

# CONDITIONAL USE PERMIT

## APPLICATION



AUGUST 2019

### Stafford County Department of Planning & Zoning

1300 Courthouse Road  
P.O. Box 339  
Stafford, VA 22555-0339

Phone: 540-658-8668  
Fax: 540-658-6824

[www.staffordcountyva.gov](http://www.staffordcountyva.gov)



## NOTICE

Stafford County treats all applications and applicants equally. The County does not discriminate against religion, or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the laws of the United States and the Commonwealth of Virginia, no government may discriminate against any religion or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), no government may apply its zoning or land use laws, or its policies and procedures in a manner that unjustifiably imposes a substantial burden on the religious exercise of a person, assembly, or institution.

RLUIPA also provides that no government may apply its zoning or land use laws in a manner that treats a religious assembly or institution on unequal terms with a non-religious institution or assembly.

Finally, RLUIPA provides that no government may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

Stafford County does not discriminate in its planning, permitting, utilities, and land use processes, practices, and policies. Stafford County treats all applications and applicants equally.



## **Background and Process Information**

Conditional uses are uses which are generally compatible with the other land uses permitted in the zoning district but require individual review for their intensity, location, design and configuration. Conditions are imposed by the County in order to ensure the appropriateness of the use at a particular location.

Conditional Use Permits may be approved upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purpose and intent of the zoning ordinance. Applications for conditional use permits must be submitted to the Department of Planning & Zoning.

Each application for a Conditional Use Permit is forwarded to the Planning Commission for consideration. The Planning Commission will hold a public hearing on the application.

The applicant is required to attend this public hearing. After the public hearing, the Planning Commission forwards a recommendation to the Board of Supervisors.

The Board of Supervisors will hold a public hearing on the application. The applicant is required to attend the public hearing. The Board may approved or deny the request for a permit. Should the Board approve the permit, they may designate conditions which, in its opinion, will mitigate the impacts of the requested conditional use.

### **Conditions may be established to:**

1. Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
2. Provide for adequate parking, ingress and egress to public streets and roads.
3. Provide adjoining property with buffers or screening to mitigate visual and/or noise impacts.
4. Establish setback, side or rear yard requirements necessary for orderly expansion and to prevent traffic congestion.

### **Amendments to Approved Conditional Use Permit Conditions:**

Any previous approved conditional use permit may be revised by the Board of Supervisors following a public hearing. Minor Amendments shall be allowed subject to the following requirements:

1. No more than two permit conditions can be changed at the time of request
2. Changes do not materially affect site layout

Conditional Use Permit Amendments are subject to the standard Conditional Use Permit fees. Minor Amendments are subject to the Minor Amendment fees in Section 2 of the Application Review Fees Calculation.



## **Conditional Use Permit Application Instructions**

1. The applicant must meet with a Planner prior to submitting an application. A preliminary conference regarding the application may be scheduled with a Planner.
2. Fill-out, sign and date the application form. If the applicant is not the property owner, attach a notarized letter of consent from the property owner authorizing the applicant to act as the owner's agent for the application.
3. The applicant must provide three copies of a boundary survey and a metes and bounds description of the land for which the Conditional Use Permit would apply.
4. The applicant must provide the names and addresses of all adjacent property owners, including those immediately across the road(s) from the property. This list is used for the notification to the adjacent owners of the public hearing.
5. The applicant must provide a General Development Plan (GDP) drawn to standards in Article 13 of the Zoning Ordinance.
6. If available, it is recommended that the applicant(s) include architectural renderings that show building materials, building heights, site design amenities, etc. Staff may ask this to be submitted by the applicant(s) on a case-by-case-basis.
7. The applicant must submit impact statements with the application. Impact studies must address traffic volumes, public utility capacities, noise, dust and smoke emissions. A Transportation Impact Analysis (TIA) is required for all projects that meet the following criteria:
  - generate 150 or more vehicle trips per day above the existing use, and
  - the site would meet the VDOT requirements for TIAs under 24 VAC 30-155 or Stafford County Rezoning TIA requirements.Proffers or conditions which limit the vehicle trips per day may be taken into consideration when calculating the maximum development. The TIA shall be developed in accordance with the guidelines established in 24 VAC 30-155.
8. Applications are due the third Friday of any month. Public hearings are required by the Planning Commission and Board of Supervisors. Public hearing dates will be determined based on application filing date, date application is deemed complete, and available meeting dates.



## Application Submittal Checklist

- ☒ Completed **"Project Information & Primary Contacts"** form (Page 7)
- ☒ Signed **"Statements of Understanding"** from the owner(s) and applicant (Page 8)
- ☒ Signed and Notarized **Owner's Consent Statement** (if applicant/agent is not the owner)
- ☒ Completed **"General Information"** sheet (Page 9)
- ☒ Completed **"Review Fee Calculation"** sheet and appropriate **Fees** payable to "County of Stafford" (Page 10)
- ☒ Completed **"List of Adjoining Property Owners"** (Pages 12 & 13)
- ☒ Completed **"Application Affidavit"** (Pages 14 – 17)
- ☒ Completed **"Checklist for Generalized Development Plans"** (Pages 18 & 19)
- ☒ Completed **"Transportation Impact Analysis Determination Form"** (Page 20)
- ☒ Proof that **Real Estate Taxes** have been paid
- ☒ Complete **Legal Description** of the area to be reclassified (Acreage must match Boundary Survey Plat)
- ☒ Completed **Impact Statement**

Not Req ☐ Completed **Transportation Impact Analysis (TIA)**, if required (Five (5) paper copies with electronic copies or ftp site)

### PLATS AND PLANS

- ☐ **Boundary Survey Plat** of area subject to rezoning (with 3 copies at 8½" x 11" size)
- ☒ **Generalized Development Plan** (12 full-size copies at 24"x 36" size)

\* See **"Checklist for Generalized Development Plans"** (Pages 18 & 19)

RECEIVED

DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_

OFFICIALLY SUBMITTED

DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_



### **Optional Application Materials**

Although not required, the following additional materials are requested to be included with the initial application submission, if available. These items are often requested during the review process. Providing the information in advance can assist in accelerating the review:

1. Site Illustrations or Building Elevations
2. Electronic Version of generalized development plans, boundary survey, and any illustrations (a pdf on a CD, DVD, sent via email, or through ftp site is acceptable)



## Project Information & Primary Contacts

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> _____	
<u>Black Rifle Coffee Company</u> PROJECT NAME		_____ SECTION	
<u>591 Warrenton Road and 15 Iras Lane</u> ADDRESS (IF AVAILABLE)		<u>1.4605 acres</u> TOTAL SITE ACREAGE	
<u>44-141 &amp; 44-142C</u> TAX MAP /PARCEL(S)		<u>B-2</u> ZONING DISTRICT	
<u>Located along Warrenton Road (U.S. 17) between the Hardee's and Sleep Inn; previously Ponderosa Steakhouse</u> LOCATION OF PROJECT			

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		Primary Contact Person <input type="checkbox"/>	
<u>Casey Abney</u> (Applicant) NAME		<u>Dunham Development, LLC</u> COMPANY	
<u>3825 Edwards Road, Suite 200</u> ADDRESS	<u>Cincinnati</u> CITY	<u>OH</u> STATE	<u>45209</u> ZIP
<u>937-903-4912</u> PHONE NUMBER	_____ FAX NUMBER	<u>cabney@dunhamdevelopment.com</u> EMAIL ADDRESS	

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		Primary Contact Person <input type="checkbox"/>	
<u>Kathy Sun</u> NAME		_____ COMPANY	
<u>PO Box 5450</u> ADDRESS	<u>Fredericksburg</u> CITY	<u>VA</u> STATE	<u>22403</u> ZIP
_____ PHONE NUMBER	_____ FAX NUMBER	_____ EMAIL ADDRESS	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		Primary Contact Person <input type="checkbox"/>	
<u>Jeremy Yee</u> NAME		<u>Kimley-Horn</u> COMPANY	
<u>4525 Main Street, Suite 1000</u> ADDRESS	<u>Virginia Beach</u> CITY	<u>VA</u> STATE	<u>23462</u> ZIP
<u>757-548-7306</u> PHONE NUMBER	_____ FAX NUMBER	<u>jeremy.yee@kimley-horn.com</u> EMAIL ADDRESS	



## Project Information & Primary Contacts

<u>PROJECT INFORMATION</u>	<u>PROJECT #</u> _____
_____ PROJECT NAME	_____ SECTION
_____ ADDRESS (IF AVAILABLE)	_____ TOTAL SITE ACREAGE
_____ TAX MAP /PARCEL(S)	_____ ZONING DISTRICT
_____ LOCATION OF PROJECT	

<u>APPLICANT/AGENT</u> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input checked="" type="checkbox"/>
Charles W. Payne, Jr. (Agent)	Hirschler Fleischer
NAME	COMPANY
725 Jackson Street	Fredericksburg
ADDRESS	CITY
VA	22401
STATE	ZIP
540-604-2108	cpayne@hirschlerlaw.com
PHONE NUMBER	EMAIL ADDRESS
_____ FAX NUMBER	

<u>OWNER</u> (Provide attachments if multiple owners)	Primary Contact Person <input type="checkbox"/>
_____ NAME	_____ COMPANY
_____ ADDRESS	_____ CITY
_____ STATE	_____ ZIP
_____ PHONE NUMBER	_____ FAX NUMBER
_____ EMAIL ADDRESS	

<u>PROFESSIONAL</u> (Engineer, Surveyor, etc.)	Primary Contact Person <input type="checkbox"/>
_____ NAME	_____ COMPANY
_____ ADDRESS	_____ CITY
_____ STATE	_____ ZIP
_____ PHONE NUMBER	_____ FAX NUMBER
_____ EMAIL ADDRESS	



### Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

\_\_\_\_\_  
Signature of Owner/Co Owner

David Y. Sun

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

Kathy Sun

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Applicant/Agent

MICHAEL Dunham 1/11/22  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\* Additional sheets may be used, if necessary.



### Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Owner/Co Owner

David Y. Sun

Printed Name

Date

PETER SUN ON BEHALF of KATHY SUN, BY POWER of ATTORNEY,  
WHO IS THE SOLE TRUSTEE of THE DAVID SUN TRUST.

Kathy Sun

Printed Name

Date

PETER SUN ON BEHALF of KATHY SUN, BY POWER of ATTORNEY,  
WHO IS THE SOLE TRUSTEE of THE DAVID SUN TRUST.

  
\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Signature of Owner/Co Owner

Printed Name

Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\* Additional sheets may be used, if necessary.



**OWNER'S NOTARIZED CONSENT**

I, the undersigned, do hereby authorize the applicant, **Dunham Development, LLC**, or its successors and assigns (collectively "Applicant"), to file on my behalf all conditional use or other land use or permitting applications necessary to amend proffers, and develop Stafford County Tax Map Number 44-141 and 44-142C as Applicant may reasonably determine for purposes of drive-through use under current B-2 zoning, and further authorize Applicant, at its sole cost and expense, to procure, file and provide all necessary studies, application content regarding said property, any proffer statements, plans and other application materials, and to undertake all other actions necessary to obtain approval for all of the same.

**OWNER ACKNOWLEDGMENT & CONSENT**

By: [Signature] [SEAL]  
Peter Sun (By Power of Attorney on behalf of Kathy Sun, Owner)

STATE/Commonwealth of Virginia,  
CITY/COUNTY OF Fredericksburg, to wit:

The foregoing instrument was acknowledged before me this 10 day of February, 2022, by Peter Sun (By Power of Attorney on behalf of Kathy Sun, Owner) and has personally acknowledged the same before me in my aforesaid jurisdiction.

[Signature]  
Notary Public

My Commission expires: 05/31/2024  
Notary Registration number: 7883405

14464493.1 046820.00002





## GENERAL DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, Kathy Sun, of Stafford County, Virginia, do hereby constitute and appoint my son, Peter Sun, and my daughter, Patricia Sun, either of whom may act alone, as my true and lawful attorney in fact, in my name, place and stead and on my behalf to transact any and all of my business and do and perform all things and acts relating to my property, real or personal, tangible or intangible, that I might personally do, including but not limited to the powers set forth below, with the following two exceptions.

I specifically exclude from the power hereby granted to my attorney in fact authority to change any beneficiary or payee upon my death that I have designated prior to execution of this General Durable Power of Attorney on any investment accounts I have, including but not limited to those with brokerage firms, on any accounts I have with financial institutions, and on any life insurance policies. I have specifically excluded this power because I have previously designated beneficiaries and payees upon my death on my accounts and my life insurance policies and do not want the named beneficiaries and payees upon my death changed by anyone other than me, acting personally and not through my attorney in fact.

I further exclude from the power hereby granted to my attorney in fact any power to admit me to a nursing home or other residential facility when I am able to live in my home in Stafford County, Virginia, with or without full time assistance, including but not limited to medical and/or personal caretakers. I have excluded this power because it is my desire to reside in my home in Stafford County, Virginia, and not in a nursing home or other residential facility, notwithstanding the cost of my care in my home.

My attorney in fact is hereafter referred to as my "Agent."

1. Execute upon such terms and conditions as my Agent may deem proper all deeds, contracts, checks and other drafts, negotiable instruments, guaranties, leases, releases, disclaimers, waivers, bills of sale and other legal instruments, of every kind and character;
2. Sell, lease, grant options upon, convey, assign, transfer and mortgage all or any part of my real or personal estate, wheresoever located and howsoever held;
3. Demand, sue for, recover, receive and retain every sum of money, securities, other property or assets of any kind due and owing, or that may become due and owing, to me;
4. Borrow and lend money from and to, with or without security to any person (including my Agent and persons related to or having an identity of interest with my Agent);
5. Change realty to personalty and vice versa and assume a cash position;



6. Determine the rate of interest or income yield to be realized on any of my real or personal estate;
7. Vote any and all shares of stock owned by me and, in furtherance of such power, execute discretionary proxies with respect to such shares;
8. Employ such agents, attorneys, accountants, investment counsel, trustees, caretakers and any other persons and delegate duties hereunder and pay such compensation as my Agent may deem proper;
9. Purchase, invest in and reinvest in real or personal property of every kind and nature;
10. Give to any person acting as agent or trustee under instruments executed by me, or executed by my Agent on my behalf, such instructions and authorizations as I may have the right to give;
11. Donate property to or remove property from any trust which I have previously created or may hereafter create, including any trust as to which my Agent is a trustee or the trustee (and all persons, including transfer agents, may fully rely on this authority in effecting transfers directed by my Agent);
12. Deposit in and withdraw from any bank or savings account maintained by me any and all sums, and have access to any safe deposit box rented or held by me alone or jointly with others and remove from or add to the contents thereof and have full and absolute control over same;
13. Cancel or continue my credit cards, charge accounts, and memberships in clubs and other associations;
14. Compromise claims and institute, settle, appeal or dismiss litigation or other legal proceedings touching my estate or any part thereof, or touching any matter in which my estate or I may be in anyway concerned;
15. Sell, assign, transfer, or do any other acts concerning any stocks or bonds which I may have or possess, and transfer the same in any manner required by any corporation, company or law;
16. Act on my behalf with respect to federal and state income, gift, and other taxes of all kinds (including the filing of IRS Forms 1040 and 709 and other applicable federal and state forms) for all taxable periods, including signing returns, receiving refund checks, waivers and offers of waivers of restrictions on assessment or collection of deficiencies, waivers of notice of



disallowance of a claim for credit or refund, execution of consents extending the statutory period for assessment or collection, executing closing agreements under Section 7121 of the Internal Revenue Code, delegating authority or substituting another representative (including execution of IRS Form 2848), receiving confidential information, and otherwise perform such acts with respect to all tax matters that I could perform;

17. Take possession of and manage and dispose of all property, tangible or intangible, in which I may have an interest and make such use or disposition of it as my Agent may deem proper;

18. Exercise, waive or disclaim any right or privilege or any interest in property to which I am now or may hereafter become entitled;

19. Take custody of my wills, deeds, life insurance policies, contracts, securities and other important documents;

20. To obtain medical records or documentation under the Health Insurance Portability and Accountability Act (HIPAA);

21. To exercise general authority with respect to any retirement plans in which I have any interest; and

22. To exercise general authority with respect to a Credit Line or Prime Equity Line of Credit secured by real property in which I have an interest, including but not limited to granting, renewing, modifying, or borrowing from a Credit Line or Prime Equity Line of Credit.

Notwithstanding any provision herein to the contrary, my Agent shall have no power with respect to insurance upon the life of my Agent, the existence or exercise of which would cause any part of my property to be included in the gross estate of my Agent for federal estate tax purposes if such person should predecease me.

Any person, firm or corporation shall be fully protected in relying upon this power of attorney unless and until he or it shall have received notice of its revocation or notice of the death of the undersigned. All parties dealing with my Agent are expressly exonerated from any duty to look to the application of funds or property delivered to my Agent.

The power hereby conferred shall not be affected or terminate on my disability or subsequent incompetence. Further, subsequent incompetence on my part shall not restrict the authority of my Agent to use so much of the corpus of my estate as, in the exercise of my Agent's sole discretion, my Agent may deem appropriate for the reasonable maintenance and support of my dependents and myself.



This power of attorney supersedes and revokes all prior powers of attorney heretofore granted by me at any time.

This power of attorney shall be governed by the laws of Virginia.

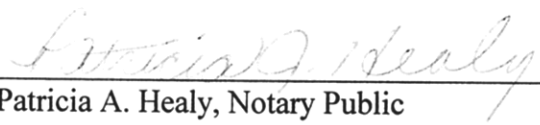
Given under my hand and seal this 19<sup>th</sup> day of June, 2019.

  
Kathy Sun

COMMONWEALTH OF VIRGINIA

COUNTY OF STAFFORD, to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction aforesaid this 19th day of June, 2019, by Kathy Sun.

  
Patricia A. Healy, Notary Public

Notary Registration No.: 171588  
My Commission Expires: July 31, 2021

Patricia A. Healy  
NOTARY PUBLIC  
REG. # 171588  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES July 31, 2021



## General Information

Clearly indicate all information that applies to this project:

### DETAILED DESCRIPTION OF PROJECT

Request for a drive-through under current B-2 zoning use

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### INFORMATION FOR FEE CALCULATIONS

1.4605 # of Acres

Type of Conditional Use Permit:

- ☒ Standard Conditional Use Permit (including amendments)
- ☐ Minor Conditional Use Permit Amendment \*
- ☐ Minor Conditional Use Permit Amendment (submitted simultaneously with a Minor Proffer Amendment Application) \*

\* See Background Information on page 3 to determine if the request qualifies as a minor amendment.

### INFORMATIONAL

Previous Resolution # \_\_\_\_\_

Zoning District B-2

Proposed Use(s) Coffee Shop with drive-through

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## Review Fee Calculations

The County review fee calculations are divided into two sections. Each section is based on a different type of application. Determine the application fee by filling out the one section that applies.

### Section I. Standard Conditional Use Permit:

A. Base Fee: (Required) .....	\$ <u>9,750.00</u>
B. General Fee: (If greater than 5 acres)	
( <u>0</u> Acres – 5) X \$125 .....	\$ <u>0.00</u>
C. Fire & Rescue Review Fee (required).....	\$ <u>95.00</u>
D. Utilities Department Review Fee (required).....	\$ <u>95.00</u>
E. Public Works Review Fee (required).....	\$ <u>120.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD .....\$200.00	
Volume >1,000 VPD .....\$400.00.....	\$ <u>0.00</u>
G. Adjacent Property Notification (required):	
( <u>5</u> Adjacent properties) X \$6.48 .....	\$ <u>32.40</u>
<b>Sub-total</b> (Add appropriate amounts from lines A thru G above).....	<b>\$ <u>10,092.40</u></b>
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ <u>277.54</u>
<b>TOTAL (Sub-total + H. Technology Fee)</b> .....	<b>\$ <u>10,369.94</u></b>

### Section II. Minor Conditional Use Permit Amendment:

A. General Fee: .....	\$ <u>6,190.00</u>
B. Adjacent Property Notification (required):	
(____ Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A and B)</b> .....	<b>\$ _____</b>
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + C. Technology Fee)</b> .....	<b>\$ _____</b>



**Section III. Minor Conditional Use Permit Amendment (when submitted simultaneously with a Minor Proffer Amendment Application):**

A. General Fee: ..... \$ 3,095.00

B. Adjacent Property Notification (required):  
(\_\_\_\_\_ Adjacent properties) X \$6.48 ..... \$ \_\_\_\_\_

**Sub-total (Add lines A and B) ..... \$ \_\_\_\_\_**

C. Technology Fee (sub-total x 2.75% or 0.0275)..... \$ \_\_\_\_\_

**TOTAL (Sub-total + C. Technology Fee)..... \$ \_\_\_\_\_**

**MAKE CHECK PAYABLE TO "STAFFORD COUNTY"**

- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.
- If an application is withdrawn after the first public hearing, the application fee is non-refundable.



## List of Adjoining Property Owners

The applicant is required to provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. If the application requests a rezoning of only a portion of the parcel or a Conditional Use Permit on only a portion of the parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

<u>44-143</u>	<u>BNE Restaurant Group IV LLC</u>		
TAX MAP / PARCEL	NAME		
<u>PO Box 2629</u>			
MAILING ADDRESS			
<u>Addison</u>	<u>TX</u>	<u>75001</u>	
CITY	STATE	ZIP	

<u>45-18</u>	<u>S&amp;P Stafford LLC</u>		
TAX MAP / PARCEL	NAME		
<u>564 Warrenton Road</u>			
MAILING ADDRESS			
<u>Fredericksburg</u>	<u>VA</u>	<u>22406</u>	
CITY	STATE	ZIP	

<u>45-17E</u>	<u>Waffle House Inc</u>		
TAX MAP / PARCEL	NAME		
<u>5986 Financial Drive</u>			
MAILING ADDRESS			
<u>Norcross</u>	<u>GA</u>	<u>30071</u>	
CITY	STATE	ZIP	



<u>45-17F</u>	<u>CVA Investments LLC</u>	
TAX MAP / PARCEL	NAME	
<u>927 Maple Grove Drive, STE 209</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22407</u>
CITY	STATE	ZIP

<u>45-17C</u>	<u>Lee Realty LLP</u>	
TAX MAP / PARCEL	NAME	
<u>PO Box 59856</u>		
MAILING ADDRESS		
<u>Potomac</u>	<u>MD</u>	<u>20859</u>
CITY	STATE	ZIP

<u></u>	<u></u>	
TAX MAP / PARCEL	NAME	
<u></u>		
MAILING ADDRESS		
<u></u>	<u></u>	<u></u>
CITY	STATE	ZIP

<u></u>	<u></u>	
TAX MAP / PARCEL	NAME	
<u></u>		
MAILING ADDRESS		
<u></u>	<u></u>	<u></u>
CITY	STATE	ZIP



## Application Affidavit

This form to be filed with:

STAFFORD COUNTY  
BOARD OF SUPERVISORS  
  
1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555

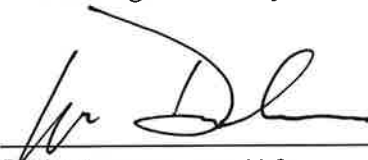
Internal Use Only	
Project Name:	_____
A/P #:	_____
Date:	_____

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

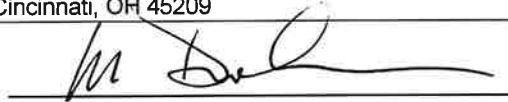
### 1. Applicant information

Name of Applicant  
Name of Company

 MICHAEL Dunham  
Dunham Development, LLC

Applicant Address 3825 Edwards Road, Suite 200  
Cincinnati, OH 45209

Applicant's Signature



Name of Agent

Charles W. Payne, Jr.

Address of Agent

725 Jackson Road, Suite 200, Fredericksburg, VA 22401

### 2. Type of Application

☒ Conditional Use Permit

☐ Variance

☐ Rezoning

☐ Special Exception



**Application Affidavit**

**Page 2**

**Applicant:** Dunham Development, LLC

Project Name: \_\_\_\_\_

A/P #: \_\_\_\_\_

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

**3. Property Information**

**Assessor's Parcel(s)** 44-141 and 44-142C

**Address** 591 Warrenton Road & 15 Iras Lane  
Fredericksburg, VA 22406

**4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.**

<u>Name of owners</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

**5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 shareholders.**

<u>Name of Members</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.**

<u>Name of Members</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



**Application Affidavit**

**Page 3**

**Applicant:** Dunham Development, LLC

Project Name: \_\_\_\_\_  
A/P #: \_\_\_\_\_  
Date: \_\_\_\_\_

**7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders**

**Name of Members**

_____	_____
JRA Family Limited Liability Company	_____
Michael G. Dunham	_____
_____	_____
_____	_____

**8. Have all individuals listed on this affidavit been notified of the purpose of the application?**

☒ Yes      ☐ No

**9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.**

<b><u>Name</u></b>	<b><u>Address, including zip code, no P.O. Box please</u></b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Number of owners to be notified:** \_\_\_\_\_X

**Cost for certified letters**      \$ \_\_\_\_\_ (cost as of the day of submittal)

**Total due:**      \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

**Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.**



**Application Affidavit**

**Page 4**

**Applicant:** Dunham Development, LLC

Project Name: \_\_\_\_\_  
A/P #: \_\_\_\_\_  
Date: \_\_\_\_\_

**10. Affirmation & Witness**

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer MICHAEL Dunham

Corporate Office of Signer \_\_\_\_\_

Signature [Signature]

Date 1/11/22

State of Ohio  
~~COMMONWEALTH OF VIRGINIA~~  
COUNTY OF ~~STAFFORD~~, to wit:  
Hamilton

The forgoing affidavit was acknowledged before me this 11<sup>th</sup> day of January, 2022 by

Michael Dunham owner/applicant.

My commission expires: June 23, 2024



**Melinda A. Heizer**

Notary Public, State of Ohio

My Commission Expires

June 23, 2024

[Signature]  
Notary Public



## Checklist for Generalized Development Plans (GDP)

In accordance with Section 28-224 of the Stafford County Code, when a GDP involves engineering, architecture, urban land use planning or design, landscape architecture, or surveying, such work shall be performed by persons qualified and authorized to perform such professional work, in accordance with applicable provisions of the Code of Virginia.

N/A      COMPLETE

		<b>Sec 28-225(1)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date of drawing,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	true north arrow,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	scale,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	legend for all symbols used,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	name of the applicant,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	name of the owner,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	name of the development,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	person preparing the drawing,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	match lines if applicable;
		<b>Sec 28-225(2)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Boundaries of the area covered by the application,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	vicinity map showing the general location of the proposed development, major roads and existing subdivisions at a scale of one inch equals two thousand (2,000) feet;
		<b>Sec 28-225(3)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate locations and identification of any easements and rights-of-way on or abutting the site;
		<b>Sec 28-225(4)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate location of each existing and proposed structure on the site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	the number of stories,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	height,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	roof line,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	gross floor areas and
<input type="checkbox"/>	<input checked="" type="checkbox"/>	location of building entrances and exits;
		<b>Sec 28-225(5)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Identification and location of uses and structures on all abutting properties;
		<b>Sec 28-225(6)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate location of all existing and proposed parking and loading areas,
<input type="checkbox"/>	<input checked="" type="checkbox"/>	outdoor trash storage,
<input checked="" type="checkbox"/>	<input type="checkbox"/>	lighting facilities, and
<input type="checkbox"/>	<input checked="" type="checkbox"/>	pedestrian walkways;
		<b>Sec 28-225(7)</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate location, height and type of each existing and proposed wall, fence, and other types of screening;



**Checklist for Generalized Development Plans (continued)**

N/A    COMPLETE

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Sec 28-225(8)</b><br>Approximate location and description of all proposed landscaping;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <b>Sec 28-225(9)</b><br>Approximate location, height and dimensions of all proposed signage on site;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Sec 28-225(10)</b><br>Approximate location of all existing drainage ways, floodplains and wetlands on site;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Sec 28-225(11)</b><br>Approximate location of all common open space, recreational areas and bufferyards;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <b>Sec 28-225(12)</b><br>Where the site abuts any tidal water body or impoundments, the approximate high water line, low water line, top of bank and toe of slope;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Sec 28-225(13)</b><br>Approximate location and identification of all significant natural or noteworthy features including, but not limited to, historic and archeological sites, cemeteries, existing trees with a trunk diameter greater than six (6) inches DBH |

**Waiver of GDP Requirements**

In accordance with Section 28-223 of the Stafford County Code, the Director of Planning and Zoning may waive the requirement for the submission of a GDP if the application meets one of the following standards:

- (1) There will be less than two thousand five hundred (2,500) square feet of total land disturbance on lots or parcels of less than ten thousand (10,000) square feet.
- (2) For single-family dwellings intended for the occupancy of the applicant and where there will be less than five thousand (5,000) square feet of land disturbance.
- (3) For specific items of information when, in the opinion of the director of planning, their application to the subject property does not serve the purpose and intent of this article.

A request for a waiver shall be made in writing to the Director of Planning and Zoning identifying the sections in which you are requesting a waiver and the reason for the request.



**CONDITIONAL USE PERMIT  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development Black Rifle Coffee Company  
Type of development Coffee Shop with drive-through  
Parcel # 44-141 & 44-142C

RECEIVED BUT NOT OFFICIALLY SUBMITTED  
DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_

OFFICIALLY SUBMITTED

DATE: \_\_\_\_\_ INITIALS \_\_\_\_\_

**Traffic Volume Calculations**

This site generates:

115 VPH (insert the highest VPH)

1,396 VPD on state controlled highways (insert highest volume).

115 Peak AM (VPH)

51 Peak PM (VPH)

\_\_\_\_\_ Peak Saturday (VPH)

1,396 VPD highest intensity\*

\*\*\*Attach a page showing the calculations and the ITE trip generation codes to this form.\*\*\*

**Minimum Thresholds to submit a TIA**

Any proposal that generates 150 or more vehicle trips per day above the existing use, and the site meets the VDOT requirements for TIAs under 24 VAC 30-155 or Stafford County Rezoning TIA requirements. See “VDOT Traffic Impact Analysis Requirements” table on next page.

**Trip Generation Calculation Guidelines**

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site’s connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be developed at a higher intensity, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

\*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The only exception is if proffers limit the area and type of uses.



Trip Generation Summary

Existing Proposed	Land Use/Development	Description	ITE Code	Intensity	Trips						
					Daily	AM			PM		
						Total	Entering	Exiting	Total	Entering	Exiting
	Commercial	High-Turnover (Sit Down) Restaurant	932	5,378 SF GLA	577	51	28	23	49	30	19
	Commercial	Coffee/Donut Shop with Drive-Through Window	937	2,617 SF GLA	1,396	225	115	110	102	51	51
	Net New Trips without Pass-By Reduction (Difference in Existing and Proposed)				819	174	87	87	53	21	32



## VDOT Traffic Impact Analysis Requirements

Process		Threshold	Review Process*	Fee**
Comprehensive Plan and Plan Amendments (including small area plans)		5,000 VPD on state-controlled highways, or  Major change to infrastructure / transportation facilities	Application submitted to VDOT for review and comment  VDOT may request a meeting with the locality within 30 days  Review to be completed in 90 days or later if mutually agreed	\$1000 covers first and second review.  No fee if initiated by locality or public agency.  No fee for citizens' organization or neighborhood association proposing plan amendments.
Rezoning	Residential Low Volume Road Submission	400 VPD AND exceeds the current traffic volume on a state controlled highway	VDOT or local TIA (certified by VDOT) and Application submitted to VDOT for review and comment  VDOT may request a meeting with the locality & applicant within 45 days  Review to be completed in 120 days if VDOT requests a meeting  Otherwise review to be completed in 45 days	For first and second review:  \$250 - Low Volume Rd  \$1000 – All other submissions
	All Other Land Uses including residential	5,000 VPD on state controlled highways, or  5,000 VPD on locality maintained streets AND within 3000 feet of a state controlled highway	Review to be completed in 120 days if VDOT requests a meeting  Otherwise review to be completed in 45 days  NOTE: When a related comprehensive plan revision and rezoning proposal are being considered concurrently for the same geographical area, then only a rezoning TIA package is required.	No fee if initiated by locality or public agency  No fee if using a VDOT TIA prepared for a small area plan

\* For proposals generating less than 1000VPH the locality and/or applicant may request a Scope of Work Meeting with VDOT. For proposals generating 1000 VPH or more the locality and/or applicant shall hold a Scope of Work Meeting with VDOT.

\*\* Third or subsequent submissions require additional fee as though they were an initial submission.



## Stafford County Real Estate Tax Search/Payment

### Owner

Name / Mailing Address:  
SUN KATHY OU & KATHY OU SUN  
TRUSTEE  
PO BOX 5450 FREDERICKSBURG VA  
22403-0450

### Property Description

Map #: 44-141  
Alt. ID/PIN: 25994  
Legal: 591 WARRENTON RD

### Current Assessment

Land Value: \$697,000  
Improvement Value: \$464,200  
Total Taxable Value: \$1,161,200

[View Real Estate Details](#)

## Invoice History

Total Due: \$0.00 Total Tax Paid: \$227,695.16  
Total Penalty/Int Paid: \$1,281.76  
Total Fees Paid: \$0.00  
Total Other Assessments: \$5,632.40

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2021	25348	Real Estate	12/6/2021	0.970	\$5,631.82	\$0.00	\$0.00	\$0.00	\$5,631.82	12/9/2021
2021	25348	Warrenton Road	12/6/2021	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/9/2021
2021	25348	Real Estate	6/7/2021	0.970	\$5,631.82	\$563.18	\$103.25	\$0.00	\$6,298.25	8/30/2021
2021	25348	Warrenton Road	6/7/2021	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8/30/2021
2020	25360	Real Estate	12/7/2020	0.970	\$5,631.82	\$0.00	\$0.00	\$0.00	\$5,631.82	12/11/2020
2020	25360	Warrenton Road	12/7/2020	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/11/2020
2020	25360	Real Estate	6/5/2020	0.970	\$5,631.82	\$0.00	\$0.00	\$0.00	\$5,631.82	7/1/2020
2020	25360	Warrenton Road	6/5/2020	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7/1/2020
2019	25379	Real Estate	12/5/2019	1.010	\$5,750.44	\$0.00	\$0.00	\$0.00	\$5,750.44	12/3/2019
2019	25379	Warrenton Road	12/5/2019	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/3/2019
2019	25379	Real Estate	6/5/2019	1.010	\$5,750.44	\$0.00	\$0.00	\$0.00	\$5,750.44	5/23/2019
2019	25379	Warrenton Road	6/5/2019	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/23/2019
2018	25412	Real Estate	12/6/2018	0.990	\$5,636.57	\$563.66	\$51.67	\$0.00	\$6,251.90	1/31/2019
2018	25412	Warrenton Road	12/6/2018	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1/31/2019
2018	25412	Real Estate	6/5/2018	0.990	\$5,636.57	\$0.00	\$0.00	\$0.00	\$5,636.57	5/25/2018
2018	25412	Warrenton Road	6/5/2018	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/25/2018
2017	25441	Real Estate	12/5/2017	0.990	\$6,621.62	\$0.00	\$0.00	\$0.00	\$6,621.62	12/1/2017
2017	25441	Warrenton Road	12/5/2017	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/1/2017
2017	25441	Warrenton Road	6/5/2017	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/26/2017
2017	25441	Real Estate	6/5/2017	0.990	\$6,621.62	\$0.00	\$0.00	\$0.00	\$6,621.62	5/26/2017



## Stafford County Real Estate Tax Search/Payment

### Owner

Name / Mailing Address:  
SUN KATHY  
PO BOX 5450 FREDERICKSBURG VA  
22403-0450

### Property Description

Map #: 44-142C  
Alt. ID/PIN: 25996  
Legal: 15 IRAS LN

### Current Assessment

Land Value: \$280,800  
Improvement Value: \$20,000  
Total Taxable Value: \$300,800

[View Real Estate Details](#)

## Invoice History

Total Due: \$0.00      Total Tax Paid: \$50,286.14  
Total Penalty/Int Paid: \$435.61  
Total Fees Paid: \$0.00  
Total Other Assessments: \$1,323.30

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2021	25350	Real Estate	12/6/2021	0.970	\$1,458.88	\$0.00	\$0.00	\$0.00	\$1,458.88	5/28/2021
2021	25350	Warrenton Road	12/6/2021	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/28/2021
2021	25350	Real Estate	6/7/2021	0.970	\$1,458.88	\$0.00	\$0.00	\$0.00	\$1,458.88	5/28/2021
2021	25350	Warrenton Road	6/7/2021	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/28/2021
2020	25362	Real Estate	12/7/2020	0.970	\$1,458.88	\$0.00	\$0.00	\$0.00	\$1,458.88	11/30/2020
2020	25362	Warrenton Road	12/7/2020	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/30/2020
2020	25362	Real Estate	6/5/2020	0.970	\$1,458.88	\$0.00	\$0.00	\$0.00	\$1,458.88	6/2/2020
2020	25362	Warrenton Road	6/5/2020	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/2/2020
2019	25381	Real Estate	12/5/2019	1.010	\$1,519.04	\$0.00	\$0.00	\$0.00	\$1,519.04	11/25/2019
2019	25381	Warrenton Road	12/5/2019	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/25/2019
2019	25381	Real Estate	6/5/2019	1.010	\$1,519.04	\$0.00	\$0.00	\$0.00	\$1,519.04	5/23/2019
2019	25381	Warrenton Road	6/5/2019	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/23/2019
2018	25414	Real Estate	12/6/2018	0.990	\$1,488.96	\$0.00	\$0.00	\$0.00	\$1,488.96	11/15/2018
2018	25414	Warrenton Road	12/6/2018	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/15/2018
2018	25414	Real Estate	6/5/2018	0.990	\$1,488.96	\$0.00	\$0.00	\$0.00	\$1,488.96	5/25/2018
2018	25414	Warrenton Road	6/5/2018	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/25/2018
2017	25443	Real Estate	12/5/2017	0.990	\$1,488.96	\$0.00	\$0.00	\$0.00	\$1,488.96	12/1/2017
2017	25443	Warrenton Road	12/5/2017	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/1/2017
2017	25443	Real Estate	6/5/2017	0.990	\$1,488.96	\$0.00	\$0.00	\$0.00	\$1,488.96	5/31/2017
2017	25443	Warrenton Road	6/5/2017	0.000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/31/2017