the public record at the hearing.
- Submissions of written comments must include the citizen's name and voting district. Please construct your written comments in such manner that they are limited to three (3) minutes when read at a typical oral reading pace. For comments provided in representation of a group, the time limit is five (5) minutes.
- Citizens choosing to attend in person will be required to maintain recommended social distancing at all times and will be guided by County staff in accomplishing this. If you or a member of your family is sick, in the interest of public health, you are STRONGLY ENCOURAGED not to attend in person, but rather submit your comments in writing to be read aloud and heard by the Board during the public hearing.

By the Spotsylvania County Board of Supervisors

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	FY 2022 Budget Work Session
Type:	Action
Agenda Title:	FY 2022 Budget Work Session
Summary:	In follow-up to previous work sessions on the FY 2022, staff will: • provide an update pertaining to the State 5% compensation adjustment; • report out on any new budget developments stemming from the March 22 School Board meeting; • update the Board on VRE staff's recommendation to the VRE Operations Board regarding FY 2022 and FY 2023 jurisdictional subsidies; • request that the Board authorize a public hearing to be held on April 13 ahead of the Board's consideration of a change in the meals tax rate and related ordinance; • request that the Board authorize a public hearing to be held on April 13 ahead of the Board's consideration of a change in the transient occupancy tax rate and related ordinance; and • request the Board's approval of a letter to be sent to the Northern Virginia Cigarette Tax Board pertaining to Spotsylvania ***potential*** membership in that entity should the Board choose to implement a cigarette tax.
Staff Contacts:	Bonnie Jewell, Assistant County Administrator
Consequence of Denial/Inaction:	

ATTACHMENTS:

File Name	Description	Type
Draft_-_Letter_to_NVCTB_(3-23-2021).pdf	Draft Letter	Letter
Draft_Meals_Tax_Ordinance_Change.pdf	Draft Meals Tax	Ordinance

Draft_Transient_Occupancy_Tax_Ordinance_Change.pdf	Draft Transient Occupancy Tax Ordinance	Ordinance

March 23, 2021

Ms. Deborah L. Cannon
Northern Virginia Cigarette Tax Board
Administrator
P.O. Box 406
Richmond, VA. 23218

Dear Ms. Cannon,

I am writing on behalf of the Spotsylvania County Board of Supervisors to inform you of our intent to become a member of the Northern Virginia Cigarette Tax Board (NVCTB) in the event that a cigarette tax is implemented in Spotsylvania County. The Board of Supervisors is currently considering our County Administrator's recommendation to implement a local cigarette tax and intend to advertise for and hold a public hearing ahead of any vote on the matter. Given that all counties are authorized to levy a cigarette tax effective July 1, 2021, the Board of Supervisors anticipates the public hearing and subsequent vote to be held at our July 27, 2021 meeting.

We understand that membership in the NVCTB requires becoming party to the Northern Virginia Cigarette Tax Agreement; designating a reliable representative to attend NVCTB meetings; and signifying by ordinance our desire to be a member of the Northern Virginia Cigarette Tax Board. We also understand that membership would entitle Spotsylvania County to fully rely upon NVCTB and its staff to administer all aspects of the local cigarette tax ordinance to include stamping, revenue collection, disbursement of net revenue to us on a monthly basis, enforcement, and communications with wholesalers and retailers.

We thank you for the time you have taken to educate our staff on this matter and the related requirements. Please know we will be back in touch as we continue our deliberations and considerations regarding implementing a local cigarette tax in Spotsylvania County.

Sincerely,

Kevin Marshall
Chairman, Spotsylvania County Board of Supervisors

Meals Tax

Sec. 21-252. - Levy of tax; amount.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, there is hereby levied and imposed by the county on each purchaser a tax on the amount paid for food and beverages purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not. The rate of this tax shall be ~~four~~ five and a half percent (45.5%) ~~percent~~ of the amount paid for such food and beverages, which amount paid for such food and beverages shall not be deemed to include the sales tax paid thereon when computing the tax hereby imposed. In the computation of this tax, any fraction of one-half cent or more shall be treated as one cent ($0.01).

(Ord. of 12-13-88(5); Ord. No. 21-2, 5-22-90; Ord. No. 21-40, 6-27-00; Ord. No. ____, __-__-21)

State law reference – Authorized by Virginia Code § 58.1-3833

Transient Occupancy Tax

Sec. 21-177. - Imposed.

There is hereby imposed and levied upon the consumer of services provided by hotels, motels, boarding houses, travel campgrounds and other facilities offering guest rooms rented out for continuous occupancy by the same individual or group of individuals for fewer than thirty (30) consecutive days within the county, a transient occupancy tax for general county purposes equal to ~~five~~ seven percent (~~5~~7%) ~~percent~~ of the amount of charge for the occupancy of any room or space so occupied by the consumer. The revenues collected from that portion of the tax over two percent (2%) ~~percent~~ and less than five percent (5%) shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the county.

(Code 1980, § 8.3-2; Ord. of 4-23-85(1); Ord. No. 21-10, 8-25-92; Ord. No. 21-27, 8-13-96; Ord. No. ____, __-__-21)

State Law reference— Authority for above tax, Code of Virginia, § 58.1-3819.

Spotsylvania County
Board of Supervisors Agenda
Executive Summary

Meeting Date:	March 23, 2021
Title:	Closed Meeting

Agenda Title:	Closed Meeting
Recommendation:	n/a
Summary:	The resolutions are attached.
Financial Impact:	n/a
Staff Contacts:	Aimee Mann, Deputy Clerk to the Board
Legal Counsel:	Karl Holsten, County Attorney
Additional Background/Other Considerations:	n/a
Consequence of Denial/Inaction:	n/a

ATTACHMENTS:

File Name	Description	Type
Closed_Meeting_Resolution_-_2.2-3711(A)(1)(3)(8)_3.23.2021.docx	Closed Meeting Resolution	Resolution
Return_to_Open_Meeting_Resolution_3.9.2021.doc	Return to Open Meeting Resolution	Resolution

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on March 23, 2021, on a motion by _____, seconded by _____, and passed _____, the Board adopted the following resolution:

RESOLUTION NO. 2021 –

To Adjourn into a Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County, specifically, an employee of the Department of Planning and Zoning; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, discussion of real properties in the Lee Hill District, real property in the Courtland District, and real property in the Berkeley District; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically regarding public safety and zoning and real property matters; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3), and (8), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on March 9, 2021, on a motion by _____, seconded by_____, and passed _____, the Board adopted the following resolution:

RESOLUTION NO. 2021 -

Return to Open Meeting

WHEREAS, the Spotsylvania County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion to convene into Closed Meeting were heard, discussed or considered in the Closed Meeting.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors